

Item Number: 9
Application No: 15/00722/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mr Nicholas Balshaw
Proposal: Erection of a four bedroom dwelling with detached double garage
Location: Land To The Rear Of 63 Middlecave Road Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 5 October 2015
Overall Expiry Date: 13 September 2015
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Highways North Yorkshire	Conditions recommended
Tree & Landscape Officer	Tree survey required
Land Use Planning	No views received to date
Parish Council	No views received to date
Highways North Yorkshire	Await amended documents

Neighbour responses: Mr L and Mrs S Thackray, D And P M Bowers, Mrs Margaret Makins, Mrs Heaton, Mr Robert Rogers, Mrs Donna Chaplin,

SITE:

The application site comprises a vacant parcel of land located to the rear of 63 Middlecave Road. The application site is also located to the rear of No. 2 Middlecave Close. The access to the site is achieved over a green track which runs between No. 1 and No. 2 Middlecave Close, which is approximately 3m wide and 30m in length. The site is located within the development limits of the town and is currently grassland with boundary hedges. The main part of the application site approximately measures 35m by 30m.

In 2012, following an appeal, planning permission was granted for a dwelling on land to the rear of both No. 67 Middlecave Road (Gilross) and No. 1 Middlecave Close. This plot is currently being developed and has planning permission to use the existing track between No. 1 and No. 2 Middlecave Close, also the subject of this application.

PROPOSAL:

Planning permission is sought for the erection of a 4 bedroom dwelling that will approximately measure 10.4m in depth by 12.2m in width and be 2.7m to the eaves height and 6.7m to its ridge height. A double garage is proposed in the north eastern corner that will approximately measure 6.3m by 6.3m and be 2.5m to the eaves height and 4.7m to the ridge height.

It is proposed to construct the dwelling of brick under a concrete interlocking pantile roof with painted timber windows and doors. It is also proposed to utilise the existing hedging as boundaries for the proposed dwelling.

Access to the site is proposed via an existing access track between No. 1 and No. 2 Middlecave Close, which is consistent with the earlier approval.

HISTORY:

There is no relevant planning history relating to the site of the proposed dwelling, however, there is the following planning history relating to the adjoining plot that shares the same access from Middlecave Close:

2015: Planning permission granted for a 3 bedroom dwelling (revised details to 2012 permission).

2012 : Planning permission is sought for the erection of a single two-storey dwelling (revised details to the dwelling approved on appeal in 2011)

2011: Planning permission refused for 1 three bedroom dwelling with detached single garage - allowed on appeal.

2010: Planning permission refused for 2 detached dwellings on land to the rear of 67 Middlecave Road - dismissed on appeal

POLICY:

National Policy Guidance

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of 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 SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations on this application are:

- The principle of the proposed development;
- The siting, scale and design of the proposed dwelling;
- Impact upon the amenity of the adjoining neighbours, particularly in relation to the use of the proposed access track to Middlecave Close;
- Highway safety;
- Whether the dwelling has a satisfactory level of residential amenity; and
- The impact of the proposal upon existing trees and landscaping;

The application site is located within the development limits of Malton, the Principal Town, and a key focus for growth in the LPS. The property proposed, however, is in a 'backland' location which is not expressly supported by Policy SP2 of the Local Plan Strategy. However, by virtue of other decisions within the immediate area, and based on the impact upon the form and character of the area, together with the general presumption in favour of sustainable development contained within Policy SP19, it is considered that the development of this plot can be considered to be acceptable, in principle.

There is approval for a dwelling on the adjoining plot (Land to rear of Gilross) in a similar backland location. The area is characterised by suburban development on Middlecave Drive, Middlecave Close and Maiden Greve. There are larger and more bespoke properties along Middlecave Road of varying styles comprising mainly two -storey brick properties.

On the adjacent plot, the Inspector in 2010 commented on the open leafyness of the immediate area, and considered that the erection of two dwellings on the adjacent plot would adversely affect the visual amenity of the area. Whereas the Inspector on the second appeal (which was for 1No. dwelling only), considered that limited views between existing buildings of the steep roof pitch were not considered to be prejudicial to the visual amenity of the area. In this case the proposed dwelling is set much further back from Middlecave Drive, but it will be visible in part from Middlecave Close cul-de-sac.

Policy SP16 requires new development to reinforce local distinctiveness, and places emphasis on 'views, vistas and skylines and protect amenity.

The policy also requires that new development

"respects the character and context of the immediate locality and the wider landscape/townscape" and 'The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings'

The views of application site from public vantage points are mainly limited to those from Middlecave Close cul-de-sac. There is existing planting on the boundaries of the application site which help to frame views of the site. The position of the proposed dwelling will be 46m from the nearest public vantage point in Middlecave Close. The proposed dwelling with its low two-storey appearance is orientated with its front elevation facing west, so any public views are mainly of its side elevation. The proposed dwelling can be developed with the retention of the existing landscaping. The proposal is not considered to have any significant adverse impacts upon public views of the site from Maiden Greve or Middlecave Road. In view of this, and the separation distance from Middlecave Close, together with its limited impact upon the public realm it is considered the development of this site in the form proposed would not be harmful to the character and appearance of the area. Furthermore there are other examples of development in depth in the immediate area. It is considered that the Local Planning Authority would be vulnerable on appeal if the proposal was refused planning permission because of its impact upon the character and form of the area.

The proposed dwelling is a low two storey dwelling of a comparable scale and height to the proposed dwelling on the adjacent plot. It features dormer windows, which help to reduce the height of the building. It is considered that in this location and context the proposed dwelling is considered acceptable in terms of its siting, scale and design, and relates well to the character and appearance of surrounding dwellings.

Policy SP20 requires that new development should 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...and proximity to neighbouring land uses."

The use of the access track between No. 1 and No. 2 Middlecave Close is already approved for one dwelling. Members, therefore, need to assess whether one extra dwelling will (in combination with the already approved dwelling) have a material adverse effect upon the occupiers of the adjoining properties. It is also shown on the plans that an access is provided to the rear of No 63 Middlecave Road. Confirmation from the agent is awaited, as to what this retained access is for. It is noted that No 63 has its own vehicular access from Middlecave Road. The Inspector in his decision in 2012 stated:

The access to the site poses different questions. It would be from Middlecave Close, between nos. 1 and 2, along a track about 3m wide that presently gives access to no. 67's garden and the small paddock to its immediate east. Given the nature of the land the access serves, it is difficult to imagine its present use being other than intermittent; certainly, it must be substantially less than the eight or so daily vehicular movements likely to be associated with a dwelling.

That modest number of movements cannot, however, be expected to cause any serious noise or disturbance. The access track is just over 30m long from the highway to the bend where it enters the south-east corner of the plot. There is no opportunity for rapid acceleration or braking; indeed, the constrained nature of the access deters anything other than slow movement. The garage, where the starting of engines and closing of doors would normally occur, would be some 25m from the boundary, another 16m from the rear of no. 1 itself and behind the proposed dwelling, all of which is enough preclude the possibility of any harmful noise or disturbance from the site itself, either in No. 1 or in its garden. The position and alignment of No.2 suggests that its occupiers would be less susceptible to any noise and disturbance than in No. 1.'

North Yorkshire Highways Authority has no objection to this track being used for an additional dwelling from a highway safety perspective, and recommends the imposition of conditions. There will be additional activity and associated vehicular and pedestrian movements to and from the proposed dwelling. Although, it is also noted that the proposed double garage and parking area is to the northern side of the proposed dwelling, being the site farthest from the surrounding properties on Middlecave Close (36m) and the adjoining plot (25m). There are low boundary fences to either side of the track, however under 'permitted development' rights the adjoining occupiers are able to increase the fence heights to 2m. Whilst there will nevertheless be some impact from the increased movements to and from the dwelling, on balance it is not considered that the proposed additional dwelling would create an unacceptable impact upon the amenity of the adjoining properties in terms of vehicular movements and associated activity to and from the site, that is sufficient to justify a refusal of planning permission.

In terms of the separation distance, there is approximately 28 metres from the property to No. 1 Middlecave Close; approximately 70 metres to Gilross, No. 65 and No. 63 Middlecave Road; 18 metres to No. 2 Middlecave Close; and 13m to the boundary of the adjoining plot. In view of this, there are considered to be no issues in respect of potential overlooking, or loss of sun lighting or day lighting.

The Tree and Landscape Officer has no objection to the proposal. A condition is recommended in respect of retaining the existing hedges around the perimeter of the site.

The proposal is to drain foul water to the mains and surface water to a soakaway, and there is no objection to this in principle.

In accordance with Policy SP3 of the LPS, an off-site financial contribution towards affordable housing is required. This is based on 9% of the private sales revenue of the dwelling as completed to a reasonable standard. Valuations of the proposed dwelling have been provided and an amount of £38,400 has been agreed with an average valuation of £430,000. An off-site financial contribution towards Public Open Space (POS) is also required in accordance with Policy SP11, which has been calculated to be £2,518.

No response has been received from Malton Town Council to date. 7 letters of objection have been received from the occupiers of 6 properties in the immediate area. The issues raised in the letters of objection are :

- Loss of privacy and impacts upon residential amenity;
- Construction disturbance and inconvenience particularly from traffic;
- Access and vehicle movements to and from the site;
- Contrary to the Ryedale Local Plan;
- Impact upon wildlife;

- Whether the condition on application 12/00438/FUL have been discharged properly;
- That there are elderly people surrounding the site;
- Access also to No. 65 via the track;
- Property is out of keeping with the area;
- Restrictive covenants;
- Vehicle noise to surrounding properties;
- The impact upon the character of the area; and
- The views of local people should be respected.

The impact of the proposed development upon the amenity of surrounding properties, including the use of the access track has been appraised in this report along with the impact of the proposed development upon the character of the area. The Ryedale Local Plan is no longer the adopted plan. The Local Plan Strategy was adopted 5 September 2013. The discharge of conditions on application 12/00438/FUL is not relevant to the consideration of this application. The stated age range of the surrounding residents is noted but is not relevant to the consideration of this application. The Council's Countryside Management Officer has confirmed that he has no objection to the proposal in terms of wildlife and ecology implications. The impact of the proposed development upon the residential amenity of surrounding occupiers has been considered above. Regarding the vehicular access to No. 65 Middlecave Road, the agent has confirmed that there is no access through the site to No. 65 Middlecave Road. The design of the proposed dwelling has also been appraised above.

In light of the above , the recommendation is one of approval.

RECOMMENDATION: Approval subject to S106 Agreement in relation to off-site financial contributions towards Affordable Housing and Public Open Space

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 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. 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 during 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 satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (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 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 Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 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:

(ii) (b) The existing access shall be improved by upgrading of construction specification in accordance with approved details and/or Standard Detail No. DC/E9A (copy attached).

(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 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 details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy SP20 of the 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.

- 6 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing proposed Block Plan 1:200 Scale Revision D & Proposed Site Layout 1:100 Scale Revision D. 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.

- 7 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.

- 8 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.

- 9 The existing hedges along the northern, southern, eastern, and western boundaries 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(s) 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 hedges are an important visual amenity that should be retained and help to protect the residential amenity of surrounding properties and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 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.

- 11 Prior to the commencement of the development hereby approved precise details of the existing spot ground levels and proposed ground floor finished level measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

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

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 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