

## COMMITTEE REPORT

**Committee:** East Area                      **Ward:** Skelton, Rawcliffe, Clifton  
Without  
**Date:** 15 April 2010                      **Parish:** Skelton Parish Council

**Reference:** 09/01965/FUL  
**Application at:** Spring Hill Farm, Skelton York YO30 1XT  
**For:** Erection of 1no two storey dwelling with integral garage to include upgrading of existing private drive following demolition of outbuilding (resubmission)  
**By:** Hogg Builders (York) Ltd  
**Application Type:** Full Application  
**Target Date:** 29 December 2009  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 It is proposed to demolish an existing single-storey outbuilding associated with Spring Hill House and erect in the approximate location a 5 bedroom two-storey dwelling with integral double garage. The site is in the defined settlement limit of Skelton and outside the Green Belt. Land immediately to the north and west of the current garden of Spring Hill House is within the Green Belt. The garden is just outside the conservation area - the boundary of the conservation area runs along the track to the east of the garden.

1.2 The access to the new house is intended to be shared with the existing access to Spring Hill House. This access also serves as a vehicular access to farmland to the north. As part of the proposals a new turning area is being created to the front of Spring Hill House. To the south of the site are two-storey detached dwellings fronting Church Lane. These were constructed at the start of this century and were also once part of Spring Hill Farm.

#### Planning History

1.3 The three large detached dwellings at the south of the site were granted at appeal in 2000 (planning permission 00/2015). The city council had refused the application because of concerns in respect to highway and pedestrian safety on Church Lane.

1.4 A proposal to erect an identical dwelling on the same site as the current application was refused by the Council under delegated powers in September 2008. The reasons for refusal were:

1 The area of the application site exceeds the 0.03 hectares threshold for the provision of affordable housing in small settlements, as defined by the City of York Draft Local Plan. The application fails to provide an adequate justification why the site density is below 30 dwellings per hectare and why no affordable housing is

provided. As such the application conflicts with Policy H2a and H5a of the City of York Draft Local Plan (Fourth Set of Changes) 2005, national planning guidance contained within paragraph 29 of Planning Policy Statement 3 ("Housing") and Design Guideline 5 of the Skelton Village Design Statement.

2 The application fails to show whether improvements to the vehicular access to the site are compatible with the protection of the hedgerow that runs along the northern side of Church Lane, and thus whether the character and appearance of the area would be adequately preserved by the proposal. As such the proposal conflicts with Policy HE2 of the City of York Draft Local Plan (Fourth Set of Changes) 2005.

3 The application fails to provide adequate information to determine the potential impact the proposals may have on the existing drainage systems. As such the application conflicts with advice contained within Planning Policy Statement 25 'Development and Flood Risk', Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes) approved April 2005 and advice contained within the City Of York Strategic Flood Risk Assessment Approved September 2007.

1.5 The current application seeks to overcome these three reasons for refusal. The application is brought to committee at the request of a Local Member as it is a submission of a previously refused application and is adjacent to Skelton Conservation Area.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

### 2.2 Policies:

CYH5A  
Residential Density

CYGP15  
Protection from flooding

CYH2  
Affordable housing on housing sites

CYH5  
Residential densities over 25 per ha

CYNE1  
Trees, woodlands, hedgerows

CYHE2  
Development in historic locations

CYGP1  
Design

CYH4A  
Housing Windfalls

CYGP10  
Subdivision of gardens and infill devt

CYGP4  
Environmental sustainability

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Conservation - No objections.

Highway Network Management - Because of the very light traffic volumes it is considered that the access road is an acceptable width. Sight lines at the junction accord with recommended standards. The highway verge crossing should be constructed to an appropriate highway standard.

Environmental Protection Unit - No objections subject to standard informative regard contamination and method of construction.

York Consultancy - The original application contained insufficient drainage information. I have since met the applicant's drainage consultants on site and carried out percolation tests to BRE Digest 365 some of which failed but eventually found a strip of land to the rear of the proposed development where a successful infiltration result was found. As their original design showed a 250m long soakaway trench that was located in an area where the percolation tests failed we suggested a wider open swale/settlement lagoon arrangement within the narrow strip where we achieved the successful result. Their revised details will require some further adjustment and level information which due to the time constraints of this application can be obtained through applying the standard DRAIN1 condition.

City Development - Do not consider affordable housing is viable on the site. The development equates to around 20 units to a hectare. This is below the target of 30 units to a hectare. However, given the site's small size and edge of village location it is not considered that a density shortfall of around 'half a dwelling' justifies refusal of the application

Leisure Services - Seek contribution for open space. The applicants have agreed a contribution of £4,535.

### 3.2 External

Parish - Do not object but make the following comments:

Because the scheme was previously refused and is adjacent to the conservation area it should be considered at committee. Do not consider that the revised scheme overcomes the previous reasons for refusal, particularly relating to housing density/affordable housing.

Neighbours: 3 letters of objection were received. The following issues were raised:

There is inadequate visibility from the access road on to Church Lane - the loss of hedgerows will harm the conservation area.

Church Lane cannot accommodate the increased traffic from the development and pedestrian safety will be harmed. Development should not progress without Church Lane being upgraded to two lanes with a pavement and street lighting.

This is further drip-feeding of development.

The development will lead to the loss of privacy to Peta House, including its conservatory, occupants will also lose open views to the countryside.

Is the existing drainage pump adequate to cope with additional sewerage?

## 4.0 APPRAISAL

### 4.1 Key Issues

- the impact on the character of the area.
- the impact on amenity and living conditions of adjacent occupiers.
- tree issues.
- quality of accommodation.
- density of development and affordable housing.
- highways and parking.
- sustainability.
- drainage and flooding.

4.2 Planning Policy Statement 3 (Housing) encourages Local Planning Authorities to ensure that housing provision is of an appropriate location, size and quality to meet housing needs. It encourages Local Planning Authorities to make more efficient use of previously developed sites.

4.3 The curtilage of a house is included within the definition of previously developed land. However, Annex B of Planning Policy Statement 3 makes it clear that 'there is no presumption that land that is previously-developed is necessarily suitable for housing development nor the whole of the curtilage should be developed'. The key Draft Local Plan policies in assessing the suitability of the site for housing are considered to be Policy GP1 (Design), GP10 (Subdivision of Gardens and Infill Development) H4a (Housing Windfalls), H5a (Residential Density) and NE1 (Trees, Woodlands and Hedgerows).

## Impact on Character of the Area

4.4 Because of the existence of housing to the south the proposed dwelling would not be prominent when viewed from Church Lane. In addition, a thick belt of vegetation runs along the eastern boundary of the site. The main views of the building are from the rear of the houses to the south and open farmland to the north.

4.5 The proposed house is of a fairly traditional design. The adjoining building, Spring Hill House has a reasonably attractive character and appearance, however, because of its screened location it is not considered that undue significance can be given to the visual relationship between the proposed dwelling and the existing house. It may be the case that the proposed dwelling would be better if it were designed to be more subservient to the main house, however, within the local context it is not considered that the design as proposed would cause such harm to merit refusal providing materials are in keeping with the local character.

4.6 The house would project a little beyond the rear building line of Spring Hill Farm, however, it is not considered that its level of dominance when viewed from open land to the north would be unduly harmful. The proposal is just outside the conservation area, and because of the screening around the site it is not considered that it would have a material impact on its setting or appearance.

4.7 It is considered that the form of development respects the guidance contained within the Skelton Village Design Statement in that the dwelling is of traditional construction, does not overdevelop the site and provides a reasonable balance between built development and open space.

Impact on amenity and living conditions of adjacent occupiers.

4.8 There are two main dwellings impacted upon by the proposal:

### Spring Hill House

4.9 This house is owned by the applicant and rented to a tenant. The property was visited on site. The development would result in a two-storey dwelling approximately 6m from the side elevation and at the nearest point about 5m beyond the rear building line. Spring Hill House has two windows on the side elevation - these are secondary openings to a bedroom and kitchen. There are no habitable rooms on the rear elevation of the house within close proximity to the development. The return of the western elevation has two openings facing the application site, however, these are secondary openings. Because of the function of the openings impacted it is not considered that the proposal would cause unacceptable harm to living conditions within the house.

4.10 The garden of Spring Hill House is very large. Even with the loss of some of the garden to the development it will be more than adequate to meet the needs of the property. The building to be demolished is used as storage for Spring Hill House; however, this could be replaced if necessary with an outbuilding or shed erected under permitted development. The western window of the proposed master

bedroom would overlook parts of the rear garden, however, areas would still remain private - particularly close to Spring Hill House.

#### Peta House

4.11 The separation distance between the front of the proposed dwelling and the rear of the main elevation (excluding the small conservatory) of Peta House is approximately 23m. Typically the minimum separation distance advised between principal elevations of two-storey development is 21m. The separation distance to the garden is around 11m. This is within acceptable standards. The degree of separation proposed equates to the existing separation distance between Spring Hill Farm and the three new dwellings to the south (of which Peta House is one). Given these separation distances were recently deemed acceptable it is not considered that the application would be unreasonable in respect to the local context.

4.12 The proposed extension of the parking/turning area of Spring Hill House to the rear of Holly House and the associated traffic movement will create some additional noise, however, the impact is unlikely to be significant.

#### Trees

4.13 The development will lead to the loss of some trees and shrubs to the south/south east of the plot. However, it is not considered that their loss could be resisted given that they are not protected and do not play a significant role in respect to the visual amenity of the wider area. Given the location on the fringe of the Green Belt it is considered that additional planting should be incorporated in the scheme. This is covered by condition.

#### Quality of accommodation created

4.14 Internally and externally the accommodation would be of a good standard. Some farm vehicles would pass by the house to access land to the north however, this is not considered unacceptable in a rural location.

#### Density/Affordable housing

4.15 The application site area is approximately 0.05 hectares. Policy H2a of the Local Plan requires sites in excess of 0.03 ha to provide affordable housing. The previous planning permission was refused, as this requirement was not met.

4.16 As part of the current application the applicants have included a viability assessment looking at whether it is economically viable to erect two dwellings on the site with one brought forward as affordable housing. For commercial reasons the applicant has asked that this report be confidential.

4.17 The Council's officers responsible for affordable housing provision have thoroughly assessed the report and also asked for additional information. They have concluded that it is not viable to require an element of affordable housing on the site (through two dwellings being approved) and that a higher density development cannot be justified.

4.18 The surrounding housing is all of a lower density than the proposed dwelling. Given the local character, the site constraints and concerns raised by neighbours it is not considered appropriate in this instance to seek higher density development.

#### Highways and Parking

4.19 The previous scheme that was refused did not clarify that access to and from the existing entrance to the site could be safely achieved without removing sections of hedgerow along Church Lane. This was of concern given the importance of the hedgerow in creating an attractive streetscene. The applicant has now submitted plans showing that adequate sight lines exist at the entrance without the need to remove hedgerows. Minor repair work is proposed to upgrade the existing road surface leading to the site. Adequate car parking is available for the new dwelling.

#### Sustainability

4.20 The applicants have included a sustainability statement setting out the aim of including high levels of energy efficiency and rainwater re-cycling. It will be conditioned that appropriate renewable energy provision is included, in addition to Code for Sustainable Homes Level 3. The site is within the defined settlement limit and has reasonable access to a range of facilities.

#### Flooding and drainage

4.24 The site is in Flood Zone 1 and as such should not be at risk of flooding. The previous application was refused because inadequate information was supplied to show that the site could be drained in a way that reduced surface water run-off rates. The council's drainage engineer has met with the applicant's drainage engineer to assess on site drainage conditions. It was found that infiltration rates were poorer than expected and additional surface water storage would be required. It is considered that on site assessment has progressed to the degree that it is reasonable now to deal with drainage matters by condition.

4.25 It has been confirmed that there is ample capacity in the foul drainage system to accommodate the discharge from the new dwelling.

### **5.0 CONCLUSION**

5.1 The previous application was refused because issues relating to affordable housing, housing density, surface water drainage and vehicular access were not satisfactorily addressed. Information has now been received to ensure that these elements of the scheme do not conflict with planning policy.

5.2 It is the case that the density of the proposed development is below the target of 30 dwellings to a hectare. However, because of the small size of the site and the character of local development it is not considered appropriate in this instance to require two homes to be built.

5.3 It is recommended that the application be approved.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing SKE/02 received by the Local Planning Authority on 2 November 2009.  
Drawing SKE/01 received by the Local Planning Authority on 2 November 2009.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the dwelling and boundary wall shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the hard surfacing of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

6 The building shall not be occupied until vehicular access, including the



hardsurfacing of the crossover to Church Lane have been improved in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7 HWAY10 Vehicular areas surfaced, details reqd

8 HWAY19 Car and cycle parking laid out

9 HWAY21 Internal turning areas to be provided

10 Any gates shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall open into the site.

Reason: To allow a vehicle entering or leaving the site to stand clear of, and thereby avoid obstructing the public highway, in the interests of road safety.

11 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 5% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

12

Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

13 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter

implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £4,535.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

14 Development shall not begin until details of the surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

15 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B and C of Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character of the area, the impact on the amenity and living conditions of adjacent occupiers, impact on trees and landscaping, quality of accommodation, density of development and affordable

housing, highways and parking, sustainability, and drainage and flooding. As such the proposal complies with Policies H5a, GP15, H2, H5, NE1, HE2, GP1, H4A, GP10 and GP4 of the City of York Development Control Local Plan.

## 2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

## 3. INFORMATIVE

The developer's attention should be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) All construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

(ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(iii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(iv) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(v) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

## 4. INFORMATIVE

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's

Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

**Contact details:**

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