

Item Number: 12
Application No: 15/00818/OUT
Parish: Norton Town Council
Appn. Type: Outline Application
Applicant: Mrs M A Patterson
Proposal: Erection of a dwelling (site area 0.099ha)
Location: Land East Of 68 Welham Road Norton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 17 February 2016
Overall Expiry Date: 14 February 2016
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council	Recommend approval
Highways North Yorkshire	Recommend conditions
Sustainable Places Team (Yorkshire Area)	Objection removed
Public Rights Of Way	Recommend informative
Land Use Planning	Comments made

Neighbour responses: Mr Geoff Thompson, Mr & Mrs Wilson, Mr Mike Punchard, Mrs J Stephenson,

SITE:

The site is located within the Norton Development Limits and accessed via a private road off Welham Road. Presently the site has most recently been used as an allotment. The south eastern corner of the site has part of a Public Right of Way Running through it.

PROPOSAL:

Outline planning permission is sought for the erection of a detached dwelling within the site. The site area is 0.099ha and intends to accommodate a detached residential property, an appropriately sized amenity area and parking provision. The applicant has chosen to submit a 'Some Matters Reserved' application; providing details of the layout and access.

HISTORY:

95/00140/OLD. 3/96/6A/OA Residential development: Erection of a bungalow (site area 0.08HA). Refused 08.03.95.

APPRAISAL:

The main considerations to be taken into account are:-

- i) Principle of the Development
- ii) Character and form
- iii) Impact upon residential amenity
- iv) Highways
- v) Drainage

i) Principle of the Development

In accordance with S38(6) of the Planning Compulsory Purchase Act 2004 planning applications must be determined in accordance with the adopted Development Plan unless material planning considerations indicate otherwise. The adopted Development Plan is the Ryedale Local Plan - Local Plan Strategy, adopted 5 September 2013 and the 'saved' development limits shown on the proposals map of the Ryedale Local Plan adopted 2002. Policy SP1 (General Location of Development and Settlement Hierarchy) directs development to the Principle Towns of Malton and Norton. In line with Policy SP2 (Delivery and Distribution of New Housing) and Policy SP3 (Affordable Housing) new residential dwellings will only be supported when it is a 'bona fide' infill development and subject to an affordable housing contribution. Officers are currently waiting for an estimated value of the proposed dwelling to enable them to calculate the 9% affordable housing contribution. Members will be updated of the committed sum at the Planning Committee.

Following the implementation of CIL on the 1 March 2016, this development would also be CIL Liable. The exact amount payable would be calculated at the Reserved Matters phase.

ii) Character and form

The site is located within the defined development limits for Norton, where in principle the erection of a dwelling would be acceptable. The access road already serves four residential properties. Two properties are located immediately west of the application site, and a further dwelling is located at the end of the private road. Planning permission was granted for the erection of a new dwelling along the same access road in 2010, to the east of the site application reference 10/01383/FUL. The access lane creates a break in character with more 'in-depth' development to the north, and fronting Welham Road only to the south.

The character of the area features larger detached properties, where the properties along the private access road whilst detached are of a more modest scale. In the absence of a detailed scheme, such considerations are difficult to quantify. However, it is considered that the site can be satisfactorily developed without being considerably detrimental to the character and appearance of the surrounding area.

iii) Impact upon residential amenity

Policy SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF requires that the development must provide a satisfactory standard of residential amenity to serve the dwelling and should not have a materially adverse effect upon the existing amenities of the adjacent properties. However, in the absence of a detailed scheme such assessments are difficult to fully evaluate. It is considered that the principle of a residential property would not be considerably detrimental to the surrounding properties. In view of the scale of the site, it is considered that the site could accommodate an adequate amenity space to serve a single dwelling.

iv) Highways

Members will note that there have been a number of objections relating to the use of the access road. The Highway Authority have been consulted. NYCC Highways have concluded that the development proposed would not raise a highway authority objection on safety grounds. They go on to further state that whilst it is accepted that the proposal would result in a small amount of additional traffic, " it is not considered that, overall, this will give rise to an unacceptable highway safety issue". Subject to the recommended conditions it is not considered that the proposal would adversely impact on highway safety.

The letters of objection also raise concern over the applicants right to use the vehicle access. This is a civil issue. The applicant has served notice on the owners of the access road which is included in the red-line of the application site.

North Yorkshire County Council Public Rights of Way Officer has also raised no objection, an informative has been recommended.

Objection has been raised by the neighbours in relation to the 'claimed footpath' shown on the consultation response attached plans. This is a matter for North Yorkshire County Council.

v) Drainage

Yorkshire Water have been consulted and have confirmed that there they have no objection and that the site has a low environmental risk.

The Environment Agency original objected to the proposal as the applicant had proposed a Package Treatment Plant rather than a connection to the mains sewers. The applicant subsequently provided details to the EA with regards to Land ownership which would prevent them from connecting to the mains sewers. Following the receipt of this information the EA withdrew their objection and provided advice with regards to the necessary permits for the installation of a Package Treatment Plant.

If members are minded to approve the application it would be subject to the relevant conditions relating to both surface and foul water emanating from the development.

Trees

The western and north western boundaries of the site have a number of mature conifer/ fir trees. As the tree survey was only received on the 29 March 2016, the Councils' Tree and Landscape Officers comments have not yet been received. His comments and any recommended conditions will be reported on the Late Pages or at the meeting.

The Town Council resolved to recommend approval.

The full letters of objections received from third parties can be seen on public access. A summary has been provided below:

Concern over NYCC PROW officers response

Decision should follow that of refusal for ref 15/00877/FUL - Land to rear of No.72 Welham Road

Consider the use of opaque glazing

Private drive is for the sole use of No 68 and 68a

Drive is not suitable for construction vehicles and additional traffic

All of these matters have been considered in the appraisal section of this report.

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

RECOMMENDATION: Approval subject to S106 Agreement

1 Application for approval of reserved matters shall be made to the Local Planning Authority not later than .

The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

The expiration of two years from the final approval of the reserved matters or (in the case of approval on different dates) the final approval of the last such matters approved.

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-
- (i) scale and appearance of the building, including a schedule of external materials to be used
 - (iii) the landscaping of the site
- Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:
- Class A: Enlargement, improvement or alteration of a dwellinghouse
 - Class B: Roof alteration to enlarge a dwellinghouse
 - Class C: Any other alteration to the roof of a dwellinghouse
 - Class D: Erection or construction of a domestic external porch
 - Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure
 - Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating
 - 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 Policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 4 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.
- 5 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.

- 6 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.

- 7 The outline permission hereby approved shall be no more than one and a half storey.

Reason:- In the interests of protecting the existing amenities of neighbouring occupiers.

- 8 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.

- 9 Before the commencement of development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed boundary treatment, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.

- 10 Unless otherwise agreed in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to completion of approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved works for disposal and treatment of sewage.

Reason: To ensure that the development is properly drained and no foul or surface water discharges take place until proper provision has been made for their disposal.

- 11 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any off-site works, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 12 No dwelling shall be occupied until the related parking and shared access service vehicle turning area facilities have been laid out in accordance with the approved drawing EX10. and constructed in bound macadam over a compacted Type 1 sub base with edge restraint as generally indicated on the attached Standard Detail DC/E9A. 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 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 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 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):

Site Location Plan received 23 December 2015 - Drawing No. EX11

Block Plan Received 23 December 2015 - Drawing No. EX10

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

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties