

**Item Number:** 10  
**Application No:** 14/01111/FUL  
**Parish:** Norton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs S Finnerty  
**Proposal:** Erection of a four bedroom dwelling with 2no. parking spaces and vehicular access  
**Location:** Land At 6 Parliament Street Norton Malton North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 9 December 2014  
**Overall Expiry Date:** 13 November 2014  
**Case Officer:** Helen Bloomer **Ext:** 328

#### CONSULTATIONS:

<b>Environmental Health Officer</b>	No comments to make on application
<b>Archaeology Section</b>	Recommend condition
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Parish Council</b>	Support

**Neighbour responses:** Mr James Holder,

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#### SITE:

The application site forms part of the existing amenity space associated with No. 6 Parliament Street which is within the development limits of Norton. There is an existing garage and outbuilding on part of the site. Norton allotments are to the rear of the development site.

#### PROPOSAL:

Planning approval is sought for the erection of a four bedroom detached dwellinghouse, with rear amenity space and two off road parking space. The proposed dwelling has eaves and apex heights of 5 metres x 0.3 metres respectively, with a main span of 6.8 metres and a depth of 9 metres. A subordinate one and a half storey element is proposed to the eastern side of the building measuring a further 3 metres x 5.5 metres.

The materials proposed are representative of the local vernacular, being facing brick, red clay pantiles.

#### HISTORY:

Outline planning permission was granted for the erection of a dwellinghouse, reference 09/01218/OUT. The permission however expired on the 14 January 2013.

#### APPRAISAL:

The key considerations in assessing the application are;

- i) Principle
- ii) Character
- iii) Impact on residential amenity
- iv) Highways
- v) Archeologically
- vi) Treatment of Foul and Waste Water

## Principle

The Ryedale Local Plan Strategy has a settlement hierarchy as outlined in Policy SP1 (General Location and Settlement Hierarchy), which directs the majority of development to the Principle Settlement of Malton and Norton, the principle of the creation of a new dwelling in this location therefore supported by both SP1 and SP2 (Delivery and Distribution of New Housing).

The adopted Ryedale Plan - Local Plan Strategy Policy SP3 and SP11 required both a Public Open Space Contribution and Affordable Housing Contribution. 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 it is not considered that contributions in respect of affordable housing should be sought from this site.

## Character

The site lies to the southern side of Parliament Street within a predominately residential area. The site is currently used for parking and also forms part of the amenity area currently serving No.6 Parliament Street. The immediate vicinity is predominately characterised by terraced properties with a few detached properties.

The proposed dwelling would infill the existing opening within an otherwise continually built up street frontage. The scale and form of the proposed dwelling is representative of the existing detached dwellings within Parliament Street and the surrounding area. Whilst the dormer window on the one and a half storey element is not characteristic, it is sufficiently set back from the principle street frontage so that it would not detract from the character and appearance of the area.

Subject to the recommended conditions regarding the materials to be used in the construction, it is Officers opinion that the proposed development would have a positive effect on the character and appearance of the surrounding area.

## Impact on Residential Amenity

Because of the orientation of the proposed dwelling and the neighbouring properties it is not considered that the proposed development would impact on the privacy on either the current or future occupants of the application site or adjacent properties.

A letter of objection has been received from the occupier of the adjacent property No. 18 Parliament Street. The neighbour is concerned that there is the potential for loss of light to the garden. It is Officers opinion that because of the scale of dwelling (which adjacent to the boundary would be one and a half storey) as well as the orientation that the sun would set does not significantly reduce the amount of light currently enjoyed by the occupants to such a degree that it would have a detrimental impact on their amenity.

The neighbour has also raised concern regarding the potential impact of noise (presumably during the construction stage). The Environmental Health Officer has raised no concerns. Given the nature of the development it is not considered appropriate to impose conditions restricting the operating hours. The Environmental Health officer has advised that they do have powers of control if the noise created from the construction of the dwelling does result in a nuisance.

Further concerns raised which do not constitute material planning considerations are, damage to their property and the impact the development would have on the value of their property.

## Highways

The application is proposed to make use of the existing access which currently serves the garage and which is to be demolished. The Highway Authority has raised no objections to the proposed development, however a number of conditions have been recommended. Subject to the imposition of these conditions it is not considered that the proposed development would have an adverse impact on the safe functioning of the highway.

## Archaeology

The application site is in an area of known archaeological importance. North Yorkshire County Council Historic Environment Team have raised no objection to the proposed development, however they have recommended a number of conditions be attached to a decision.

## Treatment of Foul and Waste Water

The proposed dwelling would join the mains sewers and the surface water is to be dealt with via a soakaway and the mains sewers. Yorkshire Water has been consulted and has raised no objection to the proposed method.

The Environmental Health Officer has raised no objection to the proposal.

Norton on Derwent Town Council has resolved to recommend approval.

In light of the above assessment it is considered that the proposed development would accord with both Local and National Planning Policy. The recommendation therefore is 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 panel so constructed shall be retained only until the development has been completed.

Reason:- To ensure a satisfactory external appearance.

3            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.

4            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.

- 5 No demolition/development shall take place/ commence until a written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The Programme and methodology of site investigation and recording
  2. Community involvement and/or outreach proposals
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of site investigation and recording
  7. Nomination of competent person or person/ organisation to undertake the works set out within the Written Scheme of Investigation

Reason: This condition is imposed in accordance with section 12 of the NPPF as the site is of archaeological interest.

- 6 No Demolition/ development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 5.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

- 7 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

- 8 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme of their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

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

- 9 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)(c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details shown on Drawing No. 14-1048-2 and/or Standard Detail number E6.

(iii) Any gates or barriers shall be erected a minimum distance of 2.4 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(vi) The final surfacing of any private access within 2 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.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In accordance with Policy ^IN; 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.

- 10 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 39 metres measured along both channel lines of the major road Parliament Street from a point measured 2.4 metres down the centre line of the access road. 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.

- 11 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 visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. 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 the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

- 12 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 14-1048-2. 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.

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

14 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 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.

15 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).

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

Drawing number 14-1048-1

Drawing number 14-1048-2

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