

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 1
Application No: 09/00403/MOUT
Parish: Pickering Town Council
Appn. Type: Outline application Major
Applicant: Askham Bryan College
Proposal: Outline residential development (site area 0.4ha)
Location: Askham Bryan College Swainsea Lane Pickering North Yorkshire YO18 8NE

Registration Date: 18 May 2009
8/13 Wk Expiry Date: 17 August 2009
Overall Expiry Date: 25 June 2009
Case Officer: Judith Vokes **Ext:** 329

CONSULTATIONS:

Housing Services	No views received to date
Yorkshire Water Services	Conditional
Environment Agency	Recommend conditions
Tree & Landscape Officer	Recommend conditions
Parish Council	Object
Highways North Yorkshire	Recommend conditions

Neighbour responses: C & E Wood, Mr N R & Mrs E Smith, D Elharrif, Mr & Mrs Littledale, Brenda Foot,

SITE:

The application site comprises 0.4ha of land and buildings to the west of Swainsea Lane, Pickering at the northern edge of existing built development in the town.

Access to the site is presently taken off Swainsea Lane at the northern end of the site entrance. The front of the site is characterised by an open landscaped strip of land with built-up development to the rear.

To the south of the site are the rear curtilages of adjacent residential properties. To the north and west of the site is open countryside falling within the Area of High Landscape Value (AHLV). Opposite the site, across Swainsea Lane, is a car parking area associated with the education / leisure complex to the east of Swainsea Lane. To the north-east of the site, east of Swainsea Lane, is land falling within the AHLV and designated as forming Visually Important Undeveloped Area (VIUA).

PLANNING COMMITTEE

7 July 2009

The site is broadly rectangular and level in area. The site is currently occupied by a series of buildings and associated areas of hardstanding and structures used in connection with the last occupation of the site by Askham Bryan College. The existing buildings and associated equipment will be demolished to facilitate re-development of the site.

PROPOSAL:

The application for residential development of the site is made in outline form with all matters reserved to be determined at a later stage. An indicative 'Proposed Site Layout' drawing and accompanying information proposes the erection of thirteen dwellings along with the re-positioning of the site access to Swainsea Lane.

Members should note that the Local Planning Authority is not being asked to determine whether detailed site access, layout appearance and scale of development as well as landscaping of the site is achieved at this stage. Under consideration is whether, in principle, the site is acceptable for residential development.

The current planning application proposes thirteen units of market housing on the site. Whilst neither layout, design or scale are matters under consideration at this stage, the applicant identifies that the proposed development will comprise a mix of housing types, each with their own curtilages. A minimum of two car parking spaces will be provided for each unit.

As existing, the indicative site layout identifies that the front of the site along Swainsea Lane will be kept open and built development can be shown to be set back from the highway frontage, in line with existing dwellings to the west of Swainsea Lane.

The site area and / or number of dwellings proposed under this planning application are under the threshold for the requirement to provide affordable housing as set out in the Council's current adopted planning policy on this matter.

HISTORY:

There is no planning history directly applicable to the proposed site or development.

POLICY:

National Policy Guidance

PPS1 - Delivery Sustainable Development 2005

PPS3 - 'Housing' 2006

PPG13 - 'Transport' 1994

Regional Spatial Strategy

Policy H1 - Provision and distribution of housing

Policy H2 - Managing and Stepping up the Supply and Delivery of Housing

Policy H5 - Housing Mix

Policy RR1 - Remoter Rural Sub Area

Policy YH6 - Local Service Centres and Rural and Coastal Areas

Policy YH7 - Location of development

Ryedale Local Plan

Policy ENV3 - Development in the Areas of High Landscape Value

Policy ENV5 - Visually Important Undeveloped Areas

Policy ENV7 - Landscaping

Policy H7 - Residential development within settlements

Policy H14 - Public open space in residential development

Policy T3 - Access to the local highway network

Policy T7 - Parking

APPRAISAL:

The site lies within the development limits for Pickering, where Policy H7 of the Ryedale Local Plan continues to establish the acceptability *in principle* of residential development. In order for planning permission to be granted several detailed criteria in this and other relevant local plan policies must be met.

There are no planning policies in place, which seek to retain the existing site use or prevent an alternative use of the site. Whilst it is noted that some suggestions have been made for alternative site uses, the fact is that the College as landowner, has submitted this planning application, which requires determination. The College has not put forward to the Local Planning Authority, any formal planning application for other potential uses of the site, nor is it required to do so before planning permission could be granted for an alternative, residential site use.

A number of objections/concerns have been received from and on behalf of residents of properties close to the application site, raising some or all of the following matters:-

- Over-development of site with 13 dwellings;
- Exacerbation of existing traffic levels and parking along Swainsea Lane;
- Site could be used in connection with educational uses opposite or as a wildlife area;
- Other residential sites available within Pickering;
- Question adequacy of publicity undertaken; and
- Impact on amenities of occupiers of existing residential properties through overlooking, activities, impact on security.

Pickering Town Council has also advised that it cannot support the planning application on the following grounds:-

- Require clarity regards extent and possible retention of existing hedgerow between the application site and adjacent neighbour at 1 Swainsea Lane;
- Requirement for the provision of on-site public open space;
- Over-development of site with thirteen dwellings and subsequent visual impact having regard to AHLV to the north; and
- Impact on existing problems with traffic movements and parking along Swainsea Lane.

The application site constitutes previously, developed brownfield land. Development of the site would, therefore, meet the policy aspirations of paragraph 26 of PPS3.

It should be acknowledged that the site has an established use for a non-residential educational centre. Whilst the site is currently vacant, it has until recently and could in the future, generate traffic, activity and allow staff, students and visitors onto the site and its surroundings. In short, there is an existing development impact.

Paragraph 47 of PPS3 advises that 30 dwellings per hectare should be used as a national density minimum to guide development. The development of thirteen dwellings on this 0.4ha site equates to a density of circa 32.5 dwellings per hectare. Twelve dwellings equates to 30 dwellings to the hectare and is, therefore, the minimum number of dwellings that the site should accommodate to meet the national guidance on a minimum density. There are considered to be no site-specific material planning considerations in place to justify accepting a lower site density in this instance.

In order to retain the character and appearance of the streetscene and to aid the transition from built development to the open countryside, the indicative site layout retains the openness of the existing site frontage to Swainsea Lane, with an undeveloped strip circa 10 metres in depth. This allows for any proposed development fronting Swainsea Lane to be in line with existing frontage development to the south. A planning condition to this effect is recommended.

Some concerns have been expressed by the occupiers of the dwelling to the immediate south of the site at 1 Swainsea Lane, supported by the Town Council, that the drawings as submitted do not show the full extent of the existing hedgerow boundary nor make clear whether it is intended to retain the hedgerow between their dwelling and the site.

These matters have been clarified by the agent who has submitted an updated plan showing the existing hedge running the full length of the southern site boundary. Further advice has also been received from the applicant's confirming that the hedge can be retained as part of any future detailed proposals for residential development of the site. A planning condition retaining the hedge at a minimum height can be applied at outline planning stage to make the situation clear to any prospective site purchaser(s)/developers.

The indicative site layout identifies a proposed detached garage in close proximity to the existing hedge. The Council's Tree and Landscape Officer has advised that the proposed garage should be moved away from the hedge. It is considered that this could take place without adverse harm to the ability of the site to accommodate a satisfactory level of on-site parking. An informative to this effect is recommended as the detailed site layout is a matter to be agreed at reserved matters stage.

The overall conclusion on this specific matter is that development of the site for residential development in principle could take place without adverse harm caused to existing landscape features, nor to the adjoining Area of High Landscape Vale (to the north and west) and VIUA (east).

The site area falls within the planning policy threshold for the provision of Public Open Space (POS). The indicative layout does not allow for on-site public open space provision, although the applicant acknowledges the requirement to provide for POS as a result of the proposed development. At this outline stage, it is suggested that a standard planning condition be attached to the planning permission, with the requirements of Policy H14 of the Ryedale Local Plan, addressed as part of a comprehensive, detailed development proposal for the site. These proposals would then be subject to review and consultation with relevant consultees and third parties.

The local Highway Authority has raised no objection to the development of the site for residential purposes. The local Highway Authority has been made fully aware of concerns raised in respect of traffic and parking along Swainsea Lane.

The indicative site layout identifies that a satisfactory level of parking can be provided within the site.

Officers are of the view that a refusal of this planning application on the grounds that sufficient off-street parking provision cannot be provided or that development of the site for residential development will lead to an increase in on-street parking to the detriment of highway safety or the amenities of local residents could not be sustained.

Concerns have also been expressed that development of the site for residential purposes will cause harm to the amenities of existing residents.

The indicative positioning of the dwellings as shown on the submitted site layout drawing are, however, considered satisfactory in relation to achieving separation distances between proposed and existing dwellings.

It is noted that a suggestion has been made that a landscape 'buffer' be left between the proposed development on the southern side of the site and the adjacent, existing dwelling to the south, 1 Swainsea Lane. This is suggested by the objector on the grounds that this, along with the provision of single-storey development only, the retention of the hedgerow and re-positioning of the garage to the nearest plot will reduce the effect of development on the amenities of existing residents, particularly at 1 Swainsea Lane.

Member will note that the applicant has confirmed that the southern boundary hedgerow will be retained. Officers agree that the proposed garage, shown on the indicative site layout, will need to be re-positioned back from the hedgerow. This matter can be resolved at reserved matters stage.

The indicative plan identifies a single-storey dwelling immediately adjacent to the existing dwelling on the site frontage. It is understood that it is any proposed dwellings sited at the rear, western, side of the site, which are of concern to the objectors. It is recognised that any detailed proposals for the dwellings including scale and appearance, will be considered at the appropriate reserved matters stage. It is, therefore, considered unduly restrictive at this outline stage to impose a planning condition restricting the height of any proposed dwellings. In principle, it is considered that the site could be developed with up to two-storey dwellings along the southern site boundary without adverse harm to amenities. This recommendation is made with particular regard to the relationship of the site as a whole to existing residential development, as well as the need to understand detailed development matters such as final site layout, scale, appearance, etc. Again, an informative to this effect is advised.

There is no reason to consider why the development of this site for residential purposes will cause harm to the personal safety of existing residents, which could be a matter falling within the remit of the planning system.

Whilst the submitted site layout drawing is indicative of how the site could be developed, the layout in relation to density, relationship with existing site features (both within the site and adjacent to its boundaries), impact on residential and visual amenity as well as highway safety matters is considered to accord with Development Plan policies, as well as national planning guidance. In summary, officers are satisfied that the principle of residential development of this site is acceptable. The planning application is therefore recommended for approval subject to conditions. Members will be provided with a full list of recommended planning conditions in advance of the Planning Committee meeting.

Ryedale Local Plan - Policy ENV3 - Development in the Areas of High Landscape Value

Ryedale Local Plan - Policy H7 - Residential development within settlements

Ryedale Local Plan - Policy T3 - Access to the local highway network

Ryedale Local Plan - Policy T7 - Parking

National Policy Guidance - PPS1 - 'Delivering Sustainable Development' 2005

National Policy Guidance - PPS3 - 'Housing' 2006

National Policy Guidance - PPG13 - 'Transport' 1994

Ryedale Local Plan - Policy ENV5 - Visually Important Undeveloped Areas

Regional Spatial Strategy - Policy H5 - Housing Mix

RECOMMENDATION:**Approval**

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority not later than .

The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

The expiration of two years from the final approval of the reserved matters or (in the case of approval on different dates) the final approval of the last such matters approved.

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-

(i) the design and appearance of every building, including a schedule of external materials to be used

(ii) the scale of development

(iii) the landscaping of the site

(iv) site access.

Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 3 No development shall commence on site until further details of finished ground floor levels in relation to a measurable datum point have been 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 details.

Reason:- To ensure that the appearance of the area is not prejudiced and to satisfy Policy H7 of the Ryedale Local Plan.

- 4 Prior to the commencement of the development hereby permitted, 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 building. 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 Policy H7 of the Ryedale Local Plan.

- 5 Prior to the commencement of the development, details of all windows and doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure an appropriate appearance and to comply with the requirements of Policy H7 of the Ryedale Local Plan.

- 6 The plans and particulars submitted in accordance with Condition 02 above shall include:-
- a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on the site to be retained with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres, that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para 5.2.2. of BS 5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
 - b) A schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
 - c) The details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para 5.2.2 of BS 5837) of any retained tree, including those on neighbouring ground.

Reason:- To enable the Local Planning Authority to make an assessment of the possible affects of the development proposals on the trees on land adjacent to the development site in accordance with BS 5837: 2005 Trees in relation to construction - Recommendations, and to comply with Policy ENV7 of the Ryedale Local Plan.

- 7 Before any part of the development hereby approved commences, 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 trees and shrubs and show 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 including existing items to be retained. 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, and in order to comply with Policy ENV7 of the Ryedale Local Plan.

- 8 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, unless the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.

- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross-sections at regular intervals along the proposed road showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policies T3 and T7 of the Ryedale Local Plan, and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- 9 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:- In accordance with Policies T3 and T7 of the Ryedale Local Plan, and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 10 No part of the development shall be brought into use until the existing access on to Swainsea Lane has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy T3 of the Ryedale Local Plan, and in the interests of highway safety.

- 11 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

(iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- (a) Provision of tactile paving
- (b) Provision of kerbing along the site frontage and allied positive drainage

Reason:- In accordance with Policy T3 of the Ryedale Local Plan, and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 12 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing:

- (a) Provision of tactile paving
- (b) Provision of kerbing along the site frontage and allied positive drainage

Reason:- In accordance with Policy T3 of the Ryedale Local Plan, and in the interests of the safety and convenience of highway users.

- 13 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy T3 of the Ryedale Local Plan, and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

14 During construction works, there shall be no:

(c) Heavy Goods Vehicles exceeding 7.5 tonnes

permitted to arrive, depart, be loaded or unloaded on Sundays or a Bank Holiday, nor at any time, except between the hours of 09.00 and 15.15 on Mondays to Fridays and 08.00 and 13.30 on Saturdays.

Reason:- In accordance with Policies T3 and T7 of the Ryedale Local Plan, and to avoid conflict with vulnerable road users.

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

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policies T3 and T7 of the Ryedale Local Plan, and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

16 Unless otherwise approved 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 details of the routes to be used by HCV operation traffic have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the approved routes shall be used by all vehicles connected with construction on the site.

Reason:- In accordance with Policies T3 and T7 of the Ryedale Local Plan, and in the interests of highway safety and the general amenity of the area.

17 Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measured required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:- Protection of the Corallian Limestone aquifer and the public water supply abstraction at Keld Head.

- 18 Prior to development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason:- Protection of the Corallian Limestone aquifer and the public water supply abstraction at Keld Head.

- 19 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:- Protection of the Corallian Limestone aquifer and the public water supply abstraction at Keld Head.

- 20 No development shall take place until a method statement, produced by an independent consultant approved by the Environment Agency and based on an agreed risk assessment for the construction period of the proposed development, is submitted to and approved by the Local Planning Authority. The statement shall include mitigation measures to minimise groundwater contamination, including details of proposals for monitoring groundwater quality at a specified frequency prior to and during demolition and construction of the development and for an agreed timescale thereafter.

Reason:- To ensure that the water environment and public water supply is protected.

- 21 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:- In the interests of satisfactory and sustainable development.

- 22 No discharge from the development of either surface or foul water shall take place to soakaways or Sustainable Urban Drainage Systems.

Reason:- To ensure that the water environment and public water supply is protected.

- 23 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason:- To ensure that the development can be properly drained.

- 24 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason:- To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

- 25 Public Open Space Provision

- 26 Frontage landscaped strip to be retained at a minimum depth of ... metres.

- 27 Southern boundary hedgerow retained at minimum height of ... metres.

- 28 The development hereby permitted shall be carried out in accordance with the plans as submitted and as amended on .

Reason:- For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the approved plans.

INFORMATIVE(S)

- 1 It is recommended that before a detailed planning submission is made, a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

- 2 In imposing Condition 10 above, these works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

- 3 The developers attention is drawn to the consultation response received from Yorkshire Water dated 19 June 2009.

- 4 The developers attention is drawn to the consultation response received from the local Highway Authority dated 16 June 2009.

- 5 The developers attention is drawn to the requirements of Conditions 06 and 07. Any detailed site layout will need to ensure that built development is sited an acceptable distance away from the southern boundary hedge. The indicative positioning of the detached garage in relation to the hedgerow is considered to be unacceptable.

- 6 The developers attention is drawn to the need to ensure that the detailed development proposals for the site, particularly adjacent to the southern site boundary, take full and detailed consideration of the need to preserve the amenities of existing residents. This may necessitate the provision of single-storey dwellings in this area of the site.

- 7 The developers are advised to undertake pre-application discussions with planning officers prior to the submission of any formal application(s) for reserved matters.

Background Papers:

Adopted Ryedale Local Plan 2002
Regional Spatial Strategy
PPS1 - Delivery Sustainable Development 2005
PPS3 - 'Housing' 2006
PPG13 - 'Transport' 1994
Responses from consultees and interested parties

Item Number: 2
Application No: 09/00323/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Tees, Esk & Wear Valleys NHS Trust (Mr P Foxton)
Proposal: Erection of replacement building to provide community mental health care facilities with associated car park
Location: Health Department Clinic Princess Road Malton North Yorkshire YO17 7JP

Registration Date: 24 April 2009
8/13 Wk Expiry Date: 19 June 2009
Overall Expiry Date: 3 July 2009
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	No objection
Highways North Yorkshire	Recommend conditions
Parish Council	No views received to date
Environmental Health Officer	No views received to date
Countryside Officer	No views received to date
Tree & Landscape Officer	No objection (further planting required)
Environment Agency	Low environmental risk

Neighbour responses: Mr & Mrs C W Tindill,

SITE:

The site is located on Princess Road, adjacent to the junction with Ropery Walk. The area is predominantly residential, with single storey dwellings to the rear, large 3-storey block of flats opposite, the access to the cemetery to the west, and two storey dwellings beyond Ropery Walk to the east. The site is currently occupied by a clinic building. It is a part three-storey part two flat-roofed building that relates poorly to the character of the area. The three-storey element has a height of 7.4m that drops to single storey to the east of the site. The levels across the site differ significantly. It is also noted that Princess road is located on a slope.

PROPOSAL:

Tees, Esk and Wear Valleys Natural Health Service Foundation now own the site. The name of the Trust is slightly misleading because it also covers North Yorkshire. The Trust provides mental health, learning disability and substance misuse services for those living in the area. At present the mental health services for older people is based at Springwood, Malton Hospital, with the adults' mental health team based at Princess Road Clinic. It has been agreed that the service would improve significantly if the teams were based together. The existing building is no longer fit for purpose. Permission is therefore sought for the demolition of the existing building, and its replacement with a new two-storey building. It will be of a more traditional design, having a limestone plinth, with brick above and a slate roof. The building will incorporate a pitched roof, unlike the existing building. The main part of the building will have a ridge height of 11m, with the ends of the building stepped down. Ground levels differ across the site by just over 2metres. As a point of reference, the eaves height of the proposed building is similar to the flat roof of the existing building. There will also be a single story wing to the front. Parking will remain as existing with the provision of 10 parking spaces. There is a bus stop directly to the front of the site, and good parking provision at Wentworth Street car park close to the site.

HISTORY:

Outline permission was granted in January 2005 for the erection of 4 houses on the site.

POLICY:

National Policy Guidance

PPS1 - Delivery Sustainable Development 200
PPS6 - Planning for Town Centres
PPS7 - Sustainable Development in Rural Areas
PPS9 - Biodiversity and Geological Conservation

Regional Spatial Strategy

ENV11 - Health, recreation and sport

Ryedale Local Plan

Policy L11 - Existing community facilities within villages
Policy L10 - Community and village halls
Policy T3 - Access to the local highway network
Policy T7 - Parking

APPRAISAL:

Given the existing use of the site for health provision, the main issues in the consideration of the application are:

- Is the principle of the development acceptable?
- Is the design, form, and appearance of the building acceptable.
- Will the development result in a significant adverse impact of the existing amenities of neighbouring occupiers
- Parking and access considerations and,
- Ecological considerations.

In terms of the principle of the use, the existing building was most recently used as a health facility. Planning permission was not required to change it from a clinic, to community health care facilities. It is also noted that the site is in walking distance of the town centre, and there is a bus stop directly outside the site. As such it is a sustainable location. Indeed planning Policy statement 6 Para 26 states:

"Market Towns and villages should be the main service centre in rural areas, providing a range of facilities, shops and services at a scale appropriate to the needs and size of their catchments areas.

Para 31 "To deliver the governments objective of promoting vital and viable town centres, developments should be focussed in existing centres in order to strengthen and, where appropriate regenerate them"

As such, it is considered that the location of the building is appropriate.

In terms of design, much of the surrounding area is a mix of limestone cottages and brick terrace houses. The existing building relates very poorly to this character. The proposed building has a larger mass than that existing. However it will be constructed from traditional materials, and of a more traditional design. The bulk has been reduced to a certain extent, by lowering the ridge height of the two ends of the building.

It is considered therefore that the design is in keeping with the character of the area. It is also noted that Princess Road Flats directly opposite the site has a large mass that has been broken down by changes in rooflines. Accordingly it is considered that the building is a significant improvement on that existing.

In terms of the impact of the proposal on the existing amenities of neighbouring occupiers, a letter of objection has been received from the occupiers of the nearest property to the east. Concerns are expressed regarding the height of the proposed building. Overlooking from windows on the gable, retention of boundaries, concern that grassed areas may be used as a play area, and side entrance onto Ropery Walk. It is noted however that the objector's property is separated from the application site by a road (Ropery Walk), and indeed there is approximately 20 metres separation between the two buildings. It is accepted however that the existing building does not have windows on the gable so close to the boundary. As such whilst the distance between the two buildings is acceptable, the neighbours feel overlooked by the first floor windows. Given that the rooms in question also have other windows to provide light, it is recommended that the gable windows at this level are obscure glazed. A boundary wall will be provided adjacent to Ropery Walk, which will be supplemented by a beach hedge.

In relation to the impact of the development on other properties, the nearest property is the single storey dwelling to the immediate rear of the site in Ropery Walk. The increase in height of the proposed building will have some impact on it, however, it is considered that the dwelling has always been situated in close proximity to a building of significantly greater mass. In relation to the windows on the rear elevation, detailed negotiations have been carried out between officers, the architect, and the client, to reduce the number and size of windows that overlook the property. The number of windows have now been reduced to a similar number as there are on the rear elevation of the existing building. Members will note however that the proposed building is being used more intensely than the existing building. The architect has mitigated this to some extent by raising cill levels on some of the windows to reduce the ability to overlook whilst sitting at a desk. The impact is balanced, however, given the existing level of overlooking from a number of windows in the existing building, it is not considered that any impact will be significant. It is also noted that whilst the neighbouring occupier has been consulted, they have not objected to the proposal.

In terms of parking and access considerations, there are no highway objections subject to conditions. In addition it is noted that Wentworth Street car park lies in close proximity to the site, and as previously stated there is a bus stop directly in front of the site.

A satisfactory bat survey has been submitted. There are no objections from the tree and landscape Officer subject to conditions. On balance, taking into the account the above-mentioned appraisal the recommendation is one of approval.

Ryedale Local Plan - Policy L11 - Existing community facilities within villages
Ryedale Local Plan - Policy L10 - Community and village halls
Ryedale Local Plan - Policy T3 - Access to the local highway network
Ryedale Local Plan - Policy T7 - Parking
Regional Spatial Strategy - Policy ENV11 - Health and Recreation
National Policy Guidance - PPS1 - 'Delivering Sustainable Development' 2005
National Policy Guidance - PPS6 - 'Planning for Town Centres' 2005
National Policy Guidance - PPS7 - 'Sustainable Development in Rural Areas' 2004
National Policy Guidance - PPS9 - 'Biodiversity and Geological Conservation' 2005

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 plans as submitted and as amended on 26th June 2009.

Reason:- For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the approved plans.

- 3 Unless otherwise agreed in writing by the Local Planning Authority there shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 2.4m measured along both channel lines of the major road Princess Road from a point measured 33m down the centre line of the access road. The eye height will be 10.5m and the object height shall be 06.0m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy T3 and in the interests of road safety.

- 4 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas.

(i) have been constructed in accordance with the submitted drawing 1758-11A.

Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy T3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 5 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, 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 locality, as required by PPS1- Delivery Sustainable Development.

- 6 Notwithstanding the submitted details, and prior to commencement on site, a schedule of all materials, to include walling and roof materials, gutters, doors, windows and any fascia treatment, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity, and to satisfy the requirements of PPS1.

- 7 Prior to the commencement of the development hereby permitted, 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 shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy PPS1 and L10 of the Ryedale Local Plan.

- 8 Notwithstanding the submitted details, all windows shall be set in reveals of 75mm, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of visual amenity, and to satisfy the requirements of Policy L10 of the Ryedale Local Plan.

- 9 Any conditions at request of Environmental Health.

- 10 Before any part of the development hereby approved commences, 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 trees and shrubs and show 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 including existing items to be retained. 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 and to comply with the requirements of Policy ENV7 of the Ryedale Local Plan.

- 11 Notwithstanding the submitted details, the first floor windows on the eastern gable shall be permanently glazed with opaque glass, details of which shall first be submitted to and approved in writing with the Local Planning Authority.

Reason:- In the interest of the amenities of neighbouring occupiers, and to satisfy the requirements of Policy L10 of the Ryedale Local Plan.

Background Papers:

Adopted Ryedale Local Plan 2002
Regional Spatial Strategy
PPS1 - Delivery Sustainable Development 2005
PPS6 - Planning for Town Centres
PPS7 - Sustainable Development in Rural Areas
PPS9 - Biodiversity and Geological Conservation
Responses from consultees and interested parties

Item Number: 3
Application No: 09/00343/FUL
Parish: Rillington Parish Council
Appn. Type: Full Application
Applicant: Ms Jennie Hodgson
Proposal: Erection of 2no. three-bed semi-detached dwellings with associated block of two single garages, erection of 1no. four-bed dwelling with attached single garage and 1no. three-bed dwelling with detached single garage together with formation of vehicular access and extension to car parking area in connection with the Public House (revised details to refusal 08/00177/FUL dated 15.05.2008)
Location: Land To Rear Of The Fleece Westgate Rillington Malton North Yorkshire

Registration Date: 8 May 2009
8/13 Wk Expiry Date: 3 July 2009
Overall Expiry Date: 5 June 2009
Case Officer: Alan Hunter **Ext:** 332

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	Request further information
Yorkshire Water Services	Recommend conditions - observations
Archaeology Section	Recommend conditions
Highways Agency (Leeds)	Directs conditions
Countryside Officer	No views received to date
Tree & Landscape Officer	Requires further information
Environmental Health Officer	No objection
Tree & Landscape Officer	Requires further information

Neighbour responses: Mr B Longbone, Dr D A P Nicoll, Revd J M Duke, Lynn Webster,

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SITE:

The application site relates to the current access to The Fleece Public House and the adjacent fish and chip shop, together with land to the rear of The Fleece. The application site is adjacent to the A64(T) and within the development limits of Rillington.

PROPOSAL:

Planning permission is sought to amend the current access arrangements to give an improved access to serve both the fish and chip shop and the public house, along with proposed residential development to the rear.

The proposed residential development comprises:-

- A pair of 3-bed semi-detached dwellings with a footprint of approximately 10.4m by 8.2m and an eaves height of 4.6m and a ridge height of 7.8m together with a detached double garage that will serve both properties which will approximately measure 5.5m by 5.6m and be 2.1m to the eaves and 3.9m to the ridge height;

- 1 no. 3 bed dwelling approximately measuring 6.4m by 8.5m and be 4.9m to the eaves and 8m to the ridge height together with a detached single garage that will approximately measure 5.5m by 3.1m and be 2.2m to the eaves height and 3.8m to the ridge height, and;
- 1 No 4 bed dwelling that will have a maximum width of 9.4m by 8.5m and be 4.9m to the eaves height and 8.2m to the ridge height.

The proposed dwellings are to be constructed of brick under a pantile roof with UPVC windows and doors.

The proposed arrangements involve the permanent closing of the eastern most access to The Fleece and the current access to the fish and chip shop. One improved access is proposed to serve The Fleece, the fish and chip shop and the proposed four dwellings.

HISTORY:

Relevant planning history includes:

1994: Planning permission granted for the change of use and alteration of outbuildings at The Fleece to form three letting bedrooms

1996: Planning permission refused for residential development (5 dwellings)

2008: Planning permission refused for an amended access and the erection of four dwellings.

POLICY:

National Policy Guidance

PPS1 - Delivery Sustainable Development 2005

PPS3 - 'Housing' 2006

PPS9 - Biodiversity

PPG13 - 'Transport' 1994

PPG16 - 'Archaeology and Planning' 1990

Regional Spatial Strategy

Policy E7 Rural Economy

Ryedale Local Plan

Policy H7 - Residential development within settlements

Policy T4 - Accesses onto 'A' roads

Policy T7 - Parking

Policy U2 - Availability of water supplies

Policy U3 - Surface water run-off

Policy U4 - Sewage disposal

Policy ENV7 - Landscaping

APPRAISAL:

The main considerations in relation to this application are as follows:-

- the principle of the proposed development;

- whether the proposed development in terms of its siting, scale, design and form of development will have a satisfactory relationship to the character and appearance of the settlement;
- highway safety;
- archaeology;
- whether the proposal will have a satisfactory level of residential amenity;
- impact upon the residential amenity of adjoining properties;
- whether the access and parking arrangements for the Public House and chip shop are acceptable;
- drainage; and
- wildlife.

In 1996, planning permission for 5 dwellings was refused because the proposed development would be backland development contrary to the character of the area; insufficient visibility; the close proximity of the fish and chip shop and public house; and the increased likelihood of vehicles waiting in the highway. Last year an application was submitted for four dwelling along with an amended vehicular access for The Fleece and the fish and chip shop. That application was refused because of concern over the detail of the design of the properties, lack of information regarding archaeology, and no Stage 1 Road Safety Audit was submitted.

When the application was submitted in 2008 detailed consideration was given to the backland location of the proposed dwellings to the rear of the frontage properties on Westgate. In the context of current planning policy in relation to residential development, it is considered that the backland nature of this site is not necessarily an issue in principle. The Government requires that Local Planning Authorities ensure an efficient use of land (PPS3). The site is within a sustainable village location. It could also be a service village in the emerging LDF. There have also been recent developments in depth elsewhere on Westgate. In this case, it is considered to be unreasonable for the Local Planning Authority to object in principle to the development in depth on this site. This is also consistent with decisions of the Local Planning Authority elsewhere in Rillington and the District generally.

The site at present comprises a rear paddock area, domestic garden and beer garden. Whilst much of the site is undeveloped, it is not considered to make a positive contribution to the area, and in view of this it is considered acceptable in principle for residential development.

It is acknowledged that the public house and fish and chip shop use on the front of the site could have an impact upon the amenity associated with the proposed dwellings. In addition the village school on the southern side could also have some impact. On the previous planning application the Environmental Health Officer was consulted and considered that the proposed development would have a satisfactory level of residential amenity. It was considered that the proposed wall, which separates the two uses will, to an extent mitigate the impact from the public house upon the proposed semi-detached properties by providing a physical screen. In this case, it is considered that a satisfactory level of residential amenity can be provided for the proposed dwellings. The Environmental Health Officer did not consider the proximity of the school to be an issue in this case. The layout of this current scheme is very similar to the 2008 application. The Environmental Health Officer has no objection to this application. It is also considered that the proposed development will ensure that there is a satisfactory level of residential amenity for the proposed dwellings.

In terms of the other previous reasons for refusal:

(i) Highway safety

The two original highway reasons for refusal were examined last year on the previous application. PPG13 - 'Transport' 1994 was in force at the time the application in 1996 was refused, and is still relevant today. However, the current advice from the Highways Agency and the local Highway Authority has changed, which reflects their own changing requirements and guidance. A Stage 1 Road Safety Audit has now been prepared and the Highways Agency has directed that if the application is approved a condition is imposed requiring the development to be undertaken in accordance with the proposed plans. The Highway Authority has requested further information from the agent, which is currently being considered. To date their formal consultation response in terms of whether the parking and turning areas are considered to be satisfactory has not been received. Members will be updated at the meeting.

(ii) Design of the proposed dwellings

The proposal seeks permission for a pair of semi-detached dwellings and 2no. detached dwellings. In terms of the proposed semi-detached properties there is concern at the projection of the proposed porches on the front elevation of the proposed semi-detached dwellings. However, these are only low-level and will be largely screened from public viewpoint. In this case, it is not considered to be reasonable to object to the proposed development. The proposed double garage is also considered to be acceptable in terms of its scale and design, although it is considered that further details are required of the proposed garage doors.

There was previously concern at the two detached dwellings relating to their roof pitches, and also the span of the dwellings. On this application amendments have been made to the design of the dwellings and the roof pitches now have 40-degree pitches, which are considered to be acceptable in this settlement. The general design approach in this location is considered to be acceptable. The proposed single storey garage is also considered to be acceptable in terms of its siting and design.

In summary the proposed development is considered to have a satisfactory relationship to the character and form of residential development within the settlement.

Minor amendments to the design have been sought. These include the omission of bargeboards or confirmation of the eaves detail (if brick), and the inclusion of chimneys. Members will be updated at the meeting.

Whilst the land levels rise to the rear (south) and the proposed dwellings will be located on higher land, this will be partly mitigated by their side-on relationship to Westgate. There is however no amenity issues associated with the rise in levels. The highest ridge height of the proposed dwellings is 8.2m. This is not considered to be excessive for a two-storey property. It is also not uncommon to see buildings to the rear of existing properties in this area. The proposed development is not considered to prejudice the visual amenity of the surrounding area. It is also considered that careful landscaping should soften views of the proposed dwellings from Westgate. There will also be views of the rear of the properties from High Street however, this is not considered to be prejudicial given that design of the properties and their distance from High Street.

(iii) Archaeology

An archaeological evaluation has been undertaken of the site, which did not find any significant remains. NYCC Heritage section has been consulted on the evaluation and recommends a condition known as a watching brief.

The Tree and Landscape Officer has been consulted and raises no objection.

In terms of the impact upon the amenity of adjoining neighbours, it is considered that there is sufficient separation distance between surrounding properties in order to prevent an unacceptable level of potential overlooking. Conditions are recommended for obscure glazing the side windows at first and second floor level of the detached properties. It is not considered that the scale and bulk of the proposed development would have a material adverse effect upon the amenity of the adjoining neighbours. As a result the proposed development is not considered to have a material adverse effect upon the amenity of the adjoining neighbours.

Yorkshire Water has been consulted and recommends conditions. The proposal involves the removal of a traditional brick and pantile outbuilding; no response has been received from the Countryside Officer. An informative regarding bats is recommended.

There has been 3 letters from local residents along with a response on behalf of The Diocese of York (see letters appended) raising concerns about the proposed development. The issues raised include civil rights of access, highway safety, the scale of the proposed dwellings, the impact of the proposed development upon the character of the area, and that planning permission was refused previously on this site. No response from the Parish Council has been received.

Civil Rights of access are not material planning considerations. The issues of the scale of the proposed dwellings, their impact upon the character of the area, highway safety, along with an assessment of this proposal against the previous reasons for refusal are addressed in the appraisal above.

The recommendation is one of approval.

Ryedale Local Plan - Policy H7 - Residential development within settlements
Ryedale Local Plan - Policy T4 - Accesses onto 'A' roads
Ryedale Local Plan - Policy T7 - Parking
Ryedale Local Plan - Policy ENV7 - Landscaping
Ryedale Local Plan - Policy U2 - Availability of water supplies
Ryedale Local Plan - Policy U3 - Surface water run-off
Ryedale Local Plan - Policy U4 - Sewage disposal
Regional Spatial Strategy - Policy E7 - Rural Economy
National Policy Guidance - PPS1 - 'Delivering Sustainable Development' 2005
National Policy Guidance - PPS3 - 'Housing' 2006
National Policy Guidance - PPS9 - 'Biodiversity and Geological Conservation' 2005
National Policy Guidance - PPG13 - 'Transport' 1994
National Policy Guidance - PPG16 - 'Archaeology and Planning' 1990

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 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy H13 (i); of the Ryedale Local Plan

- 3 Prior to the commencement of the development hereby permitted, 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 building. 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 Policy H7A (ii) of the Ryedale Local Plan

- 4 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, 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 locality, as required by PPS1- Delivery Sustainable Development.

- 5 No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:- The site is of archaeological interest and investigation/protection and observation of the site is required by PPG 16 - Archaeology and planning.

- 6 The development shall not be brought into use until the current access points are closed, and the single access point illustrated in DRG: 1950 sk03 is up graded to DMRB requirements. (To carry out these works the applicant is required to enter into an appropriate S278 agreement within the Highways Agency, subject to the successful completion of a stage 2 Road Safety Audit and associated Road Space Booking process).

Reason: In the interest of the continued safe operation of TRN (A64) in the area and to satisfy Policy T4 of the Ryedale Local Plan.

- 7 Unless otherwise agreed in writing with the Local Planning Authority there shall be no "A" boards displayed in front of the public house.

Reason: In order to protect vehicular visibility in an easterly direction and to protect the character of the area and to satisfy Policy T4 of the Ryedale Local Plan.

8 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in 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 and to comply with the requirements of Policy ENV7 of the Ryedale Local Plan

9 Precise details of all ground surfacing materials shall be submitted to and approved in writing by the local Planning Authority.

Reason: In order to protect the character of the area and to satisfy Policy H7 of the Ryedale Local Plan.

10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage and to satisfy Policy U3 and U4 of the Ryedale Local Plan.

11 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading and to satisfy Policy U3 of the Ryedale Local Plan.

12 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained and to satisfy Policy U3 and Policy U4 of the Ryedale Local Plan.

13 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal and to satisfy Policy U3 of the Ryedale Local Plan.

- 14 Prior to the commencement of the development precise details of the garage doors shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: In order to protect the character of the area and to satisfy Policy H7 of the Ryedale Local Plan.
- 15 Prior to the commencement of the development precise details showing existing ground levels across the site and proposed ground floor levels measured in relation to a recognised datum point shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: In order to protect the character and appearance of the area and to satisfy Policy H7 of the Ryedale Local Plan.
- 16 Unless otherwise agreed in writing with the Local Planning Authority the side windows at first and second floor level of the two detached properties shall be permanently obscure glazed with details to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In order to protect the amenity of the adjoining neighbours and to satisfy Policy H7A(iv) of the Ryedale Local Plan.

Background Papers:

Adopted Ryedale Local Plan 2002
Regional Spatial Strategy
PPS1 - Delivery Sustainable Development 2005
PPS3 - 'Housing' 2006
PPS9 - Biodiversity and Geological Conservation
PPG13 - 'Transport' 1994
PPG16 - 'Archaeology and Planning' 1990
Responses from consultees and interested parties

Item Number: 4
Application No: 09/00370/FUL
Parish: Habton Parish Council
Appn. Type: Full Application
Applicant: Mr Peter Harris
Proposal: Change of use and alteration of former Methodist Chapel to form a two-bedroom dwelling
Location: Former Methodist Chapel Kirby Misperton Lane Great Habton Malton North Yorkshire

Registration Date: 8 May 2009
8/13 Wk Expiry Date: 3 July 2009
Overall Expiry Date: 9 June 2009
Case Officer: Sue Harrop **Ext:** 276

CONSULTATIONS:

Highways North Yorkshire	No objection
Parish Council	No views received to date
Yorkshire Water Services	No objection
Building Control	No views received to date

Neighbour responses: Mrs E Clark, C Easton, Mrs R McGregor,

SITE:

The site lies towards the south of Great Habton within the defined development limits for the settlement. The site currently consists of a detached former Methodist Chapel, within a cluster of residential properties. The building lies to the rear of an existing property with pedestrian access which runs alongside the southern elevation of No 2 Old School House.

PROPOSAL:

Permission is sought for the change of use and alteration to a former Methodist Chapel to form a two bedroom dwelling. The proposed alterations would include the installation of 5 velux rooflights and a mezzanine floor internally to create two bedroom areas.

HISTORY:

09/00079/FUL - Change of use and alteration of former Methodist Chapel to form a two-bedroom dwelling. Withdrawn.

POLICY:

National Policy

PPS1 - Delivery Sustainable Development 2005
PPS3 - 'Housing' 2006
PPS9 - Biodiversity and Geological conservation.
PPG13 - 'Transport' 1994

Regional Spatial Strategy

Policy H1 - Provision & Distribution of Housing
Policy H2 - Managing supply and delivery of housing
Policy H5 - Housing mix.

Local Plan

Policy H7 - Residential development within settlements

APPRAISAL:

The main considerations to be taken into account are:

- i) Character and form
- ii) Impact upon residential amenity
- iii) Highways
- iv) Ecology

i) Character and form

The site falls within the development limits for Great Habton as defined in the Ryedale Local Plan. The proposed development would not materially alter the external appearance of the chapel. The only external alterations include the installation of 5 conservation rooflights. It is considered that the development would respect the character of the building and would ensure the chapel's renovation and retention. Due to the minimal external changes proposed and the established residential use within the immediate vicinity, it is considered that the proposal would not detract from the character and appearance of the street scene or the form of the surrounding area. Given the size of the property and the limited number of vehicles likely to be generated, and the lack of a Highway's objection, it is not considered that a recommendation for refusal on this basis could be sustained.

ii) Impact upon residential amenity

The site lies immediately to the rear of No. 2 Old School House and currently has two large windows within the eastern elevation, which directly overlooks the amenity area serving number 2 Old School House. It is considered appropriate to condition the installation of obscured glazing to this elevation. The existing windows to the western elevation currently overlook an established cluster of mature trees and vegetation, and would not directly impact upon any amenity areas in this instance.

A number of objections have been received in relation to potential overlooking issues. It is considered that the distance between the building and the curtilage of Paddock house would be an appropriate distance (approximately 30 metres) in order to minimise any overlooking issues. It is considered, however, appropriate to request further detailed information regarding the position of the rooflights. There are no further openings proposed and would therefore the development would not be significantly detrimental to the levels of amenity currently experienced.

There would be a small amenity area to serve the proposed dwelling. In addition, the proposal would be accessed via an existing pedestrian access along the southern elevation to No 2. Old School House. It is considered that on balance the proposal would not be significantly detrimental to the levels of amenity currently experienced.

iii) Highways

The site lies to the rear of an existing dwelling, within a cluster of residential properties. The site currently has no direct vehicular access from the highway and is served by a pedestrian access from Kirby Misperton Lane. The proposal provides storage provision for bicycles. A number of objections have been received in relation to the potential impact of on street parking provision. However, the Local Highways Authority raised no objection to the proposal.

It is considered that given the former community use of the building (within Class D1 of the Use Classes Order) and the potential for a number of vehicles being parked on the highway, the building could be re-established for such a use without a further need for planning permission. In addition, the development incorporates storage provision for a bicycle.

iv) Ecology.

The proposal would involve the change of use of a former Methodist Chapel to a residential use. Due to the orientation and age of the building (and as the proposal involves works within the existing roof space) there are concerns regarding the potential impact upon bats. An ecology survey was requested in order to assess this impact. The report indicated that no evidence of bat activity was found at the site. However, there is potential for any disused building to be used for roosting or hibernation. The Council's Countryside Officer raised no objection to the development subject to the proposal being constructed in line with the mitigation methods recommended in the ecology survey.

In light of the above assessment, it is considered that the proposal would be appropriate and would comply with the provisions of Policy H7 of the adopted Ryedale Local Plan. It is considered that there would be no material considerations that would outweigh the above development policies.

Ryedale Local Plan - Policy H7 - Residential development within settlements
Regional Spatial Strategy - Policy H1 - Provision and Distribution of Housing
Regional Spatial Strategy - Policy H2 - Managing and Stepping Up the Supply and Delivery of Housing
Regional Spatial Strategy - Policy H5 - Housing Mix
National Policy Guidance - PPS1 - 'Delivering Sustainable Development' 2005
National Policy Guidance - PPS3 - 'Housing' 2006
National Policy Guidance - PPS9 - 'Biodiversity and Geological Conservation' 2005
National Policy Guidance - PPG13 - 'Transport' 1994

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 Notwithstanding the approved plans hereby permitted, the velux windows shall be conservation rooflights. Prior to the commencement of any development a 1:20 scale drawing indicating the scale and design of the roof lights shall be submitted to and approved in writing by the Local Planning Authority.

Reason:
In order to safeguard the character of the established building and to comply with the provisions of Policy H13 of the adopted Ryedale Local Plan.

3 The windows to the eastern elevation of the building shall be non-opening and be permanently glazed with frosted or opaque glass of a type to be submitted and approved in writing by the Local Planning Authority prior to the occupation of the building.

Reason:- To protect the privacy of adjoining properties.

- 4 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: 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

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

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

- 5 The proposed development hereby permitted shall be constructed in complete accordance with the approved plans (ref: 2000/02) and the mitigation methods within the ecological survey.

Reason:

In order to safeguard the protected species.

Background Papers:

Adopted Ryedale Local Plan 2002

Regional Spatial Strategy

PPS1 - Delivery Sustainable Development 2005

PPS3 - 'Housing' 2006

PPS9 - Biodiversity and Geological Conservation

PPG13 - 'Transport' 1994

Responses from consultees and interested parties