

**RYEDALE DISTRICT COUNCIL  
PLANNING COMMITTEE**

**SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE**

**PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING**

---

**Item Number:** 6  
**Application No:** 14/00911/FUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Jim Brettell  
**Proposal:** Change of use and alteration of existing shop (use Class A1) to a 1 bedroom dwelling (use Class C3) - part retrospective application  
**Location:** 56 Potter Hill Pickering North Yorkshire YO18 8AF

**Registration Date:** 19 November 2014      **8/13 Week Expiry Date:** 14 January 2015  
**Case Officer:** Matthew Mortonson      **Ext:** 332

**CONSULTATIONS:**

<b>Building Conservation Officer</b>	Some design concerns
<b>Parish Council</b>	Concerns
<b>Highways North Yorkshire</b>	No highway authority objections
<b>Environmental Health Officer</b>	

**Neighbour responses:** Mr And Mrs Sleightholm,  
**Overall Expiry Date:** 20 January 2015

---

**SITE:**

56 Potter Hill is a modest property located within the development limits of Pickering. The site is also within the town Conservation Area.

**PROPOSAL:**

This proposal seeks planning permission for the change of use and alteration of the existing shop (use Class A1) to a 1 bedroom dwelling (use Class A3).

The application is part retrospective as two roof lights have also been installed in the front and rear roofslope without planning permission.

**APPRAISAL:**

The main considerations in the assessment of this application are:

- i) Principle of the Development
- ii) Impact on Conservation Area
- iii) Residential Amenity

Principle of the Development

Policy SP1 of the Ryedale Local Plans seeks to direct residential development to the most sustainable

---

settlements of the District. Pickering, being one of the market towns of the District, is a focus for such developments. The application site is situated within the development limits of Pickering. In this respect, the principle of the development would be acceptable.

#### Impact on Conservation Area

The site is located within the Pickering Conservation Area. In such areas, Policy SP12 of the Ryedale Local Plan Strategy is relevant stating:

*'Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.'*

The main concern in assessing the impact of the development on the Pickering Conservation Area relates to the existing rooflight on the front elevation of the property. By virtue of its position and design, this rooflight is not considered to be one that respects the character and appearance of the host property. There are clear views of the development from within the streetscene along Potter Hill. The Council's Building Conservation Officer raises concerns to the application and advises removing the rooflight from the scheme. The rooflight is not considered to preserve or enhance the Pickering Conservation Area.

The concerns of the Conservation Officer have been raised with the applicant, who considers that rooflight does preserve the character of the Conservation Area. Given these comments, and because this aspect of the application is retrospective, the applicant does not wish not to remove the front rooflight from the scheme and therefore the application has been assessed as submitted.

In accordance with the NPPF the degree of harm caused must be identified as substantial harm or less than substantial harm. The Building Conservation Officer has confirmed that the degree of harm caused by the development to the character of the Conservation Area is less than substantial harm. As such, reference is made to the requirements of Paragraph 134 of the NPPF which states:

*134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

The National Planning Policy Guidance (NPPG) identifies what is meant by the term 'Public Benefits'. It states:

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework ([Paragraph 7](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.*

*Public benefits may include heritage benefits, such as:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation*

Paragraph 7 of NPPF states:

*There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- ***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ***a social role*** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ***an environmental role*** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

In light of the above, the public benefits of this application are considered to be the conversion of the property that has remained empty and unused since 2012 into an additional residential dwelling. The Council's Housing Officers have identified that there is a particular shortage of 1 bed properties in Pickering indicating a clear public benefit from this scheme.

In terms of any other viable uses, the applicant argues that the property is sited some distance from the town centre therefore is no longer a suitable place for a retail unit to be located. Members will note that the site is located outside of the Town Centre Commercial Limits of Pickering. Therefore, whilst the use is established, in planning policy terms the siting of the unit is not one that entirely lends itself as a retail property.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions in respect of Conservation Areas 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. In considering the requirements of the Act, the view of planning officers is that there are benefits to scheme which counterbalance the harm created by the rooflight. These benefits are in the form of the removal of the existing signage to the front elevation and the replacement of the existing front door (for reasons seen later in this report) to a feature more in keeping with its setting.

In light of the above, on balance, it is considered the benefits of the development in the form of the removal of existing signage and improvements to the front elevation together with the public benefit of an additional 1 bedroom dwelling justifies the grant of permission notwithstanding the less than substantial harm created by the insertion of the rooflight on the Pickering Conservation Area. Therefore, the development would meet the requirements of the NPPF, and Policy SP12 of the Ryedale Local Plan Strategy.

#### Residential Amenity

With respect to residential amenity, Policy SP20 of the Ryedale Local Plan Strategy stating:

*New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*

Given the modest scale of the property, the main concern in relation to residential amenity is the impact of the development on the future occupants of the proposed dwelling. Members will be aware that officers do have concerns to a dwelling of this scale. However it is not unusual to have small residential

dwellings which are limited in scale, particularly in town or urban settings. Furthermore, the Local Planning Authority does not have any minimum dwelling standards contained in its policies. The current fully glazed front door of the property which is directly on the back edge of the footpath is considered to be inappropriate to serve the dwelling and a condition is recommended for its replacement of an appropriate design in the interests of the amenities of the future residents and in the interests of enhancing the appearance of the Conservation Area.

The objector has raised concerns with respect to the lack of any external amenity space for the property, with nowhere outside to store waste or recycle bins. Whilst these concerns are noted, it is not wholly unusual for properties in the market towns to not benefit from external amenity areas. The Council's Household Waste Collection identifies that properties unsuitable for wheelie bins will be provided with RDC liners. These liners will be collected as normal on bin collection days.

The proposed development is not considered to materially impact on nearby or neighbouring residential properties.

In terms of residential amenity, the application is therefore considered to be acceptable.

#### Conclusion

To conclude, whilst the installation of a velux in the front facing roofslope is considered to result in less substantiated harm to the designated Conservation Area the provision of a one bedroomed dwelling within the town together with other improvements to the appearance of the building are considered to outweigh that harm in consideration of the planning balance. The proposal is therefore considered to be acceptable and satisfies Policies SP12 and SP20 of the Ryedale Plan - Local Plan Strategy; Section 12 of the NPPF and the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **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 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

Glass 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 Prior to the first occupation of the development hereby permitted, large scale details of a replacement front door to be constructed from timber shall be submitted to and approved in writing by the Local Planning Authority. The front door shall be installed in accordance with details approved prior to the final occupation of the dwelling and shall not be altered unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate levels of residential amenity for occupiers in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 4 Prior to the first occupation of the development hereby permitted, all existing signage and all associated fixings and fittings shall be removed from the property.

Reason: To ensure appropriate appearance for a residential dwelling in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

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

First Floor Plan / Ground Floor Plan (Scale 1:50)  
Roof Plan (Scale 1:50)

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

**Background Papers:**

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