

Item Number: 12
Application No: 16/00435/FUL
Parish: Sheriff Hutton Parish Council
Appn. Type: Full Application
Applicant: Mr A E Haq
Proposal: Erection of 2no. four bedroom detached dwellings with detached double garages together with formation of vehicular access
Location: Land Rear Of Park View Finkle Street Sheriff Hutton

Registration Date:
8/13 Wk Expiry Date: 25 May 2016
Overall Expiry Date: 12 May 2016
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Lead Local Flood Authority	No comments to make
Land Use Planning	No views received to date
Parish Council	Object
Foss Internal Drainage Board	Comments and conditions made
Highways North Yorkshire	Recommended conditions
Archaeology Section	Advise that a scheme of archaeological mitigation recording is undertaken and conditions attached
Countryside Officer	Recommend condition
Neighbour responses:	Chris Calvert, Mr Nigel Webb, Mr & Mrs Thompson, Mr David Newman, Keith And Sylvia Roberts, Nick And Lynne Blair, Mrs Patricia Metcalfe, Mrs JM And Mr T Johnson, Dr Don Pomfret, Mr Michael Lawson, Mr Neil Hodges, Mrs Katherine Bell,

SITE:

The application site is a 0.29 Hectare grass paddock located north of Finkle Street, within the Development Limits of Sheriff Hutton. The developable area of the site measures approximately 79 metres in length x 40 metres in width. There are existing residential properties on the south, west and north elevation and residential amenity space to the east. The boundary treatments predominantly consists of mature mixed species and conifer hedges. The topography of the site rises from the south to the north of the site, by approximately 5.58 metres (over a distance of approximately 79 metres).

The existing site access is set back from the highway by approximately 7.4 metres. The site is accessed by an existing grass track which is approximately 46 metres in length.

The site is not within the Sheriff Hutton Conservation Area, nor is it designated as a Visually Important Undeveloped Area.

PROPOSAL:

Planning permission is being sought for the erection of 2No. four bedroom detached dwellings with detached double garages together with formation of vehicular access.

The proposed dwellings would be two storey with a footprint of approximately 112sqm (not including the detached single storey garage. The ridge height of the dwellings would be approximately 8.2 metres, with an eave height of approximately 4.8 metres.

The proposed double garages would have an eave height of approximately 2.8 metres and a ridge height of approximately 5.2 metres. The foot print would be approximately 43 sqm.

The architectural style and the proposed pallet of materials, brick under a pantile roof, is seeking to reflect other vernacular properties within Sheriff Hutton.

SITE HISTORY:

15/00956/FUL. Erection of 2no. detached five bedroom two storey dwellings with attached double garages and 1no. detached four bedroom two storey dwelling with attached double garage together with formation of vehicular access. Withdrawn

POLICY:

Ryedale Plan - Local Plan Strategy

Policy SP 1 - General Location of Development and Settlement Hierarchy

Policy SP 2 - Delivery and Distribution of New Housing

Policy SP 3 - Affordable Housing

Policy SP 4 - Type and Mix of Housing

Policy SP 12 - Heritage

Policy SP 14- Biodiversity

Policy SP 16 - Design

Policy SP 19 – Presumption in Favour of Sustainable Development

Policy SP 20 – Generic Development Issues

Policy SP 22- Planning Obligations, Developer Contributions and the Community Infrastructure Levy.

National Planning Policy Framework

National Planning Policy Guidance

APPRAISAL:

The main considerations are:

- i. Policy
- ii. Character and Form
- iii Residential Amenity
- iv. Highways Safety
- v. Drainage
- vi. Landscaping
- vii. Ecology
- viii. Other Issues

Policy

In accordance with S38(6) of the Planning Compulsory Purchase Act 2004 planning applications must be determined in accordance with the adopted Development Plan unless material planning considerations indicate otherwise. The adopted Development Plan is the Ryedale Local Plan - Local Plan Strategy, adopted 5 September 2013 and the 'saved' development limits shown on the proposals map of the Ryedale Local Plan adopted 2002. Whilst the Local Plan Strategy should be read as a whole, Policy SP1 (General Location of Development and Settlement Hierarchy) is concerned with the distribution of development. The application site is within the Defined Development Limits of Sheriff Hutton, a Service Village and a tertiary focus for growth.

However, when read in conjunction with Policy SP2 (Delivery and Distribution of New Housing) the principle of new dwellings supported in such a location where it would consist of infill development (small open sites in an otherwise continually built up frontage). The application site is 'backland development' and to that extent breaches this part of Policy SP2. However, in line with section S38(6) of the Planning Compulsory Purchase Act 2004 the applicant has raised material planning considerations as to why they consider this application to be acceptable in this particular circumstance.

The agent has argued that the nature and grain of development in Sheriff Hutton is of a considerable mix and includes a number of 'Backland Developments'. They also make reference to one recent example, (application reference 11/01243/FUL) where planning permission was granted for the erection of 3 No. four bedroom detached dwellings with four associated single garages at the Grange, New Lane, Sheriff Hutton.

That application was considered to be acceptable because although, development 'in depth' is not the most traditional form of development in the area, there are examples nearby of similar scale development 'in depth' on West End. When looking north on West End glimpses can be seen through onto Laurels Garth and Terrington View. Furthermore, Sheriff Hutton is a Service Village in the adopted Ryedale Plan. It is therefore a sustainable settlement that can accommodate some growth in terms of additional infill housing

Sheriff Hutton is a Service Village, the Ryedale Plan - Local Plan Strategy supports growth. Whilst there are parts of the village which take on the traditional linear form, the south western part of the village, (where the application site is located) is characterised by in-depth development. Walking through this part of the village it is commonplace to see development behind the properties which occupy the street frontage. From Finkle Street glimpses can be seen of properties on Castle Side and Old Mill View. It is therefore considered that in this instance the material planning considerations have been put forward to suitably justify the granting of planning permission in principle.

CIL

The Council implemented the Community Infrastructure Levy (CIL) on the 1 March 2016. The development would be CIL liable.

The implementation of CIL means the Authority will no longer seek Public Open Space Contributions in line with Policy SP11 (Community Facilities and Services). Due to the recent Court of Appeal judgement, national policy guidance on developer contributions from small sites has also changed. The Local Planning Authority is no longer able to seek tariff style contributions in relation to affordable housing contributions.

Character and Form

Policy SP16 (Design) of the Ryedale Plan - Local Plan Strategy seeks to ensure that development reinforces 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. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

Policy SP20 (Generic Development Management Issues) also seeks to ensure that new development will respect the context and immediate locality.

The previously withdrawn scheme, referred to in the Site History section of this report, proposed 3.No units on the site. The scale and architectural style of the properties and the plot sizes of which they were sited, failed to take into context of the surrounding properties and the plot sizes. It was considered that by virtue of this the development failed to comply with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy because it amounted to over development of the site.

This revised application of two dwellings is considered to address officers concerns. The reduction from 3.No. units to 2. No units has meant that the individual plot sizes have been increased to a scale which is more representative of adjacent properties. The architectural style of the properties has also been addressed. The design of the scheme has taken a more vernacular style, more typical of many individual properties within Sherriff Hutton.

In addition to the reduction from 3.No to 2. No dwellings the foot print of the properties has also been reduced from approximately 193sqm to approximately 112sqm. The reduction in overall mass and form has also been reduced by making the previously proposed attached garages detached. There are very few examples of attached garages in the locality. More typically they are detached or properties would be served by a number of traditional outbuildings.

Out of the ten letters of objection received many neighbours have raised concern over the loss of the open space, and the vistas of Sheriff Hutton Castle. The application site is a backland plot which unlike other open areas within Sheriff Hutton is not offered any protection as a Visually Important Undeveloped Area. The site is, surrounded by existing development, and there is little if any 'public interest' in the value of the open area because of its location.

In terms of the neighbours concerns over the 'vista' views of Sheriff Hutton Castle, Members will note there is no right to a view. However, the setting of Sheriff Hutton Castle is potentially a significant consideration. Having visited the site it is considered that there would be very few, if any, inter visible views with the proposed development and the castle. Any views are glimpsed between properties. Furthermore, views of the castle from this area has been significantly compromised by the existing housing.

It is considered that the proposed two dwellings would reinforce local distinctiveness, by virtue of their location, siting, form, layout, scale and detailed design.

Residential Amenity

With respect to residential amenity issues, Policy SP20 of the Ryedale Local Plan Strategy states; new development will not have a material adverse impact on the amenity of present or future occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, and odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

Paragraph 17 of the National Planning Policy Framework requires new development to 'Secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Neighbours have written in objecting to the proposed development raising concerns over the impact it would have on their residential amenity, with particular concern over loss of light, privacy, noise from cars and an overbearing presence. Each of these concerns will be addressed below.

Privacy/overbearing

The orientation and distance between the proposed properties and existing neighbouring properties are such that despite the difference in ground levels there would be no window to window issues.

Plot One, which is proposed to be two storey, would face east to west. The principal elevation would therefore be fronting the rear elevation of No.8, a bungalow on Castle Side. As Plot One would be two storey, it is appreciated that the proposed dwelling would have a presence. However the proposed dwelling would be sited approximately 26 metres from the rear elevation of No.8 Castle Side which currently benefits from an existing mature boundary hedge which is in excess of 2 metres in height. The ground levels at this point have only risen by approximately 1.2 metres.

The south gable end of the proposed Plot One, feature no fenestration, and would be sited approximately 26 metres from the rear elevations of the properties known as Park View and Meadowcroft. Whilst the existing boundary hedge is relatively low, both Park View and Meadowcroft have a single storey outbuilding on their north elevation which borders the application site. Subject to a condition requiring further details of the boundary treatment, due to the distance scale and lack of fenestration on the proposed south elevation it is not considered that the development would have a material adverse impact on the neighbours amenity.

Plot Two would be situated approximately 40 metres off the boundary of the property to the north known as Bulmere House. It would also be approximately 1.8 metres lower than the ground levels on the northern elevation. In addition the property known as Bulmere House has a number of exiting outbuildings between it and the application site. Subject to further confirmation of the boundary details it is not considered due to the distance, difference in ground levels and boundary treatments that the proposed development would result in a loss of privacy or have an overbearing presence.

The proposed detached garage to Plot Two would be adjacent to the rear amenity space of No 10. Castle Side. It is considered that due to the relatively low eave and ridge height of the double garage that this would not result in an overbearing presence on the amenity of the occupiers of No.10.

The orientation of Plot Two is such that it would not directly overlook any of the properties on Castle Side. However, as it is proposed that the dwelling would be two storey, (compared to the bungalows and dormer bungalows on Castle Side) it will have a presence. It is not considered however that this presence, due to the distance and boundary treatment (to be conditioned) would adversely affect the amenity of current or future occupiers.

The front elevation of Plot Two would be in excess of 65 metres from the rear elevation of Park View and Meadowcroft. Although Plot Two would be approximately 4 metres higher than the aforementioned houses, due to the distance and scale of Plot Two it is not considered that the proposed development would adversely affect the amenity of the current or future occupiers of Park View and Meadowcroft.

It is considered that the gardens to the east of the application site can be protected by the proposed landscaping/ boundary treatment condition.

Loss of Light

Due to the orientation, distance and existing mature hedge boundary treatments it is not considered that the proposed development would adversely affect the amount of light currently enjoyed by the occupiers of the neighbouring properties.

Noise

Neighbours have raised concern that the proposed access road and lay-by could have the potential to generate noise, which would be detrimental to their residential amenity. The neighbours likely to be most affected are the occupiers of the properties on the east of Castle Side and Park View whose amenity space would back on to the rear of the proposed access road. Whilst it is accepted that the formalisation of the existing access track and the proposed change of use of the site would be likely to increase activity it is not considered that the modest number of movements could be expected to cause any serious noise or disturbance.

The access track would almost entirely run along the length of the application site. However, due to the narrowness and the constrained nature of the access it would naturally deter anything other than slow vehicular movements. Furthermore anyone using the proposed lay-by would only be waiting there momentarily and therefore would unlikely give rise to prolonged periods of noise from a stationary vehicle.

The site is surrounded by other residential properties. If planning permission is granted a condition is recommended in relation to construction hours.

Highways Safety

A number of the letters of objection received raise concerns over both the proposed formalisation of the existing access road/ track to the site and the access onto Finkle Street. The concerns principally relate to matters of Highway safety. Some also raise concerns on residential amenity grounds, this has been addressed in the above section.

North Yorkshire County Council Highways Authority, initially whilst not objecting to the principle of the development, raised concerns over the proposed length of driveway where vehicles would be unable to pass one another.

The agent responded to these concerns by pointing out that the site access is significantly set back from the road. Any vehicle would have the space to pull off the highway and wait for any oncoming vehicles exiting the site to clear the access road. They also argue that the reduced the number of dwellings on the site from three to two significantly has reduced the chance of any vehicles meeting in this way.

Following receipt of a revised site location plan which shows the levels of visibility from the site access the Highways Authority have resubmitted their consultation response raising no objection to the proposed development, subject to the recommended conditions.

Neighbours have also raised concerns over the width of the proposed access track compared to normal standards. The agent has confirmed that whilst the gated access measures 2.9m on site the legal boundary extends past the gate line and measures 3.6m. *We believe that there may have been a realignment of boundaries and we will deal with the legal ramifications of this post determination.* Members will receive further clarification on this issue at the Planning Committee. They have also confirmed that in light of this they would accept a condition requiring a minimum access of 3.1m would be required.

Neighbours have also raised concerns over the lack of reference to users of the public footpath or cyclist. These concerns along with all other concerns relating to highway safety have been forwarded to the Highways Authority for their consideration. Members will be updated of any response at Planning Committee.

Drainage

A number of the neighbour consultation responses have raised concern over surface water drainage and the treatment of foul waste.

It is proposed that the development would be served by the public sewers. Whilst no consultation response has yet been received by Yorkshire Water, (under Governments Guidance), foul waste should principally be dealt with via the public sewers. Alternative treatments should only be considered when a public sewer is unavailable. Capacity of the network is not in itself a reason for refusal. Members will be updated of Yorkshire Water's comments at Planning Committee.

The Design and Access Statement submitted to support the application has only made reference to the treatment of surface water drainage. The Foss Internal Drainage Board has confirmed that whilst there are no assets immediately adjacent to the site there are a number of tributaries that feed into the River Foss, these are known to be at capacity. The FIDB requires that the risk of flooding where possible should be reduced. The Board considers that as the site has known drainage problems a pre commencement condition, as included below should be attached to and approval.

No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a scheme for the provision of surface water drainage works, Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered;

- *Discharge from 'greenfield sites' taken as 1.4lt/sec/ha (1.1yr storm)*
- *Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge of the site in a 1:100 yr event*
- *A 20 % allowance for climate change should be included in all calculations*
- *A range of durations should be used to establish the worst case scenario*
- *The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.*

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

Whilst the FIDB has raised concern they have confirmed that they are content for the drainage details to be conditioned, subject to ongoing negotiations with them and Yorkshire Water. The agent has confirmed that they are happy to have the drainage details conditioned.

Landscaping

An indicative landscaping plan has been shown on the Site Layout Plan which shows the existing hedge to be retained. However it is not considered that this is sufficient and should Members be minded to approve the application it is recommended that a detailed landscaping plan needs to be conditioned. This Landscaping Plan should show all existing hedgerows to be retained and where necessary enhanced. It should also give full details of any new landscaping.

It is also advised that a condition is requiring a Construction Management Plan indicating how the existing hedgerows and trees would be protected during the construction phase.

It is considered that such a condition would address the neighbours concerns about the retention of the hedgerows and privacy issues as discussed earlier in the report.

Ecology

The submitted Ecological Survey highlights the only significant habitat on site are the hedgerows, but the impact of the development would be minimal. However in line with SP14 and the NPPF opportunities should be taken to enhance biodiversity. The Countryside Officer has therefore advised a condition requiring ecological protection and enhancement measures in line with the submitted ecology survey.

Other Issues

North Yorkshire County Council Archaeologist has advised that if planning permission is granted it should be subject to the recommended condition requiring a Written Scheme of Investigation.

The Parish Council has objected to the proposed development, the full version of their comments has been appended to this report. A summary has also been included below;

- The scale of the proposed dwellings do not represent that of residents of Sheriff Hutton's wants/needs.
- The scale of the proposed housing would be intrusive and would impact on residential amenity including lose of privacy.
- The development would pose a risk to highways users
- The site has poor drainage

These issues have been addressed in the appraisal section above.

Ten letters of objection has been received. The full contents can be viewed on the public access. A summary has however been included below;

- The proposed dwellings would impact on the privacy of the neighbouring properties, due to the relative levels and position of windows
- Design inappropriate
- Not affordable housing
- Loss of light
- Scale of the proposed dwelling are too large compared to the surrounding properties
- The access road would run the length of the properties on Castle Side, resulting in noise disturbance and fumes
- The open space is a key element of the character of the area
- Represents backland development
- No justification for 'infilling'
- The existing drainage situations is likely to be worsened by the proposed development of the site, the drainage proposed is inadequate
- The width of the access road is inadequate
- The proposed passing place is inadequate
- No consideration to pedestrians or cyclists
- Additional turning traffic into Finkle Street is likely to be a hazard
- The submitted Highways Report is not adequate or representative.
- Not enough clarity over boundary treatment and hedge protection, significant concern over the proposed 1.8 m close boarded fence
- Potential loss of habitat
- Street lights if installed would impact on amenity of neighbouring properties
- Construction would generate dust
- Would reduce views of the castle
- People in Sheriff Hutton want smaller properties to downsize too

Again the material planning issues have already been addressed in the appraisal section of this report.

One letter of support has been received. The full contents can be viewed on the public access. A summary has however been included below;

The existing furrows draining the site do so into the rear of their property, causing damage to the tarmac. They hope this in developing the site the draining of the site would be addressed.

In light of the above, the recommendation to Members is one of approval.

RECOMMENDATION: **Approval**

1 CONDITIONS TO FOLLOW

Background Papers:

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