

Item Number: 7
Application No: 14/00522/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mrs Sue Milburn
Proposal: Erection of a two bedroom dwelling with attached single garage with associated landscaping
Location: Land At Middlecave Lodge Middlecave Road Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 18 September 2014
Overall Expiry Date: 21 August 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council	Recommends approval
Highways North Yorkshire	No objection - recommend conditions
Tree & Landscape Officer	Concerns regarding trees
Environmental Health Officer	No comments to make

Neighbour responses: Mrs R J Dummott, Mrs Aileen Fisher, David R And Mary M Wilson, Mr Andrew Riley, Mr Richard Neal,

SITE:

The application site consists of the rear garden area serving Middlecave Lodge, Middlecave Road, Malton. The site is located within the settlement limits of Malton, as identified in the Ryedale Local Plan.

The site is largely characterised by a number of trees, most significantly a TPO Purple Beech Tree.

PROPOSAL:

The proposal seeks planning permission for the erection of a single storey two bedroom dwelling with attached single garage and associated landscaping.

The application proposes a single storey dwelling of modern design which aims to 'sit quietly' within the context of the site. The building will accommodate a flat green sedum roof with projecting zinc canopy and a section of curved pitched roof across the centre of the house. The height the proposal will measure 2.4m to eaves level and 3.7m to the pitch of the curved sedum roof. It is proposed that horizontal timber boarding is clad to the external walls of the dwelling.

It is intended that the new dwelling will meet as a minimum the equivalent of Level 4 of the Code for Sustainable Homes and will incorporate high levels of thermal insulation along with solar panels on the south-facing pitched roof in-between the proposed rooflights. The south-facing glazing will allow an amount of natural solar gain to the main living spaces of the house.

Access to the new dwelling is proposed to the west of the host property created by the demolition and modification of the existing double garage. Division between the proposed dwelling and existing Middlecave Lodge will be provided by the creation of a 1.8m high brick wall and 1.8m high boarded fence.

HISTORY:

No relevant history.

POLICY:

National Planning Statement

National Planning Policy Framework
National Planning Practice Guidance

Ryedale Plan - Local Plan Strategy

Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
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 SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

APPRAISAL:

This application is presented to the planning committee because of a number of objections that have been received. The concerns raised include; the principle of the development, residential amenity and landscaping.

The main considerations in the assessment of this application are:

i) The Principle of the Development

With regards the principle of the development, Policy SP2 of the Ryedale Local Plan Strategy is relevant. The aim of this policy is to ensure that the supply of new homes is directed most sustainable settlements in the District. In view of Malton being the most sustainable settlement within the District, the principle of this development is considered to be acceptable, and in accordance with the thrust of Paragraph 14 of the NPPF and Policy SP19 of the Ryedale Local Plan Strategy.

Members will note that within the Middlecave area there are a number new dwellings that have been permitted to the rear of existing dwellings of varying designs but located on large parcels of land within the built-up area. The proposal is therefore considered to be acceptable in principle because it is similar to this existing form and character of the settlement, subject to financial contributions towards affordable housing and public open space.

ii) Character and Form

In terms of the design of the proposal, Policy SP16 seeks to ensure that, to reinforce local distinctiveness, design should respect the context provided by its surrounding through location, siting, form, layout and scale.

In considering the design of this scheme, Members will note that within the locality there are numerous examples of dwellings of varying designs and appearances, including a number of dwellings of more 'modern' design. Therefore, whilst the design approach of this particular proposal is not considered to be 'traditional', it is not out of keeping within the character of the area, because of the wide variety of design of dwellings that can be seen in the vicinity of the site.

It is the view of Officers that the proposal results in a development that respects the character and contexts of its surrounding whilst providing an alternative form of residential accommodation. The character and form of the development is therefore considered to be acceptable and in accordance with the requirements of Policy SP16 of the Ryedale Local Plan Strategy.

iii) Residential Amenity

By virtue of its design, scale and low profile the proposed dwelling would not result in an over-dominating effect or result in a loss of light on the nearby residential dwellings. There are no windows that would overlook adjacent properties, and the siting of an additional dwelling in this location is not considered to result in levels of activity that would be out of character with the residential setting. The impact of the development on residential development is therefore considered to be acceptable and in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

iv) Tree and Landscaping

When originally submitted, the Council's Tree and Landscape Officer raised concerns to the impact of the development on the TPO located within the site because of the position of the proposed garage. Revised plans have been submitted which omit the garage from the scheme thereby resolving the concerns raised. All other aspects in terms of tree and landscaping are considered to be acceptable, and the Tree and Landscape Officer has recommended approval, subject to conditions.

v) Other Matters

NYCC Highway Authority have raised no objections to the development, subject to the recommended conditions. The Councils Environmental Health Officers have raised no concerns in respect to land contamination issues.

Conclusion

To conclude, the proposed development is considered to be in accordance with the requirements of the development plan and the National Planning Policy Framework. There are no other material considerations to suggest a determination otherwise. Therefore the application is recommended for approval, subject to S106 agreement in respect to affordable housing and public open space contributions.

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 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

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 3 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 Local Plan Strategy.

- 4 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 Local Plan Strategy.

- 5 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 Local Plan Strategy.

- 6 Prior to the commencement of the development an Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval in writing. The submitted method statement shall provide details of how the trees to be retained on the site shall be protected during the development phase, including the design of protective fencing in accordance with the recommendations in BS 5837:2012 - Trees in relation to demolition, design, and construction - Recommendations or similar agreed in writing by the Local Planning Authority, and the proposed routing of new services to the new dwelling.

Reason: To ensure that the long-term health, and appearance of the trees to be retained on the site, and in particular the large purple beech tree growing adjacent to the site of the proposed new dwelling which is protected under a Tree Preservation Order, is not adversely affected by the proposed development, and in accordance with Policy SP13-Landscapes - Ryedale Local Plan Strategy.

- 7 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed.

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 during 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.

- 8 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 1074_AR10_01A. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

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

- 10 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 Local Plan Strategy 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.

- 11 Before the commencement of development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed boundary treatment, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.

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

Drawing No. 1074_AR10_01B

Drawing No. 1074_AR50_01B

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

INFORMATIVE:

- 1 The applicant is reminded that the any proposals to prune the large purple beech tree on the site would require formal permission from the Local Planning Authority through an application under the Tree Preservation Order Regulations.

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties