

Item Number: 12
Application No: 16/01227/OUT
Parish: Terrington Parish Council
Appn. Type: Outline Application
Applicant: Mr & Mrs P Scaling
Proposal: Erection of dwelling with retention of outbuilding as domestic garage/store (site area 0.064ha)
Location: Land To Rear Of The Forge North Back Lane Terrington

Registration Date:
8/13 Wk Expiry Date: 14 September 2016
Overall Expiry Date: 19 August 2016
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	Recommend conditions
Building Conservation Officer	Concerns - recommends condition
Land Use Planning	No views received to date
Paul Jackson AONB Manager	No comments to make
Environmental Health Officer	Recommend conditions
Building Conservation Officer	Comments made

Neighbour responses: Sarah Moore, Ms Amanda Moss,

SITE:

This application site is located within the village of Terrington and within the designated conservation area. The site is rectangular in shape with a frontage of approximately 20 metres onto North Back Lane and a depth of approximately 32 metres.

The site is situated between Estate Cottage to the east and Terrington Primary School to the west. The site abuts the residential curtilage of The Forge which fronts onto Main Street further to the south of the site.

There are two existing buildings on the site. The existing outbuilding adjacent to the site frontage is proposed to be retained as part of the overall design approach.

PROPOSAL:

This is an outline planning application for the erection of a dwelling with the retention of outbuilding for use as garage/store. The application seeks permission for both access and layout at this stage with appearance, scale and landscaping reserved for further submission. The submitted plan shows a dwelling with a footprint of 12 metres by 8 metres which is located roughly centrally on the site with a back garden depth of approximately 11.7 metres as shown.

During the processing of the application further information has been submitted by the agent showing how the profile of the dwelling would sit in the street scene of North Back Lane. Land levels fall in a west / east direction along North Back Lane and the profile of the adjacent buildings in relation to the proposed dwelling have been shown on an indicative street scene drawing. The eaves and apex heights of the dwelling are shown as 5 and 8 metres respectively.

A Design and Access Statement (DAS) has been submitted with the application in addition to information from three local estate agents indicating their opinions on the demand for dwellings in the village from potential occupiers who are capable of satisfying the local needs occupancy condition that would be applied to the property if planning permission is granted.

HISTORY:

There is no history that is relevant to this site.

POLICY:

NPPF 2012

NPPG 2014

Ryedale Plan Local Plan Strategy 2013

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP12 - Heritage

Policy SP13 - Landscapes

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 in relation to this application are:-

- The principle of the development
- The impact of the designated conservation area
- The impact on the AONB
- The impact on amenity
- Highway safety matters
- CIL

Principle of development

The site is located in an 'Other village' location. The Local Plan strategy permits infill development within a continually built up frontage subject to the dwelling being restricted to the Local Occupancy Condition. In this case the plot is considered to be a bona fide infill plot and the application has been accompanied by information from three local estate agents to demonstrate that there is demand for such dwellings from individuals who are capable of satisfying the occupancy criteria. In such circumstances the principle of the erection of a dwelling on this plot is considered to be acceptable.

Impact on the designated conservation area

The site is located within the designated conservation area and has therefore been appraised by the Council's Building Conservation Officer. Whilst raising no objection in principle initial concerns were raised because the application was submitted in outline and detailed parameters were therefore requested to ensure that the development preserves or enhances the character of the designated area. The retention of the outbuilding on the site frontage is welcomed as this contributes to the character of the area.

Following these comments the agent submitted a further site plan and schematic street elevations showing the proposed building in the context of the surrounding properties.

The DAS show the dwelling to be constructed from stone with pan tile roof and timber windows with indicative sketches also shown. The BCO has expressed some core support over the status of this document , however it is possible to apply a condition to the planning permission to require the subsequent details requiring them to follow the principles and parameters set out in the DAS and indicative drawing if Members are minded to grant outline planning permission.

Subject to that proviso the proposal is considered to represent an enhancement to this part of the Conservation Area and the retention of the frontage building is also important in preserving this aspect of the existing street scene. Policy SP12 and the duty set out in Section 72 of The Planning Listed Buildings and Conservation Areas Act is considered to be satisfied.

Impact on the AONB

The village is located within the Howardian Hills AONB although the plot is located within the existing village development limits. The AONB manager has no comments to make on the application in terms its wider and scale impact and it is therefore considered that Policy SP13 of the adopted plan is satisfied.

Impact on amenity

The site is located within the existing village ,next to the primary school and next to existing residential properties on it southern and eastern boundaries. Following consultation responses have been received from the Head Teacher of the School and the occupier of Forge Cottage to the south. The Head teacher has made comments on this application and also in respect of another outline application to the west of the school submitted under reference 16/01226/OUT. Both application ware supported. In relation to this application the Head Teacher considers that the land (which is currently used for storage and car parking) would provide a better environment for children at the school and would be more in keeping with other properties in North Back Lane. New residential development would also be likely to bring families with young children to the village thereby assisting with pupil numbers . The impact of the development on the school premises is therefore considered to be of a positive nature.

The occupier of Forge Cottage has raised a number of issues which can be viewed in full on the Council's website. In summary these are :

Concern over the southern boundary;
Boundary on rising ground is tree lined and showing signs of erosion;
Possible additional risk of flooding/ subsidence;
Concerns over loss of privacy; and
Suggest a site visit is necessary.

Members will note that this is an outline application with some detailed matters remaining to be reserved for further consideration. In this case whilst the application site is located at a higher level than the objectors dwelling-house (the land rises from south to north) there is a back to back separation distance of over 33 metres between Forge Cottage and the indicative rear wall of the proposed dwelling as shown on the submitted plan. This is well in excess of normal back to back distances . Officers are confident that in considering this outline application that an acceptable design can be achieved under the reserved matters process to ensure that the amenities of adjacent occupiers is adequately protected . Matters of landscaping including boundary treatments are also proposed to be reserved for later consideration which would involve further consultation with third parties at that stage. There is no indication of any additional flood risk arising from the proposal. In any event a dwelling to be erected on this site would have to satisfy the necessary Building Regulations which in the normal course of events would cover detailed matters of construction and ground stability. The applicant's agent has confirmed that the applicant controls all of the land identified within the redline of the application site.

In summary the objections raised are noted but are considered by Officers to be capable of being adequately controlled at reserved matters stage. Third parties will be consulted and retain the ability to comment further at that point. It is suggested however that and informative is added to the outline planning permission if approved to draw the attention of future developers to the matters raised so that these can be considered early in the detailed design process.

The site itself is considered to provide for sufficient curtilage to meet the needs of the future occupiers and is satisfactory in this respect. Policies SP16 and SP20 are considered to be satisfied.

Highway safety matters.

No objections are raised by NYCC Highways subject to the imposition of conditions to provide for a site compound during construction, prevention of mud on the highway and provision of on site parking for the dwelling.

CIL

The development is liable for CIL which is chargeable at a rate of £85 / square metre of gross internal floor area. The chargeable figure would not be known in this instance until the reserved matters for the detail of the dwelling has been approved.

Other matters

Land Contamination

A Phase 1 report by MD Joyce Associates has been submitted and appraised. The report concludes that the risk of contaminants is low. Conditions are however recommended to require some ground investigation given the sensitive end use of the site. These would cover investigation, remediation if any contamination is found, a verification report and reporting of any unexpected contamination.

The Parish Council has considered this application and fully supports it - noting that 'a mature outbuilding with character is retained'.

In conclusion this application is considered to accord with both national and local planning policy and subject to the conditions listed below is recommended for approval.

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions

National Planning Policy Framework
National Planning Practice Guidance

RECOMMENDATION: Approval

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) the layout, scale and appearance of every building, including a schedule of external materials to be used

(ii) the access to the site

(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 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 SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. 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.

5 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.

6 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.

7 The details submitted for approval of reserved matters shall follow the principles and parameters set out in the Design and Access statement and Site Plan and Schematic Street Elevations shown on Drawing AR10 - Sheet No. 1 dated 20 January 2017, which also provides for the retention of the existing building on site which abuts the boundary with North Back Lane.

8 Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

9 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

10 Unless otherwise agreed in writing by the local planning authority, none of the dwellings shall be occupied (or the site shall not be brought into use) until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 11 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 12 The dwelling 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.

- 13 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.

Background Papers:

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