

Parish: Sutton-on-the-Forest
Ward: Huby
12

Committee Date:
Officer dealing: Mr Tim Wood
Target Date: 30 July 2018
Date of extension of time (if agreed): 8 April 2019

18/00916/FUL

Construction of five dwellings including garage provision and associated landscaping and private gardens as per amended plans received by Hambleton District Council 20th February 2019.

**at Land To The South And East Of Lynne House Carr Lane Sutton On The Forest North Yorkshire
for Mr Myers.**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is currently an open field on the eastern end of the Secondary Village of Sutton on the Forest, bounded by mature native species hedgerow.
- 1.2 The site is located to the south of a dwelling, Lynne Court, north of Manor House and opposite modern housing of mixed forms of single and two storey semi-detached and detached homes behind front gardens with hedges and low walls that have a sub-urban character that contrast the character of the older houses on Main Street that sit behind a grass verge close to the street, and in a form that is highly enclosed.
- 1.3 Full planning permission is sought for the construction of
One 2 bedroom two storey dwelling (plot 2, 87sqm)
Two 3 bedroom two storey dwellings (plot 3 and plot 4, both 136sqm)
One 4 bedroom two storey dwelling (plot 5, 152sqm) with attached double garage,
One 5 bedroom two storey dwelling (plot 1, 186sqm) with attached double garage
- 1.4 The dwellings all exceed the minimum sizes set out in the Nationally Described Space Standards. Each dwelling is shown to have at least 2 surface parking spaces either alongside or to the rear of the dwellings accessed via a private drive or shared private drive. Alongside, or to the rear of, each dwelling is shown to be an air source heat pump.
- 1.5 A field access is shown to be formed to the land to the east through the rear of the private drive. To the south of the proposal an area shown to be within the same ownership is noted to be a 'retained orchard' leaving a space between the development and Manor House and the five dwellings at Manor Court formed by conversion of buildings that stand to the rear (east) of Manor House.
- 1.6 Much of the village of Sutton on the Forest is defined as a Conservation Area, the boundary of the Conservation Area is to the north of the application site extending to the northern boundary of the neighbouring dwelling Lynne Court and excluding the modern residential development on Carr Lane. The application site is viewed mainly in the context of Carr Lane dwellings the unlisted Manor House to the south.
- 1.7 The proposals are for substantial two storey buildings of brick with clay tile roofs.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

- 2.1 There is no relevant planning or enforcement history regarding the site.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Sutton on the Forest Parish Council – The Parish Council have already made clear our opposition to this proposal in our earlier consultation response. What appears from the amended plans to be a reduction from the original 10 houses to simply 5 dwellings with Carr Lane frontages does not address our previous concern. The proposal remains contrary to the development plan. It is a proposal for residential development in open countryside, beyond the existing development envelope of the village. The amended drawing continues to have access through to the field beyond illustrating we believe a clear intent to establish a much larger development in the open field beyond when market conditions permit. Both the current proposal, as amended, and any possible future extension would change the nature of the village bringing increased pressure onto the Carr Lane infrastructure.

Carr Lane is a bus route and is used by large vehicles accessing the industrial and commercial areas to the south. The proposal would encourage street front parking to the detriment of road safety. There is no indication in the submitted plans of improved pedestrian access along the east side of Carr Lane or of landscaping to protect the outlook from those houses to the west. The houses on Carr Lane are presently blighted by flooding from poor drainage infrastructure with clear indications from Yorkshire Water of the need for major upgrading work. The proposed new speculative development proposals would exacerbate this problem.

The Parish Council supported the District Council's Local Development Plan proposal for the residential development of this land as part of the planned modest expansion of the village to meet housing need in the next plan period. Such a proposal was however not without opposition which we consider required to be properly considered by examination of the draft plan, where the many issues of infrastructure shortfall, safe access and measures to retain the character and appearance of the village could be considered in detail. The amended proposal by increasing the proportion of larger 'executive' style larger homes fails to address the need for smaller dwellings resulting in in-migration of those seeking country living rather than addressing the

regenerative needs of the existing village community to retain younger people and encourage older residents desire to downsize from larger houses.

The current attempted pre-emptive strike, albeit reduced to a proposal for only 5 dwelling houses, does not meet these concerns and is therefore premature. The Parish Council therefore maintains its earlier objection and requests that this proposal be rejected.

4.2 NYCC Local Highway Authority – no objection, subject to conditions.

4.3 Yorkshire Water –no objection in principle to:

- 1) The proposed separate systems of drainage on site and off site
- 2) The proposed amount of domestic foul water to be discharged to the public foul sewer
- 3) The proposed amount of curtilage surface water to be discharged to the public surface water sewer at a restricted rate of 3 (three) litres/second (the submitted Drainage Strategy demonstrates that sub-soil conditions are unsuitable for soakaway and the site is remote from watercourse).
- 4) The proposed points of discharge of foul and surface water to the respective public sewers submitted on drawing 17584 C-50 (revision -) dated March 2018 prepared by Topping Engineers.

4.4 Environmental Health (Contaminated Land) – the Phase 1 Desk Top Study and Coal Mining Risk Assessment Report (ARC Environmental, report 17-1055, March 2018) submitted by the developer. The report does not identify any significant potential contamination risks on site, however given the proposed residential end use with private gardens and landscaped areas, a Phase 2 site investigation with soil sampling and analysis is recommended.

Recommendations for further site investigation are supported to ensure safe development of the site and to protect human health and the environment:

4.5 NYCC Heritage Services (Archaeology) - the results of the geophysical survey indicate that the site has a low archaeological potential. Due to this result and the reduced size of the development, it is unlikely there will be an impact on archaeological remains and no objection is therefore made on the application.

4.6 Site notice and neighbours – 16 letters of objection have been received in total with 6 comments made about the revised scheme. A summary of the comments and concerns are:

Sewage disposal and incidence of sewage flooding near the bus stop - the sewer needs an upgrade

There is rig and furrow in the field that has been pasture for more than 50 years

Traffic level and speed on Carr Lane

Materials need to respect the village character

No bungalows are proposed

No smaller dwellings are proposed to meet the needs of residents

No single storey dwellings to meet the needs of residents

Footways should extend from the site to Moor End and extend the network

Further development will follow on land to the east

Tree planting is required to compensate for the loss of a large oak tree on the site, remaining trees should be protected for wildlife and screening

5.0 ANALYSIS:

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village (iii) design; (iv) heritage assets; (v) residential amenity; (vi) highway safety including pedestrian access (vii) drainage issues and (viii) land contamination.

Principle

- 5.2 The site falls outside the Development Limits of Sutton on the Forest. Policy CP4 states that all development should normally be within the Development Limits of settlements. ##position of dl's####
- 5.3 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. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development 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.
- 5.6 In the settlement hierarchy of the LDF and as contained within the updated hierarchy adopted alongside the IPG, Sutton on the Forest is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.7 There are a range of services in the village of Sutton on the Forest, most significantly a primary school, village hall, public house and church. The village is served by hourly buses that run between York and Easingwold.

- 5.8 It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Character and appearance

- 5.9 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 a 5 dwellings and whilst making a significant change to the character of part of Carr Lane would not dominate the character of the village, it is therefore considered small in scale as the IPG refers to small scale comprising up to five dwellings.
- 5.10 The site layout shows dwellings that are set back just a small distance from Carr Lane and is different from those dwellings opposite that have front gardens, the layout echoes the form on Main Street with a mix of detached and linked properties close to the roadside.
- 5.11 The proposal shows the retention (or replanting) of a boundary hedge along the frontage with two access points and thereby avoids a repeat of the form opposite that has a separate access for each property. The detailing of the dwellings are relatively simple and appropriate achieving subtle variation of eaves and ridge heights. It is considered that the scheme reflects but does not slavishly follow the character of the village and meets the requirements of criterion 2 of the IPG.
- 5.12 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The heritage assets will be considered in the next section of the report.

Natural and built environment

- 5.13 The application site relates to the development of a field with some trees. There is no record of any special features within the site. The land at Moor End, to the south of Manor House, is a Site of Importance for Nature Conservation (SINC) and is mapped as such under LDF Policy DP31. The proposal has no connection with the SINC as the drainage is proposed to be achieved by sewers for both foul sewage and attenuated surface water flows. The retention of the boundary hedge on the front of the application site is considered by officers to be important as the maintenance as a green corridor along Carr Lane

Heritage assets

- 5.14 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 193-196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. In assessing the proposal considerable importance and weight has been given to the desirability of preserving and enhance the character and appearance of the heritage asset in assessing the proposal.
- 5.15 There are no Listed Buildings within or adjoining the site. The nearest Listed Building is Foresters Cottage on Main Street and about 290 metres from the application site and screened by the many intervening buildings on Carr Lane, Harland Close and Main Street. The Sutton on the Forest Conservation Area is about 40 metres to the north of the application site and there is potential for the development of the site to harm the significance of this heritage asset. The character of the Conservation Area is defined by the Main Street properties of dwellings with gardens to the rear, the Parish Church and dwelling and grounds of the of Grade I Listed Sutton Park.

- 5.16 The intervening space between the site and the boundary of the Conservation Area is occupied by the garden of Lynne Court, Lynne Court is outside the Conservation Area. The garden of Lynne Court is bounded by walls and hedgerow with ornamental garden trees. As noted above the character of the development on Carr Lane differs from that on Main Street that is included within the Conservation Area. The Conservation Area does not include agricultural land with hedgerow boundaries of the type at the application site and the change of that landscape to a built form will not directly harm the character of the Conservation Area. The development will not result in a significant change to the character of the setting of the Conservation Area due to the existing sub-urban pattern of development on Carr Lane.
- 5.17 By virtue of the siting of the proposed dwellings and the landscape features that are to be retained and the additional planting proposed, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment and specifically will not result in harm to the character of the Conservation Area and meets the requirements of the third criterion of the IPG.

Countryside impact

- 5.18 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. The development site agricultural land adjacent to dwellings in the village and will result in the development beyond Development Limits, and by definition within the countryside. However, the scheme will not result in a detrimental impact on the openness of the countryside, when viewed from the countryside, as the site is enclosed by development close to the north, south and west. The increased enclosure of Carr Lane will not harm the open character of the countryside and will not lead to coalescence of settlements. The proposal is therefore acceptable under criterion 4.

Infrastructure capacity - highway safety and drainage

- 5.19 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The site has good access to Carr Lane which has the capacity to accommodate the level of growth arising from the development of 5 dwellings. As noted previously there are public transport facilities from the village which passes the site. There is no footpath existing or proposed on the east side of Carr Lane, there is a path on the west side of Carr Lane that links to the rest of the village. It is considered on balance that the footway on the west side of the road provides an appropriate route for pedestrians and that there is no justification to require the provision of a path on the east side of the road.
- 5.20 The proposed development relates to a sustainable location, benefitting from good accessibility to local services by alternative modes of transport and would have a minimal impact on the highway network. There is no evidence to suggest that the development would cause harm to highway safety.
- 5.21 Foul drainage and surface water drainage are both proposed to be achieved by the use of a public sewer. The ground conditions are noted to be unsuitable for the use of soakaways. Attenuation of surface water flows will be required and can be conditioned on any approval. Subject to the works required to achieve attenuated flows and notwithstanding the concerns about foul sewage discharges noted by the representations of neighbours, which are pre-existing issues that are not relevant to the consideration of this application, the proposal is considered to meet the requirements of the LDF policies.

Land contamination

- 5.22 The results of survey work record no significant potential land contamination risks. The sensitivity of a residential end use justifies additional survey work to ensure that the development is safe, conditions can be used to achieve this aim.

Design

- 5.23 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."

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.

The submitted drawings show a development that differs from the properties opposite but that have a form that is sympathetic to the vernacular of Sutton on the Forest and surrounding villages. The scale of the buildings whilst relatively large in floor area are not disproportionate large and the materials are noted to be 'quality brick' and 'quality natural tile/slate'.

In light of the above, it is considered that the proposed development is considered to be of good design in accordance with the principles of the NPPF and the requirements of Policy CP17 and DP32 of the adopted LDF.

Residential amenity

- 5.24 The layout of the site, the intervening landscaping and the distances across Carr Lane to neighbouring dwellings are sufficient to avoid any harm to the amenity of neighbours.

Planning balance

- 5.25 The proposal meets the requirements of the Interim Policy Guidance and the LDF and the development will create additional dwellings in a sustainable location without harm to the environment subject to the retention of trees and hedgerows and without harm to the historic environment. Small economic benefits will be occur through the development and subsequent occupation of the dwellings and the scheme is therefore found to result in social and economic benefit and without harm to the environment.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the

materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

3. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which, within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

4. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority. These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.

6. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

7. 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 to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the crossing of the highway verge footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details shown on drawing M091.02.01 rev B. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning 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 agrees in writing to their withdrawal.

10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. parking for staff and sub-contractors vehicles b. materials storage area The approved areas shall be kept available for their intended use at all times that construction works are in operation

11. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered M091.02. 01B, 02A, 03A, 04A and 05A received by Hambleton District Council on 20 February 2019 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP1, CP16, CP17, DP1, and DP32.

4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Local Development Framework Policies CP1, CP17 and DP32.

7. In accordance with LDF Policies CP1, CP2, DP3 and DP4 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.

8. In accordance with Policy CP1, DP1, CP2, DP3 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

9. In accordance with Policy CP1 and DP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

10. In accordance with Policy CP1 and DP1 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

11. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP17, and DP32.