

Item Number: 10
Application No: 19/00888/FUL
Parish: Sheriff Hutton Parish Council
Appn. Type: Full Application
Applicant: Mr Peter Weightman
Proposal: Erection of 2no. four bedroom detached dwellings with detached double garages together with formation of vehicular access and associated landscaping
Location: Land Rear Of Park View Finkle Street Sheriff Hutton North Yorkshire
Registration Date: 8 August 2019
8/13 Wk Expiry Date: 3 October 2019
Overall Expiry Date: 6 September 2019
Case Officer: Niamh Bonner **Ext:** Ext 43325

CONSULTATIONS:

Archaeology Section	
Yorkshire Water Land Use Planning	No comments
Foss Internal Drainage Board	Recommend conditions
Sheriff Hutton Parish Council	OBJECTS
Highways North Yorkshire	No objections

Neighbour responses: David A. Newman, Mr And Mrs Thompson, Nigel And Fiona Webb, Mr kieron morris, Mr Nick Blair,

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 proprieties 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:

This application seeks approval for the erection of 2no. four bedroom detached dwellings with detached double garages together with formation of vehicular access and associated landscaping.

This is an exact resubmission of the previously scheme approved by Planning Committee under 16/00435/FUL in August 2016.

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 eaves 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 palette of materials, brick under a pantile roof, is seeking to reflect other vernacular properties within Sheriff Hutton.

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

16/00435/FUL: Erection of 2no. four bedroom detached dwellings with detached double garages together with formation of vehicular access. Approved.

POLICIES:

Ryedale Plan - 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 Housing

Policy SP12 - Heritage

Policy SP14- Biodiversity

Policy SP16 - Design

Policy SP19 – Presumption in Favour of Sustainable Development

Policy SP20 – Generic Development Issues

Policy SP22- Planning Obligations, Developer Contributions and the Community Infrastructure Levy.

National Planning Policy Framework

National Planning Policy Guidance

REPRESENTATIONS:

A number of representations have been received in the light of this fresh submission and these are summarised below. It is not considered that any new material issues have been raised within these representations that were not fully considered within the previous report.

Members are advised that these are available to view in full on the planning file.

Principle

- Scale of properties not appropriate for the village's needs, given census data available
- The village needs starter homes

Access

- The plans are based on incorrect boundary assertions along the access route and therefore the proposed access could not be achieved. The access is not correctly plotted.
- The access is totally inadequate and the access from the busy main road a risk to safety
- The access is too narrow for such a development and for two cars to pass, difficulty for emergency/construction/service vehicles, with inadequate turning/passing places.
- The access is too narrow for such a development, inconsistent with building regulations
- The plans show 'toy cars'

Amenity

- Size and type of houses and garages are incompatible with surrounding properties, resulting in loss of privacy and daylighting issues
- The location of the access route adjacent to residential properties would give rise to noise, dust and fumes.
- The proposed 1.8m high close boarded boundary fence would deprive their garden of natural

- light and airflow. It would also be inappropriate, an eyesore and environmentally sterile.
- Impact upon privacy, from overlooking within one of the proposed dwellings of their back garden and ground floor rooms, exacerbated when hedgerow is not in leaf
- Impact upon amenity was ‘played down’ in previous application when presented to planning Committee, failing to appreciate the level of impact of the loss of peace and privacy.
- The garaging will be intrusive

Other issues

- Inaccuracy of plans – not compatible with onsite situation
- Surface water on site is poorly drained with areas of standing water, causing off site flooding the proposal and associated earthworks is likely to worsen the situation
- Request RDC Planning Committee come to site to fully consider proposal before making a decision.
- Replacement of fence panels incomplete
- Loss of a rich ecological environment, detrimental to character of village
- If this is designated agricultural land, why was planning permission granted last time
- Loss of views of Sheriff Hutton Castle
- Loss of views of open space
- Loss of hedgerows, the retention of hedgerows appears incompatible with proposed site access and the landscaping shown on the site plan
- The area has not been maintained, damaging boundaries

Statutory Representations:

The Parish Council maintain their objection noting the following: *“No attempt has been made to alleviate any of the concerns raised in the previous application; over development of the area, since the last application was approved Sheriff Hutton has seen an overfill of large, expensive houses; inappropriate larger type of houses proposed which would be unlikely to attract families into the village or those needing to downsize; the scale of the proposed houses is intrusive; the access of the proposed location, with visibility towards Sheriff Hutton limited by a bend in the road; the width of the access road is unacceptable and inaccurate on the plans submitted; the limiting capacity of the existing water and drainage systems. The recent incidents of flooding and standing water have been experienced by the adjacent residents and this has been exacerbated by recent climate changes; the ecological impact of replacing existing natural boundary hedging with fencing; concerns surrounding the existing medieval ridge and furrow field system; the development would have a material adverse impact on the amenity of the present occupants of neighbouring land, including a loss of privacy to existing houses.”*

The Building Conservation Officer confirmed no objection and confirmed she concurred with the appraisal of the setting of Sheriff Hutton Castle undertaken by the previous Case Officer.

North Yorkshire Highways confirm no objection and requests that their original conditions are reattached.

Yorkshire Water confirm no objection.

The Internal Drainage Board recommend conditions.

APPRAISAL:

As noted, this application is a resubmission of the previous approved application 16/00435/FUL for ‘Erection of 2no. four bedroom detached dwellings with detached double garages together with formation of vehicular access.’

This was approved by the Planning Committee and a decision notice was issued on the 5th September 2016. Condition 1 of this permission indicated that the development must commence before 4th September 2019 (the standard time limit condition) and the permission has therefore lapsed. No discharge of conditions application was submitted for the previous scheme.

The scheme currently submitted is identical to that previously submitted and there have been no significant changes to local or national planning policy in the interim period that would be relevant in the consideration of this scheme.

As highlighted above, there have been no objections raised by North Yorkshire Highways nor the Internal Drainage Board who have both recommended conditions. North Yorkshire Archaeology have verbally confirmed that the originally recommended condition in relation to archaeological mitigation should be reattached. The Council's Building Conservation Officer and Yorkshire Water have both offered a response of no objection. The Council's Countryside Officer had recommended a condition in respect of the previous application in relation to conformity with the Ecological measures contained within the survey. This will be updated to reflect the current survey.

This application is therefore submitted to Member's with an Officer's recommendation for approval. The previous Officer report which fully appraises the proposed development is appended for ease of reference.

Updates on current scheme;

In response to the issue over raised over land ownership, highlighted within the Representations Section below, Member's are advised that as per the Agent's original comments detailed within the original report. The Planning Agent was contacted in respect of this application to confirm their position and they noted in an email dated 26th September 2019 *"In respect of the third party concerns regarding the onsite boundary positions shown on the drawings, you are correct that this is a civil matter and not one which would be a material consideration in the determination of the application. Indeed, this point was made by Gary Housden at the Planning Committee which considered and approved the previous application permission.*

As such we can confirm that the drawings are accurate as they are based on a topographical survey and land registry title plans. I attach a copy of the latter for your information and we can confirm that there has been no challenge to the registration."

Issues of land ownership are not material in the determination of planning applications and are a separate civil matter between landowners. Should this effect whether a proposal can be undertaken is not a material consideration in which the Local Planning Authority can become involved.

Furthermore, the future assessment of any proposal under Building Regulations also cannot be considered in the determination of this application as these are also not a material planning consideration.

An new Extended Phase 1 Ecological survey has also been submitted as an evidence base for this application. In line with the 2016 survey this notes that there are no ecological constraints in relation to wildlife, but identifies a species rich hedge along the western boundary and highlights that the site is suitable for nesting birds. The Agent was contacted by the Case Officer following review of the indicative landscaping information as illustrated on the site plan, where it appears that parts of hedgerow may be removed from the western boundary. The Case Officer noted that whilst this aspect was originally to be dealt with by precommencement conditions (no. 6,7 and 8) whether it could be confirmed if this could be retained in advance of a decision. The Agent confirmed in response "In terms of the western boundary and indeed all the boundaries of the site, it would be intention to retain where possible the existing hedgerows. This has already been covered by condition 07 of the previous planning approval ref 16/00435/FUL and we would be content for this condition to be repeated in any further planning permission." It is considered that the reattachment of the original conditions will therefore provide appropriate protection to the existing hedgerow.

Conclusion:

The previous conditions will be reattached and updated where necessary. Therefore, following consideration of the submitted plans and the appraisal undertaken within the previous submission, together with the updated appraisal above, it is considered that the proposal continues to be in

conformity with Policies SP1, SP2, SP3, SP4, SP12, SP14, SP16, SP20 and SP22 of the Ryedale Plan, Local Plan Strategy, together with the requirements of the National Planning Policy Framework.

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 The development hereby permitted shall be carried out in accordance with the following approved plan(s):
Drawing Number 15:15:03 P02 Site Plan
Drawing Number 15: 14:07 P01 Double Garage plan and Elevations
Drawing Number 15: 15:09 P01 Street Scene
Drawing Number 15: 14:04 P01 Ground Floor Plan
Drawing Number 15: 15: 05 P01 First Floor Plan
Drawing Number 15:15:06 P01 Elevations
Drawing Number 001 P00 Location Plan
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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 all materials to be used on the exterior of the building the subject of this permission, including the roof materials shall be submitted to and approved in writing by the Local Planning Authority.
(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)
Reason: In the interests of good design and in compliance with Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF.
- 4 Prior to the commencement of the development hereby approved, precise details of any external lighting including the location type and the affixation method shall be submitted to and approved in writing by the Local Planning Authority and there after any lighting shall be carried out in accordance with the approved scheme.
Reason: In the interests of good design and in compliance with Policy SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF.
- 5 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details of all external joinery including garage doors, doors and windows, including means of opening, depth of reveal and external finish (1:10 scale) shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of good design and in compliance with Policy SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF.
- 6 Before the commencement of development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed boundary treatment, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. This should be carried out for the whole of the site as indicated by the red line plan on drawing reference 001 P00. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority and maintained as such thereafter.
Reason: To ensure that the development does not prejudice the enjoyment by the

neighbouring occupiers of their properties or the appearance of the locality.

- 7 The boundary hedges/trees surrounding the application site shall be protected by the erection of 1.8m high weld mesh fencing set a minimum 1.0m from the edge of each hedge, supported on scaffolding posts driven into firm ground and extending along the whole of the boundary of the site.
Reason: to ensure that the hedges/trees along the boundaries which serve to screen the development and to preserve residential amenity are not damaged as a consequence of development, and in compliance with Policy SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 8 Before the development hereby permitted is commenced, details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary scheme shall be carried out in its entirety prior to the first occupation of the 2 No. dwelling houses or such longer period as may be agreed in writing with the Local Planning Authority.
Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.
- 9 During the construction of the development hereby approved traffic movement to and from the site should be kept to a minimum. No deliveries will be made outside of the hours of;
8 am to 6 pm Monday to Friday
8 am to 1 pm Saturdays
There will be no deliveries on Sundays, Public Holidays and Bank Holidays.
Reason: In the interest of preserving the neighbouring properties residential amenity
- 10 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:
a. The existing access shall be improved by widening and upgrading of construction specification in accordance with approved drawing number 15:15 :03 Rev. P02 and standard detail No. DC/E9A
b. 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.
c. The final surfacing of any private access within 10 metres of the public highways 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
You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
Reason:- In accordance with Policy SP20 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.
- 11 There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 10 metres into the site from the carriageway on the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number DC/E9A and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local

Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.
Reason:- In accordance with Policy SP20 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. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Road and Private Street Works' published by North Yorkshire County Council, the Highway Authority is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

- 12 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 15:15:03 Ref P02. 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 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.
- 13 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 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.
- 14 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 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 15 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. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.
Reason:- In accordance with Policy SP20 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.
- 16 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:

- o Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- o Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- o Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- o Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- o A 30% allowance for climate change should be included in all calculations.
- o A range of durations should be used to establish the worst-case scenario.
- o 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.

- 17 The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority.

If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason: To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

- 18 All ecological protection and enhancements measures and works shall be carried out in accordance with the details contained in Sections 8 and 9 of the Extended Phase 1 Survey for Finkle Street, Sheriff Hutton (Wold Ecology July 2019).

Reason: in conformity with the aims of SP14 of the Ryedale Plan - Local Plan Strategy and the NPPF

- 19 Condition (A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan - Local Plan

Strategy as the site is of archaeological interest.

- 20 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan - Local Plan Strategy as the site is of archaeological interest.
- 21 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan - Local Plan Strategy as the site is of archaeological interest.
- 22 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:
Class A: Enlargement, improvement or alteration of a dwellinghouse
Class B: Roof alteration to enlarge a dwellinghouse
Class C: Any other alteration to the roof of a dwellinghouse
Class D: Erection or construction of a domestic external porch
Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure
Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).
- 23 No development shall commence on site until further details of finished ground floor levels in relation to a measurable datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved levels details.
Reason: To ensure that the appearance of the area is not prejudiced and to satisfy Policy SP16 and SP20 of the Ryedale Local Plan.
- 24 Prior to the commencement of the development hereby approved, details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of good design and in compliance with Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF.

INFORMATIVE(S)

- 1 The developer's attention should be drawn to the requirement of the above conditions in particular the requirements of Condition 09.
- 2 Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

