

Item Number: 9
Application No: 14/01083/FUL
Parish: Lillings Ambo Parish Council
Appn. Type: Full Application
Applicant: Mr John Pulleyn
Proposal: Erection of a four bedroom dwelling and formation of 1no. parking space
Location: Land Adj Rose Cottage Goose Track Lane West Lilling

Registration Date:
8/13 Wk Expiry Date: 28 November 2014
Overall Expiry Date: 16 December 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council	No objections
Highways North Yorkshire	No highway objections - recommend conditions
Land Use Planning	No comments required
Parish Council	Object
Highways North Yorkshire	Recommends refusal

Neighbour responses: Mr Richard Armitage, Mr Chris Suter, GM And JM Armitage, Mrs Joan Armitage,

SITE:

The application site is a vacant plot of land located mainly within the development limits of West Lilling at the eastern end of the village. Part of the site comprising the access to a rear parking area, is located outside of the development limits of the settlement within the open countryside.

PROPOSAL:

Planning approval is sought for the erection of a four bedroom dwelling. The original plans were revised following initial concerns from the Highway Authority and Officers. The revised plans have removed the originally proposed projecting gable and included the provision of an additional of street parking space to the dwelling.

The dwelling has a frontage of approximately 11.2 metres and a maximum depth of 7.3 metres. The main element of the house has eaves and apex heights of 5.2 metres and 7.9 metres respectively with a subordinate 'wing' with eaves of 4.7 metres and an apex of 7.4 metres. It is proposed to be constructed with brick and clay tile. Plans, elevations and a street scene drawing are appended to this report.

POLICY:

National Planning Guidance

National Planning Policy Framework
National Planning Policy Guidance

Ryedale Plan- Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of new housing.
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 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy.

HISTORY:

14/00363/FUL: Erection of a four bedroom dwelling with integral garage - Withdrawn

14/00593/FUL: 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 - Approved

APPRAISAL:

The main considerations in the assessment of this application are:

- i) The principle of the development;
- ii) Character and form;
- iii) Residential amenity;
- v) Highway safety.

Principle of the development

The application site is located within an 'other village' as defined by the Ryedale Local Plan Strategy. Policy SP1 of the Ryedale Local Plan Strategy is relevant. This requires development in other villages to be restricted to that which is necessary to support a vibrant, and healthy rural economy and communities. To identify what is necessary to meet the requirements of Policy SP1, Policy SP2 states that in such settlements new residential housing is subject to a Local Needs Occupancy (LNO) Condition. The LNO condition reads as follows:

The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- i) 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;*
- ii) or do not live in the Parish but have a long standing connection to the local community, including a previous period of residence over three years but have moved away in the past three years;*
- iii) or service men or women returning to the Parish after leaving military service; or are taking up permanent employment in an already established business which has been located within the Parish, or adjoining Parish, for at least the previous three years;*
- iv) 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.*

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. The principle of the proposal is therefore considered to be acceptable.

Contributions that previously would have been sought under Policy SP11 are no longer capable of being sought following the recent Ministerial Statement in respect of developer contributions.

Character and form

Policy SP16 (Design) of the Ryedale Local Plan Strategy. This states: *“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surrounding including the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.”*

Officers had serious concerns that the originally submitted design failed to reflect the character of immediate locality or the local distinctiveness of the West Lilling and was more akin to a dwelling that might be located on a suburban housing estate rather than a rural, edge of village setting such as this. Following negotiations the design and form of the proposed development have been revised. The scheme put to Members is considered to comply with the aims of SP16 (Design).

A more traditional form has been achieved with the removal of the proposed projecting gable and the use of more traditional proportions and detailing of the fenestration. As Members will note from the attached plans, the fenestration previously was randomly sited and of a variety of different sizes. The revised scheme would also be constructed from traditional bricks, subject to recommend conditions, rather than the original which proposed a combination of render and brick.

Policy SP20 (Generic Development Management Issues of the Ryedale Local Plan Strategy states: *“New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses.”*

In 2014 an earlier planning application was withdrawn. A reason for this was that insufficient highway visibility could be achieved through an access located on the plot of the dwelling. As a result, the access to the site for this application has been altered and is proposed via a paddock located further to the east. To prevent the proposed access resulting in an extension into the wider open countryside, which would result in a greater level of urbanisation, it is proposed that a condition is attached to ensure that the details of the proposed access are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.

The Lillings and Ambo Parish Council has also sought confirmation regarding the proposed materials. Conditions are recommended regarding the submission of the materials to be used in the proposed construction prior to the commencement of the development.

Residential amenity

Policy SP20 seeks to protect the residential amenity of neighbouring properties and that of future occupiers of the dwelling.

The proposed development is not considered to have a material adverse effect upon the amenity of adjoining neighbours in terms of potential overlooking and the scale and bulk of the proposed dwelling. The amenity area serving the property is modest, however it is considered that it does provide sufficient levels of privacy to be enjoyed.

All consultees were re consulted following the submission of the revised plans

Highway safety

All four of the original letters of objection, raised concerns with regard to the impact of the proposed development on highway safety. Following the re-consultation of the neighbours on the amended plans one further letter of objection was raised from the occupants of Rose Cottage, regarding the loss of visibility from their driveway. The original scheme submitted was not considered to be satisfactory because of the limitations of the visibility splays. The Highways Authority recommendation was originally one of refusal. However following the submission of the revised plans the Highway Authority raises no objection however has recommended a number of conditions.

Lillings and Ambo Parish Council have subsequently withdrawn their recommendation of refusal and have raised no objection to the proposed development.

Treatment of foul and surface water.

It is proposed that the foul waste will be disposed of via the mains sewer. No comments have at the time of writing been received from Yorkshire Water. However Government Guidance is that the first consideration when processing foul waste is via the mains sewers, it is therefore considered that this is the most appropriate method.

Surface water is proposed would be dealt with via a soakaway. However no details have been provided. Due to the topography of the site, it is recommended that a condition is attached requesting that details of the site drainage are submitted prior to the commencement of the development.

A number of the letters of objection raised an issue relating to a 25 year covenant. However Members will be aware that this private property matter is not a relevant material planning consideration.

In light of the above assessment it is considered that the proposed development as amended accords with both local and National Planning Policies. The recommendation is therefore one of approval.

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 submitted details before the development hereby permitted is commenced the developer shall construct on site for the written approval of the Local Planning Authority a one metre square free standing panel of brickwork to be used in the construction of the building. The panels so constructed shall be retained only until the development has been completed.

Reason:- To ensure a satisfactory external appearance and to comply with the aims of Policy SP16 of the Ryedale Plan- Local Plan Strategy

3 Notwithstanding the submitted details the roof of the dwelling hereby permitted shall be covered with natural terracotta clay pantiles.

Reason:- To ensure a satisfactory external appearance and to ensure compliance with the aims of Policy SP16 of the Ryedale Plan - Local Plan Strategy.

4 The dwelling hereby approved shall not be occupied or brought into use prior to completion of the approved works for disposal and treatment of sewage.

Reason: To ensure that no foul discharges take place until proper provision has been made for their disposal.

5 Prior to the commencement of the dwelling hereby permitted details of the surface water discharge should be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that no discharges take place until proper provision has been made for their disposal.

- 6 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road Goose Track Lane from a point measured 2 metres down the centre line of the access road, as indicated on Drawing number P/36-PL-07B. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 and in the interests of road safety.

- 7 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided along the whole length of the western section of the application site frontage measured from a point of 0.3 metres minimum back from the rear edge of the adjoining highway footway at a height of 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

- 8 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing P/36-PL-06H. 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 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 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 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 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii)(b) The existing access at the eastern section of the application site shall be improved by repositioning to the western boundary of that section and the crossing of the grass verge to the rear of the existing footway shall be upgraded in construction specification in accordance with the approved details and standard construction specification in accordance with the approved details and standard detail number E6.

(ii)(c) The crossing of the highway footway to access the private layby parking area at the western section of the application site shall be constructed in accordance with the approved details and standard detail number E6.

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the approved details shown on drawing and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within **** metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

(vii) Provision of tactile paving in accordance with the current Government guidance.

Reason:- In accordance with Policy **** and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 12 Notwithstanding the submitted treatment of the access road further details should be submitted to and agreed in writing prior to the commencement of the development hereby approved and agreed in writing by the Local Planning Authority.

Reason: in the interest of preserving the character and appearance of the area and to ensure compliance with the aims of the Ryedale Local Plan Strategy.

- 13 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).

14 The dwelling house hereby permitted is to be occupied by persons, spouse and their dependents whom;

Have permanently resided in the parish, or an adjoining parish (including those outside the District), 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 and women returning to the parish after leaving for 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 local housing need in non service villages and to satisfy the requirement of Policy SP21 and Policy SP16 of the Ryedale Plan - Local Plan Strategy

15 The development hereby permitted shall be carried out in accordance with the following approved plans;

- Drawing reference P/36/PL-01H received by the Local Planning Authority on the 2 December 2014
- Drawing reference P/36-PL-02F received by the Local Planning Authority on the 2 December 2014
- Drawing reference P/36-PL-03F received by the Local Planning Authority on the 2 December 2014
- Drawing reference P36-PL-04J received by the Local Planning Authority on the 2 December 2014
- Drawing reference P/36-PL-06J received by the Local Planning Authority on the 2 December 2014
- Drawing reference P/36-PL-07C received by the Local Planning Authority on the 2 December 2014

- Drawing reference P36-PL-08A received by the Local Planning Authority on the 2 December 2014

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

INFORMATIVES:

- 1 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 2 An explanation of terms used above is available from the Highway Authority.

Background Papers:

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