

Item Number: 12
Application No: 14/00412/FUL
Parish: Brawby Parish Meeting
Appn. Type: Full Application
Applicant: Mr S Thackray
Proposal: Erection of a two-bedroom bungalow, detached garden store and formation of 2no. parking spaces
Location: Land Adj Cro's Nest Brawby Lane Brawby Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 3 June 2014
Overall Expiry Date: 9 May 2014
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Property Management	Developer contributions required
Sustainable Places Team (Yorkshire Area)	Proposal falls outside scope of matters to be consulted on
Highways North Yorkshire	Recommend Conditions
Parish Council	Objection
Environmental Health Officer	No comments to make on this development.
Land Use Planning	No comments required from Yorkshire Water
Neighbour responses:	Mrs E Messruther, Mr Michael Timms,

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SITE:

The application site is located within the development limits of Brawby. The site is accessed via a track from Brawby Lane. The plot approximately measures 10m by 20m. The application site is located within Flood Zone 1.

PROPOSAL:

Planning permission is sought for the erection of a two-bedroom dwelling, detached garden store and formation of 2no. parking spaces. The proposed dwelling is single storey and measures 10m by 11.3m at its greatest, and has an eaves height of 2.4m and a ridge height of 5m. The building is to be constructed of brick under a pantile roof with timber windows and doors.

HISTORY:

There is no planning history relating to this site, other than a withdrawn application for a dwelling earlier this year.

POLICY:

National Planning Policy Framework 2012 (NPPF)

Local Planning Strategy; Ryedale Plan adopted 5 September 2013

Policy SP1 – General Location of Development and Settlement Hierarchy
Policy SP2 – Delivery and Distribution

Policy SP4 – Type and Mix of New Housing

Policy SP11 – Community Facilities and Services
Policy SP16 - Design
Policy SP19 – Presumption in favour of sustainable development
Policy SP20 – Generic Development Management Issues
Policy SP21 – Occupancy Restrictions

APPRAISAL:

The main considerations in relation to this application are:-

- 1) The principle of the proposed development.
- 2) The site, scale and design of the proposed dwelling and how it relates to the character of the area.
- 3) Whether the proposal will have a material adverse effect upon the owners of the adjoining neighbours;
- 4) Whether the dwelling will have a satisfactory level of amenity
- 5) Highway safety;
- 6) Developer contributions;
- 7) Drainage;
- 8) Other issues.

The applicant withdrew an earlier application because of concerns relating to the scale and design of the proposal, and to ensure the correct ownership certificate was completed. Certificate D has now been completed, as the owner of the track leading from the site to the public highway is unknown. As a result the applicant has confirmed that the relevant notice in this regard has appeared in the local press. Land ownership is a civil matter, and now that the correct Certificate has been completed this procedural part of the application is complete. The scale and design of the proposed dwelling has also been altered following officer concerns.

Principle of the development

Policy SP2 states that development in locations such as Brawby should be limited to infill development 'within a continually built up frontage', subject to Local Needs Occupancy. The application site has a dwelling to either side; with one fronting Brawby Lane, and the other accessed via the aforementioned trackway. Opposite the site, is a pair of two semi-detached dwellings with a detached property to the south of those properties. In view of this arrangement, it is considered that the proposal can, in this particular case can be considered to be within a continually built up frontage. The applicant, within their submission has also indicated that the application has been prepared on the basis of it being for Local Needs Occupancy. The principle of the proposed development is therefore considered to be acceptable subject to the imposition of a local needs occupancy condition.

Siting, scale, and design

The siting of the proposed dwelling is considered to be acceptable on the plot, and its single storey modest appearance is also considered to ensure a satisfactory design that relates well to the character and appearance of the settlement.

Impact upon the residential amenity of the adjoining neighbours

Given the single storey design, the separation distances to the surrounding properties and window positions, it is not considered that the proposed will have an adverse effect upon the amenity of the adjoining neighbours in terms of its scale and bulk, or potential overlooking.

Whether the proposal dwelling will have a satisfactory level of residential amenity

The proposed dwelling is also considered to provide a satisfactory level of residential amenity space of approximately 85m², with further curtilage areas to the sides and front of the proposed dwelling.

Highway safety

Access to the site is gained from Brawby lane via a private track. The local Highway Authority has sought a minor change to the access to ensure that the two spaces are accessible. This change has been made, which was very minor and does not require further consultation. As a result the Highway Authority now recommends standard conditions. In doing so, the Highway Authority have considered that safe access to the site from the public highway can be achieved, there is no requirement for a turning facility within the site, and the parking provision is satisfactory.

Developer contributions

The Council's Valuer has requested a financial contribution towards POS of £2,120. This has to be secured by s106 agreement.

Drainage

The proposal is to drain foul water to the mains and surface water to a soakaway. No objections have been received from the relevant drainage consultees (Environment Agency, Yorkshire Water, and Environmental Health).

Other issues

The Environmental Health Officer has no objection to the proposal in terms of potential ground contamination. The site is located within Flood Zone 1; as such there is no requirement for the application of the sequential test, or indeed a Flood Risk Assessment. The Environment Agency has confirmed that the application falls outside their remit for commenting on applications.

An objection has been received from the Parish Meeting. The objection relates to highway safety regarding access onto Brawby Lane and the provision of a turning area within the application site. There are no other grounds for objection contained within the response from the Parish Meeting. The Highway Authority has considered in detail the highway safety implications of the proposed development, who consider that there are no grounds to refuse the application in terms of highway safety. Furthermore given the rural location and trackway, there is no requirement for turning provision within the site.

Two objections have also been received that raise the following issues; ownership of the trackway in relation to guidance on village greens and common land, highway safety particularly in relation to other developments in the locality, and opposing the idea of the proposed house. The trackway is not a registered village green or common land. The applicant does not claim ownership of the trackway on the application, but has served notice in the form of Certificate D, as the owner of the track is unknown. Each application has to be considered on its merits in relation to current policies and all relevant material considerations. The highway safety issue has been appraised above. The objector referred to previous applications that were refused on highway safety grounds. Application 06/00675/OUT (land to the rear of Lilac House) was refused for 4 reasons; one of these was as a result of a recommendation by the Highway Authority. However, that site was larger and has more potential to create additional vehicle movements than the single dwelling proposed. The Highway Authority has included their reasons for not objecting to this application and has confirmed that this has been undertaken after careful consideration.

In view of the above the application is recommended for approval subject to an s106 agreement in respect of the Public Open Space contribution.

RECOMMENDATION: Approval subject to S106 Agreement

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 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 the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 1995 (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 area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number 030 414 1A for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 6 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 of the Ryedale Plan - Local Plan Strateg and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

7 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:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

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 of the Ryedale Plan - Local Plan Strateg 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.

8 The dwelling hereby approved shall only be occupied by a person(s) who:

- Have permanently resided in the Parish, or adjoining parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the Parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years; or service men or women returning to the Parish after leaving military service; or
- Are taking up full time permanent employment in an already established business which has been located within the Parish, or adjoining Parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

Reason: To meet the requirements of Policies SP2 and SP21 pf the Ryedale Plan – Local Plan Strategy.

9 Prior to the commencement of the development hereby approved precise details of the existing ground levels and proposed finished ground floor levels measured in relation to fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of The Ryedale Plan – Local Plan Strategy.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

APP; 030 414 1A; SITE LOCATION PLAN

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE:

- 1 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties