

Item Number: 7
Application No: 14/01055/FUL
Parish: Oswaldkirk Parish Meeting
Appn. Type: Full Application
Applicant: Ampleforth Abbey & College (Mr David Read)
Proposal: Subdivision and extension of existing 6 bedroom dwelling to form a 1 bedroom dwelling and a 3 bedroom dwelling together with alteration and extension of detached outbuilding to form a 3 bedroom dwelling with attached garage
Location: St Gregorys House Main Street Oswaldkirk Helmsley YO62 5XT
Registration Date:
8/13 Wk Expiry Date: 15 December 2014
Overall Expiry Date: 2 January 2015
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Countryside Officer	No objection - recommends informative
Land Use Planning	No comments required from Yorkshire Water
Howardian Hills AONB JC	Comments
Parish Council	Objection
Highways North Yorkshire	Comments received regarding parking spaces and visibility - awaiting amended documents
Building Conservation Officer	Some design concerns
Building Conservation Officer	Previous concerns addressed
Countryside Officer	No objection
Howardian Hills AONB JC	
Highways North Yorkshire	Recommend condition
Parish Council	Objection
Land Use Planning	

Neighbour responses: Mr Roger Wade,

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SITE:

The site is located within the settlement of Oswaldkirk. Oswaldkirk is defined as an 'Other Village' within the settlement hierarchy of the Ryedale Plan – Local Plan Strategy. It is also located within the Oswaldkirk Conservation Area and the Howardian Hills Area of Outstanding Natural Beauty.

The site measures approximately 0.12 hectares in area and comprises of an existing 6 bedroom dwelling known as 'St Gregory's House'. This dwelling is located to the north east corner of the site that fronts 'Main Street'. To the west of the main dwelling is a single storey 'wing' that also fronts Main Street. To the south west of the existing residential dwelling is a long, stone 'barn' outbuilding, with a ridge running north/south. To the north end of this barn are a pair of brick built store rooms that are proposed to be demolished. The remainder of the site is used as a grassed and patio amenity space. It should be noted that there are varying levels within the site, with it sloping from north to the south.

PROPOSAL:

Subdivision and extension of existing 6 bedroom dwelling to form a 1 bedroom dwelling and a 3 bedroom dwelling together with alteration and extension of detached outbuilding to form a 3 bedroom dwelling with attached garage.

For clarity, the site is proposed to be separated to the following units:

- Unit 1 – The proposed 3 bedroom dwelling, which is the currently the main dwelling. This unit also proposes a two-storey rear extension to the southern elevation.
- Unit 2 – The proposed 1 bedroom dwelling, this is currently a single storey ‘wing’ to the west elevation of the main dwelling.
- Unit 3 – The proposed 3 bedroom dwelling that is currently a detached outbuilding that is used as a garage and store. This outbuilding is proposed to be increased in height, with a single storey extension to the southern elevation and a small lean to extension to the eastern elevation.

Concerns were raised by Officers to the original scheme.

- Unit 1 – The design of the proposed two storey extension should have a gable roof form rather than a hipped roof.
- Unit 2 – The insertion of openings on the street frontage should be kept to a minimum and have timber lintels.
- Unit 3 – Over glazing on all elevations.
- Visual aspect of timber close boarded fencing
- All vehicular parking should be provided on site and at least one parking space is provided for Unit 2.
- The existing brick piers and flank walling should be reduced in height and not exceed 1m above the adjacent ground levels to improve the existing vehicular and pedestrian visibility splays.

Oswaldkirk Parish Council objected to the original submitted scheme and the occupiers of ‘The Red House’ also raised concerns. The Red House is the adjacent residential property located to the south east of the site.

They raised the following material planning considerations:

- The scale of the development – sub dividing a single dwelling into three separate dwellings
- The close proximity of the site to the B1363 junction and vehicles currently park on the bend
- Insufficient number of car parking spaces for all dwellings
- Access into and out of the site would be limited due to the restricted nature of the driveway
- The inability for the garage of Unit 3 to be accessed

The agent was made aware of the above concerns and a revised scheme was submitted. A full re-consultation has taken place and the appraisal below considers the revised scheme.

HISTORY:

There is no relevant planning history in connection with the site.

POLICY:

National Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

The Ryedale Plan – Local Plan Strategy

Policy SP2 Delivery and Distribution of New Housing
Policy SP4 Type and Mix of New Housing
Policy SP12 Heritage
Policy SP13 Landscapes
Policy SP14 Biodiversity
Policy SP16 Design
Policy SP19 Presumption in Favour of Sustainable Development
Policy SP20 Generic Development Management Issues
Policy SP21 Occupancy Restrictions

APPRAISAL:

The main considerations to be taken into account are:

- i. The principle of development
- ii. Character and form
- iii. Impact upon the Oswaldkirk Conservation Area
- iv. Residential amenity for future residents
- v. Impact upon the street scene
- vi. Impact upon the Howardian Hills AONB
- vii. Highway safety
- viii. Impact upon neighbouring amenity
- ix. Impact upon protected species
- x. Drainage
- xi. Third party responses
- xii. Conclusions

The principle of development

Policy SP2 (Delivery and Distribution of new housing) of the Ryedale Plan – Local Plan Strategy is supportive of the sub-division of existing dwellings in ‘Other Villages’ (Units 1 and 2). Policy SP2 states the following regarding conversions in ‘Other Villages’ (Unit 3):

Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy.

The Local Needs Occupancy restriction of Policy SP21 (Occupancy Restrictions) of the Ryedale Plan – Local Plan Strategy states the following:

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- 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 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*

The agent has stated that the units will be occupied by staff working at Ampleforth College. They have stated that there is a need for additional dwellings, of various sizes for incoming employees engaged within the immediate area and other employees already residing within the community and looking for alternative accommodation. Ampleforth Collage is located approximately 1.5 miles to the west of the village of Oswaldkirk. It is considered that the applicant has demonstrated that there is a local need for the dwellings and that the Local Needs Occupancy restriction that will be attached to Unit 3 can be complied with.

Character and form

Unit 1 proposes a two storey extension to the southern elevation of the property. It will measure approximately 4.4m in width, 2.9, in depth, 6m to the eaves and 8m to the ridge. It will have a gable roof and be constructed of stone and slate to match the existing property. A large ground floor window is proposed on the southern elevation of the extension, with double doors on the east elevation. There will be no openings to the western elevation that faces onto Unit 2.

Unit 2 proposes insertions to the northern, western and southern elevations. On the northern elevation, a small window and door are proposed to allow the unit to be still read as an ancillary outbuilding to Unit 1 (despite being a separate residential dwelling).

Unit 3 is currently a detached outbuilding that is currently used as a garage and store. This outbuilding is proposed to be increased in height from 5.5m to the ridge to 6.5m to the ridge. The extension to the south of the outbuilding will mirror the existing eave, ridge and width, but will increase in depth from 15.6m to 23.5m (an increase of 8m). This increase in depth will allow for additional accommodation and will not project any further forward than the adjacent village hall. A single storey lean to extension to the eastern elevation will measure approximately 6.2m in width, 2.2m in depth, 2.7m to the eaves and 3.8m to the ridge. The extension will be constructed of stone and bricks, under a clay pantile roof to mirror the existing outbuilding. The western elevation will have a garage door, with further glazing within the existing openings. Rooflights are proposed on the eastern and western elevations, with glazing on the southern elevation.

The extensions to Units 1 and 3 and the alterations to all units are considered to be appropriate and sympathetic to the character and appearance of the respective host building (and outbuildings) in terms of scale, form and use of materials, complying with Policy SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan – Local Plan Strategy. Conditions will be attached to the Decision Notice if planning permission is granted; stating that prior to the commencement of any works, the external materials and windows/doors details shall be agreed in writing. All windows will be timber framed.

Impact upon the Oswaldkirk Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

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'.

The Building Conservation Officer has raised no objection to the revised scheme as it addressed the initial design concerns. These concerns included:

- Unit 1 –The design of the proposed two storey extension should have a gable roof rather than a hipped roof.

- Unit 2 – The insertion of openings on the street frontage shall be kept to a minimum and have timber lintels.
- Unit 3 – The over glazing on all elevations.
- Visual aspect of timber close boarded fencing

As described above, conditions will be attached to the Decision Notice if planning permission is granted, stating that prior to the commencement of any works, the external materials and windows/doors details and boundary treatments shall be agreed in writing.

Residential amenity for future residents

An additional plan has been submitted in terms of the proposed landscaping and boundary treatments between the Units. Post and rail fences are proposed, similar to those that already exist in and around the site. This will be strengthened between the gardens of Units 1 and 3, and across part of the southern boundary to Unit 3 with beech hedging. Small ornamental trees are also proposed to help to define the boundaries between the Units. Close boarded fencing is proposed in the areas where visual screening is required. This includes around the Unit 1 parking bays, around the LPG tanks and between the courtyard garden to Unit 2 and the driveway area of Unit 1. A 5 bar field gate is proposed to the driveway of Unit 1 in order to maintain a visually open feeling within the communal area. It is therefore, considered that each Unit (based upon their size and bedroom numbers) has a sufficient level of private amenity space that can be enjoyed by the occupiers, complying with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan – Local Plan Strategy. Notwithstanding the submitted information, the exact locations, design, materials and species of the proposed landscaping and boundary treatments will be conditioned.

Impact upon the street scene

When approaching the village from the south, along the B1363, there will be glimpsed views of the proposed two storey rear extension to Unit 1 and the proposed works to Unit 3. The alterations to the northern elevations of Units 1 and 2 have been kept to a minimum to allow Unit 2 to be still read as an ancillary outbuilding to Unit 1 (despite being a residential dwelling). There is a public footpath to the south of the site that is accessed via the village hall. However, the proposal is considered to not have a detrimental impact upon the street scene or when viewed from any public viewpoints.

Impact upon the Howardian Hills AONB

The AONB manager has stated the following with regard to the proposal:

- 1) I consider that the fenestration in the southern elevations of both the proposed 2-storey extension and the converted barn is not of an excessive proportion, is traditional in style, size and shape and therefore would not have a detrimental impact on the AONB landscape.*
- 2) The proposed flue in the converted barn should have a black anodised finish rather than being stainless steel.*

The proposed flue on Unit 3 is shown to be of a black anodised finish which is considered acceptable in this location. The proposed works are therefore not considered to have a detrimental impact upon the character of the AONB landscape.

Highway safety

The Local Highway Authority raised concerns with the original scheme. These concerns were

- All vehicular parking should be provided on site and at least one parking space is provided for Unit 2.
- The existing brick piers and flank walling should be reduced in height and not exceed 1m above the adjacent ground levels to improve the existing vehicular and pedestrian visibility splays.

The revised scheme shows two parking spaces for Unit 1, one parking space for Unit 2 and three parking spaces for Unit 3 (including the garage space) with a communal turning space. The Local Highway Authority has raised no objection to the revised scheme, subject to conditions relating to the parking for the dwellings to be retained, precautions to prevent mud on the highway and on-site parking and storage. It is therefore considered that the parking and turning provision within the site is acceptable and complies with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan – Local Plan Strategy. In light of the NYCC Local Highways acceptance of the scheme, it is not considered that an objection to the application on the grounds of highway safety can be substantiated.

Impact upon neighbouring amenity

Following re-consultation on the amended plans, a further letter of objection has again been received from the occupier of The Red House, which is the residential property located to the south east of the site. The full letter of objection can be viewed on the Council's website. A summary of the objection includes the following main points:

- The scale of the development
- Insufficient provision of on-site parking
- Access into and out of the site would be limited due to the restricted nature of the driveway
- The practicalities of the parking on site

The issues regarding the scale of the development have been addressed earlier in this report. The issues regarding parking and highway safety have been addressed in the above section and it is noted that the Local Highway Authority has raised no objection to the proposal, subject to conditions being adhered to. It should be noted that the agent has omitted the proposed patio window on the eastern elevation of Unit 3 and replaced it with a smaller window to ensure that the amenity of the occupiers of The Red House is protected. Furthermore, the proposed landscaping between Units 1 and 3 will ensure that the amenity of The Red House is protected.

In terms of other neighbouring properties, it is considered that the proposed works will not have a material adverse impact upon their amenity.

Impact upon protected species

The Countryside Officer has advised that an informative relating to bats is attached to the Decision Notice to ensure that these species are protected from any of the works that are carried out on the site.

Drainage

Yorkshire Water has made no comments with regard to the proposal, subject the foul water being drained into the public foul sewer and the surface water to soakaways.

Third party responses

Oswaldkirk Parish Council has objected to the revised scheme. The full letter of objection is attached to this agenda. They also refer to their previous letter of objection dated 14th November 2014. A summary of the objection includes the following main points:

- The scale of the development
- The likelihood of the car parking spaces within the site being used is low
- The close proximity of the site to the B1363 junction and vehicles currently park on the bend

The issues regarding the scale of the development have been addressed throughout the report. The issues regarding parking and highway safety have also been addressed and the Local Highway

Authority has raised no objection to the proposal, subject to the recommended conditions being imposed

Conclusions

In light of the above, it is considered that the proposed subdivision and extension of the existing 6 bedroom dwelling to form a 1 bedroom dwelling and a 3 bedroom dwelling together with the alteration and extension of detached outbuilding to form a 3 bedroom dwelling with attached garage meets the relevant policy criteria outlined within Policies SP2, SP4, SP12, SP13, SP14, SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval, subject to the following conditions.

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 Local Needs Occupancy – Unit 3

The residential dwelling of Unit 3 (as shown on Drawing Number 056/STG/P.01 Revision B) 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:

- 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 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 satisfy the requirements of Policies Sp2 and SP21 of the Ryedale Plan - Local Plan Strategy.

3 Prior to the commencement of the development hereby permitted, details and samples of the materials to be used on the exterior of the buildings 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 Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling (including the mortar) to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Unless otherwise agreed in writing, all new windows, doors and garage doors shall be set in reveals of 75mm.
- Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 6 Prior to the commencement of the development hereby permitted, details of all windows, doors and garage doors, including means of opening and external finish shall be submitted to and approved in writing by the Local Planning Authority
- Reason: To ensure a satisfactory external appearance and to comply with the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 7 Unless otherwise agreed in writing, the rainwater goods on the rise and fall brackets shall be constructed of cast iron.
- Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan – Local Plan Strategy.
- 8 Notwithstanding the submitted information and the proposed landscape site plan (Drg No 056/STG/P.04) details of the proposed planting and boundary treatments to provide additional screening to the development, and supplement existing landscape features, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall consist of locally native species only specified in a planting schedule providing details of species, planting sizes and numbers of each species. The approved scheme shall be implemented within the first available planting season (Nov 2015 – March 2016) following completion of the development. In the event of any plant material dieing , or become seriously diseased or damaged within a 5 year period following planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.
- Reason: To ensure that the development is integrated within the village and to protect the amenities of neighbouring occupiers, in accordance with Policies SP12, SP13 and SP20 of the Ryedale Plan – Local Plan Strategy.
- 9 Prior to the commencement of the development hereby permitted, details of the hard landscaping and surfacing within the site shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.
- 10 Unless otherwise agreed in writing, the flue on Unit 3 shall be permanently finished in black.
- Reason: Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP13. SP16 and SP20 of the Ryedale Plan – Local Plan Strategy.
- 11 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 on Unit 3 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), and to satisfy the requirements of Policies SP12 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 12 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 056/STG/P.01 Revision B and front boundary wall and piers lowered to enable improvement to visibility at the access in accordance with approved drawing number 056/STG/P.02 Rev B. 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 Plan - 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.

- 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 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

- 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 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.

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

056/STG/P.01 Revision B
056/STG/P.02 Revision B
056/STG/P.03 Revision B
056/STG/P.04 Revision B

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

INFORMATIVE:

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as Amended) and applied to whoever carried out the work.

Contact details: Natural England, 4th Floor, Foss House, Kings Pool, 1 - 2 Peasholme Green, York, YO1 7PX Tel: 0300 060 1911

Background Papers:

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