

RYEDALE DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

OUTLINE APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED THAT IT SHOULD BE APPROVED SUBJECT TO THE CONDITIONS STATED BELOW:

Application No: 15/01025/OUT
Proposal: Erection of a dwelling (site area 0.0165 ha)
at: Land Adj to 12 Kirby Mills Road Kirkby Mills Kirkbymoorside YO62 6NP
for: CRG Insolvency And Financial Reco (Mr Charles Ranby-Gorwood)
Decision Date: 6 September 2017

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan 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 SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions

CONDITIONS AND ASSOCIATED REASONS

01 Application for approval of reserved matters shall be made to the Local Planning Authority not later than 5th September 2020.

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.

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- 02 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-
- (i) the appearance of every building, including a schedule of external materials to be used
 - (ii) the landscaping of the site

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

- 03 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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii)(c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

(iii) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted, and agreed in advance, of the commencement of the development and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy SP20 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 04 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 hereby permitted, until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(i) vehicular and cycle parking

Reason: In accordance with Policy SP20 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

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

(i) are available for use unless otherwise approved in writing by the Local Planning Authority.

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 SP20 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 06 The development hereby permitted shall be carried out in accordance with the details set out in Drawing numbers 213-03 103-RevE & 213-03 104 Rev A and submitted Flood risk Assessment (FRA) by Alan Wood & Partners dated November 2015 ref: MCB/PS/34949, specifically in relation to those features illustrating the principles of flood provisions which allow the free storage and floor of flood waters. All design features incorporated for these purposes shall be implemented prior to occupation of the dwelling and maintained for the lifetime of the development.

Reason: To ensure that the development does not result in any increase in the risk of flooding through the loss of flood storage or in diversion / displacement of flood flows.

- 07 Prior to occupation of the dwelling, ground level remodelling shall be completed in accordance with the levels set out in drawing no 34949 100 rev A and retained as such for the lifetime of the development. All soil shall be disposed of appropriately through removal from the site and the flood plain.

Reason: To ensure that the development does not result in any increase in the risks of flooding through the loss of flood storage and to prevent flood flow routes from being altered or diverted onto others.

- 08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no development falling within the following classes of the Order shall be carried out without the prior approval of the local planning authority:

- i) Schedule 2, Part 1, Classes: A, D, E, and F
- ii) Schedule 2, Part 2: Class A

Reason: To ensure that no structures, extensions or means of enclosure can take place within the curtilage of the dwelling that would result in a loss of flood storage, or that would result in flood flows being diverted or displaced onto others.

- 09 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.

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- 10 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 SP20 of the Ryedale Plan, the Local Plan Strategy.

- 11 The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

Reason: To satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 12 The reserved matters required by Condition Number 2 above in relation to Appearance shall follow the parameters shown on the approved Drawing Number 213-03 105 dated 29th May 2017.

Reason: For the avoidance of doubt and to ensure that the development pays due regard to the visual and residential amenities of the locality in accordance with the requirements of Policies SP16 and SP20 of the adopted Ryedale Plan Local Plan Strategy.

- 13 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Location plan red and blue line Drawing Number 213-03 101
Site Plan Proposed Drawing Number 213-03 103 RevE
Flood Measures Details 213-03 104 RevA
Indicative Front Elevation 213- 03 105

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

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INFORMATIVE(S)

- 01 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 02 The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk
- 03 Environmental Permitting Regulations (EPR) for Flood Risk Activities
This development will require a permit under the Environment Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the designated main river. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
- 04 Your attention is drawn to the comments received from the occupier of No.15 Kirkby Mills who state that no structures, fastenings or fixings should be attached to the wall of No.15 Kirkby Mills.

Footnote :

In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.


HEAD OF PLANNING

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