

**Item Number:** 7  
**Application No:** 16/00965/MFUL  
**Parish:** Sheriff Hutton Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Daniel Gath Homes Limited (Mr D Gath)  
**Proposal:** Erection of 1no. five bedroom dwelling, 6no. four bedroom dwellings, 1no. three bedroom dwelling and 4no. two bedroom dwellings with associated garaging, parking, amenity areas and landscaping  
**Location:** Peckets Yard East End Sheriff Hutton  
  
**Registration Date:** 1 June 2016                      **8/13 Week Expiry Date:** 31 August 2016  
**Case Officer:** Helen Bloomer                      **Ext:** 328

## CONSULTATIONS:

|                                                             |                                                                                                             |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>Archaeology Section</b>                                  | Advise scheme of archaeological evaluation - further comments awaited                                       |
| <b>Housing Services</b>                                     | Support                                                                                                     |
| <b>Land Use Planning</b>                                    | Comments made - received 28 June 2016                                                                       |
| <b>Environmental Health Officer</b>                         | No views received to date                                                                                   |
| <b>Building Conservation Officer</b>                        | No objection in principle - some design concerns                                                            |
| <b>Historic England</b>                                     | Comments made - refer decision to Council's BCO                                                             |
| <b>Countryside Officer</b>                                  | Recommend condition                                                                                         |
| <b>North Yorkshire Police Architectural Liaison Officer</b> | Recommend condition                                                                                         |
| <b>Tree &amp; Landscape Officer</b>                         | Objection to some aspects on original plans - now revised                                                   |
| <b>Public Rights Of Way</b>                                 | Recommend informative                                                                                       |
| <b>Lead Local Flood Authority</b>                           | Objection withdrawn but conditions added re soakaways                                                       |
| <b>Building Control</b>                                     | No views received to date                                                                                   |
| <b>Foss Internal Drainage Board</b>                         | Conditions to be included                                                                                   |
| <b>Parish Council</b>                                       | Object - Further views awaited on amended plans                                                             |
| <b>Highways North Yorkshire</b>                             | Comments received, conditions recommended, further comments on Construction Vehicle Management Plan awaited |

**Neighbour responses:** Mr Michael Feather, Mr And Mrs D Pattison, Mr Ian McLeod, Mr John Whitworth, Mr James Knock, Mrs Pauline Morson, Mr Neil Hodges, E De Berrie, Ms Pauline McLeod, Mr Timothy Morrison, Mr John Bennett, Mrs Frances Widdowson, Penny Marrows, Mary Brant, Mr Michael Lawson, Ms Catherine Jones, Ms Susan A Perkins, Mrs Margaret Fisher, Jo Harrison, Mrs Sarah Douglas, Mr Richard Masefield, Mr Ian Foxley, Roy Thompson, Mr And Mrs R J Oliver, William Marrows, Gill Sandall,

**Overall Expiry Date:** 24 October 2016

## SITE:

The application site is located at the eastern extremity of the village of Sheriff Hutton. The site is located immediately adjacent to the existing village development limits as identified on the inset map of the Ryedale Plan adopted in 2002. The site contains a joinery workshop which is currently not in active use and the Yorkshire Water pumping station.

The site abuts open country side on its east and northern boundaries. The southern boundary abuts the churchyard of The Church of St Helens and the Holy Cross. The Church yard marks the northernmost extent of the designated conservation area, the church is a Grade I listed building. A Public Right of Way (PROW) also passes through the site in a west to east direct which then turns north adjacent to the eastern site boundary

The vehicular access to the site is obtained via an unclassified county highway known as East End. A number of other residential properties are served by this highway. The nearest residential properties to the site abut the western boundary. Howard Cottage, Howards End and Hartley all have curtilages that are adjacent to the western boundary of the site.

Members will recall that this application was reported to Planning Committee on 5th July 2016 when it was resolved to carry out a Site Inspection. The Committee site visit took place on 19th July 2016.

### **PROPOSAL:**

This application is a full submission and proposes the erection of 12 No. dwellings on the site. These are comprised of 1 No. 5 bedroom dwelling, 6 No. four bedroom dwellings, 1 No. three bedroom dwelling and 4 No. two bedroom dwellings with associated garaging, parking amenity areas and landscaping.

The application is accompanied by several detailed technical reports which can be viewed on the Council's website and these include:

Planning statement,  
Flood Risk assessment,  
Tree Survey,  
Heritage Assessment,  
Extended Phase 1 Habitat Survey,  
Great Crested Newt Survey,  
Desk Top and Geo Environmental Report,  
Geophysical Survey,  
Highway Statement,  
Surface Water Drainage Scheme.

The application drawings have been amended during the processing of the application in order to take account of the views of consultees and the case officer. These are appended to report for members information together with the accompanying Planning Statement. A further letter from the agent dated 26th September 2016 is also attached for ease of reference.

### **RELEVANT HISTORY:**

15/00736/MFUL: Erection of 8 no. four bedroom, 4 no. three bedroom and 7 no. two bedroom dwellings together with associated road layout and landscaping following demolition of existing workshop/storage building

This was a full application for the erection of 19 No. dwellings on the site which was withdrawn following receipt of comments from Heritage England, the Council's Conservation Officer and NYCC Highways.

### **POLICY:**

National Planning Policy NPPF  
Planning Policy Guidance

## Local Planning Policy

Adopted Development Plan- Ryedale Plan - Local Plan Strategy Adopted September 2013

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 New Housing

Policy SP 12 - Heritage

Policy SP 13 - Landscapes

Policy SP 14 - Biodiversity

Policy SP 16 - Design

Policy SP 19 - Presumption in Favour of Sustainable Development

Policy SP 20 - Generic Development Management Issues

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

### **APPRAISAL:**

The main considerations in relation to this application are:

The principle of the development

The layout, mix and scale of the proposed scheme

Affordable Housing Provision

Design

Impact on heritage assets

Impact on landscape

Highway safety

Drainage and Flood Risk

Ecology

Contaminated Land

Archaeology

### **Principle of Development**

The Council has a 5-year supply of housing as of 31 March 2016. The current figure is 5.8 years of housing supply. The application site is located outside of the development limits of Sheriff Hutton, as such it lies within the open countryside. In accordance with Policy SP 2 of the Local Plan Strategy the proposed dwellings would not meet any of the normal open countryside exceptions.

Para. 14 of NPPF states:

*‘ .... For decision-taking this means:*

***-Approving development proposals that accord with the development plan without delay; and***

***-Where the development plan are absent, silent, or relevant policies are out-of-date, granting planning permission unless:***

*-Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*

***-Specific policies in the Framework indicate development should be restricted.***

Therefore, this application should be granted planning permission unless the impacts of the proposed development significantly or demonstrably outweigh the benefits or specific NPPF policies indicate development should be restricted.

In this case, the application site has been submitted as a possible site for residential development and indeed is a 'preferred site' (Site51) for circa 15 units within the Housing Sites Document 2015, which was approved by Planning Committee for consultation in March 2015. Furthermore the site is located in Sheriff Hutton, which is identified as a 'Service Village' and therefore in general terms it is a sustainable settlement with local services and facilities.

It is therefore considered that the principle of developing this site is consistent with national and emerging Local Plan Policy as set out in Policies SP1, SP2 and SP19 above. The appraisal below will address whether there is conflict with other NPPF policies or any significant or demonstrable harm is identified that could outweigh the benefits of the scheme.

### **The layout, mix and scale of the proposed scheme**

Members will be aware that an earlier scheme for 19 No. dwellings was submitted on this site.

The earlier scheme was based around a suburban layout which was not considered to be locally distinctive and which failed to pay due regard to its setting close to the designated conservation area. The scheme was also more uniform and was considered by officers to deliver a limited choice of housing on the site contrary to the requirements of Policy SP4 of the adopted plan.

The current scheme has evolved following meetings and discussions with technical consultees and is now considered to provide a much better mix and range of housing types. The submission adopts a differing design approach which is considered to be more appropriate to its surroundings on this edge of village site.

Indeed the northern portion of the site is designed in a linked farmstead style (plots 9-12 inc.) whereas the southern part of the site is considered to be laid out in a more conventional form around the estate road (which is a continuation of East End into the application site). A wider mix of house types of differing scales and sizes is proposed in this area which is considered to be more reflective of the varying scale of existing dwellings found elsewhere in East End.

### **Affordable Housing**

The proposal is for the erection of 12 dwellings in total on site. Four of these would be affordable - on Plots 1, 2, 7 and 8. A recent parish survey has identified there is a local need in the parish for mainly 2 bedroom accommodation. In addition to the provision of the properties on site an additional affordable housing commuted sum will also be required in this instance. Negotiations are on going in relation to this matter and Members will be updated at the meeting. It is anticipated that three of the on site units would be for rent with the fourth provided as an intermediate unit. Subject to securing the affordable housing through a Section 106 Agreement, Policy SP3 is considered to be satisfied.

### **Design**

Members will note that the earlier scheme submitted in 2015 was withdrawn after being criticised by a number of consultees in respect of the design approach and number and type of dwellings proposed.

In the intervening period, a revised approach has been negotiated with officers and external consultees resulting in a much revised submission.

The layout now presents two different character types in order to better integrate the new development into the village.

The thrust of the design approach is set out in sections 4.3 to 4.14 inclusive of the attached Planning Statement. The design is partly based around a 'farmstead' on the northern-most plots with the commencing plots designed to represent an extension of the street (East End) further to the west.

The palette of materials proposed is limited to reflect those materials used elsewhere in the locality. Terracotta pantiles and slate roofs are proposed with a mix of high quality facing bricks and render proposed. Timber windows are also proposed.

The detailed designs are appended to this report from Members proposal. The detailing of the individual house types is varied, however, the key is simplicity. Subject to control of materials by condition, the design approach is considered to be acceptable and Policy SP 16 is satisfied.

### **Impact on heritage assets**

The impact on heritage assets is considered to be inextricably linked to the form and layout of the units proposed. The application is accompanied by a comprehensive Heritage Assessment which identifies the significance of the assets and which has been used to inform the evolution of the design proposed. It is of note that Heritage England have no objection to the scheme, recommending that detailed considerations are dealt with by the Council's Building Conservation Officer.

The Council's BCO similarly raises no objection in principle making the following detailed comments.

Comments relating to the importance of retaining the southern boundary hedge are noted together with the concern over the introduction of open park railings alongside part of the eastern boundary. A revised plan has been received which replaces this with a new hedgerow. The bay window proposed on Plot 4 has also been deleted and new indigenous hedgerow is shown to be planted along the entire length of the eastern boundary.

Subject to the imposition of conditions, Policy SP 12 is considered to be satisfied.

### **Impact on landscape**

The site is located on the edge of the village and is traversed by a PROW. It is sensitive in this respect and the amended proposals showing additional planting along the boundary are welcomed.

The site does not abut any local or nationally designated landscape. The Council's Tree and Landscape officer is happy with the revised proposals which are considered to be appropriate for this edge of village site.

Subject to the imposition of appropriate landscaping conditions, Policy SP 13 is considered to be satisfied.

### **Highway matters**

The highway considerations have given rise to a significant number of objections locally based primarily around the nature of the highway network within the village leading to the site, together with the number and size of dwellings proposed and parking arrangements. The proposal has been considered in detail by officers at NYCC highways who have not objected to the scheme.

The highway officer makes the following detailed comments:

*Since the withdrawal of the previous planning application (for 19 dwellings) at this site, the agents for the applicant have been in discussion with the highway authority in order to offer some mitigation measures for East End as a consequence of developing the site.*

*This looked at providing additional car parking for existing residents clear of the carriageway, and widening of the carriageway along a section in the vicinity of Church View in order to achieve a minimum overall width of 4.5 metres.*

*However, the car parking area proposed (generally opposite Lavender Cottage and Harcourt Lodge) would seem to fall onto an area of Registered Village Green (despite 3 car parking spaces already provided for within the Green area), the limits of which appear to extend right to the carriageway edge (ie. no area of highway verge can be utilised to offer additional car parking).*

*The carriageway widening could be provided for within highway verge limits on the south side of East End (being as there is a banked area to the north). However, Conservation concerns have been raised of the impact this would have on the adjacent hedgerow roots and trees beyond.*

*Consequently, both these mitigation measures have had to be discounted, and the scheme therefore needs to be assessed without any improvements save for what is being proposed within the actual application site.*

*It is noted the submitted scheme gives a housing reduction of around 37% against the previous, withdrawn application. Whilst there seems to be a difference of opinion between the applicant and objectors over how the traffic levels for 12 new dwellings compare with the present/latest use of the site, it is clear they would be less than that advocated for 19 new dwellings.*

*Given that activities allied to the existing building could be operated at a potentially higher level under a different owner without the need for planning consent, this needs to be taken into consideration when assessing the overall traffic situation along East End.*

*I conclude that, on balance, the traffic generated once the development is brought into use (if approved) and on the basis of the layout proposed, would not cause a situation whereby highway safety would be compromised to an unacceptable level in the immediate vicinity.*

*Having accepted the principle of the submitted development, the situation during the construction period, albeit a temporary period, needs to be considered carefully. The applicant, through its' Highway Statement has offered to provide this by way of a Construction Traffic Management Plan. Whilst a suitable planning condition can cover this with a requirement to submit full details that typically define such a plan, special attention needs to be given to this particular site, and additional clauses should be written into the condition. Overall, it needs to enable reasonable 'give and take' between the developer and residents, particularly during the working day, in order that the disruption and inconvenience is kept to a minimum, for the benefit of safety, amenity and project timescale.*

*It is also necessary to ensure the existing highway is monitored for any damage and immediately rectified as necessary.*

*Within the site, I would wish to see the initial section of extended carriageway widened to a minimum of 4.5 metres (and especially as the existing field right of way is specified as that), and the section showing the service vehicle turning swept path being included as part of the new adoptable highway network. The proposed planting around the pumping station compound may obscure the visibility for vehicles exiting the adjacent parking spaces, and would therefore need to be restricted in height by way of a sight-line condition.*

*The PROW officer also has no objection subject to there being no obstruction to the PROW.*

*A construction traffic management plan has also been received which is receiving further consideration from NYCC highways. It is anticipated that a response will be circulated with the late pages. In the light of the formal response from NYCC Highways, it is considered that an objection on highway grounds cannot be substantiated and the proposal is considered to satisfy Policy SP20.*

### **Drainage and Flood Risk**

Consultation has been carried out with Yorkshire Water, The Foss IDB and the Lead Local Flood Authority. No objections are raised although conditions are recommended if Members are minded to grant permission to this application. Additional information has been received on the proposed drainage arrangements for the site which shows details of soakaways, their location and proposals for maintenance. The LLFA has requested additional information on exceedance routes and this has been requested from the developer. Members will be updated at the meeting. It is anticipated, however, that this matter will ultimately also be controlled by a planning condition, if planning permission is granted.

### **Ecology**

The Council's Countryside Management Officer has appraised the submitted information and recommends conditions relating to the clearance of the site, timings to avoid nesting birds and compliance with the recommendations set out in the Habitat Survey.

Subject to the mitigation proposed, Policy SP14 is considered to be satisfied.

### **Contaminated Land**

The submitted report has been appraised by the Council's EHO who notes that the site is uncontaminated aside from one trial pit which has a slightly elevated level of lead. Also one of the buildings could have contained asbestos and further information has been requested on these two points. Again Members will be updated at the meeting although it is expected that this will ultimately be controlled by a planning condition and verification report if permission is granted.

### **Archaeology**

NYCC Heritage Services have raised a requirement for further evaluation in the form of a Geo Physical investigation. This has been carried out and the formal response awaited. The assessment identifies low archaeological potential for the site and it is therefore anticipated that Heritage Services will have no objection to the scheme.

### **Other Matters**

The Police Designing Out Crime Officer has no objection and overall commends the scheme. A condition is recommended if permission is granted to full details of security measures to be provided and agreed before development commences.

### **Parish Council**

The Parish Council have strongly objected to the application. Their full comments are appended to this report. In summary the Parish Council object on the grounds of inadequate access to serve the development, concerns over construction traffic, the housing mix (too many large houses), impact on the adjacent church and churchyard, impact on trees and loss of PROW.

The PC has been reconsulted on amended plans showing minor design changes and drainage details.

Members will be updated on any further response from the PC on the late pages or at the meeting.

### **Third Party Comments**

28 local residents have written objecting to the application (some objectors have written multiple letters/emails)

The points raised cite.

- Serious concerns/objections over the site access, road network, congestion, traffic and parking issues;
- Concerns over adequacy of PAH highway report;
- Concerns over adequacy of sewerage system;
- Construction Traffic;
- Too many large houses /not enough affordable;
- Removal of trees; and
- Archaeological sensitivity/impact on church.

All of these issues have been dealt with in the appraisal section above and subject to the imposition of appropriate conditions, their impacts are considered to be capable of mitigation.

### **Summary**

The proposal is considered to be in accordance with the thrust of both national and local planning policy. These are set out in the NPPF and the Ryedale Plan - Local Plan Strategy which are both considered to be complied with when read as a whole.

**RECOMMENDATION:**     **Approval subject to views of outstanding consultees and completion of a S106 agreement relating to affordable housing.**

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