

**Item Number:** 10  
**Application No:** 16/00469/73A  
**Parish:** Normanby Parish Meeting  
**Appn. Type:** Non Compliance with Conditions  
**Applicant:** A & D Sturdy Ltd  
**Proposal:** Variation of condition 05 of approval 13/00817/FUL dated 04.09.2013 to add Drawing no. 230 316 1 and Variation of Condition 16 of the same approval to add Drawing no. 230 316 1 and to replace drawing no. 2326/4 Rev A by Drawing no. 2326/4 Rev E and Variation of Condition 12 of the same approval to replace drawing no. 2326/4 Rev A by Drawing no. 2326/4 Rev E - revisions relating to means of enclosure and landscaping (part-retrospective)  
**Location:** Willow House Main Street Normanby Kirkbymoorside YO62 6RH

**Registration Date:**  
**8/13 Wk Expiry Date:** 24 May 2016  
**Overall Expiry Date:** 6 May 2016  
**Case Officer:** Tim Goodall **Ext:** 332

#### CONSULTATIONS:

<b>Parish Council</b>	No views received to date
<b>Highways North Yorkshire</b>	No objection
<b>Tree &amp; Landscape Officer</b>	No views received to date
<b>Building Conservation Officer</b>	No objection

**Neighbour responses:** Mr David Jackson, Christina Blythe, Mr John Riddell, Josephine Jackson, Dr Peter Smith, Mr Graham Shail, Jennifer Marsland, Mr Peter Milner, Ann Milner,

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#### SITE:

The application site contains two detached dwellings located on the east side of Main Street, Normanby. To the south of the application site lies St Andrew's Church and churchyard. There are residential dwellings to the north and west of the site.

The site lies within the development limit of the village of Normanby.

#### PROPOSAL:

Planning permission was granted in 2013 for the erection of two dwellings. Subsequently, the Council received a complaint that the landscaping and boundary treatment had not been completed in accordance with the approved plans. A site inspection by Council Officers confirmed this was the case and the owner was advised to submit an application in an attempt to regularise the breach of planning control.

The current application proposes the variation of Condition 05 of approval 13/00817/FUL (details of materials and means of enclosure) to add drawing 230 316 1. This drawing details amended west boundary treatment to include a 1.1 metre high post and rail fence with mixed native hedge. It also seeks to amend the eastern part of the southern boundary treatment to include a 1.0 metre high boarded timber fence.

The current application also proposed the variation of Condition 16 (approved plans) of the same approval to add Drawing no. 230 316 1 and to replace Drawing no. 2326/4 Rev A with Drawing no. 2326/4 Rev E - revisions relating to means of enclosure and landscaping (part-retrospective).

Condition 12 (landscaping condition) is also proposed to be revised to replace Drawing no. 23/26/4 Rev A with Drawing no. 2326/4 Rev E.

The landscaping drawing has been revised to reflect the planting that has occurred on site since commencement of development.

### **CONSULTATION RESPONSES:**

9 objections have been received in response to the public consultation. The objectors are from the following persons:

- 2 x objections from the occupiers of Southhill Cottage, Normanby
- occupier of Orchard Lodge, Normanby
- occupier of Walnut Cottage, Normanby
- occupier of Meadowbank, Normanby
- occupier of High Gables, Normanby
- occupier of 7 Crawfield Lane, Wrelton
- 2 x objections from the occupiers of York House, Great Barugh

The objections are in a standardised format and raise two main issues. These are:

- The original approval included the extension of the dry stone wall across the southern boundary of the site (adjoining the churchyard). They consider that replacement with a fence is considered to be unacceptable. The wall is considered to be more appropriate to the conservation requirements of grade II\* listed building (the church).
- The absence of the approved mature trees is unacceptable as they were to provide a privacy screen between the new dwellings and the churchyard.

The Council's Building Conservation Officer has been consulted and has no objection to the revised proposal. The full consultation response is set out below.

*"This application falls within the setting of the adjacent Grade II\* listed church of St. Andrew as it falls immediately on the northern boundary with which it shares with the development site. The watch house and attached churchyard wall are also listed at Grade II. The church has many different elements that contribute to its significance including its built fabric, its aesthetic contribution to the streetscene, and its internal fixtures and fittings. The setting forms a contribution to its significance in that it sets the church within a rural churchyard in a village context.*

*The application seeks to vary condition 5 of approval 13/00817/FUL which relates to means of enclosure and landscaping. The application is part retrospective.*

*The church of St. Andrew lies in the centre of the village and is prominent on the main street. It is raised up and positioned in the centre of the churchyard which is formed behind a boundary wall. The churchyard of St. Andrew is rural in character and forms part of a typical village scene in that it is accessed by gates and paths leading to the church. The church is set within the village centre and as such its setting is in part formed by village dwellings and their curtilages. Tombstones and graves are located in the churchyard as are hedges and greenery. Views to the church which are relevant to this application are from the west looking through and over the roadside boundary. Views from the churchyard are to the north looking over the development site.*

*This application seeks to retain a section of timber close boarded fence to the south-eastern corner of Willow House which lies immediately to the north of the church. A recent planning approval shows this section to be completed as a stone wall. It also proposes the variation of the western boundary which it shares with the village street which I understand was laurel hedge and is now a mixed native hedge.*

*The south-eastern boundary which is proposed to be retained as close boarded fence lies c. 17m at its nearest point from the public footway adjacent to the village street. It is therefore some way into the depth of the site. The first c.17m is made up of a stone wall. The western boundary is planted as native hedgerow.*

*Recent tree planting has occurred in the domestic lawn in between the western boundary hedge and the fence.*

*Hedges and trees form part of the boundary between the churchyard and the development site."*

The Council's Tree & Landscape Officer has been consulted on the revised proposals and the consultation response will be presented by officers to the Planning Committee.

North Yorkshire County Council have no objection to the scheme in their capacity as the local highways authority.

#### **RELEVANT HISTORY:**

12/00494/OUT - Permitted - Erection of 2 no. detached dwellings with associated detached double garages following demolition of existing dwelling (site area 0.155ha)

13/00817/FUL - Permitted - Erection of 2 no. 4-bedroom detached dwellings with attached garages and formation of vehicular access

#### **POLICY:**

National Planning Policy Framework  
National Planning Practice Guidance

#### **Ryedale Plan - Local Plan Strategy**

SP4 - Type and mix of new housing  
SP12 - Heritage  
SP13 - Landscapes  
SP16- Design  
SP19 - Presumption in Favour of Sustainable Development  
SP20 - Generic Development Management Issues

#### **APPRAISAL:**

Full planning permission was granted in 2013 for the erection of 2 x detached 4 bedroom dwellings on the site immediately to the north of the church. The dwellings have been constructed and are now occupied. Following a complaint that the boundary treatment and tree planting had not been carried out in accordance with the approved plans, an application to revise the plans has been submitted for consideration.

The key planning issues to consider are:

- i. Impact of the landscaping treatment on the setting of the listed building
- ii. Impact of the landscaping treatment on the street scene
- iii. Impact on amenity

- iv. Other matters
- i. Impact of the landscaping treatment on the setting of the listed building

Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy states that designated historic assets and their settings will be conserved and where appropriate, enhanced. Proposals which result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of the harm to the asset. In considering and negotiating development proposals, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset.

While the objections to the current application highlight the comments of the Building Conservation Officer in response to planning permission 12/00494/OUT, it should be noted that the outline scheme was not implemented. (The implemented permission (that this application seeks to revise) was not considered by the Building Conservation Officer during the application process but an assessment was made by the Planning Officer on the impact of the proposed development on the setting of the listed building).

However, as stated earlier in the report, The Building Conservation Officer has no objection to the revised proposal.

*"In my opinion the views from the village street towards the church looking over and through the site will be detrimentally effected to a very low degree and cause an almost negligible degree of harm. The depth of the site, the native western hedge planting, the softening effect of the tree planting and the naturalistic colour of the fence all help to mitigate the effects of the fence from this direction.*

*When looking from the churchyard to the north, the primary visible boundary treatment is the stone wall. The length of fence is well screened by hedges and trees.*

*In my opinion the retention of the close boarded timber fence will have a very minor negative effect on the setting of the church as it introduces a modern element to the boundary. This is however mitigated by the screening effect of the trees and hedges and natural colour of the fence. The reduced land levels of the development site also have the effect that the height of the fence when viewed from the churchyard is significantly lower than that when viewed from the domestic garden thus reducing its impact.*

*In my opinion the retention of the fence will have a very minor negative effect on the setting of the church by introducing a modern element to a small section of churchyard boundary. The mitigating elements of the effect are set out above. The principle of domestic boundaries in this location are acceptable as it is a village church within a village setting."*

As such, the revised plans are not considered to result in any significant level of the harm to the setting of the listed building to the extent that there would be a conflict with Policy SP12.

- ii. Impact of the landscaping treatment on the street scene

Policies SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy seek to reinforce local distinctiveness. The location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The originally approved development proposed a section of rebuilt brick wall fronting Main Street. This section of wall, while a replacement for the previous wall at the site, was an incongruous feature on a street scene which is dominated by stone and a variety of planting. The developer had originally included laurel bushes to the front elevation, however these were considered unacceptable by Council Officers and native planting as per the approved plans has now been undertaken on site.

The replacement of the brick wall by a boundary fence within the context of a village is considered to be an appropriate replacement and in accordance with Policy SP16.

iii. Impact on amenity

In accordance with Policy SP20, new development will not have a material adverse impact on the amenity of present and future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

The proposed alterations include a section of fence instead of a wall to a section of the south boundary of the site, adjoining the church grounds. Appropriate boundary treatment is necessary in this location to ensure adequate privacy to the occupiers of Willow House and to users of the churchyard some of whom will be visiting the graves. The close board fence is approximately the same height as the existing boundary wall. The site was visited in November 2015 and it was noted that even at that time of year, the level of screening provided by the existing hedge in the south east corner of the site was considered to be effective. Since that time further tree planting in the southern section of the garden of Willow House has been undertaken by the current occupiers. The coverage of the planting and therefore the level of privacy will increase over time as the plants mature. Photographs will be displayed at the meeting to show the current appearance of the site.

The boundary treatment and tree planting are to be retained by revising the planning conditions. Subject to the detailed comments of the Council's Tree and Landscape Officer, the revisions are considered to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy with respect to amenity.

v. Conclusion

In conclusion, the revised application is considered to be in accordance with national and local planning policy, and is recommended for approval subject to conditions.

**RECOMMENDATION: Approval**

1 The materials and design of all means of enclosure shall be retained in accordance with drawing no 230 316 1 and maintained hereafter.

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 the National Planning Policy Framework and Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

2 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing Site Plan 1:2500. Once created, the parking areas that have been constructed in accordance with approved drawing Site Plan 1:2500, validated by the local planning authority 15 July 2013, 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

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

Site Location Plan, validated by the local planning authority 15 July 2013

Drawing No 230 316 1, validated by the local planning authority 29 Mar 2016

Drawing No 2326/4 rev E, validated by the local planning authority 26 May 2016  
Drawing No 170 613 1, validated by the local planning authority 15 Jul 2013  
Drawing No 170 613 3 A  
Drawing No 170 613 5A  
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