

Item Number: 13
Application No: 14/01292/73A
Parish: Nawton Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mr & Mrs Featherstone
Proposal: Variation of Condition 04 by replacement of drawing Reference 0610103 Amendment B by drawing no. PL/156/03, Variation of Condition 12 by replacement of drawing 0610103 Amendment B by drawing nos PL/156/03 and PL/156/01 and Variation of Condition 13 to list the following approved plan(s): drawing nos. 0610102 Amendment A, PL/156/01, PL/156/02 and PL/156/03 amendment to Ashtree House south elevation.
Location: Outbuildings At Ashtree House High Street Nawton Helmsley YO62 7TT

Registration Date:
8/13 Wk Expiry Date: 3 February 2015
Overall Expiry Date: 11 February 2015
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

**Highways North Yorkshire
Parish Council** Concerns - request site visit.

Neighbour responses: Ms Paula Battersby, Paul & Jill Renney, ,

SITE:

The application site consists of Ashtree House and outbuildings to the rear located on High Street within the village of Nawton.

PROPOSAL:

The proposal seeks to vary condition 04, 12 and 13 of planning permission ref. 11/00564/FUL. The application is retrospective although the works have not yet been completed. Members are referred to the appended photographs for visual images of the site taken by the case officer when undertaking the site inspection.

The application seeks permission for 2 No. doors in the south elevation of Ashtree House and the erection of a wall to create an enclosed paved area. The applicant has confirmed that the enclosed area will be used solely as an outdoor recreational area.

HISTORY:

11/00564/FUL - Planning Permission Granted for change of use and alteration of outbuildings to form 3no. two-bedroom dwellings, ancillary domestic accommodation and domestic outbuildings with parking spaces and amenity areas to include demolition of cottage to allow widening of vehicular access.

POLICY:

[Ryedale Local Plan Strategy](#)

Policy SP16 – Design
Policy SP19 – Presumption in Favour of Sustainable Development
Policy SP20 – Generic Development Management Issues

National Planning Policy Statement

National Planning Policy Framework
National Planning Practise Guidance

APPRAISAL:

Introduction

This planning application has been submitted following an investigation by the Councils Enforcement Officers. The investigation identified that because of conditions of the approved planning application ref. 11/00564/FUL, a further planning application would be required to regularise the alterations. The applicant was advised of this decision and subsequently submitted the requested planning application. Given this background, Members will note that the principle of the development is not in question. The main considerations relate to design of the alterations and the impact they could have on the amenity of nearby residential properties.

The application is presented to the Planning Committee as a result of the concerns received from Nawton Parish Council and two letters of objection received from nearby residents. The main concerns raised which are material to this application relate to the visual impact of the development. Members will note that other concerns have been raised that are not relevant to the consideration of this application, but relate more the previous planning application 11/00564/FUL. The Parish Council also have concerns regarding the retrospective nature of the works. For information, the Parish Council Comments and neighbour objections can be seen in full in the planning application documents.

Assessment

Policy SP20 of the Ryedale Local Plan Strategy forms the key policy consideration for this application. The policy seeks to address the generic development management issues of new development, these being; Character; Design; Amenity and Safety; and Access, Parking and Servicing. The site is not located within a designated Conservation Area.

The alterations result in the creation of additional door openings in the side elevation of the dwelling and the erection of the wall to create an enclosed paved area. The wall has been constructed from stone to match the existing building and the materials are considered to be acceptable. The view of officers is that the overall appearance of the development is in keeping with the character and appearance of the host property or the surrounding area. The application has not been submitted with a front elevation drawing. Despite this, because the front wall of the development has already been constructed (seen on the attached photos), an assessment of the impact of the development as built can be made. A front elevation drawing has been requested and will be presented with the Planning Committee late pages.

With respect to residential amenity, Policy SP20 seeks to ensure new development will not adversely impact on the amenity of neighbouring occupiers. In this case, the alterations are at ground floor level, set away from the shared boundary and with any potential overlooking mitigated by the wall, it is not considered that any harm will occur on nearby residents amenity.

As part of the enforcement investigations, NYCC Highway Authority visited the site in its current form. The highway officers advised that the access was constructed as agreed through the discharge of conditions application for planning application ref 11/00564/FUL. Members are referred to the plan appended to this report. The highway officer has confirmed that the access has been constructed in accordance with the dimensions on that approved plan. Nevertheless, the highway authority has also been consulted on the current application and their comments are awaited. These comments will be reported to Members in the Committee late pages or at the Planning Committee Meeting.

Conclusion

To conclude, the proposed development is considered to be one that would meet the requirements of the Ryedale Local Plan Strategy.

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 Prior to the commencement of the development hereby approved, all business/commercial uses on the site, identified on Plan 0610103 Amendment B, shall permanently cease.

Reason:- It is considered that the retention of the builders/joinery business would result in an unacceptable intensification of the site, and harm the existing amenities of neighbouring occupiers, and to satisfy the requirements of SP20 of the Ryedale Local Plan Strategy and the NPPF.

3 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)(a) The access shall be formed to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E9A.

(iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(iv) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.

(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 E9A and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 6 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.

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

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy, 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.

- 4 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under Condition 03:
- (i) have been constructed in accordance with the submitted drawing (Reference PL/156/03), such works shall include the demolition of the existing cottage identified on that plan
- Once created, these 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 appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
- 5 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing PL/156/03. 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.
- 6 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.
- 7 The proposals for the landscaping of the site shown on plan No PL/156/03 shall be completed prior to the occupation of the dwellings hereby approved or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/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 ensure that the existing amenities of neighbouring occupiers are not significantly affected by the development, and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 8 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 safeguard the privacy and amenity of adjoining residents and to satisfy Policy SP20 of the Ryedale Local Plan Strategy.

- 9 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 dwellings 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 Local Plan Strategy.

- 10 Prior to the first occupation of the dwellings hereby approved, additional screening shall be carried out on the south-eastern boundary of the site where it abuts the property currently known as Plumpton Park.

Reason:- In order to maintain the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 11 The two-storey building at the western end of the site identified on drawing PL/156/03 shall be utilised for domestic purposes only, in connection with Ashtree House, and shall not at any time be let or sold off separately.

Reason:- To avoid the intensification of the site, and to maintain the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 12 Unless otherwise agreed in writing with the Local Planning Authority, and after the demolition of the cottage identified on drawing 0610103 Amendment B, the southern gable of Ashtree House shall be completed in accordance with Drawing No. PL/156/01 Rev A. in a natural stone finish to the satisfaction of the Local Planning Authority.

Reason:- In the interests of visual amenity and to satisfy the requirements of Policy H7 of the Ryedale Local Plan.

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

- * Drawing No. 061 010 2A - Conversion of outbuildings into three dwellings
- * Drawing No. PL/156/01
- * Drawing No. PL/156/02
- * Drawing No. PL/156/03

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

INFORMATIVES:

- 1 This permission does not absolve the applicants from any duties under the Wildlife and Countryside Act.
- 2 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.

Background Papers:

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