

Item Number: 10
Application No: 21/00641/FUL
Parish: Swinton Parish Council
Appn. Type: Full Application
Applicant: Mrs Sue Allen
Proposal: Erection of 2no. three bedroom detached dwellings with associated landscaping, parking and vehicular access (revised details to refusal 20/00898/FUL dated 15.12.2020)
Location: Land Off West Street Swinton Malton

Registration Date: 26 April 2021
8/13 Wk Expiry Date: 21 June 2021
Overall Expiry Date: 23 August 2021
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Yorkshire Water Land Use Planning	Recommend Conditions
Swinton Parish Council	Recommends Refusal
Highways North Yorkshire	Recommend Condition

Representations: Duncan Richards And Ann Ward, Des Rapp, Mr Dainis Girupnieks, Mr Richard Davies, Miss Charlotte Firth, Mrs Wendy Smallwood, Mr HOWARD COE,

SITE:

The application site is an open grassed area, which lies within the development limits of Swinton, to the north-east of the village.

The site is located to the rear (west/north west) of dwellings fronting West Street (no's 35, 37, 39 and 41) and directly to the north of the Cherry Avenue cul-de-sac, directly adjoining the rear gardens of no. 16 and 17 Cherry Avenue. The site itself is adjoined to the north by what appears to be undeveloped garden land associated with the adjoining residential property. To the west lies agricultural land.

From reviewing the planning history, it appears that historically the site was used as a large kitchen garden and it is noted that the site falls within the Village development limits.

The main section of the site is broadly 'square' in appearance and site spans approximately 29.4 metres from north to south and approximately 32.7 metres from east to west. This is connected to West Street via an access which spans approximately 26.9 metres in length and incorporates a width of between approximately 4.3 metres and 10 metres. Fair Mount also has a right of access of this land to access their detached rear garage.

The site is surrounded by a low dry stone wall to the western boundary, by a mix of close boarded fencing and landscaping to the southern boundary, by post and rail fencing to the northern boundary and by a mix of post and rail and close boarded fencing to the eastern boundary. Some sporadic boundary planting is present, appearing to below to the adjoining properties and two small trees are present within the site, which remains grasses in the 'square' area. The access is completed predominantly with gravel, with small sections of concrete and tarmac close to the highway.

PROPOSAL:

Erection of 2no. two storey three bedroom detached dwellings with single garages, associated landscaping, parking and vehicular access. This is a revised submission to the previously refused application 20/00898/FUL dated 15.12.2020 for 4no three storey dwellings.

The two properties proposed would be orientated with the principal elevations facing eastwards. Each would incorporate a pitched roof design, with a projecting forward cross wing style element, spanning approximately 7.55 metres in width and between approximately 10.6 metres and 8.56 metres in depth, given the staggered principle elevation. They would include an eaves height of 5.4 metres with a ridge height of 8.075m, with the projecting cross wing well set down from the roof height of the main dwelling.

The properties would be located fairly centrally within the plot, with parking located within the single garages and in spaces forward of the dwellings. Plot 2 is located in the northern part of the south and Plot 1 to the southern part of the site. The property would incorporate private amenity space to the rear west. With the exception of the rear western elevation, it is noted that indicatively all boundaries including an internal boundary between the properties would be completed with a minimum 1.7 metres high wooden fence.

During the determination of this proposal revised plans were received on the 3rd August following review of the application by the Case Officer and following the receipt of consultation responses. The amended plans included repositioning of dwellings within the plot:

- The detached single garage proposed which was originally proposed directly along the southern boundary of Plot 1 was inset from the boundary by approximately 1.7 metres, directly adjoining this two storey dwelling which was also repositioned further northwards by approximately 0.6 metres. This distances the built form of this dwelling from the shared boundary line with no's 16 and 17 Cherry Avenue to the south.
- The detached garage serving Plot 2, which was originally positioned in between the two properties was repositioned to the north of the dwelling, also now directly adjoining the property. This has had the effect of significantly insetting the two storey element of this property from the boundary. This two storey element was previously 1.98 metres from the northern boundary at the closest point, whereas in the revised plans this is inset by 5 metres. The single garage is inset by 1.43 metres from the northern boundary.
- The plans illustrate the rather than the previously proposed 'White Stone cladding Austin Cobblefield or similar' (which was considered inappropriate by Officers) and the Spanish clay tile, the building would now be constructed of 'Cotswold Stone in grey randomly course or similar' with 'Marley plain clay tile or similar' with anthracite grey windows.
- Revised shadow drawings were submitted to accurately plot the shadow during the year. These indicate that shadows would not be cast on any neighbouring dwelling during the four equinoxes.
- The presence of the neighbour's garage at a nearby property Fairmount has been shown on the plans and confirmation that their lawful access will remain to it with a note to highlight 'surface to be re-paved if agreed with owner.'
- A revised plan was sought by North Yorkshire Highways to that that a service vehicle (in the event of fire, etc) could turn, free of obstruction within the site. Alterations were made to the site layout plan to illustrate designated parking spaces and the tracking of a service vehicle within the site.

PLANNING HISTORY:

The following planning application is considered most relevant:

06/00598/OUT: Residential development (site area 0.176ha). Approved.

It is noted that this application was on larger site than currently proposed and was not lawfully commenced.

20/00898/FUL: Erection of 2no. pairs of three bedroom semi-detached dwellings with associated landscaping, parking and vehicular access. Refused for the following reasons:

1. It is considered that the proposal by virtue of its scale, form, materials, layout and design would appear unacceptable in this location in design terms. The density, limited amenity space and vertical scale of the three storey monopitched roof scheme would result in overdevelopment of the site that would appear incongruous with the surrounding pattern and form of residential development, harmfully impacting upon the character of the locality in discordance with SP16 Design and SP20 Generic Development Management Issues of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

2. It is considered that further to the first reason for refusal, the proposal would also result in development that is detrimental to the wider landscape character of the area given the highly visible edge of settlement position of the plot. It would therefore result in harm to local distinctiveness, through the introduction of a suburban built form in discordance with SP13 Landscapes of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

3. It is considered that the proposal would result in unacceptable material harm to the amenity of occupiers of surrounding residential properties, in terms of loss of privacy, overshadowing and overbearing development, which would also result in loss of outlook in discordance with SP20 Generic Development Management Issues of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

4. It is considered that the proposal would not retain an appropriate level of residential amenity for future occupiers by virtue of the cramped amenity space forward of the dwellings and consequential inadequate parking areas provided in discordance with SP20 Generic Development Management Issues of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework

5. It is considered that the proposal would be unacceptable in terms of access and highway safety through inadequate parking provision and the insufficient turning and manoeuvring spaces in discordance with SP20 Generic Development Management Issues of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

6. The proposed direction of surface water runoff to the mains sewer is considered unacceptable in light of the consultation response from Yorkshire Water (dated 23rd November 2020.) There is no capacity for this approach within the local sewerage system and this could cause overloading which would not be supported. This element of the proposal is in discordance with SP17 (Managing Air Quality, Land and Water Resources) of the Ryedale Plan- Local Plan Strategy and the National Planning Policy Framework.

POLICIES:

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 SP13 Landscapes

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP20 Generic Development Management Issues

National Planning Policy Framework

National Planning Practice Guidance

REPRESENTATIONS

The Parish Council made the following representation (14th May 2021)

“Recommend Refusal, due to the height of the proposed dwellings. Members of the Parish Council would like to see a dormer bungalow type dwelling lower in height.”

The following summarised points were raised within 7 letters of objection from the occupiers of the following properties within the village. No’s 16 and 17 Cherry Avenue, No’s 35, 37, 39 and 41 West Street and 2 West Close, Swinton. Members can read the full responses on the planning file.

- Loss of privacy to garden/lounge/conservatory and kitchen, denying right to privacy and light (occupier of The Cottage (no 39 West Street)
- Loss of privacy to 2 West Close with direct looking into bedrooms. Height should be limited to bungalows to reduce visual impact and the development towering over us.
- Proximity of Plot 2 to boundary, the scale and siting would be visually oppressive and overbearing when viewed from adjoining gardens at 39 and 41 West St. As this would be located to the south west it would cause significant overshadowing and dominance. Suggest layout is amended to include garage adjacent to the boundary.
- The proposal would be particularly overbearing for the adjacent properties, the walls of one of the houses would be very close to my bedroom window (no. 17 Cherry Avenue) invading my privacy and would feel oppressive. The proposed properties would overshadow my small garden and property.
- The two windows on the side elevation of plot 2 should be obscure glazed to prevent overlooking
- The houses do not fall within the affordable housing category. Swinton is already over populated with new housing in inappropriate spaces on all of the three streets. No benefit to neighbourhood, land should be sold to Parish to develop a nature reserve or allotments as per Parish report of resident’s needs.
- The land is valuable conservation green space for wildfire and natural soakaway form the fields and existing houses. The Parish Council and Local Policy Stipulate not building unnecessary housing and to protect valuable natural space.
- House footprint is too large, the space is only adequate for Plot 2 and allow space between the house and perimeter fencing to 16 Cherry Avenue. Plot 1 should not exist or be as close to my perimeter fence at all and the garage should not join my perimeter fence at all. There is no access around the garage and rain runoff will create issue and rot fence.
- The site is landlocked, almost back land ancient orchard garden and not suitable for two large residents.
- The development should be single storey only, not dormer.
- Height of properties too high, would like to see the height reduced to that of a dormer bungalow.
- The design is not in keeping with the village setting.
- Inappropriate material of white stone cladding would be out of context with the adjoining properties and not reinforce local distinctiveness.
- Only 3 parking spaces visible on the plans which is not sufficient. This would lead to parking overspill on West Street.
- The plans do not detail the garage at no. 37, if this is removed where are the cars going to go? If the access road is used for the new development (no 37 currently uses this for off street parking) this will put more cars onto West Street where there is already an issue with parking and access for lorries, tractors and the local bus service
- If permission is given there needs to be a limit on the deliveries and size of as the drive entrance is opposite my garden and not suitable for large vehicles (I know I am a HGV driver.)
- The access is too narrow and will create parking issues for the residents.
- No 39 should be allowed to construct a garage to match the current one at no. 37 and be given access to said garage (this will reduce the overlooking and alleviate parking issues on West

Street.

- The streets do not have footpaths and this increasing safety risks to those walking to the main road for public services. The streets are overstretched by traffic.
- Land Registry rights granted for the benefit of the property (Fair Mount no. 37 West Street) “Full blockage of accesses to Property, Garage 4*4 8M Car parking Space. This is not shown on the proposed plans.
- Disgusted to have found out via word of mouth and not received formal communication (Case Officer note: This comment by the owner of no. 16 Cherry Avenue was fully investigated. It was confirmed that a neighbour consultation letter was sent to this address as part of the original publicity for the property. It was subsequently noted that the letter sent to no. 17 Cherry Avenue was also not received. Letters were reprinted and sent out with “Swinton” highlighted as the occupier of no. 17 had advised the Case Officer that sometimes correspondence could get mixed with Cherry Avenue in Malton. As part of the reconsultation highlighted letters were also send out to these properties. Members are therefore assured that every effort has been made to ensure full consultation has been properly carried out. By sending neighbour letters and erecting a site notice, the LPA exceeds the statutory requirements for consultation.
- Concerns over drainage – connection to main drain but not an existing drainage system
- Soakaways do not work – very large properties including flat roof garage would generate significant water runoff. The land is already waterlogged.
- The planning application states there are no existing trees and hedges which is not true. This was an old apple orchard. There is a tree and trees in surrounding gardens. Swinton dates back to the doomsday book with lots of history and artefacts still being found. No surveys have been conducted, this is for financial gain only.
- Concern over the grey birch trees proposed, prolific in growth, shallow roots and prone to blowing over in wind. Inappropriate choice and will block view. The existing dry stone wall should be maintained and no further planting to the rear.
- Loss of countryside view
- Development will effect property value
- Light pollution and noise pollution associated with two properties.
- No gas or sufficient services already, why add two more properties to add more strain. The local school is over subscribed.

As noted revised plans were received on the 3rd August and these were fully advertised by new neighbour notification letters and reconsultation with statutory consultees.

The Parish Council made the following representation (25th August 2021)

“Recommend Refusal, due to the proposed dwellings not being in keeping with the existing properties in the nearby location.”

One further letter of objection was received on the 25th August from the occupier of no. 35 West Street noting *“the proposed development has not been revisited to fit within the surrounding housing and before any consideration is given, the plans should reflect this and be drawn for 1 or 2 bungalow type houses.”*

APPRAISAL:

The main considerations in assessing this application are;

- i) Principle of Development
 - ii) Character and Form
 - iii) Residential Amenity
 - iv) Access and Highway Safety
 - v) Other matters, including Consultation Responses
- i) Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with

the development plan, unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) states:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.”

The development plan should be read as a whole, however Policy SP1 and SP2 of the Ryedale Plan - Local Plan Strategy provide the development Strategy for the district. Most development will be located in the more sustainable parts of the district. This is the market towns, and a limited number of larger villages which are identified as service villages.

Amotherby and Swinton are together considered to form a ‘Service Village.’ In Service Villages, development is supported in the following instances:

- Housing Land Allocations in and adjacent to the built up area
- Conversion and redevelopment of Previously Developed Land and buildings within Development Limits
- Replacement dwellings
- Sub-division of existing dwellings
- Infill development (small open sites in an otherwise continually built up frontage)
- 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate

Whilst the proposal could perhaps not be considered to be traditional ‘infill’ it does have a direct access to West Street and is therefore not landlocked as was suggested in one of the letters of objection. Arguably this could be considered to form backland development. However weight is also given to the fact that residential development has been previously approved in this site.

The Local Planning Authority cannot take into account certain non-material planning issues as part of this assessment of this proposal for 2no. additional properties, these include the loss of property value, the loss of a view (although outlook and potentially overbearing development will be considered) nor the level of subscription of the local schools or lack of gas provision within the village. The LPA also cannot consider issues that are covered via private covenant such as continued rights of access over land. However in this case it is noted that the Agent has included detail of continued vehicular access for no. 37 West Street that was detailed in land registry documents. It is noted that a request for the right for no. 39 to build a garage to the rear and have the right of access over the driveway has been requested. This has not been addressed by the Planning Agent as part of this submission, but the grant of a right of access is a matter for the two parties to come to agreement on. Following that if necessary a planning application may be necessary for such a garage, dependant on size.

Officer’s appreciate the point that the development is highly valued by local residents as green space and an attractive undeveloped area, together with the ecological benefits this can bring, however this land falls within the village development boundaries, has had previous planning permission for residential development and as such, the principle of new development is not considered to be in conflict with any national or local policies.

It is therefore considered that there is no significant conflict with the requirements of Policies SP1 and SP2 of the Ryedale Plan - Local Plan Strategy.

ii. Character, Form and Impact upon the Locality

Policy SP13 (Landscapes) of the Ryedale Plan - Local Plan Strategy requires development proposals

should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:

- The distribution and form of settlements and buildings in their landscape setting
- The character of individual settlements, including building styles and materials

Policy SP16 of the Ryedale Plan - Local Plan Strategy states that 'Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- Reinforce local distinctiveness
- * Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated
- Protect amenity and promote well-being.

Policy SP20 Generic Development Management Issues of the Ryedale Plan - Local Plan Strategy notes that

- New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. It further notes that
- The design of new development will follow the principles established in Policy SP16.

Paragraph 127 of the National Planning Policy Framework notes "*Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit"

The application site presently incorporates a verdant, undeveloped character and lastly appears to have been used as a kitchen garden. It is acknowledged that residential development has previously been approved in outline form in this area.

In terms of layout, it is considered that this proposal is of a much lower density than the previously refused scheme and would not result in the overdevelopment of the site. There is sufficient limited space around the dwellings, particularly to the front of the development, with private amenity spaces of an appropriate scale and this is welcomed in contrast to the previous cramped design.

Furthermore, the revised scheme is now of a more traditional scale, with more appropriate proportions, including a two storey pitched roof form. The previous scheme incorporated a three storey asymmetrical monopitched roof form including a maximum height of approximately 9.3 metres. The surrounding area is characterised by single and two storey dwellings. The two storey property at no 39 West Street does include cottage like proportions and the bungalow at no. 41 incorporates a lower scale. However the properties at 16 and 17 Cherry Avenue and 35 and 37 West Street incorporate more traditionally scaled two storey proportions and it is therefore not considered that this proposal would appear visually incongruous in terms of scale. It is not considered fundamentally necessary in planning terms to require these properties to be solely single storey, or dormer bungalows.

In principle the use of clay roof tiles and light stone is considered acceptable, whereas the previously proposed stone cladding would not have been acceptable. However this is noted as 'Cotswold Stone' on the submitted plans and therefore a condition will be applied to ensure that notwithstanding the

approved plans further details and samples of all materials to be used in the exterior of these buildings shall be submitted to and approved in writing by the Local Planning Authority. A condition to seek a sample panel will also be attached. This will ensure that the final appearance of the building is high quality in visual terms.

The point raised about the potential loss of the dry stone wall to the south is noted and it is hoped this could be avoided, however this would not be a fundamental aspect on which an approval would hinge. A condition to seek final details of the proposed boundary treatments and this will be negotiated. A further condition to seek a full landscaping scheme will be sought and this will provide an opportunity to negotiate on the proposed use of grey birch which has raised concerns. It may be preferable for future residents to have lower landscaping at this point. It is not considered that the loss of the two small trees within the site is a material issue in terms of this application and additional planting will be secured.

Concerns have been raised in relation to lighting, a condition will be attached to seek details of domestic lighting prior to the occupation of the dwelling. This is not always requested, however given the current unlit nature of the site, this is considered reasonable. Only low level lighting which assimilates well would be permitted.

Subject to the aforementioned conditions, it is not considered that the proposal would be detrimental to the wider landscape character of Swinton, given the now more traditionally designed dwellings, quality materials, landscaping and spacing.

iii. Residential Amenity

Policy SP20 of the Ryedale Plan, Local Plan Strategy - Generic Development Management Issues notes the following:

“Amenity and Safety

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.”

Paragraph 127 (f) of the National Planning Policy Framework notes that *“Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”*

As noted, the four previously proposed dwellings would have incorporated a three storey asymmetrical monopitched roof form including a max. height of approximately 9.3 metres and an eaves height of approximately 5.4 metres. These were flush to the shared boundary with 16 and 17 Cherry Avenue to the south and would have involved a 3 storey building directly abutting their private rear amenity space, approximately 6.4m from the nearest point of habitable windows. It was considered that this would have an unacceptable impact upon daylighting within the dwelling and would harmfully affect their private amenity space, as well as forming overbearing development that would have a harmful loss of outlook

This present scheme would incorporate a more traditional two storey scale and as detailed in the sections above, the two storey element of Plot 1 would now be at a distance of approximately 12m from the rear elevation of no. 17 Cherry Avenue which is the closest point. This is considered to be a sufficient distance where materially overbearing development or harmful loss of outlook would not be likely to occur. Furthermore, in terms of potential overshadowing, it is considered that the properties which could potentially have been most affected would be no. 16 and 17 Cherry Avenue. However following receipt of the computer generated shadow drawings it is concluded that material shadowing in either the dwellings internally or the private rear amenity space would not occur as a result of this proposed development due to the orientation of the proposed buildings. The previously described movement of the closest two storey dwelling further northwards is welcomed, as well as the inseting of

the single garage, to limit potentially overbearing development and to address concerns raised by the occupier of no. 16 Cherry Avenue in terms of the garage previously being located on the boundary.

The previous scheme had incorporated outdoor balcony style areas along the facing western elevation at first floor and second floor level. This scheme with solely two storeys now omits that proposed design detail. The principle elevation of the dwelling would be approximately 28.4m from the rear building line of The Cottage (no 39 West Street) and approximately 13.55 metres from its rear boundary line. This is considered to be an acceptable back to back distance to prevent material loss of privacy. The rear building line of the other nearest property to the west, Fairmount (no 37 West Street) would be positioned at a distance of approximately 23.3 metres from the nearest part of the proposed dwelling, which would also be located approximately 12.45 metres from the shared boundary. However it is acknowledged that this property incorporates a large hipped roof garage that would help to define the two spaces.

It is however considered that the indicative landscaping plan, together with the minimum 1.7 metres high fencing could help to mitigate perceptions of loss of privacy. Full details of the boundary treatments and landscaping would be sought via condition. Whilst there is not considered to be material privacy issues, the landscaping of boundary treatments would be a positive additional in terms of separation.

It is not considered that the properties to the south, no. 16 and 17 Cherry Avenue would be effected by loss of privacy as the facing southern elevation is blank. A condition will be included to prevent the installation of new openings within the southern elevation of Plot 1.

The concerns raised by the occupier of no. 41 West Street have been addressed by the repositioning of the dwelling and garage within Plot 2. They had requested the obscure glazing of the two openings on the side northern elevation serving a WC and hallway. This is considered appropriate to include.

It is not considered that the proposed dwellings would have any material impact upon the occupier of no. 2 West Close, as this nearest openings at this property would be located over 60 metres to the east.

It is also noted that there would be concern over noise as a result of this proposed development. When occupied, it is not considered that two additional properties would be likely to generate undue levels of noise that would result in material harm to residential amenity. The Construction Management Plan recommended by Highways (their response is detailed in Section iv) will include a requirement to agree hours of construction work, this will ensure that construction does not occur at unsociable hours.

For this reason this proposal is considered to be contrary to Policy SP20 of the Ryedale Plan, Local Plan Strategy.

iv. Access and Highway Safety

As noted the Highway Officer had requested revised plans to illustrate that large vehicles would be capable of manoeuvring within the site. They confirmed on the 8th of October 2021 following review of the revised plans *"The Local Highway Authority offers no objections in principle to the proposed erection of 2 no. dwellings at land off West Street, Swinton subject to the following recommended conditions being appended."* These related to access improvements and a construction management plan.

Therefore whilst there have been concerns raised about the suitability of the access, it is considered that this can be safely upgraded to the required standard.

The concerns over the parking provision are noted, however it is considered that the parking provision within the site is sufficient for the 2no. 3 bedroom dwellings, with both external and internal garage spaces available and secured by condition. Therefore the proposal is therefore considered to be in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

v) Other Matters, including Consultation Responses

Following consultation with Magic Map, it is noted that this is not a protected orchard nor any other ecologically sensitive area. It is very unlikely that this would provide roosting habitats for bats.

It is noted that the proposed connection to the mains foul sewer will be acceptable for foul discharge and Yorkshire Water have recommended a condition. Unlike the previous application which noted that surface water would be directed towards the mains sewer which was considered unacceptable by Yorkshire Water, this scheme directs surface water to soakaway. A condition will be recommended to ensure that the soakaway and surface water discharge is provided to the satisfaction of an approved building control inspector, the condition will be worded so that if a soakaway cannot be achieved, the prior written approval of the LPA will be needed for an alternative method of surface water disposal.

The proposed application site does not fall within an area of archaeological interest.

In conclusion, the application for the erection of two new dwellings is considered to be acceptable in terms of scale, form, materials, layout and design, subject to conditions on boundary treatments, landscaping and provision of material samples, including a sample walling panel. It is not considered that this would result in harm to the character of the settlement by virtue of incongruous design. It is considered that subject to condition these would not result in adverse impacts upon neighbouring amenity in terms of loss of privacy not overshadowing or overbearing development. It is considered that this development would not impact upon protected species, result in harmful impacts in terms of drainage, nor access and highway safety.

The proposal is therefore considered to be in accordance with Policies SP1, SP2, SP12, SP13, SP14, SP16, SP17 and SP20 of the Ryedale Plan, Local Plan Strategy and the requirements of the NPPF and National Planning Guidance.

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):

Location Plan (Drawing no. REVA_WS(00)(00) (Rev 01))
Proposed Site Plan (Drawing no. REVA_WS(01)(01) (Rev 01))
Proposed Ground Floor (Plot 1) (Drawing no. REVA_WS(01)(02.1) (Rev 01))
Proposed Ground Floor (Plot 2) (Drawing no. REVA_WS(01)(02.2) (Rev 01))
Proposed First Floor (Plot 1) (Drawing no. REVA_WS(01)(03.1) (Rev 01))
Proposed First Floor (Plot 2) (Drawing no. REVA_WS(01)(03.2) (Rev 01))
Roof Plan (Drawing no. REVA_WS(01)(04) (Rev 02.08.2021))
Proposed Front Elevation (Drawing no. REVA_WS(01)(05) (Rev 02.08.2021))
Proposed Rear Elevation (Drawing no. REVA_WS(01)(06) (Rev 02.08.2021))
Proposed Side Elevations (Drawing no. REVA_WS(01)(07) (Rev 02.08.2021))
Proposed Sections Drawing no. REVA_WS(01)(08) (Rev 02.08.2021))
Proposed Sections Drawing no. REVA_WS(01)(09) (Rev 02.08.2021))
Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the approved plans, prior to any above ground construction of the dwellings hereby approved, or such longer period as may be agreed in writing with the Local Planning Authority, further details and samples of all materials to be used on the exterior of the buildings 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 Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Notwithstanding the submitted details, prior to any above ground construction of the dwellings hereby approved, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of the development hereby approved . The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Notwithstanding the indicative details on the Proposed Site Plan (Drawing no. REVA_WS(01)(01) (Rev 01)) unless otherwise agreed in writing with the Local Planning Authority, prior to any above ground construction of the dwelling full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the Conservation Area, as required by Policy SP12, SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Unless otherwise agreed in writing with the Local Planning Authority, prior to any above ground construction of the dwellings hereby approved, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of any trees/shrubs and show any areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or 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 enhance the appearance of the development hereby approved in accordance with policy SP20 of of the Ryedale Plan - Local Plan Strategy.

- 7 Unless otherwise approved in writing with the Local Planning Authority, no further doors, windows, or other openings shall be installed on the southern elevation of the property hereby approved within Plot 1 or the northern elevation of the property hereby approved within Plot 2.

Reason:- To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Unless otherwise agreed in writing with the Local Planning Authority, the windows on the northern (side) elevation of Plot 2 shall all be obscured glazed to the highest level of obscuration (Pilkington Glass Level 5 or equivalent). This shall be retained for the lifetime of the development.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Unless otherwise agreed in writing with the Local Planning Authority, prior to its installation, full details of any lighting within the application site shall be submitted for the prior written approval of the Local Planning Authority.

Reason: - To prevent inappropriate lighting in this village location and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation

of the dwellings, all surface water discharge shall be dealt with as follows:

1) The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology. If soakaways are feasible, surface water shall be directed to a soakaway in accordance with the British Standard requirements to the satisfaction of the approved Building Control Inspector.

If soakaways are not feasible, the prior written approval of the Local Planning Authority for an alternative means of surface water disposal must be sought with any approved scheme to be installed prior to the occupation of the dwellings.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP17 of the Ryedale Plan, Local Plan Strategy.

11 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy SP17 of the Ryedale Plan, Local Plan Strategy.

12 The widening of the crossing of the highway verge and footway must be constructed in accordance with the approved details and/or Standard Detail number E50 Rev A and the following requirements.
o The final surfacing of any private access within 2 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
o Measures to enable vehicles to enter and leave the site in a forward gear.
All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-C New and altered Private Access or Verge Crossing -(MHC-03)

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:
https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

13 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at land off West Street, Swinton have been constructed in accordance with the details approved on drawing number REVA_WS(01)(01) in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

14 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the

permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;
3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. details of site working hours;
5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 15 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (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: Porches

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

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