

Item Number: 10
Application No: 16/01238/FUL
Parish: Slingsby Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs P Ormrod
Proposal: Erection of 3 bedroom detached dwelling with detached garage.
Location: Land North Of Yew Tree Cottage Railway Street Slingsby Malton YO62 4AL

Registration Date:
8/13 Wk Expiry Date: 16 September 2016
Overall Expiry Date: 31 August 2016
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Environmental Health Officer	No views received to date
Land Use Planning	No views received to date
Tree & Landscape Officer	No views received to date
Parish Council	Object
Highways North Yorkshire	Recommend conditions
Building Conservation Officer	No objection

Neighbour responses: G & K Bishop, Mrs C Murray, Nicola Thomson, Dr Katherine Giles, Mr & Mrs Thackray, Mr And Mrs S Prest, Mr Simon Massey, M Mackinder,

SITE:

The application site comprises the side garden of Yew Tree Cottage, a semi-detached dwelling located on Railway Street, Slingsby. The site approximately measures 11m in width by 30m in depth. The site is located within both the development limit of Slingsby and its Conservation Area. The property to the north, Grange House, is a Grade 2 listed building.

PROPOSAL:

Planning permission is sought for the erection of a 3 bedroom dwelling.

The proposed dwelling will have a footprint of 8m in width by 6.65m in depth at 2 two-storey level and measures 3.7m at eaves height and 5.9m at ridge height. A single storey rear projecting wing is also proposed that approximately measures 9.4m in length by 5.3m in width and approximately measures 2.7m at eaves and 4.3m at ridge height. The proposed dwelling is sited at the back edge of the footpath, and features a shared access, located on the northern side to serve both the proposed dwelling and Yew Tree cottage. The shared access is approximately 3m wide for the first 8m, before it widens to 5.6m to allow two separate vehicular accesses to the proposed dwelling and Yew Tree Cottage.

The proposal is for the dwelling to be constructed of natural coursed stone under a clay pantile roof with timber windows and doors.

The proposed garage is to be located to the rear of the property and it will approximately measure 5.6m by 4.2m and be 2.3m at eaves height and 3.6m at ridge height.

The garage is to be constructed of stone on the southern and eastern sides with the northern and western sides being finished in painted render.

HISTORY:

2016: Planning application withdrawn for the erection of a 3 bed dwelling

POLICY:

National Policy

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

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 SP16 – Design

Policy SP17 – Managing Air Quality, Land and Water Resources

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

Slingsby, South Holme and Fryton Village Design Statement (SPD) Adopted 2016

APPRAISAL:

The main considerations in relation to this application are:

- The principle of developing this site for a single residential dwelling;
- The scale and design of the proposal;
- Whether the proposal will preserve or enhance the character and appearance of the Slingsby Conservation Area;
- The impact of the proposals upon the setting of nearby listed buildings
- The impact of the proposals upon the residential amenity of surrounding properties;
- Loss of trees on site;
- Developer Contributions;
- Drainage; and,
- Highway safety;

The principle of residential development

The application site is located within the development limits of Slingsby, which is identified as a sustainable settlement and a 'Service Village' in the Local Plan Strategy (LPS). Policy SP2 of the Local Plan Strategy supports infill development of small sites within a 'continually built-up frontage' in such settlements. In this case, the application site is located between two existing frontage properties.

In addition, Yew Tree Cottage is considered to retain a satisfactory level of residential amenity space and sufficient off-street parking.

The principle of the proposed development of the site for a single dwelling is therefore considered to be acceptable.

The proposed siting, scale, design and materials for the proposed dwelling

Policy SP16 of the Local Plan Strategy states:

'Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- *Reinforce local distinctiveness*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
- *Protect amenity and promote well-being*
- *To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings..'*

The Council recently adopted the Slingsby, South Holme and Fryton Village Design Statement (SPD). A comprehensive document that details the character and local vernacular of the village and provides advice on new development in the village.

In this case the proposed dwelling is sited on the similar building line to Yew Tree Cottage (0.3m behind the line of Yew Tree Cottage). It has a relatively low eaves and ridge height (3.7m and 5.9m respectively) and is no higher than Yew Tree Cottage. Its front elevation is designed to respect the appearance of Yew Tree Cottage, in terms of the materials, window and dormer window details. The adjoining pair of semi-detached cottages have a depth of 6.5m, which is similar to the proposal in question (6.65m). The proposed dwelling is wider, and features two bays, however it is detached. It is considered that the scale of the proposed property is acceptable and not out of keeping in the locality.

The rear wing at 9.4m is relatively long, however it is single storey only. Furthermore, the Local Planning Authority has also allowed similar sized single storey extensions to the rear of Yew Tree Cottage and Fisher Cottage. The proposal is slightly wider than the extension approved for Yew Tree Cottage. However, the proposed single storey element is considered to relate well to the main part of the dwelling in terms of its design and scale in this context.

The proposed garage is located to the rear of the dwelling, which is representative of other similar structures to the rear of properties along Railway Street.

It is therefore considered that the proposed dwelling and garage is designed in a form that can be regarded as locally distinctive pursuant to Policy SP16 of the Local Plan Strategy. It is also considered that the proposed development is consistent with the Village Design Statement.

Heritage Assets

The Buildings Conservation Officer has stated:

'In my opinion the principle of development in this location is acceptable. Although gaps within the built frontage are important to the character of the Slingsby conservation area in giving glimpsed views through to the sides and backs of properties, I am of the opinion that this gap is not of prime importance as it is of a medium quality and gives views of a development that detracts from the character of the conservation area. A gap will still be maintained by the vehicular access and there are gaps present both to the north and south of the development site that give a spacing and a rural quality to the conservation area. The green roadside verge will be maintained in this development.

The design, scale and materials of the development are characteristic of the surrounding properties and reflect the village vernacular. The significant components that contribute to the setting of the listed building will be largely maintained in that its domestic curtilage is unaffected.

The listed building is part of a village street and this development is characteristic of that village street. The conservation area will be preserved for the reasons set out above and in addition, the position of the proposed dwelling will obstruct public views of the inappropriate bungalow behind the proposed development site. '

The site is located within the Slingsby Conservation Area and to the north of Grange House, a Grade 2 listed building. Policy SP12 of the LPS and NPPF also requires an assessment of the proposed developments impact upon heritage assets. S66 of the Planning (Listed Buildings and Conservation Areas) 1990 requires Local Planning Authorities to have special regard to the desirability of preserving the setting of Grange House. In addition, S72 of the 1990 Act also requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

The site forms an open area to the side of Yew Cottage. Open areas within the Conservation Area are important. In this case there is a substantial hedge along the rear boundary and a substantial single storey property immediately beyond the rear boundary. So the importance of this area is already to a degree compromised. By virtue of this, together with the size of the application site it is considered that the site could be developed for a single dwelling. The siting, design, and scale of the proposed dwelling is considered to preserve the character and appearance of the Conservation Area. The detail of the design is also considered to reflect the traditional vernacular of properties in the area. In terms of Policy SP12, the harm identified is considered to be less than substantial, and the public benefits associated with the introduction of an appropriately designed dwelling in this sustainable location is considered to outweigh the harm.

The proposed dwelling will have a side-by-side relationship with Grange House, with a 9m separation. It is not considered that its scale of the proposed dwelling is out of character with Grange House and the proposed dwelling is designed and detailed in an acceptable manner. The rear projecting wing is single storey only. It is therefore considered that the proposed development will not have an adverse effect upon the setting of the Listed Building.

In terms of Policy SP12, the harm upon both heritage assets has been identified as 'less than substantial'. The public benefits associated with the introduction of an appropriately designed dwelling in this sustainable location is considered to outweigh the less than substantial harm.

Residential Amenity impacts

The proposed dwelling is considered to have a satisfactory level of private residential amenity space to the rear and side of the proposed dwelling.

The proposed dwelling is 9m from the side of Grange House to the north. On the ground floor there are windows serving the following rooms, lounge (secondary window), utility, kitchen and toilet. On the first floor there is a bathroom window (obscure glazed). To the rear there is a distance of 21m to the rear boundary from the first floor bedroom window. On the northern elevation there is a door into a hall, with a small window and kitchen window (all on the ground floor). Subject to suitable boundary treatment there is considered to be no unacceptable level of potential overlooking.

There is not considered to be any adverse effect upon the adjoining properties in terms of loss of sun lighting, privacy or the buildings being overbearing.

In summary the proposals are not considered to have an adverse effect upon the amenity of the adjoining neighbours.

Impact upon trees

There are two trees on the site, the Tree and Landscape Officer has been consulted and his views are awaited. Members will be updated on the Late Pages or at the meeting.

Developer Contributions

The proposed development is chargeable to CIL at £12,580.

In accordance with the Policy Report to Planning Committee in July 2016, no Affordable Housing contribution pursuant to Policy SP3 can be sought due to a successful legal challenge to Government policy earlier this year in relation to contributions from small sites.

Highway Safety

The local Highway Authority has considered the highway safety implications of the proposal and stated:

'Although the siting of the proposed dwelling will mean the loss of the turning area for Yew Tree Cottage, the visibility onto the highway is acceptable for a reversing vehicle. In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: The design standard for the site is Manual for Streets and the required visibility splay is 2.4 metres by 45 metres. The available visibility is in excess of this distance.

Normally there would be a requirement to widen the driveway access to serve as a shared access, over at least the first six metres measured from the carriageway edge. However, I am conscious that a new vehicular crossing has now been installed just to the south of the site, and that the existing grass verges may be regarded as an important visual feature along Railway Street. Given that the carriageway is quite wide at this location, I would be prepared to retain the existing vehicular crossing width to avoid further verge loss. The crossing should be reconstructed to support construction access etc whilst the dwelling is being built, should planning consent be subsequently granted. It is considered essential to retain at least two car parking spaces for Yew Tree Cottage within the retained land. An appropriate condition has been included below.'

There is a requirement for a minimum of two car parking spaces per dwelling. This will ensure that there is sufficient on-site vehicle parking. It is not possible for the Local Planning Authority to control on-street parking, this is a matter for the Highway Authority. In view of the above there are considered to be no sustainable highway objections to the proposed development.

Drainage

Foul water is proposed to drain the mains and surface water to a soakaway. No objections are raised to these arrangements.

Other issues

The Parish Council has objected to the size of the proposed dwelling for this infill plot. There have also been 8 letters of objection raising the following issues:

- Overdevelopment of the site;
- That the proposal is detrimental to the character of the area
- The increased potential for on-street parking;
- The impact of the proposal upon heritage assets; the Slingsby Conservation Area and Grange House (Grade II listed)
- The loss of the open space within the Conservation Area;
- That the extension as approved for Yew Tree Cottage makes off-street parking difficult for that property.
- The impact of trees on site;
- The use of block paving as a ground surfacing material
- Insufficient information has been submitted in terms of the relationship of the proposed dwelling to other properties nearby; no exact measurements of the eaves and ridge heights

- That natural coursed stone and clay pantiles will not be appropriate
- Approval of the application would set a precedent for the development of other side gardens in Slingsby
- The proposed development is for greed/profit;
- That there is limited residential amenity space for the proposed dwelling;
- The scheme is contrary to the Village Design Statement; and
- In addition conditions are suggested regarding working hours, materials, siting, heights and tree protection measures.

The appraisal above has considered the development of the plot in principle, its impact upon Heritage assets, parking and highway safety, residential amenity impacts, and the level of amenity space available for the proposed dwelling. It is agreed that block paving is not a preferred ground surfacing material, and a condition is recommended to be imposed in this respect to retain control over the finished surface.. The views of the Tree and Landscape Officer are awaited. The plans are drawn to scale and show the proposed dwelling in relation to Yew Tree Cottage. Officers consider that there is sufficient information to consider and assess the application. Whether the application is for profit is not a material planning consideration. The proposed development is not considered to be contrary to the Village Design Statement. The approval of this application is not considered to set an undesirable precedent for the development of other areas in Slingsby. Each application has to be considered on its own merits against the Development Plan unless there are other material planning considerations that indicate otherwise. The Block Plan submitted shows the proposed single storey rear extension for Yew Tree Cottage, which demonstrates to the satisfaction of the Highway Authority that sufficient off-street parking is available for both Yew Tree Cottage and the proposed dwelling.

The conditions suggested by a local resident are noted. However, Officers have to ensure to any conditions imposed meet the tests set out in NPPF. The conditions Officers consider to meet the tests contained in the NPPF are set out below. Conditions relating to hours of work for construction are not generally imposed by the Local Planning Authority, particularly on small developments such as single dwellings. An Informative is however recommended to advise the applicant/developer to adhere to the Considerate Construction Scheme.

Conclusion

The proposed development is considered to be acceptable in terms of its siting, scale and design and to ensure the character and appearance of the Conservation Area is preserved. The recommendation is therefore one of approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Before the development hereby permitted is commenced, 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 building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

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

- 4 Before 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.

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

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(c) The existing access shall be improved by upgrading of construction specification in accordance with Standard Detail number DC/E9A.

(g) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed with the Local Planning Authority in consultation with the local Highway Authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.

(h) The final surfacing of any private access within ... metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 7 No dwelling shall be occupied until the related parking facilities (including 2no. spaces each being a minimum 4.8 metres long x 2.4 metres wide being provided within the retained land of Yew Tree Cottage as shown in blue as being under the applicants control) have been constructed in accordance with the approved drawing 16-1127-6. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 8 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

- 9 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 10 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(a) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(b) On-site materials storage area capable of accommodating all materials required for the operation of the site

(c) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

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

Drawing No. 16-1127-5

Drawing No. 16-1127-6

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

- 12 Notwithstanding the submitted information and prior to the commencement of the development hereby approved, precise details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

INFORMATIVES:

1. An explanation of the terms used above is available from the Highway Authority.
2. You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).
3. The applicant/developer is advised to adhere to the Considerate Construction Scheme.

Background Papers:

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