

CONSULTATIONS:

Initial consultation (4no. apartments)

Nawton Parish Council	Comments
Highways North Yorkshire	Recommend conditions
Public Rights Of Way	Recommend informatives

Re-consultation on revised details (reduction to 2no. apartments)

Highways North Yorkshire	Recommend conditions
Nawton Parish Council	Objection- density, traffic & landscaping
Public Rights Of Way	No further comments received

Neighbour responses: Barbara Hickman, Margaret and Colin Adams, Mrs C Gamble, Paul Harris & Jill Renney, Mr and Miss Myers and Johnson, Mr & Mrs Taylor, Paula Battersby

SITE:

The application site (Carpenters Court) relates to land to the west of High Street, Nawton and amounts to approximately 660m². Access is on the southern side of Ashtree House. The application site is within the village development limits.

The building which is the subject of the application is two storey with a generally 'T shaped' footprint. The eastern part of the building which has a southwest-northeast alignment has previously been converted to 3no. apartments. The application relates to the western part of the building which stands on a general northwest-southeast alignment. The stone under pantile building stands 6.1m to the eaves and 8.6m to the ridge. The western part of the building has a footprint of approximately 150m². The building was used as storage for builders/joiners materials but this ceased following the grant of permission for the conversion of the adjoining outbuildings in 2011. The building is conditioned to be utilised for domestic purposes only (see history below) in connection with Ashtree House. The land immediately to the west of the building is laid to lawn.

The existing site currently contains 5 residential units comprising the principal dwelling (Ashtree House) and adjoining three bedroom flat which fronts High Street on the eastern side of the site. To the

rear (west) is a terrace of converted outbuildings that form 3no. two-bedroom dwellings (numbers 1-3 Carpenters Court) with gardens and parking to the north and south respectively.

The land to the north is open agricultural land used for grazing. Public footpath number 25.65/8/1 runs to the north of the site and crosses the adjacent field in a north-west direction. The route of claimed Public Right of Way number RYE/2009/12/DMMO runs parallel to the northern and western boundaries of the site. Beyond the application site the nearest residential property is Plumpton Park 30m to the east/south-east and to the west, on lower ground, are the bungalows of Howldale and Burndale approximately 30m from the site.

HISTORY:

3/90/45A/PA -Erection of a two storey extension to dwellinghouse and a two storey extension to existing workshop/store to provide storage/workshop space for builder joiner at Ash Tree House. APPROVED 02.06.1986.

3/90/45C/FA Non-compliance with Condition 13 of permission 3/90/45/PA dated 02.06.86 for the widening of the existing access, together with alterations to rear roof slope of existing cottage at Ashtree House, Nawton. APPROVED 05.06.1992.

3/90/45D/RN- Sub-division of existing dwelling to provide 2 dwelling units (retrospective). REFUSED 03.08.1994. Appeal Allowed 25.01.1996.

11/00564/FUL- Change of use and alteration of outbuildings to form 3no. two-bedroom dwellings, ancillary domestic accommodation and domestic outbuildings with parking spaces and amenity areas to include demolition of cottage to allow widening of vehicular access. APPROVED 09.09.2011.

Condition 2 required the cessation of all business/commercial uses at the site. Condition 11 of the permission requires that the two storey building (the building the subject of this application) is utilised for domestic purposes only, in connection with Ashtree House and shall not be let or sold off separately. Condition 11 was imposed "*to avoid the intensification of the site, and to maintain the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy H7 of the Ryedale Local Plan*".

11/01241/COND- Discharge of condition numbers 01,02,03,04,05,06,07,08,09,10,11,12 and 13 of approval 11/00564/FUL dated 31.08.2011. APPROVED 20.01.2012.

14/01292/73A- Variation of Condition 04 by replacement of drawing Reference 0610103 Amendment B by drawing no. PL/156/03, Variation of Condition 12 by replacement of drawing 0610103 Amendment B by drawing nos PL/156/03 and PL/156/01 and Variation of Condition 13 to list the following approved plan(s): drawing nos. 0610102 Amendment A, PL/156/01, PL/156/02 and PL/156/03 amendment to Ashtree House south elevation. APPROVED 13.02.2015.

The amendments allowed an additional door opening in the side elevation of Ashtree House and the erection of a wall to create an enclosed paved area. The requirements of Conditions 2 and 11 (above) were carried forward. The approved site layout plan shows the building the subject of this application as being in part domestic storage use (northern end) and part the garage for Ashtree House (southern end). In addition a car port would be provided for unit 3 in the building used for storage.

18/00898/FUL-Reinstatement of former first floor opening to include fitting of door and installation of guard rail to existing external steps on the south west elevation. APPROVED 05.10.2018.

BACKGROUND:

The proposed development was initially for the change of use and alteration of outbuildings to form 3no. two bed apartments and 1 no. one bed apartment with parking/turning area and amenity space.

However, the Case Officer raised concerns with the applicant in relation to on-site parking provision,

amenity space, overlooking, disturbance and loss of privacy. Overall it was considered that the redevelopment of the building to form 4no. apartments was overdevelopment amounting to an intensification of use likely to give rise to a material adverse impact on residential amenity contrary to policy SP20.

After consideration, the applicant revised the proposal to reduce the number of residential units as described in the following section of the report.

PROPOSAL:

Planning permission is sought for the change of use and alteration of part of outbuilding (south end) to form 1 no. one bed apartment and 1 no. two bed apartment with parking/turning area and amenity space.

The external dimensions of the building would be unchanged. The proposed floor plan shows that the conversion works to create 2no. apartments relates to the southern half of the building at ground and first floor level. The northern part of the building (both levels) would remain as a domestic outbuilding.

The one bed apartment would be on the ground floor and would comprise an entrance in the north east elevation leading to a bedroom, bathroom and kitchen/dining/living area. The two bed apartment would also have a ground floor entrance in the north east elevation with a staircase to first floor level which would contain two bedrooms, a bathroom and kitchen/dining/living area.

The conversion would make use of existing openings at ground and first floor levels and would require the addition of two windows in the front, north east elevation at first floor level and two windows in the rear, south west elevation at first floor level. There would no openings in the gable end elevations.

Externally, the land immediately to the south west of the building would form a gravel parking and turning area for four vehicles and a grass lawn/amenity area for occupants of the two apartments. Vehicular access would be through the existing archway. Cycle racks would be provided adjacent to the entrances on the northeast elevation along with an additional parking space to serve the ground floor apartment. The existing parking bays (6no.) that are parallel to the southern boundary of the site would be unchanged and will continue to serve the occupants of the 3no. apartments in the eastern part of the building. A native species hedge would be planted/grown on the northern and western boundaries to provide screening of the gardens and parking and turning areas. A 2m high close board timber fence would be installed on the southern boundary along the walkway that passes the south-eastern gable end of the building.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

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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 SP4 Type and Mix of New Housing

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

Material Considerations

REPRESENTATIONS:

The Authority has received five objections from the occupants of Howldale and Burndale on Howldale Lane and Plumpton Park, The Granary and number 2 Pinfold Cottages on the High Street.

In summary the objections relate to the following:-

- Intensification of use of the site/overdevelopment
- Parking provision on site/on street parking on High Street
- Traffic using access
- Lack of effective screening
- Loss of privacy/overlooking
- Increased vehicle movements and access
- Increased noise from vehicles using the parking area and access
- Disturbance from construction noise and duration

A letter of support and a letter of ‘no objection’ have been received from the occupants of numbers 1 and 3 Carpenters Court. The letter of support states that the proposed development would provide more housing available at an affordable rent.

The objections that state that the proposed development may in future result in the further development of the site for housing or representations that refer to the possible motives or future intentions of the applicant are not material to the consideration of this application. The planning decision is reached on the merits of the application lodged with the LPA and is made without prejudice to the formal consideration of any future planning applications.

APPRAISAL:

The main considerations in the determination of this application are:

- i) Principle of the development;
- ii) Design, form and layout;
- iii) Impact on residential amenity; and
- iv) Highway impact.

Principle of the development

The application site is within the village development limits. Development Limits for settlements define the boundary within which development in principle will be generally acceptable.

Policy SP1 identifies Nawton/Beadlam as a Local Service Centre (Service Village), and a tertiary focus for growth where the role is the “*Limited small-scale growth to address employment, housing and community requirements*”.

Policy SP2 (Delivery and Distribution of New Housing) establishes the amount of new housing to be delivered in Ryedale to 2027. It sets out how this is to be distributed across the settlement hierarchy (Policy SP1) and identifies the amount of new housing which will be provided at each of the different towns and some villages.

Policy SP2 identifies that sources of new housing in ‘Service Villages’ such as Nawton/Beadlam includes the conversion and redevelopment of Previously Developed Land and buildings within Development Limits.

Limited small-scale housing growth is encouraged in service villages and the proposal would involve the conversion of a redundant building and contribute to the mix of housing available in the locality. It is considered that in principle the proposed conversion of the existing outbuilding (previously developed land) to residential use aligns with policies SP1, SP2 and SP4 of the Local Plan.

Design, form and layout

The existing building is a substantial, two storey structure of sound construction and is capable of conversion to residential use. The overall dimensions would be unchanged. The external alterations would relate to additional windows at first floor level on both sides of the building. It is considered that the positioning, proportions and materials would be in keeping with the character and appearance of the building.

The additional hedgerow planting on the boundary would not depart from the landscape character in this part of the village and the gravel parking and turning areas would be screening by the boundary treatments and would not be visible from neighbouring properties due to the orientation of existing buildings and the topography of the land.

It is considered that the proposed alterations would not be detrimental to the character of the building and the layout and size of external areas comprising amenity space, parking for cars and bicycles and bin storage is considered appropriate.

The redevelopment of the redundant part of the existing building to form two apartments would not harm the form or character of residential development in the settlement. It is considered that the development is acceptable in terms of appearance, layout and use of materials in compliance with policies SP4, SP16 and SP20.

Impact on residential amenity

As required by Policy SP20 (Generic Development Management Issues), the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings.

The applicant has sought to address concerns raised in relation to amenity impacts and the proposed development has been reduced to 2no. apartments. The revised scheme has reduced the number of windows in the south west elevation and limits the residential conversion to the southern end of the building.

The proposed development would result in 7 residential units within the wider site sharing the same access off the High Street. The Parish Council and local residents still have concerns that the density of residential development at the site is beyond an acceptable level and that it would give rise to adverse impacts on existing levels of amenity enjoyed by neighbours.

The existing two storey building is substantial in terms of scale and mass and occupies an elevated position in relation to the properties on Howldale Lane to the west. It also stands on higher ground in relation to Plumpton Park to the east. The building, when viewed from Howldale Lane, does dominate the skyline but whilst the perception of an overbearing impact is understood it is not relevant to the application under consideration as the siting and external dimensions of the building would be unchanged.

The area to the west of the building is currently lawn associated with the existing principal dwelling and its use for domestic purposes (albeit for the new apartments) would be unchanged in that respect. The outdoor amenity area would be adjacent to the rear gardens of Howldale and Burndale on Howldale Lane, however, there is no reason to expect that the use, nature and level of activity in this area would be any different to that which could occur at present.

The introduction of a parking and turning area on the western side of the building does alter the potential character of impact on levels of amenity enjoyed by neighbours.

The southern boundary which abuts Plumpton Park comprises a 1.2m high block wall topped with a vertical boarded fence approximately 1m in height which would screen the parking and turning area. It is not anticipated that the parking and turning area or the additional parking space to the east of the building would have a material impact on the occupants of Plumpton Park in terms of noise disturbance or loss of privacy. There is a raised walkway adjacent to the south-east gable end of the building that runs parallel to the boundary with Plumpton Park. This would allow occupants access on foot between the front and back of the building in addition to the route through the existing archway that links the two parking areas. The applicant proposes to install a 2m high close board fence along the walkway to ensure that there is no overlooking of the rear garden of Plumpton Park.

The layout of the external areas to the west of the building have been designed such that the parking and turning areas are formed on the southern side of the existing garden. This is adjacent to the rear car park associated with the village hall which is at a lower level to the south-west. It is acknowledged that vehicles entering the parking and turning area through the archway would face the rear of Howldale and there is potential for headlights to shine across the property but given the change in ground level and the apex height of the existing bungalows it would not have a direct impact. The plans show that a 2m high boundary hedge would be grown on the western boundary and this would largely screen views between the parking area and the rear gardens of the adjacent properties.

It is considered that the main impacts on residential amenity relate to the potential for overlooking and loss of privacy.

The front, north east facing elevation of the building to be converted is approximately 30m from the rear elevation of Plumpton Park. The two additional windows at first floor level would serve the two bedrooms. Due to the orientation of the existing buildings there would be no direct, straight-line window to window views and given the separation distance it is not expected to result in a loss of privacy.

The rear, south west elevation of the building is approximately 45 metres from the rear elevations of Howldale and Burndale to the west. It is approximately 15 metres from the rear garden of Howldale. The occupants of Howldale and Burndale have concerns in relation to overlooking and loss of privacy due to the elevated position of the building. There would be two additional windows in the southwest elevation of the building at first floor level that would serve the kitchen/dining/living area.

The first floor windows would allow views to the west and south west from within the kitchen/dining/living area. The first floor windows would directly face towards the rear of the village hall and the rear garden of Howldale. However, the significant change in level of the land and intervening planting means that any views available from ground floor level would be limited to the roofs of the bungalows and views from first floor would be generally across and above the bungalows. It is acknowledged that views towards the rear of Howldale and also Burndale, albeit at an oblique angle, will be possible and it is considered appropriate to include a condition controlling the finished floor levels within the building to control and reduce the likelihood of overlooking.

It is not anticipated that the proposed conversion and use of the building and associated outdoor areas would give rise to any adverse impact on users of the existing and claimed public footpaths adjacent to the site.

In light of the proximity of the site to neighbouring residential receptors it is considered prudent to limit the hours of work for construction and external alterations to standard working hours.

The layout shows that adequate amenity space can be provided for the occupiers of the two apartments in accordance with Policy SP4. Taking account of topography and separation distances, the positioning of window openings in the building and the use of outdoor areas would not result in any significant material harm to neighbouring amenity in terms of loss of privacy. The final details of the boundary treatment including planting along the site perimeter will be secured by condition. It is considered that the proposed development can be accommodated without giving rise to a material adverse impact on the amenity of present or future occupants of neighbouring land and buildings in compliance with Policy SP20.

Highway impact

Policy SP20 seeks to ensure that new development does not have a detrimental impact on road safety. The existing access arrangements would be unchanged and it is acknowledged that the addition residential units would generate an increase in vehicle movements to and from the site compared to existing levels. The Parish Council and neighbours have highlighted concerns in relate to traffic associated with the site.

The Local Highway Authority (LHA) have not raised any concerns in relation to the principle of the developments in terms of its highways impact. The observations made in relation to the sizes of proposed parking bays have been addressed and the applicant has included secure cycle parking facilities. There would be five parking spaces to serve the proposed apartments and the existing parking provision that serves the other residential units would be unchanged.

The LHA have confirmed that the revised plans include adequate provision within the site for parking. The proposed development does not conflict with adopted parking standards. The LHA recommend the inclusion of conditions to secure the retention of existing and proposed parking areas and that contractor parking and material storage is within the site clear of the public highway.

The Public Right of Way Officer has no objections subject to the inclusion of two standard informatics to ensure that the existing and claimed public rights of way are not obstructed.

The NPPF promotes sustainable transport and the promotion of walking, cycling and public transport use. The application site is within a ‘Service Village’ and the proposed residential units are within walking distance of local amenities such as the pub, Indian restaurant, fish and chip shop and in close proximity to the schools, village hall, recreation ground and bus stop.

The increased use of the site can be accommodated and the intensity of the use can be controlled. It is not anticipated that the proposed development would create additional traffic movements that would give rise to a materially significant adverse impact on highway safety either individually or cumulatively and there would be no conflict with Policy SP20 in relation to highway safety and sustainable modes of travel.

Conclusion

The site is within the development limits of a ‘Service Village’ and the conversion relates to a previously developed land. It is considered that, in principle, the southern end of the two storey outbuilding is capable of being developed for residential purposes in the form of 1 no. one bed apartment and 1 no. two bed apartment and accords with the aims of the NPPF and policies SP1, SP2 and SP4 of the Local Plan Strategy.

The proposed conversion has been reduced to 2no. apartments and it is considered that this would not represent overdevelopment of the site. No concerns have been raised by the LHA in terms of access, parking or highway safety. Furthermore the new apartments can be accommodated without having an unacceptable impact on the appearance of the building or the character and form of the settlement. However, the change of use of the building would alter the nature of impact on the existing amenities of neighbouring residents in terms of increased overlooking and perceived loss of privacy. The design incorporates mitigation in the form of enhanced boundary treatment and, given the separation distance and change in levels, on balance, it is considered that the impact on residential amenity, individually and cumulatively, is not sufficient to warrant the refusal of the application.

It is considered that the proposal is acceptable and complies with Policies SP1, SP2, SP4, SP16, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The recommendation to Members is one of conditional 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 plans:

Site Location Plan
Proposed Elevations ref. PL/213/06 Rev A, dated 05.04.19
Proposed Plans ref. PL/213/05 Rev A, dated 05.04.19
Proposed Site Plan ref. PL/213/04 Rev C, dated 09.04.19

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Before any part of the development hereby approved commences, plans showing details of landscaping planting and boundary treatment schemes based on the detail shown on Proposed Site Plan ref. PL/213/04 Rev C, dated 09.04.19 shall be submitted to and approved in writing by the Local Planning Authority. The approved planting/boundary treatments shall be completed in the first planting season following the commencement of the development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/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 ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.
- 4 Before any part of the development hereby approved commences, details of finished ground floor and first floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved levels.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.
- 5 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 G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 6 The northern end of the two-storey building as shown on Proposed Plans ref. PL/213/05 Rev A, dated 05.04.19 shall be utilised for domestic purposes only, in connection with Ashtree House, and shall not at any time be let or sold off separately.

Reason:- To avoid the intensification of the site, and to maintain the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy H7 of the Ryedale Local Plan.

- 7 Any excavation, construction or external alterations associated with the development hereby approved shall be carried out only between the hours of:-

0800 -1800 hours Mondays to Fridays
0800 -1300 hours Saturdays
and at no time on Sundays and Bank (or Public) Holidays.

Reason: To protect local amenity during construction.

- 8 The existing and proposed hedgerows along the western and northern boundaries of the site as shown on the approved Proposed Site Plan ref. PL/213/04 Rev C, dated 09.04.19 as being planted/retained shall be maintained at a minimum height of 2 metres for the lifetime of the development.

Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value.

- 9 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Proposed Site Plan ref. PL/213/04 Rev C, dated 09.04.19 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 10 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. 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.

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

INFORMATIVES

Public Rights of Ways (existing and claimed)

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the

Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

Notwithstanding the submitted plan, no works are to be undertaken which may create an obstruction, either permanent or temporary, to the route of the claimed Public Right of Way. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.