

**Item Number:** 7  
**Application No:** 14/01247/FUL  
**Parish:**  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs Richard Page  
**Proposal:** Erection of a three bedroom dwelling and detached garage/workshop/store  
**Location:** Land Adj 8 New Road Kirkbymoorside

**Registration Date:**  
**8/13 Wk Expiry Date:** 13 February 2015  
**Overall Expiry Date:** 18 February 2015  
**Case Officer:** Alan Hunter **Ext:** Ext 276

#### CONSULTATIONS:

<b>Environmental Health Officer</b>	Recommend condition
<b>Land Use Planning</b>	No comments required
<b>Parish Council</b>	No comment
<b>Highways North Yorkshire</b>	
<b>Tree &amp; Landscape Officer</b>	Recommendations made

#### Neighbour responses:

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#### SITE:

The application site contains land currently used as the side garden of No. 8 New Road Kirkbymoorside and measures approximately 35m in depth at its greatest and 84m in length (30m of this relates to the access across the front of No. 8). The application site is located to the east of No. 8 and outside the development limits of Kirkbymoorside. The site is also within a larger designated Visually Important Undeveloped Area, the purpose of which is to provide separation between Kirkbymoorside and Kirby Mills. The site is grassed with a substantial native hedge across the front of the site approximately 2.5-3m in height. Access to the site is gained via an existing cul-de-sac.

#### PROPOSAL:

Planning permission is sought for the erection of a three bedroom dwelling and a detached garage/workshop/store.

The proposed dwelling is single storey with a footprint of 19.4m by 9.8m and measures 2.7m to the eaves height and 5.8m to the ridge height. The proposed dwelling is to be constructed of brick and render under a slate roof with timber painted double glazed windows and doors.

The proposed garage/workshop/store will be located on the south eastern side and have a footprint of 16m by 8.6m and be 2.4m to the eaves height and 4.7m to the ridge height. On the western roof slope 16 no. solar panels are proposed.

#### HISTORY:

1991: Planning permission refused for the erection of a dwelling.

1990: Planning permission refused for the erection of two detached dwellings. Appeal dismissed.

1989: Planning permission refused for the erection of two detached dwellings.

1984: Advertisement Consent granted for the display of a non-illuminated road sign.

1981: Planning permission granted for the construction of a detached bungalow.

1981: Advertisement Consent granted for the erection of a non-illuminated free standing sign 96” by 31” at a height of approx 3’6” above ground level with 3” lettering opposite.

## **POLICY:**

### National Policy

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

### 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 SP4 – Type and Mix of New Housing

Policy SP11 – Community Facilities and Services

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 – Presumption in favour of sustainable development

Policy SP20 – Generic Development Management Issues

## **APPRAISAL:**

The main considerations in relation to this application are:

1. The principle of the proposed development;
2. The siting, scale and design of the proposed dwelling;
3. Whether the proposal will have an adverse effect upon the character and appearance of the open countryside;
4. Impact upon the amenity of the adjoining neighbours;
5. Highway safety;
6. Landscaping; and
7. Drainage.

This application is referred to Planning Committee as the recommendation to approve this application beyond the ‘saved’ development limits represents a departure from the adopted Development Plan. The application has been advertised as ‘Departure’ and the rationale for this recommendation is contained below.

In 1981 planning permission was granted for a dwelling on this site, but not implemented. In 1989 planning permission was refused for two detached dwellings on this site. The reasons the Council refused the application related to the proposal being outside the development limit for Kirkbymoorside and infilling the space between Kirkbymoorside and Kirby Mills. In 1990 a further

application for two detached dwellings was refused planning permission and dismissed on appeal. The Inspector, in his decision in 1990, considered that the development would appear as an urban intrusion into the open countryside and would materially harm the pleasant rural character of the area and rural setting of Kirkbymoorside. The Inspector noted at the time that the Council had in excess of a 6-year supply of housing in the northern part of Kirkbymoorside. It was also noted that the site was more open in 1990, compared to the substantial native hedge located on the front boundary at present. A further application was refused in 1991 for a single dwelling, mainly because the site's location fell outside of what could be termed 'infill' and that it constituted 'ribbon development' which as a consequence would close the important area of land between Kirkbymoorside and Kirby Mills.

The site is located outside the development limits of Kirkbymoorside. The adopted Local Plan Strategy contains a residential strategy to focus new residential development in sustainable settlements comprising the four market towns and the selected 'service villages'. Kirkbymoorside, being one of the four market towns is designated as the Local Service Centre and a sustainable settlement in the District. The Town has good public transport links, a school, employment provision and retail provision. The site would be within walking distances of services, facilities and jobs.

Para. 49 of NPPF states:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

The Council's Forward Planning Department have calculated that the Council does not currently have a 5 year supply of housing (3.71 years of housing supply as at 16 December 2014). Therefore in accordance with para. 49 of NPPF, the proposal must be considered against para. 14 of NPPF.

Para. 14 states:

*'... For decision-taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan are absent, silent, or relevant policies are out-of-date, granting planning permission unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
  - *Specific policies in the Framework indicate development should be restricted.*

Following a recent appeal decision, Officers consider relevant sections of Policy SP2 (Delivery and Distribution of new housing) of the Local Planning Strategy relating to the supply of housing in the District to be 'out of date'. Policy SP1 (General Location of new development and settlement hierarchy) and Policy SP19 (presumption in favour of sustainable development) are still considered to be relevant along with NPPF and NPPG. The proposal is also not considered to be contrary to Para. 55 of NPPF, which seeks to restrict new residential development in isolated open countryside locations, because the site is not isolated but well related to the built form of the 'Local Service Centre'. All other relevant paragraphs of NPPF seek to encourage sustainable residential development in locations such as Kirkbymoorside. The proposed development is located adjacent to the existing development limit and is, however, considered to be in general conformity with the thrust of Policy SP2 in terms of delivering housing in sustainable locations.

The Visually Important Undeveloped Area (VIUA) is a local designation aimed at protecting space between Kirkbymoorside and Keldholme. Policy SP16 states:

*'Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement.'*

It is noted in this the site is located behind the Market Town sign marking the entrance to Kirkbymoorside and behind a mature hedge. There are therefore no open views of the site. In this respect the relationship of this particular site to the wider VIUA is limited. To the northern side is an existing playing field, with open countryside to the south. The site is considered to form a logical end to the existing residential development on the southern side of New Road. Furthermore, the nearest hamlet is Kirby Mills, and it is noted that the adopted plan is specifically seeking to avoid coalescence with Keldholme. The adopted Ryedale Plan - Local Plan Strategy also seeks to allocate new housing for Kirkbymoorside to north of the A170, and to the west and east of the town. This site is to east of Kirkbymoorside and it is not considered to create any coalescence with Keldholme. Furthermore the closing of the gap for this single dwelling to Kirkby Mills is not considered to be objectionable in terms of its harm in terms of Para. 14 of NPPF. The wider benefit of providing a new dwelling in a sustainable location in the absence of a 5 year supply of housing is a significant material planning consideration. In view of this and the limited impact of this proposal upon the integrity of the VIUA it is considered that the benefits associated with the development significantly outweigh the damage to the character of the area.

For the reasons outlined above it is therefore considered that in view of the current lack of housing supply in the District, the previous reasons for refusing residential development on this site are not considered to be constitute grounds to object to the principle of a single dwelling on this site at the present time. It is therefore considered that the principle of residential development in this sustainable location is acceptable. This is subject to any impacts associated with the proposal that are considered to cause significant and demonstrable harm in accordance with para. 14.

The design of the proposed bungalow is considered to relate well to the character of properties in the immediate area. The use of render is not however, considered to be appropriate on the proposal, and a condition is recommended to ensure that the building, if approved is constructed of brick. The existing hedge is approximately is 2.5-3m in height and the eaves of the proposed dwelling is 2.7m, therefore it is mainly the slate roof of the dwelling that will be visible from outside the site, with the exception of the existing access points on the eastern and western side. The proposed dwelling will also be set back from the front boundary by approximately 5m.

The proposed workshop/store/garage is located on the south eastern side of the dwelling and the side of this structure will be visible on entry to the Town. The visible side elevation measures approximately 16m in length, negotiations are taking place with the agent to try and reduce the size of this structure to the dimensions of a more conventional double garage. Members will be update at the meeting. There is considered to be no objection to the proposed 16no. solar panels on the south western roof slope.

The proposed dwelling is accessed via an existing cul-de-sac that terminates at No. 8 New Road. The proposal is to have a private access from the cul-de-sac that leads across the front elevation of No. 8 New Road. There is a mature native hedge in front of No. 8 which is proposed to be retained. The local Highway Authority has considered the application and has no objection subject to conditions.

The Tree and Landscape Officer has commented to state:

*'The site is currently fronted by a strong native hedge which screens the site. However, it is likely that the required visibility splays will require the removal or considerable lowering of the hedge . If this is the case then if the site is acceptable for development than the property should be set back to allow for the planting of a new hedge behind the required visibility splay. In addition the planting of say two native trees along the rear boundary hedge will serve to form a natural backdrop to the property.'*

It would appear however from the submission that the hedge on the front boundary will be retained and a condition is recommended accordingly. A new planting condition is recommended in respect of additional planting on the rear boundary.

The access to the site runs directly in front of No. 8, which will have some impact upon it's amenity. However it is considered that this can be mitigated by planting or suitable boundary treatment to protect the amenities of No. 8. It is also understood that the applicants intend to retain No. 8.. In all other respects the proposal is not considered to have adverse effect upon the amenity of nearby properties given the separation distances.

The proposal is to drain surface water via a soakaway and foul water into the mains. Yorkshire Water has no objection to this arrangement. The Council's Environmental Health Officer has no objection subject to a condition regarding potential ground contamination.

In accordance with the resolution of Planning Committee on 10 February 2015 and Council on 24 February 2015 financial contributions from small sites such as this to affordable housing and Public Open Space are not requested.

Kirkbymoorside Town Council have no comment on the submission and there have been no third party comments received.

In view of the above assessment the proposal is recommended for conditional 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 and 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: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy

3            Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan - Local Plan Strategy

4            Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All

planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or 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 enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy

- 5 The existing hedge along the front boundary of the site shall be retained and maintained, and details of proposed maintenance measures shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development. In the event of the existing hedge dying, it/they shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. Any new hedgerow plants shall be maintained for a period of five years from being planted and replaced if they die or become diseased by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: It is considered that the existing hedge is an important visual amenity with should be retained and to satisfy Policy SP20 of the Local Plan Strategy

- 6 Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings has been submitted to and approved in writing by the Local Planning Authority. This investigation shall include an appropriate survey of the nature and extent of any contamination affecting the site and an assessment of the potential risks to the end users of the site. Where unacceptable risks are identified an appropriate scheme of remediation to make the site suitable for the intended use must also be submitted to and approved in writing by the Local Planning Authority. Following any required 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.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An appropriate investigation and risk assessment must be undertaken in accordance with current guidance, and where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to the Local Planning Authority for approval.

Reason: In order to fully assess potential ground contamination and to satisfy the NPPF.

- 7 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, unless the following drawings and details have been submitted to and 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 Drawing No. S10 Rev.B and Standard Detail number E6.

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted,

and agreed in advance, of the commencement of the development and maintained thereafter to prevent such discharges.

(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.

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

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

- 8 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number S10 Rev.B for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway 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 SP20 of the Ryedale Plan - Local Plan Strategy 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 subcontractors 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 Plan - 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.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plan(s):.
- Reason: For the avoidance of doubt and in the interests of proper planning.
- 12 Prior to the commencement of the development hereby approved precise details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Local Plan Strategy.
- 13 That the garage/workshop/store is used only for domestic purposes in association the dwelling hereby approved.
- Reason: In the interests of highway safety and to protect the amenity of the adjoining neighbours and to satisfy Policy SP20 of the Local Plan Strategy

**INFORMATIVE(S)**

- 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.

**Background Papers:**

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