

Item Number: 18
Application No: 14/00593/FUL
Parish: Lillings Ambo Parish Council
Appn. Type: Full Application
Applicant: J And J Properties (Mr John Nellis)
Proposal: Demolition of existing dwelling and agricultural buildings to allow erection of 1no. four bedroom replacement dwelling with detached double garage, erection of two storey and single storey extensions to existing farmhouse to form a five bedroom dwelling following demolition of single storey outbuildings and erection of a terrace of 3no. three bedroom dwellings with block of 3no. detached garages
Location: Village Farm Goose Track Lane West Lilling YO60 6RP

Registration Date:
8/13 Wk Expiry Date: 29 July 2014
Overall Expiry Date: 18 July 2014
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Property Management	Contribution to POS requested
Countryside Officer	Recommend conditions
Environmental Health Officer	Recommend condition
Highways North Yorkshire	No views received to date
Land Use Planning	No views received to date
Countryside Officer	Recommend condition
Parish Council	Concerns re position of replacement and new dwellings and clarify on mains drainage request & requests garage condition.

Neighbour responses:

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SITE:

The application site is located partly within and partly outside the development limits of West Lilling. The site comprises two detached dwellings and a range of redundant agricultural buildings. The application site has a frontage onto Goose Track Lane measuring 59m and a depth of approximately 41m at its greatest.

PROPOSAL:

Planning permission is sought for the demolition of an existing dwelling and agricultural buildings to allow the erection of 1no. four bedroom replacement dwelling with detached double garage, erection of two storey and single storey extensions to existing farmhouse to form a five bedroom dwelling following demolition of single storey outbuildings and the erection of a terrace of 3no. three bedroom dwellings with a block of 3 no. detached garages. The proposed development will be constructed of clamp bricks under a mixture of clay pantile and slate roofs with timber windows and doors. The specific details of the scheme include:

- The proposed replacement dwelling will approximately measure 10.5m by 13.4m at its largest and be 4.9m to the eaves height and 7.9m to the ridge height.

- The single storey side extension to Village Farmhouse will have a footprint approximately measuring 5.4m by 9.2m and be 4.8m at its ridge height, and a rear two-storey extension that will have a footprint approximately measuring 13.5m at its largest by 5.5m and 6.7m at its ridge height.
- Two of the proposed terraced dwellings will have a footprint that will approximately measure 7.1m by 8.4m and be 4.6m to the eaves height and 7.1m to the ridge height. The end terraced dwelling at the western side will be slightly larger and measure 7.1m by 9m and be 4.7m to the eaves height and 7.7m to the ridge height.
- The proposed triple garage will measure 10.4m by 6m and 2.5m to the eaves height and 4.2m to the ridge height, it will be located at the rear of the terrace of dwellings. A double garage approximately measuring 6.4m by 6m and be 2.5m to the eaves height and 4.2m of the ridge height it proposed to serve the replacement dwelling.

The proposal is to have two access points at either side of the central terrace of dwellings; the access to the eastern side is proposed to serve the replacement dwelling and the proposed terrace of three dwellings and the access to the western side will serve Village Farm House. A solid 2m high timber fence is proposed across the rear boundary. A pedestrian footpath is proposed across the majority of the site's frontage.

HISTORY:

There is no relevant planning history relating to the site.

POLICY:

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Local Planning Strategy - adopted 5 September 2013

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP4 - Type and Mix of New Housing

Policy SP11- Community Facilities and Services

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP18 - Renewable and Low Carbon Energy

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

Policy SP22 – Developer Contributions

APPRAISAL:

The main considerations in relation to this application are:

1. The principle of the proposed development;
2. The siting, scale and design of the proposed developments;
3. Occupancy restrictions;
4. Impact upon the amenity of the adjoining neighbours;
5. Whether the proposal has a satisfactory level of residential amenity;
6. Public Open Space;
7. Drainage;
8. Ground contamination;
9. Highway safety; and

10. Landscaping.

An application was submitted for a similar proposal on this site last year. That application was withdrawn due to Officer concerns regarding the design of the scheme and inadequate information in relation to protected species.

Principle of the proposed developments

There is considered to be no objection in principle to the demolition of Yew Tree Cottage or the existing agricultural buildings, and they are afforded no protection. The location of the new dwellings are within the development limits of West Lilling. Their gardens extend beyond the development limits, however, there is considered to be no significant impact upon the open countryside, given the redundant buildings that are to be removed.

Policy SP2 supports the provision of replacement dwellings within the development limits of West Lilling. Furthermore Policy SP2 also supports infill development within the development limits of West Lilling, providing it is within a 'continually built up frontage', subject to a Local Needs Occupancy condition. This is because West Lilling is not a 'Service Village'. The agent has confirmed that the three new properties are to have a Local Needs Occupancy condition and that there are potential occupiers available to meet the requirement of the condition. A list of potential occupiers has been submitted with the application.

Extensions to existing dwellings are acceptable in principle providing that they meet the criteria contained within Policy SP16 and SP20 of the Local Plan Strategy.

Replacement dwelling (Yew Tree Cottage)

Yew Tree Cottage measures 9.5m by 5m and is 4.4m to its eaves and 6.9m to its ridge height. It is a double frontage cottage. The replacement dwelling is 1.5m wider and excluding the rear wing is 4m deeper. It is also 1m higher at its ridge height.

The replacement dwelling is also in a double fronted style, and it is considered to relate well to the character and appearance of the settlement. Its scale, whilst larger than the existing dwelling is considered to represent an acceptable form of development that is in keeping with other properties within the village. The siting of the front elevation of the replacement dwelling is in exactly the same location as the existing dwelling, ensuring the street frontage character of the development is retained. In summary, the siting, scale and design of the replacement dwelling is considered to meet the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

The proposed detached double garage is located to the rear of the Village farmhouse and it is considered to be acceptable in terms of its siting, sale and design.

Following receipt of comments from the neighbour to the east, Ambleside the proposed dwelling has been set in from the common boundary. Its side windows are proposed to be obscure glazed, and given the separation distances it is not considered that the proposed development will have an adverse effect upon the adjoining properties.

Extensions to Village Farmhouse

The proposed single storey side extension will relate well to the front elevation of Village Farmhouse and the rear projecting wing is considered to be sympathetic to the character and appearance of the existing dwelling. The rear two storey extension will feature a double gable running parallel to the main roof ridge. This double gable feature is a traditional way of extending farmhouses in Ryedale, and in this case the proposal is considered to represent a sympathetic extension to the dwelling. The proposed gabled canopy porch is considered to break up the front elevation.

It is considered that the proposed extensions will not have a material adverse effect upon the streetscene.

By virtue of the window arrangement and separation distances, the proposed extensions are not considered to have a material adverse effect upon the amenity of the adjoining neighbours.

Proposed terrace of three dwellings

Since originally submitted, officers have negotiated design improvements to the terraced dwellings relating to their siting, design and their detail of design.

The proposed terraced dwellings have been designed with the western-most property being slightly larger and set 0.5m further forward than the other two properties. This is to break up and add interest to the terrace, together with changes on the detail of design of each dwelling. The general design of these properties is representative of the other terraced dwellings to the west of the application site. The proposals are considered to represent an acceptable form of development that relates well to the character of the local area.

The proposed terraced dwellings are located between the replacement dwelling and Village Farmhouse, with a paddock area to the rear and agricultural land opposite. In view of this arrangement, the proposals are not considered to have a material adverse effect upon adjoining neighbours.

Whether the proposals will have a satisfactory level of residential amenity

The proposed site is relatively large and the proposed new dwellings will have a satisfactory level of private residential amenity. There is considered to be sufficient separation from the grain dryer at West Lilling Farm to the southern side (minimum 42m). This arrangement has been discussed with the Environmental Health Officer and no objections are raised. It is noted that there are existing properties that are closer to the grain dryer and that there are agreed protection measures in place regarding its operation. The position of the existing outbuildings, garages and the proposed 2m solid close-boarded fence will help attenuate noise from the grain dryer to ensure the amenity of the proposed properties are not compromised.

Highway safety

The Local Highway Authority has requested amendments to the application relating to passing places on the access to the eastern side, a pedestrian footpath and visibility sight lines. It is understood that agreement has been reached with the Highway Authority over the changes and the applicant is currently amending the drawings to reflect the requirements of the Highway Authority, Members will be updated at the meeting.

Ecology and protected species

The Council's Countryside Management Officer had requested an additional survey. On receipt of this survey the Countryside Management Officer has recommended a condition. Although a bat license is not required the mitigation recommends that the actions contained in Section 7.3 of the additional report are undertaken. These include a pre-works commencement survey, construction of a bat loft, restrictions on the timing of works to the building, and the adoption of a method statement for works.

Public Open Space

In accordance with Policy SP11 of the Local Plan Strategy, a financial contribution is required towards Public Open Space from the proposed three new terraced dwellings. The Council's Valuer has calculated this to be £6,525. A S106 legal agreement is required in order to secure this contribution.

Ground contamination

The Council's Environmental Health Officer has considered the submitted screening information in relation to ground contamination and has no objection subject to the imposition of a standard condition requesting further information.

Other issues

The Parish Council has raised three concerns; it considers that the replacement dwelling and terrace of three dwellings should be set back from Goose Track Lane by 3-4m in order to provide a passing place/widened part of the highway; that the garages are only used for that purpose; and concerns regarding the method of draining foul water. Their concern in relation to the layout of the dwellings particularly relates to the number of heavy vehicles using Goose Track Lane and movements through the village. Their concerns have been discussed with the Highway Authority and considered in detail. However, there is no requirement from the Highway Authority for such a lay-by re-arrangement in terms of highway safety. Furthermore, to make that change would mean that the three new dwellings and the replacement dwelling would be located outside the development limits of the village for no justifiable reason. The garages can only be used for domestic purposes, and to change their use would require a separate planning application for consideration. It is, therefore, considered unnecessary to condition their use. The foul water is proposed to drain to a package sewage treatment plant. The applicant owns the land to the rear and the Environmental Health Officers have no concerns regarding the acceptability of this method of drainage. The precise details would be addressed at Building Control stage. If the package treatment plant is to drain into a ditch or culvert, consent from the Environment Agency would also be required.

In view of the above, this application is recommended for approval subject to a S106 Agreement in respect of Public Open Space and a satisfactory response from the Highway Authority.

RECOMMENDATION: **Approval subject to S106 Agreement in respect of Public Open Space**

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 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

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

4 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.

- 5 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 The 3 no. terraced dwellings hereby approved shall only be occupied by a person(s) including their spouse and any dependants 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 of the Ryedale Plan - Local Plan Strategy.

- 7 No development shall commence on site until further details of finished ground floor levels in relation to a measurable datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved levels details.

Reason: To ensure that the appearance of the area is not prejudiced and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Prior to the commencement of the development precise details of the means of draining foul water, including percolation tests shall be submitted to an approved in writing by the Local Planning Authority.

Reason: In order to ensure that the site can be effectively drained and to comply with Policy SP3 of the Ryedale Plan - Local Plan Strategy.

- 9 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 Prior to the commencement of development hereby approved, precise details of the ground surfacing materials 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.

- 11 Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until actual or potential land contamination at the site has been investigated and a Phase 1 Desk Study Report has been submitted to and approved in writing by the Local Planning Authority. Should further intrusive investigation be recommended in the Phase 1 Report or be required by the Local Planning Authority, development shall not commence until a Phase 2 Site Investigation Report and if required, or requested by the Local Planning Authority, a Remediation Statement have been submitted to and approved in writing by the Local Planning Authority. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175(2011) Code of Practice for the Investigation of Potential Contaminated Sites. Submission of a verification report to be approved in writing by the Local Planning Authority will be required on the completion of any remedial work.

Reason: In order to fully assess potential ground contamination and to satisfy National Planning Policy Framework.

- 12 The development shall be undertaken in accordance with Section 7.3 of the Bat Activity Report dated May 2014 with precise details to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the development.

Reason:- In order to take account of protected species and to satisfy Policy SP14 of the Ryedale Plan - Local Plan Strategy.

- 13 Conditions recommended by Highways Authority

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

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

Background Papers:

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