

Item Number: 10
Application No: 17/00163/FUL
Parish: Foxholes Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs Stephenson
Proposal: Erection of a four-bedroom dwelling to include integral double garage and formation of vehicular access
Location: Land At Foxholes Manor Ganton Road Foxholes Driffield

Registration Date:
8/13 Wk Expiry Date: 11 April 2017
Overall Expiry Date: 21 March 2017
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	Recommend conditions
Archaeology Section	Recommend conditions
Land Use Planning	No views received to date
Environmental Health Officer	Object
Tree & Landscape Officer	Recommends Condition
Countryside Officer	No objection

Neighbour responses: Mr & Mrs J W Nicholls, D & L Mobbs, Joanne Scruton And Family,

SITE:

The application site comprises part of the northern side garden of Foxholes Manor. It measures approximately 24m in width and 41m in depth. Foxholes Manor, a substantial detached property is located immediately to the south. There are a range of outbuildings located to the rear of the site, with a 3-4m high brick wall on the northern boundary. Beyond the northern brick wall are a range of agricultural buildings that are used to house pigs, understood to be on a bed and breakfast basis. The ground levels rise in a northerly direction, with the site being located on an elevated level to the Foxholes Manor. There is retaining wall to the south of the site and a brick wall along set back from the front boundary of the site. The application site is located within the development limits of Foxholes, and the wider area is designated as an Area of High Landscape Value; being the Yorkshire Wolds.

PROPOSAL:

Planning permission is sought for the erection of a four-bedroom detached dwelling to include an integral double garage and the formation of a vehicular access.

The proposed dwelling has a width of 19.6m and a maximum depth of 19.2m. It has a eaves height of 2.4m and a ridge height of 6m. It features an integral double garage on its northern side a single storey rear projecting part on the front elevation and a conservatory to the rear elevation. The accommodation includes rooms in the loft space and features 2no. dormer windows on the front elevation and a large dormer window on the rear elevation including a balcony.

It is proposed to erect the dwelling of brick under a slate roof with UPVc windows and doors.

HISTORY:

There is no relevant planning history relating to the application site.

POLICY:

National Policy

NPPF 2012

NPPG2014

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 4 - Type and Mix of New Housing

Policy SP 13 - Landscapes

Policy SP 16 - Design

Policy SP 17 - Managing Air Quality, Land and Water Resources

Policy SP 19 - Presumption in favour of sustainable development

Policy SP 20 - Generic Development Management Issues

Policy SP 21 - Occupancy Restrictions

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

APPRAISAL:

The main considerations in relation to this application are:

- The principle of the proposed dwelling;
- The siting, scale and design of the proposed dwelling;
- Whether Foxholes Manor is a non-designated heritage asset;
- Whether the proposal will provide a satisfactory level of residential amenity;
- Ecology;
- Impact upon trees;
- Highway safety;
- Developer contributions;
- Impact of the proposal upon the amenity of the adjoining neighbours; and
- Drainage.

The principle of the proposed dwelling

The site is located within the development limits of Foxholes. Policy SP2 permits limited infill development in Foxholes, that forms part of a 'continually built-up frontage' and subject to being limited to Local Needs Occupancy. The site is considered to be a genuine infill site. The requirements of Local Needs Occupancy are set out in Policy SP21, which states:

'a) Local Needs Occupancy

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- *Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or*

- *Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or*
- *Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or*
- *Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years'*

The applicant has stated the applicant's have lived in Foxholes for apparently 45 years, and it is understood from the pre-application enquiry that they are seeking to downsize from Foxholes Manor.

The siting, scale and design of 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 including:*
- *Topography and landform that shape the form and structure of settlements in the landscape*
- *The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale*
- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
- *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
- *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
- *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail'.*

In this case, the proposal is for a building with a width of 19.6m, and a depth of 19.2m, it is proposed to appear as a bungalow with accommodation in the loft area. It features a large and expansive hipped roof, which is considered to be a dominating feature. The property has a strong horizontal emphasis and its design is not considered to be representative of the local vernacular in Foxholes, or in deed of Ryedale. Foxholes generally comprises two-storey dwellings of brick with a reduced footprint to be proposed in question and without integral garages. Notwithstanding that part of the proposed dwelling would be screened from public view, there would nevertheless be views of the proposed dwelling from Ganton Road, with the loss of the trees to the front of the site. These views would show the proposal in the context of Foxholes Manor, a large substantial dwelling with a strong vertical emphasis. It is considered that by virtue of the scale and design of the proposal, it will not relate well to the local vernacular and be contrary to the requirements of Policy SP16 of the Local Plan Strategy.

Whether Foxholes Manor is a non-designated heritage asset

Following discussion with the Buildings Conservation Officer, it is considered that Foxholes Manor is a non-designated heritage asset. It is a large 3 storey dwelling of mid-to-late 19 century origin. It has its main access to the southern side, and a secondary access to the northern side. Its significant elevations are considered to be on its eastern and southern sides with views over its landscaped garden.

Para. 131 of the NPPF states:

'131. In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.'*

Para. 135 states:

'135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

In addition Policy SP12 of the Local Plan Strategy states:

'In considering and negotiating development proposals, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset'

The application site is to its northern side, on elevated land. The northern side is not considered to be one of its most significant elevations, and it is considered that some form of residential development may be acceptable in this side garden area. However, the proposed dwelling and its horizontal emphasis together with its scale and its suburban design is considered to adversely affect the significance of this non-designated heritage asset.

Whether the proposal will provide a satisfactory level of residential amenity

Policy SP20 of the Local Plan Strategy states:

'New development will not have a material adverse impact on the amenity of present or future occupants, the users or 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, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence'

There are 3 no livestock buildings located directly to the north of the application site, and 1.5m from the proposed dwelling. There is a 3-4m high brick wall on the boundary between the application site and the agricultural buildings. The buildings are currently understood to house pigs on a bed and breakfast basis. The Council's Environmental Health Officers have been to the site, and they object to the application, they have stated:

'Following a visit accompanied by Matthew Pawson it was noted that the siting of the proposed dwelling is in close proximity to existing agricultural buildings which could continue to be used for agricultural purposes. This could cause harm to the amenities of occupiers of the proposed dwellings by virtue of noise, odour and general disturbance. I therefore object to the above application and recommend refusal.'

It is also understood that their objection also relates to the construction type of these buildings which feature Yorkshire Boarding and allow odour to easily spread. They are also concerned at the movements to and from the site for deliveries and collections of livestock and feed, and the associated potential disturbance to the proposed dwelling. As such it is considered that the proposed dwelling will not have a satisfactory level of residential amenity as a result of the close proximity of these livestock buildings.

The property is to extent overlooked by windows at first and second floor on the northern side of Foxholes Manor. However, these are largely service windows, such as corridors, and not main habitable rooms. It is therefore considered that the proposed dwelling will not be subject to an unacceptable level of potential overlooking.

Ecology

The Council's Countryside Management Officer has confirmed there is no objection to the application.

Impact upon trees

The proposal will result in the loss of trees. A Tree Survey has been submitted with the application. The Council's Specialist has considered the proposal and stated :

"The Tree Report for Land North of Foxholes Manor (Lawson Harper Oct 2016) finds that the proposed development will have a major effect on 2 horse chestnut trees where it is proposed that a new access will be situated. The trees are not under a TPO or in a conservation area. Both trees do have a visual significance in the local landscape but their loss would somewhat be balanced by the presence of a number of nearby protected tree very close by. It is proposed to remove both trees due to both having long term viability and stability issues, recently others in this group have fallen and there is observable decay and signs of distress.

It is also recommended that the trees are replaced as part of the development. A mature Yew tree adjacent to the retaining wall is to be retained'.

The Tree and Landscape Officer recommends a condition known as an Arboricultural Method Statement.

Highway safety

The Highway Authority has confirmed that the proposal meets the minimum visibility of 33m measured 2m back from the edge of the highway. As such no highway objections are raised, and standard conditions are recommended in regard to the access, parking provision, a construction Management Plan, and to prevent the garage being converted to habitable accommodation.

Developer contributions

The proposed development is chargeable to CIL at £45m2.

Impact of the proposal upon the amenity of the adjoining neighbours

The proposal is not considered to have an adverse effect upon the amenity of the adjoining neighbours in terms of potential overlooking, loss of sun lighting or day lighting or its proximity to existing properties.

Drainage

The proposal is to drain foul water into the mains, and surface water via soakaways. There is no objection in principle to these methods of drainage.

Other issues

There have been 3 third party letters supporting the application in response to the objection from Environmental Health Officers. The letters contest the views of the Environmental Health Officers and state that they, as nearby residents, do not unacceptably suffer from noise or disturbance from the agricultural buildings at Church Farm. It is also indicated that 2 dwellings were approved planning permission on the opposite side of Ganton Road in 2008, and again in 2010. On both occasions, the Council's Environmental Health Department were consulted but their views were restricted to land contamination issues. Nevertheless, the site in question is closer to, and directly adjoins the livestock buildings in question (1.5m from the nearest livestock building).

For the reasons outlined above, the recommendation is one of refusal.

RECOMMENDATION: Refusal

- 1 The proposed dwelling is not considered to have an adequate level of private amenity by virtue of the close proximity of adjoining livestock agricultural buildings, currently used to accommodate pigs and their associated operations. The proposal is thereby contrary to the requirements of Policy SP20 of the Local Plan Strategy.

- 2 The proposed development by virtue of its siting, scale, design, materials, together with the detail of design is not considered to be locally distinctive or to respect the character and appearance of the locality. The proposed development is therefore considered to be contrary to the requirements of NPPF and Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 The proposed dwelling by virtue of its scale and design will introduce a visually jarring element that will adversely effect the significance of the non-designated heritage asset. The proposal is therefore considered to be contrary to the requirements of para. 131 and 135 of NPPF and Policy SP12 of the Local Plan Strategy.

Background Papers:

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