

Item Number: 8
Application No: 14/00960/FUL
Parish: Slingsby Parish Council
Appn. Type: Full Application
Applicant: Slingsby Development LLP
Proposal: Change of use and alteration of garage/showroom to form 1no. five bedroom dwelling with attached double garage and amenity area and 1no. two bedroom dwelling with detached double garage and amenity area to include alteration to existing vehicular access, formation of access road to The Bungalow and front boundary wall with metal railings
Location: Hutton Brothers Car Sales Railway Street Slingsby Malton YO62 4AH

Registration Date:
8/13 Wk Expiry Date: 6 November 2014
Overall Expiry Date: 5 December 2014
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Highways North Yorkshire	No objection - recommend conditions
Parish Council	No views received to date
Building Conservation Officer	No views received to date
Environmental Health Officer	Recommend Conditions
Countryside Officer	Recommend informative
Land Use Planning	No comments required from Yorkshire Water

Neighbour responses: Mr Dave Birkbeck,

SITE:

The site is situated on the eastern side of Railway Street, within the village development limits and within the designated Slingsby Conservation Area. The buildings and rear courtyard have most recently been used for Hutton Brothers Car Sales and workshop, but the site has been disused for some time. In connection with its use as a garage, the front elevations of the building were significantly altered, with the insertion of a very large commercial shop front.

PROPOSAL:

Permission is sought for the change of use and alteration of the existing buildings to form two dwellings, together with rear garden and garaging. The alterations include part demolition of the single storey end of the frontage building. This is to improve the access to the rear of the site, and to an existing dwelling which lies to the rear.

HISTORY:

11/01112/PREAP: Pre application advice - 10 residential units - concerns expressed

13/00729/PREAP: Pre application advice - 4 residential units - request withdrawn

14/00621/PREAP: Pre application advice - conversion of buildings to 2 residential units and erection of 3 houses - conversion supported in principle, some concerns over other aspects of the scheme.

POLICY:

National Planning Guidance

National Planning Policy Framework
National Planning Policy Statement

Planning (Listed Buildings and Conservation Areas Act) 1990

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP11 - Community Facilities and Services
Policy SP14 - Biodiversity
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

APPRAISAL:

Both Local and National development is supportive of sustainable development. Slingsby is identified as a Service Village and policy supports the conversion and re-development of previously developed land and buildings.

The Planning (Listed Buildings and Conservation Areas) Act (Section 72) places a duty on a Local Planning Authority to have regard to the desirability of preserving or enhancing the character of a Conservation Area. In this case, photographic evidence demonstrates that the frontage buildings were originally two dwellings. The proposed alterations will re-instate their residential character and result in a significant enhancement of the character of the area. The reduction in width of the end portion of the building will not harm this character. The Council's Conservation officer has advised "the improvements to the street scene will make a very positive statement, subject to the detail being of the highest quality."

A small brick building to the rear will be demolished to widen the access. Whilst it has some character, the greater benefits of the enhancement of the development outweigh any harm.

In relation to the impact of the development on the existing amenities of neighbouring occupiers, the traffic generated will be a reduction on the level associated with the former use. The fenestration has also been designed to respect the amenity of neighbouring occupiers, with existing windows blocked up on the northern elevation. It is not considered that the insertion of two roof lights will have a significant adverse impact.

In relation to other considerations, the application was accompanied by a bat emergence survey. This did not demonstrate any evidence of bats inside or around the buildings, and the buildings were considered to have low bat roost potential.

The development will provide three garage spaces, together with room to park further vehicles on the drive, plus one visitor space. Accordingly, there is no objection from the Highway Authority subject to conditions.

In relation to potential land contamination, the application was accompanied by a phase 1 contamination report. This states that given the previous use, it is reasonable to assume that potential contaminants are restricted to the former use of the site as a car garage and to an extent a former agricultural use. The Council's Environmental Health Officer considers that further details should be provided in return to where drainage goes, oil interceptors, vehicle inspection pits and storage of waste oil. No further testing of soil has been included.

It is therefore recommended that a condition be imposed on any approval requiring a phase 2 investigation. It is noted that potential land contamination has been highlighted by a neighbouring occupier. However it is considered that their concerns will be addressed by the imposition of such a condition.

Contributions

Policy SP11 of the Ryedale Plan - Local Plan Strategy requires that all new development will be expected to contribute to the provision of public open space. Policy SP3 also requires contributions towards affordable housing from small sites below the on-site policy.

Members will be aware of the recent Ministerial advice issued on 28th November 2014 in relation to developer contributions. Following that announcement government policy guidance has been amended to advise that tariff style contributions should not be sought from developments of 10 units or less, or potentially from 5 units or less in rural areas. Because of this recent and significant change in material planning considerations As such it is not considered that contributions in respect of affordable housing should be sought from this site.

Recommendation

Given the broad compliance with policy, the recommendation is one of approval subject to conditions.

RECOMMENDATION: Approval

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 the Town & Country Planning (General Permitted Development) Order 1995, (or any Order revoking, re-enacting or amending that Order), no windows, other than those shown on the plans hereby approved, shall be formed in the walls or roof of the extension(s) hereby permitted without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason: To safeguard the privacy and amenity of adjoining residents and to satisfy Policy SP20 Of the Ryedale Plan - Local Plan Strategy

3 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.

- 4 Unless otherwise agreed in writing by the Local Planning Authority, all existing windows on the northern elevation at ground and first floor level shall be permanently block up in stone, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 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 and SP12 of the Ryedale Plan - Local Plan Strategy

- 6 Unless otherwise agreed in writing by the Local Planning Authority, precise details of the railings that are shown on elevation 1 shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of preserving and enhancing the character of Slingsby Conservation Area, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 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: In the interests of preserving the character of Slingsby Conservation Area, and to satisfy the requirements of Policy SP12 of the Ryedale Plan - Development Plan Strategy.

- 8 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: In the interests of preserving the character of Slingsby Conservation Area, and to satisfy the requirements of Policy SP12 of the Ryedale Plan - Local Plan Strategy.

- 9 The guttering to the development hereby permitted shall be fixed by means of gutter spikes and no fascia boarding shall be used unless agreed in writing by the Local Planning Authority.

Reason:- To preserve the character of Slingsby Conservation Area, and to satisfy the requirements of Policy SP 12 of the Ryedale Plan - Local Plan Strategy

- 10 Before the development hereby permitted commences, details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To preserve the character of Slingsby Conservation Area, and to satisfy the requirements of Policy SP12 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 proposals for a Phase 2 Site Investigation has been submitted to and approved in writing by the Local Planning Authority. Following the completion of the agreed Phase 2 Site Investigation should remedial work be required, or requested by the Local Planning Authority, development shall not commence until a Remediation Statement has 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(2013) Code of Practice for the Investigation of Potential Contaminated Sites. Following remediation, submission of a verification report to be approved in writing by the Local Planning Authority will be required prior to the occupation of any dwellings.

During the development any unforeseen land contamination found on site shall be notified immediately in writing to the Local Planning Authority and work cease until the extent of the contamination has been investigated and remedial action, which has been agreed in writing with the Local Planning Authority, has been completed. On completion of any remedial work a verification report shall be submitted and approved in writing with the Local Planning Authority.

Reason: In the interests of preserving the health and amenities of future occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan -Local Plan Strategy

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

Proposed site plan and setting out plan - dwg no. (05) 13 rev B, Proposed ground and first floor plans - dwg no. (05) 14 rev B, proposed elevations (05) 15 B

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

INFORMATIVE:

- 1 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as Amended) and applied to whoever carried out the work.

Background Papers:

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