

**RYEDALE DISTRICT COUNCIL  
PLANNING COMMITTEE**

**SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE**

**PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING**

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**Item Number:** 6  
**Application No:** 18/00467/FUL  
**Parish:** Norton Town Council  
**Appn. Type:** Full Application  
**Applicant:** J Simpson  
**Proposal:** Erection of an assisted living dwelling with ground floor accommodation for the occupier and carer's accommodation/staff facilities above (revised details to approval 17/00575/FUL dated 18.07.2017)  
**Location:** Land Adjacent 6 Lakeside Way Norton Malton YO17 9PG  
**Registration Date:** 17 July 2018  
**8/13 Wk Expiry Date:** 11 September 2018  
**Overall Expiry Date:** 21 August 2018  
**Case Officer:** Alan Hunter **Ext:** Ext 43276

**CONSULTATIONS:**

<b>Parish Council</b>	Recommend Approval
<b>Highways North Yorkshire</b>	No objections
<b>Yorkshire Water Land Use Planning Countryside Officer</b>	Requires additional information
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	No objections
<b>Flood Risk</b>	Comments
<b>Flood Risk</b>	Comments
<b>Yorkshire Water Land Use Planning</b>	Concerns and comments
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	No objections

**Neighbour responses:** Mr James McIlroy, Ms K Johnson, Cathryn And Alan Hart,

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**SITE:**

The application site comprises a small rectangular shaped area to the eastern side of Mill Beck with a maximum width of 11m and a maximum depth of 17m. The site is located within the development limits of Norton and accessed from Lakeside Way. Planning permission was issued last year for a single storey assisted person's accommodation. A separate application has been made to discharge the conditions from last year's permission and works have commenced on the earlier planning permission. The application site was amended to include only land within Flood Zone 1.

**PROPOSAL:**

Erection of an assisted living dwelling with ground floor accommodation for the occupier and carer's accommodation/staff facilities above (revised details to approval 17/00575/FUL dated 18.07.2017). The proposed increase in height of the property is 1.35m; its ridge height increases from 4.15m to 5.5m.

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**PLANNING COMMITTEE**

**22 January 2019**

## **HISTORY:**

2017: Planning permission approved for the erection of an assisted living dwelling with accommodation for the occupier and a carer (revised details to approval 17/00575/FUL dated 18.07.2017).

## **POLICY:**

### Local Plan Strategy

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New Housing

Policy SP4 Type and Mix of New Housing

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

Policy SP21 Occupancy Restrictions

Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

### National Policy

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

## **APPRAISAL:**

The main considerations in relation to this application are:

- The scale, design and appearance of the proposed extension; and
- The impact of the proposal upon the amenity of the adjoining occupiers.

Following the earlier approval in 2017, the applicants have indicated that full time care is now required instead of a visiting carer (as previously approved). As such a second floor to the building is proposed with accommodation on-site for a carer. The agent has amended the design during the consideration of this application to omit a first floor dormer window on the western elevation, and the scheme now includes roof lights. The red line denoting the application site has also been amended during the consideration of the application to exclude the adjoining pumping station. A copy of the previously approved plans for the single storey building is appended to this report for Members information.

### The scale, design and appearance of the proposed extension

The proposed increase in height of the property is 1.35 metres; as a result its ridge height increases from 4.15 metres to 5.5 metres. As stated above, the previously proposed dormer has been replaced with a high level roof light. It is considered that the scale of the proposed building is commensurate with a large domestic garage. The design of the scheme in other respects is consistent with the previously approved scheme. The minor increase in height of this plot, which is set back from the road and slopes away from the road level is not considered to be prejudicial the character and appearance of the area. The proposal is therefore considered to comply with Policy SP16 and SP20 of the Local Plan Strategy.

### The impact of the proposal upon the amenity of the adjoining occupiers.

Policy SP20 of the Local Plan Strategy states:

*'New development will 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, 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'*

On the eastern side, the proposed building is 3 metres at its closest to the boundary with No. 6 Lakeside Way, and 4.5 metres at its closest to that dwelling. To the western side, the proposed building would be 14 metres to the boundary with No. 4 and approximately 22 metres to No. 4 itself. In view of the ridge height being 5.5 metres and the separation distances described above it is considered that the proposal would not amount to an unacceptable massing on the boundaries. Furthermore, it is not considered that there would be an unacceptable loss of day lighting or sun lighting.

Given the siting of the proposed building and its window positions in the end elevations (or being high level roof lights), it is not considered that the proposal will have an adverse effect upon the amenity of adjoining occupiers from either potential overlooking or from the increased scale of the building.

In view of this, the proposal is not considered to have an unacceptable impact upon the amenity of surrounding occupiers.

#### Other issues

Yorkshire water have not objected to the proposal. They have however requested that future occupiers are advised of the potential odour and noise from the close proximity to the pumping station. This has been discussed with the Council's Environmental Health Specialists who do not raise objection to the close proximity. There are already existing properties surrounding the pumping station and there have not been objections raised. Furthermore, the Environment Specialists have advised that there should not be any mal-odour if the pumping station is working correctly. If there are future complaints, these can be investigated by means of a potential Statutory Nuisance. It is considered unreasonable to request any further assessment in view of the application relating to a first floor only, neither is it considered necessary to impose the suggested informative.

The Local Highway Authority has no objection to the proposal.

The Council's Countryside Specialist has been consulted and raised no objection.

The LLFA initially requested additional information. However, after being advised that this related to a first floor extension, the Lead Local Flood Authority subsequently advised that it fell outside of their remit. The additional information requested was, however, provided by the applicant.

The Environment Agency has no objection subject to an informative regarding the possibility of the need for a permit from the EA for works close to Mill Beck.

Norton Town Council recommends approval of the application.

There have been 3 letters of objection to the proposal, which raise the following points:

- -Loss of view
- -Potential overlooking and residential amenity;
- -Overdevelopment;
- -Visual impact on landscape and locality;
- -Conflict with Policy SP4;
- -Protected species; and
- -Progressive nature of applications.

The appearance of the proposed development together with its impact upon the visual amenity of the area, and the surrounding properties has been appraised in the report above. There are considered to be no unreasonable impacts from this proposed first floor extension. The Countryside Specialist has been consulted and has not raised objection in terms of ecology, trees and wildlife. The proposal meets a requirement for assisted living and the proposal is not considered to conflict with Policy SP4 of the Local Plan Strategy. There is no right to a view, and this is not a material planning consideration. Members are advised that there are considered to be no sustainable grounds to refuse this application.

In view of the above, 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            The development hereby permitted shall be carried out in accordance with the following approved plan(s):

KWL – 093-08-20 Rev C  
KWL – 093-08-02 Rev. B

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

- 3            The development hereby approved shall only be used for Use Class C2 and for no other purpose (including any other Use Classes within the Schedule to the Town & Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. Furthermore, no change shall be permitted by the Town & Country Planning (General Permitted Development) Order 2015 as amended, unless otherwise approved in writing by the Local Planning Authority following a specific application to that effect.

Reason: The proposal has limited residential curtilage and restricted internal accommodation and it is not considered to be suitable as a dwellinghouse, and to satisfy Policy SP4 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4            The assisted living accommodation hereby approved shall only be occupied by a person in need of regular and permanent care.

Reason: In order to ensure the accommodation is only used for assisted living and not as a dwellinghouse and to satisfy Policy SP4 and SP20 of the Local Plan Strategy.