

Parish: Sutton-on-the-Forest

Ward: Huby

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Committee date: Thursday 8th April 2019

Officer dealing: Miss Charlotte Cornforth

Target date: Monday 8th April 2019

18/02526/FUL

Construction of a single-storey detached dwelling

At Land at the rear of Oakdene, Skates Lane, Sutton on the Forest

For Mr & Mrs Warren

This application is referred to Planning Committee as the application is a departure from the Development Plan and at the request of a Councillor

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The dwelling of Oakdene is located on the north side of Skates Lane (between the villages of Huby and Sutton on the Forest) and consists of a long, narrow plot that extends to 0.375 hectares (about 0.9 acres). The site is located outside of any defined Development Limits. Skates Lane comprises of 20 dwellings.
- 1.2 The main dwelling of Oakdene fronts Skates Lane and the vehicular access runs to the west of the dwelling. There is vegetable patch located to the west of the access and an outbuilding at the rear of the site.
- 1.3 The outbuilding appears to be structurally unsound and is constructed in various materials including asbestos and timber. The outbuilding has previously been used to store agricultural machinery and a workshop and is currently used to store garden equipment in association with the main dwelling of Oakdene.
- 1.4 To the west of the site is Patchwork Children's Daycare Nursery and to the east is the paddock area used by the occupiers of Southlands. To the north, the paddock area continues before reaching open fields beyond. The character of the area is residential with dwellings front onto Skates Lane, with domestic curtilages to the front and rear and paddocks with some outbuildings beyond. The plots are relatively linear and narrow but extend some way to the north.
- 1.5 The site is not located within a Conservation Area or Area of Outstanding Natural Beauty, nor is located close to a Heritage Asset.
- 1.6 The proposal seeks the construction of a single storey dwelling, with 2 bedrooms on the site of the outbuilding. The dwelling will be occupied by the applicant's mother, who currently lives in the main dwelling of Oakdene. Oakdene will then be able to be occupied by the applicant's son who works on the nearby farm of Tall Oaks, Huby and currently resides there with his brother and their partners.
- 1.7 The footprint of the current outbuilding is 154sqm with an attached open store being an additional 50sqm. The proposed dwelling will have a floor area of 112sqm with an additional 8sqm for the store and meets the Nationally Described Space Standards for a two bedroom bungalow. A new 1.8 metre close boarded fence is proposed on the boundary between the site and the Children's Daycare Nursery. The existing boundary hedges and trees are to be retained.
- 1.8 The dwelling will be linear in form, with a pitched roof and be constructed from a mixture of timber, render and slate. The Nursery building is block rendered and

painted. The design incorporates large windows to the eastern elevation, with the north elevation having a glazing façade.

1.9 The existing access for Oakdene is to be used for the new dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 18/01692/FUL - Demolition of existing outbuilding and construction of a two bed-roomed annexe, attached single garage and associated parking and turning area; Planning permission refused 13.11.2018.

The reason for refusal stated:

“The proposed detached annexe does not have any significant dependency on the main dwelling of Oakdene for the detached building to qualify as an annexe. The building is tantamount to a dwelling in its own right, with no sharing of residential facilities, only the access drive is shared. The proposal fails to comply with Local Development Framework Policies CP1 and CP4 and the adopted Domestic Extensions SPD.”

Members should note that this application is the same scheme in terms of footprint, design and floor space as the refused scheme for the detached annexe.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP3 – Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 – Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP6 – Utilities and infrastructure
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP28 – Conservation
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP31 - Protecting natural resources: biodiversity and nature conservation
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework
Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Sutton on the Forest Parish Council – no response received to date (consultation expires on the 6th January 2019).
- 4.2 NYCC Highways – no objection to the proposal.
- 4.3 Yorkshire Water – Based on the information submitted (foul only to public foul sewer, surface water to soakaway), no observation comments are required from Yorkshire Water
- 4.4 RAF Linton on Ouse – no safeguarding objection to the proposal.
- 4.5 Contaminated Land Officer – There applicant/agent has not identified any potential sources of contamination on the form with the exception of asbestos containing materials within buildings on the site. Managing and working with asbestos during demolition and construction is regulated by the Health and Safety Executive (HSE) and the applicant will need to comply with the Control of Asbestos Regulations 2012.
- 4.6 Environmental Health - The proposed development, if approved, will be in close proximity to an established child daycare facility, Patchwork Children's Daycare. There are concerns that noise from children's outdoor play and vehicle movements may impact on the amenity of the proposed dwelling given the current separation distance of approximately 10 metres.

The current minimum separation distance between the daycare facility building and existing residential dwellings on Skates Lane is approximately 60 metres. To date, the Council's Environmental Health Service has not received any complaints of noise from the facility and it is reasonable to suggest that the existing separation distance is a contributing factor to the lack of complaints. The introduction of a noise sensitive receptor at approximately 10 metre distance would mean the potential for complaints is likely to increase.

If complaints are received then the Council's Environmental Health Service would be required to investigate under statutory nuisance legislation, however, given existing case law it would be difficult to place any controls or restrictions on the normal day-to-day use of the childcare facility.

Whilst the Environmental Health Service does not object to the scheme, the service would highlight the potential for loss of amenity due to noise and therefore recommends that consideration be given to moving the location of the proposal closer to the existing residential dwellings to minimise any adverse impact from the existing childcare facility.

- 4.7 Public comments – 3 letters of support have been received from the neighbours (Southlands and Fair View) and the owner of Patchwork Children's Daycare Nursery. A summary of the letters of support are:
- Improved use of the space
 - No impact upon the surroundings
 - It will provide a smaller, affordable home in the area and allow for downsizing
 - Oakdene will ensure that suitable housing remains available for future generations of farming families
 - (Patchwork Children's Daycare Nursery owner) the 1.8 metre boundary fence ensures that the Nursery remains private
 - The current building has become unsightly and unsafe with broken windows
 - The new dwelling and boundary fence will present a more attractive boundary

- There will be occasions when there will be noise from children playing in the garden/play area behind the premises and traffic movement and the applicant should have considered these factors to satisfy their enjoyment of the new dwelling

5.0 ANALYSIS

5.1 The main issues to consider are:

(i) the principle of development; (ii) housing, size, type and tenure; (iii) the impact upon the character and appearance of the area; (iv) design; (v) residential amenity; (vi) ecology (vii) highway safety; (viii) flood risk and drainage and; (ix) land contamination.

The principle of development

5.2 The site falls outside of Development Limits of Huby and Sutton on the Forest, Policy CP4 states that all development should normally be within the Development Limits of settlements, subject to limited exceptions. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan.

5.3 However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). The National Planning Policy Framework (NPPF) states, in paragraph 78, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."

5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets ALL of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies

5.5 In the 2014 Settlement Hierarchy contained within the IPG, Huby is defined as a Service Village and Sutton on the Forest is a Secondary Village. This area of Skates Lane comprises of 20 dwellings that are within walking distance of the 2 villages. There is a footpath on the northern side of Skates Lane that links the application site to both villages.

5.6 Opposite the application site, is a bus stop that provides bus links to Crayke Easingwold, Huby, Sutton on the Forest, Wigginton, York Hospital and York City Centre (Service Number 40) that runs on an hourly basis through the week and

weekends and thus allowing residents to visit local services and further afield and therefore are not permanently reliant on a private car.

- 5.7 In light of the above, it is considered that the site is located within a sustainable location for development; the site is not immediately abutting a settlement but it is not remote either when combined with the existing 19 dwellings along Skates Lane,
- 5.8 Although the site is not immediately abutting the Development Limits of a settlement in the hierarchy the proposed new dwelling can satisfy criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.

Housing size, type and tenure

- 5.9 The proposal provides a two bedroom bungalow for the needs of the intended occupier. The proposed dwelling will have a floor that meets the Nationally Described Space Standards. There is a shortage of bungalows across the District and the provision of one in this case is welcomed.

Impact upon the character and appearance of the area

- 5.10 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for one dwelling under this guidance and it is therefore considered small in scale.
- 5.11 In terms of reflecting the existing built form and character of the village, the application site is a long, narrow plot with an existing outbuilding. The outbuilding has previously been used to store agricultural machinery and a workshop. It is currently used to store garden equipment and currently forms part of paddock area beyond the domestic curtilage of Oakdene.
- 5.12 The following detailed advice within the IPG is considered to be relevant:

Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this.

Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside.

- 5.13 This part of Sutton on the Forest "Skates Lane" traditionally has all its properties fronting onto the Skates Lane and with no examples of back land residential development. There are domestic curtilages to the front and rear of the dwellings, with paddocks and some outbuildings beyond. The plots are relatively linear and narrow but extend some way to the north.
- 5.14 There are no other residential dwellings to the rear of the dwellings that front onto Skates Lane. However, there are a variety of other buildings to the rear of the dwellings, including other outbuildings, sheds, and buildings, including most significantly the Children's Daycare Nursery immediately adjoining the site.
- 5.15 The proposed development of a residential dwelling would produce a second row of development behind the existing frontage properties, which would be out of character with the existing built form and character of the area.
- 5.16 Criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. By virtue of the siting of the proposed

dwelling and the landscape features that are to be retained, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment. There is no recorded heritage or ecological interest in the site.

- 5.17 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.18 The proposed new dwelling will be located on the footprint of an outbuilding. Notably, there is a difference in character of an agricultural outbuilding compared to a new build dwelling built of render and slate.
- 5.19 There will be use of some timber within the new build and the current outbuilding is in state of disrepair. The dwelling is a smaller footprint compared to the existing outbuilding, it will be single storey and not encroach further north within the paddock and open countryside to the north. However, the submitted red line boundary that is assumed to be domestic curtilage in association with the new dwelling does extend to the full extent of the paddock. This area is likely to have domestic-like structures and equipment which will change the character of the paddock. However, it will not extend further north into the open countryside.
- 5.20 On balance, the proposal will not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements in accordance with Development Policy DP30 (Protecting the character and appearance of the countryside).

Design

- 5.21 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.22 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.23 The design of the proposed dwelling is linear in form with pitched roof. It will be single storey and will be constructed of a mixture of render, timber and stone to preserve the character and appearance of this semi-rural location and is considered high in quality.

Residential amenity

- 5.24 Development Policy DP1 (Protecting amenity) states that all development proposal must protect amenity and make provision for basic amenity needs of occupiers of new dwellings and neighbours.
- 5.25 Due to the separations distances between the application site and neighbouring dwellings, the dwelling being single storey, the location of the proposed windows and the 1.8 metre close boarded fence on the western boundary between the site and the Patchwork Children's Daycare Nursery, the proposed new dwelling will not prejudice residential amenity by being overbearing in presence, and would not cause a loss of light or loss of privacy.

- 5.26 The comments from Environmental Health are noted in terms of the activity associated with Patchwork Children's Daycare Nursery and proximity to the application site. However, it is considered that with this activity being during the day time and would not be expected to occur on a weekend, a reason for refusal on the grounds of impact upon the amenity of the occupier of the new dwelling could not be substantiated in this case.
- 5.27 The site is considered capable of providing adequate private amenity space for the proposed dwelling. There is adequate bin storage within curtilage. It is considered that the proposal will protect neighbour amenity in accordance with Development Policy DP1 (Protecting amenity).

Ecology

- 5.28 The application has been accompanied by a Bat, Breeding Bird and Barn Owl Scoping Survey by MAB Environment & Ecology Ltd dated June 2018. The survey states that there was no evidence of any bat usage. The building and adjoining lean-to offer negligible bat roosting habitat; the timber walls and well-sealed asbestos roof provide no crevices suitable for roosting. There was no evidence of use by void dwelling bats, such as bat droppings or feeding remains, despite the space being dry and undisturbed.
- 5.29 There is evidence of use by nesting birds. It is recommended that construction work be undertaken at a time when the birds will not be disturbed, or otherwise a check should be undertaken directly prior to construction. There is no evidence of use by barn owl.
- 5.30 The proposal is considered to not harm protected species or their habitats if the constructed works are undertaken at a time when the birds will not be disturbed in accordance with Development Policy DP31 (Protecting natural resources: biodiversity and nature conservation).

Highway safety

- 5.31 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. Development Policy DP3 (Site accessibility) advises that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.
- 5.32 Access to the dwelling will be taken directly from Skates Lane. Access from this road already exists for the dwelling of Oakdene and to the outbuilding to the rear, with the in curtilage road already being in place. There are 2 car parking spaces shown, with a turning area as well as a garage space all within the curtilage of the site. As stated previously, there is a bus stop opposite the application that provides sustainable forms of transport as well as the site being within walking distance of the villages of Huby and Sutton on the Forest where there are local services.
- 5.33 The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. It is considered that the proposal will not be detrimental to highway safety and meets the IPG criteria and LDF policies.

Flood risk and drainage

- 5.34 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.

Foul drainage would be disposed of via the mains and surface water via a soakaway. There is no evidence to suggest that the demands on the infrastructure of the local area arising from the development (in respect of drainage) would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the area.

- 5.35 It is considered that the proposal will not have a seriously harmful impact on the existing systems or worsen the systems in accordance with Development Policy DP6 (Utilities and infrastructure).

Land contamination

- 5.36 The application has been accompanied by a Preliminary Assessment of Land Contamination (PALC). The Scientific Officer has assessed PALC form submitted in support of the application. It does not identify any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low. This was with the exception of asbestos containing materials within buildings on the site. Managing and working with asbestos during demolition and construction is regulated by the Health and Safety Executive (HSE) and the applicant will need to comply with the Control of Asbestos Regulations 2012.

Planning balance

- 5.37 Consideration has been given to the benefits of providing an additional home, the social and economic gains that can be derived from new housing. This is to be weighed against the harm to the environment as set out above. The Council has a supply of land for housing that meets the housing requirements for a period in excess of 8 years; this is a substantial buffer beyond the 5 year housing land requirement. Little weight can therefore be given to the benefit of providing additional housing land.
- 5.37 The proposed development of a residential dwelling would produce a second row of development behind the existing frontage properties, which would be out of character with the existing built form and character of the area, this is an environmental harm. It is considered that the substantial environmental harm outweighs the limited benefits.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason(s):
1. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the area as required by the Council's Interim Policy Guidance. The proposal also fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9, the Council's Interim Planning Guidance (2015) and the advice within the NPPF.