

Item Number: 13
Application No: 15/01339/FUL
Parish: Hovingham Parish Council
Appn. Type: Full Application
Applicant: The Hovingham Estate Mr Rupert Drury
Proposal: Erection of 1no. 3 bedroom dwelling, 1no. 4 bedroom dwelling and conversion of existing studio building to form 1 no. 2 bedroom dwelling and detached garage together with formation of access road and associated parking.
Location: Land West Of Pasture Lane Hovingham

Registration Date:
8/13 Wk Expiry Date: 15 January 2016
Overall Expiry Date: 14 February 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Building Conservation Officer	No objection
Countryside Officer	Conditions to be added
Howardian Hills AONB JC	No observations to make.
Archaeology Section	A scheme of archaeological mitigation recording is undertaken and conditions to be attached
Highways North Yorkshire	Request amended documents before making a formal recommendation
Parish Council	Concerns made regarding traffic and parking

Neighbour responses: Mr Graham Mason, Mr David R Davis, Ms Wendy Dawson, Miss Heidi Sircus, Mr Jason Dainty, Mrs Catherine Dainty, K And A Killelay, Ms Linda Horton-Fawkes, Philip Thomas Pentney, Mr Richard and Mrs Johanna Senior, Mr Andrew Royle, Mr Robert Finch, Mr Geoffrey Smith, Mr Frank Colenso, Mr Giles Naish, R Shaw,

SITE:

The proposal site is formed from a series of land blocks owned by the Hovingham Estate, incorporating land to the rear of buildings and gardens fronting Main Street on the Eastern Side of the Village. To the east and south and east of the application site lies the recent Pasture Lane housing development.

The site is located within the Hovingham Conservation Area and the Howardian Hills Area of Outstanding Natural Beauty (AONB.) It also falls within the 'saved' Development Limits for Hovingham.

A public right of way runs to the south of the application site, from Main Street past The Malt Shovel eastwards towards Slingsby. Wicket Gate Cottage and Sunnyside Cottage which abut the north-western boundary of the site are grade II listed.

PROPOSAL:

Permission is sought for the erection of 1no. 3 bedroom dwelling, 1no. 4 bedroom dwelling, and conversion and extension of an existing studio building to form 1 no. 2 bedroom dwelling and detached garage together with formation of access road and associated parking.

Plot 1 will incorporate the reuse, refurbishment and extension of an existing single storey studio building, constructed of stone with a timber roof structure, covered with clay pantiles. This building has been used in the past as a physiotherapy clinic and most recently for the storage of gardening equipment, accessed directly from the main road.

A structural survey was undertaken by an external consultant in November 2013, which noted that the building is in a "fairly sound and serviceable condition and appears to have had a reasonable level of structural maintenance carried out." The report continued to note the roof line, ridge bedding and verge pointing look to be in an acceptable condition, with some signs of historical settlement and movement noted in the walls. It was highlighted that the lintel on the front elevation shows deflection and decay. It was also noted that the roof covering of the store has substantial holes and gaps, with some decay of structure likely.

The redeveloped property at Plot 1 will have an approximate footprint of c.78.72m², with the main area of the house measuring 11.2m in length and 5.3m in width, with a maximum ridge height of 5.5m and a height to eaves of 3.5m. The projection to the western elevation measures 4.5x4.8m with a maximum ridge height of 4m and a height to eaves of 2.5m. The new elements of the dwelling will be constructed using stone walls, natural clay pantiles, with painted timber windows. A detached garage, is proposed for construction c.7m to the south west of the dwelling, and will provide two sheltered parking spaces, with a maximum ridge height of 4.8m and a height to eaves of 2.1m and there is further space for at least three vehicles to park on the driveway.

The proposed 3 bedroom property at Plot 2 will be constructed using stone walls, natural clay pantiles, with painted timber windows. It will have an approximate footprint of c.93.58m² and the main area of the house measuring 13.4m in length and 5.1m in width, with a maximum ridge height of 6.5m and a height to eaves of 4.3m. Two projections to the northern elevation are proposed, the larger central projection measuring 4.2 x 4.7m with a maximum ridge height of 4.3m and a height to eaves of 2.6m. The smaller northern projection measures 2.5m x 2.2m, with a maximum ridge height of 3.7m and a height to eaves of 2.5m. the property has 2 parking spaces within its curtilage.

The proposed 4 bedroom property at Plot 3 will have an approximate footprint of c.104.61² and will also be constructed using stone walls, natural clay pantiles, with painted timber windows . It will have an The main area of the house measuring 13.5m in length and 5.4m in width, with a maximum ridge height of 6.9m and a height to eaves of 4.3m. Two projections to the northern elevation are proposed, the larger north eastern projection measuring 5.7 x 4.4m with a maximum ridge height of 4.3m and a height to eaves of 2.6m. The smaller northern projection measures 3m x 2.3m, with a maximum ridge height of 4.3m and a height to eaves of 2.6m. Three parking spaces will be provided for this dwelling. There is one visitor space provided.

HISTORY:

The following applications are relevant to the current proposal:

14/00730/FUL: Erection of 2no. semi-detached and 1no. detached 4 bedroom dwellings following demolition of existing building together with formation of vehicular access. (Withdrawn)

15/00850/FUL: Erection of 2no. 3 bedroom dwellings and conversion of existing studio building to form 1 no. 3 bedroom dwelling together with access road and associated parking (Withdrawn)

POLICY:

Ryedale Plan - Local Plan Strategy

SP1: General Location of Development and Settlement Hierarchy
(Hovingham is identified as a Service Village and a tertiary focus for growth.)
SP2: Delivery and Distribution of New Housing (Infill Development)
SP3 : Affordable Housing
SP10: Physical Infrastructure
SP11: Community Facilities and Services
SP12: Heritage
SP13: Landscape
SP14: Biodiversity
SP16: Design
SP20: Generic Development Management Issues
SP22: Planning Obligations, Developer Contributions and the Community Infrastructure Levy.

National Planning Policy Framework

National Planning Policy Guidance

APPRAISAL:

The material considerations are:

- Principle of development
- Heritage and design considerations
- Impact on AONB
- Ecology
- Landscaping
- Access
- Neighbour Impact
- Representations

Principle of development

Planning Law requires that development should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The site is located in the saved development limits for Hovingham. Policy SP2 of the Ryedale Local Plan supports infill residential development in service villages, which is defined as "a small gap site in an otherwise built up frontage". It is also supportive of the conversion of buildings with the development limits. The application site is in a backland location between existing houses on Main Street, and more recent development on Pasture Lane. Development has been approved in such locations elsewhere in the district where the applicant has been able to demonstrate that the development respects the character of the area. A recent example of this is at Mount Farm in Westow. It is therefore considered that the principle is dependent on a character assessment of the site and the extent to which the proposal respects that character.

Heritage and Design Considerations

The application proposes the erection of 1no. 3 bedroom dwelling (referred to as Plot 2), 1no. 4 bedroom dwelling (referred to as Plot 3) and the conversion and extension of existing studio building and store to form 1 no. 2 bedroom dwelling (referred to as Plot 1) and detached garage together with formation of a short private access road and associated parking for each property, The three dwellings will be located behind Main Street, incorporating land to the rear of buildings and gardens fronting Main Street on the eastern side of the Village. Access will be provided through a new entrance formed at the end of the cul-de-sac on Pasture Lane. The land appears to be vacant at present, and is not subdivided.

Each of the three dwellings incorporates an individual design, which is detailed above. The proposed materials are traditional stone, clay pantiles and painted timber framed windows, which are consistent with adjacent buildings on Pasture Lane and Main Street.

The original application for this site 14/00730/FUL proposed the demolition of the former clinic building. The Council's Building Conservation Officer commented in relation to this former application that "*No assessment or justification for the demolition of this structure has been provided and indeed the structural survey provided with the proposal state that the building is in a reasonably satisfactory condition.*"

The Design and Access Statement also states that:

The design of the dwellings is influenced by the nature of the site and existing building on it. The site is backland between the established properties fronting Main Street and the new properties recently completed on Pasture Lane. The three proposed dwellings punctuate the landscape in the same way traditional farm buildings or barns may have done. The existing building is to be refurbished, altered and extended to form one detached dwelling. The other two properties are new builds, but again designed to look and feel like traditional Yorkshire farm buildings which have been converted.

The storey heights are single or one and a half storey to help the transition between old and new as mentioned above. The dwellings are all modest in scale and detached which helps to maintain the views through the site from Main Street however obscure these might be.

During consideration of the application, the case officer and the Council's Building Conservation Officer visited the site, and walked around the possible view points for the development assessing the potential impact upon the character of this part of Hovingham. They concurred with the comments in the submitted Design and Access Statement regarding the design of the properties, and their relationship with surrounding properties. This is in particular in relation to the impact of the development on the setting of the adjacent listed buildings and the character of Hovingham Conservation Area.

Accordingly, the formal comments of the Council's Building Conservation Officer are:

My previous consultation response under 14/00730/FUL sets out the character of the conservation area and the historic assets identified as being affected by this proposal. In my opinion the alterations to the design which references traditional outbuildings/barns better reflects the location within the conservation area. The retention of the existing building on site and the retention of the remnant circular brick structure is welcomed. This overcomes my previous objections to design and demolition related issues. The contextual information contained in the revised Design and Access Statement also place the development in the wider context of the village not only in spatial and design terms but within the wider Hovingham estate in terms of management and investment . The repair and investment in other properties in the village which contribute to the historic character of the area is welcomed and seen as a public benefit. In my opinion this development will result in a degree of harm which is minor and, less than substantial harm to the setting of the identified listed buildings and the character of the conservation area. Taken in conjunction with the wider management of the estate and the investment in village properties, I will not object to this application.

Accordingly it is considered that the development is appropriate in relation to its historic context, by retaining an existing outbuilding and picking up on the traditional smaller scale of rear outbuildings that can be seen in Hovingham. This is in contrast to the larger scale of most dwellings fronting both Main Street and the more recent dwellings on Pasture Lane. In view of this character assessment, it is considered that the development accords with the principles of policy SP12 of the Ryedale Plan-Local Plan Strategy, and Section 12 of the NPPF. Furthermore it accords with the spatial strategy in the Ryedale Plan - Local Plan Strategy .

North Yorkshire County Council's Archaeology had no objection to the proposal.

Impact of development on the Howardian Hills Area of Outstanding Natural Beauty (AONB)

The development is situated in a location, where the proposed housing will be seen in the context of other development in the area. Indeed, given the relatively low ridge height of the dwellings, most views will be limited to glimpses between the roofs of existing dwellings, and occasionally between houses from Main Street. As such, it is not considered that the development will have a significant adverse impact on the natural Beauty of the Area of Outstanding Natural Beauty. The AONB Manager has not objected to the development.

Ecology

An Ecological Assessment in the form of a Bat, Breeding Bird and Barn Owl Survey was undertaken on the clinic building and submitted by the applicant in June 2014. This report detailed results of analysis undertaken in November 2013 and June 2014, noting that there was no evidence of roosting bats in the existing buildings. However, as there was a pipistrelle roost located nearby and there was potential for transient roosting. To mitigate any potential harm on wildlife, a method statement was drawn up to be followed during development works. It was additionally noted that the building did not provide a suitable habitat for barn owls, and that proposed works should be scheduled in summertime to avoid disturbance to breeding birds. Ryedale District Council's Countryside Officer noted that he was satisfied with the report and recommended a condition to ensure all works were carried out in accordance with this method statement.

Landscaping

The application will result in the loss of a mature tree on the eastern boundary of the site. The Council's Tree and Landscape officer has recommended that replacement landscaping is provided. It is considered that a tree that will enable its canopy to be visible outside the site will improve the appearance of the dwelling.

Access and Parking

Access to the housing is via the existing cul-de-sac from the recent development on Pasture Lane. Three parking spaces, together with a double garage will be provided for Plot 1, two parking spaces for plot 2 and three spaces for plot three together with one visitor space. This is in accordance with the updated North Yorkshire County Council parking standards.

The initial response from North Yorkshire Highways required a revision to the submitted red line to take it down to the first phase of the Pasture Lane development, which is the adopted highway. This is because no Section 38 agreement with the Highway Authority has been secured for the most recent development on Pasture Lane. A further parking space for plot three was also required to accord with updated standards. Both these issues have been addressed by the applicant, and the final recommendation of the Highway Authority is awaited.

It is noted that a significant number of objections have been received by neighbouring occupiers on Pasture Lane and also the Parish council in relation to the problems of parking on the existing development. This site was approved when national guidance recommended limited parking spaces on housing developments with a view to reducing the reliance on car travel. This guidance has since changed, and the proposed development accords with current higher standards. It is not considered that the proposed housing can be expected to provide additional spaces to address a perceived shortfall elsewhere. It is noted that reference has been made to cars parking within the end of the cul-de-sac in front of the terrace of three dwellings. However parking is provided for these dwellings in a car park to their north. Development cannot be refused on the basis that residents on an adjacent site do not park in designated spaces.

The final surfacing of the access to the most recent houses on Pasture Lane is being investigated by officers, independently to this application.

Neighbour Impact

Plot 1

The property at Plot 1 is located c.27m from Sampson Cottage to the west, 13.8m from the three terraced properties to the east and 9.2m from the property to the south. It is considered that the design of the proposed property at Plot 1 on the southern elevation will ensure the neighbouring dwelling to the south will not suffer from the potential for loss of privacy or overlooking. There are no windows proposed on the two story gable wall. Additionally, Plots 1 and 2 are separated by a distance of 5m, with parking associated with plot 2 between the properties. The northern elevation of Plot 1 has no fenestration promoting privacy for future occupiers of both properties. The eastern elevation of plot 1 has one first floor window, however it is considered that the distance from existing dwellings on the Pasture Lane development is sufficient that there will not be a significant adverse impact on their existing amenities.

Plot 2

This dwelling will be located 14m from the 3 terraced houses to the east and 17.5m from Sunnyside Cottage to the west.

Additionally, Plots 2 and 3 are separated by a distance of 5.9m at the closest point. The northern elevation of Plot 2 has incorporated modest fenestration detailing, with smaller windows on the northern projections, and only rooflights on the first floor. It is considered that this will ensure acceptable privacy for future occupiers of both properties. One bedroom window will be provided on the eastern elevation at first floor level, but will be 13m from the boundary of the dwellings on Pasture Lane, and not directly aligned with any dwelling. There will be one gable window at first floor level. However again it will not be directly aligned with any neighbouring dwellings.

Plot 3

This proposed development will be located 20.6m from Wicket Gate Cottage to the West and 18m from the flats to the east. The owner of Wicket Gate Cottage has objected to the development on the basis that it will result in the loss of their garden and part of an outbuilding. Clarification of the ownership of this dwelling, and its domestic curtilage has been sought from the applicant.

It is considered that all the distances between the proposed dwellings and those existing accord with accepted standards. The relatively low ridge height of the dwellings, and the spaces between them, will also reduce potential impact.

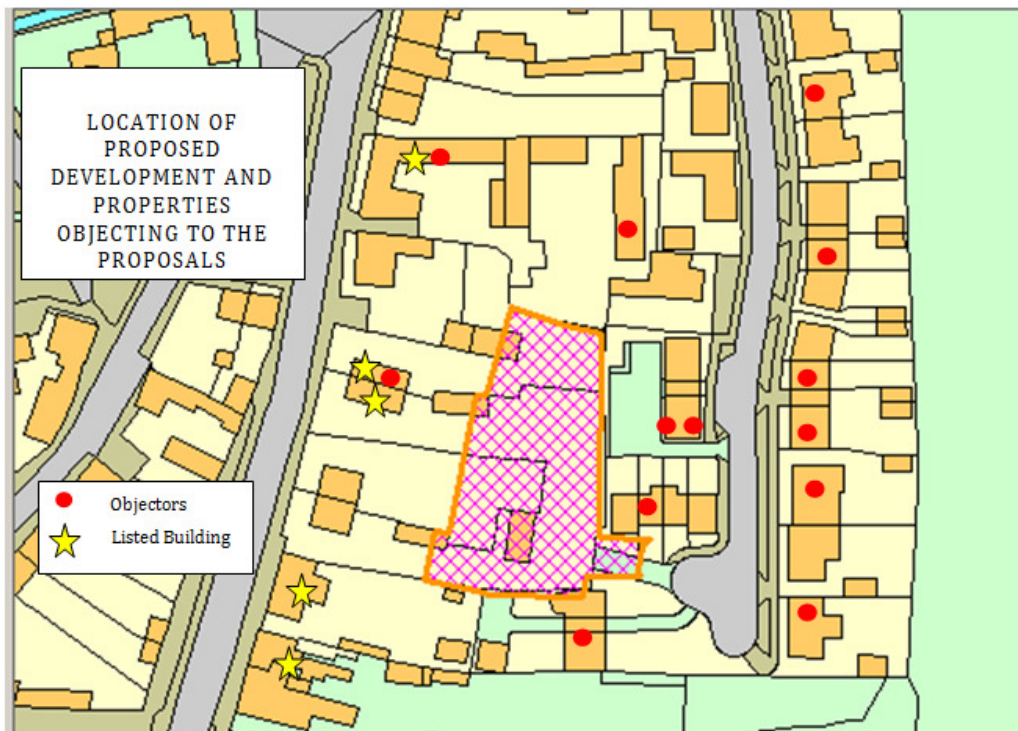
Representations Received:

The Parish Council highlighted concerns regarding parking and congestion on a letter dated 14th December 2015. "The inadequate parking arrangements of the "New Pasture Lane" development have meant existing residents have occupied any spare road space, including the planned entrance to this development, which already had very restricted access resulting in traffic congestion." The Parish additionally highlighted the issue of incomplete road and pavement surfacing.

Following a review of revised plans, the Parish Council submitted a second response on the 25th January 2016. This again highlights "the inadequate parking arrangements of the "New Pasture Lane" development have meant existing residents have occupied any spare road space, including the planned entrance to this development, which already had very restricted access resulting in traffic congestion."

In addition 18 letters of objection have been received. The map identifies the location of those responding to the neighbour consultation and notice. The letters are available to view in full on the Council's public website, however they include the following points.

- The application would impact upon the current usage of the cul-de-sac by existing residents for additional parking, as it would form the proposed site access, exacerbating current parking issues. If parking in this area continued following completion of the proposed development, there could be an impact on public safety.
- Increase in Traffic Congestion/Parking needs
- Council refuse collection vehicles currently have difficulty in accessing the southern end of Pasture Lane.
- Use of an infill plot, setting a precedent for further infill plots in the village.
- A preference for two properties, rather than three.
- Parking and drains not surfaced, will this set a precedent for other developments.
- Potential for construction traffic and noise.
- The village currently has no backland development.
- Outside the development limits.
- Congestions, problems for emergency services.
- The proposed development would impact privacy and sunlight.
- impact on bats and birds.
- The impact of modern development on rural outlook
- The small scale of the plot
- Would it be possible to provide additional parking for existing Pasture Lane residents.
- Housing considered to be out of scale and out of character with the village.
- Plans reduce existing garden space.
- Removal of mature trees



It is considered that the main points raised by the Parish Council and other contributors have been addressed in the report above.

Other matters

Policy requires that all residential development will be expected to contribute towards public open space. This equates to approximately £2,518 per dwelling. Such a contribution will be delivered via a Section 106 agreement, until the implementation of the Community Infrastructure Levy on March 1st 2016. The development also triggers a requirement for affordable housing contributions on the basis of 9% of the market value of the houses.

Summary

It is considered that the development accords with the spatial strategy of the Ryedale Plan - Local Plan Strategy. It is further considered that the design of the development respects the character of the area and will not harm the significance of the setting of the nearby listed buildings. The Conservation Officer has not objected to the development, and it is considered that it will preserve the character of Hovingham Conservation Area. It is not considered that objections raised would result in a recommendation of refusal.

Accordingly, the recommendation is one of approval, subject to:

- No objections being received from North Yorkshire Highways.
- Confirmation regarding the domestic curtilage to Wicket Gate Cottage and
- Section 106 with respect to public Open Space and affordable housing contributions

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 Prior to the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the dwellings hereby approved 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 Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy

- 3 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of dwellings hereby approved. The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Prior to the commencement of the development hereby permitted, details of all windows, doors, garage doors and roof lights, including means of opening, depth of reveal and external finish on 1:10 scale drawings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP 16 and SP12 of the Ryedale Plan - Local Plan Strategy.

- 5 Unless otherwise agreed in writing, the rainwater goods on the rise and fall brackets shall be constructed of cast iron.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP12 and SP16 of the Ryedale Plan - Local Plan Strategy.

- 6 Prior to the commencement of the development hereby permitted, details of the hard landscaping and surfacing within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To satisfy the requirements of Policies SP12 and dSP16. of the Ryedale Plan - Local Plan Strategy.

- 7 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 alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s), and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Prior to the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Prior to the commencement of the development, details of proposed planting to provide additional screening to the development, and supplement existing landscape features, shall be submitted to the Local Planning Authority for approval in writing. The submitted scheme shall consist of locally native species only, and specified in a planting schedule providing details of species, planting sizes and numbers of each species. The approved scheme shall be implemented within the first available planting season (Nov - March) following completion of the development. In the event of any plant material dieing , or become seriously diseased or damaged within a 5 year period following planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Reason: To ensure that the development is properly integrated into its rural and to protect the amenities of neighbouring occupiers, in accordance with Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 Unless otherwise agreed in writing by the Local Planning Authority and prior to the commencement of any works on site, a method statement for the repair and protection of the circular brick structure on the site, shall be submitted to, and approved in writing by the Local Planning. Thereafter the work shall be carried out in accordance with the approved works.

Reason: The brick structure contributes top the significance of Hovingham Conservation Area, and to satisfy the requirements of Policy SP12 of the Ryedale Plan - Local Plan Strategy.

- 11 In the relation to the existing building on site, the development shall be carried out in accordance with the details contained within section 9 of the submitted Bat, Breeding Bird and barn Owl Survey.

Reason: In the interests of the protection of the species protected under the Wild Life and Countryside Act, and the NPPF.

- 12 Any conditions at the request of the Highways Authority.

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

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

Background Papers:

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