

Item Number: 8
Application No: 14/01063/FUL
Parish: Leavening Parish Council
Appn. Type: Full Application
Applicant: Mr Larry Milner
Proposal: Erection of a three bedroom detached dwelling with integral garage, and formation of vehicular access
Location: Land West Of Wold Terrace Beck Lane Leavening Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 19 June 2015
Overall Expiry Date: 2 June 2015
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Land Use Planning	No views received to date
Countryside Officer	Recommend informative
Parish Council	No views received to date
Highways North Yorkshire	No views received to date
Tree & Landscape Officer	No views received to date

Neighbour responses: Mr Paul Judges,

SITE:

The application site is a corner plot located between Beck Lane, the Leavening to Aldro Farm Road (to the east of Main Street) and The Rise. It approximately measures 21m in depth at its largest and 16m in width at its largest. The site is located within the development limits of the village.

PROPOSAL:

Full planning permission is sought for the erection of a 3-bed detached dwelling with integral garage and formation of vehicular access.

The proposed dwelling will approximately measure 8.9m in width and 11.2m in depth, with an eaves height of 5.1m and a ridge height of 8.4m.

The proposed dwelling has a double fronted design with a rear two-storey wing. The property is to be constructed in natural stone under weathered orange pantiles with timber windows and doors.

HISTORY:

1988: Outline planning permission refused for the erection of a dwelling on the plot to the west of Wold Terrace, Leavening

2007: Planning permission approved for the erection of a three bedroom dwelling.

POLICY:

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

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 SP14 - Biodiversity

Policy SP16 - Design

Policy SP17 - Managing air quality, land and water resources

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations in relation to this application are:-

- the principle of residential development;
- whether the proposal in terms of its siting, scale, character, materials and design respects the traditional character and pattern of residential development in the surrounding area;
- impact on the streetscene;
- highway safety;
- landscaping;
- impact on the amenity of adjoining neighbours; and
- drainage.

Planning permission was granted in 2007 for a dwelling, identical to that now proposed. That application was considered against the previously adopted Development Plan; the Ryedale Local Plan.

In 1988 outline planning application was refused for the erection of a dwelling on this site. The reasons for this decision related to the size and shape of the plot not being compatible with the existing surrounding development and because the proposal would represent an unsatisfactory form of development to the detriment of the amenities of the neighborhood. It was also considered that the proposal could prejudice the future comprehensive development of land allocated for residential development. That latter reason is no longer relevant as the land to the rear has now been developed and forms The Rise. The 2007 approval on this site for a 3-bedroom dwelling overcame all of the other reasons for refusal cited in the 1988 decision.

Policy SP2 of the Local Plan Strategy permits infill development within a 'continually built up frontage' in non-service village locations such as Leavening subject to Local Needs Occupancy. In this case, the site is surrounded by existing properties and has a frontage onto three different roads. Furthermore, the applicant is a local farmer, and the Design and Access Statement asserts that he requires a new home in the village. In view of the above, the principle of the proposed residential development is considered to be acceptable in accordance with Policy SP2 of the Local Plan Strategy. A condition in respect of Local Needs Occupancy will need to be imposed if the application is approved.

The character of the surrounding area is primarily street frontage development, and as previously stated the site is an exposed open area on the corner of three different roads. The building materials in

this location contain a mixture of stone, brick, and some render. The proposal is to use of stone under a natural clay pantile roof, which is considered to be traditional to this village and the area generally.

The open and derelict appearance of this site is not considered to make a positive contribution to the character and appearance of the streetscene. As such it is not considered that the development of this site would prejudice the character and appearance of the area in principle.

Policy SP16 states:

'Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- *Reinforce local distinctiveness*
- *Provide a well connected public realm which is accessible and useable by all, safe and easily navigated*
- *Protect amenity and promote well-being'*

Although the site is located within the development limits of the village the principle of residential development on this site very much depends on the form layout, scale and design of the proposed dwelling. The design as previously approved shows a dwelling constructed of stone under a clay pantile roof with timber windows and doors. The design and detail shown is considered to be representative of the traditional vernacular of this village. The proposed dwelling has also been developed to relate to all three elevations facing the adjoining roads. In this respect and in view of the improvement to the character and appearance of the area the proposed dwelling is intended to ensure the streetscene is preserved. The proposal will also mean that this presently derelict site can make a positive contribution to the character of the area.

The proposal will be sited further forward than the existing pair of semi detached properties to the east. However, this is not necessarily considered to be an issue in this case as it is considered to form a link between those properties to the east, the properties on Beck Lane, those on The Rise, and the street frontage properties on Main Street.

The proposed dwelling has been set into the site in order to reduce its impact on the amenity of the adjoining neighbour to the east. That dwelling, No. 1 Wold Terrace, is located on higher land. It is recommended that the windows on the eastern elevation are fixed and permanently obscure glazed by condition. There will be a space of approximately 1m between the proposed dwelling and the eastern boundary and a further 7.7m to No. 1 Wold Terrace. There is considered to be sufficient separation between that property and the proposed dwelling in order to allow a satisfactory relationship between No. 1 Wold Terrace and the proposed dwelling. Neither is the proposal considered to give rise to an unacceptable loss of either sun lighting, or day lighting. The property to the rear, No. 1 The Rise, has a first floor small side bedroom window, which is secondary to the principal window on the front elevation. Given the separation and orientation of the proposed dwelling and the surrounding dwellings it is not considered that the proposed development would have a material adverse effect upon the amenity of adjoining neighbours in terms of potential overlooking or by virtue of its scale and bulk.

The Highway Authority has been formally consulted on the application and previously recommended conditions. Their formal views are currently awaited.

Whilst the site is relatively small, it is considered that there is sufficient amenity space for the dwelling, with garden areas to the front and side elevations. These spaces are necessarily totally private, but the reduced ground level and careful landscaping will help to ensure that it has a reasonable degree of privacy. It is not considered to be reasonable to resist this proposal in terms of its limited residential amenity without being vulnerable to any subsequent appeal.

The proposal to drain foul water into the mains sewer and surface water is proposed to drain via soakaways.

There has been one letter of objection received which raises the following issues; the small size of the site and whether the site can accommodate a dwelling, the outlook for nearby properties, highway safety, and wildlife and ecology. The size of the site, and the principle of developing the site has been assessed above, Members should also note that planning permission has previously been granted for an identical development to that now proposed on this site. The impact on adjoining properties has been addressed above. The Countryside Management Officer does not have any objection to the proposal and is not aware of any protected species using the site, an informative is recommended in this respect. The views of the Local Highway Authority are awaited.

At the time of writing this report, there has been no other consultation responses received.

In summary, the proposed development is considered to represent an appropriate, locally distinctive design, which will enhance the character and appearance of the area and not have a material adverse effect upon the residential amenity of adjoining neighbours. Accordingly the recommendation 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 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 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 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 Policy SP20 of the Ryedale Plan - Local Plan Strategy.

4 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

5 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 ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Local Plan Strategy.

- 6 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.

- 7 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.

- 8 Prior to the commencement of the development hereby approved, precise details of the existing ground levels and proposed floor levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the details thereby agreed.

Reason:- In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Conditions as recommended by the Highway Authority

- 10 Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing (Reference Proposed site plan). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring area, in the interests of highway safety and the general amenity of the development and to accord with the requirements of Policy SP20 of the Ryedale Plan -

Local Plan Strategy.

- 11 The first floor landing window and the garage window on the eastern elevation shall be non-opening and permanently obscure glazed with obscure or opaque glass, with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be undertaken in accordance with details thereby agreed.

Reason:- In order to protect the amenity of the adjoining neighbours and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 12 The dwelling hereby approved shall only be occupied by a person(s) a person(s) together with his/her spouse and dependants, or a widow/widower of such a person, who:

- Have permanently resided in the Parish, or adjoining parish, 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 or women returning to the parish after leaving military service; or
- Are employed or 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 meet the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

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

Drawing No. WTL 01;
Drawing No. WTL 02;
Drawing No. WTL 03A;
Drawing No. WTL 04;
Drawing No. WTL 05;
Drawing No. WTL 06; and
Drawing No. WTL 07A

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

INFORMATIVES:

- 1 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).
- 2 All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). Additional protection is afforded to a number of birds listed on Schedule 1 of the Act. Operations likely to injure or kill any wild bird or damage it's nest and operations likely to disturb a Schedule 1 species must be avoided. Therefore any work likely to affect any birds nesting on the site should be undertaken out of the bird nesting season ie no work between March and August inclusive. In addition, the applicant may like to erect bird and

owl boxes as part of the development as the area looks suitable for a number of birds found in the Ryedale area.

Background Papers:

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