

Item Number: 10
Application No: 19/01319/FUL
Parish: Welburn (Malton) Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs S & S Holt
Proposal: Demolition of existing outbuildings and erection of 1no. two bedroom holiday let with associated landscaping and parking together with the erection of a single storey lean to store situated to the southern elevation of the adjoining ground floor flat, to provide additional storage and a WC for use by occupiers of the holiday let.
Location: Land At Cherry Tree House Main Street Welburn Malton
Registration Date: 28 November 2019
8/13 Wk Expiry Date: 23 January 2020
Overall Expiry Date: 26 February 2020
Case Officer: Niamh Bonner **Ext:** Ext 43325

CONSULTATIONS:

Highways North Yorkshire	No objection
Building Conservation Officer	No objection
North Yorkshire Fire & Rescue Service	No objection/observation
Welburn (Malton) Parish Council	Objection
Highways North Yorkshire	Recommend conditions
Paul Jackson AONB Manager	Recommend conditions

Neighbour responses: No responses received.

SITE:

The application site relates to 2no. adjoining outbuildings associated with Cherry Tree House, Main Street, Welburn. The outbuildings are accessed from Main Street via an arched driveway between Cherry Tree House and the Four and Twenty Blackbirds Café, sited approximately 20 metres to the south of Main Street along the western boundary of the site. The driveway provides vehicular access to the rear of Cherry Tree House and also serves 2no. flats, adjacent to the lane to the north of the existing outbuildings.

These flats, the Four and Twenty Blackbirds Café, the outbuildings and green space to the south all fall under the ownership of Cherry Tree House, which is a Grade II Listed Building. The site also falls within the Howardian Hills Area of Outstanding Natural Beauty and the village Development Limits.

The outbuildings are constructed of brick, stone and timber boarding, with corrugated sheet roofing. The southerly outbuilding includes a flat roof and the northerly section includes a pitched roof design. These measure approximately 12.1 metres x 5.4 metres in footprint.

PROPOSAL:

This application seeks approval for the demolition of existing outbuildings and erection of 1no. two bedroom holiday let with associated landscaping and parking together with the erection of a single storey lean to store situated to the southern elevation of the adjoining ground floor flat, to provide additional storage and a WC for use by occupiers of the holiday let.

Revised plans have been submitted to indicate 2no. off street parking spaces and a bin storage area.

During the determination of the proposal, it was noted that the original description of the proposal did not include the small lean to store/WC. This was added to the description and readvertised. This period of advertisement will expire on the 26th February, due to press notice deadlines. Therefore approval is sought to delegate the final decision to Officers, following the expiry of this reconsultation period.

HISTORY:

There is no directly relevant planning history at the application site. However the following planning history permitted the formation of the café/flats to the north of the site.

09/00241/FUL: Alterations to internal layout to increase retail area with cafe area adjacent, change of use of part of ground floor residential area to commercial kitchen, and sub-division of ground and first floor residential accommodation to form 1 no. one bedroom ground floor flat and 1 no. two bedroom first floor flat with access by erection of external staircase. Approved.

POLICIES:

Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of the Development
- ii. Form, Character and Impact upon the Conservation Area
- iii. Impact upon neighbouring amenity
- iv. Impact upon Trees and Ecology
- v. Access and Highway Safety
- vi. Other matters, including consultation responses.

- i. Principle of the development

Policy SP8 (Tourism) of the Ryedale Plan - Local Plan Strategy is supportive of the new self-catering accommodation within the District and therefore the principle of the development is considered to accord with this policy. This is however subject to time-limited occupation restrictions to ensure that the building would only be used for holiday purposes and not as a person's sole residence as detailed within Policy SP21 (Occupancy Restrictions) of the Ryedale Plan - Local Plan Strategy.

Therefore subject to the assessment of the other main considerations detailed below, this proposal is considered to be acceptable in principle.

- ii. Form, Character and Impact upon the Conservation Area

The proposed holiday cottage would provide 2no bedrooms, a kitchen/living room and a bathroom. This building would measure approximately 12.4 metres x 5.4 metres in footprint. The building would incorporate a pitched roof construction with a maximum height of approximately 4.3 metres above ground level. The more southerly section of the proposed building would be slightly set down in its eaves and apex levels, limiting the overall massing of the building. The building would be constructed of brick, oak cladding and pantiles. An oak framed pergola would adjoin the building to the northern elevation, where a large glazed opening would provide access to the outdoor seating area. Other openings would be located along the eastern and southern elevation with 4no. roof lights proposed along the eastern roof slope.

The proposal also includes the erection of a small extension, to the blank southern elevation of the existing ground floor flat. This would be constructed of stone and pantile and would provide a store and WC for the holiday cottage.

The application site is located within the Welburn Conservation Area. As such, Ryedale District Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The impact on the character and appearance of the Conservation Area must therefore be considered in the determination of this application.

The Council's Building Conservation Officer has considered the proposal and has no objection to the scheme. It is considered that the demolition of the existing buildings and their replacement with the slightly larger building (providing an additional 14 square metres of floorspace) would not result in harm to the Conservation Area, but would preserve its character.

The form, proportions and predominately traditional design of the building is considered acceptable, together with the use of high quality materials. Therefore subject to a condition seeking samples of materials, it is considered that this proposal would preserve the character of the Conservation Area. It is furthermore not considered that this would result in any harm to the setting of the Grade II Listed Cherry Tree Cottage.

iii. Impact upon neighbouring amenity

Due to the positioning of the proposed building and its relationship with other closely located dwellings, it is not considered that this proposal would result in any loss of privacy or instances of overshadowing of neighbouring dwellings. The most closely located dwelling incorporates a currently blank southern elevation and the installation of the small lean to extension would also have a neutral impact on neighbouring residents.

The use of this building for holiday accommodation has the potential to increase the number of vehicle movements along the lane which the 2no. flats abut. However it is noted that this lane is already in use for unrestricted vehicle movements associated with Cherry Tree House. It is therefore considered a 2 bedroom holiday cottage would not result in materially harmful additional movements that would impact upon the amenity of neighbouring residents.

The proposed outdoor seating area associated with the holiday cottage is located in close proximity to the existing flats. However the southern elevation of the ground floor flat is solid with no openings. The lean to outbuilding would be built onto this elevation also. The existing first floor flat is inset further northwards. It is not considered that the use of this outdoor amenity space by the occupiers of the holiday cottage is likely to result in materially harmful impacts upon amenity of surrounding residential units. Whilst it is acknowledged that this amenity space may have been available for the occupiers of the flats previously, the owner of the site would maintain control over access to this area.. It is also considered appropriate to condition the ownership of the holiday cottage to remain tied with Cherry Tree House as this would provide an onsite presence should any issues arise.

iv. Impact upon Trees and Ecology.

As part of this application, it is noted that three trees are sought for removal. This includes a Birch tree within the ownership of The White House directly to the west, abutting the outbuilding and a Birch and a Pine along the southern boundary of the application site.

The removal of the Birch and Pine within the application site are considered acceptable. The pine is a non-native species and the Birch is very small in scale, so it is not considered that these contribute to the amenity of the Conservation Area.

The Birch within the ownership of The White House cannot be considered for removal as part of this application. However a separate application for the removal of this tree has been submitted under application reference 20/00079/CAT which is pending consideration. Discussions with the Case Officer for this application have confirmed the LPA are likely to support this application for removal, which has been submitted together with a detailed Tree Report produced by an appropriately qualified person.

It is not considered that these buildings are likely to provide an appropriate habitat for bats or barn owls due to the corrugated nature of the roof. An informative in relation to nesting birds will however be recommended.

v. Access and Highway Safety

An initial consultation response was received from NYCC Highways seeking two off street parking places in line with their interim parking standards. It was also noted that the access is restricted in width and headroom, at a distance from where a tender would park. Therefore the Fire Authority should be consulted. The Fire Authority confirmed in a response dated 14th January 2020 that they have no observations to make and they would make further detailed comments under the Building Control Process.

Revised plans have been following the initial response from North Yorkshire Highways showing two off street parking spaces for use by the holiday cottage. A further consultation response from the North Yorkshire Highways Officer has been received raising noting no objection and recommending of a condition in relation to the retention of these spaces.

It is however noted, beyond the two marked out parking spaces, some other space is available in which further parking could potentially be undertaken within the site and on street parking, whilst limited is also available.

It is therefore considered this proposal can be undertaken without material harm to access and highway safety, with an acceptable level of off street parking provision.

vi. Other Matters including Consultation Response:

The Parish Council noted the following: *“The Parish Council discussed this application at their last meeting and agreed they Objected, as the site is potentially becoming overdeveloped and it will be a burden to the already congested Main Street.”*

This response is noted. It is considered that the proposal would relate to a slightly enhanced footprint (an additional 14 square metres) beyond the existing building and visually this would not relate to any significant overdevelopment of the site. The addition of a holiday cottage (tied to Cherry Tree House) which retains ownership of the café and the 2no. flats allows control over the operation of the different uses within the site. North Yorkshire Highways as the statutory consultee have not raised an objection to this proposal subject to the recommended condition.

The Area of Outstanding Natural Beauty Manager has confirmed he raises no objection to the proposal subject to a condition tying the ownership of the cottage to Cherry Tree House.

No response has been received from the occupiers of any neighbouring properties.

Therefore, subject to the recommended conditions, Officers consider that this proposal conforms with Policies SP8, SP12, SP16 Design, SP20 and SP21 Generic Development Management Issues of the adopted Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework.

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):

Site Plan (Drawing no. (EX)01_A)
Proposed Elevations (Drawing no. PL03)
Roof Plan (Drawing no. PL01_A)
Proposed Plans/3D Views (Drawing no. PL02_A)

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

3 Unless otherwise agreed in writing with the Local Planning Authority, notwithstanding the submitted details, prior to the above ground construction of the holiday cottage, details and samples of the building materials to be used on the exterior of the development hereby permitted 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 Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4 The holiday cottage hereby approved shall remain in the same ownership as the property currently known as Cherry Tree House, Main Street, Welburn.

Reason: In the interests of the amenity of existing and future occupiers and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

5 The accommodation hereby approved shall only be approved subject to the following conditions.

The holiday accommodation shall;

- (i) Not be occupied by any one person/group of persons for holiday purposes for any longer than 31 days per year
- (ii) The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an Officer of the Local Planning Authority on request. This shall include full details of the following:
 - the main address(es) of all the occupiers of the accommodation hereby permitted
 - the start date of every one of the letting/occupation of all the occupiers of the accommodation hereby permitted
 - supporting evidence of the main address(es) of all the occupiers of the accommodation hereby permitted

Reason: To comply with the requirements of Policy SP8 and SP21 of the Ryedale Local Plan Strategy.

INFORMATIVE(S)

1 All wild birds, their nests, eggs and young are protected by law. If active nests are found, work should be delayed until after young have fledged. The risks of encountering nesting birds are lower outside the period March to August.