

Item Number: 8
Application No: 17/00645/MOUT
Parish: Amotherby Parish Council
Appn. Type: Outline Application Major
Applicant: Mr David Hume
Proposal: Residential development of 20no. semi-detached dwellings and formation of vehicular access (site area 0.79ha) - approval sought for access and landscaping
Location: Land East Of Manor Farm Amotherby Malton North Yorkshire
Registration Date: 12 June 2017
8/13 Wk Expiry Date: 11 September 2017
Overall Expiry Date: 15 December 2017
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Highways North Yorkshire	Recommends conditions.
Lead Local Flood Authority	Recommendations and comments.
Countryside Officer	Recommendations.
Designing Out Crime Officer (DOCO)	Recommend conditions
Yorkshire Water Land Use Planning	Recommends Condition
Archaeology Section	No objections
Housing Services	S106 required
Building Conservation Officer	No objection
Sustainable Places Team (Yorkshire Area)	No comments to make
Environmental Health Officer	Cannot support this proposal
Parish Council	Raised concerns
Parish Council	Support

Neighbour responses: None received

SITE:

The application site is located within the Parish of Amotherby to the north of the B1257. The site is located beyond the identified development limits in open countryside between a complex of farm buildings known locally as Manor Farm and Granary Barn to the west and a group of ex local authority dwellings to the east known as Eastfield. Eastfield is set out in a crescent layout which differs from the linear single depth ribbon form of residential development to the south of the B1257. The former Bentleys Garage and Malton Food site lie further to the south/south-west.

The site has a frontage of 96 metres to the B1257 with a depth which varies between 80 and 93 metres. The site levels generally fall from south to north and there are well established trees on the south and eastern boundaries with hedgerows elevated. The site has an overall area of 0.79 hectares (1.95 acres)

PROPOSAL:

The proposal seeks outline planning permission for 20 No. semi-detached dwellings and formation of vehicular access. The application as originally submitted sought approval for the reserved matters of access and landscaping to be considered. However during the processing of the application the applicant's agent has confirmed that they wish that the layout is also considered as part of the outline application.

The submitted plans show 8 No. two bedroomed dwellings; 8 No. three bedroomed dwellings and 4 No. four bedroomed dwellings equating to 25 dwellings/hectare. As Proposed the dwellings have gross floor areas of 75 sq m; 93 sq m and 110 sq m respectively.

During the processing of the application amended plans have been submitted to respond to comments received from the local Highway Authority and the Lead Local Planning Authority in relation to highway and surface water drainage concerns.

The application is accompanied by a number of technical reports including:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Ecological Assessment
- Archaeological Assessment
- Heritage Assessment
- Sustainable drainage report
- Phase 1 Desk top study report
- Noise Assessment

These can be viewed in full on the Council's website. Following responses a further noise report has been received.

HISTORY:

Ref 16/00294/MOUT. Erection of 6 two bed dwellings, 8 three bed dwellings and 3 four bed dwellings. Withdrawn.

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

POLICY:

National Policy

NPPF

NPPG

Local Planning Policy

Ryedale Plan Local Plan Strategy Adopted 2013

Ryedale Plan adopted 2002 – Saved Policies and Proposals Map

Emerging Local Plan Sites Document- publication stage reached October 2017 - submission for examination Spring 2018

The following policies contained in in 2013 Local Plan Strategy are considered to be relevant to the consideration of the current application.

Policy SP1 General Location and Distribution of Development

Policy SP2 Delivery and Distributions of New Housing

Policy SP3 Affordable Housing

Policy SP4 Type and Mix of New Housing

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP14 Biodiversity

Policy SP16 Design

Policy SP17 Managing Air Quality, Land and Water Resources

Policy SP19 Sustainable Development

Policy SP 20 Generic Development Management Issues

APPRAISAL:

The main considerations to be taken into account in respect of the consideration of this application are:

- Principle of development Landscape impact
- Impacts on trees
- Ecological matters
- Heritage impacts including Archaeology Highway safety matters
- Drainage Issues
- Design and layout issues
- Amenity considerations/Including Noise
- Other matters

Principle of development

The site is not allocated in the development plan for residential development. It is located in open countryside beyond the established development limit for the village. Amotherby is identified as a Service Village in the adopted Local Plan Strategy being a tertiary focus for growth in the development plan along with nine other Service Villages in Ryedale.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any application must be made in accordance with the development plan unless material considerations indicate otherwise.

Policies SP1 and SP2 set out the rationale for the general distribution of development and in particular the distribution of new housing in the plan period, including allocations of appropriate scale in and adjacent to the built up area. In this case the site is located to the north side of the B1257 in an open parcel of land between the main built up area of the village to the west and Eastfield further to the east. The B1257 is a significant barrier to the continuation of the village development limits which run further to the south of the 'B' road and which include the Malton Foods site.

In terms of the emerging plan the site has been submitted for consideration along with others (shown as site 635). However, the Council has indicated a desire to promote the selection of Site 148 immediately to the west of the main built up of the village because it is better located in relation to the built up area of the village, closer to the school with the potential to improve access into and out of the main village street.

The emerging plan is of course not yet adopted and is yet to be examined. However the decisions taken by the Council in October 2017 are a formal position which is set out at an advanced stage of the plan making process. Whilst the publication version of the Site's Document cannot be afforded full weight it is nevertheless a significant material consideration to be given weight in this decision making process. A decision to approve this application could be considered to be a prematurity issue i.e. a decision which is both premature and contrary to the emerging site's development plan.

Land supply position

Members will be aware that the five year land supply position has been calculated and trajectorised. The Council's land supply position is that there is currently a 6 year supply of available sites. This is a robust position and means that all of the policies in the development plan have full weight. The presumption in Para 4 of the NPPF is not therefore engaged and Members are at liberty to determine whether the benefits/material considerations of the scheme are sufficient to outweigh any harm identified as being contrary to the policies contained in the adopted Development plan.

Affordable housing is and has been recognised as a material consideration. It has been identified that the site would provide for 7 units of affordable housing on site. These are understood to be 7 of the two bed units which in principle are considered to be acceptable by the Council's Housing Specialists (People).

Two of the dwellings would be required to be Intermediate (Discount for sale) properties with the remainder for rent. All of the above would need to be the subject of a S106 legal agreement if permission was granted. This would be compliant with Policy SP3 of the Local Plan Strategy and is a benefit of the scheme.

Overall however taking into account the policies contained in the plan when read as a whole it is considered that there are clear cut policy objections to the submitted scheme which are not outweighed by the material considerations put toward by the applicant.

Landscape Impacts

The site is located to the north side of the B1257 east of the main part of the village. The site is immediately adjacent to the main road and is in a conspicuous location. The site is considered to form part of a significant open space between Amotherby and the adjacent village of Swindon. Aside from Eastfields, an outlier of former Local Authority housing, the general character of the countryside is one of open undeveloped farmland.

The site frontage is marked by an established hedgerows and mature boundary trees which are also a prominent feature locally in the street scene. Two of the frontage trees are proposed to be removed in order to make way for the estate road access into the site. The road would be constructed to adoptable standards and provides access to two rows of properties which are laid out parallel to the B1257.

The site levels fall away in a south north direction which in part results in the dwellings proposed to the rear of the site be less visible and partially screened by those dwellings proposed nearer to the site frontage. The development of the site as proposed would however result in a permanent change to the appearance of the site which is considered to be significantly detrimental to the visual amenity of the locality. In the light of this assessment the proposal is considered to be contrary to Policy SP 13 Landscapes and the character and form considerations of Policies SP16 and SP20.

Impact on trees

The run of significant trees on the site frontage include 7 Sycamore and 1 Ash, estimated to be between 80 & 100 years old. All have substantial Ivy growth. The proposed access would require the removal of two Sycamores which are category B and C in the submitted assessment document.

Ecology

There are no protected species recorded at the site. However the large trees and hedgerows provide for bat foraging and potential roost habitat. Trees to be felled would require further inspection and survey. However Biodiversity enhancements are proposed to include bat and bird roosts and nests into the development. Replacement of lost habitat is also proposed by additional planting if planning permission is granted. Appropriate conditions would need to be imposed to ensure that these are delivered as part of the development proposed.

Heritage Impacts

The application has been accompanied by a Heritage Statement and also further information in respect of archaeological matters.

The Councils Conservation Specialist has no objection in relation to the impact of the development on heritage assets near to the site and raises no objection.

NYCC Heritage Services have appraised both the geophysical survey and the results of a trial trenching report and note that there were no features or finds. As a result there are no further comments or requirements in respect of archaeological issues.

Highway Safety Matters

As discussed earlier in this report the site proposes an estate road onto the B1257 which serves as the point of access for all of the dwellings proposed. None of the dwellings have a direct vehicular access onto the main road. Each of the three and four bed dwellings are provided with at least two off road car spaces. The indicative layout shows also shows 16 communal spaces for the 8 two bed dwellings with a further 3 visitor spaces adjacent to the main spine road. The footpath running across the site frontage is proposed to be diverted into the site and provided at 2 metres in width. A detailed specification of the footpath construction would be required in order to make adequate provision for tree roots in this part of the site.

The latest road layout plan and revised soakaway calculations submitted on 24th November 2017 and show on drawing Number Hum/418/02/12K are considered by NYCC officers to be acceptable for both access and layout reserved matters as part of the outline permission that is being sought. If permission is granted conditions are recommended to include detailed plans of the roads and foot ways, provision of roads and foot ways prior to occupation of any of the dwellings, discharge of surface water, site construction access, pedestrian splays, detail and provision of access, parking and turning areas, construction management plan and garages to be retained and used for no other purpose.

Drainage

The application has been the subject of consultation with Yorkshire Water, the Environment Agency , the Lead Local Flood Authority and the local IDB.

In terms of foul water provision Yorkshire Water require a condition to be imposed to ensure that any surface water is not discharged to the foul sewer network. The Environmental Agency and Vale of Pickering IDB both have no objection to IDB noting that Sustainable drainage systems are to be used to deal with surface water from this site.

The Lead Local Flood Authority have confirmed that the application has provided rigorous information in respect of the design of its surface water management. This has included modelling for 1 in 30 and 1 in 100 year rainfall events with calculations including an allowance for 'urban creep'. A plan showing exceedance routes has also been submitted.

Design and Layout

The character of development to the north side of the B1257 (where it does exist in the vicinity of the site) shows development in depth rather than typically the more linear form of detached dwelling seen on the opposite (south) side of the B road. Eastfield is comprised of 14 properties which are either semi-detached or 'ink' semi-detached. Together they give the appearance of a relatively dense group of buildings which is reflected in the proposed layout plan. The application proposes twenty semi-detached properties of varying sizes and the mix is generally considered to be acceptable. The 8 two bed units are shown as two pairs of 'linked' semi-detached properties which has a terracing effect on the site's frontage. However this is considered to be similar in design approach to the adjacent Eastfields development in terms of its visual density.

The reserved matters of appearance and scale do not form part of this outline application. However on the basis of the submitted plans officers are confident that the outline proposal satisfies Policies SP4, SP16 and SP20 insofar as they relate to design and layout considerations.

Noise

As originally submitted the Noise Assessment was based on only one monitoring position on the western boundary of the site. At the one location the Council's Environmental Health Specialist considered that the monitoring failed to fully represent conditions on the whole site and particularly those dwellings on the site frontage which are most likely to be affected by road noise and the traffic and operations associated with the Malton Foods site opposite.

The results that were submitted also showed levels above the Councils required standards for internal noise limits for residential properties and also for external amenity spaces.

In response a further noise survey has been submitted and considered by the Councils Specialists. The supplementary noise assessment dated 24th November shows readings taken from a different location. These show greater noise attenuation however the report still shows exceedances in relation to internal noise levels when windows are partially open. The supplementary report also refers to the relocation of the houses further away from the road. There is lack of clarity and the results from both the revised and original assessment remain a concern. Based on the two Noise assessments the Specialists have concluded that they cannot support the proposal.

Other Matters

Designing out Crime

The Designing Out Crime Officer has assessed the outline application and made some advisory comments at this stage. In conclusion no objection is raised however a planning condition is recommended if outline planning permission is granted to detail the crime prevention measures to be incorporated into the development.

Third Party Comments

The Parish Council comments received are appended to this report in full for Members information. The initial comments were considered by officers to be unclear and the Parish letter of 14th September clarifies their support for the application.

The key issue in response to the Parish Councils comments relates to the matter of principle rather than to the detail of the scheme. In this case the Council has chosen an alternative 'preferred' site for the village for the reasons set out earlier in this appraisal section of this report, having applied the site selection methodology.

RECOMMENDATION: Refusal

- 1 The proposed development would result in a significant adverse effect on the form and character of the village of Amotherby beyond the identified settlement limits for the village as set out in the Ryedale Plan Local Plan Strategy adopted 2013. The development of this site would be detrimental to the character and appearance of the open countryside between the villages of Amotherby and Swinton to the detriment of the visual amenities of the locality. The proposal is therefore contrary to the requirements of Policies SP 13, SP 16 & SP 20 of the adopted development plan.
- 2 The proposed development would fail to make adequate provision for the amenities of the future occupiers of the dwellings proposed by virtue of excessive noise levels that would be likely to be experienced within the dwellings. The proposal is therefore contrary to this aspect of Policy SP 20 of the adopted Ryedale Plan Local Plan Strategy 2013.
- 3 The proposed development would not compliment the site allocation identified at the Service Villages to meet the outstanding housing requirements identification in the Publication of the Local Plan Site Document. Approval of this development would be in conflict with the emerging Local Plan Sites Document.

