

## **PLANNING COMMITTEE**

Tuesday 23 June 2015 at 6.00 pm

Council Chamber, Ryedale House, Malton

### **Agenda**

- 1 **Apologies for absence**
- 2 **Minutes of the previous meeting held on 28 May 2015 of the Planning & Licensing Committees** (Pages 3 - 8)
- 3 **Urgent Business**  
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**  
Members to indicate whether they will be declaring any interests under the Code of Conduct.  
  
Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Schedule of items to be determined by Committee** (Page 9)
- 6 **15/00377/MFUL - Land At Mill Hill Farm, Cornborough Road, Sheriff Hutton** (Pages 10 - 16)
- 7 **15/00438/HOUSE - 4 Station Cottages, Water Lane, Low Hutton** (Pages 17 - 53)
- 8 **14/00096/CU - Home Farm, High Street, Cropton** (Pages 54 - 61)

- 9 **Part A Report - The Ryedale Local Development Scheme** (Pages 62 - 65)
- 10 **Part B Report - Helmsley Plan Adoption** (Pages 66 - 164)
- 11 **Part A Report - Malton Food Enterprise Zone** (Pages 165 - 177)
- 12 **Any other business that the Chairman decides is urgent.**
- 13 **List of Applications determined under delegated Powers.** (Pages 178 - 187)
- 14 **Update on Appeal Decisions** (Pages 188 - 218)

## Planning Committee

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Held at Council Chamber, Ryedale House, Malton  
Thursday 28 May 2015

### Present

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Councillors Burr MBE, Cussons (Substitute), Frank (Vice-Chairman), Hope, Maud and Windress (Chairman), Cleary, Farnell, Jainu-Deen and Thornton

Substitutes: Councillor D Cussons (for Councillor C Goodrick)

### In Attendance

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Jo Holmes, Gary Housden, Jill Thompson, Rachel May and Anthony Winship

### Minutes

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1 **Apologies for absence**

Apologies have been received from Councillor Goodrick.

2 **Urgent Business**

There was no urgent business.

3 **Minutes of meeting held on 28 April 2015**

**Decision**

That the minutes of the Planning Committee held on 28 April be approved and signed as a correct record.

[For 6                      Against 0                      Abstain 4]

4 **Declarations of Interest**

<b>Councillor</b>	<b>Application</b>
Frank	9
Thornton	9
Burr	11

5 **Schedule of items to be determined by Committee**

The Head of Planning & Housing submitted a list (previously circulated) of the applications for planning permission with recommendations there on.

6 **15/00074/MFUL - East Farm , Toftings Lane, Langton, Malton**

**15/00074/MFUL** - Erection of an agricultural grain store.

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and subject to the addition of tree species to the proposed hedgerow landscaping scheme.

[For 10

Against 0

Abstain 0]

7 **15/00244/MFUL - Rise Farm, Wandale Lane, Great Barugh**

**15/00244/MFUL** - Erection of a 1166 no. pig rearing and finishing unit.

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended.

[For 10

Against 0

Abstain 0]

8 **14/01063/FUL - Land West Of Wold Terrace, Beck Lane, Leavening**

**14/01063/FUL** - Erection of a three bedroom detached dwelling with integral garage, and formation of vehicular access.

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and expiry of outstanding consultees.

[For 10

Against 0

Abstain 0]

9 **15/00365/FUL - Land At Westfield House, Firthland Road, Pickering**

**15/00365/FUL** - Erection of a 2 bedroom detached dwelling together with formation of an additional 2no. parking spaces.



**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended.

[For 10

Against 0

Abstain 0]

In accordance with the Members' Code of Conduct Councillors Frank and Thornton declared a personal non pecuniary but not prejudicial interest.

**10 Enforcement Report - Home Farm, Cropton**

**Decision**

Report Deferred for consideration at the next meeting of Planning Committee on 23 June 2015.

**11 North Yorkshire County Council. Norton County Primary School Consultation - Papers to Follow**

**Decision**

The Head of Planning & Housing be given delegated authority to complete the consultation response to NYCC having regard to the further views of Members' of the Planning Committee and Local Members in consultation with the Chairman and Vice Chairman of the Planning Committee.

[For 10

Against 0

Abstain 0]

In accordance with the Members' Code Of Conduct Councillor Burr declared a personal non pecuniary but not prejudicial interest.

**12 Any other business that the Chairman decides is urgent.**

There was no urgent business.

**13 List of Applications determined under delegated Powers.**

The Head of Planning & Housing submitted for information (previously circulated) which gave details of the applications determined by the Head of Planning & Housing in accordance with the scheme of Delegated Decisions

**14 Update on Appeal Decisions**

Members' were advised of the following appeal decisions.

Appeal Ref: APP/Y2736/A/14/2227941 - Stone Lodge, Main Street, Sheriff Hutton, York, YO60 6ST

Appeal Ref: APP/Y2736/W/14/3002184 - The Granary, Birk House, Buttercrambe Road, Buttercrambe, York, YO41 1AR

Appeal Ref: APP/Y2736/X/14/2223182 - Steam & Moorland Garden Centre, Malton Road, Pickering, YO18 7JW

Appeal Ref: APP/Y2736/D/15/3003359 - 76 Parliament Street, Norton, Malton, YO17 9HE

**The meeting closed at 7.05pm**

# Public Document Pack

## Licensing Committee

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Held at Council Chamber, Ryedale House, Malton  
on Thursday 28 May 2015

### Present

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Councillors Hope, Windress, Burr MBE, Frank, Maud, Cleary, Farnell, Jainu-Deen, Thornton  
and Cussons

### In Attendance

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Jo Holmes, Gary Housden, Jill Thompson, Rachel May and Anthony Winship

### Minutes

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1 **Apologies for absence**

Apologies were received from Councillor Goodrick.

2 **Minutes**

**Decision**

That the minutes of the meeting of the Licensing Committee held on 1 October 2014 be approved and signed by the Chairman as a correct record.

[For 4                      Against 0                      Abstain 6]

3 **Urgent Business**

There was no urgent business.

4 **Declarations of Interest**

There was no declarations of interest.

5 **Appointment of Chairman and Vice Chairman of the Committee**

**Decision**

That Councillor Hope be appointed Chairman of the Licensing Committee for the ensuing year.

That Councillor Maud be appointed Vice Chairman of the Licensing Committee for the ensuing year.

[For 10                      Against 0                      Abstain0]

6 **Membership of the Licensing Sub Committee**

**Decision**

That a licensing Sub Committee be set up comprising of any Members of the Planning Committee who have undertaken the relevant licensing training.

[For 10

Against 0

Abstain 0]

7 **Any other business that the Chairman decides is urgent.**

There was no urgent business.

**Meeting Closed at 7.05pm.**

# Agenda Item 5

## APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 23/06/15

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6

**Application No:** 15/00377/MFUL

**Application Site:** Land At Mill Hill Farm Cornborough Road Sheriff Hutton Malton

**Proposal:** Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted CCTV cameras and temporary construction vehicular access

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7

**Application No:** 15/00438/HOUSE

**Application Site:** 4 Station Cottages Water Lane Low Hutton Malton YO60 7HQ

**Proposal:** Installation of air source heat pump to east elevation

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# Agenda Item 6

## 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

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**Item Number:** 6  
**Application No:** 15/00377/MFUL  
**Parish:** Sheriff Hutton Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Lightsource SPV190 Ltd  
**Proposal:** Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted CCTV cameras and temporary construction vehicular access  
**Location:** Land At Mill Hill Farm Cornborough Road Sheriff Hutton Malton

**Registration Date:** 1 April 2015  
**8/13 Wk Expiry Date:** 1 July 2015  
**Overall Expiry Date:** 24 June 2015  
**Case Officer:** Helen Bloomer **Ext:** 328

#### CONSULTATIONS:

<b>Parish Council</b>	Object
<b>Highways North Yorkshire</b>	Recommend Conditions
<b>Historic England</b>	Recommends application should be withdrawn to allow for the production of an appropriate level of assessment of impact on the significance of heritage assets
<b>Tree &amp; Landscape Officer</b>	Recommend condition
<b>Countryside Officer</b>	No views received to date
<b>Public Rights Of Way</b>	No views received to date
<b>Sustainable Places Team (Yorkshire Area)</b>	Application has low environmental risk.
<b>Building Conservation Officer</b>	No views received to date
<b>Hambleton District Council</b>	No views received to date
<b>Natural England</b>	No views received to date
<b>City of York Council</b>	No views received to date
<b>Howardian Hills AONB JC</b>	No observations to make
<b>Sustainable Places Team (Yorkshire Area)</b>	No Objection
<b>Archaeology Section</b>	Advise scheme of archaeological evaluation
<b>Environmental Health Officer</b>	No views received to date
<b>Highways North Yorkshire</b>	Additional information received from Highways
<b>Historic England</b>	Documents supplied do not provide an appropriate level of assessment
<b>Ministry Of Defence</b>	no objection
<b>Tree &amp; Landscape Officer</b>	Considered to be acceptable
<b>North Yorkshire Police Architectural Liaison Officer</b>	Conditions to be addressed
<b>Historic England</b>	No views received on re-consultation
<b>Howardian Hills AONB JC</b>	No views received on re-consultation
<b>Highways North Yorkshire</b>	No views received on re-consultation
<b>Parish Council</b>	No views received on re-consultation
<b>Tree &amp; Landscape Officer</b>	No views received on re-consultation

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PLANNING COMMITTEE

**Neighbour responses:**

G D Stephenson, Mr P McMahon, Mr Richard Haste, Mr Lindsay McLane, Mrs M Wilson, Mr Chris Newsam, Mr Ian Foxley, Mr Andrew Vaux, H Monaghan, Dr Peter Coomer, C M Anderson, Mr Ian Pattison, C J Hodgson, Mr David Anderson, Drs Richard & Tessa Watson, Mrs Lucy Leatham, Miss Penelope Anstice, Miss Natalie Harris, Dr Nicholas Cowern, Mrs Noelle Thornton, Mr Neil Sweeney, Mr Patrick Turner, Dr David Smith, Mrs Alice Sheepshanks, Mrs J Taylor, W S Anderson, Mr Shaun Speck, Mr James Hartley, Mr Charles Wilson, Mr Donald Jack, Gillian Walford, Mrs Jane Eddery, Mrs Lucy Vaux, Mrs June Emerson, Mr Fergus Vaux, Mr Michael Tanner, Mr Julian Boddy, Mr William Anstice, Mrs Katherine Bell, Mr Alan Pitman, Mr Tony Brown, Mrs Lucy Blackmore, Mrs Sarah Whitworth, Mr Nigel Webb, Mr C Taylor, Mr Oliver Leatham, Mrs Amy Trevelyan, Mr Nigel Hendry, Mr Frank Colenso, T And X Watson, Laura Eddery, Mrs Linda Harris, Mr Martyn Pratt, Dr Ben Flowerdew, Mr Adrian Johnson, Ms Susan Johnson, J Matthew, Mr Donald Armstrong, Mr Alan Armstrong, Mr Robert Walford, Mrs S Jones, Marike Bronh, Mrs S Marshall, Miss R Rigg, Mrs R W Weightman, Mr Robert Mobray, D And W Allanson, A Morse, Brian Appleyard, Mr And Mrs A Ward, R Bielby, A And J Scaife, Paula Sidebottom, Mr C Yorke, J Milburn, Richard Carpenter, Mr Simon Massey, Ms Michelle Mckenzie, Ms Nicola Phillimore, Mr Hugh Cooper, Mr James Kevill, Miss Ann Kennedy, Mrs Sarah McLane, Mrs Kate Preston, Mr Michael Jeffrey, Dr Tim Thornton, Mr Luke Bell, Mr Nigel Wilson, Mr Michael Charlton-Weedy, Mrs Amanda Page, Mr George Blakey, Mrs Moyna Maxwell Scott, Mr M Cook, W A Almack, T N Chapman, J Marley, Mr Kenelm Storey, Mrs Sue Andrew, Mr Arthur Woodhouse, Mrs M Chapman, Dr David Willis, Chris Sowray, Mr D Barker, S Atkinson, Mrs Susan Gough, Mr Adrian Blackmore, Mr Richard Singleton, Miss Nancy Dennis, J M Almack, B Armstrong, Mr Nick Shepherd, Mr Darren Shepherd, B Harrison, Mr Mark Scott Faulkner, Mr Paul Edwards, Mrs Catherine Brown, Dr Peter Draggett, Mr Robin Jackson, G Rothwell, A Stephenson, N Woodward, Mrs Dawn Hendry, Mr Mark Green, Mrs Claire Tunningley, Mrs Virginia Hoddinott, Mr Tom Kevill, Mr Mark Jackson, D Bracewell, Ms Sue Bracewell, J Howarth, M Steel, David And Mary Longstaff, Dr Phil Stone, Miss Jane Alcott, Hannah Knowlson, Mr Graham Sparrow, Mr James Taylor, A Birch, Ms Louise Gilbert Scott, Mr Peter Coates, Mrs Ena Dent, Mr Finn Jackson, Mr Paul Tate, Mrs Sarah Aspinall, Mrs Gillian Walford, Mr Neil Hodges, Michael Easterby, Anna Hesketh, G Maddison, Geoffrey Singleton, Rana Maih, J C Cockill, Mrs Deborah Kidds, Mr Thomas Kidds, D Midgley, Richard Coultous, A Hodgson, Mr R.W.J. Hopkins, Rebecca Maddison, James Knowlson, Jonathan Teaf, Mr C Readman, Mr Darren Mears, Mrs Jane Naughton, Mr David Shields, , Mr John Gordon-Finlayson, D Easterby, Mr John Armstrong, P Webster, Mr Hugo Vaux, Mr Andrew Zillessen, Mr Brian Hutchinson, V Johnson, Alam, Mr Kevin Wales, Mr Tim Axe, Mr And Mrs Dan And Dawn Croft, Ms Dawn Bunting, , Ms

Bridget Tardivel, Mrs Sara Tate, Ms Josephine Downs, J S Hicks, P Frost, Mr Richard Shepherd, Mr Robert A Singleton, M Jeffery, Mrs S Everett, J M Suggitt, Mr Mark Prendergast, Mrs Sara Winn-Darley, Mr William Syms, Mr Richard Wilson, K Unsworth, D Unsworth, Mrs Margaret Singleton, Mrs Sue & Mr R D Cuthbert And W R & S E Garrett, Mr Tim Walford, Mrs June Smith, Mrs Elaine Curtis, P Eggleston, J Eggleston, Mr Peter Gough, Mrs Jane Sweeney, Mrs Catherine Scriven, Ms Tessa Wilson, Ms Heather Stroud, Mrs Susan Scotter, Mrs Laura Boddy, Mrs Gillian Zewde, Mrs L Howard, Monica Hussain, C C Dent, Mr P Scaife, Mr Michael Lawson, Mrs Jo Metcalfe, Shane Marriott, Emma Thomas, S Lorimer, G Everett, M Chalke, A Charlton, Mrs D Cosgrove, Mr Stuart Easdale, Mr Mark Tidmarsh, Ms Olivia Botterill, Mr P H Robinson, Mr James Walker, Mr David Cragg-James, Mr T Johnson, Mr Geoff Watson, T Dent, Mr Mike Eddery, Mr Glenn Garrett, Mr Stephen Shipley, W Fairclough, Mr D Towse, Mr Andy Maxwell, D Sigsworth, Mr Phillip Hodgson, Mr Simon Wood, Mrs Caroline Dawkins, Mr Simon Sweeney, Miss Ruth Sweeney, Ms Laura Jane Shepherd, Mr Bryan Plews, Ms June Brown, Mr P Wreglesworth, Mr R W Weightman, B Rawling, Mr Glyn Wild, Dr Michael Scotter, Mrs Doreen Gurrey, Mr David R Davis, Mrs Yvonne Jack, Mrs Susan Blakey, Mr James Machin, Mrs B J Hopkins, Mr Robert Manfield, B Shepherd, Ms E Molyneux, Mrs Camilla Sherwin, Rachel Fraser, Louise Clark, Anne F Greenwood, Sally Greenwood, Andrew J Clark, Alex Matcalfe, Mrs Hazel Wood, Mrs P Metcalfe, Emma Shipley, Mr Andrew Brown, Mrs June Card, Mrs Christine Brookes, Mrs Pauline Harrison, Mr Marcus Hinde, Dr Rosie Chance,

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## INTRODUCTION:

Members may be aware that the Council has received a major application at Land at Mill Hill Farm, Cornborough Road, Sheriff Hutton for the following proposal:-

15/00377/MFUL - Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communication building, fence and pole mounted CCTV cameras and temporary construction vehicular access.

Consultation responses are currently awaited on the application on further information which had only been received by the Local Planning Authority on the 9 June 2015. The information received was in relation to several different aspects of the proposal.

**The application is not presented for any formal decision to be made at this meeting.**

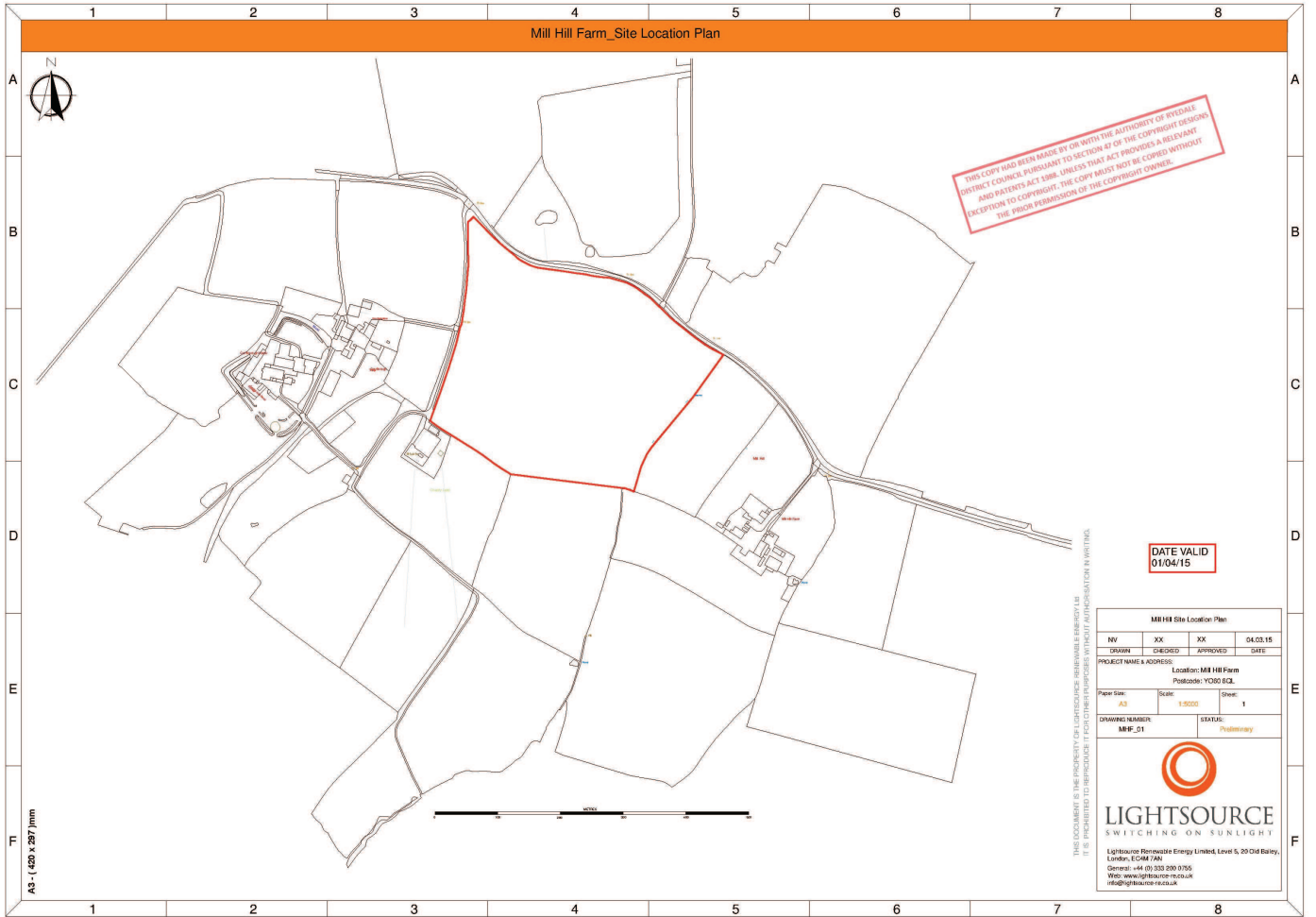
The site is located approximately 1.2km to the west of Sheriff Hutton within open countryside.

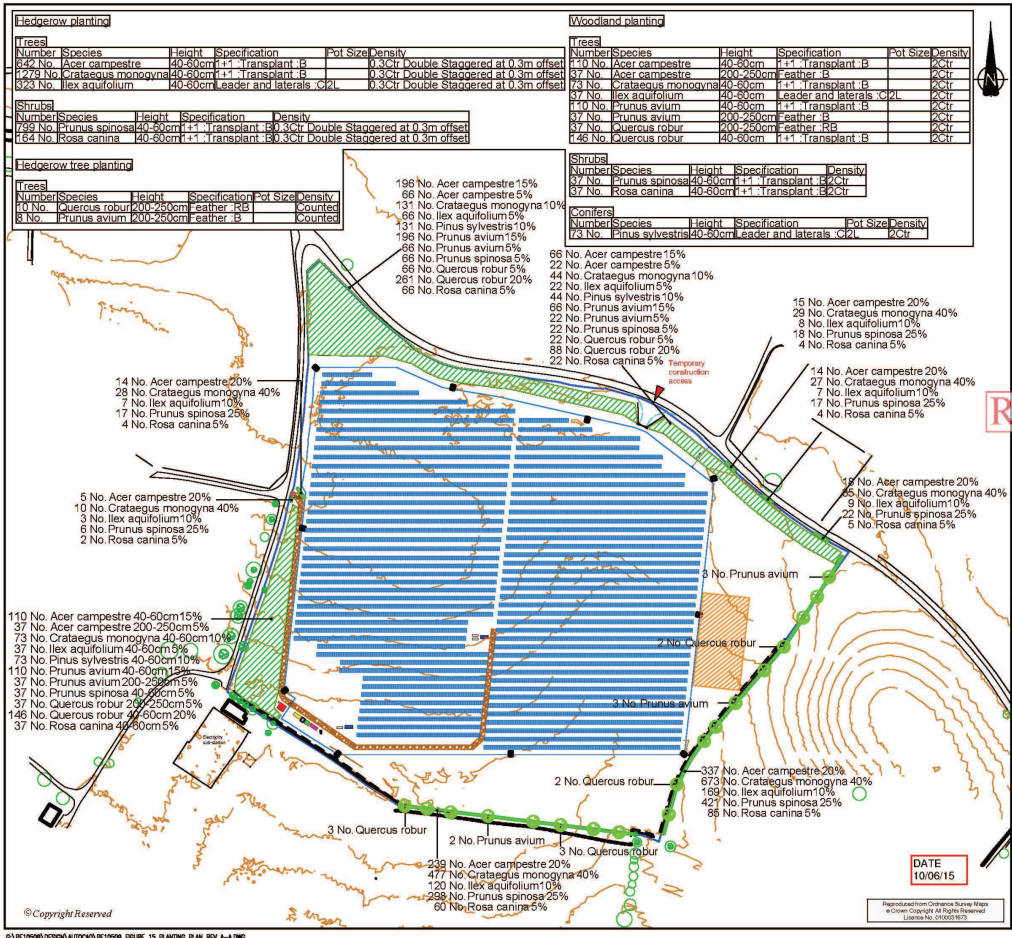
The proposal, because of its size and nature is a 'major' planning application. Government performance indicators state that Local Planning Authorities could lose the right to determine 'major' application if they fail to determine at least 40% of these types of applications within the prescribed timescales. In this case, the Local Planning Authority received a significant volume of revised information and plans, relating to crucial material planning considerations, three days prior to the deadline for the officers report for the 23 June 2015 Planning Committee. The issues which the information related to were considered to be material to the considerations of the application.



The applicant has, however, agreed to an extension of time, to allow the application to be presented to the 21 July 2015 Planning Committee meeting. The application has generated a significant amount of local interest, both for and against the proposal and the views of third parties received to date can be viewed on the Council's website. In the meantime, Members may wish to inspect the site prior to making a final decision.

**RECOMMENDATION:**                      **Site Inspection**





- KEY**
- Site boundary
  - Existing planting
  - Proposed hedgerow planting with hedgerow trees
  - Proposed woodland planting
- NOTES**
- Existing boundary hedgerows would be managed to a height of approximately 3m to maintain screening.
  - Land beneath the solar panels would be seeded with a diverse grassland mix such as Emorsgate Seed mixture EG27 - 'Special Old Fashioned Grazing Mixture', or similar as agreed with the Planning Authority.
  - Field margins would be seeded with Emorsgate Seed mixture EM5 - 'Meadow Mixture for Loamy Soils' or similar as agreed with the Planning Authority.

**REVISED PLAN**

B	Extended woodland planting along northern boundary, added visibility sowing	SECRET	SL	SH	HK
A	Planting mixes amended following comments from LPA Tree Officer	SECRET	SL	SH	HK

CLIENT: LIGHTSOURCE

PROJECT: Mill Hill Solar Farm

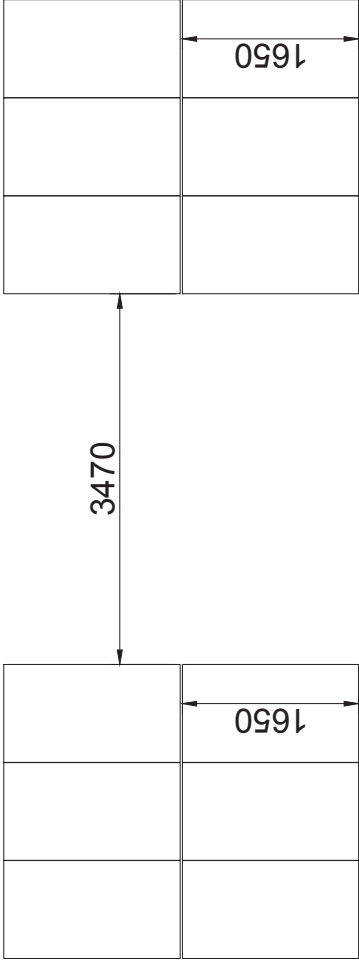
DRAWING TITLE: Figure 15 Planting Plan

DATE: 10/06/15

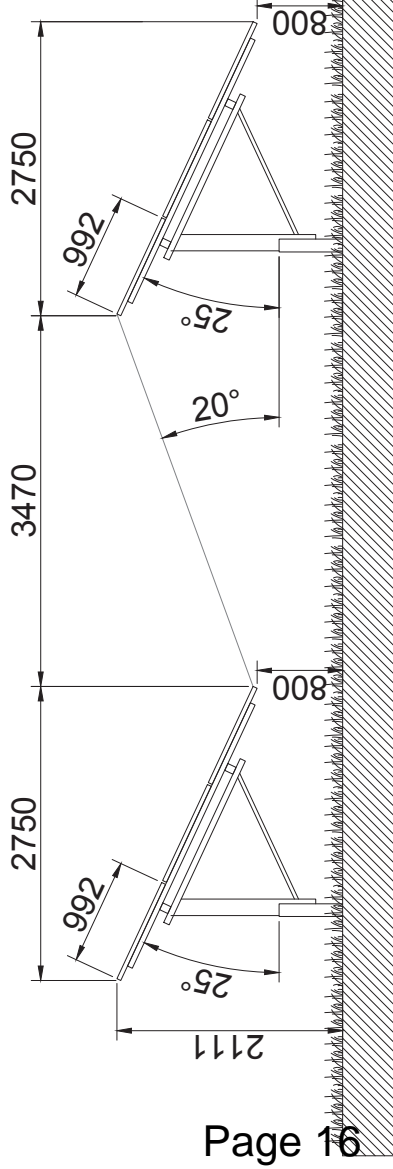
DATE	10/06/15
DRAWN BY	LG
CHECKED BY	HK
APPROVED BY	HK

wardell armstrong your earth our world

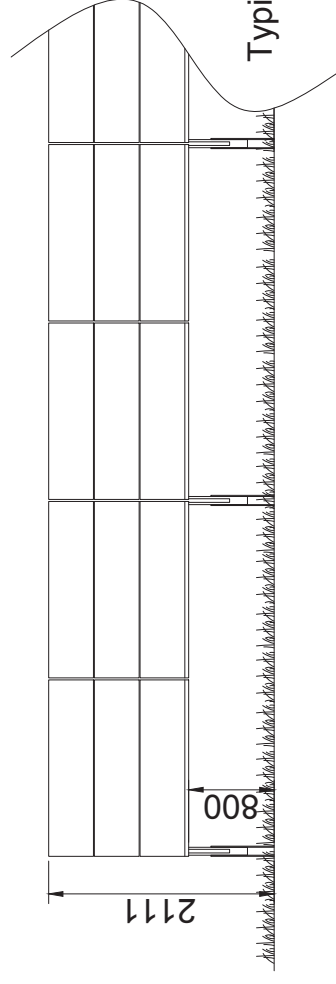
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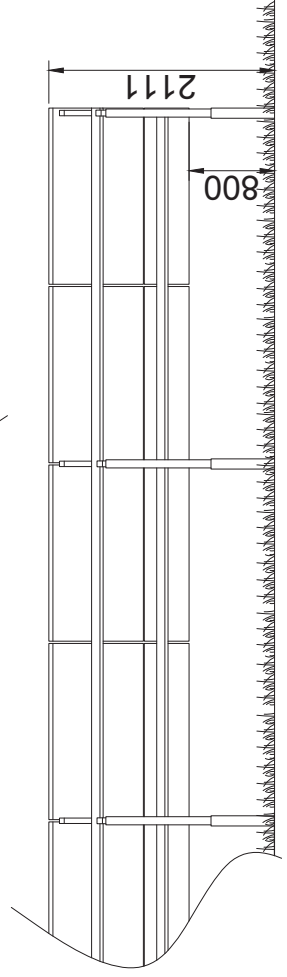
Plan



Typical Section



Typical Elevation



Typical Rear Elevation

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TYPICAL PANELS ELEVATION 3 LANDSCAPE			
DA	XX	XX	21.10.14
DRAWN	CHECKED	APPROVED	DATE
Paper Size: A3	Scale: 1:50@A3	Sheet: 1	
DRAWING NUMBER: TYP_P_E_3L	STATUS: Preliminary		



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Web: www.lightsource-re.co.uk  
info@lightsource-re.co.uk

# Agenda Item 7

**Item Number:** 7  
**Application No:** 15/00438/HOUSE  
**Parish:** Huttons Ambo Parish Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr Gary Goodman  
**Proposal:** Installation of air source heat pump to east elevation  
**Location:** 4 Station Cottages Water Lane Low Hutton Malton YO60 7HQ

**Registration Date:**  
**8/13 Wk Expiry Date:** 9 June 2015  
**Overall Expiry Date:** 21 May 2015  
**Case Officer:** Rachel May **Ext:** 329

## CONSULTATIONS:

**Parish Council** No views received to date  
**Environmental Health Officer** No objection

**Neighbour responses:** Mr Paul McManus, Mr Michael Sessions,

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## SITE:

Number 4 and Number 4a form the application site. A private footpath runs from Water Lane, in front of the cottages to serve Station House and Numbers One to Six Station Cottages.

The site is outside the designated Development Limits of Huttons Ambo and adjacent to a public footpath. In addition, the application site lies within the Area of Outstanding Natural Beauty, and adjacent to an SSSI.

## PROPOSAL:

Planning permission is sought to install an air source heat pump to the east (front) elevation of the dwellinghouse. The proposed white 15Kw Vaillant Air Source Heat Pump will measure approximately 1.1 metres in width, 1.38 metres in height and 0.5 metres in depth.

## POLICY:

### National Policy Guidance

NPPF - National Planning Policy Framework

### Ryedale Plan - Local Plan Strategy

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP18 - Renewable and Low Carbon Energy

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

## HISTORY:

There is no planning history relevant to this application.

## APPRAISAL:

The main considerations when assessing the application are;

- a. Character and Form
- b. Impact upon the Howardian Hills Area of Outstanding Natural Beauty
- c. Impact upon the Neighbouring Amenity

### a. Character and Form

The proposed 15Kw Vaillant Air Source Heat Pump will measure approximately 1.1 metres in width, 1.38 metres in height and 0.5 metres in depth, and is proposed to be positioned on the east (front) elevation of the dwelling.

The proposed unit will replace the existing plastic green shed, which is of no particular architectural merit. The air source heat pump has a utilitarian appearance. However, the unit is smaller than the existing plastic shed and therefore on balance, is considered to be acceptable in terms of its visual impact..

Alternative locations have been discussed throughout the course of the application. However, the applicant has been advised by the supplier, Solarwall, that the proposed location is the most appropriate place to install the unit.

It should also be noted that Schedule Two, Part 14 Renewable Energy, Class G of the Town and Country Planning (General Permitted Development) Order, 2015 states that the installation of an air source heat pump is 'permitted development', subject to various conditions being satisfied. One condition states that the volume of the outdoor compressor unit needs to be less than 0.6 cubic metres. In this case, the volume of the outdoor compressor unit is 0.7 cubic metres in volume and therefore this particular unit requires permission.

Nevertheless, the unit proposed is only fractionally larger than an air source heat pump that could be installed under 'permitted development' as specified in the Government regulations.

### b. Impact upon the Howardian Hills Area of Outstanding Natural Beauty

Policy SP13 Landscapes of the adopted Ryedale Plan - Local Plan Strategy states that the natural beauty and scenic qualities of the Howardian Hills Area of Outstanding Natural Beauty will be conserved and enhanced and the impact of the proposal on the Area of Outstanding Natural Beauty will be carefully considered. Proposals will only be supported when it is considered they do not detract from the natural beauty and special qualities of these nationally protected landscapes and their settings.

Whilst it is acknowledged that the proposed air source heat pump is of no particular architectural merit, it is considered that the application site is in a relatively screened location, with very limited public vantage points. Therefore the development will not have a detrimental impact upon the Howardian Hills Area of Outstanding Natural Beauty.

### c. Impact upon the Neighbouring Amenity

Two letters of objection have been received from the occupiers of 'The Old Station' and 'Water Meadows 6 Station Cottages', raising the following points;

- The pump will have an 'industrial' look, and will not enhance the rural aspect of the path to the houses of Station Cottages, which are within the Area of Outstanding Natural Beauty;
- The unit will be in very close proximity to the front boundary;
- An alternative location could be agreed;



- The owner that bears liability for the private footpath in front of the cottages does not want cold air blowing across the private path as this would be unpleasant;
- The installation of the pump could potentially result in neighbouring disputes, in terms of noise and operation of the pump.

The relevant material planning considerations outlined above have been considered as part of the appraisal.

The Environmental Health Officer (EHO) was consulted in respect of the potential noise levels, emanating from the unit, and additional information was requested from 'Solarwall' to fully assess the noise implications.

Upon receiving the additional information, the Council's EHO considers that providing the closest neighbouring window was more than ten metres away, the level of noise would not have a material adverse impact upon the existing amenity of the occupiers of the neighbouring properties. The closest neighbouring window serves a toilet at '5 Station Cottages', which is 15.5 metres away. The Environmental Health Officer therefore has no objections to the proposal and as such it is considered that noise impact is not a sufficient reason to warrant refusal.

It is considered the proposal will not have any other material adverse impacts upon the neighbouring properties in terms of creating an overbearing presence and loss of light.

In light of the above assessment, it is considered that the proposal is acceptable and complies with Policies SP13 (Landscapes), SP16 (Design), SP18 (Renewable and Low Carbon Energy), SP19 (Presumption in Favour of Sustainable Development) and SP20 (Generic Development Management Issues) of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. Therefore the recommendation is one of conditional approval.

**RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

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

2            Notwithstanding the submitted details, the manufacturer and model hereby approved shall be a aroTHERM heat pump 15kW, unless otherwise agreed in writing to the Local Planning Authority.

Reason:- In the interest of the visual amenity of the area, and satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

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

Site Location Plan, Proposed Block Plan and Elevations (as scanned 28/04/2015)

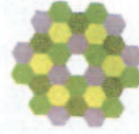
Reason: For the avoidance of doubt and in the interests of proper planning.

**Background Papers:**

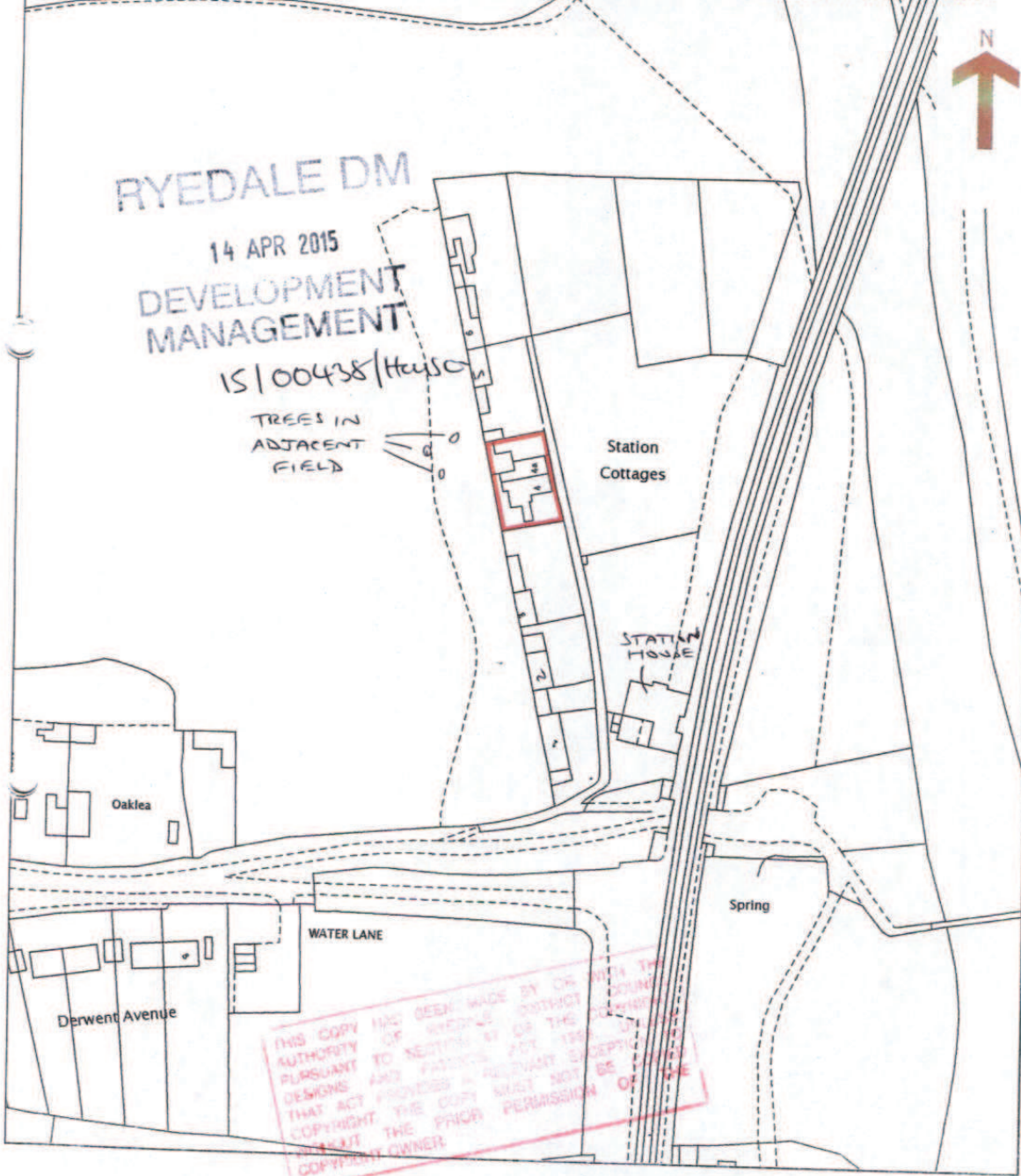
- Adopted Ryedale Local Plan 2002
- Local Plan Strategy 2013
- National Planning Policy Framework
- Responses from consultees and interested parties

Land Registry  
Official copy of  
title plan

Title number NYK363254  
Ordnance Survey map reference SE7667NW  
Scale 1:1250 enlarged from 1:2500  
Administrative area North Yorkshire : Ryedale



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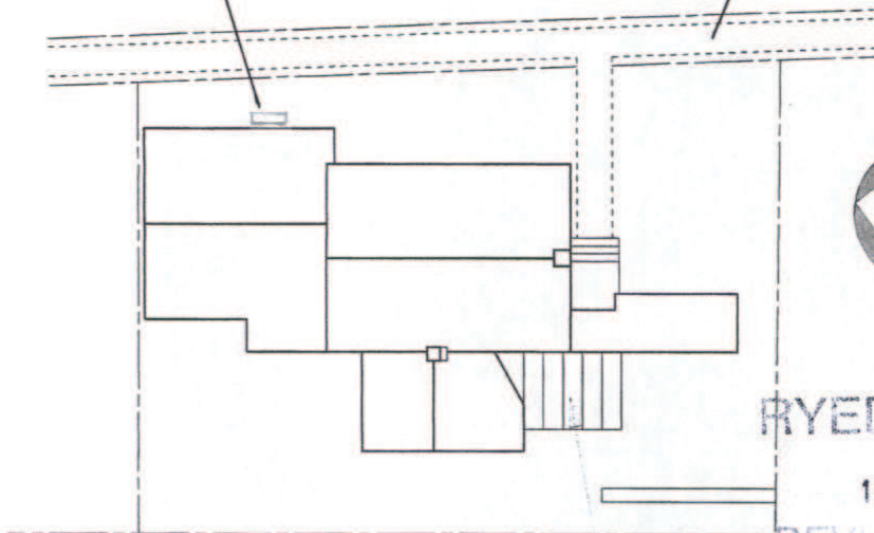


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PROPOSED  
ASHP

PRIVATE FOOTPATH  
SERVING 1-6 STATION  
COTTAGES AND STATION  
HOUSE



RYEDALE DM

14 APR 2015

DEVELOPMENT  
MANAGEMENT

15/00938/HUSA

Block Plan. 1:200.

4 STATION COTTAGES  
HUTTONS AMBO

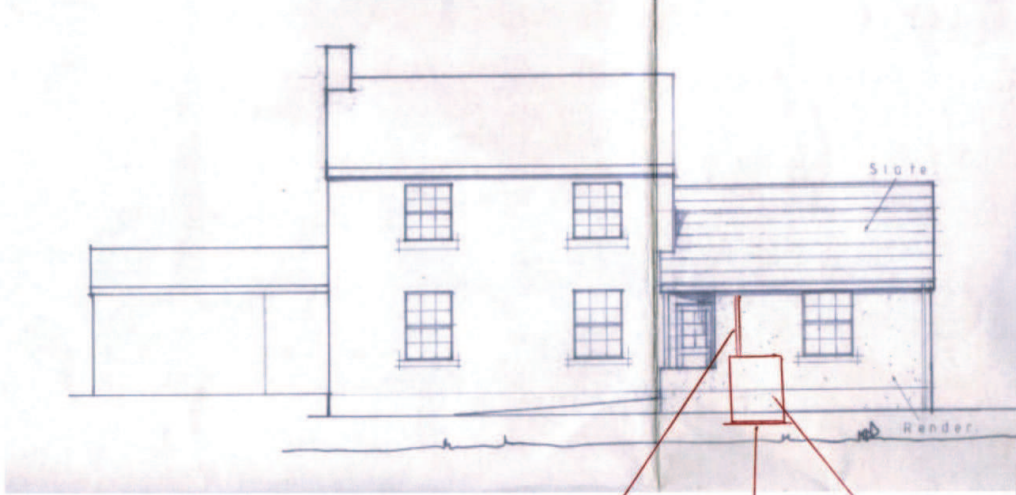
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**MIKE PUNCHARD  
PLAN DRAWING SERVICE**

9 THE AVENUE, NORTON, MALTON.  
N. YORKS. YO17 9EF  
TEL:- 01653 694276

4 Station Cottages, Huttons Ambo  
East Elevation

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1:100

Flow and return to  
heat exchanger  
module housed in  
loft

Proposed site of  
ASHP

New concrete hard  
standing and  
soakaway for  
condensate drain

S | 00652 | House

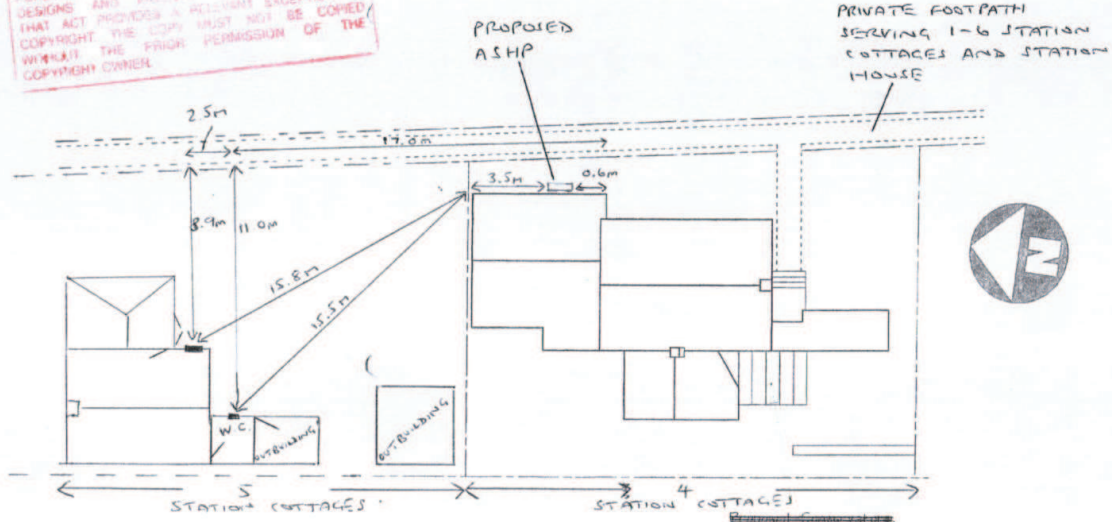
14 APR 2015  
DEVELOPMENT  
MANAGEMENT

RYEDALE DM

PLANNING APPLICATION 15/0043E/HOUSE (GUSMAN)  
 ADDITIONAL PLAN (14/15/15) SHOWING DISTANCE  
 FROM PROPOSED ASHP TO NEAREST  
 NEIGHBOURING WINDOW AT 5 STATION  
 COTTAGES (NOT TO SCALE)

SHORTEST DISTANCE FROM  
 PROPOSED ASHP TO  
 A) WC WINDOW = 3.5M + 15.5M  
 = 19.0M  
 B) KITCHEN WINDOW = 3.5M + 15.8M  
 = 19.3M

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15/0048/HULL  
RYEDALE

4 STATION COTTAGES, HUTTONS AMBO

14 APR 2015

PLANNING APPLICATION FOR ASHP – SUPPORTING STATEMENT

DEVELOPMENT  
MANAGEMENT

My wife, Amanda Goodman, and I purchased 4 Station Cottages at the end of August 2014. The property was marketed as 4 and 4A Station Cottages – a house with a 2 bedroom Annex - but the property is covered by one land registry entry.

We are making some internal changes to the property, primarily to remove the annex kitchen and will in due course apply to have the property re-valued/rated as one property rather than two as currently.

We also wish to replace the electric night storage radiators and immersion water heaters with a modern and efficient heating and hot water system. We would like to install an air to water heat pump to supply hot water and heating to the property, via underfloor heating on the ground floor and radiators on the first floor.

We have chosen Solarwall as the supplier and installer of this new system, and worked closely with them in the design and specification of the system. The proposed system will be fed by a Vaillant aroTherm 15Kw air to water heat pump. The key factors in choosing this model of ASHP is that the unit is the most aesthetic heat pump we have seen, it is highly efficient, and it also has been awarded a Quiet Mark award.

Solarwall have calculated that a 15Kw ASHP is required which has a 0.7cu m cabinet, and therefore exceeds the 0.6cu m limit for permitted development.

The proposed site of the ASHP is on the east elevation of the property. The unit requires 120mm clearance to the rear, which together with the 463mm depth of the unit leaves over 1 metre from the front face of the ASHP to our boundary and the private footpath which runs from Water Lane and serves Station House and 1-6 Station Cottages. All other components of the system will be housed in the loft of the single storey part of the property.

The ASHP will replace the existing green plastic shed. The following photos will hopefully assist in understanding the proposed location the ASHP.





4 & 4A Water Lane, Huttons Ambo, York, YO60 7HQ  
Guide Price: £350,000

**HUNTERS**  
EXCLUSIVE

East elevation viewed from garden of Station House



East elevation viewed from private footpath from Water Lane serving Station House and 1-6 Station Cottages

4 Station Cottages, Huttons Ambo  
Planning Application for ASHP – Supporting Statement  
Page 2 of 3



Proposed site of ASHP (replacing existing green shed)

Signed .....

Gary Goodman

13/04/2015

15/00438/HOUSE  
RYEDALE DM  Vaillant


14 APR 2015

DEVELOPMENT  
MANAGEMENT



Why Vaillant?

Because saving energy can be so easy.

 aroTHERM - air-to-water heat pump  
15KW - SEE PAGE 9

 The TECHNICAL Brochure









## Vaillant - always thinking ahead

Vaillant has been setting the standard in the heating market since 1874 by consistently developing products that revolutionise the industry.



Today, our innovative solutions are still setting the standard in the heating marketplace. We have produced a comprehensive range of renewable technologies designed to utilise sustainable sources of energy.

Our products are at the very forefront of technology and deliver on the Vaillant promise to "think ahead", safeguarding our planet for future generations whilst delivering energy efficient products that can reduce the cost of providing heating and hot water to the home.

Every product developed by Vaillant is routinely subjected to rigorous materials analysis, robustness testing, lifetime testing and acoustics analysis.



This meticulousness and unremitting commitment to quality is evident at every stage in the product development process and applies to every appliance and every spare part that we sell.

Furthermore, we are committed to finding new and ever more imaginative ways to provide service excellence before, during and long after the installation of Vaillant appliances. We strongly believe that the most advanced heating solutions on the market demand the most forward-thinking service solutions - that is why we pride ourselves on our unrivalled service support.



### Why choose an air-to-water heat pump?



Air-to-water heat pumps are becoming an increasingly popular choice for those looking to install renewable products in the home. The main advantage of air-to-water heat pumps is that they can help safeguard against the fluctuations in oil and LPG prices that leave homeowners vulnerable to the ever-rising costs of heating the home.

The pumps can be integrated into UK heating systems with ease, causing minimal disruption to the homeowner. They also eliminate the need for on-site fuel storage and can be used as part of an efficient all-electric heating solution.

Furthermore, air-to-water heat pumps offer excellent payback periods compared to alternatives like standard electric, LPG or oil, especially as all Vaillant heat pumps are MCS accredited and may therefore be eligible for government funding. They can also dramatically increase carbon savings and therefore offer a more sustainable heating solution than oil and LPG sources.

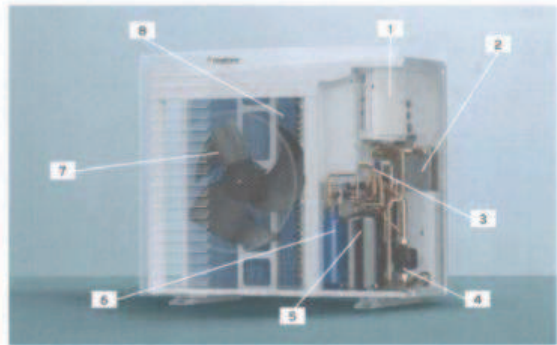
As the experts within the heating industry, we can help you to develop bespoke heating systems that meet the requirements of even the most complex installations. With our extensive range of products and system accessories, you'll be hard pressed to find another manufacturer that can match our offering of flexible system solutions.

Introducing aroTHERM



aroTHERM is Vaillant's second generation air-to-water heat pump range. Developed in line with the exacting standards and precision engineering you would expect when you choose Vaillant. What's more, with a Quiet Mark award you can be assured knowing the aroTHERM air to water heat pump is one of the most understated miracles of engineering we've ever produced.

aroTHERM heat pump key components



Along with the introduction of our heat pumps, we are also introducing a range of heat pump system modules and also a hybrid system, both of which will ensure that Vaillant continues to offer one of the most comprehensive renewable heating systems in the UK market.

Key features and benefits:

- **Four models**  
aroTHERM 8kW, 10kW, 12kW and 15kW
- **Compact size for easy siting**  
Possible to fit under a standard window
- **High efficiency ErP A-rated pump**  
Up to 35% more energy efficient than a standard CH pump
- **Quiet operation**  
Sound power as low as 60DBA (8kW) with permitted planning available as low as 3 metres
- **Blue fin coated evaporator with anti-hydro coating**  
Gives improved performance and extra protection against corrosion, making it suitable for coastal installation
- **VRC 470 weather compensating control as standard**  
With easy-to-use features that make your system as efficient as possible

Key:

1. Electronic box
2. Condenser
3. 4-way valve
4. CH pump
5. Compressor
6. Gas buffer (refrigerant heat exchanger)
7. Fan
8. Evaporator

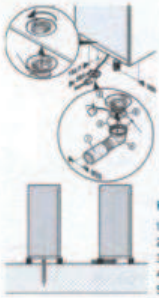


When installed by a Partner Installer

- **Set-up wizard for first installation**  
With simple steps to help speed up commissioning
- **7 years parts and labour guarantee**
- **Solid case design with in-built anti-vandalism measure**  
No requirement for extra vandalism cages
- **Wider fin spacing and tray heater**  
Improve derating efficiency

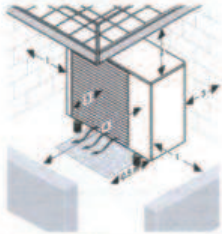
airTHERM Heat pump connections and dimensions

Connections:



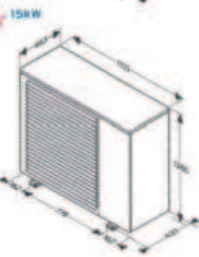
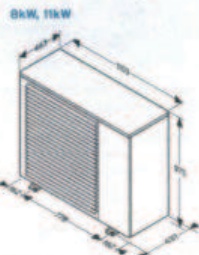
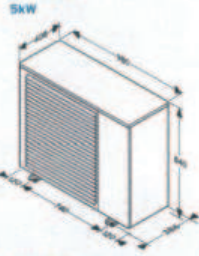
- Key:**  
 1. Condensate drain pipe  
 2. Adaptor  
 3. Cable tie  
 4. Elbow  
 5. Seal

Clearances:



Clearance	For heating mode
1	≥ 250mm
2	≥ 1000mm
3	≥ 100mm
4	≥ 600mm
5	≥ 300mm

Dimensions:



airTHERM heat pump technical specifications

airTHERM	5kW	8kW	11kW	15kW
Article number	002096231	002075476	002075479	002096232
Heat pump type	Monoblock air/water heat pump	Monoblock air/water heat pump	Monoblock air/water heat pump	Monoblock air/water heat pump
Flow/return heating connections, boiler side	1/2"	1/2"	1/2"	1/2"
Product dimensions, width	mm 970	1303	1303	1303
Product dimensions, height	mm 834	975	975	1375
Product dimensions, depth	mm 408	463	463	463
Net weight	kg 90	106	106	165
Hydraulic lines material	Copper	Copper	Copper	Copper
Hydraulic connections material	Brass	Brass	Brass	Brass
Hydraulic seals material	EPDM	EPDM	EPDM	EPDM
Plate heat exchanger material	AISI 304 stainless steel	AISI 304 stainless steel	AISI 304 stainless steel	AISI 304 stainless steel
Pump casing material	Painted cast iron	Painted cast iron	Painted cast iron	Painted cast iron
Position rating	2	2	2	2
Electric connection	V/Hz 230/50	230/50	230/50	230/50
Fuse type	T4A	T4A	T4A	T4A
Inverter controller fuse	A/V HRC 20/5/50	HRC 20/5/50	HRC 32/5/50	HRC 32/5/50
Level of protection	IP 25	IP 25	IP 25	IP 25
Maximum depth of cabinet	A 16	16	20	20
Maximum current consumption	A 16	16	20	20
Pump power consumption	W 15 - 70	15 - 70	15 - 70	6 - 87
Fan power consumption	W 15 - 42	15 - 42	15 - 76	15 - 76 <i>Note 2 x</i>
Electrical classification	I	I	I	I
Overvoltage category	II	II	II	II
Fan rotational speed	rpm 950	950	700	600
Sound power level for ATW33 according to EN 12102 and EN ISO 9614-1	dB(A) 58	60	65	65
Sound power level for ATW45 according to EN 12102 and EN ISO 9614-1	dB(A) 58	60	65	65
Sound power level for ATW55 according to EN 12102 and EN ISO 9614-1	dB(A) 61	61	66	66
Maximum OHW flow temperature	°C 60	63	63	63
Minimum air temperature (heating and cylinder charging)	°C -15	-20	-20	-20
Maximum air temperature (heating)	°C 28	28	28	28
Maximum air temperature (cylinder charging)	°C 46	46	46	46
Max. air flow	m³/h 2,000	2,700	3,400	3,500
<b>Heating circuit</b>				
Minimum operating pressure	MPa (bar) 0.1 (1.0)	0.1 (1.0)	0.1 (1.0)	0.1 (1.0)
Maximum operating pressure	MPa (bar) 0.3 (3.0)	0.3 (3.0)	0.3 (3.0)	0.3 (3.0)
Heating circuit water contents in the heat pump	l 13	16	21	27
Minimum heating circuit water contents	l 17	21	35	60
Min. source flow rate	l/h 380	380	540	1,200
Nominal volume flow rate, max. volume flow rate	l 860 (1,400)	1,400 (1,900)	1,900 (2,580)	2,580
Hydraulic pressure difference	mbar 640	450	300	370



Heat exchanger module



The wall-mounted heat exchanger module separates the heat pump circuit from the heating system circuit. As the heat pump is fitted outside the property, it is subjected to changing weather conditions and as such, requires the fluid flowing through the heat pump to have frost protection to ensure that it does not freeze and damage the heat pump.

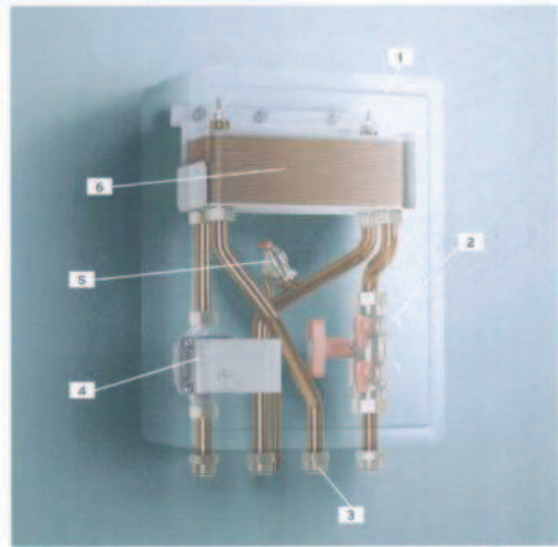
Filling the entire system with heat pump glycol is expensive and, if a radiator circuit is being used, there is a risk of compromising the entire system if a radiator is removed or drained and refilled with water. The heat exchanger module removes the need to fill the entire heating circuit with glycol. It also removes the need to buy fill and flush points for the heat pump circuit, as these are included.

The 40 plates within the module ensure that the energy is transferred from the heat pump circuit to the heating circuit as efficiently as possible. Air bleed vents/valves within the module also help prevent air getting trapped within the system.

Key features and benefits:

- Designed to separate the heat pump glycol circuit from the heating circuit. Only a small proportion of the system is required to be filled with glycol.
- Wall-mounted, compact and lightweight 1500mm x 2250mm x 9360mm, for easy and flexible siting.
- ErP A-rated modulating circulation pump 39% more energy efficient than a standard pump, making the heating circuit ready to comply with future legislation.
- Fill and flush points for the heat pump glycol circuit. Quick and easy to install with no extra cost.

Heat exchanger module key components

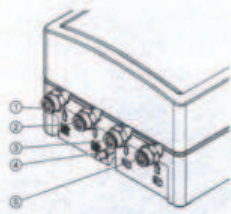
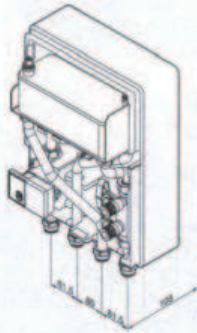


Key:

1. Air bleed vent
2. Fill and flush points
3. 1" connections
4. HE CH pump
5. PRV central heating side
6. 40 plate-to-plate heat exchanger

Heat exchanger connections and dimensions

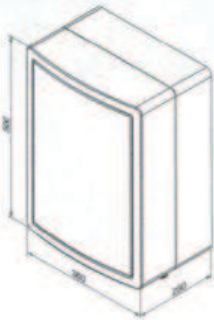
Connections:



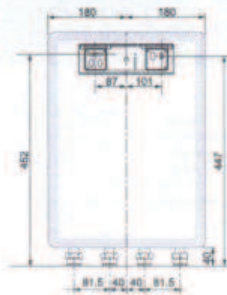
Key:

1. Installation heating circuit inlet 1"
2. Installation heating circuit outlet 1"
3. Glycol water circuit outlet to heat pump 1"
4. Safety valve drain
5. Glycol water circuit inlet from heat pump 1"

Dimensions:



Clearances:



Heat exchanger technical specifications

Heat exchanger	VW2 MWT 130
Article number	002043800
Net weight	kg 12
Maximum admissible water pressure	bar 3.0
	Mpa 0.3
Minimum admissible water pressure	bar 0.5
	Mpa 0.05
<b>Electrical</b>	
voltage/frequency	W/o 230/50
Maximum electrical consumption (pump)	W 45
Index of electrical protection	IP X4

In-line 6kW back-up heater



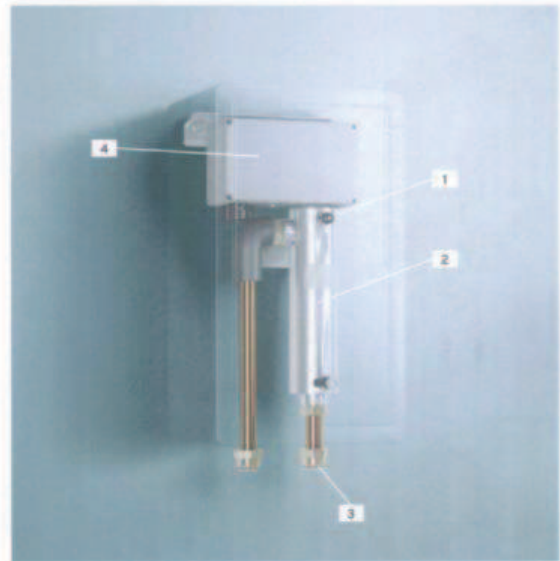
This back-up heater is an inline immersion heater developed to give the system an extra boost when required to ensure comfort levels are maintained in severe weather conditions such as extended cold snaps.

The back-up heater comes with a temperature sensor and sensor pocket to ensure that it only comes on when required and to limit its usage time as much as possible.

Key features and benefits:

- Provides a back-up boost to the heating system. Ensures comfort levels are maintained during extreme weather conditions.
- Wall-mounted, compact and lightweight. H500mm x D250mm x W280mm; easy and flexible installation.
- Flexible outputs. Comes with 25mm (1") connections and can be wired to give 2kW, 4kW, 6kW or staged output.

In-line 6kW back-up heater key components



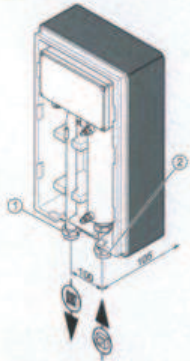
Key:

1. Air bleed vent
2. Heating element
3. 1" connection
4. Electronics box

Back-up heater

Inline 6kW back-up heater connections and dimensions

Connections:

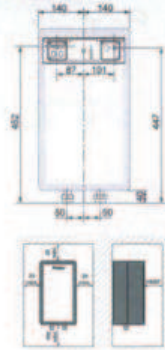


- Key:**  
 1. Installation output 1"  
 2. Heat pump input 1"

Dimensions:



Clearances:



Inline 6kW back-up heater technical specifications

	6kW	
CE number (EN)		
Net weight	kg	4
Central heating maximum hydraulic pressure (PSH max)	bar	3.0
	Max	0.3
Central heating minimum hydraulic pressure (PSH min)	bar	0.5
	Max	0.05
<b>Electrical</b>		
Voltage/frequency	V/Hz	230/50 400/50
Maximum absorbed power (P max)	W	6 6
	A	30 30
Index of electrical protection	IP 20	
Cable size	-	3.04 5.015

Wall-mounted 40 litre buffer tank



The wall-mounted 40 litre buffer tank module gives added system flexibility to the aroTHERM range as it can act as both a hydraulic nil point in the system and a low loss header, ensuring system flow through the heat pump and the system.

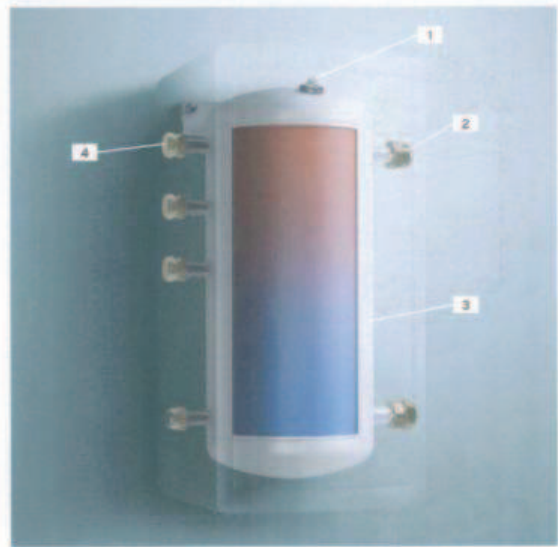
Should the system have multiple zones and/or require an additional pump to support the complete heating system, the buffer tank provides an excellent solution and is easy to site and install. The tank comes complete with an NTC sensor and pocket at the top of the tank as well as an air bleed valve/vent to help remove air from the system.

The four inlets can be used to link two heating sources and heat pumps into one heating set-up to create a hybrid system. In these cases, the buffer tank acts as a mixing module in which the heat pump acts as the primary heat source with the boiler acting as a boost or taking over once the boiler becomes less cost effective and/or efficient than the heat pump.

**Key features and benefits:**

- **Keeps maintain heat pump and back-up appliance differentials**  
Resulting in better efficiency and performance
- **4 inlets**  
Allows more system volume to be added to meet the requirements of the heat pump or to link two heat sources together in one heating circuit for a hybrid system
- **Multiple Tappings**  
Flexible system design
- **Thermally layered**  
Increased performance
- **Wall-mounted and compact**  
1172mm x 0350mm x 1350mm: for flexible siting

Wall-mounted 40 litre buffer tank key components



**Key:**

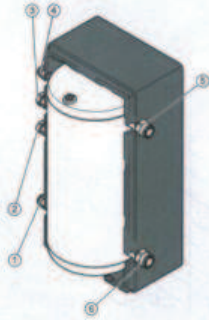
1. Air bleed vent
2. UUP connection
3. 40 litre buffer tank
4. P1 connection

Buffer tank



Wall-mounted 40 litre buffer tank connections and dimensions

Connections:



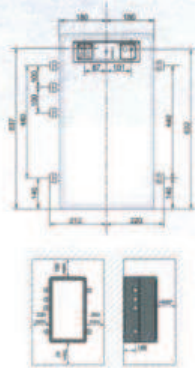
Key:

- 1. Connector G1/2"
- 2. Connector G1/2"
- 3. Connector G1/2"
- 4. Connector G1/2"
- 5. Connector G1/4"
- 6. Connector G1/4"

Dimensions:



Clearances:



Wall-mounted 40 litre buffer tank technical specifications

		VWZ MP1 40
Article number		00007865
Net weight	kg	18
Nominal capacity of tank	l	40
Maximum admissible water pressure	bar	3.0
	Max	0.3
Minimum admissible water pressure	bar	0.5
	Max	0.05

Buffer tank

Heat pump cylinders



Designed with smooth coil technology, Vaillant Heat Pump Cylinders provide a highly efficient system for your customers by producing a higher transfer of heat, better flow rates and a more effective surface area.

Heat Pump Cylinders (HPC) are a range of three highly efficient cylinders from 200, 250 and 300 litre volumes. Designed to work with our full range of aroTHERM air to water heat pumps and domestic range of geoTHERM ground source heat pumps up to 14kW. These cylinders have been designed to produce larger amounts of heat transfer from the lower flow temperatures of a heat pump. This is typically 55°C but Vaillant's superior performance can give flow temperatures as high as 63°C, ensuring the hot water tank is heated quickly and efficiently.

What's more, to reinforce our commitment, our cylinders are covered by a 25 years guarantee for the shell and a 2 year parts and labour guarantee for all other components.

Key features and benefits:

- **Three sizes available within the range**  
Suitable for a wide range of typical domestic hot water requirements.
- **Complete with unvented kit**  
Comes with product, meaning simpler order process and always meets G3 regulations.
- **Coil sizes optimised for use with Vaillant heat pump ranges**  
Designed to match producing outputs of all Vaillant air to water heat pumps and ground source heat pumps up to 14kW.
- **Extensive testing (beyond standard requirements)**  
Vaillant are committed to always leading the way with quality products.
- **Front connections**  
Meaning easy installation.
- **Optimised sensor pocket design**  
Provides simple and effective clamping of Vaillant VRD sensor for reliable and accurate information.



The range  
Available in three sizes

Description	Article number
200 litre heat pump cylinder - Supplied with unvented kit	HPC200
250 litre heat pump cylinder - Supplied with unvented kit	HPC250
300 litre heat pump cylinder - Supplied with unvented kit	HPC300

Heat pump cylinders

Technical specification

Heat pump cylinder	200 litre	250 litre	300 litre
Article number	HPC200	HPC250	HPC300
Height (mm)	190	1400	1400
Diameter (mm)	580	580	580
Mass (kg)	empty 50 full 240	55 301	61 341
Heat up from cold at boiler flow temperature	mins 21	23	21
Heat loss	kWh/24hrs 1.7	2.0	2.2
Usable volume of water when blended to 40 degrees (point of use)	deg+litre 50=250 55=281	50=256 55=286	50=265 55=291
Actual volume hot water	litre 179	209	237
Coil resistance at 1000 l/hr	mbar 197	256	256
Coil resistance at 1500 l/hr	mbar 332	431	431
Coil rating	kW 26.9	29.7	27.1
Expansion vessel capacity	litre 18	25	25
Maximum working pressure	bar 3.5	3.5	3.5
Flow	0.57l 1/2" min 22	1/2" 22	1/2" 22
Returns	0.57l 1/2" min 22	1/2" 22	1/2" 22
Hot water outlet	0.57l 1/2" min 22	1/2" 22	1/2" 22
Sensor jacks	0.57l 1/2" min 15	1/2" 15	1/2" 15

Performance data

10kW Air source heat pump							
Outside temperature	Output @ 55°C	Heat up 10-55°C (min)			10% re-heat (min)		
		Cylinder size			200l	250l	300l
Air - 5°C	9.9kW	59	68	80	41	48	56
Air - 3°C	10.3kW	57	65	77	40	48	54
Air 0°C	11.2kW	53	60	71	37	42	50
Air 3°C	11.8kW	50	57	67	35	40	47
Air 7°C	13.6kW	43	49	58	30	34	41

15kW Air source heat pump							
Outside temperature	Output @ 55°C	Heat up 10-55°C (min)			10% re-heat (min)		
		Cylinder size			200l	250l	300l
Air - 5°C	9.6kW	105	120	141	54	64	79
Air - 3°C	10.0kW	92	102	122	44	54	67
Air 0°C	10.7kW	88	100	118	42	50	62
Air 3°C	10.9kW	84	96	113	39	47	59
Air 7°C	13.8kW	60	68	80	28	33	41

20kW Air source heat pump							
Outside temperature	Output @ 55°C	Heat up 10-55°C (min)			10% re-heat (min)		
		Cylinder size			200l	250l	300l
Air - 5°C	11.6kW	133	152	179	63	76	95
Air - 3°C	11.7kW	125	142	167	58	71	87
Air 0°C	12.5kW	110	125	147	51	61	76
Air 3°C	12.6kW	103	117	138	47	57	71
Air 7°C	15.9kW	82	93	110	37	45	57

30kW Air source heat pump							
Outside temperature	Output @ 55°C	Heat up 10-55°C (min)			10% re-heat (min)		
		Cylinder size			200l	250l	300l
Air - 5°C	14.8kW	135	154	181	65	78	97
Air - 3°C	14.9kW	121	139	165	57	70	87
Air 0°C	15.0kW	108	124	148	50	61	76
Air 3°C	15.0kW	101	116	138	46	56	70
Air 7°C	19.0kW	78	89	108	35	43	54

System design considerations

When designing a heating system that utilises a heat pump, there are a number of design considerations that need to be considered.

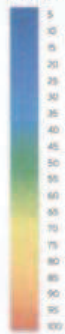
Heat loss

MCS recommend using the MS 3005 installation standard for designing a heat pump system. Systems should be specified at peak winter requirements, depending on location, to ensure year round comfort as detailed in the table below.

Location	Altitude (m)	Hourly dry-bulb temperature (°C) equal to or exceeded for 99% of the hours in a year
Belfast	66	-1.2
Birmingham	96	-1.6
Cardiff	67	-1.6
Edinburgh	35	-3.4
Walsow	3	-3.9
London	25	-1.8
Manchester	19	-1.2
Plymouth	21	-1.2

A room-by-room heating requirement test/check will then need to be carried out at the set outside temperature in order to understand the heating needs of the total property.

Altitude (m)



System design considerations

Co-efficiency of performance

As the outside air temperature drops, the amount of energy the heat pump can extract decreases, meaning the heating output will decrease to ensure end-user comfort at peak heating times.

Outdoor temp		air/HCW					
		SWR	HW	SWR	HW		
Flow 35°C	-5°C	HW	5.00	1.32	8.23	12.45	
		CoP	2.88	2.82	2.68	2.75	
	-1°C	HW	5.00	1.70	8.42	12.90	
		CoP	3.01	2.90	2.75	3.00	
	MCS 5 star system	OPC	5.00	1.61	8.25	13.20	
		CoP	3.25	3.02	2.97	3.20	
		ZPC	5.00	8.27	9.81	14.00	
		CoP	3.40	3.38	3.20	3.30	
		ZPC	5.00	8.41	10.20	14.60	
		CoP	4.82	4.75	4.25	4.46	
	Flow 45°C	-5°C	HW	5.00	1.84	1.17	15.00
			CoP	2.92	2.32	2.16	2.43
-1°C		HW	5.00	2.98	1.30	16.50	
		CoP	2.88	2.40	2.29	2.60	
MCS 4 star system		OPC	5.00	6.58	5.88	12.40	
		CoP	2.88	2.57	2.35	2.80	
		ZPC	5.00	1.20	6.38	13.10	
		CoP	2.66	2.70	2.47	2.90	
		ZPC	5.00	8.33	10.2	14.90	
		CoP	3.98	3.73	3.45	3.30	
Anything over 100% flow cannot get less							
Flow 55°C		-5°C	HW	4.31	4.40	5.61	9.90
	CoP		1.81	1.89	1.64	2.22	
	-1°C	HW	4.50	4.72	6.00	10.30	
		CoP	1.85	1.97	1.72	2.20	
	MCS 2 star system	OPC	5.00	5.37	6.70	11.20	
		CoP	2.00	2.45	1.90	2.40	
		ZPC	5.00	5.74	7.00	11.80	
		CoP	2.01	2.58	2.01	2.50	
		ZPC	5.00	7.15	9.83	13.40	
		CoP	2.53	2.97	2.86	2.65	

Planning permission

As air-to-water heat pumps are installed on the outside of the property and produce a certain level of sound (the pumps use a fan to move air which will generate noise), it must be determined if a single heat pump installation meets permitted development rules. The Valiant MCS O20 tool can help determine sound pressure levels from our full range of air-to-water heat pumps.

If the sound pressure level is 42dB(A) or above, planning permission is likely to be required. However, it is worth noting that planning permission for each county within the UK varies and that Scotland has its own rules regarding air-to-water heat pumps, which you will need to refer to.



**System 8000**

Using Table A determine the estimated heat loss from the property taking into consideration the year of build. The value in this table will determine the approximate amount of kW required from the heat pump and will indicate which air-to-water heat pump is required - see table B.

**Heat loss calculation table**

Year	Heat loss in kW - Table (A)										
	70	80	90	100	110	120	130	140	150	Total kW	
<b>No house upgrade</b>											
1970-1975	7	8	9	10	11	12	13	14	15	16	170
1976-2015	5.8	6.4	7.2	8.1	8.9	9.6	10.4	11.2	12	12.8	133.6
2016-2020	3.5	4	4.5	5	5.5	6	6.5	7	7.5	8	85.5
2021	2.8	3.2	3.6	4	4.4	4.8	5.2	5.6	6	6.4	68.8
<b>House upgrade for double glazing and wall insulation</b>											
1970-1975	5.05	5.6	6.15	6.75	7.35	7.95	8.55	9.15	9.75	10.35	108
1976-2015	4.05	4.5	5	5.5	6	6.5	7	7.5	8	8.5	90
2016-2020	2.5	3	3.5	4	4.5	5	5.5	6	6.5	7	72
2021	2.0	2.3	2.6	3	3.3	3.6	4	4.3	4.6	5	54
<b>House upgrade for double glazing, full insulation and cavity wall insulation</b>											
1970-1975	4.0	4.5	5	5.5	6	6.5	7	7.5	8	8.5	90
1976-2015	3.0	3.4	3.8	4.2	4.6	5	5.4	5.8	6.2	6.6	70
2016-2020	2.0	2.3	2.6	3	3.3	3.6	4	4.3	4.6	5	54
2021	1.5	1.7	1.9	2.2	2.4	2.7	3	3.3	3.6	3.9	42

**Table (B)**

Year	70	80	90	100	110	120	130	140	150	Total kW
1970-1975	4.0	4.5	5	5.5	6	6.5	7	7.5	8	85.5
1976-2015	3.0	3.4	3.8	4.2	4.6	5	5.4	5.8	6.2	70
2016-2020	2.0	2.3	2.6	3	3.3	3.6	4	4.3	4.6	54
2021	1.5	1.7	1.9	2.2	2.4	2.7	3	3.3	3.6	42

This calculation tool is to be used as a guide only and does not constitute a full heat loss calculation for a property. Values are for single occupancy and do not include the heating of hot water. For further information, please contact our technical support team.

Auxiliary heater required for peak heating requirements (°CPC and below)

**Accessories and spares**

**750mm flexi hose:**

Article number 0020165288

- Pre-insulated with 20mm weatherproof high-grade insulation to improve system efficiency and cut installation time
- Right angled fixing to the heat pump to minimise rear clearance
- 28mm copper compression fitting for a fast and easy installation
- 'Kink-free' bending designed to minimise the possibility of 'kinking' in the hose
- 750mm length to suit nearly all site requirements



**Raised rubber feet:**

Article number 0020175140

- Available in two sizes: 400mm in length or 600mm in length for 8kW and above - meeting all site requirements
- Raised rubber mounting that offers excellent vibration absorption to minimise noise
- Extra clearance at the base, which improves access to the condensation pipe and drainage
- Improves air flow



**Discharge vessel:**

Article number 0020145563

- Small wall-mounted vessel
- Collects heating system glycol if the PRV opens
- Ensures glycol does not discharge into the drainage system





aroTHERM hybrid systems



At Vaillant, we believe that everyone should be able to utilise renewable heating technologies, not only to protect the planet but also to benefit from savings in running costs.

Therefore, we have developed the aroTHERM hybrid system for those properties that have heat loss outside the scope of a single heat pump and/or have a relatively new heating system which can be costly to run.

Using the unique Vaillant triVIA® hybrid management system, the VRC470 control calculates the most efficient generator (the aroTHERM or gas, oil or LPG boiler) at that point in time.

Key features and benefits:

- **Unique triVIA® intelligent control system**  
Three possible energy tariffs can be entered - gives maximum cost savings
- **Total system solution**  
Available in an easy to order pack
- **Excellent green credentials**  
Provides significant carbon and energy bill savings
- **Compatible with all boiler systems**  
Gas, oil and LPG
- **Reduced maintenance costs**  
Glycol only needed in the outdoor circuit to the heat pump
- **Easy to install and commission**  
Uses the Vaillant setup wizard

System components:

- 5kW, 8kW, 11kW or 15kW aroTHERM heat pump
- VRC470 weather compensating control
- VWZ MWT ISO - heat exchanger module
- aroTHERM 40ltry buffer de-coupler module
- VR32 - controls address board for use with Vaillant boilers

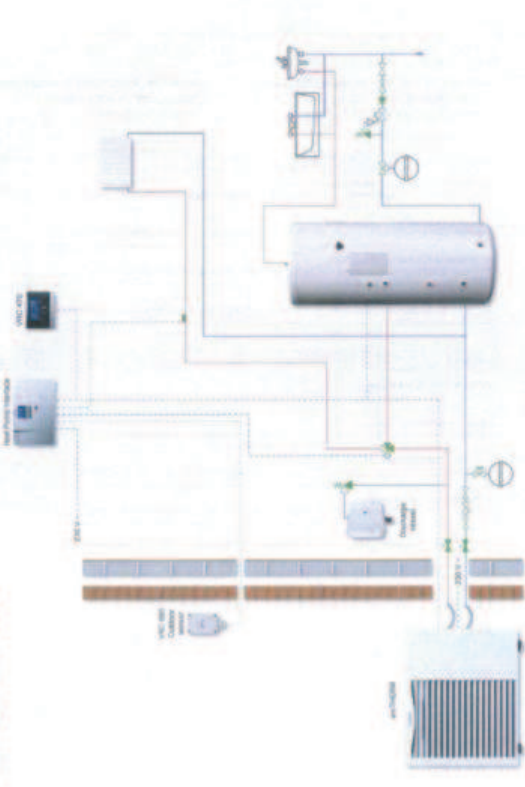
Description	Article number
aroTHERM 5kW hybrid for Vaillant boiler aroTHERM 5kW + heat pump interface + VRC470 + heat exchanger module + buffer module + VR0 + VR32/3	002019623
aroTHERM 8kW hybrid for Vaillant boiler aroTHERM 8kW + heat pump interface + VRC470 + heat exchanger module + buffer module + VR0 + VR32/3	002019672
aroTHERM 11kW hybrid for Vaillant boiler aroTHERM 11kW + heat pump interface + VRC470 + heat exchanger module + buffer module + VR0 + VR32/3	002019673
aroTHERM 15kW hybrid for Vaillant boiler aroTHERM 15kW + heat pump interface + VRC470 + heat exchanger module + buffer module + VR0 + VR32/3	002019624

Description	Article number
aroTHERM 5kW hybrid system aroTHERM 5kW + heat pump interface + VRC470 + heat exchanger module + buffer module + VR0	002019625
aroTHERM 8kW hybrid system aroTHERM 8kW + heat pump interface + VRC470 + heat exchanger module + buffer module + VR0	002019674
aroTHERM 11kW hybrid system aroTHERM 11kW + heat pump interface + VRC470 + heat exchanger module + buffer module + VR0	002019675
aroTHERM 15kW hybrid system aroTHERM 15kW + heat pump interface + VRC470 + heat exchanger module + buffer module + VR0	002019626

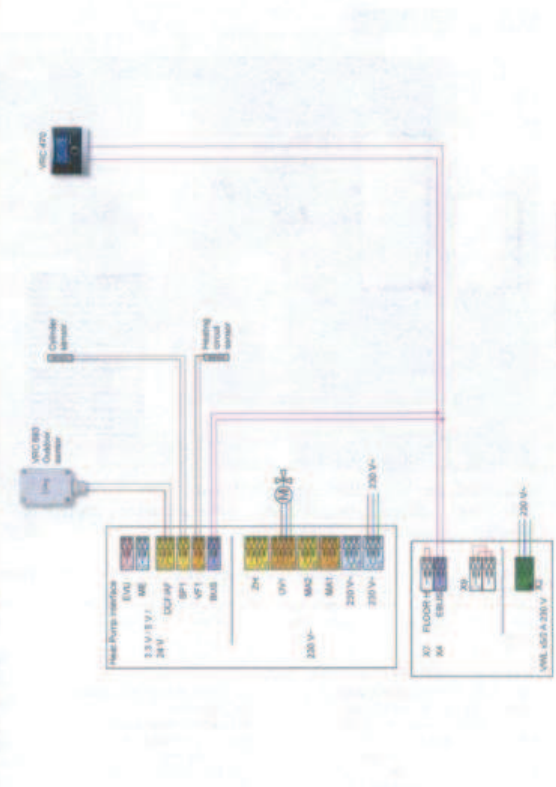
(For further information about Vaillant's hybrid systems, please refer to our hybrid brochure for more detail)

Direct single point - schematic

On first commissioning please select system No.8



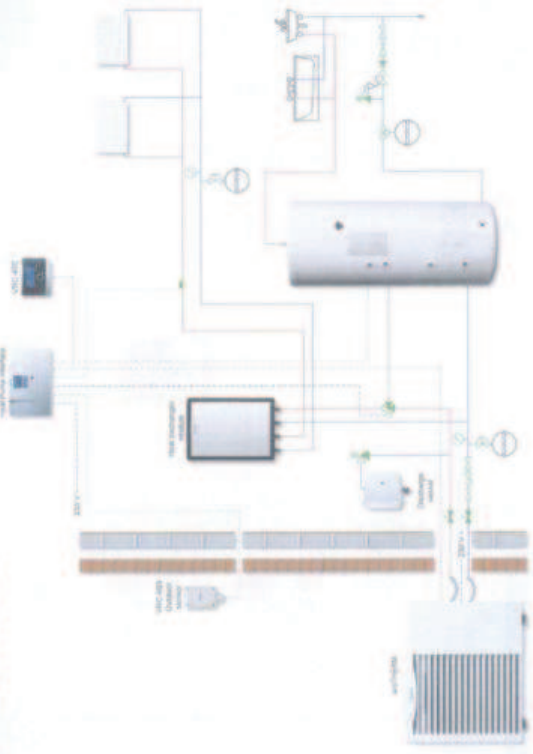
Direct single point - wiring diagram



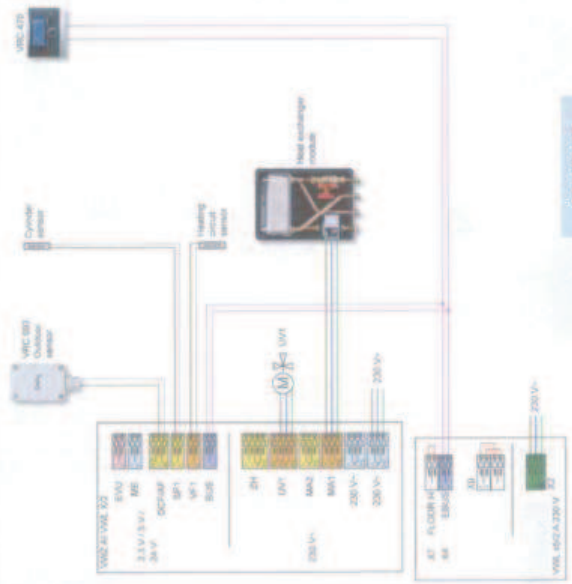
Schematics and wiring diagrams

HEX single zone - schematic

On first commissioning please select system No 10



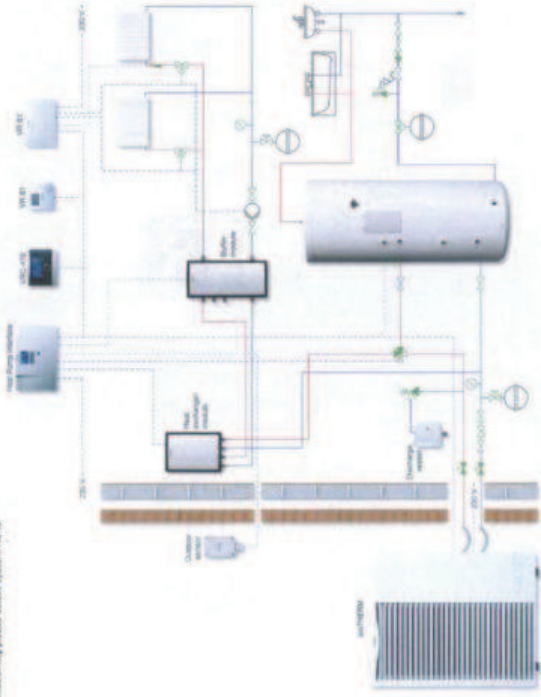
HEX single zone - wiring diagram



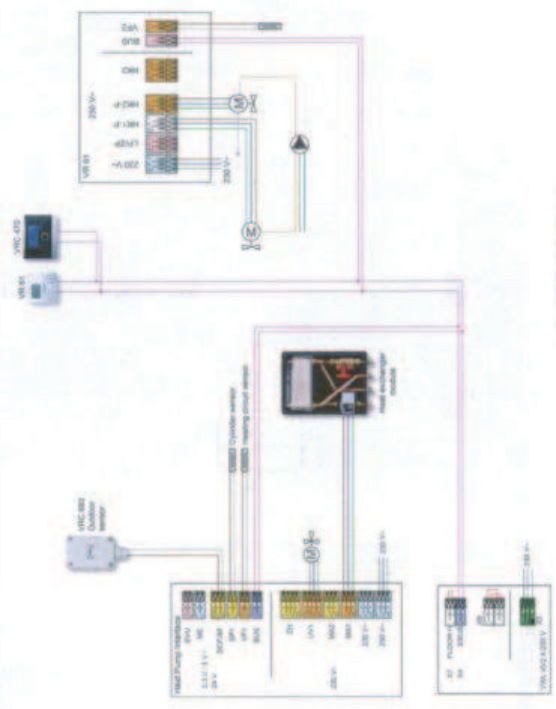
Schematics and wiring diagrams

HEK buffer, two zone - schematic

On first commissioning please select system No 10



HEK buffer, two zone - wiring diagram

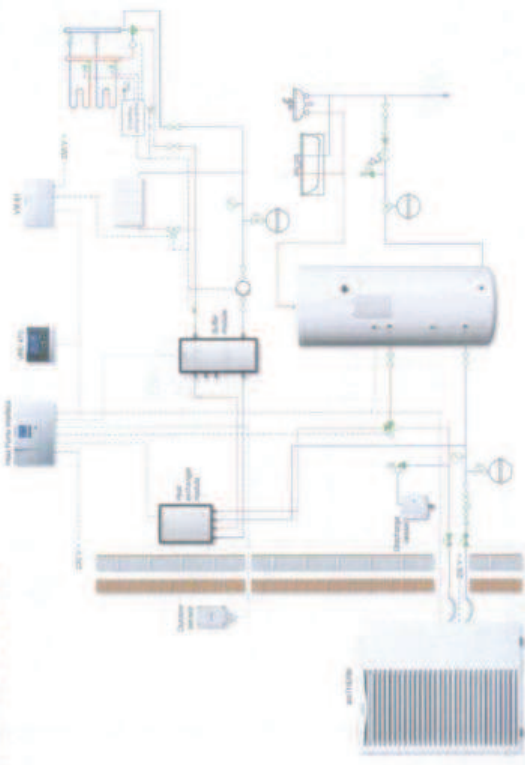


Schematics and wiring diagrams

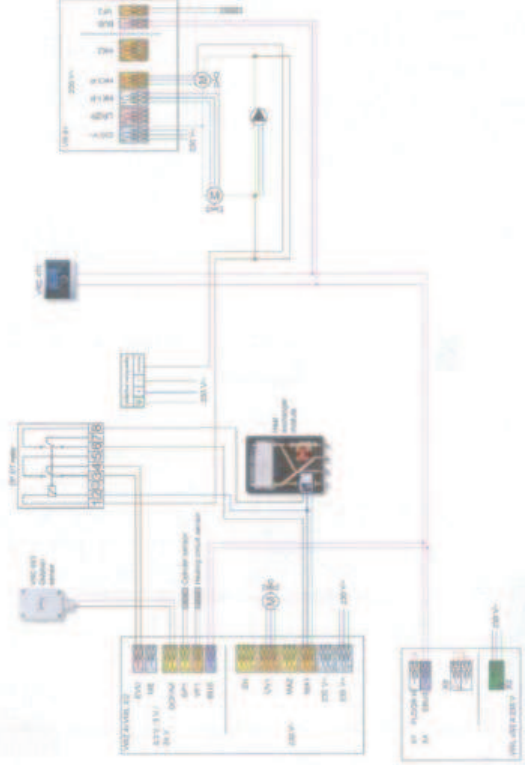
The TECHNICAL Structure

HEX 4000 and 4000 L Series - Schematics

Do not commission please select system No. 0



HEX 4000 and 4000 L Series - Wiring Diagram

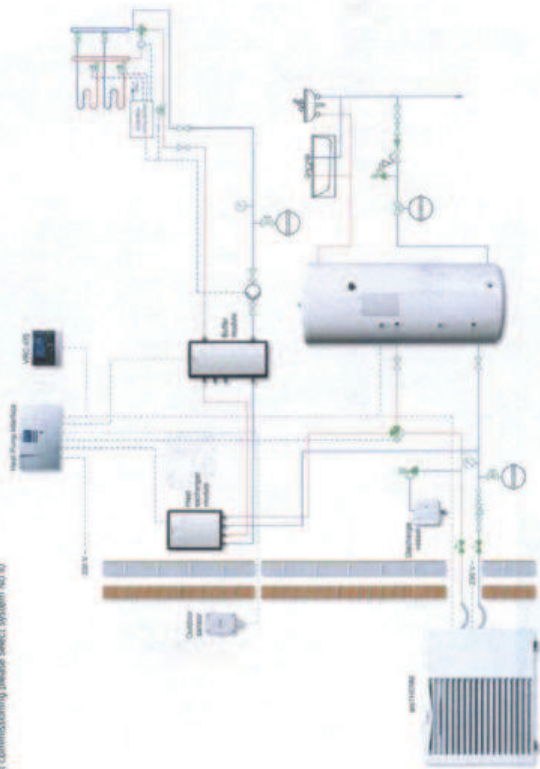


Schematics and wiring diagrams

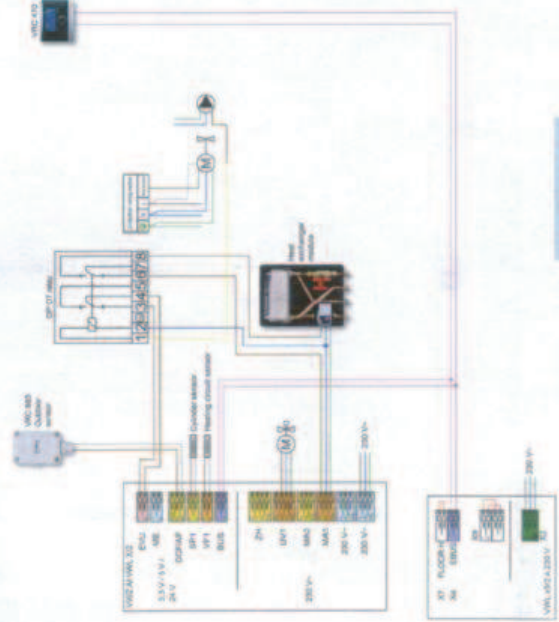


HEX buffer with UF zone-schematic

On first commissioning please select system No 10



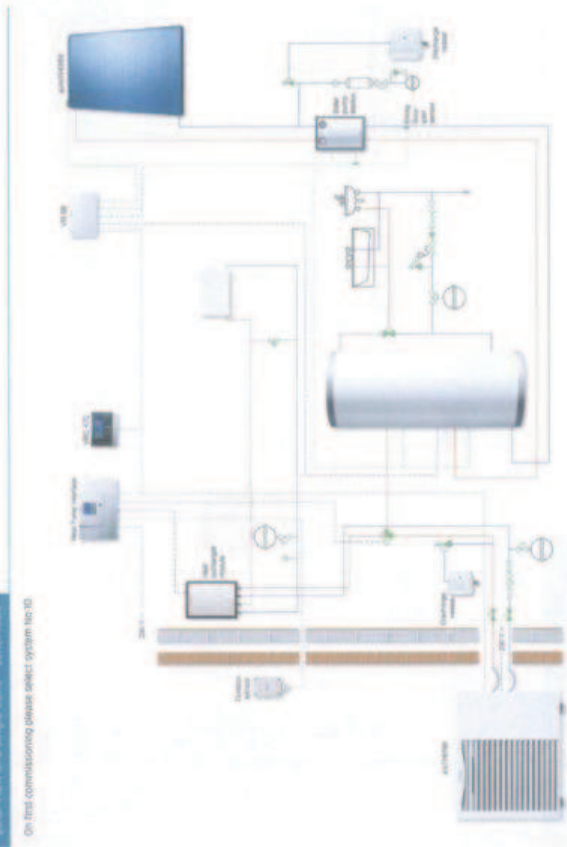
HEX buffer with UF zone-wiring diagram



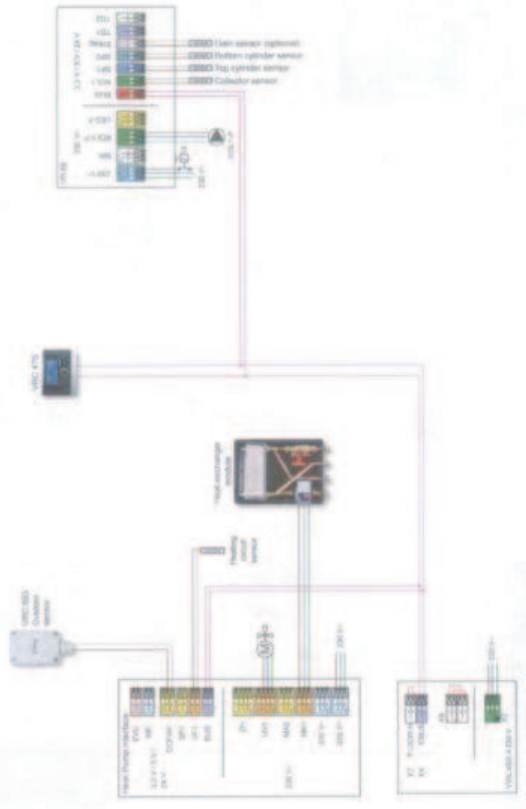
Schematics and wiring diagrams

Single HX with single zone - schematic  
On first commissioning please select system No.10

The TECHNICAL brochure



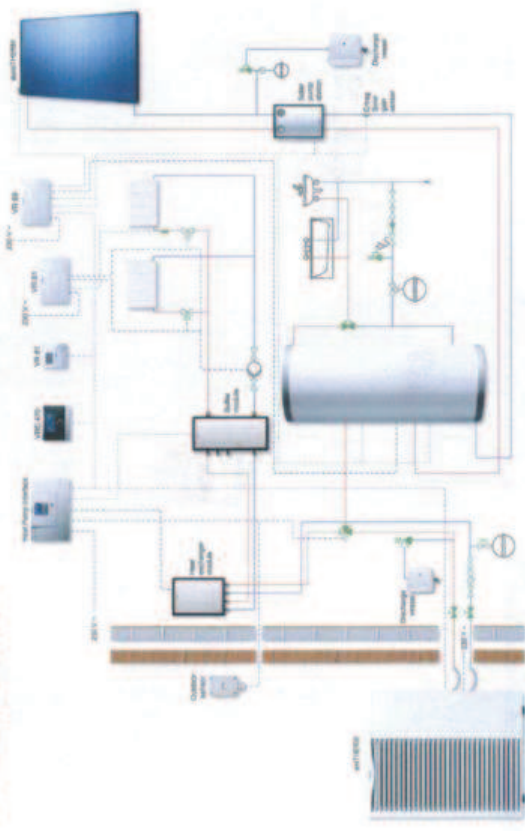
Single HX with three zone - wiring diagram



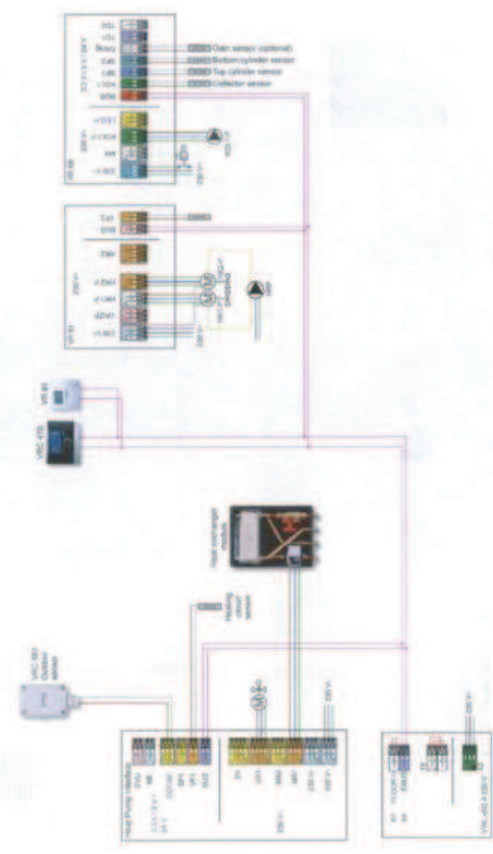
Schematics and wiring diagrams

**Solar-HEX buffer and bus zone - schematic**

On first commissioning please select system No 10



**Solar-HEX buffer and bus zone - wiring diagram**



Training - setting the standard



As the industry's leading training provider, Vaillant offer comprehensive training courses designed to give you the skills, knowledge and understanding to help take your business forward.

Each year we train thousands of professionals and we're continually developing and improving our training programmes and facilities to provide a service that matches your requirements. Each one of Vaillant's training courses is based on practical and hands-on experience and backed up by qualified, expert tuition to help you improve your skills and in turn increase your profit. We can even tailor courses to suit your company's individual training needs.

Our training is provided at Vaillant's own Centres of Excellence, situated throughout the country to ensure, wherever you are, there's a centre within easy reach. These spacious, state of the art facilities offer a comfortable and superbly equipped training environment that also gives you a unique opportunity to find out more about Vaillant's full range of services and any upcoming product developments.

For more information on our courses or to visit one of our Centres of Excellence:  
 Call 0845 601 8885  
 email [training@vaillant.co.uk](mailto:training@vaillant.co.uk)  
 or visit [www.vaillant.co.uk/trade/training](http://www.vaillant.co.uk/trade/training)

Vaillant Advance

Your opportunity to go further with Vaillant.



Become a Vaillant Advance Partner.

When you sign up to Vaillant Advance, you're not just joining a loyalty programme, you're linking up with the UK's number one heating and renewables manufacturer. A business that's set the standard in the heating market for more than 139 years.

**What benefits can I expect?**  
 As a Vaillant Advance Partner, you not only get to provide your customers with industry-leading product solutions, you also get to enjoy great business benefits as well as earn Advance Points to redeem against a huge online catalogue of rewards.

Part Number	Points
anr1431M	4000

- If you install boilers you will get extended guarantees.
  - **7 years** on ecoTEC plus and ecoTEC exclusive.
  - **5 years** on ecoTEC pro
  - **FREE** product training at our market-leading nationwide Centres of Excellence
  - **Up to 25%** discount on selected accredited training courses (BPEC, F-Gas, etc.)
  - **FREE** homeowner advertising on Vaillant's websites
  - **Quick** and easy claiming process for both guarantee and Advance Points registration
  - **Reduced** paperwork and administration
- How can I join the programme?**  
 You can apply online at [www.vaillant-advance.co.uk](http://www.vaillant-advance.co.uk) or by calling 01908 214 884



The Vaillant service standard



Our dedicated team of specialist engineers is currently the most qualified team supporting any manufacturer in the UK. Backed by an expertly trained call centre, they're available to assist you whenever you're installing renewable products. We also have an in-house systems design team, who are on hand to answer any queries you may have during design stage.

**System design**

Good designs are incredibly important. If you are going to get the highest level of efficiency and payback from a renewable system. Our award-winning expert design service is completely tailored to suit your individual site requirements. Using the latest state of the art CAD technology, we provide high quality designs supported by full indemnity cover. Our expert system technologies team will also provide planning and on-site support for even the most unique and challenging of renewable projects.

**Straightforward delivery**

We will deliver your renewable system anywhere you want, be it directly to the site or to the local trade counter where you placed your order. To make sure that the site is ready to accept the delivery, we will call when we are one hour away from the delivery destination and will arrive with all the correct lifting equipment to ensure that the product is safely transferred to site - it couldn't be easier!

**Assisted commissioning\***

Service engineers will visit the installation and guide you through the first system commissioning, helping with the final stages and the handover of the installation as needed.

**Spares**

We have a network of dedicated spare part distributors in over 680 outlets across the UK. Each stockist has been approved by us and commits to hold the majority of Vaillant spares requirements at any one time; otherwise the products are only a phone call away.

**Full local support**

Our nationwide sales team provides installers and specifiers with expert support from beginning to end.

\*A charge may apply for this service

Service and support

Notes

Notes

You will find the relevant article numbers referenced throughout this brochure. However for ease of ordering, all aroTHERM system components are summarised below:

Article number	Variant parts
00209629	aroTHERM BW
002095478	aroTHERM BW
002095479	aroTHERM BW
002096252	aroTHERM BW
002048563	Discharge vessel
002077865	40lrs buffer tank
002043800	Heat exchanger module (HEM)
002045030	BW mine back up heater
002075140	Anti-vibration rubber mounting feet
002065288	Fiber ropes
HPC200	250 litre heat pump cylinder
HPC250	250 litre Heat pump cylinder
HPC300	300 litre Heat pump cylinder
00209333	VWB/2
00209853	VWB
00209859	VWB
Article number	aroTHERM hybrid systems*
002096233	BW aroTHERM hybrid system pack (for a Vaillant boiler)
002098072	BW aroTHERM hybrid system pack (for a Vaillant boiler)
002098073	BW aroTHERM hybrid system pack (for a Vaillant boiler)
002096234	BW aroTHERM hybrid system pack (for a Vaillant boiler)
002096235	BW aroTHERM hybrid system pack
002098074	BW aroTHERM hybrid system pack
002098075	BW aroTHERM hybrid system pack
002096236	BW aroTHERM hybrid system pack

\* Vaillant hybrid systems do not include a boiler.



Notes

Notes

Notes

50

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#### General Enquiries

If you are unsure of who you need to speak to or have a general enquiry, our friendly staff will happily point you in the right direction.  
Telephone: 0845 602 2922

#### Installers

For installers wishing to purchase Vaillant products, this is possible either over the counter or as a next day service at most plumbing and heating merchants in the UK.

To find contact details for your nearest Vaillant sales representative:  
Telephone: 0845 602 2922

#### Technical Enquiries

For technical assistance:  
Telephone: 0844 693 3133  
Email: [technical@vaillant.co.uk](mailto:technical@vaillant.co.uk)

#### Training Enquiries

For information on training courses and centres in your area:  
Telephone: 0845 601 8855  
Email: [training@vaillant.co.uk](mailto:training@vaillant.co.uk)

#### Bespoke Design Service

For more information contact your local sales representative.

#### Renewable Technologies Division

For more information on our dedicated Renewable Technologies Division engineers:  
Telephone: 0844 736 0049  
Email: [renewablesaftersales@groupservice.co.uk](mailto:renewablesaftersales@groupservice.co.uk)

#### Renewables Service

For renewables products servicing and commissioning:  
Telephone: 020 7022 0928

Vaillant Group UK Ltd.  
Nottingham Road, Belper, Derbyshire DE56 1JT  
Telephone: 0845 602 2922 [www.vaillant.co.uk](http://www.vaillant.co.uk) [info@vaillant.co.uk](mailto:info@vaillant.co.uk)



WHE000 | 11.010.2014

# Agenda Item 8

## RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 23 JUNE 2015

#### Report of the Head of Planning

##### Home Farm, Cropton

##### Change of Use and alteration of outbuildings to form 1 no. two-bedroom dwelling (Reference 09/00447/FUL)

#### Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

#### **1. SITE LOCATION**

The site is located within the development limits of the village of Cropton. The building in question is located to the rear of Home Farm which is located on the eastern side of High Street. A plan showing the location of the site is appended to this report.

Planning permission was granted on 5th August 2005 for the abovementioned change of use and alteration of the outbuildings to form 1 no. two bedroomed dwelling Ref. 09/00447/FUL. The planning permission granted was subject of officer negotiations which resulted in some design changes to the scheme, most notably the omission of chimney stacks and their replacement with flues, the omission of one ground floor window and where rooflights were proposed that these would be 'conservation' style rooflights. A copy of the approved revised plan is also appended to this report for Members information.

#### **2. ALLEGED BREACH OF PLANNING CONTROL**

Insertion of rooflights and vents/flues on the northern roof slope of the building – not in compliance with the submitted forms.

#### **3. WHEN ALLEGED BREACH FIRST OCCURRED**

The Council was notified of the abovementioned complaint by a local resident on the 28th November 2014. The complainant was first visited by the Councils Planning Enforcement Officer on 16th December 2014 and an external inspection of the building confirmed 4 'rooflights' in situ and an opening for a flue on the northern roof slope.

On 18th December 2014 a letter was sent to the site owner to arrange a meeting to undertake a more detailed inspection the outbuildings and a site meeting was held with the property owner on 13th January 2015.

At this meeting the owner advised the enforcement officer that the approved plans in fact showed flues on the north elevation the 'rooflight' windows were added for additional light.

A further inspection has revealed that the openings are not 'conventional' rooflights. The openings are fixed and contain an inner 'sun tube' which cannot be utilised as a conventional window. The openings are also located at a high level within the roof slope (in excess of 2 metres above internal floor level) which means there is no possibility of overlooking from the opening onto the adjacent site.

#### **4. PLANNING POLICY CONTEXT**

Policy SP2 - Delivery and Distribution of New Housing

Policy SP12 - Heritage

Policy SP16 - Design

Policy SP20 - Generic Development Management Issue

#### **5. APPRAISAL**

Planning permission was granted for the change of use of the outbuildings in 2009 under the former Ryedale Local Plan (Adopted 2002). The abovementioned Ryedale Plan - Local Plan Strategy policies are also relevant and in part repeat the policies contained in the earlier development plan. Policies SP16 and SP20 are of particular relevance and are appended in full for Members information.

Policy SP20 requires new development to respect the character and context of the immediate locality and that extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in levels of scale, form and use of materials. New development is also required not to have a material adverse impact on uses or occupants of neighbouring land or the wider community.

In this instance the insertion of the single flue is not considered to be a breach of planning control, having been shown on the approved amended plans.

The 'rooflights / sun tubes' were not shown on the approved plan. However, they are small in scale and set at a high level in the roofslope. Their design is such that there is no adverse impact on any adjacent occupiers amenity arising from possible overlooking/ loss of privacy. The site is not located in a designated Conservation Area and the building is not afforded any other special protection. The northern roofslope of the building is not easily visible from the street scene although views of the roofslope can be seen from the rear of the village hall, approximately 15 metres further to the north of the site.

The design and appearance of the buildings as altered is therefore considered to be acceptable in planning terms.

Photographs of the building and its surroundings will be displayed at the meeting for Members information.

In this instance (whilst it appears that the development has taken place not strictly in accordance with the approved plans) it is considered to be acceptable in planning terms. It is not therefore expedient to pursue this matter any further

**Recommendation**

No further action to be taken in respect of this breach of control.

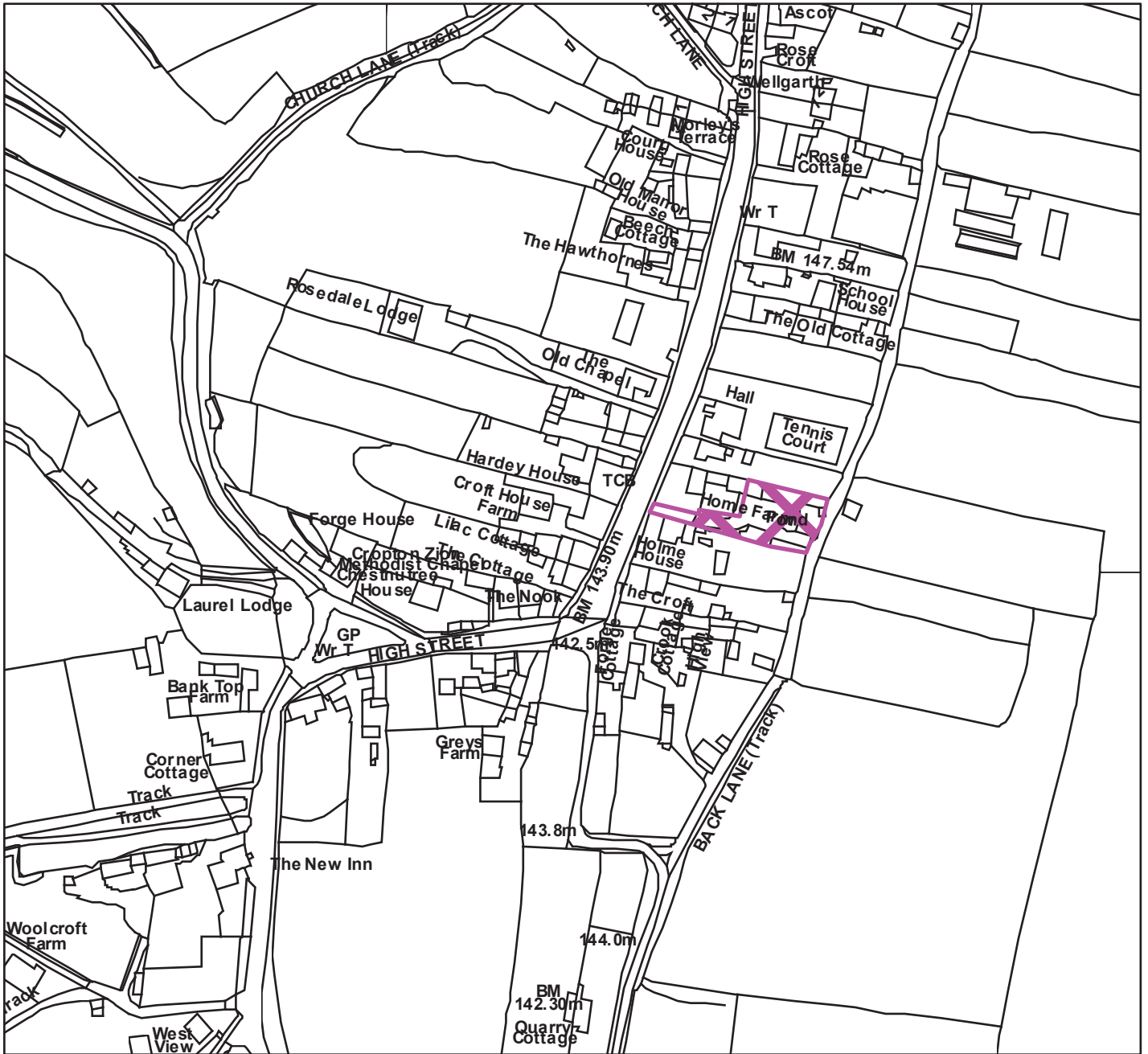
**Background Papers**

Ryedale Local Plan (Adopted 2002)  
Ryedale Plan - Local Plan Strategy (Adopted Sept 2013)  
Planning Application File 09/00447/FUL  
Investigation File 14/00096/CU

Head of Planning  
June 2015



Not Set



**Scale:** 1:2,500

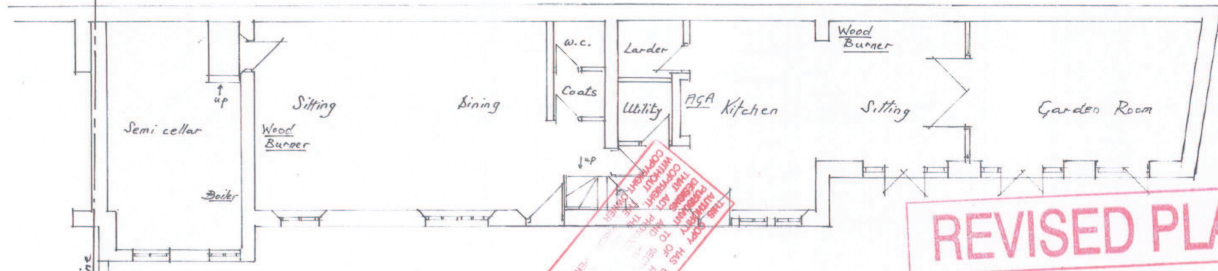
Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	19/05/15
MSA Number	Not Set



Proposed South Elevation



Proposed Ground Floor Plan

Proposed conversion of Out buildings to form a dwelling for Mr & Mrs. C. J. ELLMORE at Home Farm, Cropton.  
 Amendment to Proposal Sug. No 1.  
 1<sup>st</sup> August 2009

THIS PLAN HAS BEEN APPROVED FOR THE PROPOSED WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CONDITIONS OF THE PLANNING PERMISSION GRANTED BY THE LOCAL AUTHORITY ON 11<sup>th</sup> AUGUST 2009. THE WORKS MUST BE COMPLETED BY 31<sup>st</sup> AUGUST 2010. ANY WORKS CARRIED OUT AFTER THIS DATE WILL BE AT THE OWNER'S RISK.

**REVISED PLAN**

RYEDALE D.C.  
 - 4 AUG 2009  
 DEVELOPMENT CONTROL

Notes  
 Chimney stacks omitted. Flues added.  
 Water falling to garden omitted.  
 Window to R.H. side main entrance omitted.  
 All rooflights throughout to be conservation rooflights.



### SP16 Design

Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

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

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- Topography and landform that shape the form and structure of settlements in the landscape
- The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale
- The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings
- The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement
- Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures
- The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail

The design of new development will also be expected to:

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space
- Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking
- Reduce crime and the fear of crime through the careful design of buildings and spaces



- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces
- Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context
- Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated

Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and in considering proposals for the alteration, re-use or extension of individual historic buildings the Council will seek to ensure that:

- A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character
- Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building
- Appropriate materials and traditional construction methods and techniques are used



### **SP20 Generic Development Management Issues**

#### **Character**

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses

Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses

The cumulative impact of new development on the character of an area will also be considered

#### **Design**

The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials

#### **Amenity and Safety**

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance



# Agenda Item 9

RYEDALE  
DISTRICT  
COUNCIL



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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>23 JUNE 2015</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND HOUSING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>THE RYEDALE LOCAL DEVELOPMENT SCHEME</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## EXECUTIVE SUMMARY

### 1.0 PURPOSE OF REPORT

- 1.1 For Members to agree production milestones for the completion of the Ryedale Plan to be included in a revised Local Development Scheme (LDS). This is to reflect the anticipated adoption of the Helmsley Plan in July 2015 and to revise the schedule for production of the Local Plan Sites Document and the Community Infrastructure Levy Charging Schedule.

### 2.0 RECOMMENDATION

- 2.1 It is recommended that:

- (i) The Ryedale Local Development Scheme be updated to reflect the anticipated adoption of the Helmsley Plan and revised to reflect the timetable for the production of the remaining local development documents as outlined in paragraphs 6.3, 6.5 and 6.7 of this report.

### 3.0 REASON FOR RECOMMENDATION(S)

- 3.1 To progress the production of the Ryedale Plan and associated documents, and ensure statutory consultation requirements are met.

### 4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with this report. Risks to the delivery of the Plan in accordance with the timetable included in the Local Development Scheme (LDS) are outlined in the LDS.

## **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 It is a statutory requirement for a Local Planning Authority to have in place an up to date Local Development Scheme. The LDS sets out the documents that a Local Planning Authority will produce as part of its Development Plan and establishes a timetable for doing so. It provides information on the adopted documents which constitute the Development Plan and provides information on the status of other supporting documents.
- 5.2 One of the key legal compliance tests at an examination of a Development Plan Document is that the document is produced in accordance with the Local Development Scheme.

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 Members are aware that there were three outstanding Development Plan Documents to be completed to make the Ryedale Plan. These are: the Local Plan Sites Document, the Policies Map and the Helmsley Plan.
- 6.2 The Council's existing LDS was revised in January 2015. This report seeks approval to update the LDS to reflect the following:

Helmsley Plan

- 6.3 The current LDS anticipated the adoption of the Helmsley Plan in September 2015. On reflection this was a cautious estimate as the Council will be in a position to consider the adoption of the plan at the meeting of Council on the 9 July 2015. An update of the LDS will allow the adoption of the document in accordance with the LDS.

Community Infrastructure Charging Schedule

- 6.4 The current LDS scheduled the submission of the Community Infrastructure Levy Charging Schedule for the spring. Following discussions with the Planning Inspectorate regarding the availability of examination dates, the submission of the document will be in June 2015. An update of the LDS will enable the submission to take place in accordance with the LDS.

- 6.5 The milestones for the production of the CIL charging schedule are:

Submission: June 2015

Approval (adoption): October 2015

Sites Document and Policies Map

- 6.6 The current LDS schedules the publication of these documents in May 2015 and with submission in October of this year. The publication milestone has not been achieved and this has consequential implications for the submission date. This is largely as a result of the fact that staff resources have had to continue to be aligned to the production of the CIL Charging Schedule and Helmsley Plan.

The CIL process has taken longer than anticipated as a result of some problems with the technical calculations in the consultant's modelling. The production of the Helmsley Plan was extended following the suspension of the examination process by the Inspector to allow further work on the deliverability of sites. Members will be aware that this led to the Council agreeing to Compulsory Purchase (CPO) land at the town. The CPO process has also resulted in significant demands on officer time. Consequently Officers have not been able to work solely on the preparation of the Sites Document and Policies Map which the production milestones in the current LDS had not anticipated.

6.8 The production of the Local Plan Sites Document is a priority for the authority and will be the core area of work for the Forward Planning Team over the next two years. The Policies Map will also be prepared in tandem with the LPSD. Pre-publication informal consultation on the sites will be undertaken in July for six weeks which will then be followed by consultation on site-specific protection policies.

6.7 Revised milestones for the production of the Local Plan Sites Document and Policies Map are proposed as follows:

Publication: February 2016

Submission for Examination: August 2016

Adoption: July 2017

## **7.0 IMPLICATIONS**

7.1 The following implications have been identified:

- a) Financial  
the costs producing the Ryedale Plan and supporting documents are included in existing budgetary provisions.
- b) Legal  
there is a legal requirement to keep an up to date Local Development Scheme.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
no other direct implications have been identified.

## **8.0 NEXT STEPS**

8.1 The Local Development Scheme will be revised and made available on the Council's website.

**Gary Housden**  
**Head of Planning and Housing**

**Author:** Rachael Balmer, Forward Planning Officer  
**Telephone No:** 01653 600666 ext: 357  
**E-Mail Address:** rachael.balmer@ryedale.gov.uk

**Background Papers:**

The Ryedale Local Development Scheme January 2015

**Background Papers are available for inspection at:**

<http://www.ryedaleplan.org.uk/other-documents/local-development-scheme>

# Agenda Item 10

RYEDALE  
DISTRICT  
COUNCIL



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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>23 JUNE 2015</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND HOUSING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>ADOPTION OF THE HELMSLEY PLAN</b>
<b>WARDS AFFECTED:</b>	<b>HELMSLEY</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To present the Inspector's report on the examination into the Helmsley Plan and to recommend that the Plan is adopted as part of the Development Plan for the District.

### **2.0 RECOMMENDATION**

- 2.1 That Council is recommended to:

(i) Adopt the Helmsley Plan as part of the Development Plan for the District

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 To provide certainty in the planning/ decision making process.

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks associated with the adoption of the Plan. The Plan has progressed through a formal examination and has been found sound and capable of adoption by a Planning Inspector.

### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 On adoption, the Helmsley Plan would be the formal development plan for the Town. The Plan is aligned to strategic policies in the Ryedale Plan Local Plan Strategy as well as strategic policies in the North York Moors National Park Core Strategy and National Park Management Plan. On-going consultation and involvement has informed the preparation and examination of the Plan.

## REPORT

### 6.0 REPORT DETAILS

Members will be aware that work commenced on the preparation of the Helmsley Plan in July 2011 and that the plan has been produced jointly with the North York Moors National Park Authority. The Helmsley Plan allocates sufficient land to accommodate approximately 190 new dwellings (in addition to existing commitments) and up to 1.9ha of employment land to meet requirements for the town up to 2027. It also contains a suite of policies to guide various forms of development and to manage change at the town.

6.1 The various stages of preparation and consultation on the Helmsley Plan have included:

- Discussion Paper for consultation, January 2012
- Draft Version, June to August 2013
- Publication Version, January to March 2014
- Submission to the Secretary of State, May 2014
- Examination, March 2015
- Consultation on Proposed Modifications, March and April 2015
- Inspector's Report 28 May 2015

6.2 The formal consultation on the Publication version of the Helmsley Plan took place between 24<sup>th</sup> January and 7<sup>th</sup> March 2014. In total 20 responses were received to the consultation which were broken down into 165 individual comments. The examination of the Plan was delayed to allow time to deal with issues relating to deliverability of sites to the south east corner of the Town. Members will be aware that in this respect, this Council is taking action to compulsory purchase two sites in the south-east corner of the Town to ensure their deliverability for the uses intended by the Helmsley Plan. Following a 6 month suspension of the examination a hearing session was held on 3 March 2015 at the National Park offices in Helmsley.

6.3 At the hearing session the Inspector asked the Authorities to consult on a number of proposed modifications which were considered necessary to make the Plan sound. A schedule of the proposed modifications was prepared and was subject to public consultation from 18 March to 29 April 2015. Following the Ministerial Statement 'Planning update March 2015' and subsequent enactment of the Deregulation Act 2015 further amendments were made to the published schedule of main modifications to take into account the implications of these changes in Government Policy. The modifications are attached as an Appendix to the Inspector's letter which is reproduced at Appendix 1 to this report and in summary are:

- Amendments to the housing policies which removes information on phasing and the provision of bungalows;
- Amendments to the requirement for affordable housing obligations to bring into line with recent changes to Government Policy;
- Amendment to the policy on employment to clarify appropriate use classes;
- Amendments to the policies on community facilities, retail and green infrastructure to provide further clarification;
- Amendments to the policy on renewable energy to reflect changes to government policy guidance;



- Amendments to the policy on telecommunications to provide further clarification; and
- Removal of the design briefs from the main document to an appendix.

6.4 The Inspector's report was received on 28 May 2015. The Inspector has concluded that the CPO action taken by the Council has allayed his concerns about the deliverability of two of the proposed land allocations. He has confirmed that with the recommended main modifications put forward by the Authorities the Helmsley Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. The revised version of the Plan proposed for adoption with the modifications incorporated is attached at Appendix 2.

6.5 It is understood that the North York Moors National Park Authority's Planning Committee will consider the adoption of the Plan at a meeting on the 23 July 2015.

## 7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

The costs associated with the production of the Helmsley Plan are accounted for in the service budget.

b) Legal

Under the Town and Country Planning Act Regulations any person aggrieved by the local plan may make an application to the High Court within 6 weeks of the formal adoption date. High Court challenges may be made on the grounds that the document is not within the appropriate power or a procedural requirement has not been complied with.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

The Helmsley Plan has been prepared in line with the Town and Country Planning (Local Planning) (England) Regulations 2012. Once formally adopted the Helmsley Plan will become part of the Authority's Development Plan and planning applications in Helmsley must be determined in accordance with its policies unless material considerations indicate otherwise.

## 8.0 NEXT STEPS

8.1 If Council is minded to adopt the Helmsley Plan the necessary legal notification will be made.

**Gary Housden**  
**Head of Planning and Housing**

**Author:** Jill Thompson, Forward Planning Manager

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E-Mail Address: [jill.thompson@ryedale.gov.uk](mailto:jill.thompson@ryedale.gov.uk)

**Background Papers:**

Helmsley Plan consultation material and examination documentation

**Background Papers are available for inspection at:**

[www.ryedale.gov.uk](http://www.ryedale.gov.uk) [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)



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# **Report to Ryedale District Council and North York Moors National Park Authority**

**by Patrick T Whitehead DipTP(Nott) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 28<sup>th</sup> May 2015**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO HELMSLEY PLAN**

**LOCAL PLAN**

Document submitted for examination on 16 May 2014

Examination hearing held on 3 March 2015

File Ref: PINS/W9500/429/6

## Abbreviations Used in this Report

AA	Appropriate Assessment
CS	Core Strategy
DtC	Duty to Co-operate
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
NYCC	North Yorkshire County Council
NYMCS	North York Moors Core Strategy
NYMNP	North York Moors National Park Authority
OAN	Objectively Assessed Need
RDC	Ryedale District Council
RLPS	Ryedale Local Plan Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHMA	Strategic Housing Market Assessment

## **Non-Technical Summary**

This report concludes that the Helmsley Plan Local Plan provides an appropriate basis for the planning of the town of Helmsley, providing a number of modifications are made to the plan. The Ryedale District Council and the North York Moors National Park Authority have specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Authorities. Where necessary I have amended detailed wording and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Amendments to Policy H1 updating the content, removing phasing information, and requirements relating to type of dwellings;
- Amendment to Policy H2 supporting text for clarification;
- Amendment to Policy H3 to provide consistency with national policy;
- Amendment to Policy H4 to clarify employment purposes;
- Amendments to Policies H6 and H7 to provide precision;
- Amendments to Policy H10 and supporting text to reflect new Government policy guidelines;
- Amendments to Policy H11 and supporting text to provide clarity of purpose;
- Amendments to Policy H14 and supporting text to provide consistency with policies in core strategies and
- Removal of design briefs to an appendix.

## Introduction

1. This report contains my assessment of the Helmsley Plan Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Authorities have submitted what they consider to be a sound plan. The basis for my examination is the submitted draft plan (May 2014) which is the same as the document published for consultation in January 2014.
3. My report deals with the main modifications that are needed to make the Plan sound and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Authorities requested that I should make any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted (letter dated 23 February 2015). These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearing. Following these discussions, the Authorities prepared a schedule of proposed main modifications and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. The Authorities have proposed some amendments in the light of those responses and I have also made some amendments to the detailed wording of the main modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report, and distinguished them by bold italic text in the schedule of main modifications.
5. Following the ministerial statement: 'Planning update March 2015' (<http://www.gov.uk/government/speeches/planning-update-march-2015>) and the subsequent enactment of The Deregulation Act 2015, amendments were made to the published schedule of main modifications [doc PS4 - 12 March 2015 version] to take into account any implications of this change in Government policy. Specifically these are concerning the withdrawal of the Code for Sustainable Homes and the exemption for small housing sites from the allowable solutions element of the zero carbon homes target. None of these amendments [doc PS5] significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where appropriate, I have taken account of additional responses.
6. References in square brackets [ ] are to documents forming the supporting information to the submitted draft plan.

## Assessment of Duty to Co-operate

7. Section s20(5)(c) of the 2004 Act requires that I consider whether the Authorities complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
8. The Helmsley Plan was conceived prior to the DtC. However, it is a result of the two Authorities cooperating on the production of a single plan for the town. The evidence presented [doc PD2] indicates that the Helmsley Plan does not raise any strategic cross-boundary issues beyond the areas of the two Authorities. Nevertheless the document shows that all key authorities and organisations have been fully engaged in the process and have been given adequate opportunity to influence the Plan. No cross-boundary issues have been identified and no neighbouring authorities have made representations objecting to the Helmsley Plan. It is also clear that there has been on-going liaison and co-operation with the nominated statutory bodies resulting in changes to the draft Plan prior to submission. Accordingly, the Authorities have met the requirement under the DtC. No evidence has been presented to the examination to suggest otherwise.

## Assessment of Soundness

### Preamble

9. The Helmsley Plan is identified by the Authorities as an allocation document which seeks to deliver the strategic levels of development set out for Helmsley in the RLPS [doc RDCD1] which sets the level of housing provision for Helmsley at approximately 150 dwellings (5% of the total provision) up to 2027. So far as the National Park Authority is concerned, the UK Government Vision and Circular 2010 [doc KND1] indicates that NPAs "*..have a key role as planning authorities but are neither housing authorities nor housing providers*" (para 76). Clarification was provided at the hearing, suggesting that NPAs do have to follow NPPF guidance, and current legal advice is that they do have to go through the SHMA process.
10. The NYMCS [doc NYMD1] does state that the Authority has historically permitted open market housing in the larger settlements on the periphery of the Park, and Core Policies B and J include the provision of additional open market and affordable housing in Helmsley which is identified as a Local Service Centre. The overall level of completions, focussed on the Local Service Centre and Service Villages, is anticipated at around 26 units per annum (para 9.6).
11. It is normal practice for the submitted plan to be accompanied by a map to show how the existing Policies Map accompanying the adopted Local Plan will be changed. However, in this instance the authorities have produced a complete submission version Policies Map to accompany the Plan (Appendix 2).



## Main Issues

12. Taking account of all the representations, written evidence and the discussions that took place at the examination hearing I have identified 7 main issues upon which the soundness of the Plan depends.

### Issue 1 – Housing land allocations

#### Overall housing requirement

13. The RLPS [doc RDCD1] was adopted in 2013 and so provides an up-to-date indication of the housing requirement. The Plan sets a District wide target of 200 dwellings per annum to meet the OAN, which includes meeting some of the needs of the National Park within the District. The majority of this new housing will be located in the Principal Towns of Malton and Norton with 5% of the total planned supply directed to Helmsley. This equates to the 150 dwellings required for Helmsley over the Plan Period ( para 5.3) through small and medium sized extension sites as shown in Section 4 Housing, p52 of the RLPS. The RLPS does not support a position whereby over the Plan Period the scale of new housing development would significantly exceed the cumulative housing target (para 4.21).
14. The figure of 150 dwellings equating to 5% of the total for the District was found sound by the Inspector at the Examination into the RLPS and overall, he concluded that *"..it establishes an effective, deliverable positively prepared and soundly based strategy for Ryedale"*. There is no justification for revisiting the basis of the OAN and the allocation document is not the appropriate place to do this, as has been established by the courts (*Gladman Development Ltd v Wokingham Borough Council* [2014] EWHC 2320 (Admin)).
15. The RLPS also addressed the NPPF requirement that LPAs should *"..boost significantly the supply of housing"* by providing a 20% buffer of sites which, in the case of Helmsley suggests an overall total provision of around 180 units. It follows that the Plan's provision for 190 units – excluding the current commitments and the extra care accommodation – more than meets the RLPS housing requirement. To provide more sites would be contrary to the RLPS Inspector's conclusion that higher figures would not be appropriate in the light of the role, character and environmental constraints of Ryedale.
16. Arguments have been advanced that, on the one hand there should be no housing provision within the part of Helmsley within the National Park, and on the other, that the Helmsley Plan should take into account the wider housing needs of the National Park, not just those relating to Ryedale District. Neither of those arguments is convincing. The 2010 Circular recognises that National Parks are not suitable locations for unrestricted housing (para 78) but it does indicate that the Government expects NPAs to work with local authorities to ensure the needs of local authorities within the Parks are met. The NYMCS recognises this need through Core Policies B and J which support the provision of a relatively low level of open market housing (para 5.5).
17. On the second point, there is clear evidence that housing need for the whole of the NYMNP area has been properly assessed. Appendix 11 to the North Yorkshire SHMA [doc TH1d], fig 7.12 shows a gross annual affordable housing

need within the whole National Park area of 135 dwellings, of which 38dpa is allocated to Ryedale District. The remainder is divided between Hambleton DC and Scarborough BC. Within Ryedale, the total is further subdivided to show a need for 5dpa for Helmsley. There is no convincing evidence to suggest that these figures are incorrect, or that any additional housing need should be met within Helmsley.

18. As a consequence of this analysis the overall housing requirement of at least 150 dwellings for the period to 2027 is appropriate and provides a sound basis for managing the supply of new homes over the Plan Period.

#### Policy H1 – New Residential Development

19. The Policy provides for the delivery of 224 dwellings and a 60 unit extra care facility over the Plan Period. The Authorities have made clear that the extra care accommodation will be provided specifically to address the requirements of NYCC and will not be deducted from the overall provision. The sites for development are divided into current commitments and proposed allocations.

##### *Existing Commitments*

20. The Authorities have proposed to amend the Policy by moving site NYMH8, for 20 dwellings south of Swanland Road, from the proposed allocations to existing commitments following the grant of planning permission **(MM4)**. There have been suggestions that the site for 14 residential units on land to the rear of the Black Swan should be removed from Policy H1 on the basis that this was a historic legacy site predating the start of the Helmsley Plan and the Authorities are seeking to count old permissions toward meeting new housing requirements. However, the Policy does make clear that the allocated sites do make provision for the development of 190 dwellings, well above the amount of land necessary to meet the OAN. The two sites identified as existing commitments, including the land to the rear of the Black Swan, provide for a further 34 dwellings over and above the 190. Development of both sites is known to be coming forward and so it is appropriate to include them within Policy H1 Existing Commitments. In this respect, with the inclusion of **(MM4)** the Policy is sound.

##### *Deliverability of Allocated sites*

21. Turning to the allocated sites, the most fundamental matter is whether the proposed housing land allocations are deliverable within the Plan period. From the documentation and the representations received there were initial doubts regarding the availability and deliverability within the Plan period of sites 174 and 183, which make up half of the total provision, and all of the housing allocations outside of the NP (95 dwellings). The Development Brief for site 183 indicated that it is subject to a restrictive covenant which prevents its development for residential use, and that it may not come forward within the timescale of the Plan.
22. In addition, there was an indication that site 174 is subject to a ransom position preventing access. In the absence of convincing evidence to show that any obstacles to development of these sites could be overcome, and that they would be developable within the Plan period, the Plan could not be found

sound and the Examination was suspended.

23. The Authorities reported that a number of attempts to bring Site 183 forward through negotiation have not resulted in a positive outcome. Ryedale District Council therefore sought, and gained authority to compulsory purchase Sites 183 and EMP1 under section 226(1)(b) of the Town and Country Planning Act 1990. RDC has also allocated funding to undertake this process and is committed to taking it forward.
24. The compulsory purchase of Sites 183 and EMP1 would enable access to be achieved through to Site 174 and then consequently EMP2. The process of compulsory purchase will also extinguish covenants that are incompatible with the intended use of the site as shown in the Helmsley Plan. Therefore the restriction of the use of Site 183 to commercial uses only, would be extinguished through the process of compulsory purchase. The authority for the compulsory purchase was requested from RDC Planning Committee on 16 December 2014 [minutes at docs R3 and R4] and formal notification for compulsory purchase of sites EMP1 and 183 has now been issued.
25. On this basis the Authorities have now provided convincing evidence of the deliverability of Sites 183, EMP1 and consequently 174 and EMP2; specifically that they can come forward for their intended uses within the Plan period of the Helmsley Plan. The actions taken by RDC have satisfactorily resolved the issues regarding deliverability of sites within the Plan period, and in this regard no modifications are necessary to Policies H1 and H4 or the supporting text.

#### *Omission sites*

26. As a consequence of findings that the total amount of land allocated is appropriate to meet the OAN, and that all sites can be made available (if necessary through the use of compulsory purchase powers) and developed within the Plan period, alternative allocations are not necessary. Nevertheless consideration has been given to the various omission sites put forward.
27. The two significant sites, NYMH1 (extension) and NYMH2, were given detailed consideration by the Authorities and not included as allocations for reasons given in Appendix 2 to the Plan. They are identified on the plan which accompanies the Appendix. Both are within the NYMNPA area. The allocation of either of these sites would be inappropriate and unnecessary.
28. NYMH1 (extension) would allow for approximately 30 additional dwellings. Whilst the analysis in Appendix 2 emphasised the importance of the former medieval strip pattern which characterises the site, at the hearing greater emphasis was placed on the visual impact of any development of this site. It appears from visiting the site that its character is similar to that of the allocated site NYMH1, in that both show clear remnants of the medieval open field system. However, the extension of the allocation northwards would increase the visibility of the development both locally, and within the wider landscape of this part of the National Park. The landscape advice sought by the NYMNPA [doc TL1) supports this conclusion. In particular, photos 5 & 6 in the report show the increasing visibility of the northern part forming the proposed extension to site NYMH1.

29. Site NYMH2 is located to the north-west of Helmsley on rising ground leading to a prominent ridgeline. It forms a significant part of a wedge of open land, including playing fields and a cemetery, which links the open countryside with the built-up centre of the town. However, from a relatively short distance along Baxton's Sprunt, only the visual presence of All Saint's Church and Helmsley Castle give any real indication of proximity to Helmsley. Development here would appear prominent in the open landscape and significantly affect the visual character of this part of the National Park. The advice to NYMNP [doc TL2] gives a clear indication that, in landscape and visual terms, the site has little or no capacity for housing development. It is accompanied by photos 1 – 4 which provide visual evidence of the potential impact of development, supporting those conclusions.
30. Other potential sites (NYM4 - NYM7; and sites 458 – 459), seen during visits, are located both within and adjacent to the proposed Development Boundary. They are all small (below the 0.3ha threshold) and would not make a significant contribution to the amount of housing land available. They would be more appropriately considered as windfall opportunities against the criteria in Policy H2.
31. On a related issue, it has been suggested that NYMH3 has the potential to deliver a greater quantity of dwellings than the 35 units identified in Policy H1. An alternative of 'about 40 residential units' has been suggested. However, the "Strategic Assessment" of the site, submitted in support of the proposed alteration provides a detailed assessment on p22, based on a preferred "Masterplan Strategy", which confirms the potential to deliver 35 units whilst prioritising houses designed to meet the needs of older residents. On this basis, and without further convincing evidence, there is no justification for amending the quantity of dwellings shown in Policy H1.

#### *Requirement for bungalows*

32. The requirement for 5% of all new dwellings on proposals of more than 50 units to be bungalows is derived from the RLPS Policy SP4 and is intended to address the aging population of the town. In practice, the Policy would be applied to only one allocation, NYMH1, which is located in the NYM part of the Plan area, resulting in the provision of only 3 bungalows in total. Accordingly, justification for the Policy is inadequate, whilst its effectiveness in meeting the requirements of the ageing population is questionable.
33. The Authorities state that it was considered appropriate to apply the same requirements of the RLPS Policy SP4 to the whole of Helmsley Plan for consistency. The current situation is that a planning application for the one site allocated in the Helmsley Plan which is above this 50 dwelling threshold has already been submitted for consideration by the LPA. The Authorities have therefore sought to remove this requirement through modifications to Policy H1 (**MM7**) and deletion of para 5.11 of the supporting text (**MM10**) resulting in a sound Policy.

#### *Phasing of Sites*

34. There has been criticism of the Plan for including a section on phasing of the housing allocations which, it is suggested is contrary to the provisions of the

NPPF, para 47, which seeks to significantly boost the supply of housing. Footnote 11 to para 47 advises that, "...to be considered deliverable, sites should be available now...". Clearly phasing without justification would not be in accord with this advice. Policy H1 does not include phasing by use of different start dates, but does include indicative end times for some sites. Accordingly, using the term '*phasing*' is misleading and inappropriate.

35. The Authorities have accepted the criticism and responded with modification **(MM9)**. This provides a replacement title to the section, replacing '*Phasing of Sites*' with '*Delivery of Sites*', and providing replacement text to paras 5.6 and 5.7. The modification successfully addresses the concerns leading to soundness.
36. It is also necessary, for clarity, to amend the first sentence of Policy H1 which – by referring to the management of the delivery of new homes - implies that development will be phased. Replacement text is proposed through **(MM3)** to achieve soundness.

*Other issues relating to Policy H1*

37. Para 5.10 of the Plan contains a reference to the Lifetime Homes Standard. The ministerial statement referred to in para 5, above, clarifies the Government's intention to create a new approach for the setting of technical standards for new housing, comprising new additional optional Building Regulations. As a consequence, and to ensure soundness, the Authorities have proposed replacement text for the last sentence of para 5.10 **(MM33)**.
38. The locational identification of the sites 183 and 174 is incorrect which could lead to confusion during future more detailed consideration of proposals. This matter is addressed through the Authorities' proposed amendments **(MM5 & MM6)** resulting in soundness.

Policy H2 – Windfall Development

39. The Policy relating to windfall developments is generally supported. Requests for clarification, for example that windfalls do not count towards the total housing provision figure, and clarification of the elements contributing towards the historic character of Helmsley were incorporated into the Publication Version of the Plan.
40. Concerns were raised that the Policy is overly restrictive in requiring developments outside the defined Development Limit to be those of an essential or exceptional nature, leading to the prevention of beneficial development. However, both the RLPS (Policy SP2) and the NYMCS (Policy J) provide clear justification for a restrictive approach to proposals outside the defined Development Limit. As a consequence of discussion the Authorities have now proposed further clarification of the requirements through additional text to follow para 5.19, including reference to the strategic policies **(MM13)**. There has been a further representation questioning the logic of the proposed text. As a result I believe a further addition to MM13 would provide greater clarity, resulting in a sound Policy. This does not change the substance of the MM and has been included in the schedule.



41. Para 5.18 sets out the criteria used to establish the Development Limit which is defined on the Policies Map. Criterion (g) indicates that important open areas on the edge of the town have been excluded from the Development Limit. The Proposals Map has been amended to show the extent of those open areas, including the Grade 1 Historic Park and Garden at Duncombe Park, the Howardian Hills AONB, the Area of High Landscape Value and the Visually Important Undeveloped Area (see para 64 below). For clarity, it is necessary to reference these in Criterion (g) and a proposed modification **(MM12)** provides the necessary text, resulting in soundness. It is also necessary for consistency within the Plan to amend the concept drawing on p8 to denote the extent of the Historic Park and Garden at Duncombe Park **(MM2)**.

### Policy H3 – Affordable Housing Provision

42. In December 2014 DCLG published a written ministerial statement on support for small-scale developers, custom and self-builders. This introduced changes to national planning policy relating to affordable housing. These include, *inter alia*, for designated rural areas under section 157 of the Housing Act 1985, a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought. The whole of Helmsley, both within and without the National Park, is designated as a rural area.
43. Policy H3 in the Submission Draft sets a threshold of 5 *or more* units which is not consistent with the ministerial statement threshold of 5 *or less* units. The Authorities have acknowledged the inconsistency and have proposed to amend the text of Policy H3 through **(MM14)**, resulting in a sound Policy.

### **Issue 2 – Employment land allocations**

44. The main issues raised relating to the provision of employment land are the deliverability of the two allocated sites, EMP1 and EMP2, and the related issue of providing better access to the existing employment sites at Sawmill Lane.
45. Allocation EMP1, the land to the west of Riccal Lane, has been the subject to protracted and so far unsuccessful negotiations along with housing allocation 183 (para 21, above). In addition to its role as an employment site, it provides the key to unlocking the potential development of allocation EMP2 through the provision of access.
46. As reported above in respect of housing allocation 183 (para 23), RDC has sought to address the impasse with the owners of sites 183/EMP1 through seeking authority for their compulsory purchase. In addressing the issue of deliverability of the housing allocation, this action will ensure that the two employment sites can be delivered within the Plan period.
47. However, there are others matters to be addressed in order for the Policy to be found sound. Firstly, the locational identification of the two sites is incorrect which could lead to confusion during future more detailed consideration of proposals. This matter is addressed through the Authorities' proposed amendments **(MM15 & MM16)**. Secondly, the Policy makes no reference to the development briefs which set out the principles for



development of the sites, a matter addressed through modification **(MM17)**. Finally, the Authorities have determined that, for amenity reasons, new employment uses should be restricted to the business use classes excluding, for example, *sui generis* uses. For clarification, a note to this effect in is included in para 6.2 through **(MM18)**. With these modifications Policy H4 is sound.

### **Issue 3 – Retail and commercial development**

48. The policies for retail and commercial development, H5 - H7 indicate that certain proposals would 'be resisted'. These policies do not give the positive steer required by the NPPF (para 154): that policies should indicate clearly what will or will not be permitted. If it is the intention of Policy H6 that permission will only be granted for proposals resulting in the loss of retail floorspace in certain circumstances, it should say so rather than simply suggest they would be resisted. Similarly, Policy H7 should indicate clearly the circumstances in which proposals resulting in the loss of community facilities would be permitted.
49. The Authorities have accepted that the policies need revision in order to be found sound, and have proposed appropriate modifications for Policy H6 **(MM19)** and for Policy H7 **(MM20)**. With these amendments incorporated both policies are sound.
50. So far as Policy H7 is concerned the NHS Property Services has raised concern that the Policy revision proposed by MM20 does not make specific reference to healthcare facilities as '*community facilities*' and requests clarification be included to avoid misinterpretation. This is not a matter previously raised by the representor and, in any event, it is difficult to interpret healthcare facilities as anything other than part of the overall community facilities so the Policy is sound without modification. The Authorities have proposed to address the concern by adding a footnote to the supporting text, which they may wish to pursue as an additional modification (AM).

### **Issue 4 – Renewable energy**

51. Policy H10 requires all new build residential development to meet the highest Code for Sustainable Homes standard. Prior to the hearing being held, the Government had declared its intention to phase the Code out and replace it through new measures in the Building Regulations so the Policy, as drafted, would be meaningless on adoption. The Authorities had proposed modifications to the Policy and its supporting text in response to concerns raised by representors.
52. However, a recent written ministerial statement by the Secretary of State for Communities and Local Government made changes to Government policy. This included withdrawal of the Code for Sustainable Homes. The statement advises that, following enactment of the Deregulation Act (26 March 2015), LPAs should not set "*..any additional local technical standards or requirements relating to the construction, internal layout or performance of new buildings, including requiring any level of the Code for Sustainable Homes*". Further advice indicates that local plans should not be used to apply the new national technical standards.

53. The Authorities' proposed Main Modifications (**MM21**), changing the title and the wording of the Policy, and (**MM23**), adding a further paragraph (9.3) to the supporting text remain the same as before. However, in line with the ministerial statement, (**MM22**) has been further amended with reference to the Code for Sustainable Homes. The ministerial statement also revises Government policy to provide exemption for small housing sites of 10 units or fewer from the allowable solutions element of the zero carbon homes target so that an additional amendment to para 9.3 is necessary to provide consistency (**MM32**). With these Main Modifications, the Policy is sound.

### **Issue 5 – Green Infrastructure**

54. Policy H11 is a reflection of perceived opportunities through the Helmsley Plan to improve the provision of green infrastructure – a collective term used to cover woodland, grassland, rivers, streams, hedges and verges. However, the Policy is not sufficiently clear in its intent and it is not properly justified by the text. The definition of what comprises green infrastructure assets is inadequate, and there is no clear indication of what would comprise a net gain in green infrastructure in any particular circumstance. The implications of the policy for individual proposals are not clear so that it is difficult to see how it could be applied to any particular application.
55. The Authorities recognise shortcomings with the Policy and have proposed revisions to the text, including a requirement for '*net gain in biodiversity*' and for '*enhancements*' to green infrastructure (**MM26**). They have also proposed a further modification, providing additional text to the Policy, including a reference to the development briefs in Appendix 1 and clarifying the Policy's implications for non-allocated '*windfall sites*' (**MM27**). These modifications provide a sound policy.
56. However, the Policy requires further justification and guidance in order to be effective and properly justified. The Authorities have responded with a reference to the supporting evidence for the RLPS Policy SP15: the Yorkshire and Humber Green Infrastructure Mapping Project finalised in 2011 [doc TE5]. They have proposed a modification (**MM24**) providing additional text to para 10.1 referring to the Mapping Project which sets out a range of Green Corridors within the region, identifying the related green infrastructure areas in the locality, and the specific features that contribute to the networks in Helmsley. A further new paragraph is proposed to follow para 10.1 to strengthen the justification by indicating the sort of contributions that new developments should seek to make towards improving the green infrastructure networks (**MM25**). Taken together, these modifications provide a sound policy with sufficient reasoned justification to ensure effectiveness.

### **Issue 6 – Telecommunications**

57. A number of issues were identified with Policy H14 Telecommunications and IT Installations. As drafted, the Policy is not consistent with national policy in the NPPF (para 46) which advises that LPAs should not question the need for telecommunications equipment. Therefore the first criterion should not be incorporated in the Policy.
58. There is inconsistency between the Policy, criterion 3, as drafted, and the

NYMCS, Policy 25, which requires there to be no unacceptable adverse visual impact upon the character of the locality and the wider landscape, or the various requirements regarding character, design and amenity, of the RLPS, Policy SP10. Lastly, the Policy has no requirement for the removal of equipment in line with the specific requirement of criterion 5 of NYMCS Policy 25.

59. The shortcomings of Policy H14 have been recognised by the Authorities and have been addressed through **(MM28)**, providing additional text to para 15.1, and **(MM29)** which proposes deletion of the first criterion, amended text for what will become criterion 2, and the inclusion of new criterion 3 making provision for the removal of redundant equipment. A further representation has raised concern with the insertion of 'visual' as a qualification to 'adverse impact', noting that the impact on heritage assets may also be physical in nature. The Authorities have accepted the criticism and amended MM28 and MM29 accordingly. These modifications result in a sound Policy.

### **Issue 7 – Development briefs**

60. The inclusion of development briefs as a component part of the Plan submitted for Examination creates the difficulty that, if circumstances change in respect of any of the sites, the brief can only be amended or modified by subjecting that part of the Plan to a further statutory Examination. This does not provide a flexible and responsive approach to the control of development.
61. The Authorities have agreed that the development briefs should be removed from the Plan and, instead, have proposed these should be attached as an appendix, entitled *Appendix 1 Development Briefs* **(MM30)**. Accordingly, so far as housing sites are concerned, they have proposed to change the wording of Policy H1 **(MM8)** and provide additional text following para 5.12 **(MM11)**. Changes are proposed to Policy H4, so far as Site EMP2 is concerned **(MM17)** and to para 6.2 in relation to both sites EMP1 and EMP2 **(MM18)**. A further addition is proposed to Policy H11, making reference to the Appendix **(MM27)**. These Main Modifications ensure that the Plan is sound in respect of the development briefs.

### **Other matters**

62. A number of proposed modifications have been put forward by the Authorities which, on reflection, do not amount to Main Modifications required to address issues of soundness. These are referenced in the schedule published for consultation as MM28 relating to para 14.2 referring to a potential use for contributions towards open space provision which has not been justified in the context of this Examination; and MM32 – MM34 which relate to text removed to Appendix 1 and therefore no longer part of the Plan. The remaining Main Modifications have been renumbered as appropriate.
63. The Plan contains no indication of the Plan Period. The first reference is within the Vision for Helmsley and supporting text at para 3.3 which advise that it will set the spatial approach for development up to 2027. This is an omission which must be addressed if the Plan is to have meaning to users. The Authorities have sought to address this through **(MM1)** which provides a timescale of 2014 – 2027 to be incorporated through text on the front cover.

This results in a sound Plan in this respect.

64. The Authorities have proposed to create a new Appendix 5 providing a list of superseded policies as a result of the adoption of the Helmsley Plan, with additional clarifying text **(MM31)**. This is clearly necessary to provide a sound document.

### **Policies Map**

65. The Authorities have provided a revised Policies Map incorporating the changes referred to in para 41, above, through **(MM12)**, and the attached Appendix 2.

## Assessment of Legal Compliance

66. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Helmsley Plan is identified within the approved Ryedale LDS January 2015 [doc RDCD 3] and the North York Moors NPA LDS May 2013 [doc NYMD4] the former of which sets out an expected adoption date of September 2015. The Helmsley Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The Ryedale SCI [doc RDCD2] was adopted in November 2006 and that of the North York Moors NPA in August 2006 [doc NYMD3]. The consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA [doc SD2] has been carried out and is adequate. The 'main modification' changes have also been subject to SA.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (January 2014) [doc SD4] shows that, particularly in relation to the allocation of land for development, the plan may have some negative impact, and a full assessment should be undertaken. The AA was carried out [doc SD6] and concluded that, with the application of mitigation measures, the Helmsley Plan will not give rise to any effects that would harm the integrity of the Natura 2000 sites. The 'main modification' changes have also been subject to Habitat Regulations Assessment and concluded that no further AA work is necessary.
National Policy	The Helmsley Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS (Imagine Ryedale 2013) [doc RDCD17] and the NPA's Management Plan 2012 [doc NYMD2].
Public Sector Equality Duty (PSED)	The Helmsley Plan complies with the Duty [doc PD1, October 2013]
2004 Act (as amended) and 2012 Regulations.	The Helmsley Plan complies with the Act and the Regulations.



## Overall Conclusion and Recommendation

- 67. The Plan has a number of deficiencies in relation to soundness and for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.**
- 68. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Helmsley Plan local plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Patrick T Whitehead*

Inspector

This report is accompanied by Appendix 1 containing the Main Modifications and Appendix 2 showing the Policies Map as modified.

## Appendix 1

### Main Modifications

The modifications below are expressed in the conventional form of ~~strike through~~ for deletions and underlining for additions of text.

Ref	Page in Submitted Plan	Policy/Paragraph	Main modification
MM1	Cover		Insert timescale for Plan 2014 to 2027
MM2	8	Concept Drawing	Amend the concept drawing to denote the extent of the Grade I Historic Park and Garden at Duncombe Park.
MM3	15	Policy H1	Delete " <del>The delivery of at least 150 new homes will be managed over the period 2014 to 2027. This will be achieved as follows:</del> " and replace with " <u>The delivery of at least 150 new homes will be provided over the period 2014 to 2027. The timescales for development are provided for indicative purposes only</u> ".
MM4	15	Policy H1	Remove site NYMH8 from proposed allocation to current commitments.
MM5	15	Policy H1	Change description of site 183 to read " <u>Land to the East of Riccal Drive</u> "
MM6	15	Policy H1	Change description of site 174 to read " <u>Land to the South of Riccal Drive</u> "
MM7	15	Policy H1	Delete reference to requirement that " <del>at least 5% of all new dwellings of more than 50 units must be bungalows</del> "
MM8	15	Policy H1	Delete reference to " <del>detailed planning permission will be supported where proposals fulfil the principles set out in the development briefs contained within this plan</del> "
MM9	16	Paragraphs 5.5 to 5.7	Amend Paragraphs 5.5 to 5.7 to read as follows:  <u>5.5 Delivery of Sites</u>  <u>5.6 Whilst none of the sites face major constraints in terms of delivery, the Authorities are aware that a number of the sites may require a greater lead-in time to achieve development than others. The allocations are not phased as all sites are capable of coming forward from 2014 onwards. The <b>delivery</b> of sites in Helmsley also assists in ensuring allocated land</u>

Ref	Page in Submitted Plan	Policy/Paragraph	Main modification
			<p><u>supply is available for development as part of the Ryedale Local Plan Strategy.</u></p> <p><u>5.7 The delivery of housing will be monitored through the Monitoring Reports of each Authority and Ryedale District Council's annual Strategic Housing Availability Assessment (Part 1 Annual Update). The delivery of housing through the Helmsley Plan will also be monitored in a Ryedale District context to ensure that the District Housing target in the Ryedale Plan is met."</u></p>
MM10	17	Paragraph 5.11	Delete paragraph.
MM11	17	New text	After paragraph 5.12 add " <u>further details on the requirements for each site are contained in the development briefs attached to appendix 1</u> "
MM12	18	Paragraph 5.17	Add to criteria g the following text " <u>These include the Grade I Historic Park and Garden at Duncombe Park, Howardian Hills AONB, the Area of High Landscape Value and the Visually Important Undeveloped Area (the last two being set out in the Ryedale Local Plan Strategy)</u> ".
MM13	19	New text	Add further paragraph after 5.19 which says " <u>Any proposals for new housing outside of the development limit identified on the Policies Map will need to meet the requirements <b>for new housing development in the</b> open countryside as set out in either the NYMNP Core Strategy or the Ryedale Local Plan Strategy. Definitions of essential needs are set out in point 3 of NYMNP Core Policy J and Policy SP2 of the Ryedale Local Plan Strategy</u> ".
MM14	20	Policy H3	Change the threshold in the first line from 5 or more units to 6 or more units. Remove second sentence which says " <del>below the threshold of 5 dwellings or 0.2ha a pro-rated financial contribution will be sought from all residential development where this is viable</del> ".
MM15	21	Policy H4	Change description of Site EMP1 to " <u>Land to the West of Riccal Drive</u> "
MM16	21	Policy H4	Change description of Site EMP2 to " <u>Land to the South of Riccal Drive</u> "
MM17	21	Policy H4	After "Site EMP2, land to the <b>South</b> of Riccal Drive – up to 0.6ha" insert " <u>detailed</u>

Ref	Page in Submitted Plan	Policy/Paragraph	Main modification
			<u>planning permission will be <b>granted</b> where the proposal accords with the principles set out in the development briefs attached as Appendix 1 to this plan</u> ".
MM18	21	Policy H4	Amend the fourth sentence of paragraph 6.2 in the plan to state " <u>EMP1 and EMP2 allocated 1.9ha of land in Helmsley for employment purposes in the B1, B2 and B8 use classes, subject to a amenity considerations set out in the development briefs in Appendix1</u> "
MM19	24	Policy H6	Amend wording of policy to say " <u>Proposals which will result in the loss of retail floorspace on Primary Retail Frontages along Bridge Street, Borogate, Church Street and Market Place will only be permitted where it can be demonstrated that it is no longer suitable or viable for retail use</u> "
MM20	24	Policy H7	Amend wording of policy to say " <u>Proposals which will result in the loss of community, cultural, leisure and recreational facilities (including Helmsley Town Hall, Helmsley Arts Centre and Recreational Facilities at Baxtons Lane) will only be permitted where:-</u> "
MM21	27	Policy H10	Change the title of the policy to " <u>Renewable Energy and Sustainable Building</u> ". Add to the beginning of the policy :- " <u>Proposals for new residential development should demonstrate that they have been designed to reduce the need for energy consumption and that the buildings utilise energy more efficiently. Proposals that generate renewable energy and/or low carbon sources of energy will be supported where they do not harm the character of Helmsley</u> ".
MM22	27	Policy H10	Add the following text to the supporting text - "Buildings have a long lifespan and contribute towards carbon dioxide emissions so it is important that new homes and buildings have as low an impact as possible. The current recognised standards aimed at reducing energy emissions are the Code for Sustainable Homes ( <b>withdrawn 25 March 2015</b> ) and

Ref	Page in Submitted Plan	Policy/Paragraph	Main modification
			<p>the Building Research Establishment Environmental Method (BREEAM). At present Building Regulations require that all new development must meet at least level 3 of the Code for Sustainable Homes. However the Government has announced its intention to introduce new standards for energy performance and allowable solutions through Building Regulations in 2016. Whilst it is not a policy requirement both Authorities will actively support developments which seek to exceed these minimum requirements. The Local Planning Authorities will take into account the feasibility and viability issues associated with the delivery of decentralised renewable and low carbon energy, including the use of Allowable Solutions. It should be noted that residential sites of 10 units or fewer are excluded from this requirement”.</p>
MM23	27	Renewable Energy	<p>Add a paragraph (9.3) which says <u>“Applicants will need to consider the range of technologies available, their feasibility and the impact on the location in question. Careful attention must be made to the siting, colour and materials of the technology in order to ensure it does not harm the character of Helmsley. In the National Park area of the town reference should be made to the NYMNP SPD on Renewable Energy. Applications in the Ryedale area of the town will be considered against the Energy Hierarchy set out in SP18 of the Ryedale Local Plan Strategy”</u>.</p>
MM24	28	Green Infrastructure	<p>Add the following text to the end of paragraph 10.1 <u>“Green infrastructure can be a multi-functional resource such as providing recreational benefit, enhancing and protecting biodiversity, and where possible creating new habitats using indigenous planting. The Yorkshire and Humber Green Infrastructure Mapping Project set out a range of district, sub-regional and regional Green Corridors. Helmsley has a rich variety of contiguous and overlapping green infrastructure areas including:</u> <u>the River Rye (Sub-Regional Corridor)</u></p>



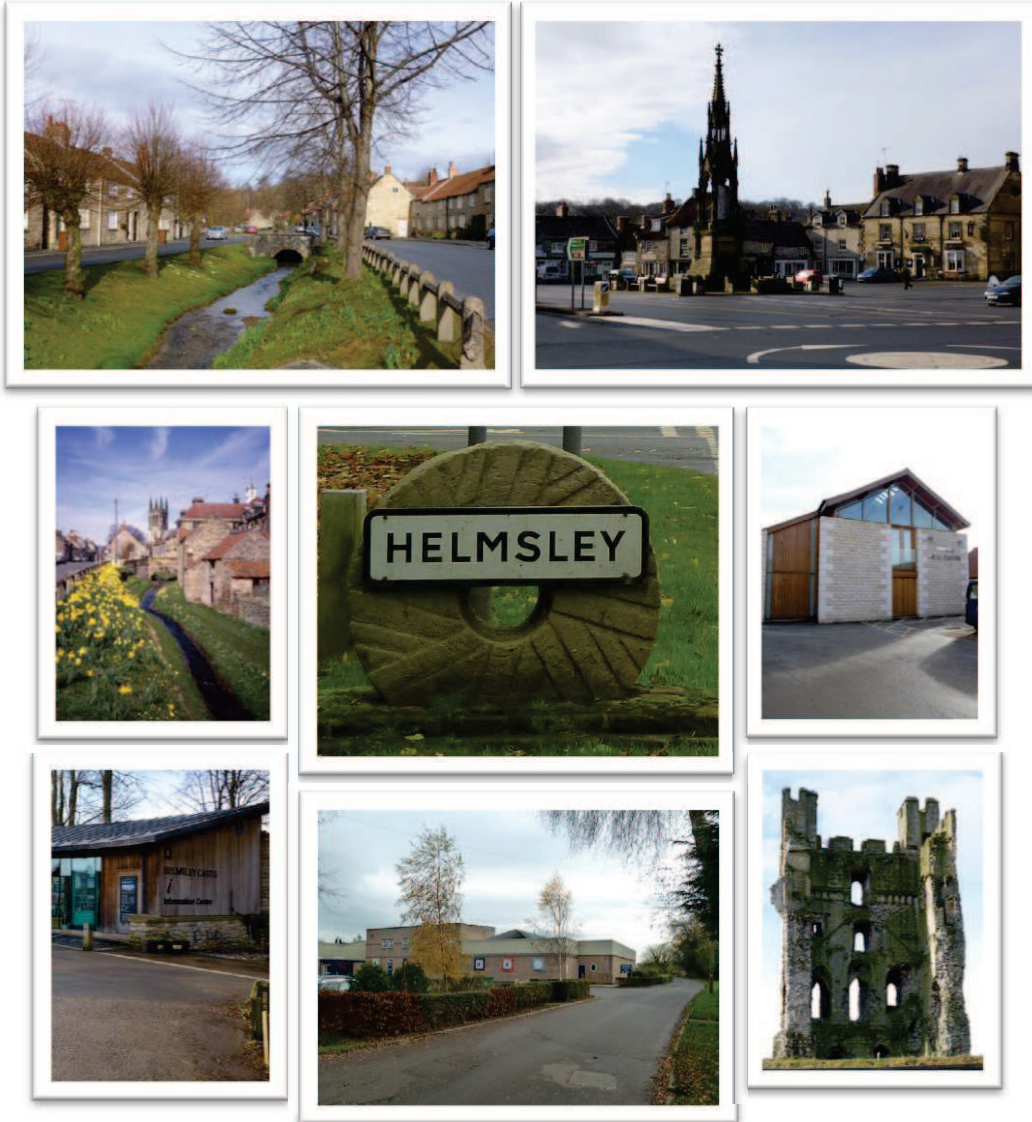
Ref	Page in Submitted Plan	Policy/Paragraph	Main modification
			<ul style="list-style-type: none"> <li>• <u>North York Moors Green Infrastructure Area</u></li> <li>• <u>Howardian Hills Green Infrastructure Area</u></li> <li>• <u>The District Corridor of the Cleveland way (Cleveland and Hambleton Hills).</u></li> </ul> <p><u>There are many specific features that contribute to these networks in Helmsley. These include:</u></p> <ul style="list-style-type: none"> <li>• <u>The corridors of Borough and Spital Becks</u></li> <li>• <u>The former railway line,</u></li> <li>• <u>The playing fields</u></li> <li>• <u>Duncombe Park National Nature Reserve</u></li> <li>• <u>Helmsley Castle and the adjoining Walled Gardens”</u></li> </ul>
MM25	28	Green Infrastructure	<p>Insert further new paragraph following (paragraph 10.1) <u>“It is important that new development opportunities seek to improve, integrate and enhance these existing features that contribute to these Green Infrastructure Networks to build in biodiversity resilience. This can include considering the effects of garden space, open space and landscape buffers with these various networks”.</u></p>
MM26	28	Policy H11	<p>Amend policy to say <u>“All development proposals within the Plan area should require a net gain in biodiversity and for green infrastructure networks to be enhanced where possible. This will provide opportunities for activity and relaxation and should include the expansion and enhancement of green infrastructure assets. Where there is existing green infrastructure this should be protected”.</u></p>
MM27	28	Additional text	<p>Add the following to the end of Policy H11: <u>“The development briefs in Appendix 1 set out the opportunities of the allocated sites in linking with these green infrastructure networks. Development proposals on non-allocated ‘windfall sites’ should address opportunities to link with and enhance green infrastructure networks where possible and in proportion to the scheme. ‘Windfall’ development proposals will not be expected to provide Green Infrastructure where a meaningful</u></p>

Ref	Page in Submitted Plan	Policy/Paragraph	Main modification
			<u>contribution cannot be made due to the absence of available greenspace</u> ".
MM28	31	Paragraph 15.1	Add " <u>as installations can cause visual harm to the landscape and built environment and have a direct physical impact upon heritage assets</u> ".
MM29	31	Policy H14	Amend policy to say:- <u>"Proposals for IT and telecommunications infrastructure will be permitted where:</u> <ul style="list-style-type: none"> <li>• <u>There are no satisfactory alternatives following an assessment of erecting apparatus on existing buildings where appropriate, masts or other structures; and</u></li> <li>• <u>The siting and appearance of the proposed apparatus and association structures will have no unacceptable adverse impact on the Conservation Area, the historic environment or the wider landscape particularly the National Park; and</u></li> <li>• <u>Provision is made for the removal of the equipment when it is redundant</u>".</li> </ul>
MM30	35	Development Briefs	Rename as " <u>Appendix 1 Development Briefs</u> "
MM31	New page at the end of the document	Additional Text	Create new Appendix 5. Add title " <u>List of Superseded Policies as a Result of the Adoption of the Helmsley Plan</u> " Add the text: " <u>Ryedale Local Plan (2002) Saved Policy EMP5 – Industrial/ business development allocation, Helmsley</u> "
MM32	27	Paragraph 9.3	Add the following text to the end of paragraph 9.3: " <u>, excluding residential sites of 10 units or fewer where it is not required.</u> "
MM33	17	Paragraph 5.9	Replace last sentence with the following " <u>Dwellings should be designed so that they are flexible and can be adapted to meet changes in lifestyle for example coping with illness</u> ".

## Appendix 2



# HELMSLEY PLAN LOCAL PLAN



**2014 to 2027**

**Adopted July 2015**







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## INTRODUCTION

- 1.1 The Helmsley Plan is a planning document for the town of Helmsley as shown on the Policies Map. It sets out what development will go where and by when over the course of the plan period. The Helmsley Plan will comprise part of the statutory planning decision framework of both Ryedale District Council and the North York Moors National Park Authority. As a Local Plan it will be used as the basis for decisions on planning matters which take place in Helmsley. It has been jointly produced as the boundary of the North York Moors National Park runs through the middle of the town. Approximately half of the town lies within the National Park which means it has the highest status of protection in relation to landscape and scenic beauty with statutory purposes to conserve and enhance the natural beauty and promote understanding and enjoyment of the North York Moors. The two authorities recognise that as an important local service centre for the wider rural hinterland, it is important that development in Helmsley is carefully, proactively and jointly planned.
- 1.2 The plan includes:-
- A Vision for Helmsley
  - An overview of how the Helmsley Plan fits in with National Planning Policy including National Park designation
  - Where future development will take place and what this should look like
- 1.3 The allocation of sites in the Helmsley Plan provides certainty to developers, local people and infrastructure providers as to what development is likely to happen in the town. It will also ensure that the town has sufficient housing and employment land to meet its economic growth and increased population.
- 1.4 Decisions on other elements of planning such as residential extensions will continue to be considered against the policies contained in the relevant development plan for Ryedale District Council or the National Park Authority depending on the location of the property.

### How the Plan Has Developed

- 1.5 Work on the Helmsley Plan began in January 2012 when a discussion paper titled 'The Helmsley Plan – We Need Your Views' seeking comments on what the plan should contain was sent to all residents and businesses in the town. This initial consultation resulted in a total of 72 responses. During the summer of 2013 consultation took place on a Draft Version of the Plan with 40 responses received raising some 241 individual comments. These comments were considered and addressed in the final version of the Plan, which was subject to an examination in public in March 2015.

### How does it fit with other plans?

- 1.6 Once adopted, the Helmsley Plan will be part of the Development Plan relating to Helmsley. The North York Moors Core Strategy and Development Policies Document forms the strategic part of the development plan falling within the National Park. The Ryedale Local Plan Strategy forms the strategic development plan for the area of the town falling outside the National Park. The Helmsley Plan will form part of the allocations document for Ryedale District, together with the Local Plan Sites Document, which covers the areas outside of Helmsley in Ryedale District.

## A Description Of Helmsley

- 1.7 Helmsley is a small market town situated on the southern boundary of the North York Moors National Park nestling in a hollow 24 miles away from York and 32 miles from Scarborough. The town sits at the junction of the A170, which runs from Pickering to Thirsk, and the B1257 road, which runs south over the moors from Stokesley. The area to the north of the A170 and west of the Market Place are located within the North York Moors National Park. Entry into the town from the south is over the late 18th century Scheduled bridge which crosses the river Rye forming a natural barrier to the south of the town. The town is flanked by heather moor to the north, rising wooded land to the west and rolling farmland to the South.



- 1.11 Helmsley lies within the North York Moors and Cleveland Hills National Character Area but is bounded to the south by the Vale of Pickering National Character Area and therefore is probably transitional between the two. In the North Yorkshire Landscape Character Assessment the site falls within the classification of Limestone Foothills and Valleys. Within this assessment the landscape is noted as being of high visual sensitivity as a result of its panoramic views across the Vale of Pickering and strong intervisibility with adjacent landscapes
- 1.12 The town was first settled in around 3000 BC and by the time it was mentioned in the Domesday Book had become a modest village with the distinctive features which make up today's street plan. Helmsley Castle was constructed around the 12<sup>th</sup> Century in order to control the river crossing. The town thrived with the founding of nearby Rievaulx Abbey and in 1191 the Lord of the Manor, Robert de Ros granted Helmsley the borough charter, which resulted in the burgage plots which remain visible around Market Street and Bridge Street.



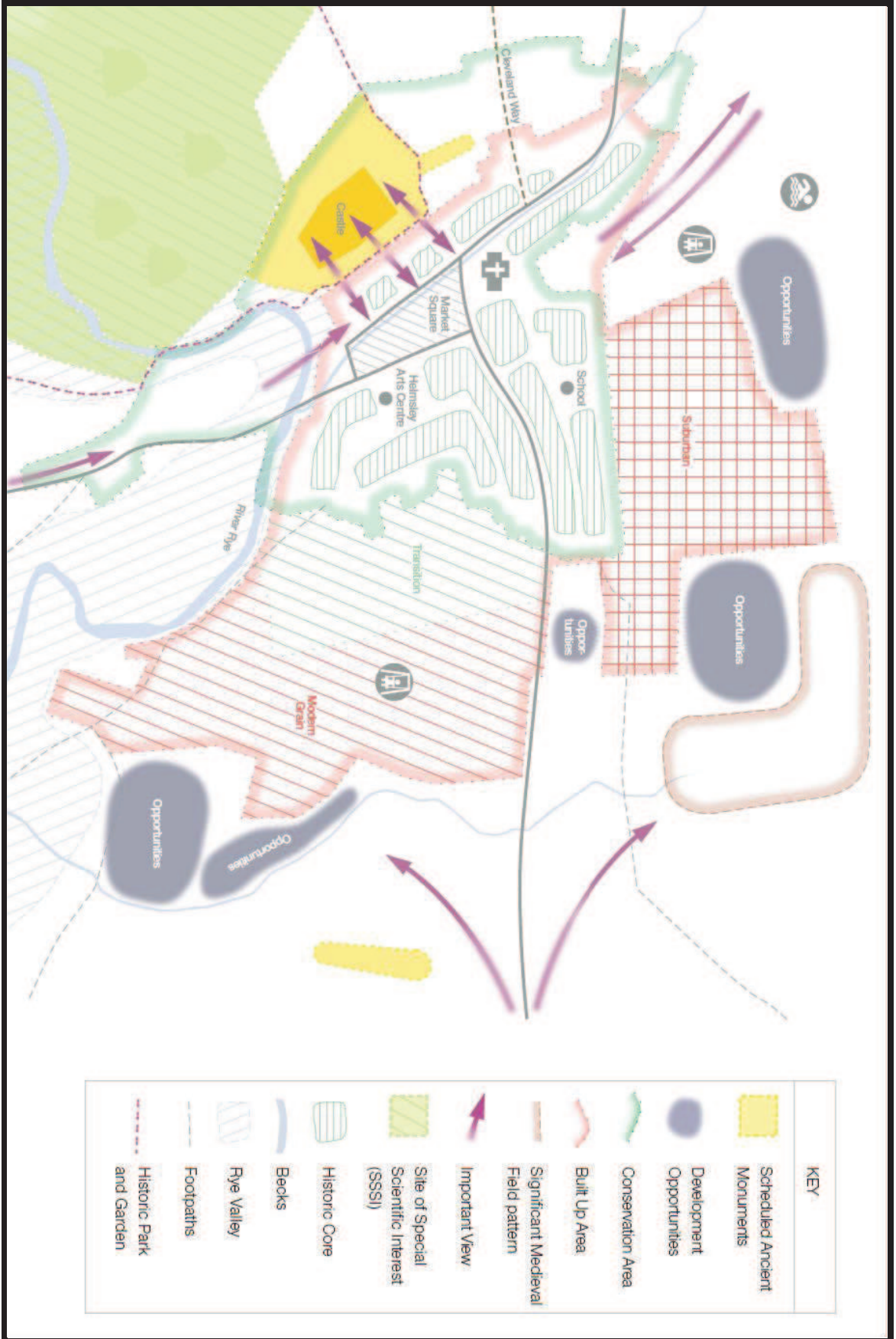
- 1.13 By the beginning of the 17<sup>th</sup> century the overall form of the town was largely complete and many of the existing buildings date from this period. In 1871 the Pilmoor branch railway was extended to Helmsley and resulted in the development of Station Road, (the station was later closed in 1953). Before the war, the area between Bondgate and Station Road was developed, which was followed after the war by the construction of the award winning Elmslac Estate. In the 1970's and 1980's further modern housing developments took place to the east of the town in the form of Swanland Road/Ryedale Close and The Limes.

- 1.14 The Town has a wealth of historic assets including the stately home and historic parkland of Duncombe Park, Helmsley Castle and the Grade II\* listed Canons Garth, which is one of the oldest surviving buildings having been originally constructed in the 12<sup>th</sup> century. Part of the town is designated as a Conservation Area, which includes 433 buildings, of which 85 are listed. Land to the south east of the town includes three prehistoric burial mounds or 'round barrows' which are visible as green mounds within otherwise arable fields and are Scheduled Ancient Monuments.
- 1.15 Helmsley has two Sites of Importance for Nature Conservation (SINCs); these are East Plock Woods, to the south of the town, and the River Rye, running from Helmsley Bridge to West Ness. The majority of Duncombe Park is also designated a National Nature Reserve and Site of Special Scientific Interest (SSSI).
- 1.16 Helmsley plays an important role as a service centre for the wider rural area and is home to around 3029<sup>1</sup> people. According to the 2011 Census there were 1,663 households in the larger Helmsley ward, with around 1,000 of these located in the town itself. However around 14% of these properties have no usual resident (includes holiday cottages, second homes and empty properties), which is above the average figure of 9% across Ryedale as a whole. The town continues to be a thriving market town, hosting a popular weekly market and it has range of shops and community facilities including the primary school and health centre. The town has reasonable public transport links to the larger Market Towns of Thirsk and Pickering. The town's main employment is focussed on the industrial estate known as Sawmill Lane located to the south east of the town.
- 1.17 The Concept drawing on the following page illustrates these features of Helmsley, in particular how they constrain the growth of the town. The drawing highlights the landscape setting of the town and shows where there are opportunities for growth.

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<sup>1</sup> 2011 Census data on Helmsley Ward





CONCEPT DRAWING

## POLICY CONTEXT

- 2.1 The Helmsey Plan has not been prepared in isolation and has been informed and influenced by a number of key documents as set out below.

### National Park Designation

- 2.2 The 1995 Environment Act sets out two purposes for National park Authorities, as follows:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and
  - To promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public.
- 2.3 The Act goes on to place a duty on National Park Authorities in pursuing the two purposes 'to seek to foster the economic and social well being of local communities'.

### National Planning Policy Framework

- 2.4 The National Planning Policy Framework was published by the Government on 27 March 2012. The National Planning Policy Framework (NPPF) must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. Whilst the NPPF should be read as whole, some key elements are set out below.
- 2.5 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 goes on to say that Local Plans should meet objectively assessed needs unless specific policies in this Framework indicate development should be restricted and a footnote refers to examples where policies relate to land within a National Park.

### National Park Designation

- 2.6 The NPPF says that great weight should be given to conserving the landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty.

### Delivering a wide choice of high quality homes

- 2.7 The NPPF says that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Local Plans should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where they have identified that affordable housing is needed, set policies for meeting this need.
- 2.8 Local Plans need to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional

buffer of 5%. A further supply of specific developable sites or broad locations for years 6-10 should be identified and where possible for years 11-15.

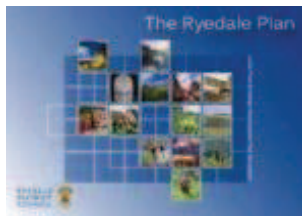
- 2.9 It should be noted that paragraph 14 of the NPPF says that Local Plans should meet objectively assessed needs unless specific policies in the Framework indicate development should be restricted. The footnote to this paragraph refers to policies relating to sites located within National Parks.

### **Building a strong, competitive economy**

- 2.10 In drawing up Local Plans, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century. They should do this by setting out a clear economic vision and strategy for the area and identify sites to meet anticipated business needs over the plan period.

### **The Ryedale Local Plan Strategy**

- 2.11 The Ryedale Local Plan Strategy was formally adopted by the Authority in September 2013. The aspiration of the strategy contained in the Ryedale Plan is to focus growth primarily in the Principal Towns of Malton and Norton and with the Secondary focus for growth being the Market Towns of Pickering, Kirkbymoorside and Helmsley.



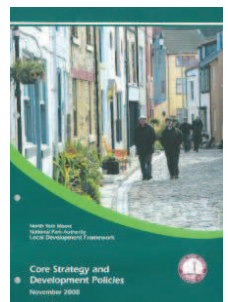
- 2.12 In terms of Helmsley the ambitions of the Ryedale Local Plan Strategy are to:

- Support the Town's Local Service Centre role, protecting and providing facilities that contribute to this role.
- Provision of some housing and employment growth to address the requirements of the local community
- Retention of major employers and existing employment space
- Support the Town's regional tourist role by supporting existing attractions such as the Walled Garden and Helmsley Castle and by fostering the role of the town as a niche location for shopping, food and hospitality
- Support Helmsley's role as a gateway to tourist attractions and recreational activity in the North York Moors National Park.

### **North York Moors Core Strategy and Development Policies Document 2008**

- 2.13 The North York Moors National Park Authority Core Strategy and Development Policies Document was adopted in November 2008 and identifies Helmsley as the Local Service Centre. The overarching strategy of the plan is to improve the sustainability of local communities by supporting, improving and consolidating existing services and facilities. As the Local Service Centre the following development will be supported in Helmsley:

- Housing including open market and affordable housing
- Employment development to support existing or provide new employment opportunities in the town and support and diversify the rural economy



- Improve existing facilities and provide new facilities to serve local residents, strengthen its role as a Local Service Centre and support its role as a visitor destination.

2.14 The North York Moors National Park Authority's Core Strategy and Development Policies Document requires that all new housing is to meet local needs only and therefore has no target figure. Although a figure of 26 units is anticipated each year this is through windfalls rather than a programmed supply and will be in addition to the levels allocated through this plan. In order to plan properly for Helmsley both Local Planning Authorities are committed to selecting the most appropriate sites for new development for the town in its entirety at a level which is appropriate to the location of the town partly within the National Park.

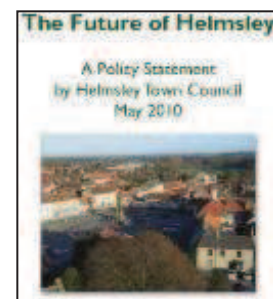
#### National Park Management Plan

2.15 The National Park Management Plan sets out the vision, strategic policies and outcomes for the National Park over the long term. It is a Plan for the National Park, its communities, businesses, visitors and organisations and will require all who have an interest in the National Park to work together to achieve its aspirations. It will ensure that National Park purposes are being delivered whilst contributing to the aims and objectives of other strategies for the area. Aims include providing more affordable homes to meet local needs and providing a range of business and employment opportunities which benefit local people.



#### A Policy Statement for Helmsley

2.16 In May 2010 Helmsley Town Council published a policy statement for the town called 'The Future of Helmsley'. The document brought together the conclusions of the Helmsley Design Statement Working Group and the views of the Town Council on how the town should be developed in the future. Many of the guidelines set out in the policy statement have been used as the basis for the development of the policies contained in this document.



#### Helmsley Conservation Area Appraisal

2.17 The Helmsley Conservation Area Appraisal was adopted by both Ryedale District Council and the North York Moors National Park Authority in 2005. The aim of the appraisal is to help inform decisions made by the Local Planning Authorities, the Highways Authorities, the Town Council and local residents. The Appraisal includes a detailed assessment of the architectural and historic character of the Town and makes reference to important characteristics and areas of open space that should be retained, which have been considered during the assessment of the sites.

2.18 As part of the Helmsley Plan process anomalies with the existing Conservation Area boundary were considered and a further appraisal carried out. As a result the area of Elmslac Road and the area adjacent to the Feversham Arms hotel have been added to the Conservation Area.

## The Relationship between Plans

- 2.19 The Helmsley Plan will comprise part of the statutory planning decision framework of both Ryedale District Council and the North York Moors National Park Authority. It will provide the spatial context of the Ryedale Local Plan Strategy and the North York Moors National Park Authority Core Strategy and Development Policies Document. As part of the development plan it will be used as the basis for decisions on planning matters which take place in Helmsley. The allocation of sites for new housing and employment land in the rest of Ryedale will be established through a separate site allocations document produced by Ryedale District Council. The delivery of housing and employment land as set in this Plan will meet the requirements of the Ryedale Plan: Local Plan Strategy.
- 2.20 The policies contained in the Helmsley Plan apply to the area identified on the Policies Map.

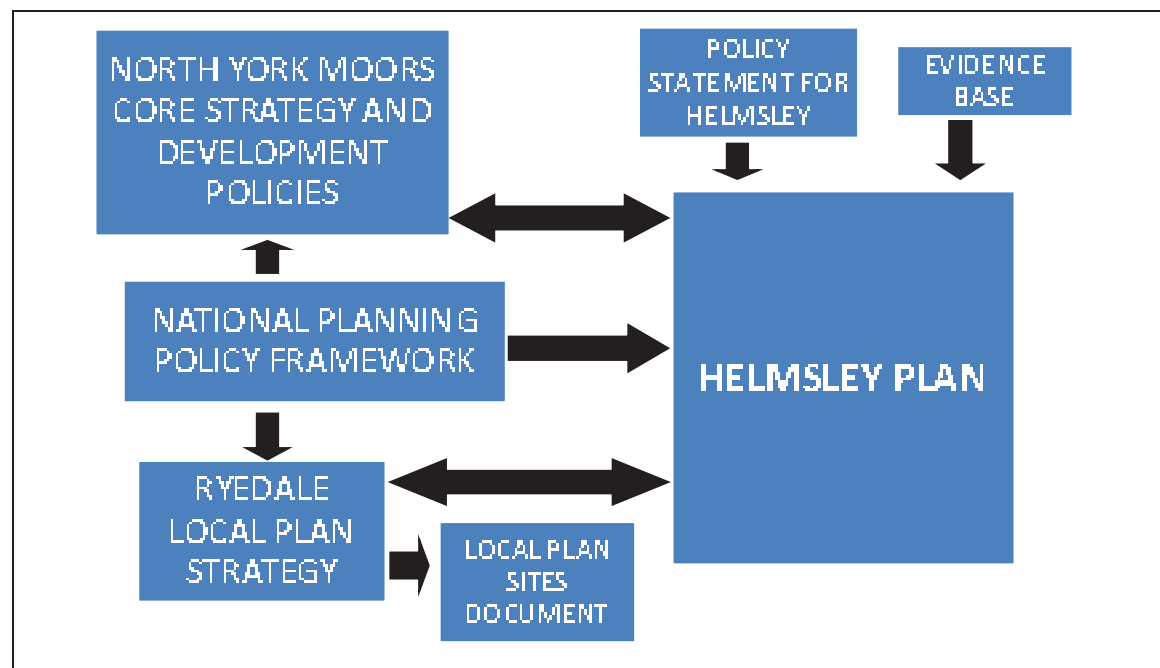


Figure1. Relationship with other plans

## VISION FOR HELMSLEY AND OBJECTIVES

- 3.1 The Helmsley Plan aims to maintain the town's role as a thriving market town which continues to provide a range of facilities and housing provision for local residents and continues to meet the expectations of visitors.
- 3.2 The main objectives of the plan are:
- To provide sufficient land to provide a mix of housing which meets the existing and future needs of the existing population, providing opportunities for managed growth of the town over the plan period, whilst safeguarding and enhancing the landscape of the National Park.



- To support the existing economy by ensuring there is further land available for the expansion of local businesses and to provide a range of employment opportunities for local people.
- To conserve and enhance the special qualities of the town so that it remains a popular destination for visitors and maintains the role of Helmsley as a market town serving a wide hinterland of rural communities including those within the National Park.
- Retain the historic character of the town including the setting of the Duncombe Park Estate, Helmsley Castle and the North York Moors National Park.

#### **A Vision for Helmsley**

In 2027 Helmsley will continue to provide essential services and facilities for its local community which will be successfully balanced with its role as a regionally important visitor destination. The distinctive historic character of the town and its landscape setting within the National Park will have been safeguarded and enhanced. Its role and reputation as a niche location for high quality shopping, hospitality and food based activity will be firmly established.

- 3.3 The Helmsley Plan will set the spatial approach for development in and around the town up to 2027 to meet this vision.
- 3.4 The policies set out in this document will apply to proposals for new development in and around the town.

## POLICIES

### 4. Presumption In Favour of Sustainable Development

#### Policy SD1 Presumption In Favour of Sustainable Development

When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in the Helmsley Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application in either the Helmsley Plan or Local Plans of the North York Moors National Park or Ryedale District Council, or relevant policies are out of date at the time of making the decision then the Local Planning Authorities will grant permission unless material considerations indicate otherwise – taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- b) Specific policies in that Framework indicate that development should be restricted such as where they are located in a National Park.

- 4.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. This policy sets out how the presumption in favour of sustainable development will be applied in relation to Helmsley.
- 4.2 The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

## 5. Housing Provision

- 5.1 The National Planning Policy Framework requires that Local Planning Authorities use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in their area. Local Planning Authorities are also required to identify broad locations to meet housing needs in 6-10 years from the start of the planning period and also where possible for years 11-15. In other words Local Plans need to identify sites where new housing can come forward over the plan period to meet future housing requirements.

### Policy H1 – New Residential Development

The delivery of at least 150 new homes will be managed over the period 2014 to 2027. This will be achieved as follows:

Site Reference	Location	Number of Units	Timescale
<b>Current commitments</b>			
	Land to the Rear of Black Swan	14 units residential units	2014 to 2022
	Land to the South of Swanland Road	20 residential units	2014 to 2017
<b>Proposed Allocations</b>			
Site NYMH1	Land to the North of Swanland Road and East of Carlton Road	60	2014 to 2022
Site NYMH3	Land to the North of Elmslac Road	35 residential units 60 unit extra care facility	2014 to 2022
Site 183	Land to the East of Riccal Drive	50 residential units	2014 to 2027
Site 174	Land to the South of Riccal Drive	45 residential units	2014 to 2027

The timescales for development are provided for indicative purposes only.

Extra care accommodation provided specifically to address the requirements of North Yorkshire County Council will not be deducted from the overall provision figure.

- 5.2 The housing requirement for the Helmsley Plan is derived from the Ryedale Plan: Local Plan Strategy which was adopted in September 2013. This sets a District wide housing target of a minimum 200 net additional dwellings per annum to meet the objectively assessed housing requirements across the District. This level also includes meeting some of the needs of the National Park within Ryedale District. This level of provision figure is based on a range of statistical evidence including population projections, economic forecasts and historical completion levels but also took into consideration environmental factors, accessibility and the rural character of the area.
- 5.3 The majority of the new housing development will be located in the Principal Towns of Malton and Norton, and below that the local service centres of Pickering, Kirkbymoorside and Helmsley. For Helmsley there is a requirement to plan for the

development of approximately 150 dwellings over the plan period in, or approximately 5% of the District wide requirement. This is a figure, which the Inspector has found sound and which both the Local Planning Authorities feel is appropriate in order to balance the need to deliver new homes to meet changes in the population while retaining the character of the town and the fact that half of the town is in the National Park. The provision figure also takes into account any outstanding housing commitments in Helmsley. The proposed allocations will provide sufficient land to accommodate a minimum of 150 new dwellings whilst ensuring the efficient use of land and making best use of the opportunities available.

- 5.4 The English National Parks and the Broads Circular<sup>2</sup> states that the Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The circular goes on to say that new housing will be focussed on meeting affordable housing requirements, supporting local employment opportunities and key services. Paragraph 115 of the National Planning Policy Framework sets out the approach to affording “great weight” to conserving and protecting key elements of National Parks and Paragraph 14 (including footnote 9) makes clear that the status of a National Park is an important consideration in any plan-making relating to it. Against this background, the National Park Authority and Ryedale District Council are working together to implement the development requirements set out in the Ryedale Local Plan Strategy to ensure the coordinated planning of Helmsley.

#### Delivery of Sites

- 5.5 Whilst none of the sites face major constraints in terms of delivery, the Authorities are aware that a number of the sites may require a greater lead in time to achieve development than others. The allocations are not phased as all sites are capable of coming forward from 2014 onwards. The delivery of sites in Helmsley also assists in ensuring allocated land supply is available for development as part of the Ryedale Local Plan Strategy.
- 5.6 The delivery of housing will be monitored through the Monitoring Reports of each Authority and Ryedale District Council’s annual Strategic Housing Availability Assessment (Part 1 Annual Update). The delivery of Housing through the Helmsley Plan will also be monitored in a Ryedale District context to ensure that the District Housing target in the Ryedale Plan is met.

#### Housing Density, size and type

- 5.7 The provision of an appropriate mix of housing is key to achieving balanced and sustainable communities. New housing will need to address the changes in the demographic structure of Helmsley and reflect the needs of increased numbers of smaller households and older people. Dwellings should be designed so that they are flexible and can be adapted to meet changes in lifestyle for example coping with illness.
- 5.8 The Strategic Housing Land Availability Assessment suggested that 30 dwellings per hectare is an appropriate housing density for the settlement of Helmsley. However the housing density required for each site will be dependent on the site assessment.
- 5.9 Further details on the requirements and guidance for each allocation are contained in the development briefs attached to Appendix 1.

<sup>2</sup> English National Parks and the Broads UK Government Vision and Circular 2010

### Extra Care Provision

- 5.10 Extra Care provision is the development of self-contained homes with design features and support services to enable self-care and independent living for people aged 55 and over. As a result of predicted changes to the population by 2020 over 50% of the population of North Yorkshire will be over 65 years of age. In order to cater for these demographic changes North Yorkshire County Council has identified a need for a further 30 schemes across the market towns in the County, with a need for at least 4 facilities within Ryedale District. The evidence collected by North Yorkshire County Council demonstrates that there is a requirement for a facility of 60 units in Helmsley (this is the minimum number currently required to ensure the viability of the scheme). North Yorkshire County Council have identified a site to provide a facility in Helmsley and this has been identified in the Helmsley Plan. The provision of an extra care facility proposed by North Yorkshire County Council to meet locally identified needs is not included in the overall requirement for 150 new homes, which is in line with the approach taken in the Ryedale Plan: Local Plan Strategy, which was found sound by the Inspector.

### Windfall Development

#### Policy H2 – Windfall Development

Proposals for new residential development on sites located within the defined Development Limit will be supported where the site comprises a small infill gap and/or fulfils the relevant policy requirements set out in the Ryedale Local Plan Strategy or North York Moors Core Strategy and Development Policies Document. Particular regard will be had to the following features in the consideration of windfall residential schemes in Helmsley:

- Ensuring that proposals conserve those elements which contribute to the historic character of Helmsley, especially the burgage plots and other important open spaces within the town;
- the setting of the town's built heritage including Du noombe Park and Helmsley Castle; and
- Important open views to the countryside.

Residential development outside the defined Development Limit for Helmsley will be restricted to those of an essential or exceptional nature as set out in the relevant policies contained in the Ryedale Plan: Local Plan Strategy or North York Moors Core Strategy and Development Policies Document.

- 5.11 Sites considered for allocation through the Helmsley Plan are those greater than 0.3ha in size. Any windfall sites of any size which come forward within the development limits will be considered against Policy H2 of this plan and also against the strategic policies of the relevant Local Planning Authority. Given the need to ensure the deliverability of this plan, enough allocations have been made to ensure the housing requirement is met and no windfall allowance has been made in terms of allocated supply and therefore windfalls do not count towards the 150 housing provision figure. However they are expected to only provide a limited contribution to housing supply and will be reflected in the monitoring of housing provision as set out in paragraph 17.1.
- 5.12 Development Limits are the boundary defined around a settlement within which appropriate development will normally be permitted. Different land use policies apply

inside and outside these Development Limits. Although Ryedale District Council has set Development Limits the National Park Authority did not take this approach in the Core Strategy and Development Plan Policies Document. However in order to take a consistent approach in the Helmsley Plan a Development Limit has been established for the whole of the town not just the area which falls within Ryedale District Council and this is shown on the Policies Map.

- 5.13 The Development Limit for Helmsley has been established using the criteria set out below:-
- a) The boundary should wherever possible relate to defined physical features such as field boundaries, roads or watercourses.
  - b) The boundary is drawn tightly around the built form of the settlement including any land allocated for development or land with a current planning permission.
  - c) The settlement boundary will include the following land uses; residential, community facilities (including schools, shops and health services), employment uses, permanent hard surfaced car parks and identified recreation or community open space such as allotments but excludes churches, cemeteries and sports facilities/fields.
  - d) The boundary should follow the boundaries of the curtilage of properties except where buildings or structures are located in large grounds or open areas on the edge of settlements where the plot or area of extended garden may be excluded.
  - e) One of the features of Helmsley is the retention of numerous historic burgage plots, which contribute greatly to the character of the Conservation Area, in particular the open views across to Helmsley Castle. Infilling of these plots would harm these distinct features and therefore the development boundary will be drawn tightly along the rear walls of the buildings that form the road.
  - f) Buildings which are clearly separated from the main built up part of the town have been excluded.
  - g) Important open areas on the edge of the town have been excluded from the Development Limits where development of these spaces would adversely affect the landscape setting or character of the settlement. These include the Grade I Historic Park and Garden at Duncombe Park, Howardian Hills AONB, the Area of High Landscape Value and the Visually Important Undeveloped Area (the last two being set out in the Ryedale Local Plan Strategy).

- 5.14 Any proposals for new housing and employment development on sites which have not been allocated in the Helmsley Plan will be considered as windfalls and will need to be located within the town's development limits as identified on the Policies Map. The development limit boundary includes those sites allocated in this Plan.
- 5.15 Any proposals for new housing outside of the development limit identified on the Policies Map will need to meet the requirements for new housing development in the open countryside as set out in either the NYMNP Core Strategy or the Ryedale Local Plan Strategy. Definitions of essential needs are set out in point 3 of Core Policy J and Policy SP2 of the Ryedale Local Plan Strategy.

#### **Affordable Housing provision**

- 5.16 A key message from local people in response to both the consultation on this Helmsley Plan and the consultations undertaken on behalf of the Town Council is that there is a need to provide affordable housing to local people in order to ensure that the town remains a balanced and mixed community. Helmsley is a highly desirable place to live which is reflected in the high house prices. In 2011 even the



lower quartile house prices cost an average £185,000. This means that families would require a household income of over £66,000 in order to access a mortgage if they were able to put down a 10% deposit. According to the North Yorkshire Strategic Housing Market Assessment 2011 the median annual gross household income in Helmsley Ward is £19,500. As house prices in the town are vastly disproportionate to local wages buying a house is out of the reach of many local people. As house prices continue to rise as predicted more people will be seeking private rented properties which will inflate the rental market and will result in more people living with parents for longer or moving outside of the area to access cheaper accommodation.

- 5.17 The 2011 Sub Regional Housing Market Assessment identifies an annual need for 256 affordable housing units across Ryedale District of which a gross annual figure of 20 affordable units per year are needed in Helmsley. The North Yorkshire Strategic Housing Market Assessment identifies a gross annual housing need for 20 affordable units per year. The greatest level of need is for 1 bedroom apartments with a small requirement for 2 and 3 bedroom units. In the light of changes resulting from the Welfare Reform Act it is likely that there will need to be a focus on the need to provide larger 1 bedroom units, which have the capacity to be converted to 2 bedroom to accommodate changes in personal circumstances

#### **Policy H3 – Affordable Housing Provision**

On sites allocated for housing development and any other sites coming forward for 6 or more units or 0.2ha or more, an affordable housing target of 40% of all new housing will be sought where viable to meet the needs of local people. Where this target cannot be met, the applicant will need to submit an independent viability assessment justifying any lower provision of affordable housing. Where the number of affordable units to achieve 40% does not equal a whole unit, a pro-rated financial contribution will be sought for that part where viable.

Where this contribution cannot be met, an independent viability assessment justifying any lower target will be required. The type of affordable housing must reflect the housing need set out in the latest Housing Market Assessment.

- 5.18 Affordable housing in Helmsley will need to be funded primarily through developer contributions and therefore it will be necessary to support open market housing as well as affordable housing to meet the needs of local people. A target of on-site provision of 40% affordable housing will be sought on the sites allocated in Policy H1 and any sites which meet the threshold where viable. Where the provision of on-site housing does not equal a whole number, the resulting 'part' of the affordable unit will be sought as a pro-rated financial contribution where viable. For sites under this threshold a target of 9% of the scheme's sales value will be sought where viable. This figure is supported by Financial Viability Assessments carried out by both Ryedale District Council (J R Stroughair 2011) and the North York Moors National Park Authority (DVS 2011). Where developers argue that the target of 40% affordable housing is not viable on a particular scheme an assessment will be carried out by Ryedale District Council's in house valuer where the site is located in Ryedale and by an independent valuer for sites located in the National Park.

- 5.19 The starting point for discussions on the tenure mix of affordable housing is that it should be provided on the basis of 90% social and affordable rent tenures and 10% intermediate. The precise tenure mix will be negotiated to ensure that the provision of affordable housing on a scheme reflects the needs of the town at the time an application is made as the split may change in light of updated evidence on housing need.
- 5.20 All the affordable housing provision will be subject to a legal agreement restricting the occupancy of the unit to people from the local area (Helmsley Parish and then cascaded to adjacent Parishes). In most cases the developer will sell the affordable homes to a Registered Provider at Ryedale District Council's agreed transfer price. Allocations for the properties will be made via North Yorkshire Homechoice Choice Based Lettings scheme (or its successor).

#### Traveller Provision

- 5.21 The National Planning Policy Framework says that Local Planning Authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which addresses the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. Whilst the Gypsy and Traveller accommodation survey carried out across North Yorkshire in 2008 identified a shortfall of 9 traveller pitches and 2 show people pitches across Ryedale District, additional Gypsy and Traveller accommodation has been provided elsewhere in Ryedale through the extension of the Tara Park in Malton. Therefore no gypsy or traveller accommodation needs to be identified in this plan.

### 6. Employment Provision

- 6.1 Helmsley has a range of economic activities, the town is a traditional market town, which offers a range of local services as well as high end retail offer and is also a significant tourist destination. According to the 2011 Census 1.6% of the population of the Helmsley Parish were classified as unemployed, which is well below national levels. The largest employment sectors in the Parish were wholesale and retail trade; motor vehicles and motor cycles (16.2% of the working population) closely followed by accommodation and food service activities (13.9% of working population). The Helmsley Plan aims to expand the existing employment opportunities for local residents through the allocation of additional land for employment. The main focus for employment in Helmsley is the Sawmill Lane Industrial Estate, where 6.05 hectares is protected by policy for employment use. There are also a cluster of businesses located around the market square, however other than a few offices above retail units there is no significant office market in the town.
- 6.2 In 2010 Ryedale District Council published the Employment Land Review Update carried out by Entec UK Limited. The review recommended that between 37 and 45 hectares of employment land should be allocated across Ryedale District to ensure a continuous rolling supply of land to support economic activity. From this evidence it is proposed that up to 2 hectares of employment land is allocated in the market towns of Helmsley and Kirkbymoorside, to ensure that there is sufficient available and deliverable land to meet the continued economic expansion of the towns. From the sites available for employment purposes EMP1 and EMP2 allocates 1.9ha of land in Helmsley for employment purposes in the B1, B2 and B8 use classes, subject to amenity considerations set out in the development briefs in Appendix 1. Infrastructure will be a key element to ensuring that new businesses are attracted to Helmsley, which will generate further employment opportunities for local people. The provision

of a range of employment opportunities will also help to lift local wage levels, which may assist local people in accessing the housing market. The Authorities consider it is important to ensure that the Helmsley Plan supports a wide range of employment opportunities including modern working practices including live-work units where appropriate.

#### Policy H4 – Employment Land

Proposals for new employment facilities will be supported on the sites below which are identified for this use on the Helmsley Plan Proposals Map.

Site EMP1, Land to the West of Riccal Drive – Up to 1.3ha

Site EMP2, Land to the South of Riccal Drive – Up to 0.6ha

Detailed planning permission will be granted where the proposal accords with the principles set out in the development briefs attached as Appendix 1 to this plan.

Employment opportunities on non-allocated sites; the expansion of existing employers; the conversion of existing buildings for employment uses; and the provision of live-work units will be supported in line with Policy SP6 of the Local Plan Strategy and Policy DP10 of the North York Moors Core Strategy and Development Policies Document.

Sites EMP1 and EMP2 and existing employment land and premises at Sawmill Lane will be protected as employment use and their change of use to non-employment uses resisted. The change of use of other land and building in current employment uses will also be resisted where they contribute to the sustainability of the local economy of Helmsley unless it can be satisfactorily demonstrated that those sites are no longer economically viable.

- 6.3 Existing employment provision in Helmsley contributes significantly to the local economy as employees typically live within a close range of Helmsley. A significant employer in the town is Thomas the Bakers who have their headquarters at Sawmill Lane employing around 100 people. The Helmsley Plan seeks to support these existing operations, including their expansion and reconfiguration where needed. It is also important that the local employment opportunities, including the proposed employment allocations are retained for employment purposes where viable, to ensure the sustainable growth of Helmsley.
- 6.4 This policy supports the priorities of the York, North Yorkshire and East Riding Local Enterprise Partnerships Draft Strategic Economic Plan, particularly in relation to becoming a leader in food manufacturing and profitable and ambitious small businesses.

## 7. Retail and Commercial Development

- 7.1 Helmsley Town Centre and its marketplace are an essential part of the town's economy and community. The town provides a range of retail uses and holds a popular weekly market, which draws in residents from the wider local area. The commercial centre of the town provides a range of shops and other facilities which are vital to its continued sustainability. It is important to ensure that new proposals for shops and other non retail uses such as financial and professional services are

encouraged to locate within the town centre in order to contribute to the continued vitality of the centre. Where proposals are put forward for retail uses out of the main commercial centre of the town applicants will need to meet the sequential tests set out in national policy.



Commercial Area of Helmsley

- 7.2 The Ryedale Plan: Local Plan Strategy in Policy SP7 sets out that there is a requirement particularly for additional non-food or 'comparison' shopping in Helmsley. However this is not to be achieved through the Authorities identifying specific retail allocations. Instead this will be achieved through appropriate development proposals coming forward for either intensified retail uses or the redevelopment of land or buildings within or on the edge of Helmsley town centre. Any proposal for main town centre use will need to satisfy Policy H5 of this Plan.

#### Policy H5 New Main Town Centre Uses

Retail and other town centre development will be focussed in Helmsley Town Centre (as defined by the commercial limits on the Policies Map) which will be the focus for a mixture of appropriate town centre uses. The Authorities will support development proposals which enhance the viability and vitality of Helmsley Town Centre.

Developments involving main town centre uses (which include retail, leisure, commercial, office, cultural and community development) which are located outside of the commercial limits will only be permitted where they satisfy the retail sequential test as set out in national policy.

Proposals which involve the intensification of existing town centre uses or are ancillary to an existing use will be supported where they are judged to enhance the viability and vitality of Helmsley town centre.

A local floorspace impact threshold will be applied for the assessment of proposals not in accordance with either this or the respective Authorities' development plans and outside of the defined commercial town centre limits. This will apply where a scheme involves:

500 sq m (gross) for comparison only schemes or  
750sq m (gross) for convenience only schemes or;  
Where a proposal involves a combination of convenience and comparison retail floorspace, a threshold of 1000 sq m (gross) of the total retail floorspace

- 7.3 It is essential that Helmsley town centre remains a vibrant town centre and adapts to changing circumstances when they arise. Where proposals are put forward for retail uses outside of the commercial limits of the town, applicants will need to meet the sequential test as set out in national policy which seeks to promote proposals in the town centre first.
- 7.4 It is also important that any proposals of a certain scale do not have a significant adverse impact on Helmsley town centre or any other local centres. A local floorspace threshold for the assessment of impacts for any scheme outside of the town centre and not in accordance with this plan has been set at a scale appropriate for Helmsley, to ensure that the impacts of any schemes are taken into account and comply with those set out in the Ryedale Plan: Local Plan Strategy.
- 7.5 Provision should be made for small scale recycling facilities alongside new retail uses where suitable to the use and where space allows.

#### **Policy H6 – Protection of Retail Uses**

Proposals which will result in the loss of retail floorspace on Primary Retail Frontages along Bridge Street, Borogate, Church Street and Market Place will only be permitted where it can be demonstrated that it is no longer suitable or viable for retail use.

- 7.6 To support Helmsley's role as a key Local Service Centre and tourist gateway, it is important that its vitality as an attractive and vibrant town centre is maintained. The loss of retail units in the town centre can have a detrimental effect, particularly on the Primary Retail frontages. The Authorities will carefully consider any proposal which – individually or cumulatively - will result in non retail or commercial use of premises in these locations.

#### **Policy H7 – Loss of Community Facilities**

Proposals which will result in the loss of community, cultural, leisure and recreational facilities (including Helmsley Town Hall, Helmsley Arts Centre and Recreational Facilities at Baxtons Lane) will only be permitted where:-

- i) it is no longer suitable or viable for the current use; or
- ii) suitable alternative replacement facilities are provided.

All new proposals will need to be considered alongside other policies set out in the Ryedale Plan: Local Plan Strategy or the North York Moors National Park Authority's Core Strategy and Development Policies Document.<sup>3</sup>

- 7.7 Both the National Park Authority and Ryedale District Council recognise the important role that local retail, employment, community, leisure and recreation facilities play in the continued vitality of Helmsley and its role as a Market Town. For this reason where planning permission is required the Helmsley Plan will seek to

<sup>3</sup> Reference to community facilities does not include NHS healthcare facilities, which are subject to specific processes in relation to disposal.

protect these facilities unless it can be robustly demonstrated that the facility is no longer viable. A marketing exercise will need to be undertaken and this must demonstrate that the existing facility has been advertised in public for a minimum period of 12 months, including regular advertisements in the local press.

## 8. Design

- 8.1 The town today retains much of its character from the 18<sup>th</sup> and 19<sup>th</sup> centuries with traditional features including wide streets interspersed with pedestrian or single track alleys. The majority of buildings in the centre of the town are small in scale and constructed of local stone. The dominant character is pavement edge development, while Borough Beck which flows through the town also defines its traditional appearance. More modern development to the east of the town feature very different characteristics to the historic core with cul-de-sacs and front gardens.



Wide open streets with frontage development along Bondgate and the High Street

- 8.2 In May 2010 Helmsley Town Council published a policy statement for the town called 'The Future of Helmsley'. The policy statement set out a number of guidelines which should be borne in mind when considering future development in the town. The Conservation Area Appraisal published jointly by Ryedale District Council and the National Park Authority also contains guidelines for design of future development. Reference should also be made to the National Park Authority's Design Guide (Parts 1 to 5). The policies set out below have taken into account some of the main guidelines from these documents which will apply to all new development. Specific guidance on design for each development site has been set out in the individual site development briefs.

### Policy HB - Important Open Views and Spaces

New development should respect the views, vistas and skylines that are influenced by the town's key historic buildings including All Saints Church, the Feversham Arms Memorial, the Town Hall, Duncombe Park and its Parkland, the remaining burgage plots to the west of Church Street/ Castlegate and the long distance views of the town which play an important role in the character of the town and the setting of the North York Moors National Park.

- 8.3 The fact that Helmsley is nestled within a hollow means that the roofscape is an important part of its character, particularly when viewed on the approach roads from Thirsk and Stokesley and attention should be paid to vary the ridge lines of new developments on the edge of the town. The taller historic buildings of All Saints Church, Helmsley Castle and the Town Hall have a significant impact on the



character of the Conservation Area and the setting of these buildings and the views towards them should be retained.



Long distance views of the town from Thirsk and Stokesley approaches

- 8.4 There are a number of important open spaces which contribute to the setting of these historic buildings including the burgage plots to the rear of Church Street and Castlegate which are considered worthy of protection. Often the burgage plots have been constructed lengthways along the boundaries of the burgage plots and these low level buildings allow views through the area, in particular towards All Saints Church.



Remaining examples of Burgage Plots

**Policy H9 - Design**

All new development should respect the existing settlement character, patterns and layouts and the principles of building design to ensure that the historic character and local distinctiveness of the built environment is maintained and the landscape of the National Park is conserved and enhanced. Opportunities within the Conservation Area which enhances its significance will be supported.

- 8.5 The design of any new development should reflect the immediate environs in terms of massing, fenestration detailing and scale. The traditional detailing and local features should be reflected or complemented in the design of new buildings. Due to the high environmental quality and intact historic street frontages, it is envisaged that most new development will take place on back land areas. Where development takes place on back land areas it should respect the scale, massing, materials and character of the surrounding buildings. Where historic land divisions survive these should be maintained. Development proposals within the Conservation Area should preserve or enhance those elements identified in the Conservation Area Appraisal as making an important contribution to its character.

- 8.6 The marketplace forms the historic, social and commercial nucleus of the town. Careful attention should be made to the design of shop frontages and commercial information signs in order to limit the visual clutter of this area.



Important open spaces in the town

- 8.7 When designing new proposals applicants should consider the implications for crime and for adequate provision of refuse and recycling receptacles.

## 9. Renewable Energy and Sustainable Building

- 9.1 A priority for both Planning Authorities is to mitigate the effects of climate change through the reduction of Carbon Dioxide emissions. As buildings can have a significant impact on carbon dioxide emissions it is important that they are constructed in a manner where they have as low an impact as possible. New buildings should incorporate enhanced insulation, renewable energy technologies and should be positioned to take advantage of passive heating and cooling. Officers will work closely with developers to ensure that new buildings are designed to maximise energy efficiency.

### Policy H10 – Renewable Energy and Sustainable Building

Proposals for new residential development should demonstrate that they have been designed to reduce the need for energy consumption and that the buildings utilise energy more efficiently. Proposals that generate renewable energy and/or low carbon sources of energy will be supported where they do not harm the character of Helmsley.

All proposals for non-residential development above 1000sq metres must demonstrate that it meets the highest BREEAM standard (or its successor that is feasible and viable on site).

- 9.2 Buildings have a long lifespan and contribute towards carbon dioxide emissions so it is important that new homes and buildings have as low an impact as possible. The current recognised standards aimed at reducing energy emissions are the Code for Sustainable Homes (withdrawn 25 March 2015) and the Building Research

Establishment Environmental Method (BREEAM). At present building regulations require that all new development must meet at least level 3 of the Code for Sustainable Homes. However the Government has announced its intention to introduce new standards for energy performance and allowable solutions through Building Regulations in 2016. Whilst it is not a policy requirement both Authorities will actively support developments which seek to exceed these minimum requirements.

- 9.3 The Local Planning Authorities will take into account the feasibility and viability issues associated with the delivery of decentralised renewable and low carbon energy, including the use of Allowable Solutions, excluding residential sites of 10 units or fewer where it is not required.
- 9.4 Applicants will need to consider the range of technologies available, their feasibility and the impact on the location in question. Careful attention must be made to the siting, colour and materials of the technology in order to ensure it does not harm the character of Helmsley. In the National Park area of the town reference should be made to the North York Moors National Park's Supplementary Planning Document on Renewable Energy. Applications in the Ryedale area of the town will be considered against the Energy Hierarchy set out in SP18 of the Ryedale Local Plan Strategy.

## 10. Green Infrastructure

- 10.1 Green spaces including woodland, grassland, rivers, streams, hedges and verges are collectively known as green infrastructure. Networks of green infrastructure together are integral to the character and appearance of the landscape, encourages tourism and helps to support communities in living healthy lifestyles. Green infrastructure can be a multi-functional resource such as providing recreational benefit, enhancing and protecting biodiversity, and where possible creating new habitats using indigenous planting. The Yorkshire and Humber Green Infrastructure Mapping Project set out a range of district, sub-regional and regional Green Corridors. Helmsley has a rich variety of contiguous and overlapping green infrastructure areas including:

- the River Rye (Sub-Regional Corridor)
- North York Moors Green Infrastructure Area
- Howardian Hills Green Infrastructure Area
- The District Corridor of the Cleveland way (Cleveland and Hambleton Hills).

There are many specific features that contribute to these networks in Helmsley. These include:

- The corridors of Borough and Spital Becks
- The former railway line,
- The playing fields
- Duncombe Park National Nature Reserve
- Helmsley Castle and the adjoining Walled Gardens

- 10.2 It is important that new development opportunities seek to improve, integrate and enhance the existing features that contribute to these Green Infrastructure Networks to build in biodiversity resilience. This can include considering the effects of garden space, open space, landscape buffers with these various networks.

**Policy H11 – Green Infrastructure**

All development proposals within the Plan area should require a net gain in biodiversity and for green infrastructure networks to be enhanced where possible. This will provide opportunities for activity and relaxation and should include the expansion and enhancement of green infrastructure assets. Where there is existing green infrastructure this should be protected.

The development briefs in Appendix 1 set out the opportunities of the allocated sites in linking with these green infrastructure networks. Development proposals on non-allocated 'windfall' sites should address opportunities to link with and enhance green infrastructure networks where possible and in proportion to the scheme. 'Windfall' development proposals will not be expected to provide Green Infrastructure where a meaningful contribution cannot be made due to the absence of available green space.

- 10.3 There are opportunities through the Helmsley Plan to improve green infrastructure provision in the town, particularly through improving links with the Cleveland Way and increasing the use of the disused railway line. Provision for green infrastructure should be incorporated into the detailed design of each scheme and consideration should be made on the implications for crime.

**11. Parking Provision**

- 11.1 All development proposals in Helmsley will be expected to comply with the parking standards established by North Yorkshire County Council in the 'Transport Issues and Development – A Guide' 2003 document. The Current standards are repeated at appendix 2.

**12. Infrastructure Requirements**

- 12.1 The current necessary improvements to utilities infrastructure required to facilitate the levels of development set out in the plan are set out in Table 1 below.

*Table 1: Necessary Utility Infrastructure Requirements*

<b>Planned/Required</b>	<b>Risk and Contingency</b>
Gas – potential requirement for reinforcement of supply depending on location of new sites	Low – none necessary
Electricity – no capacity issue/constraint currently identified but reinforcement of the distribution network may be required on a site by site basis	Low – none necessary
Water supply – no capacity issue/constraint currently identified	Low – none necessary
Sewerage Capacity – no constraints	Low – none necessary
Surface Water Drainage – as above for sewerage capacity	Low – none necessary

- 12.2 Reinforcement works to utility infrastructure required for the accommodation of development will normally be undertaken by the utility providers direct as part of their investment planning cycle process. Where a developer wishes to proceed with development in advance of this, discussion would need to take place with the utility providers.
- 12.3 A number of deficiencies in transport, open space, recreational space, health and education facilities have been identified, which will need to be addressed through the site allocation process. These issues have been carried through to the development briefs for each site.

*Table 2: Necessary Improvements to Community Facilities and Physical/ Environmental Infrastructure*

Facility	Planned/Required
Transport	Improvements to internal highway junctions including Carlton Lane / A170 junction. Improved cycle and pedestrian facilities
Environmental	Quantitative deficiencies in market town amenity space, central sites for children's play, young people's provision in south east Helmsley, outdoor sports including enhancements to the existing sports facilities at Baxton's Lane and allotments  Qualitative deficiencies provision for children and young peoples provision and outdoor sports  Environmental improvements including, maximising/ enhancing green corridor networks  Public realm improvements including Helmsley Market Place.  Additional waste lorry and waste receptacles.
Health and Education	Primary Health Care. No capacity issue/constraint currently identified  Requirement for 60 unit NYCC Extra Care facility  Primary Education – additional capacity required to be met through the provision of additional classroom at Helmsley Community Primary School

### 13. Developer contributions

- 13.1 Contributions from developers are an important way of providing necessary infrastructure improvements which are required as a result of new development such as any highways improvements or new classrooms. This will help integrate new development into Helmsley in a sustainable way. Contributions can be used in various ways but the main factors are to mitigate the impact of new development, or to compensate for the loss or damage to specific features or to deliver specific forms of development – in particular affordable housing.

- 13.2 Currently contributions are negotiated with developers and are secured as planning obligations through Section 106 Agreements. In the future, there are two ways of collecting contributions from developers. Section 106 agreements will be used to fund infrastructure improvements directly related to the development of the site e.g. highway improvements. Secondly through the Community Infrastructure Levy (CIL) whereby a charge is collected on all new development to pay for improvements across the charging authorities area which are set out in an infrastructure list.
- 13.3 The National Park Authority and Ryedale District Council are working jointly to establish a potential CIL charge for new development, which will help to provide the new infrastructure required to support new development in the District. Ryedale has already undertaken consultation on a Preliminary Draft Charging Schedule and the National Park are investigating the viability of introducing a CIL charge. Any CIL Charging Schedule will be subject to a separate Examination. If a Charging Schedule is adopted by the Authorities, the scope of S106 agreements will be limited to site specific ("on-site") provision including affordable housing, highways and open space.

**Policy H12 – Developer Contributions**

In order to address the necessary improvements to social, physical or utility infrastructure which are required as a result of new development contributions will be sought through either a S106 agreement or through a Community Infrastructure Levy Charging Schedule (CIL) if adopted by Ryedale District Council and the National Park Authority.

Planning Obligations will be sought to regulate development, to address onsite mitigation measures to address its impact or to compensate for the loss of damage of a facility, feature or resource of acknowledged importance.

Developer contributions and CIL funds will be used to address a range of requirements. This includes those set out in Table 2 (Improvements to Community Facilities and Physical/ Environmental Infrastructure) and will be set out in the Regulation 123 Infrastructure Lists of each authority's CIL Charging Schedule when adopted.

Once the Authorities have adopted a Community Infrastructure Levy (CIL) Charging Schedule and Infrastructure List, developer contributions through S106 Agreements will be limited to site/development specific contributions (including highway works; affordable housing; open space and other contributions) which are necessary as a result of the scheme and which are essential to allow the granting of planning permission.

**14. Open Space Provision**

- 14.1 The Ryedale Local Plan Strategy seeks contributions for all new residential development for the provision of open space under Policy SP11 based upon the standards set out in the Council's Open Space Study. As set out in Table 2 quantitative deficiencies have been identified in the informal market town amenity space, the central pay area, young people's provision in the south east of the Town and in allotment provision.
- 14.2 Residential schemes up to 14 dwellings will need to provide an off-site contribution for open space in line with Table 3 above and Residential schemes of 15 dwellings or



more will be required to include on-site provision of informal amenity space (e.g. Local Area for Play), unless considered impractical or unfeasible and an off-site contribution is more appropriate. Residential schemes of 50 dwellings or more will be required to provide on-site formal children’s playspace (Local Equipped Area for Play or Neighbourhood Equipped Area for Play as appropriate). Requirements for open space are likely to be included within the 123 Infrastructure list for all the Authority’s CIL schedules. If CIL is adopted contributions for off-site open space will be collected through this mechanism unless on-site provision is required. Where contributions are sought through S106 agreements they will be subject to the scheme’s viability. Where on site provision is not feasible, contributions will be sought for improvements to the existing recreation facilities at Baxtons Lane.

**Policy H13 – Open Space Requirements**

The provision of open space will be sought from all new residential development for open space provision on the basis set out below.

*Table 3 Open Space Contributions*

	Quantity Standard	Indicative Developer Contribution/ Provision based on	Current multiplier per metre for off site provision *
Provision for Children and Young People	0.85 facilities per 1000 population	25m <sup>2</sup> – 30m <sup>2</sup> per person.	£36.80
Outdoor Sports Facilities	2.05 ha per 1000 population		
Indoor Sports Facilities	Sports Halls: 0.27 courts per 1000 population Swimming pools: 11.33m <sup>2</sup> per 1000 population Village Halls: 1 hall per 535 people		

\* the financial multiplier will be set out in an annually updated Guidance Note published on Ryedale’s website.

14.3 All proposals for new open space provision will need to be considered against other policies in both this plan and the North York Moors National Park’s Core Strategy and Development Policies Document and the Ryedale Local Plan Strategy.

**15. Telecommunications and IT Installations**

15.1 The development of high speed broadband technology and other communications networks play a vital role in enhancing the provision of local services and is essential for sustainable economic growth, however careful consideration is required on the design and siting of new apparatus as installations can cause visual harm to the landscape and built environment and have a direct physical impact upon heritage assets

**Policy H14 Telecommunications Installations**

Proposals for IT and telecommunication infrastructure will be permitted where:

- There are no satisfactory alternatives following an assessment of erecting apparatus on existing buildings where appropriate, masts or other structures; and
- The siting and appearance of the proposed apparatus and associated structures will have no unacceptable adverse impact on the Conservation Area, the historic environment or the wider landscape particularly the National Park; and
- Provision is made for the removal of the equipment when it is redundant.

**16. Proposed Allocations**

- 16.1 The proposed allocations are identified on the Helmsley Plan Policies Map. Design Briefs and more detailed maps of each site are set out in the Development Brief section of the Plan. These have been chosen following the application of the Site Section Methodology – the process and outcome of this is set out in Appendix 2.

## MONITORING

- 17.1 The sites allocated in the Helmsley Plan will be set out in a housing trajectory which will be updated and reported on annually as part of each Authorities Annual Monitoring Report or successor. Where the annual assessment of housing land supply identifies an issue of under supply both Authorities will take action to identify any barriers through discussions with landowners and developers.

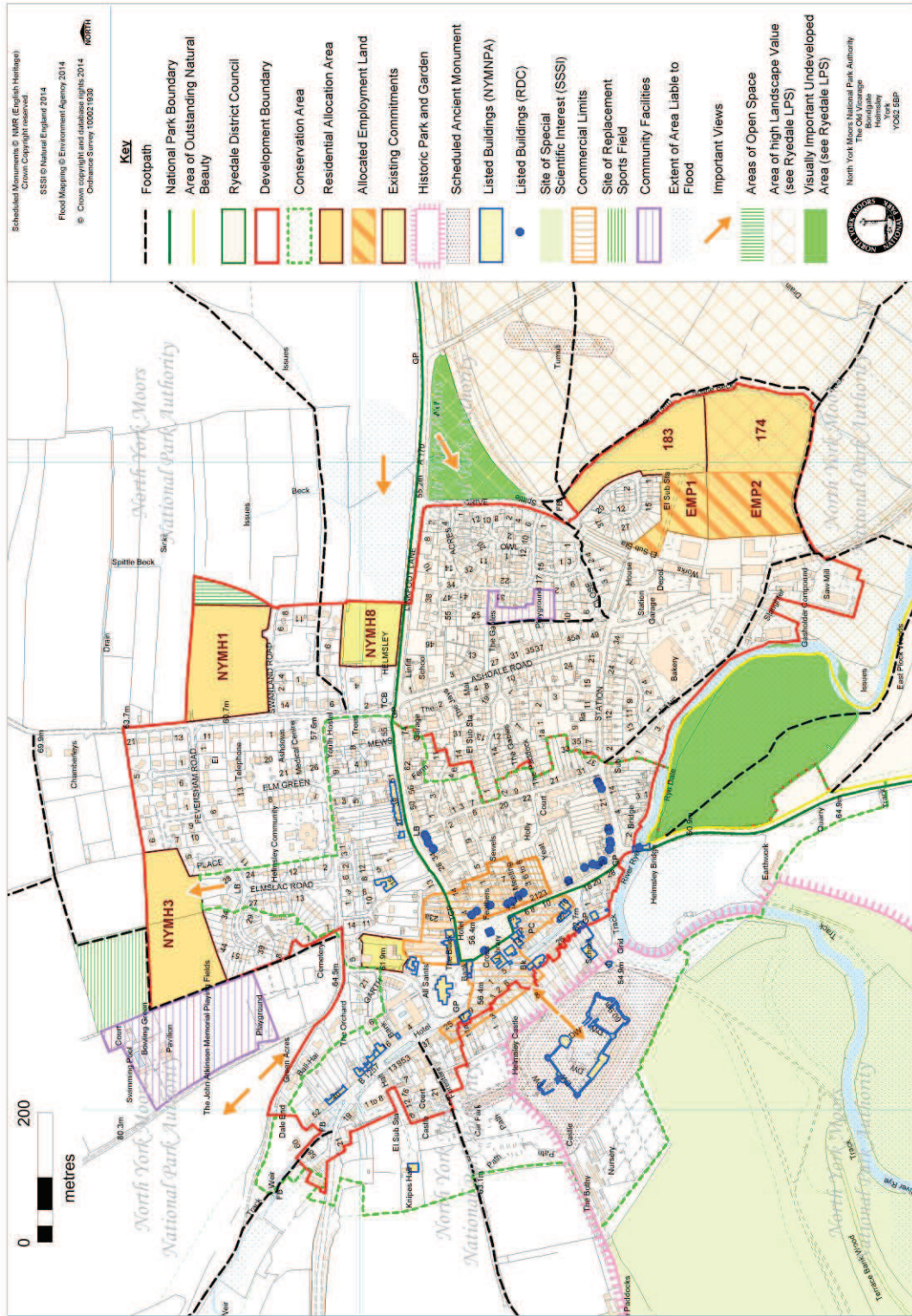
Site Reference	Indicator	Target
NYMH1, NYMH3, NYMH8, 183 and 174	Number of residential units completed	150 units completed a) By 2022 – at least 100 completed b) By 2027 – at least 150 completed
NYMH1, NYMH3, NYMH8, 183 and 174	Percentage of total units completed which are affordable as defined in NPPF	40% of all completions are affordable
EMP1 and EMP2	Area of employment land completed	Up to 1.9 ha of land has been allocated for employment use in the town
All sites	Number of new developments undertaken in line with the requirements of the Development Briefs	100%
All sites	Number of new development incorporating Sustainable Drainage Systems	100%

## 18. Sustainability Appraisal And Habitats Regulation Assessment

- 18.1 Sustainability Appraisal (incorporating the requirements for Strategic Environmental Assessment) has been undertaken as part of the production of the Helmsley Plan. Sustainability Appraisal enables the implications of the Plan on the environment, the community and the economy to be assessed throughout its production and for these implications to be taken into account as an integral part of the development of the Plan.
- 18.2 An assessment is also required under the Habitats Directive which seeks to ensure that the Plan does not harm the integrity of any internationally protected nature conservation sites (specifically Special Areas of Conservation, Special Protection Areas and Ramsar sites).

- 18.3 Reports relating to both of these processes are available to accompany the Publication version of the Helmsley Plan. These can be viewed on the Authorities' websites or by contacting the Authorities.

# POLICIES MAP



It should be noted that the National Park and AQMB have the highest status of protection in relation to landscape and scenic beauty. Outside national landscape designations Ryedale District Council will carefully consider the impact of proposals in areas of locally valued landscape, including areas of High Landscape Value the policy framework for this is set-out in Policy SP13 of the Ryedale Local Plan Strategy





## APPENDIX 1 - DEVELOPMENT BRIEFS



Development Brief for Site NYMH1 Land North of Swanland Road and East of  
Carlton Road (to be read alongside Helmsley Plan Policies)

**Proposed Site Area**

2.3ha in total

**Owner/Agent**

Wharfedale Homes

**Potential Residential Yield**

60 units

**Current Use**

Grazing land.

**Site Description**

The site is located to the north of Swanland Road, where access has been created into the site by the original development. The land falls gently from north east to south west. The development site is broadly level.



The site comprises semi-improved and improved grassland used for sheep grazing. The site is enclosed along the western and northern edges by post and wire fencing.

## **Constraints**

There are some mature trees on the north east corner of the site mainly oak with some sycamore. In addition there is a relic traditional apple orchard to the south east corner of the site between Swanland Road and Carlton Road. Historic mapping suggests that this is over 100 years old and part of a larger orchard that originally reached west to Carlton Road. These types of orchards are rare nationally. The design of the scheme should take into consideration these trees and should be planned in order that they can be retained.

## **Landscape Assessment**

The site is directly overlooked at close range from the existing housing on Carlton Road, Swanland Road and Ryedale Close and its location generally conforms with the existing development pattern in the town. Long distance views from the north are largely contained by landform. Development on this site is considered acceptable in landscape terms subject to careful retention of the existing mature trees and restoration of the orchard area.

## **Accessibility**

The site has good overall accessibility being within close proximity to a bus stop, primary school and doctors surgery.

## **Flood Risk**

All of the site is located within Flood Zone 1. Any development greater than 1 hectare in size will require a Flood Risk Assessment at full planning application stage which should pay particular attention to drainage. Where feasible developers should consider the use of Sustainable Drainage Systems in order to mitigate against the threat to species in the River Derwent as a result of increased water run-off.

## **Highway Assessment**

The Highways Authority have confirmed that access from the site is acceptable, however the impact on the existing highway network will need to be determined by a traffic assessment at full planning application stage.

## **Site Allocation**

Up to 60 residential dwellings of a mix of different sizes.

## **Justification**

The site is well located within 5 minutes walking time of the primary school and doctors surgery and less than 10 minutes walk from the commercial area. There are existing residential properties along the west and southern boundaries of the site and it is considered that the proposed allocation area can accommodate new residential development without causing harm to the character and setting of the town.

## Key Principles for Development

### **Housing Types and Affordable Housing Provision**

Development should comprise a small number of larger 4 and 5 bedroom properties with the majority being a mix of two and three bedrooms. A small number of single bedroom apartments should also be accommodated.

As set out in Policy H3 up to 40% of all units should be affordable. The starting point for discussions on the tenure of affordable housing is that it should be provided on the basis of 90% social and affordable rent tenures and 10% intermediate.

### **Design Principles and Infrastructure Requirements**

The site is prominent and the design will need to be of very high quality. The predominant building materials will be natural stone and pantile. The density and character of the development should replicate and reinforce the existing street patterns being no greater than 2 storeys in height, although a mix in ridge heights will be required. The layout of the scheme should be in keeping with the scale and massing of the buildings in the immediate area.

Contributions will be sought for the necessary Improvements to Community Facilities and Physical/Environmental Infrastructure as set out in Table 2 of this Plan.

The proposed development should consider the guidelines for new development set out in the North York Moors National Park Design Guides (Part 1: General Principles and Part 3: Trees and Landscape).

The eastern boundary of the allocated area provides an opportunity for soft landscaping or open space, which will merge the built development with the open countryside beyond this identified on the Policies Map as an area of open space.

The site should be bounded with hawthorne hedges to replicate the existing boundary appearance of fields in this area. The layout and landscaping of the site should be carefully considered.

There are the remnants of an ancient orchard on the site, which could be retained and reinforced with new planting as part of a new development scheme, which could provide a community resource.

The design should encourage people to walk or cycle.

The implications for crime should be considered.

Street lighting should be kept to the minimum required.

All electricity and telephone connections should be placed underground within the site.

There is scope for a range of renewable energy solutions on the site and the developers are encouraged to integrate these technologies into the site.

Measures to address Sustainable Building and Waste Reduction should be encouraged in the final design. Developers are required to consider the use of Sustainable Drainage Systems in order to mitigate the effects of floods to people,

property and species in the River Derwent catchment. Where the use of Sustainable Drainage Systems is not possible an assessment under the Habitat Regulations will be required of any alternative drainage scheme.

A children's play area will be required on-site where more than 50 units are proposed.

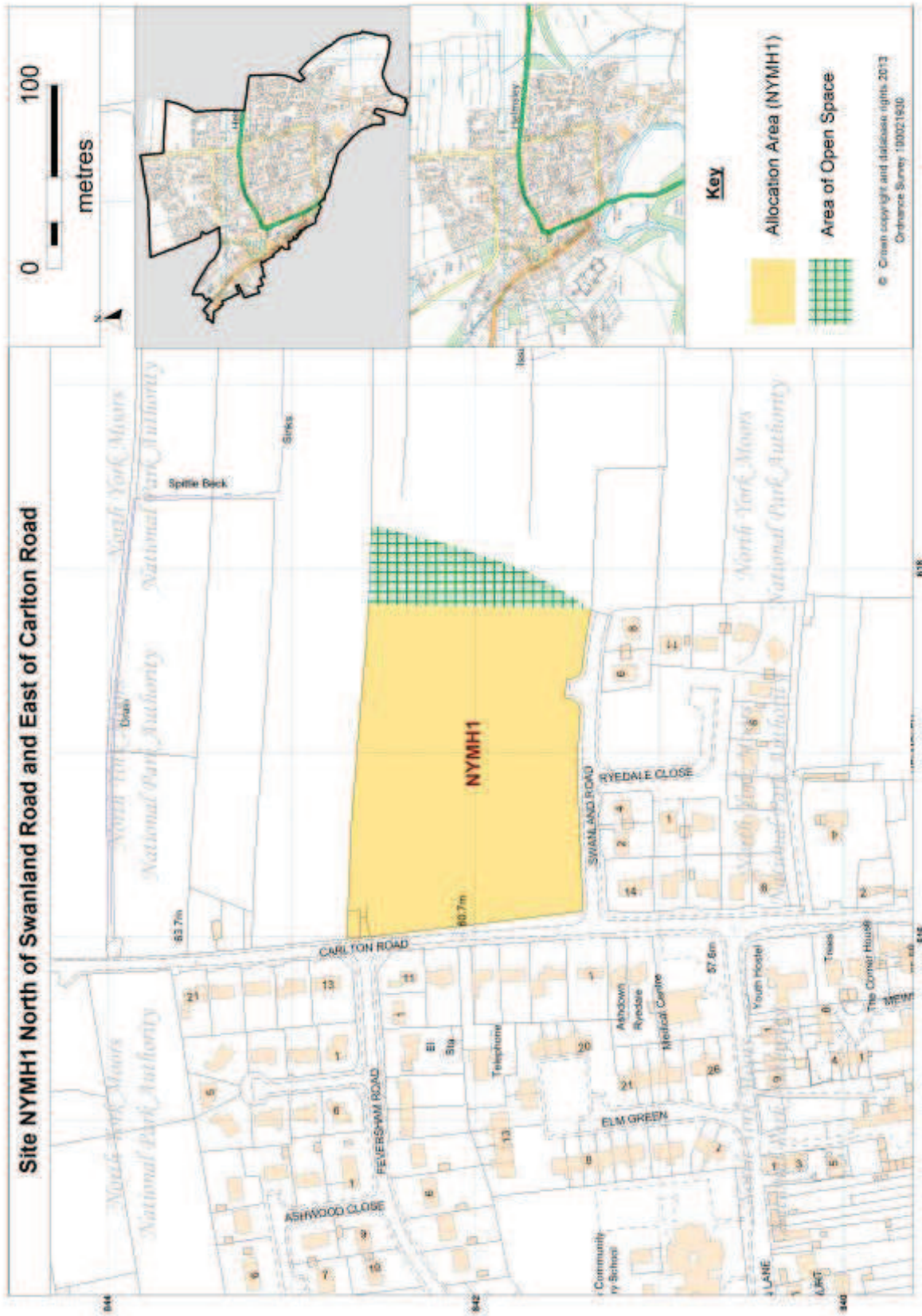
Broadband provision should be incorporated into the scheme design where possible.

Contributions will be sought for improvements to the junction between Carlton Road and the A170.

#### **Timescale of Development**

2014 to 2022





**Development Brief for Site NYMH3 – Land North of Elmslac Road (to be read alongside Helmsley Plan Policies)**

**Site Area**

2.1ha

**Potential Residential Yield**

35 plus 60 unit extra care facility

**Owner/Agent**

Keepmoat

**Current Use**

Half of the site is currently used as an overflow sports field the remaining is in grazing use.

**Site Description**

The site is located to the north of the Elmslac Estate in the north of the town and half is currently used as an overflow sports pitch. The site is adjoined by the existing housing along Elmslac Road, Feversham Road and Ashwood Close. The site is bounded by garden hedges and fences on the south, by a hawthorn hedge to the east, by close boarded fencing and a line of semi mature ornamental trees to the west and by post and wire fencing with some remnant hedgerow shrubs on the north.

The western part of the site is bounded to the west and north by a public footpath that is part of the Tabular Hills Walk, a long distance walking route that connects southwards to the Cleveland Way National Trail.



**Constraints**

Part of the site is currently utilised as an overflow sports field, an appropriate replacement for this provision will need to be secured prior to any planning permission being granted. Any proposal which results in the loss of a playing field will need to be referred to Sport England for their consideration.

### **Landscape Assessment**

The site is contained to the south and east by the existing housing and to the west it is partly screened by trees. To the north it is largely open to view at close range although longer views in from the north are contained by the woodland and rising ground. There are almost no views of this site from any of the main approaches to Helmsley as it is largely hidden behind the built up area. There are views from the public road which runs to Carlton. Although the site fits in reasonably well with the existing built form, the fit is noticeably better in the east where the site tucks in behind Ashwood Close than in the west where the ground rises and the site projects further into open countryside. Development on the site is considered to have modest direct impacts on landscape fabric as the land has few landscape features of note.

### **Accessibility**

The site has good overall accessibility being within close proximity to the primary school, the doctors surgery and the retail areas of the town.

### **Flood Risk**

The site lies within Flood Zone 1. For any development site that is more than 1 hectare in size a site specific flood risk assessment will be required and should pay particular attention to drainage. Where feasible developers should consider the use of Sustainable Drainage Systems in order to mitigate against the threat to species in the River Derwent as a result of increased water run-off.

### **Highway Assessment**

Highways have confirmed that the access from the existing highway is acceptable onto the road between Ashwood Close, however a traffic assessment will be required at full planning application stage.

### **Site Allocation**

Up to 35 dwellings with a mix of sizes and a 60 unit extra care facility.

### **Justification**

The site is considered suitable for residential development as it is well screened from wider views and not considered to have an adverse impact on the special qualities of the National Park. Full planning permission for the site will be subject to a legal agreement which will identify and provide for a replacement overflow sports field.

The remainder of the site is considered to be the most suitable site in Helmsley, as it relates well to the existing built form of this part of the town.

### **Key Principles for Development**

#### **Housing Types and Affordable Housing Provision**

A mix of housing types will be required including a large proportion of 2 bed room properties to meet the shortfall identified in the housing needs surveys.

The open market housing provision will be used to cross subsidise the extra care facility, however this itself will have an element of open market provision in order to provide a range of choice.

### **Design Principles and Infrastructure Requirements**

An alternative site adjacent to the existing sports facilities must be secured to replace the existing sports field.

The predominant building materials for the new housing will be natural stone and pantile. The density and character of the development should replicate and reinforce the local development patterns. New dwellings should be no greater than two storeys in height.

Contributions will be sought for the necessary Improvements to Community Facilities and Physical/Environmental Infrastructure as set out in Table 2 of this Plan.

The effect of the existing vista view into the open countryside along Elmslac Road should be retained through the design of the development, as this is an important feature of the Conservation Area.

The extra care facility should not be greater than 2.5 storeys in height (i.e. floorspace to be accommodated through the use of dormer windows).

The proposed development should consider the guidelines for new development set out in the North York Moors National Park Design Guides (Part 1: General Principles and Part 3: Trees and Landscape).

Public access should be made available to allow people to walk to the sports facilities and playground on Baxtons Road and to link with the wider public footpath network.

The implications for crime should be considered.

Trees and hedgerows around the boundary of the site should be maintained where possible. A strong new hedgerow with hedgerow trees should be created along the northern edge of the site to soften the built edge in views from the north.

There is scope for a range of renewable energy solutions on the site and the developers are encouraged to integrate these technologies into the site.

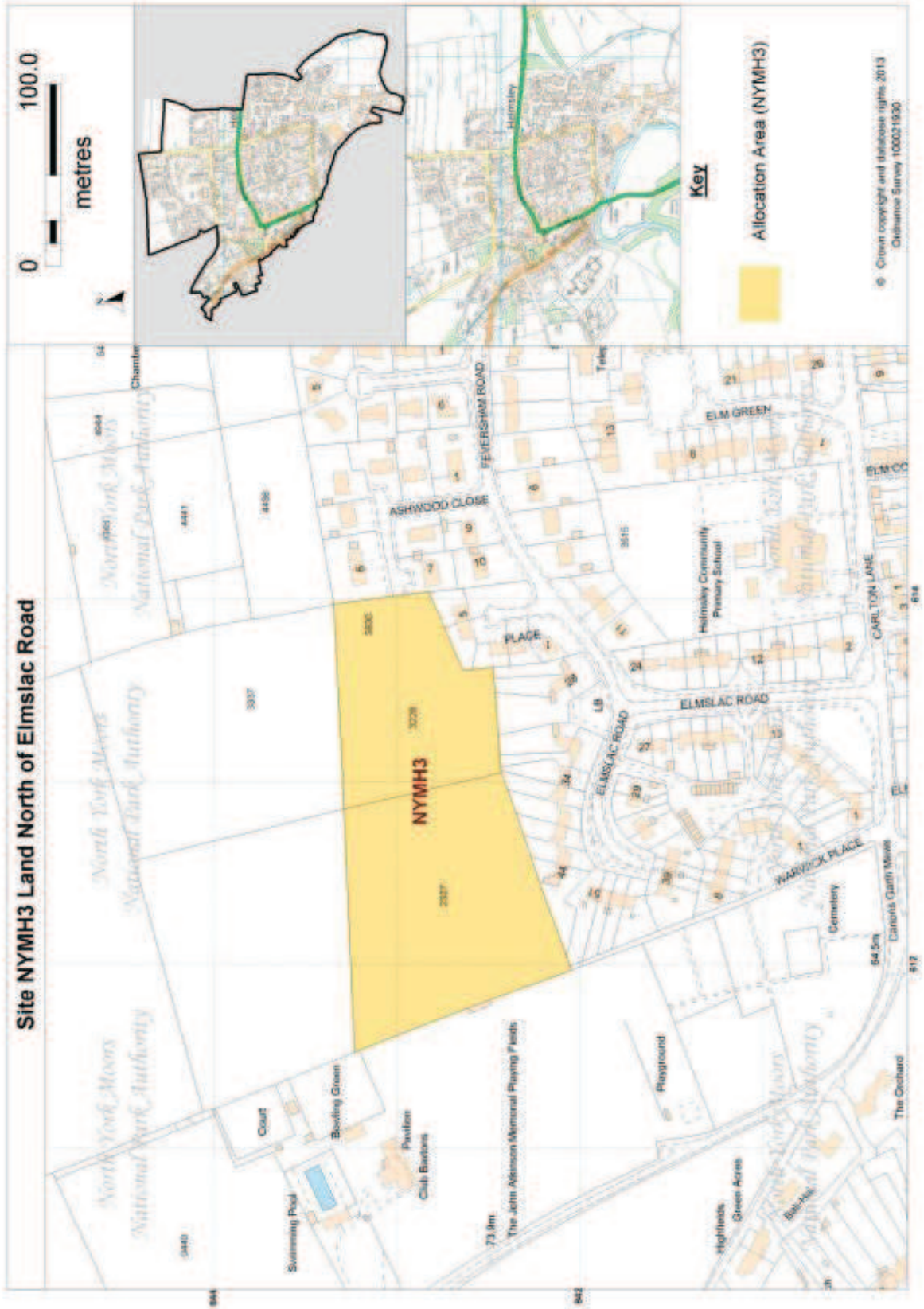
Measures to address Sustainable Building and Waste Reduction should be encouraged in the final design.

Developers are required to consider the use of Sustainable Drainage Systems in order to mitigate the effects of floods to people, property and species in the River Derwent catchment. Where the use of Sustainable Drainage Systems is not possible an assessment under the Habitat Regulations will be required of any alternative drainage scheme.

Broadband provision should be incorporated into the scheme design where possible.

A traffic assessment and Travel Plan will be required with any detailed planning application.

Timescale 2014 to 2022





**Development Brief for Site 174 Land South of Rlocal Drive (to be read  
alongside Helmsley Plan Policies)**

**Site Area**

1.9ha

**Potential Residential Yield**

50 Residential Units

**Owner/Agent**

Northminster Properties

**Current Use**

Agricultural

**Site Description**

The site lies to the south of the A170 and is accessed via Rlocal Drive. The site is located north of the River Rye. The site is relatively flat, currently in agricultural use and is drained by Spittle Beck, which bounds the site to the east. To the west of the site lies a range of commercial and industrial uses located along Sawmill Lane and Station Road. The site is bounded by dense hedgerows on the south west and by post and wire fencing on the north. There is a public right of way which follows the east bank for Spittle Beck and the former railway line.



**Constraints**

The site lies south west of three round barrows which are designated as Scheduled Monuments. The NPPF says that harm or loss of designated heritage assets of the highest significance, notably scheduled monuments should be wholly exceptional. Proposals will need to demonstrate that the development of this site would not harm any elements which contribute towards the significance of these assets including their setting.

The site is located adjacent to mixed agricultural land in a varied landscape of large trees, hedgerows, grassland and woodland. Spittle Beck is locally a very valuable feature for wildlife and is likely to be used a green linkage for many species including



bats, badgers and as a potential habitat perhaps for Otter or White Clawed Cray Fish.

### **Landscape Assessment**

Spittle Beck which runs in a deeply incised channel in a north south direction forms the eastern boundary of the site. The beck has heavy scrub and self-sown native trees along the eastern bank of the site, which provides visual containment, while to the south it is enclosed by double hedgerows. To the west views to the site are contained by the commercial and industrial development and by existing housing.

### **Accessibility**

The site is within close proximity of the employment opportunities on Sawmill Lane but is the site furthest away from the school and doctors surgery.

### **Flood Risk**

The area immediately adjacent to Spittle Beck is identified as Flood Zone 3 and this area should be avoided. It would be useful to design a buffer zone into the proposal to mitigate against flood risk. As the site is larger than 1 hectare, a Flood Risk Assessment will be required. Where feasible developers should consider the use of Sustainable Drainage Systems in order to mitigate against the threat to species in the River Derwent as a result of increased water run-off.

### **Highway Assessment**

Highways have confirmed that access from the existing highway onto Riccal Drive is acceptable, however impact will need to be determined by a traffic assessment at full planning application stage.

### **Site Allocation**

Allocation of up to 50 residential units.

### **Justification**

Development of the site will have limited impact on the surrounding area as the site is well contained by existing screening. Some residential development on the eastern side is considered appropriate to meet Helmsley's identified housing needs.

### **Key Principles for Development**

#### **Housing Types and Affordable Housing Provision**

The site is considered suitable for provision of flat development to provide a mix of 1 and 2 bedroom units for both open market and affordable provision. The site provides a good opportunity to provide a small number of live/work units which can provide an interim zone between the employment and residential uses.

As set out in Policy H3 up to 40% of all units should be affordable. Affordable housing should be provided on the basis of 90% social and affordable rent tenures and 10% intermediate.

## Design Principles and Infrastructure Requirements

Development should be co-ordinated with adjacent Sites 183, EMP1 and EMP2 to ensure an integrated form of development is achieved, including vehicular and pedestrian accesses. Density and layout of development should take its cue from nearby properties such as Station Road. Previous work undertaken for the Helmsley Town Team by Bauman Lyons Architects, provides useful analysis and consideration of design principles in developing this site.

Detailed masterplanning/design should consider future road links to Sawmill Lane industrial estate.

Contributions will be sought for the necessary Improvements to Community Facilities and Physical/Environmental Infrastructure as set out in Table 2 of this Plan.

The site is located close the tumuli which are Scheduled Monuments and therefore consideration should given to the height of properties to ensure new buildings do not detract from the setting of this important historic asset.

A footpath currently runs along the full length of the Spittle Beck along its eastern side, which connects to a number of other rights of way along the Rye Valley. There are opportunities to improve the green infrastructure provision and connections with this footpath network.

The implications for crime should be considered.

All existing boundary trees and hedging should be retained.

Ecological assessments will be required and mitigation measures adopted where required.

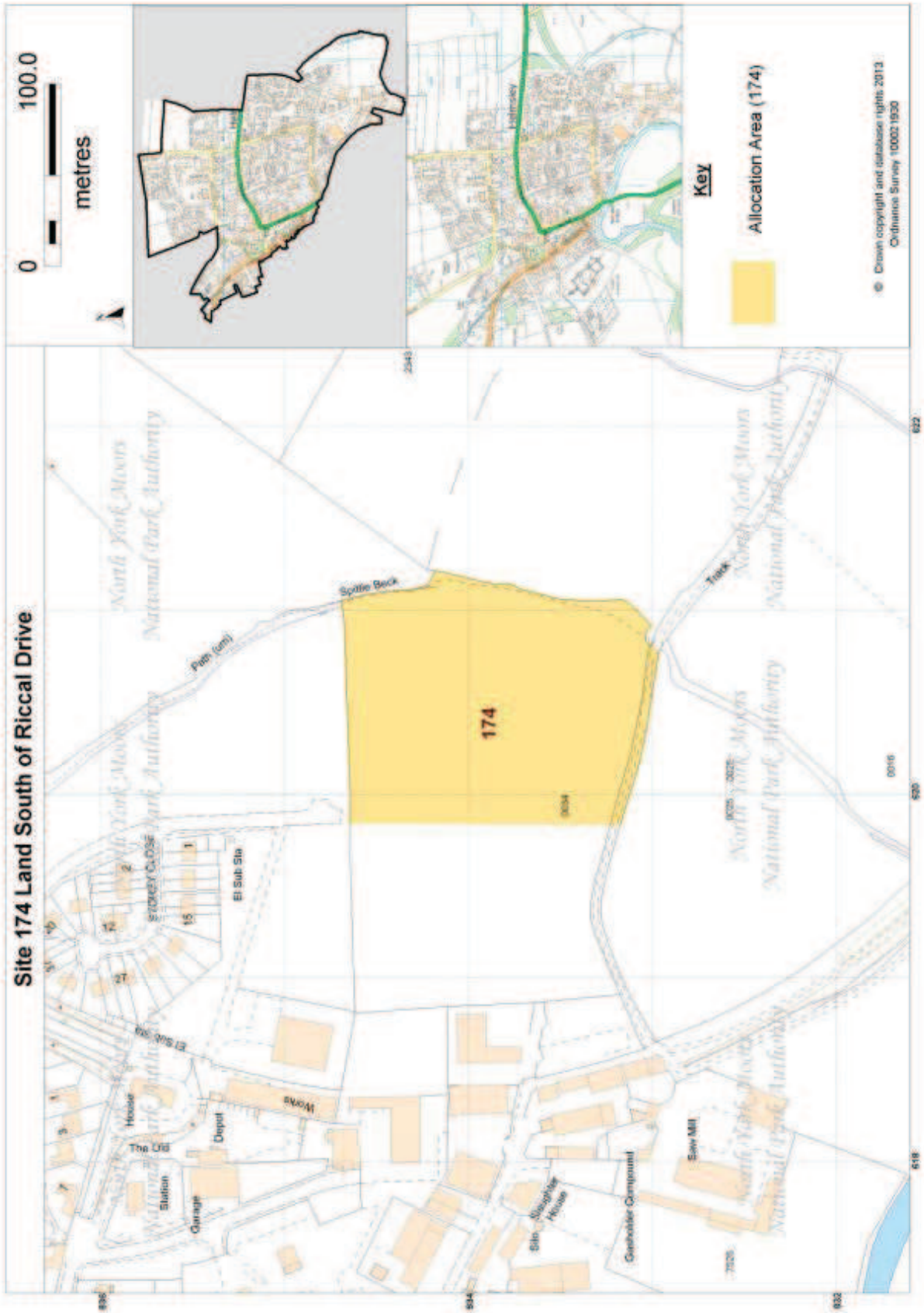
Developers are required to consider the use of Sustainable Drainage Systems in order to mitigate the effects of floods to people, property and species in the River Derwent catchment. Where the use of Sustainable Drainage Systems is not possible an assessment under the Habitat Regulations will be required of any alternative drainage scheme.

Broadband provision should be incorporated into the scheme design where possible.

A traffic assessment and Travel Plan will be required with any detailed planning application.

### Timescale

2014 to 2027



**Site 174 Land South of Riccal Drive**

## Development Brief for Site 183 Land East of Riccal Drive (to be read alongside Helmsley Plan Policies)

### Site Area

1.6ha

### Potential Housing Capacity

45 units

### Owner/Agent

Mr Pat Sweeney

### Site Description

The site is located to the east of Riccal Drive. The land falls gradually in a southerly direction. The site is currently waste ground with ash and sycamore regeneration and tall grass as well as one or two larger ash trees. There is dense tree cover along the line of Spittle Beck. The site is well contained with limited wider views.



### Constraints

The site lies 130 metres to the west of three round barrows which are designated as Scheduled Monuments. The NPPF says that harm or loss of designated heritage assets of the highest significance, notably scheduled monuments should be wholly exceptional. Proposals will need to demonstrate that the development of this site would not harm any elements which contribute towards the significance of these assets including their setting.

The development of the site is currently subject to a restrictive covenant which prevents the development of the site for residential use, however Ryedale District Council are in the process of compulsorily purchasing this site in order to facilitate development of the site. The development of this site alongside site 174 is considered to provide the opportunity for a coordinated approach which will provide the best future in terms of planning for the town. Officers will continue to work with interested parties regarding the possible options for this site. However it is important to recognise that if this site does not come forward it will not undermine the aims of the Helmsley Plan and it will still be possible to achieve the housing provision targets

for the town through the development of the other allocation sites although there will be less flexibility.

### **Landscape Assessment**

Spittle Beck which runs in a deeply incised channel in a north south direction forms the eastern boundary of the site. The beck has a heavy scrub and self-sown native trees along the eastern bank of the site. Development of the site would have limited direct impact on the landscape as there are very few features of note. The site is relatively well contained visually with some substantial trees and hedges.

The site is located adjacent to mixed agricultural land in a varied landscape of large trees, hedgerows, grassland and woodland. Spittle Beck is locally a very valuable feature for wildlife and is likely to be used a green linkage for many species including bats, badgers and as a potential habitat perhaps for Otter or White Clawed Cray Fish.

### **Accessibility**

The site has good overall accessibility being close to the shops, a bus stop, primary school and doctors surgery.

### **Flood Risk**

The majority of the site is located within Flood Zone 1 with small areas within flood zone 2 along the roadways and flood zone 3 along Spittle Beck. As the site is larger than 1 hectare, a Flood Risk Assessment will be required. It would be appropriate to include some green infrastructure provision along the line of the Beck to provide a buffer zone so that if the Beck Floods there will be some land for it to flow onto rather than flooding properties. Where feasible developers should consider the use of Sustainable Drainage Systems in order to mitigate against the threat to species in the River Derwent as a result of increased water run-off.

### **Highway Assessment**

Highways have confirmed that the access is acceptable onto Riccal Drive, however a traffic assessment will need to be carried out.

### **Site Allocation**

Allocation of up to 45 residential dwellings.

### **Justification**

Development of the site will have limited impact on the surrounding area as the site is well contained by existing screening. The site is located within walking distance of the main employment and commercial areas of the town. The site should be used for housing development.

### **Key Principles for Development**

#### **Housing Types and Affordable Housing Provision**

The site is considered suitable for provision of flat development to provide a mix of 1 and 2 bedroom units for both open market and affordable provision.

As set out in Policy H3 up to 40% of all units should be affordable. Affordable housing should be provided on the basis of 90% social and affordable rent tenures and 10% intermediate.

#### **Design Principles and Infrastructure Requirements**

Detailed masterplanning/design should consider future road links to Sawmill Lane industrial estate.

Contributions will be sought for the necessary Improvements to Community Facilities and Physical/Environmental Infrastructure as set out in Table 2 of this Plan.

Any scheme should knit the site into the fabric of Helmsley, including the adjacent Storey Close development.

Development should be coordinated with adjacent Sites 183, EMP1 and EMP2 to ensure an integrated form of development is achieved, including vehicular and pedestrian accesses. Density and layout of development should take its cue from nearby properties such as Station Road. Previous work undertaken for the Helmsley Town Team by Bauman Lyons Architects, provides useful analysis and consideration of design principles in developing this site.

The site is located close on the other side of the railway embankment from the tumuli which are Scheduled Monuments and therefore consideration should be given to the height of properties to ensure new buildings do not detract from the setting of this important historic asset.

There are opportunities to improve the existing green infrastructure around the site, particularly next to Spittle Beck.

The implications for crime should be considered.

Ecological assessments will be required and mitigation measures adopted where required.

Developers are required to consider the use of Sustainable Drainage Systems in order to mitigate the effects of floods to people, property and species in the River Derwent catchment. Where the use of Sustainable Drainage Systems is not possible an assessment under the Habitat Regulations will be required of any alternative drainage scheme.

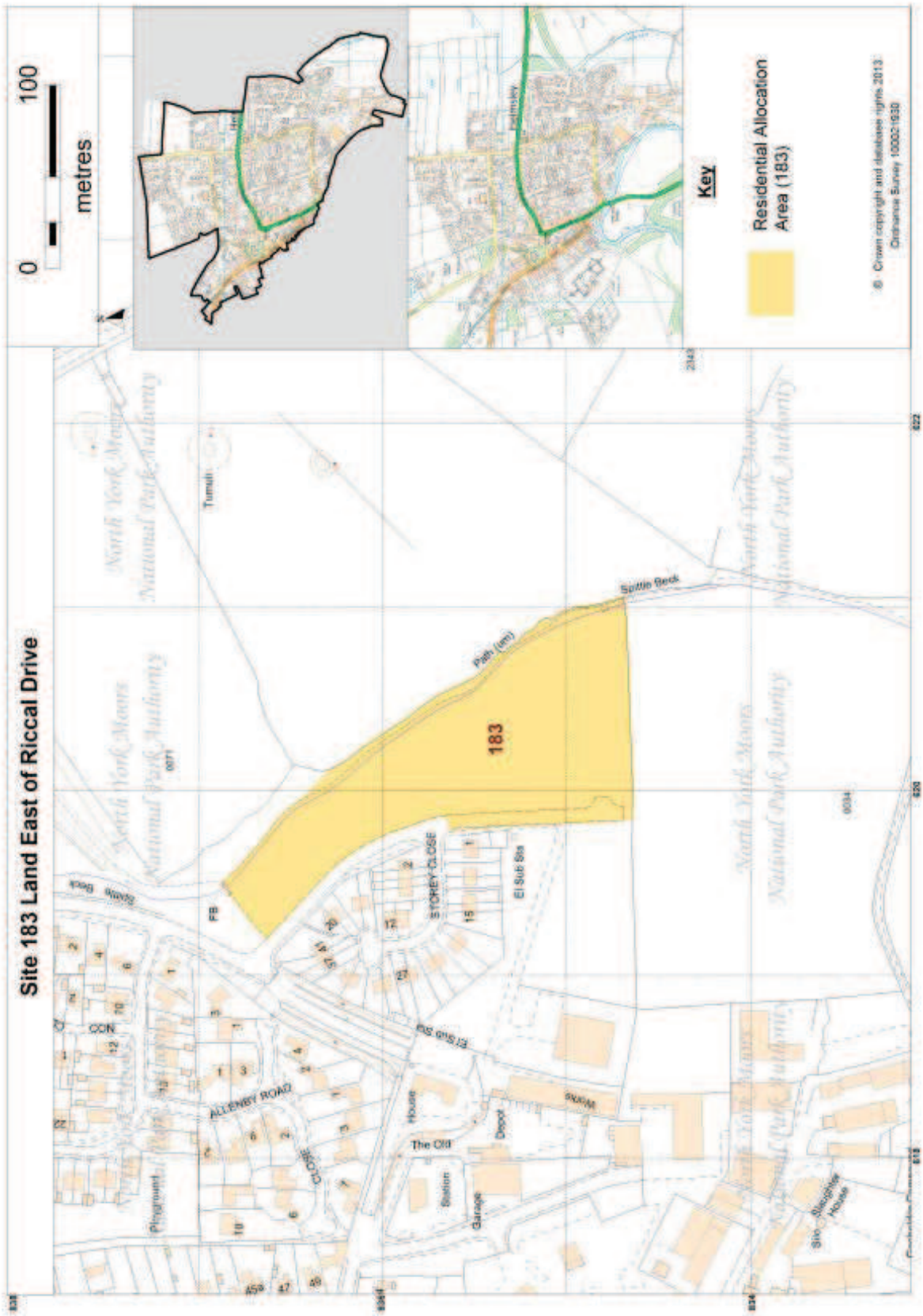
A flood risk assessment is required.

Broadband provisions should be included in the development.

#### **Timescale of Development**

20214 to 2027





**Development Brief for Site EMP1 Land South of Storey Close (to be read alongside Helmsley Plan Policies)**

**Site Area**

0.6ha

**Potential Employment Land Capacity**

0.6 ha

**Owner/Agent**

Mr Pat Sweeney

**Site Description**

The site is located south of the modern housing estate of Storey Close. The land falls gradually in a southerly direction. To the east of the site there are a range of commercial and industrial uses, which are located along Sawmill Lane and Station Road. The site is well contained with limited wider views.



**Landscape Assessment**

Development of the site would have limited direct impact on the landscape as there are very few features of note. The site is relatively well contained visually with some substantial trees and hedges.

**Accessibility**

The site has good overall accessibility being close to the shops, a bus stop, primary school and doctors surgery.

**Flood Risk**

The majority of the site is located within Flood Zone 1 with small areas within flood zone 2 along the roadways. Where feasible developers should consider the use of Sustainable Drainage Systems in order to mitigate against the threat to species in the River Derwent as a result of increased water run-off.

## Highway Assessment

Highways have confirmed that the access is acceptable onto Riccal Drive, however a traffic assessment will need to be carried out.

## Site Allocation

Allocation of up to 0.6 hectares of employment land.

## Justification

Development of the site will have limited impact on the surrounding area as the site is well contained by existing screening. The site is located within walking distance of the main employment and commercial areas of the town. The site is currently allocated for employment land in the Ryedale Local Plan.

## Key Principles for Development

### Design Principles and Infrastructure Requirements

Development should be coordinated with adjacent Sites 183, 174 and EMP2 to ensure an integrated form of development is achieved, including vehicular and pedestrian accesses. Density and layout of development should take its cue from nearby properties such as Station Road. Previous work undertaken for the Helmsley Town Team by Bauman Lyons Architects, provides useful analysis and consideration of design principles in developing this site.

Detailed masterplanning/design should consider future road links to Sawmill Lane Industrial Estate.

In order to reduce the impact on residential properties a buffer zone should be created between this site EMP1 and 183, which is allocated for residential use. A buffer zone is also required between the employment land and the existing residential properties at Storey Close. This could take the form of live work units, office use, natural bunding or landscaping and should be agreed by Ryedale District Council's Environmental Health department.

All proposals for the site will need to meet Environment Agency standards in relation to air quality.

There are opportunities to improve the existing green infrastructure around the site. The implications for crime should be considered with the design of green infrastructure provision.

Ecological assessments will be required and mitigation measures adopted where required.

Contributions will be sought for the necessary Improvements to Community Facilities and Physical/Environmental Infrastructure as set out in Table 2 of this Plan.

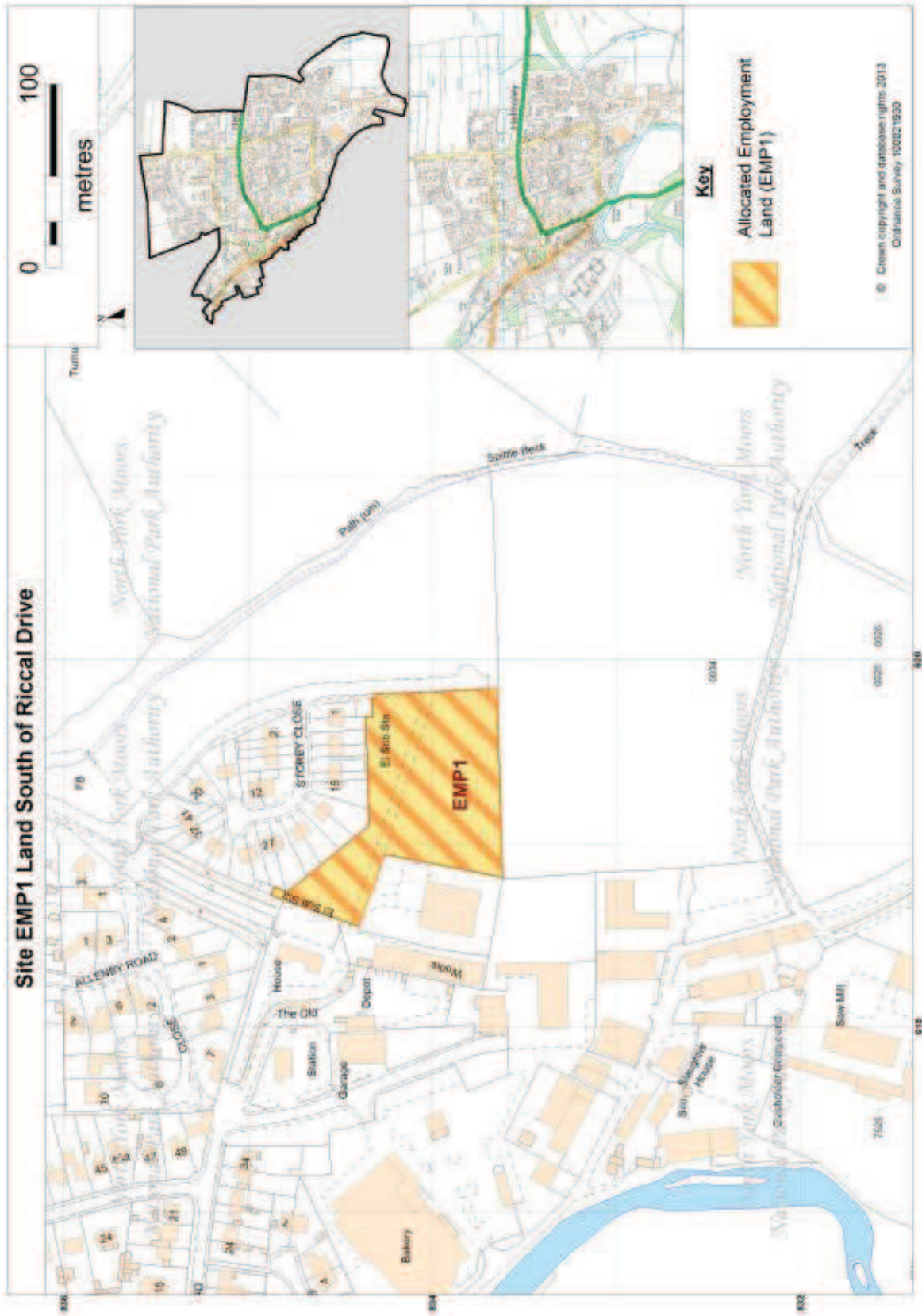
Developers are required to consider the use of Sustainable Drainage Systems in order to mitigate the effects of floods to people, property and species in the River Derwent catchment. Where the use of Sustainable Drainage Systems is not possible an assessment under the Habitat Regulations will be required of any alternative drainage scheme.

A traffic assessment and Travel Plan will be required with any detailed planning application.

Broadband provisions should be included in the development.

**Timescale of Development**

2014 to 2027



**Development Brief for Site EMP2 Land South of Rlocal Drive (to be read alongside Helmsley Plan Policies)**

**Site Area**

1.3ha

**Potential Employment Land Capacity**

Up to 1.3ha of employment land.

**Owner/Agent**

Northminster Properties

**Current Use**

Agricultural

**Site Description**

The site lies to the south of the A170 and is accessed via Rlocal Drive. The site is located north of the River Rye. The site is relatively flat and is currently in agricultural. To the west of the site lies a range of commercial and industrial uses located along Sawmill Lane and Station Road. The site is bounded by dense hedgerows on the south and west and by post and wire fencing on the north.



**Constraints**

The site lies adjacent to existing residential properties and new proposals should consider the views of RDC's Environmental Health Officer in relation to noise, smells and other amenity issues



### **Landscape Assessment**

To the west views to the site are contained by the commercial and industrial development and by existing housing.

### **Accessiblility**

The site is within close proximity of the employment opportunities on Sawmill Lane but is the site furthest away from the school and doctors surgery.

Where feasible developers should consider the use of Sustainable Drainage Systems in order to mitigate against the threat to species in the River Derwent as a result of increased water run-off

### **Highway Assessment**

Highways have confirmed that access from the existing highway onto Riccal Drive is acceptable, however impact will need to be determined by a traffic assessment at full planning application stage.

### **Site Allocation**

Allocation of up to 1.3ha of employment land.

### **Justification**

Development of the site will have limited impact on the surrounding area as the site is well contained by existing screening.

### **Key Principles for Development**

#### **Design Principles and Infrastructure Requirements**

Contributions will be sought for the necessary Improvements to Community Facilities and Physical/Environmental Infrastructure as set out in Table 2 of this Plan.

Development should be coordinated with adjacent Sites 174, 183 and EMP1 to ensure an integrated form of development is achieved, including vehicular and pedestrian accesses. Density and layout of development should take its cue from nearby properties such as Station Road. Previous work undertaken for the Helmsley Town Team by Bauman Lyons Architects, provides useful analysis and consideration of design principles in developing this site.

Detailed masterplanning/design should consider future road links to Sawmill Lane Industrial Estate.

In order to reduce the impact on residential properties a buffer zone should be created between this site EMP2 and 174, which is allocated for residential use. This could take the form of live work units, office use or landscaping and should be agreed by Ryedale District Council's Environmental Health department.

All proposals for the site will need to meet Environment Agency standards in relation to air quality.

The implications for crime should be considered with the design of green infrastructure provision.

All existing boundary trees and hedging should be retained.

Ecological assessments will be required and mitigation measures adopted where required.

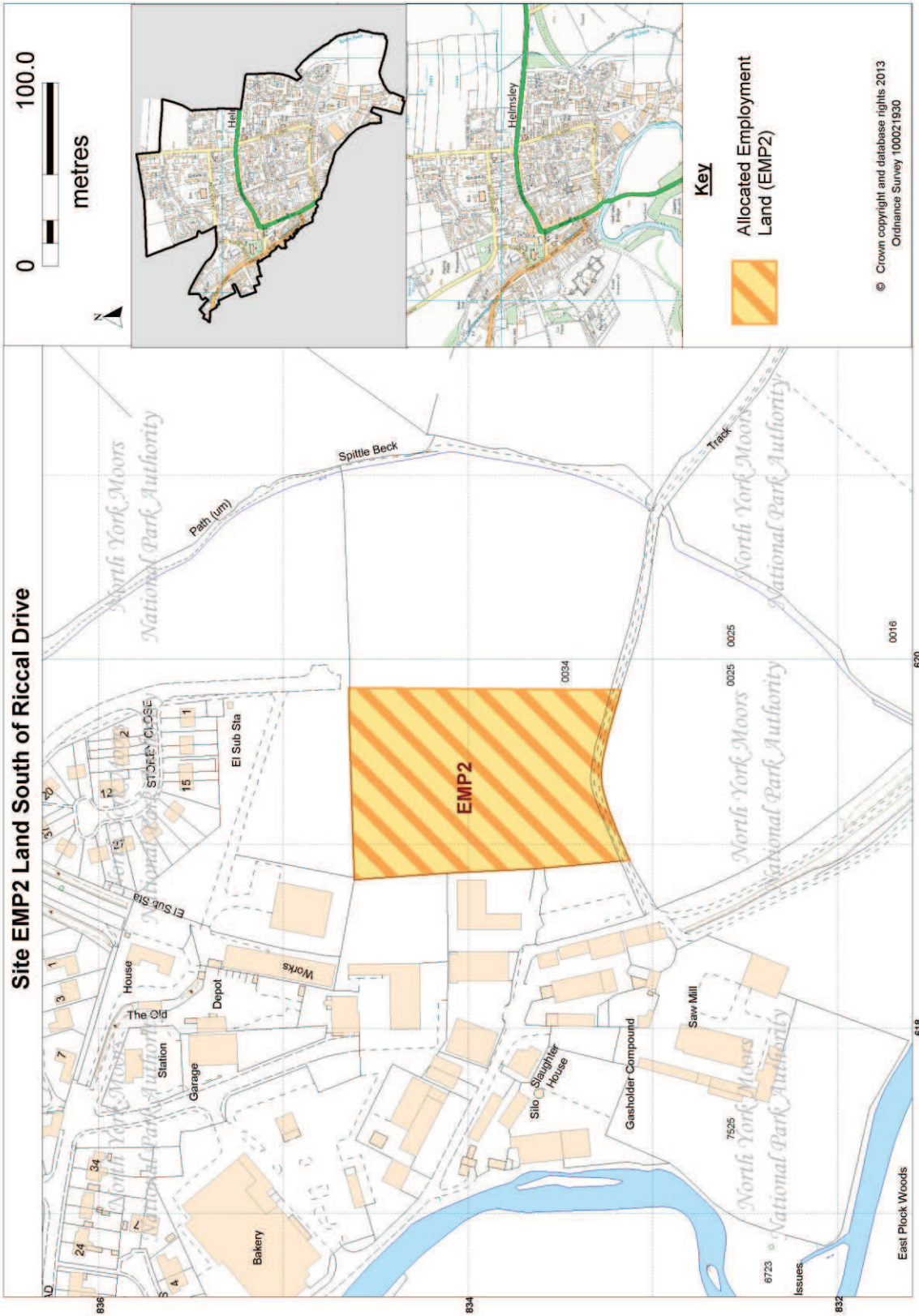
Developers are required to consider the use of Sustainable Drainage Systems in order to mitigate the effects of floods to people, property and species in the River Derwent catchment. Where the use of Sustainable Drainage Systems is not possible an assessment under the Habitat Regulations will be required of any alternative drainage scheme.

A traffic assessment and Travel Plan will be required with any detailed planning application.

Broadband provisions should be included in the development.

Timescale

2014 to 2027



## APPENDIX 2

The following table shows relevant standards for employment and residential uses. It should be noted that over the life-span of the Helmsley Plan these standards may be reassessed by North Yorkshire County Council (taken from NYCC Transport Issues and Development – A Guide 2003). Please note following the publication of the NPPF these are now minimum requirements.

Land Use	Use Class	Vehicular Requirements	
Office	B1/A2	1 space/40m <sup>2</sup> GFA	
Manufacturing	B2 to B7	1 space/75m <sup>2</sup> GFA	
Warehousing	B8	Staff/visitors – 1 space/300m <sup>2</sup> GFA Plus for office areas – 1 space/40m <sup>2</sup> GFA	
Garages/Car Repair Workshops	None	Staff – 1 space/ Staff Car repairing /servicing – 4 spaces/repair bay Sales – 1 space/4 cars displayed Parts – 1 space/25m <sup>2</sup> GFA Paint/Body Shop – 1 space/20m <sup>2</sup> GFA	
Motorist centres (tyre/exhaust fitting etc)	None	Staff – 1 space/4 staff Users – 2 spaces/repair bay	
Residential dwelling 4 or more bedrooms	C3	2 spaces	1 designated visitor parking space per 5 dwellings for shared access roads or estate roads with a carriageway width of less than 5.5 metres. These must be contiguous with the highway and must not be conveyed to an individual dwelling.
Residential dwelling 3 bedrooms	C3	2 spaces	
Residential dwelling 2 bedrooms	C3	1 space	
Residential dwelling 1 bedroom	C3	1 space (for estates with more than 50 dwellings an average 1.5 spaces per dwelling should be provided)	

## APPENDIX 3

### Identification and Assessment of Proposed Development Sites

The town has limited development opportunities lying partly within the National Park and is further constrained by the Duncombe Park Estate, (a National Nature Reserve and Historic Park and Garden, the castle (a Scheduled Ancient Monument) and the flood plain of the River Rye. However a total of 11 sites were submitted to Ryedale District Council as part of their call for development sites in 2009.

In Autumn 2011 Ryedale District Council consulted widely on a draft Site Selection Methodology. The final version of the methodology has been used to assess the sites which have been submitted by developers in order to select the most appropriate locations for further development in the Town. A separate document called 'Site Assessment Methodology Assessment' has been produced which sets out how all sites have been appraised. The process for site selection involved an initial sift of the proposal sites against the questions set out below;

- Is the site above 0.3 ha?
- Conformity with Core Strategies
- Does the site cause harm to national/international nature conservation sites?
- Is the site within Flood Zones 3b

Sites which failed to meet these criteria were not progressed any further. The second stage of site selection methodology assesses sites under a number of criteria which fall under the headings:-

- Accessibility
- Retail
- Flood Risk
- Highway Assessment
- Biodiversity and Geodiversity
- Special Qualities, Landscape (including statutory designation) and Setting
- Culture and Heritage
- Low Carbon Development and Renewable Energy
- Sustainable Building and Waste Reduction
- Efficient Use of Land
- Natural Resources
- Amenity
- Flood Risk
- People
- Meeting Needs
- Community Facilities, Utilities and Infrastructure
- Strong Economy
- Deliverability/Developability

All of the sites submitted to the Local Planning Authorities have been assessed through the site selection process and this has informed the outcome of the allocations set out in this document. A critical element of the selection of sites for allocation is having the confidence that it will be delivered. There is no logic to allocating a site if the landowner has no intention of making the site available or there are physical or environmental constraints which prevent the site from being successfully developed. Although there were a total of 11 sites submitted by

developers the Helmsley Plan selection process has resulted in the proposed allocation of a total of 7 sites which are considered both suitable for development, deliverable and with the capacity to meet the assessed housing and employment requirements for the town. Some of the sites were dismissed as they were smaller than 0.3ha in size, one site has subsequently been built on and one site was considered to cause harm to the setting of or the National Park itself and Conservation Area and is considered as an important open view. One large site originally put forward by developers has subsequently been reduced and subdivided following negotiations with Officers.

### Submitted sites not put forward for Allocation

#### Larger area of Site NYMH1

##### **Owner/Agent**

Wharfedale Homes

##### **Current Use**

Grazing Land

##### **Reasons for not allocating the site**

This site is located directly to the north of an area of site NYMH1 which is being put forward as an allocation for residential development.

Ordnance Survey maps and aerial photographs suggest that the site comprises former medieval strip patterns. These are the relics of the 'open field system' under which each manor or village had four very large fields farmed by individual families. This appears to be the only surviving area of medieval strip fields around Helmsley. The remaining medieval field patterns should be retained as they form an important feature of the existing landscape character and have considerable historic interest.

The allocation of the area to the south of this site will have less impact on long distance views of the town as it will be contained within the existing pattern of development.

#### Site NYMH2 – Land North of Beckdale Road

##### **Owner/Agent**

Wharfedale Homes

##### **Current Use**

Agricultural

##### **Reasons for not allocating the site**

The site lies to the North West of Helmsley and is triangular in shape. The site is bounded by Beckdale Road and Baxton's Sprunt and falls gently from north-west to south-east. To the north of the site lies playing fields and to the east the cemetery and the area as a whole provides an area which connects Helmsley to the open



countryside to the north. There are no pronounced landforms, trees or landscape features within the site itself.

There are clear views from the site from the National Park to towards the Helmsley Conservation Area. Development of this site would significantly affect the visual settings of All Saints Church and Helmsley Castle as new development would occupy the foreground of views and interrupt the wooded character of the settlement edge. Development of the site would completely change the existing open landscape character of this part of the town and would interrupt views to the prominent ridge above the site, impacting the setting of the National Park.

Any development of this site would also be visible from the Ionic Temple at Duncombe Park, which has been identified as an important view in the Conservation Area appraisal.

Due to the negative impact development of the site would have on the setting of the National Park, the Conservation Area and important historic assets including All Saints Church and Helmsley Castle this site is not considered suitable for allocation.

#### **Remaining Sites**

All the sites listed below have been dismissed as they fall below the threshold of 0.3 ha and therefore did not get through the first sift of the Site Selection Methodology. Proposals for the development of these sites will be considered under the windfall policy.

Site NYM4 – Land West of 4 Buckingham Square

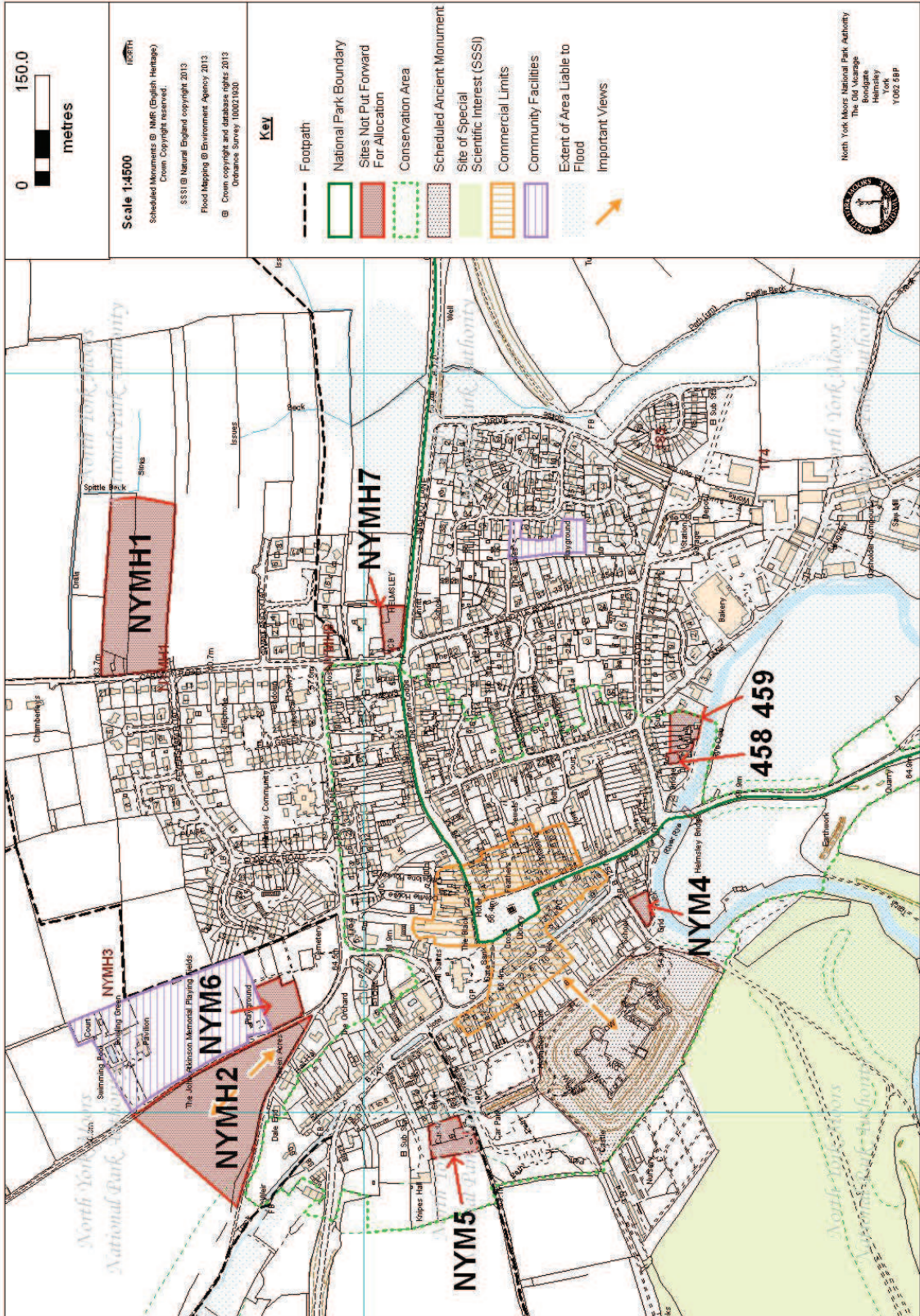
Site NYM5 – Land West of Castle Court

Site NYM6 – Land North of the Cemetery

Site NYM7 – Land North of Linkfoot Lane and East of Carlton Road

Site 458 – Land South of 9 – 10 Ryegate

Site 459 – Land South of 12 – 22 Ryegate



Sites not put forward for Allocation

## **APPENDIX 4 - Glossary**

### **Affordable Housing**

Affordable housing is defined in the NPPF as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households.

### **Choice Based Lettings**

This is the new way of looking for council and Registered Provider homes and other types of housing. Instead of Local Authorities and Registered Providers deciding which housing to offer, tenants choose which properties interest them. In North Yorkshire the scheme is called North Yorkshire Home Choice.

### **Community Infrastructure Levy**

A levy which allows local authorities to raise funds from owners or developers of land undertaking new building projects in their area to provide new infrastructure required as a result of these developments.

### **Deliverable sites**

To be considered deliverable sites should be available now, offer a suitable location for development now and be achievable with realistic prospect that housing will be delivered on the site within five years and in particular that development of the sites is viable.

### **Developable sites**

To be considered developable sites should be in a suitable location for housing development and there should be a reasonable prospect that the sites is available and could be viably developed at the point envisaged.

### **Green Infrastructure**

A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

### **Previously Developed Land**

Land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

### **Registered Provider**

Registered Providers in England are independent societies, bodies of trustees or companies established for the purpose of providing low-cost social housing for people in housing need on a non-profit-making basis and are often referred to as Housing Associations. Registered Providers are regulated by the Homes and Communities Agency.

### **Renewable and low carbon energy**

Includes energy for heating, cooling and generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

### **Transfer/Acquisition Price**

Maximum price that will be paid by a Registered Provider to a developer for various standard house types.

### **Windfall sites**

Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously developed sites that have unexpectedly become available.

## APPENDIX 5

### List of Superseded Policies as a Result of the Adoption of the Helmsley Plan

Ryedale Local Plan (2002) Saved Policy EMP5 – Industrial/ business development allocation, Helmsley







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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>23 JUNE 2015</b>
<b>REPORT OF THE:</b>	<b>HEAD OF ECONOMY AND INFRASTRUCTURE JULIAN RUDD</b>
	<b>HEAD OF PLANNING AND HOUSING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>MALTON FOOD ENTERPRISE ZONE</b>
<b>WARDS AFFECTED:</b>	<b>MALTON</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 To seek Member endorsement for the Malton Food Enterprise Zone project.

### **2.0 RECOMMENDATION**

2.1 It is recommended that:

- (i) Members endorse the Malton Food Enterprise Zone (FEZ) project and associated actions.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 The Malton FEZ will enhance rural development in Ryedale through the growth of food and farming businesses, be they producers, processors, or manufacturers. This will happen on a site that has already been approved by the District Council, as local planning authority, for a proposed livestock market and an agricultural business centre and currently unspecified B1, B2 and B8 uses.
- 3.2 The FEZ will encourage greater collaboration between food and farming businesses, and, as part of a wider package of bioeconomy sites around York, will encourage links to research and education institutions to develop the domestic food and farming sector. It allows a locally developed approach to decision making and will help to attract inward investment.

3.3 The Malton FEZ designation and related activity will encourage a thriving agri-food business park, home to a bustling livestock market and expanding agriculture and food businesses, and provide grow on space for businesses developed at the National Agri-Food Innovation Campus (home to the Food & Environment Research Agency).

#### **4.0 SIGNIFICANT RISKS**

4.1 Although potential risks are set out at Annex A, none of these are significant when mitigation measures are applied. These measures include production of a design guide to ensure appropriate development on the site, with local consultation to take place on the content of that guide.

#### **5.0 POLICY CONTEXT AND CONSULTATION**

5.1 Ryedale Economic Action Plan Objective A: To have economic structure and supporting infrastructure in place.

5.2 Policies SP6 and SP9 of the Ryedale Plan (Local Plan Strategy) support this form and scale of development close to Malton and Norton, including that which will sustain and diversify Ryedale's land-based economy. The Plan specifically supports retention of a livestock market.

### **REPORT**

#### **6.0 REPORT DETAILS**

6.1 Food Enterprise Zones (FEZ) are a very recent concept and are areas that provide businesses in the food and farming sector with improved opportunities for growth and development. Based around Local Development Orders (LDO), they make the planning process simpler and easier for food and farming businesses seeking to expand. This is done by removing the need for developers to make a planning application to the local planning authority, provided that the use and type of building proposed conform to the guidelines for that site.

6.2 A Food Enterprise Zone is underpinned by a legal document relating to planning set out in the LDO. Local consultation is undertaken on the area proposed and the criteria for each Local Development Order, including any conditions.

6.3 Government (through the Department for Environment, Food and Rural Affairs) announced a second round of FEZs in February 2015, after initially designating 11 FEZs in January 2015.

6.4 Officers of this Council, working in partnership with the York, North Yorkshire and East Riding LEP, applied for FEZ status for the Agri Business Park at Edenhouse Road. This reflects the LEP's ambition for YNYER to become a national and international centre for the science of food, agri-tech and bio-renewables. A copy of the application to DEFRA, setting out the suggested approach for the Malton FEZ, is attached at Annex B. Due to the tight timescale for applications, approval to submit the application was given by the Council Leader. Officers have since been notified that the application was successful.

- 6.5 An award of £50,000 has been provided by DERA to deliver the LDO and this will enable officers to seek external support to draw together the detailed legal documentation required. As the site already has outline planning permission (Planning reference 14/00426/MOUTE), the LDO will focus on the design and detailed use of buildings proposed for the site.
- 6.6 The concept of the FEZ is based around the LDO and the resulting planning freedoms – FEZs do not bring the wider range of benefits associated with enterprise zones, such as business rate holidays and a range of business incentives. However, officers are keen to maximise the potential of the FEZ award and, in partnership with the LEP and stakeholders in the bioeconomy sector, are investigating additional opportunities to support businesses on this site and a number of other potential bioeconomy growth sites around York. These incentives could potentially include:
- UKTI to support export activities.
  - Additional government grant aid to businesses on the site.
  - Additional business rate relief.
  - Links with Sand Hutton Applied Innovation Campus, the Stockbridge technology Centre and the University of York to support research, particularly into livestock and crop health.
  - Skills development through links with an on-site agricultural college.
  - Links with other food manufacture locally and with the North York Moors Coast and Hills LEADER programme, which is focussing on farming networks.
- 6.6 In addition, officers are working collaboratively with the 16 other FEZs nationally to reflect best practise and maximise the benefits of the Malton designation for the local economy and food and farming sector.
- 6.7 The approach proposed, subject to endorsement of the FEZ by this Committee, is to progress as follows:
- Review of the design and access statement for the outline planning permission to form the basis – with appropriate additions – for a design brief for the site that will be referenced through the LDO and set out key parameters for development permitted under the order.
  - Procure and appoint planning and legal support to review draft LDO
  - Agree appropriate conditions and target sector for the draft LDO and produce first draft of LDO
  - Consult on draft LDO with key stakeholders including Malton Town Council, the LEP and farming groups
  - Amend draft LDO as appropriate
  - Adopt LDO at Ryedale District Council and notify the SoS of adoption of the LDO

## **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:
- a) Financial  
An award of £50,000 has been made by DEFRA to support this activity. This will be used to procure specialist assistance to develop the LDO. The LDO will have financial implications for the Authority in terms of planning application fees which will not be payable for development covered by the terms of the LDO
- b) Legal  
Procurement of external consultancy will be required and this will take place using the Council's existing Framework agreement.

- c) Other  
The FEZ may have implications for the Malton and Norton Neighbourhood Plan. Both Malton and Norton Town Council's remain committed to producing a Neighbourhood Plan although the boundary of the Neighbourhood Area is yet to be confirmed. The Local Planning Authority must agree/ confirm the boundary which is logical in planning terms. In this respect, with the FEZ and LDO in place the boundary of the Neighbourhood Area would need to be drawn in a way which did not include the FEZ/LDO area within the area covered by the Neighbourhood Plan.

## **8.0 NEXT STEPS**

- 8.1 A timetable for activity will be developed by a steering group comprising representatives from Ryedale District Council, the Edenhouse Road development and the farming sector. It is anticipated that the LDO will be in place by early 2016.

**Julian Rudd**  
**Head of Economy and Infrastructure**

**Author: Jos Holmes**, Economy and Community Manager  
Telephone No: 01653 600666 ext: 240  
E-Mail Address: [jos.holmes@ryedale.gov.uk](mailto:jos.holmes@ryedale.gov.uk)

## MALTON FOOD ENTERPRISE ZONE- RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Project is not well connected to the LEP and wider strategic activities in this sector	Isolated project does not optimise economic benefits	3	C	Project lead by LEP's planning lead an feeds into wider Bio economy enterprise corridor	2	B
Costs exceed budget LDO budget	Budget will need to be diverted from other projects	3	C	Project will be procured through the framework agreement on a fixed price basis. Potential to seek additional funding through YNYER LEP	2	B
Lack of involvement of local stakeholders and residents	Isolated project does not optimise economic benefits locally and does not become the focus for local growth in this sector. Project moves forward without allaying potential concerns over the appearance of the development.	3	C	Steering group has farming community involved. Design Guide is agreed for the site, following consultation with the local community and new development must accord with this in order to be granted planning freedoms via the LDO.	2	B

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

## EOI FORM for additional funds for developing a Food and Farming Local Development Order

<b>Applicant details</b>	
<b>1.1 Applicant organisation / department name and address</b>	
Organisation Name & Team Name	Ryedale District Council Economy and Infrastructure / Planning
Address	Ryedale House Malton North Yorkshire
Postcode	YO17 7HH
<b>1.2 Contact name in the organisation</b>	
Name	Julian Rudd
Position	Head of Economy and Infrastructure
Tel. Number	07932603086
E-mail	<a href="mailto:julian.rudd@ryedale.gov.uk">julian.rudd@ryedale.gov.uk</a>

<b>2. Briefly describe the sites, their location, current use and proposals</b>
<p>This proposal is to create a thriving agri-food park under the banner of a Food and Farming Enterprise Zone (FEZ), directly employing over 500 people, near the Yorkshire market town of Malton. This proposal supports the York, North Yorkshire &amp; East Riding Local Enterprise Partnership's (LEP) Strategic Economic Plan, providing a key employment site for agri-food that links to and complements the world leading Innovation assets at the Food &amp; Environment Research Agency and York Biorenewables Centre. The LEP has a strategic objective to be a 'Global leader in food, agri-tech and bio-renewables'.</p> <p>The bid is initially focused around two adjacent sites at Malton (sites A &amp; B), with the ambition that the success and accelerated growth of this Food Enterprise Zone (FEZ) will act as a trailblazer for more sites in the LEP area to seek FEZ designations. The Malton sites, together with potential expansion sites at nearby Selby and Thirsk, are shown on the Plan at Annex A.</p> <p><b>Malton - Sites A and B</b></p> <p>These two adjacent sites are located on the northern edge of the market town of Malton, which is the focus for development in the rural district of Ryedale in North Yorkshire. Malton is home to the only</p>



livestock market in Ryedale and one of the last remaining livestock markets in the east of Yorkshire.

The livestock market is currently in the historic town centre and the landowners now plan to redevelop the site. As part of this redevelopment package, the plan is to relocate the livestock market to the proposed FEZ.

These two greenfield sites are located next to the junction between the A64 (T) and the A169 and provide optimum access to the North York Moors, Yorkshire coast, York and the main A1/M1 trunk roads (which deliver excellent transport links). These transport links are key to attracting growing food based businesses that need to be able to move their products quickly and easily.

As part of a package of housing and employment land development in Malton, the ambition is to relocate the livestock market to a new purpose built facility surrounded by agricultural and food based business.

The Malton twin-sites have recently been granted outline planning permission for a new livestock market and B1, B2 and B8 uses, subject to completion of the S106. Both sites are currently in arable use and, given the outline only planning permission, development cannot proceed without the delay and cost of a further round of reserved matters applications detailed. A FEZ would allow us to address this significantly accelerating development by removing a further planning hurdle and thereby removing risk and incentivising investment.

The smaller of the two sites, Site A, which is approximately 7 hectares and is the location of the proposed livestock market and an agricultural business centre and currently unspecified B1, B2 and B8 uses, would be immediately designated as a FEZ under this bid.

The FEZ local development order would be prepared in such a way that it can quickly be extended to the adjacent Site B, which is 10 hectares and has outline permission for unspecified B1, B2 and B8 uses.

The intention is to extend the FEZ to incorporate some or all of Site B when site A has committed development proposals for food and farming uses.

#### **Potential future FEZs at Thirsk and Selby**

- Thirsk Southwest, Thirsk - with 13 hectares having an outline permission for B1, B2 and B8 (as part of wider mixed use scheme that also includes 925 dwelling and a new neighbourhood centre), this site is well located via a new junction on the A168 that provides strong links to the nearby A1. A FEZ is supported in principle by the Ipa and discussions with the landowner are ongoing.
- Olympia Park, Selby – As part of a significant mixed-use urban extension to Selby, outline permission has been granted for 25 hectares of new employment land including office, industrial and higher value commercial uses such as: non food retail, car showroom, garden centre and a hotel. The planning authority and developers support the principle of designation of part (amount tbc) of the 25 ha site to a FEZ and will monitor the impact of the Malton FEZ.

### **3. Describe what a successful outcome would look like?**

Our vision is for the Malton FEZ to become a thriving agri-food business park, home to a bustling livestock market and expanding agriculture and food businesses, and providing key grow on space for innovative businesses developed at the National Agri-Food Innovation Campus (home to the Food & Environment Research Agency), just 12 miles south-west (around 15 minutes drive) from the Malton sites.

The York, North Yorkshire & East Riding LEP area, with the strength in agriculture, food production and bio-renewables will be at the heart of the UK Agri-tech Strategy, with world leading innovation and ambitious, expanding food companies.

Success will see a Local Development Order in place within 6 months, enabling Site A at Malton to launch, relocating the livestock centre and acting as a stimulus for further development. All plots within Site A will be fully utilised within 3 years and at neighbouring Site B within 5 years.

This will provide over 500 direct jobs on site, together with a further 700 associated new jobs in the local economy of this agricultural area. The jobs at Malton's existing livestock market will also be safeguarded.

The LDO will be prepared in partnership with the local food and farming industry, with the specific focus on sectors within the LDO to be agreed locally. However, the Malton sites will support food production. It is also expected that limited elements of retail linked to food and farming will form an appropriate element of the mix of F&F uses on the sites.

Other indicators of success will be:

- The relocated Livestock Market for Ryedale opens at the FEZ and trades successfully at the economic and social heart of the food and farming industry in this area
- Training facilities for the food and farming sector are established and operated at the sites by Bishop Burton College <http://www.bishopburton.ac.uk/> in conjunction with the York, North Yorkshire and East Riding LEP and Skills Partnership
- Growing businesses with enhanced access to the knowledge and innovation assets of the nearby Food and Environment Research Agency at Sand Hutton (<http://fera.co.uk/>), the Biorenewables Development Centre and BioHub at the University of York (<http://www.biorenewables.org/>) and the Stockbridge Technology Centre (<http://www.stockbridgetechnology.co.uk/>).
- The Food & Farming Enterprise Zone branded sites quickly becoming recognised as the focus for food and farming business growth in North and East Yorkshire.
- The Malton FEZ out-performs other sites in the area (in terms of relative investment levels and take up of development opportunities) as a result of the LDO. This will be demonstrated through a monitoring programme in partnership with DEFRA. The success of the FEZ designation will lead to FEZ designations at other sites across the LEP area, including the identified sites at nearby Thirsk and Selby.
- These sites, together with the twin Malton sites, all form part of a wider initiative involving targeted business support and incentives led by the York, North Yorkshire and East Riding LEP and York University to deliver growth in the bioeconomy sector (including food and farming / agri-tech) in a defined corridor around York (see letter of 22 January from James Farrar to Sarah Eppel).

**4. Describe how the Local Planning Authority intend to use the award including details of cost effectiveness, sufficient capacity, and resources to deliver the Local Development Order**

Without external funding towards the cost of developing and implementing an LDO this rural authority would not, during challenging times for local authority resources, have the financial or staffing capacity to progress this initiative due to the time and specialist knowledge required to form and agree the LDO and an associated design guide for the sites.

The DEFRA funding award will be used towards the cost of consultancy support in planning and legal services. These will be procured utilising an existing framework for planning-related services, thereby ensuring competitive rates.

The project will be managed and led by Ryedale District Council's economic development team, with the Head of Economy (who is also employed by the YNYER LEP as planning lead for the LEP area) as project manager. Staff from both development management and planning policy will also form part of the project group, together with representatives of the developers and of the local food and farming industry.

The project group will agree the detail of LDO to be progressed in terms of specific food and farming sectors and an associated design guide for the sites, with the guide to be prepared by District Council with consultancy support.

The York, North Yorkshire & East Riding LEP has already committed £2.1m via the Local Growth Fund to improve highway access on the A169 to support development of these Malton sites and the work done in developing this scheme will contribute towards the development of the LDO. Ryedale District Council commit to providing the necessary staff resource to delivering the LDO alongside the DEFRA contribution. The District Council commits to only seeking to draw down the minimum amount of the up to £50k total that is potentially available via DEFRA. However the exact amount required will be clarified through a procurement exercise to be undertaken using the framework agreement immediately after DEFRA confirmation of support for the Malton project.

**5. Demonstrate that there is a clear project plan in place to develop and deliver the LDO with milestones, risk analysis and mitigation measures set out**

The FEZ proposal for this Malton site is supported by the YNYER LEP and by both the Leader and the Chief Executive of Ryedale District Council. However, the decision to create the FEZ at the site requires ratification by Council and this is being progressed.

The District Council has agreed with the landowner, the Fitzwilliam Trust Corporation, and with Marshall Construction, the lead developer of the site, that the intended route to delivery of the LDO is:

ACTION / MILESTONES	DATE
Council forms project group comprising of economy, planning policy and development management staff, together with landowner and developer representatives, and figures from the local food and farming industry.	Meet within 2 weeks of DEFRA FEZ confirmation
Ryedale DC confirms the Malton FEZ in principle	First meeting of Council following the FEZ confirmation
Project plan and key milestones are agreed by the group and then endorsed by Ryedale District Council's Management Team and the LEP's York Bioeconomy Corridor group, both of which will monitor the progress of the project group according to the agreed milestones.	Month 1
Review of the design and access statement for the outline planning permission to form the basis – with appropriate additions – for a design brief for the site that will be referenced through the LDO and set out key parameters for development permitted under the order.	Month 2
Procure and appoint planning and legal support to review draft LDO	Month 2
Agree appropriate conditions and target sector for the draft LDO and produce first draft of LDO	Month 2
Consult on draft LDO with key stakeholders including Malton Town Council, the LEP and farming groups	Month 3
Amend draft LDO as appropriate	Month 4
Adopt LDO at Ryedale District Council and notify the SoS of adoption of the LDO	Month 5
Begin promotion and branding of the Malton site as a FEZ, including a launch event with DEFRA, the LEP, the Ryedale MP and food and farming stakeholders	Month 6

In terms of risks and mitigation, the key risks are anticipated to be:

RISK	MITIGATION
Ryedale DC does not agree to FEZ at the site	Strong support from Leader and Chief Executive and officers, together with the LEP.

	<p>Project is strongly consistent with the Council's adopted Economic Strategy. Risks of unsatisfactory forms of development (about which Councillors may be concerned) can be minimised through appropriate detail in the LDO and design brief.</p> <p>Unlike some potential sites, Malton has recent outline planning permission for a range of employment uses and, therefore, carries much less risk of public and political opposition than potential FEZ sites that are completely untested through the planning process.</p>
Project is not well connected to LEP and wider strategic activities in this sector	Very low risk as the project will be led by the LEP's Planning Lead Officer and will report into the wider group taking forward the bioeconomy enterprise corridor in this LEP area. This risk can be further mitigated by the involvement of DEFRA is developing support initiatives for this sector in partnership with the YNYER LEP.
Costs of securing LDO exceed budget	Very low risk as using consultancy support via an agreed framework. Additional support also available through East Riding Council, which has substantial experience of EZ establishment.

## 5. What outcomes will be achieved as a result of this award and the implementation of the LDO?

The ultimate outcome that will be achieved is the accelerated growth of a key rural business park, under the FEZ banner, delivering over 500 new jobs into the rural economy, together with 700 indirect jobs.

In addition we will achieve:


- A thriving A64 Bioeconomy corridor linking FEZ(s) with innovation assets at the National Agri-Food Innovation Campus, the York BioHub and the Stockbridge Technology Institute. Along this 20 mile-wide corridor around York businesses will be able to access world leading innovation assets, start up and early growth space with grow on space at this FEZ.
- Expanding food and agri businesses will have access to good quality space to be able to grow and expand.
- Businesses will recognise the area as pro-growth whose policies are supporting and make it easier for businesses to expand
- The LDO here will allow growth to occur quickly without being fettered by the risk, delay and cost associated the need to gain a detailed planning permission before they can proceed and before such investment can be confirmed.

- Food and Farming Enterprise Zones will be recognised as high quality locations which businesses in this sector actively seek out when looking for locations
- Other sites in the region will actively seek FEZ status, recognising the added value and accelerated growth it will deliver.


Applications must be signed by:

- the Lead Applicant
- a Director or equivalent senior representative from the applicant local authority
- the relevant Local Enterprise Partnership Chair or Chief Executive, in whose area the LDO will be created.


### Lead Applicant

Signed	
Date	12 March 2015
Lead Applicant Name	Julian Rudd
Position in Local Authority	Head of Economy and Infrastructure

### Applicant Local Authority endorsement

Signed	
Date	12 March 2015
Name of senior person endorsing application	Janet Waggott
Position in Local Authority	Chief Executive

### Local Enterprise Partnership endorsement

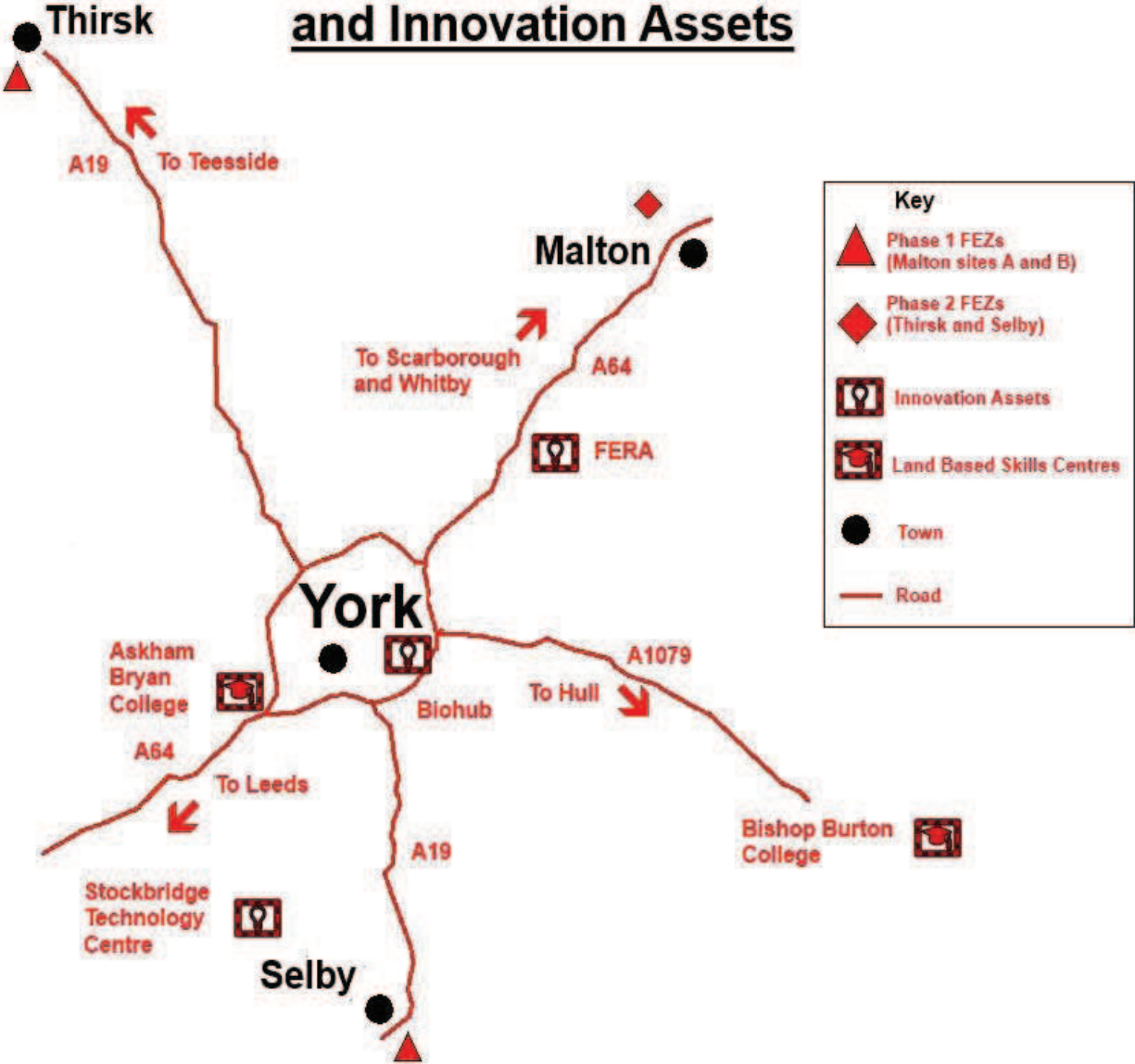
Signed	
Date	12 March 2015
Name (printed)	James Farrar
Position in LEP	Chief Operating Officer

Please return your completed EOI form to: Fiona Forgham, Defra

Email to: [Fiona.forgham@defra.gsi.gov.uk](mailto:Fiona.forgham@defra.gsi.gov.uk) By Monday 16<sup>th</sup> March 2015

# Proposed FEZs and Innovation Assets

## Annex A





# Agenda Item 13 RYEDALE DISTRICT COUNCIL

## APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

PERIOD 18.05.15 - 12.06.15

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1.  
**Application No:** 14/00991/FUL **Decision: Approval**  
**Parish:** Scrayingham Parish Council  
**Applicant:** The Parochial Church Council (Revd Fran Wakefield)  
**Location:** Church Hall Main Street Scrayingham Malton YO41 1JD  
**Proposal:** Change of use, alteration and extension of church hall and adjacent land to form a three bedroom dwelling with parking and amenity areas to include partial demolition and erection of a part two storey/part single storey rear extension
- 
2.  
**Application No:** 14/00992/LBC **Decision: Approval**  
**Parish:** Scrayingham Parish Council  
**Applicant:** The Parochial Church Council (Revd Fran Wakefield)  
**Location:** Church Hall Main Street Scrayingham Malton YO41 1JD  
**Proposal:** External and internal alterations to allow conversion of Church Hall to a three bedroom dwelling with parking and amenity areas to include partial demolition, erection of a part two storey/part single storey rear extension and replacement of existing south elevation windows.
- 
3.  
**Application No:** 15/00013/HOUSE **Decision: Approval**  
**Parish:** Helmsley Town Council  
**Applicant:** Mr Simon Gospel  
**Location:** 32 Bondgate Helmsley YO62 5BR  
**Proposal:** Erection of part two storey/part single storey extension.
- 
4.  
**Application No:** 15/00045/73A **Decision: Approval**  
**Parish:** Langton Parish Meeting  
**Applicant:** Mr Thomas Howard-Vyse  
**Location:** Langton Walled Garden Main Street Langton Malton North Yorkshire  
**Proposal:** Variation of Condition 03 to state "Before any work is commenced on the construction of the approved dwellings, the developer shall construct on site for the written approval of the Local Planning Authority a one metre square free standing panel of the external walling to be used in the construction of the dwellings"; Condition 09 to state "Prior to commencement of the construction of the approved dwellings, precise details of the solar hot water panels will be submitted to the Local Planning Authority for approval"; Condition 14 to state "With the exception of the greenhouse demolitions and/or digging of one drainage trench, no works on the development shall begin 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"; Condition 15 to state "With the exception of the greenhouse demolitions and/or digging of one drainage trench, no works on the development shall begin until splays are provided in accordance with details that have first been submitted to, and approved in writing by the Local Planning Authority"; and Condition 17 to state "With the exception of the greenhouse demolitions and/or digging of one drainage trench, no works on the development shall begin until a drainage scheme has been implemented in accordance with details to be submitted to, and approved in writing by the Local Planning Authority" - of approval 08/00596/FUL dated 01.05.2013.

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5.  
**Application No:** 15/00138/FUL **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Ryedale Auctioneers (Mr Henry Ashworth)  
**Location:** Land Off Carter Lane Kirkbymoorside  
**Proposal:** Erection of building to be used for storage of goods for sale and as a viewing/sales area
- 
6.  
**Application No:** 15/00227/FUL **Decision: Application Withdrawn**  
**Parish:** Settrington Parish Council  
**Applicant:** Mr Kenelm Storey  
**Location:** Turbine Building Horse Course Lane Settrington Malton North Yorkshire  
**Proposal:** Erection of a timber hydroelectric power house to enclose a crossflow hydroturbine and associated equipment to generate electricity for Settrington House and associated dwellings and workplaces
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7.  
**Application No:** 15/00268/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr Mike Foster  
**Location:** Greengate Centre Greengate Malton North Yorkshire YO17 7EN  
**Proposal:** Change of Use of community building (Use Class D1) to commercial office space (Use Class A2)
- 
8.  
**Application No:** 15/00273/HOUSE **Decision: Approval**  
**Parish:** Hovingham Parish Council  
**Applicant:** Mr & Mrs P Wharton  
**Location:** Tuft House Farm Socarrs Lane Hovingham North Yorkshire YO62 4JR  
**Proposal:** Erection of single storey side extension and first floor extension to the rear, together with the erection of a detached 5 bay garage
- 
9.  
**Application No:** 15/00295/LBC **Decision: Approval**  
**Parish:** Welburn (Malton) Parish Council  
**Applicant:** Mr And Mrs Hamer  
**Location:** Pitcaim Cottage Main Street Welburn Malton YO60 7DX  
**Proposal:** External and internal alterations to include erection of single storey lean-to extension to rear and side, first floor extension above existing flat roof garage, reduction in the front projection of the garage and installation of secondary glazing to windows and doors (revised details to refusal 14/01253/LBC dated 16.01.2015).
- 
10.  
**Application No:** 15/00311/LBC **Decision: Approval**  
**Parish:** Welburn (Malton) Parish Council  
**Applicant:** Mr Jonathan Page  
**Location:** Rosedale House Main Street Welburn Malton YO60 7ED  
**Proposal:** Installation of 6no. hardwood double glazed windows to rear elevation to replace existing mix of single and double glazed timber windows.
-

**11.**  
**Application No:** 15/00315/CLEUD **Decision: Approval**  
**Parish:** Slingsby Parish Council  
**Applicant:** Mr Steven Leeson  
**Location:** Little Farm Long Lane Slingsby Malton YO62 4AX  
**Proposal:** Certificate of Lawfulness in respect of the occupation of the dwelling at Little Farm in excess of 10 years without complying with agricultural occupancy condition 03 of approval 3/123/17/PA dated 17.03.1977

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**12.**  
**Application No:** 15/00320/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Ms Louise Phillips  
**Location:** 34 St Nicholas Street Norton Malton North Yorkshire YO17 9AQ  
**Proposal:** Erection of single storey lean to side extension

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**13.**  
**Application No:** 15/00321/FUL **Decision: Approval**  
**Parish:** Sinnington Parish Council  
**Applicant:** Mr Shaun Pearson-Smith  
**Location:** Land At Catter Bridge Keldholme Kirkbymoorside York  
**Proposal:** Erection of building for storage of machinery and other equipment in connection with existing soft fruit business

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**14.**  
**Application No:** 15/00324/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr Alex Welburn)  
**Location:** 49 Old Maltongate Malton North Yorkshire YO17 7EH  
**Proposal:** Subdivision of ground and first floor flat into 2no. two bedroom flats to include new roof structure to form bathroom for lower floor flat with adjacent private courtyard area after removal of section of existing roofing

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**15.**  
**Application No:** 15/00326/ADV **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr Alex Welburn)  
**Location:** Old Talbot Yard Yorkersgate Malton North Yorkshire  
**Proposal:** Display of 1no. non-illuminated post mounted sign adjacent to site entrance and 6no. non-illuminated wall mounted Unit identification signs at the site entrance.

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**16.**  
**Application No:** 15/00328/FUL **Decision: Approval**  
**Parish:** Wintringham Parish Council  
**Applicant:** Trustees Of Major G.R.H Chomley 1967 (Mrs Aundrel Cholmley)  
**Location:** Gateway At Place Newton Church Lane Wintringham Malton North Yorkshire  
**Proposal:** Demolition of existing cast concrete gateway and rebuilding with brick and stone

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**17.**  
**Application No:** 15/00329/LBC **Decision: Approval**  
**Parish:** Wintringham Parish Council  
**Applicant:** Trustees Of Major G.R.H Chomley 1967 (Mrs Aundrel Cholmley)  
**Location:** Gateway At Place Newton Church Lane Wintringham Malton North Yorkshire  
**Proposal:** Demolition of existing cast concrete gateway and rebuilding with brick and stone

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**18.**  
**Application No:** 15/00331/HOUSE **Decision: Approval**  
**Parish:** Marton Parish Meeting  
**Applicant:** Mr And Mrs D Milner  
**Location:** The Granary Wildsmith Farm Marton Road Marton Kirkbymoorside YO62 6RD  
**Proposal:** Erection of single storey garden store attached to rear of existing neighbouring garage

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**19.**  
**Application No:** 15/00333/FUL **Decision: Approval**  
**Parish:** Nawton Parish Council  
**Applicant:** Mr N Butcher  
**Location:** Land East Of Ashton House Main Road Nawton Helmsley  
**Proposal:** Erection of a four bedroom dwelling and detached double garage with storage room above

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**20.**  
**Application No:** 15/00335/HOUSE **Decision: Approval**  
**Parish:** Flaxton Parish Council  
**Applicant:** Mrs Claire Moon  
**Location:** Glenthorne Cottage Rice Lane Flaxton YO60 7RJ  
**Proposal:** Erection of single storey rear extension

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**21.**  
**Application No:** 15/00336/HOUSE **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mrs Madeline Hutton  
**Location:** Breezy Heights Kraig Lane Keldholme Kirkbymoorside YO62 6NJ  
**Proposal:** Erection of attached garage with store above to south west elevation

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**22.**  
**Application No:** 15/00345/LBC **Decision: Approval**  
**Parish:** Stonegrave Parish Meeting  
**Applicant:** Lord St Oswald  
**Location:** East Newton Hall Farm Leysthorpe To Nunnington Oswaldkirk Helmsley YO62 5YE  
**Proposal:** External and internal alterations to barn to include installation of re-claimed stalls, timber double entrance doors, hardwood single door to replace window, 2no. windows to east elevation, alteration to access ramp and replacement of asbestos roof sheets on east roof slope by pantiles

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**23.**  
**Application No:** 15/00346/HOUSE **Decision: Approval**  
**Parish:** Stonegrave Parish Meeting  
**Applicant:** Lord St Oswald  
**Location:** East Newton Hall Farm Leysthorpe To Nunnington Oswaldkirk Helmsley YO62 5YE  
**Proposal:** Resurfacing of courtyard area and existing access drive to include entrance gates and pillars and installation of cattle grids together with erection of stonework retaining wall with timber gates on the boundary of the courtyard area

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**24.**  
**Application No:** 15/00347/LBC **Decision: Approval**  
**Parish:** Stonegrave Parish Meeting  
**Applicant:** Lord St Oswald  
**Location:** East Newton Hall Farm Leysthorpe To Nunnington Oswaldkirk Helmsley YO62 5YE  
**Proposal:** Alterations to external areas to include resurfacing of courtyard area and existing access drive to include entrance gates and pillars and installation of cattle grids and stone set kerbing together with erection of stonework retaining wall with timber gates on the boundary of the courtyard area.

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**25.**  
**Application No:** 15/00355/HOUSE **Decision: Approval**  
**Parish:** Swinton Parish Council  
**Applicant:** Mr A Jeffries  
**Location:** The Croft East Street Swinton Malton YO17 6SH  
**Proposal:** Erection of replacement front entrance porch

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**26.**  
**Application No:** 15/00356/HOUSE **Decision: Approval**  
**Parish:** Swinton Parish Council  
**Applicant:** Mr & Mrs R Ireland  
**Location:** Glen Ely East Street Swinton Malton YO17 6SH  
**Proposal:** Erection of two storey extension to rear to replace existing conservatory

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**27.**  
**Application No:** 15/00357/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr Alex Welburn)  
**Location:** Old Talbot Yard Yorkersgate Malton North Yorkshire  
**Proposal:** Display of 6no. non-illuminated wall mounted Unit identification signs at the site entrance

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**28.**  
**Application No:** 15/00361/FUL **Decision: Approval**  
**Parish:** Aislaby, Middleton & Wrelton Parish  
**Applicant:** JM & A Stead  
**Location:** The Sawmill Wrelton Pickering North Yorkshire YO18 8PG  
**Proposal:** Erection of an agricultural building framework to cover existing open silage clamp.

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**29.**  
**Application No:** 15/00368/ADV **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** RBS (Jacqui Thomson)  
**Location:** 6 Market Place Pickering North Yorkshire YO18 7AA  
**Proposal:** Display of 1 no. non- illuminated fascia sign, 1 no. non- illuminated projecting sign, 1 no. non-illuminated opening hours/services wall mounted sign, 1 no. non-illuminated applied vinyl ATM sign, 1 no. painted ATM bezel and 1 no. non-illuminated applied vinyl web/telephone sign following removal of existing signage.

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**30.**  
**Application No:** 15/00373/TPO **Decision: Approval**  
**Parish:** Nawton Parish Council  
**Applicant:** Mr N Cawthorne  
**Location:** Kirkdale Manor Highfield Lane Nawton Helmsley YO62 7UA  
**Proposal:** To carry out various felling and pruning works to trees within TPO No. 275/2001

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**31.**  
**Application No:** 15/00381/TPO **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr Shaun Shortland  
**Location:** 4 Orchard Gardens Malton North Yorkshire YO17 7NA  
**Proposal:** T1 : Lime tree. Removal as supported by the tree report from Mr P Robinson. Concerns that the tree poses a real danger to our neighbours and their property. It is also proposed to replace it with a suitable tree as recommended by the Tree Officer.  
T2 : Group of 3 lime trees. Crown thin by 10% and remove any dead wood. This is for safety and to ensure good tree maintenance.

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**32.**  
**Application No:** 15/00382/HOUSE **Decision: Approval**  
**Parish:** Cropton Parish Council  
**Applicant:** Ms Elsa Owlett  
**Location:** Old Forge Cottage High Street Cropton Pickering North Yorkshire YO18 8HL  
**Proposal:** Erection of a porch

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**33.**  
**Application No:** 15/00384/FUL **Decision: Refusal**  
**Parish:** Aislaby, Middleton & Wreton Parish  
**Applicant:** Mr Barry Johnson  
**Location:** Land At 1 Cawthorne Lane Wreton Pickering North Yorkshire  
**Proposal:** Erection of 2no. 3 bedroom semi-detached dwellings together with formation of vehicular access.

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**34.**  
**Application No:** 15/00385/HOUSE **Decision: Approval**  
**Parish:** Ampleforth Parish Council  
**Applicant:** Mr Martin Airey  
**Location:** Sunnyside Station Road Ampleforth YO62 4DG  
**Proposal:** Erection of single storey rear extension following removal of garden store

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- 35.**  
**Application No:** 15/00395/HOUSE **Decision: Approval**  
**Parish:** Welburn (Malton) Parish Council  
**Applicant:** Mr & Mrs Hamer  
**Location:** Pitcaim Cottage Main Street Welburn Malton YO60 7DX  
**Proposal:** Erection of single storey lean-to extension to rear and side and first floor extension above existing flat roof garage to include reduction in the front projection of the garage (revised details to refusal 14/01252/HOUSE dated 16.01.2015).
- 
- 36.**  
**Application No:** 15/00390/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr R Collier  
**Location:** 92 Langton Road Norton Malton YO17 9AE  
**Proposal:** Erection of a single storey side extension to north elevation
- 
- 37.**  
**Application No:** 15/00393/FUL **Decision: Approval**  
**Parish:** Scrayingham Parish Council  
**Applicant:** Fendale Developments LLP  
**Location:** Land Adjacent To Rectory Farm Main Street Scrayingham Malton  
**Proposal:** Demolition of redundant agricultural building, leaving existing 1.8m high perimeter wall, and change of use of agricultural land to form additional domestic curtilage to Plot 6 to allow re-siting of detached double garage.
- 
- 38.**  
**Application No:** 15/00394/FUL **Decision: Approval**  
**Parish:** Gilling East Parish Council  
**Applicant:** M C Marshall Farms  
**Location:** Land South Of Grimston Manor Moor Lane Grimston Gilling East Helmsley  
**Proposal:** Installation of two arrays of PV panels on ground mounted frames with associated infrastructure to generate electricity for adjacent dwelling and agricultural buildings
- 
- 39.**  
**Application No:** 15/00397/FUL **Decision: Approval**  
**Parish:** Coulton Parish Council  
**Applicant:** John Goodwill  
**Location:** Coulton Grange Coulton Lane Coulton Helmsley YO62 4NE  
**Proposal:** Erection of roof over silage pit to form agricultural manure store.
- 
- 40.**  
**Application No:** 15/00400/FUL **Decision: Refusal**  
**Parish:** Gillamoor Parish Meeting  
**Applicant:** Mr & Mrs S Hackett  
**Location:** Land Adjacent Gales Cottage Kirkby Lane Gillamoor Kirkbymoorside  
**Proposal:** Erection of 2 bedroom detached managers dwelling to include office and laundry rooms, and detached 2 bay garage, together with formation of vehicular access
- 
- 41.**  
**Application No:** 15/00403/HOUSE **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr Lewis Williamson  
**Location:** 18 Milton Avenue Malton North Yorkshire YO17 7LD  
**Proposal:** Erection of part two storey/part single storey rear extension (revised details to refusal 14/01227/HOUSE dated 16.01.2015).



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- 42.**  
**Application No:** 15/00405/FUL **Decision: Approval**  
**Parish:** Staxton/Willerby Parish Council  
**Applicant:** Mr Oliver Sutton  
**Location:** The Yorkshire Wolds Gallery And Coffee Shop Fordon Lane Staxton Scarborough North Yorkshire YO12 4TF  
**Proposal:** Change of use of 2no. old granary first floor workshops to 2no. staff bedrooms
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- 43.**  
**Application No:** 15/00416/LBC **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** RBS (Jacqui Thomson)  
**Location:** 6 Market Place Pickering North Yorkshire YO18 7AA  
**Proposal:** Display of 1 no. non-illuminated fascia sign, 1 no. non-illuminated projecting sign, 1 no. non-illuminated opening hours/services wall mounted sign, 1 no. non-illuminated applied vinyl ATM sign, 1 no. painted ATM bezel and 1 no. non-illuminated applied vinyl web/telephone number sign following removal of existing signage.
- 
- 44.**  
**Application No:** 15/00412/FUL **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Miss Helen Walker  
**Location:** 12 Eastgate Square Eastgate Pickering North Yorkshire YO18 7DP  
**Proposal:** Change of use of hairdresser (Use Class A1) to a health center (Use Class D1) to include physiotherapy and acupuncture
- 
- 45.**  
**Application No:** 15/00424/HOUSE **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Peter Chapman  
**Location:** Havem Crest Whitby Road Pickering North Yorkshire YO18 7HL  
**Proposal:** Erection of attached flat roof, double garage and utility room following demolition of existing attached flat roof single garage and garden room.
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- 46.**  
**Application No:** 15/00425/HOUSE **Decision: Refusal**  
**Parish:** Gilling East Parish Council  
**Applicant:** Mr & Mrs D Guy  
**Location:** Sycamore Cottage Cawton Road Gilling East York YO62 4JG  
**Proposal:** Erection of rear ground and first floor extensions to include dormer window and rear entrance porch (revised details to approval 14/01194/HOUSE dated 04.03.2015)
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- 47.**  
**Application No:** 15/00427/HOUSE **Decision: Refusal**  
**Parish:** Gilling East Parish Council  
**Applicant:** Mr & Mrs D Guy  
**Location:** Sycamore Cottage Cawton Road Gilling East York YO62 4JG  
**Proposal:** Erection of rear ground and first floor extensions to include rear entrance porch (revised details to approval 14/01194/HOUSE dated 04.03.2015)
-

**48.**  
**Application No:** 15/00433/HOUSE **Decision: Partial Approve/Refuse**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr & Mrs Brackley  
**Location:** Holme Lea Gillamoor Road Kirkbymoorside North Yorkshire YO62 6EL  
**Proposal:** Erection of two storey extension to south elevation, porch to east elevation and replacement single storey extension to north elevation following demolition of existing single storey extension

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**49.**  
**Application No:** 15/00446/FUL **Decision: Approval**  
**Parish:** Settrington Parish Council  
**Applicant:** Mr Michael Heuck  
**Location:** Elm Tree Bam Town Street Settrington Malton YO17 8NR  
**Proposal:** Erection of block of 3 no. stables with tack room

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**50.**  
**Application No:** 15/00450/HOUSE **Decision: Approval**  
**Parish:** Aislaby, Middleton & Wrelton Parish  
**Applicant:** Mr & Mrs Darren Hugill  
**Location:** Church Farm Main Street Middleton Pickering North Yorkshire YO18 8PB  
**Proposal:** Installation of 12 no. solar panels to south facing roof slope of outbuilding

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**51.**  
**Application No:** 15/00453/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estates (Mr Keith Davies)  
**Location:** Kings Head Hotel 5 Market Place Malton North Yorkshire YO17 7LP  
**Proposal:** Removal of existing cement render to front elevation and application of lime render with mineral paint finish

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**52.**  
**Application No:** 15/00455/HOUSE **Decision: Approval**  
**Parish:** Lillings Ambo Parish Council  
**Applicant:** Mr Brad Offiler  
**Location:** East Lilling Cottage New Road West Lilling YO60 6RW  
**Proposal:** Erection of two storey extension to north west elevation following demolition of existing attached garage

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**53.**  
**Application No:** 15/00462/REM **Decision: Approval**  
**Parish:** Salton Parish Meeting  
**Applicant:** Mr M.G Boothman  
**Location:** Glebe Farm Brawby Lane Brawby Malton North Yorkshire YO17 6QA  
**Proposal:** Erection of a 3 bedroom agricultural workers dwelling (outline approval 14/01301/OUT dated 21.01.2015 refers).

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54.

**Application No:** 15/00463/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr Roddy Bushell)  
**Location:** Land At Ryder Square Malton North Yorkshire  
**Proposal:** Minor regrading and resurfacing of parking area in tarmac with bonded buff coloured gravel surface dressing, installation of 2no. trapped drainage gullies, natural stone setts around existing planted area and use of concrete edging kerbs and stone setts to delineate land ownership boundaries

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55.

**Application No:** 15/00464/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr Roddy Bushell)  
**Location:** Land To Rear Of 14 Saville Street Malton North Yorkshire  
**Proposal:** Minor regrading and tarmac surfacing of parking area to include installation of drainage gully at entrance to car park and formation of dished channel across width of entrance by laying of three rows of natural stone setts

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56.

**Application No:** 15/00478/HOUSE **Decision: Approval**  
**Parish:** Marton Parish Meeting  
**Applicant:** Mr Garry Payne  
**Location:** Providence Cottage Marton Road Marton Kirkbymoorside YO62 6RD  
**Proposal:** Erection of single storey rear extension to replace existing conservatory

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57.

**Application No:** 15/00508/LBC **Decision: Approval**  
**Parish:** Aislaby, Middleton & Wrelton Parish  
**Applicant:** Mr & Mrs Darren Hugill  
**Location:** Church Farm Main Street Middleton Pickering North Yorkshire YO18 8PB  
**Proposal:** Installation of 12 no. solar panels to south facing roof slope of outbuilding

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### Appeal Decision

Site visit made on 13 May 2015

**by Peter D. Biggers BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 May 2015

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#### **Appeal Ref: APP/Y2736/D/15/3005512**

#### **2 Castle Howard Drive, Malton, North Yorkshire YO17 7BA.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms K Waller against the decision of Ryedale District Council.
  - The application Ref 14/01287/HOUSE, dated 21 November 2014, was refused by notice dated 21 January 2015.
  - The development proposed is raising roof lines to either gable end including front dormers.
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#### **Decision**

1. The appeal is dismissed.

#### **Main Issues**

2. The main issues are whether the living conditions of present and future occupants of 2A Maiden Greve would be adversely affected in terms of loss of light, overshadowing and proximity and the effect of the proposed development on the character and appearance of the host property and the surrounding area of Castle Howard Road and Drive.

#### **Reasons**

3. The appeal property at No 2 Castle Howard Drive is a predominantly single storey brick built house with a 2 storey central gabled section. It occupies a corner plot on the junction of Castle Howard Road and Castle Howard Drive. The garden fronting Castle Howard Road is generous but in the recent past the plot has been subdivided and the rear section onto Maiden Greve developed with a detached 2 storey dwelling that is occupied independently to No 2. The new dwelling at No 2A Maiden Greve has a patio area on its east side adjacent to the common boundary with No 2.

#### *Living Conditions*

4. The proposed first floor vertical extension to No 2 would raise the roof of the whole dwelling by about 1.5 metres to a new ridge height of around 5.5 metres. The newly raised section would be about 4 metres from the common boundary and directly south of the patio garden to No 2A Maiden Greve.
  5. It has been put to me, based on some indicative lines on the submitted plans, that the loss of sunlight as a direct result of the raised roof at No 2 would be minimal and that the neighbouring dwelling's own height, particularly when the sun is in
-

the west, creates a greater degree of shadow over the patio. I accept that given the orientation of the two properties the sun would be at its highest point as it passes over the heightened roof to No 2 and for a significant portion of the year the effect of the proposal on the patio of No 2A would be minimal. However in the winter months, when the sun is much lower in the sky to the south, the height and proximity of the elevated roof would have an effect on levels of sunlight and cause a greater degree of overshadowing to the patio.

6. More significantly however the close siting and proposed increased height of the appeal property in relation to No 2A and its patio garden would result in an overbearing relationship. The proximity of the heightened brickwork and roof at only 4 metres from the boundary would have an adverse effect on the enjoyment of the patio space at No 2A to the detriment of the occupant's living conditions.
7. The Core Principles of the *National Planning Policy Framework* (the Framework) at paragraph 17 require development to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy SP20 of *The Ryedale Plan – Local Plan Strategy* (LPS), in seeking to ensure development will not have a material adverse impact on the amenity of users or occupants of neighbouring land and buildings is consistent with this aspect of the Framework.
8. It has been put to me that because No 2A Maiden Greve was erected in the garden of the appellant's property it has always had a subservient relationship to No 2. However as No 2A is a detached, independently occupied dwelling its occupants have the same rights set out in paragraph 17 of the Framework as has the appeal property.
9. For the reasons above the proposed extended dwelling would be detrimental to the living conditions of present and future occupants of No 2A resulting in an overbearing relationship and some loss of sunlight in the winter months. As such it would conflict with the Framework and policy SP20.

#### *Character and Appearance*

10. The main elevation to No 2 faces onto Castle Howard Road, a road that is predominantly comprised of large 2 storey detached dwellings. Castle Howard Drive is more of a mix of styles including a number of bungalows but in the vicinity of the appeal site the properties are mainly 2 storey. The appeal property with its elevated central gable section is not presently in keeping with any of the surrounding properties. Indeed increasing the roof height would bring the property more into line with the appearance of the 2 storey dwellings on the opposite side of Castle Howard Road with their central gable feature facing the road.
11. I acknowledge that, being a corner plot, No 2 is in a prominent position on Castle Howard Road but it is set well back in a spacious landscaped plot and the increase in the roof height would not of itself have an adverse impact on the character and appearance of Castle Howard Road.
12. I accept that the narrowness of the gable end of the house onto Castle Howard Drive would be accentuated by the increase in roof height but the design of the vertical extension in incorporating the central crossing gabled section would enhance the visual appearance of the existing house.
13. Policy SP 16 of the LPS is consistent with the Framework in seeking high quality development that respects the context provided by its surroundings. The policy

also requires extensions to buildings to be appropriate and sympathetic to the character and appearance of the host building. For the reasons given above, whilst I acknowledge that the extension is a significant change to No 2 Castle Howard Drive changing its currently horizontal emphasis to a vertical one, I am satisfied that the proposed extension would not be inappropriate in respect of the host building and would be respectful to the surrounding context. As such the proposal would not conflict with LPS policy SP16.

### **Conclusion**

14. I have carefully considered all matters before me and, notwithstanding my conclusion in respect of the impact on character and appearance, this does not outweigh the harm the proposal would bring to the living conditions for present and future occupants of No 2A Maiden Greve. Accordingly the appeal should be dismissed.

*P. D. Biggers*

INSPECTOR



## Appeal Decision

Hearing and site visit made on 19 March 2015

**by J S Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 May 2015**

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**Appeal Ref: APP/Y2736/A/14/2226293**

**Gravel Pit Farm, Sand Hutton, York, YO41 1LN.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against the failure of Ryedale District Council to issue a decision within the prescribed timescale.
  - The appeal is made by JFS Gravel Pit Biogas Ltd.
  - The application Ref. No: 14/00709/MFUL, dated 24 June 2014.
  - The development proposed is for a farm scale anaerobic digestion and combined heat and power plant facility.
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### Decision

1. For the reasons given below, this appeal is allowed and planning permission granted for a farm scale anaerobic digestion and combined heat and power plant facility at Gravel Pit Farm, Sand Hutton, York, YO41 1LN in accordance with the terms of the application, Ref. No: 14/00709/MFUL, dated 24 June 2014, and the plans submitted therewith, subject to the conditions contained in the attached Schedule.

### Costs

2. At the hearing, applications for awards of costs were lodged by the Appellants against the Council and the Council against the Appellants. The decisions on these applications are issued under separate cover.

### Clarification

3. In this case, following the appeal against non-determination, the Appellants submitted an almost identical application for an anaerobic digestion (AD) plant to the Council. This was granted planning permission by the Council, subject to conditions, and, thus, becomes the fall-back position and a material consideration in deciding this appeal. Paradoxically, in considering the appeal proposals at the same time as the second application, the Council cited a putative reason for refusal. This was on the basis that this is what it would have decided with the information that was available to it at the time the appeal was lodged. This reason states that "*The Local Planning Authority is in receipt of insufficient information regarding the existing and proposed vehicular movements associated with Gravel Pit Farm and is, therefore, unable to determine that there would not be a significant detrimental impact on highway safety contrary to Policy SP1 and SP20 of the Ryedale Local Plan Strategy 2013*".



## Policy overview

4. The National Planning Policy Framework (the Framework) identifies the creation of renewable energy as a core planning principle (paragraph 17). In addition, it establishes the presumption in favour of development that is sustainable (paragraphs 11-16) and gives very strong encouragement to projects that would lead to a reduction in greenhouse gases (paragraph 95), including small scale projects (paragraph 98). There are several more references in the Framework to sustainable development and meeting the challenge of climate change. The Planning Practice Guidance (PPG), which was first published in March 2014 is a living document attracting regular updates, and puts flesh on the Framework policies.
5. More specifically, in the Government's National Anaerobic Digestion Strategy and Action Plan (the Strategy), published in 2011, there is a commitment to increasing energy from waste through anaerobic digestion and, at the time of publication, more than half the active schemes were located on farms. The hearing was informed that numbers had increased since then. In summary, Government evinces very strong support for the types of process proposed at Gravel Pit Farm.
6. The Development Plan policies relied upon by the parties at the hearing flow from the Ryedale Local Plan Strategy 2013 (LP) and include Policy SP19 that reflects the presumption in favour of sustainable development evinced by the Framework and Policy SP18, which registers broad support for proposals that generate renewable and/or low carbon sources of energy. In addition, Policy SP9 looks to sustain and diversify the land-based economy. This support is tempered by LP Policy SP20, which delivers requirements in respect of pollution/amenity and highway safety and traffic movement.

## Main Issue

7. Having regard to the fall-back position, and from the evidence presented to the hearing, the written representations and visits to the appeal site and surroundings, it follows that the main issue to be decided in this appeal is the implications the proposed development would have for environment interests, especially with regard to pollution, highway safety and local amenity and whether any concerns could be addressed satisfactorily by the imposition of appropriately worded conditions.

## Reasons

### Overview

8. As planning permission has been granted for an almost identical scheme, the Appellants could implement that at any time. However, they have expressed concern about some of the conditions attached to that extant permission. Under these circumstances, this appeal is essentially one which would allow the planning permission for the appeal scheme to be executed, without complying with some of the conditions imposed on the earlier consent. Five of the conditions attached to the extant permission are challenged by the Appellants and details and reasons are contained in a letter dated 18 February 2015. The five conditions are examined in turn.
9. In addition, I have also looked at the remaining conditions to ensure they accord with the latest Policy in paragraphs 203 and 206 of the Framework and

the guidance in the PPG. These establish the tests for when conditions can be imposed and advice on the circumstances when they should not be used.

#### Condition 4 – Sourcing of Feedstock

*No feedstock shall be used in the development hereby approved other than that sourced from the following locations:*

- *Smaws Farm, Tadcaster, LS24 9LP*
- *Landmoth Hall, Kirby Sigston, DL6 3TF*
- *High House Farm, West Harsley, DL6 2PR*
- *Goosecroft Farm, East Harsley, DL6 2DW*
- *North Lowfields Farm, Kirby Fleetham, DL7 0SY*
- *Gravel Pit Farm, Sand Hutton, YO41 1LN*

*Reason: In the interests of highway safety and to protect nearby occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.*

10. The appeal site lies on the existing agricultural holding of Gravel Pit Farm (Home Farm) within the open countryside, and is one of six of farms that comprise a business group (the Group). The intention is that the anaerobic digester would serve all six farms and take produce and bi-product from them, with Home Farm operating as the hub. However, the digestate produced would only be spread over Home Farm, to improve the land quality from its current poor condition.
11. In this context, the Appellants argue that Condition 4 is unnecessary. They submit that the current circumstances permit manure to be transported to Home Farm from other locations, pointing out that they may be nearer than other farms in the Group, some of which are a considerable distance from Home Farm. They add that conveying feedstock from nearer farms would offer a benefit in travel and safety terms and that there are no nearby residents that would be affected by the proposals. As such, there would be no breach of the generic management issues embodied in LP Policy SP20. Consequently, the condition is unnecessary and would inhibit flexibility in the way the enterprise is managed.
12. The Council says that the condition reflects what was identified by the Appellants in their application documents. The locations from which the importation of feedstock would come are all farms within the Group and it is because it would be the by-products from these farms that the anaerobic digester is considered to be 'farm-scale'. This was the basis the application was submitted and considered by the Council. If the origin of the feedstock was expanded to farms outside the Group then this could have implications for traffic, storage of material on site and the potential for a worse environmental regime.
13. It was always understood by the Council that the by-products from the Group's farms would be adequate to feed the digester and so there is no reason to expand the sources. Whereas it is accepted that if the condition was relaxed some feedstock could come from closer locations, it could just as easily come from much further afield and become a less sustainable enterprise. Finally, it

was something the Appellants were amenable to during the course of the application and is a condition they have accepted on various other similar schemes, with no identified downsides.

14. On the proposal approved on 17 February 2015 for an anaerobic digester on the Home Farm, Condition 4 did omit reference to Gravel Pit farm, which was clearly an error. This has been rectified in the present draft, but apart from a revision to cover this point I am satisfied the suggested condition meets the tests in the PPG and is justified for sound planning reasons.
15. In the first place, the permission runs with the land and, although the current owner and operator intend to run the anaerobic digester utilising product and by-product from the Group's farms, this may not always be the case. Successors in title for Home Farm may not have the extensive holding of the present incumbent and would wish to operate under a much more commercial regime. While there may be no problem with this, it does represent a materially different operation from the 'farm-scale' undertaking currently proposed. In response to this, the Condition 4 would allow the Council to exercise the necessary control in the interests of highway safety and movement, amenity and the wider environment.
16. Next, having read the submissions, it seems to me that the condition reflects what was proposed by the Appellants in their application submission. The assessments on the interests of acknowledged importance undertaken by the Council in appraising the appeal project are based on these parameters. As such, it does not seem onerous for the operator to apply for a variation to the condition, should the Group holding change or if they wish to materially alter the origins of the feedstock. If the change did not adversely affect the interests embraced by LP Policy SP20 then there would be no grounds to resist the application.
17. However, if the implications were materially adverse and problems manifested themselves, the Council would have left itself vulnerable by not adopting the precautionary principle. The sort of relaxation envisaged could necessitate changes to the transport regime, the feedstock type and the length of time it would have to be stored on Home Farm prior to being deployed, with the potential for visual and odour concerns.
18. All these could have adverse effects on the aims of the policies and, therefore, I support the retention of this draft condition unchanged.

#### Condition 5 – restrictions on feedstock tonnage

*The annual input of feedstock into the development hereby approved shall not exceed the following, unless otherwise agreed in writing by the Local Planning Authority:*

- *Cattle FYM – 12,150 tonnes*
- *Chicken Manure – 900 tonnes*
- *Grass Silage – 13,500 tonnes*

*Records, including weights, of all feedstock brought to the site in association with the proposed development shall be retained for at least two years and be available for inspection by the Local Planning Authority upon request.*

*Reason: In the interests of highway safety and to protect nearby occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.*

19. By restricting the tonnage of feedstock, the Appellants submit that the intention is to restrict traffic to the site, again invoking LP Policy SP20. They contend this is unnecessarily prescriptive and suggest that the matter could be addressed more simply by seeking to restrict total tonnages rather than limiting individual feedstock types. Once again, the Appellants argue that whereas the tonnage limits may reflect the existing operations of the business, this could change and the restrictions are unnecessarily onerous.
20. From the Council's perspective the arguments are similar to those advanced in defence of Condition 4. Allowing the flexibility requested by the Appellants means that much more of one particular type of feedstock could be deployed and this could have adverse impacts on traffic, storage and environmental considerations. Without guarantees, the precautionary principle should be adopted and to that end the condition is necessary, directly related to planning and fairly and reasonably proportionate to the scale and kind of development.
21. For my part, like the Council the arguments in support of this condition are very similar to those advanced in defence of Condition 4. I have considered possible revisions that could facilitate crop rotation and similar. However, the figures contained in the draft condition were expressed by the Appellants as maximum feedstock quantities for the AD Plant. Moreover, I am mindful that the variation of feedstock beyond cattle farmyard manure, chicken manure and grass silage would be precluded by draft Condition 3, which is not a condition in dispute.
22. The problem with removing the condition entirely or inserting a maximum overall tonnage is that uncontrolled changes to the feedstock type and quantity of each would again deliver the potential for harmful changes to the transport regime, the feedstock type and the length of time it would have to be stored prior to being deployed. While one can be confident that the present operator would not abuse the system, the same cannot be guaranteed for successors in title.
23. As it stands, the condition permits the submission of a schedule to the Council for approval in writing, when a change is proposed. This would allow the Council to either accept the change having considered the implications or decline to accept the change by informing the Appellants that it would constitute a material change in the permission. On balance this seems a sensible approach, though I accept it does not offer the flexibility the Appellants would like and it would mean a little extra work for both main parties. Again, I am satisfied that the draft condition would meet the tests espoused in the PPG and is appropriately worded.

Condition 9 – the deposition of mud on the highway

*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 the interests of highway safety and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.*

24. In contesting this condition, the Appellants point out that the drive to the farm is some 400m long and is already appropriately surfaced between the public highway and the Home Farm complex. This drive is used currently by HGVs and tractors and this use has not attracted any complaints about mud being deposited on the public highway. The seeming intention of the condition is to require wheel washing facilities and this is not necessary for other farms and would impose unjustifiable burdens on the Appellants. As a result, this condition would be both unnecessary and unreasonable.
25. The Council counters this by saying that the condition is necessary to prevent mud and dirt being deposited on the public highway, which could pose a risk to traffic using the network. The fact that there have been no complaints during the last three years is not compelling. The journeys originating at Home Farm would start from agricultural fields and these have the potential to be muddy, especially during the construction period. The dangers would be contrary to LP Policy SP20 and the condition meets the tests of paragraph 204 of the Framework.
26. Whereas it is appreciated that HGVs and farm vehicles have been using the access for some time without attracting any complaints, this cannot be guaranteed for the future. However, it is necessary to take a balanced view of the potential for mud to be deposited on the public highway and to cause danger for other road users. On balance, and bearing in mind the distance vehicles would travel along a metalled drive before reaching the public highway, I do think that the provision of a full blown wheel washing facility would be excessive in both construction costs and operational terms. Even when installed, they can be difficult to operate during cold weather and, crucially, would place the Appellants at a competitive disadvantage, when compared to other operators in a similar situation.
27. The bottom line is that it is the Operator's responsibility to ensure that mud is not deposited on the highway and this is dealt with by the Local Highway Authority under highway law. Under certain circumstances, the Local Highway Authority could suspend the site operation until matters were resolved. This is usually the appropriate method of addressing this problem and not the use of planning legislation. Where the access to the public highway is very short and mud very likely to be deposited then conditions could be invoked, not least as the wheel washing facility would be part of the permission. However, on balance, I am not convinced this would be necessary here.
28. Having said this, it may be in the Operator's best interest to be aware that the business could be suspended if there was a problem. Faced with this prospect, the Operator may well be advised to introduce a 'rumble strip' at the top of the drive that should shake off any residual mud etc attached to the wheels of vehicles well before they reach the public highway. In my view, if sensibly designed this would prove cheap and effective and keep everyone happy.



However, as a matter of fact and degree, I do not think the likelihood of transgression justifies the expense of installing a wheel washing facility. I have therefore, deleted draft Condition 9.

#### Condition 10 – HGV routing proposals

*Unless otherwise approved in writing by the Local Planning Authority, there shall be no development until details of the routes to be used by HGV traffic associated with the development 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 and operation of the development.*

*Reason: In the interests of highway safety and the protection of amenities of nearby properties and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.*

29. The Appellants opine that material is already brought to the site from a series of farms and there is no intention to change the present pattern of traffic movements. The Appellants had understood the intention of the Condition was to avoid the nearby village of Sand Hutton and this objective is supported. However, there are longstanding practices to avoid the village already in place. As a consequence, the condition is unnecessary and should be replaced by one that seeks to achieve more clearly defined planning objectives.
30. In the Council's opinion, the Appellants have misunderstood the condition insofar as they see it as pertaining to all vehicles associated with the farm. This is not the case, as the Council accepts that this could cause distinct problems especially for movements within Home Farm. The intention is to control the movement of HGVs to and from the appeal site during the construction period only.
31. This is always a difficult call, owing to the obvious problems of enforcement when the vehicles affected are outside the direct control of the Appellants. However, I believe the Council is adopting a sensible approach to cover the period of the construction. It will be something the appointed contractor will have to take into account when pricing the contract. Having regard to the location of the site, I think it is unlikely that this would represent a significant on-cost or that much disruption would be caused, even allowing for the traffic volumes on the nearby A64 at certain times of the year. Notwithstanding, it is much better that the traffic is accommodated on an A-class route rather than trying to forge an alternative along extensive, narrow country lanes and through rural villages and hamlets.
32. If the routing agreement only applies to the construction phase, then it would not affect the on-going operations and serving the anaerobic digester once it has been constructed. Under these circumstances, I am content that an appropriately worded condition is justified and would meet the PPG tests. The draft condition has been amended to make the situation more clear.

#### Condition 13 – requirement for a Digestate Management Plan (DMP)

*No development shall commence until a Digestate Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details on the storage of digestate, locations for the spreading of digestate and quantities of digestate to be spread, a soil sampling schedule,*

*digestate sampling and analysis and measures to ensure adherence to nitrate vulnerable zone regulations. Thereafter the development hereby approved shall be carried out in accordance with the agreed Digestate Management Plan for the lifetime of the development hereby approved.*

*Reason: In order to minimise potential odour and to satisfy Policy SP20 of the Local Plan Strategy.*

33. The Appellants are opposed to this condition because it is intended to prevent or minimise odour. However, digestate is odourless, but more importantly, this condition would be duplicating other legislation and regulatory regimes. It would, therefore, be infringing and duplicating the controls already in place for spreading digestate on the land, which is administered by the Environment Agency. Consequently, it is unnecessary and unjustified.
34. The Council adopts a contrary view, saying that the Appellants did not provide information about how the digestate would be managed. There are three possible areas of concern, namely the content of the digestate, where it would be stored and in what quantities and where would it be spread. It is necessary to ensure that all the digestate produced is deployed on Home Farm and not on other holdings within the Group or externally, where the vehicle movements required in the transport could have highway and environmental impacts that have not been evaluated. These are all factors that could have direct and indirect implications for the highway and amenities of the surrounding area. As such, the condition is necessary, directly related to the development and proportionate.
35. While acknowledging that the Appellants wish to retain flexibility, I do not see this as an onerous condition. What the Council is concerned about is the potential for export and the visual consequences of long term storage on Home Farm. It is appreciated that odour and some other matters would be monitored by another Regulator, but the aspects referred to clearly fall to be addressed under the planning regime. Incidentally, the fact that the digestate produced would be odourless is one of the key advantages of this process over conventional muck-spreading. Consequently, I am satisfied that the condition is sensible and pragmatic to serve the objectives of LP Policy SP20 and meets the tests embodied in the PPG.

#### Other material considerations

36. As explained when opening the hearing, granting permission for an 'identical' anaerobic digester on the appeal site fundamentally limited the issues that were open for consideration at the hearing. Whereas I might have treated certain aspects of the proposal differently, the fall-back situation makes this impossible. Put simply, any new permission cannot be more onerous than the extant one. As such, the third parties were advised that for the issues to be expanded, the arguments advanced must be 'game changing'.
37. In this context, two arguments were advanced in objection. These pertain to a claimed 'cordon sanitaire' and covenants on some of the land at Home Farm that would prevent the proposed use. Clearly any legal force that precludes the development could be invoked and prevent the Appellants exercising their permission. However, these are not material considerations that should be weighed in the planning balance. In a nutshell, they fall outside the planning remit. It is also worth bearing in mind that the planning permission that has



been granted would still remain extant and has not been challenged on legal grounds.

38. In the representations by third parties, three other topics featured regularly. These pertain to noise, smell and visual impact. Although a noise assessment was not provided initially, this has now been done and the Council's Environmental Health Officer is content that no sensitive receptors and/or external locations would be adversely affected to any marked degree. This certainly applies to the AD itself and, of course, many of the HGV movements are already taking place or could be introduced irrespective of this scheme. As for smell, if the same amount of muck was spread on Home Farm without first being processed in the AD, the odour is likely to be very much more agricultural. The key point is that the final digestate is odourless.
39. Finally, the visual impact of the project was assessed from nearby public vantage points. However, those offering views of the plant are distant and with the existing silos acting as references, I am convinced that the new AD silos would not stand out in the pleasant landscape. Exterior views are generally presented with mature trees as a backdrop, though it is accepted that not all of these are in the control of the Appellants. The final colour of the silos could also help the scheme settle into the landscape. Additional landscape planting could have been required and the silos could have been sunk a little way further into the ground. However, these are not matters that can be furthered at this stage, having regard to the fall-back situation. Having said this, agreement about the colour would not seem onerous and I am sure that an amicable agreement between the Appellants and the Council could be reached on that, without the need for a formal condition.

### **Summary**

40. In summary on the main issue, the implications the proposed development would have for environment interests, especially with regard to pollution, highway safety and local amenity, could arguably be judged as detrimental. However, on no particular topic would the adverse effects be inordinate and through the judicious use of conditions would be mitigated satisfactorily, without undermining the objectives of the LP policies and especially Policy SP20. Against this background, the project attracts the presumption in favour of sustainable development as divined by the Framework. It also gains substantial policy support through the Framework and the Government's Strategy on ADs, including on agricultural holdings. Last, but not least, this is a sound example of farm diversification as encouraged by LP Policy SP9 and national policy.

### **Conditions**

41. During the hearing the set of conditions attached to the earlier permission was available for consideration. With one minor change to the wording of condition 4, the draft conditions advanced by the Council in this case are the same. I have looked at each in turn and some minor textural amendment has been made to ensure conformity with advice in the PPG. The numbering has changed to reflect the omission of Condition 9. The reasoning behind Conditions 4, 5, 10 and 13 are given in the main body of the decision, but are essentially all in the interests of highway safety and the protection of amenities of nearby properties and/or to satisfy the environmental factors covered by Policy SP20 of the Ryedale Plan - Local Plan Strategy.

42. As for the remainder, the first draft condition is the standard start date condition to comply with s.91 of the Act. The second is necessary to ensure the development is carried out in accordance with the approved drawings. The third and sixth are again necessary in the interests of highway safety and to protect nearby occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy. Moving to Condition 7 this is required to prevent malodour and Conditions 8, 13 and 14 are necessary in order to protect the character and appearance of the area and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy. Conditions 9 and 11 are again necessary in the interests of highway safety and to protect nearby occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy. Finally, Condition 10 is required in order to take full account of protected species that may be using the site and to satisfy Policy SP14 of the Ryedale Plan - Local Plan Strategy

### **Formal decision**

43. Having regard to the evidence presented to the hearing, the written representations and visits to the appeal site and surroundings, there are no cogent reasons why the appeal scheme should be resisted. This is especially so having regard to the fall-back position. The concerns raised by the Council and third parties would not be inordinate, could be mitigated by conditions and are far outweighed by the encouragement and policy direction evinced by Government through the Framework and the Strategy, especially on the lines of sustainability and farm diversification. Thus, none of the national or local policies referred to above would be unduly compromised. Accordingly, and having taken into account all other matters raised, this appeal succeeds.

*J S Nixon*

Inspector

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be begun on or before 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans, details and documents:
  - Site Location plan received by the LPA on 30/09/14
  - Landscaping Plan (File Ref. 148 Drg.01) received by the LPA on 06/01/15
  - 14T661-100 Rev P7 received by the LPA on 30/09/14
  - 14T661-600 Rev P6 received by the LPA on 30/09/14
  - Design and Access Statement received by the LPA on 30/09/14
  - Planning Statement received by the LPA on 30/09/14
  - Noise Assessment received by the LPA on 30/09/14
  - Odour Assessment received by the LPA on 30/09/14
  - Flood Risk Assessment received by the LPA on 30/09/14
  - Phase 1 Ecology Report Rev 2 dated 13/01/15
3. No feedstock shall be used in the development hereby approved other than farmyard manure, chicken manure and grass silage.
4. No feedstock shall be used in the development hereby approved other than that sourced from the following locations:
  - Smaws Farm, Tadcaster, LS24 9LP
  - Landmoth Hall, Kirby Sigston, DL6 3TF
  - High House Farm, West Harsley, DL6 2PR
  - Goosecroft Farm, East Harsley, DL6 2DW
  - North Lowfields Farm, Kirby Fleetham, DL7 0SY
  - Gravel Pit Farm, Sand Hutton, YO41 1LN
5. The annual input of feedstock into the development hereby approved shall not exceed the following, unless otherwise agreed in writing by the Local Planning Authority:
  - Cattle FYM – 12,150 tonnes
  - Chicken Manure – 900 tonnes
  - Grass Silage – 13,500 tonnes

Records, including weights, of all feedstock brought to the site in association with the proposed development shall be retained for at least two years and be available for inspection by the Local Planning Authority upon request.

6. No digestate resulting from the development hereby approved shall be exported from Gravel Pit Farm unless otherwise agreed in writing by the Local Planning Authority.
7. No feedstock and/or digestate associated with the development hereby approved shall be stored on site other than in the feedstock clamps, main and secondary digestion tanks, and digestate storage lagoon.
8. The landscaping of the site shall be carried out in accordance with the approved landscaping plan reference 148.01 and all landscaping shall be maintained in accordance with the approved landscaping plan for the lifetime of the development hereby approved.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no development until details of the routes to be used by HGV traffic associated with the construction of the development hereby approved 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 the construction phase of the development.
10. All mitigation measures set out in the Phase 1 Ecology ReportRev.2 prepared by Naturally Wild Consultants Ltd dated 13/01/15 shall be implemented and retained in accordance with the details set out in the Report for the lifetime of the development hereby approved.
11. No gas resulting from the development hereby approved shall be tankered off-site unless otherwise agreed in writing by the Local Planning Authority.
12. No development shall commence until a Digestate Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details on the storage of digestate, locations for the spreading of digestate and quantities of digestate to be spread, a soil sampling schedule, digestate sampling and analysis and measures to ensure adherence to Nitrate Vulnerable Zone regulations. Thereafter the development hereby approved shall be carried out in accordance with the agreed Digestate Management Plan.
13. Details of the location, height, design, hours of operation and luminance of external lighting for the development hereby approved (which shall be designed to minimise the potential nuisance of light spillage on neighbouring properties and highways), shall be submitted to and approved in writing by the Local Planning Authority before any external lighting is used on site. Any scheme that is approved shall be implemented for the lifetime of the development hereby approved and retained in a condition commensurate with the intended function.
14. Within 25-years of the completion of construction of the development, or within 6-months of the cessation of gas production from the development, whichever is the sooner, the development hereby approved shall be dismantled and removed from the site in its entirety. The operator shall notify the local planning authority no later than five working days following cessation of power production. The site shall subsequently be restored to its former condition in accordance with a scheme and timetable that has been submitted to the local planning authority for written approval no later than 3-months from the cessation of power production.

## **APPEARANCES**

### **FOR RYEDALE DISTRICT COUNCIL:**

Mr Jason Whitfield	Planning Officer, Ryedale District Council
Mr Anthony Winship	Solicitor, Ryedale District Council

### **FOR THE APPELLANTS:**

Mr S Barker Dip TP MRTPI	Prism Planning
Mr Matthew Flint	JFS
Mr David Jones	D and JA Jones
Mr John Helm	Prism Planning

### **INTERESTED PERSONS**

Councillor Eric Hope	Local District Councillor
Councillor Shane Collinson	Local Ward Councillor
Councillor C Goodrich	Local Councillor on Planning Committee
Professor Colin Garner	Resident
Ms Lynne Pearce	Resident
Mr John Short	Resident
Mr Peter Scott	Chair, Claxton and Sand Hutton Parish Council

**DOCUMENTS HANDED IN AT THE HEARING**

Document 1 - Attendance List (not included)

Document 2 – Letter of notification

Document 3 – Submissions by third parties

Document 4 – Costs application by Appellants and rebuttal of Council’s application

Document 5 – Costs application by the Council

Document 1 - Rebuttal of Appellants’ costs application



## Costs Decision

Hearing and site visit made on 19 March 2015

**by J S Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 May 2015**

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**Appeal Ref: APP/Y2736/A/14/2226293**

**Gravel Pit Farm, Sand Hutton, York, YO41 1LN.**

- The appeal is made under sections 78, 322 and Schedule 6 of the Town and Country Planning Act 1990 (the Act), and section 250(5) of the Local Government Act 1972.
  - The application is made by Ryedale District Council for a full award of costs against JFS Gravel Pit Biogas Ltd.
  - The application Ref. No: 14/00709/MFUL, dated 24 June 2014.
  - The development proposed is for a farm scale anaerobic digestion and combined heat and power plant facility.
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### Decision

1. For the reasons given below, the application of a full award of costs is refused.

### General

2. The guidance on Costs Applications is now contained within the Planning Practice Guidance (PPG). This reiterates the long standing advice that the parties involved in planning appeals are normally expected to meet their own expenses. Even when an application for costs is made in a timely manner, as was the case here, and irrespective of the outcome of the appeal, costs may only be awarded against the party whom the award was sought if it has behaved unreasonably and, thereby, caused the party applying for costs to incur unnecessary, or wasted expense in the appeal process.

### The submissions for Ryedale District Council

3. The application was made in writing at the appropriate time and relates to the unnecessary expense incurred by the Council stemming from the unreasonable behaviour of the Appellants in their resistance to and delay in providing the necessary information to allow the Council to evaluate the appeal proposal and reach a balanced and reasoned decision. Thereafter, the Appellants were unreasonable in pursuing the appeal despite the grant of planning permission for an identical scheme, albeit subject to conditions. Moreover, the information submitted by the Appellants as part of the application was misleading about whether it complied with the definition of 'farm-scale', and in particular the fact that the application maintained that all the feedstock would come from Gravel Pit Farm, even though this did not reflect the number of cattle said to be on the Farm.



4. The appeal was made 1-day after the expiration of the statutory 13-week period and while negotiations with the Appellants and the North Yorkshire County Council were progressing and the Council was still seeking to clarify the exact nature and quantum of the proposal. Under these circumstances, even had it accepted at that stage that it was a district matter, the Council was not in possession of the necessary information to enable it to reach a decision, other than to refuse the application.
5. As such, the Appellants have behaved unreasonably and not observed good practice, by appealing immediately after the 13-week statutory timescale. This left the Council unable to properly exercise its development management responsibilities and put the Council to additional time and unnecessary expense that ought to have been avoided.

### **Response by JFS Gravel Pit Biogas Ltd**

6. The Council kept the Appellants in the dark about the discussions between it and North Yorkshire County Council that were on-going at the time the appeal was made. However, the Council should have known that legal precedent had established the principle of jurisdiction over this type of application. As such, this is not relevant to any legitimate claim for costs. The appeal was lodged after 13-weeks because the Appellants had no idea what was happening to the application.
7. As for the outstanding information the Council says it was waiting for before it could reach a decision, this does not amount to unreasonable behaviour. In the first place, the Council's requirement for noise and odour reports is inconsistent with another site, where it granted planning permission and required no similar reports, despite the location of the anaerobic digester (AD) being closer to sensitive receptors than occurs at Gravel Pit Farm.
8. In relation to highway matters, the Appellants have always been clear that the feedstock for the AD plant would be sourced from Gravel Pit Farm, whether from crops grown or from manure already on the Farm. Under these circumstances the Council did not need any further information and the Appellants were certainly not aware that the lack of information was causing a delay in issuing a decision.
9. Throughout the application procedure the Appellants behaved more than reasonably, going above and beyond what might have legitimately been required of them. On the other hand, the Council put a series of spurious obstacles in the way of this application, because it did not want to accept responsibility for deciding the application. In this regard, it was paying undue attention to the misguided views of a few local Objectors. The Council's claim that the appeal should have been withdrawn following the decision on the second application is outrageous. The Council only acknowledged validity of the second application after it was forced to do so by compelling legal argument.
10. With respect to the planning permission granted on the second application, the submission by the Council that failure to withdraw the appeal and pursue any challenges to the conditions attached thereto as a separate exercise is irrelevant. This of course remains a possibility, but should not preclude a sensible and proper debate about the imposition of conditions on the appeal

application. All conditions on either permission must meet the tests embodied in the PPG guidance.

11. Thus, the Council's claim for costs is refuted totally. The Inspector is asked to recognise the Council's actions for what they are - a smokescreen to cover up its own inadequacies - and dismiss its claim for costs, and instead justly award costs to the Appellants.

## Reasons

12. The claim for costs by the Council and the Appellants rebuttal are interesting, but seem to stem more from poor communication on both sides, rather than unreasonable behaviour. The jurisdiction question by the Council and the detail in the supporting information for the appeal scheme by the Appellants both support this view. However, in concentrating on these matters, it seems to me the parties miss several fundamental points. The first of these is that I was unable to determine the appeal *de novo*, as the fall-back position of the extant planning permission precluded this and only allowed a permission no more onerous than that already issued.
13. The second and key point is that, irrespective of the pre-hearing exchanges between the main parties, or lack of it, there can be no doubt that the Council would have issued the same decision for the appeal application as it did for the second application. Thirdly, the Appellants made clear at the hearing that they would be most unhappy with five of the conditions the Council intended to impose and would have appealed against them. They could, of course, have appealed the conditions attached to the second and extant planning permission. Crucially, however, under either scenario there would have been an appeal and a hearing and the costs would have been the same.
14. The only other matter that merits consideration is whether the imposition of the conditions intended by the Council was unreasonable, because the disputed conditions failed to meet the required tests in the PPG. I am not convinced. In the case of four of the five conditions I have supported the Council, with a minor amendment.
15. With the fifth disputed condition, pertaining to the 'requirement' for a wheel washing facility, the Appellants seemed to be taking the view that one was essential. In actual fact, the draft condition did not actually say that, but only that it should be provided if considered necessary. Even then, my conclusion is not clear cut, relying on the balance of probability and the fall-back position that the local highway authority could take action in the event that mud is transferred from the site to the public highway, thereby causing a safety hazard. In any event, had I judged the circumstances of the access such as to require a wheel washing facility, the draft condition meets the obligation evinced by the PPG advice. As such, this is more a matter of opinion rather than unreasonable behaviour.
16. One crucial point missed by the Appellants is that any permission will run with the land and not be limited to the Appellants. Under these circumstances, the Council is fully justified in adopting a more precautionary approach. If it did not and problems arose, it would be criticised for not doing so. Consequently, it is necessary to take a balanced view in the wider public interest, albeit against the background of the tests in the PPG.

17. On the matter that seems to have caused particular angst, namely that the Council prevaricated about its responsibility to determine the application and the delays this caused, this counts for nothing. Even if I conclude that the Council was unreasonable during this period, this does not affect where we are today, with the Council wishing to grant planning permission subject to conditions and the Appellants disputing several conditions. Equally, even if the Council is correct about the lack of necessary information to reach a balanced view on the proposal at the date the appeal was lodged, this does not change matters. It might be by way of a slightly unorthodox route, but there was always going to be permission for the AD subject to conditions, followed by an appeal against some of those conditions and, thus, costs that both main parties incurred.
18. In summary, the nub is that there was always going to be an appeal and a hearing. Thus, this is essentially a conventional appeal scenario, where each party is expected to meet its own costs. Consequently, I find that in the application for an award of costs by the Council against the Appellants is not justified.

### **Conclusion**

19. The application for a full or partial award of costs by the Council against the Appellants does not demonstrate that the latter's behaviour was unreasonable, and, irrespective of this, did not result in unnecessary or wasted expense, as described in the planning guidance.

*J S Nixon*

Inspector



## Costs Decision

Hearing and site visit made on 19 March 2015

**by J S Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 May 2015**

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**Appeal Ref: APP/Y2736/A/14/2226293**

**Gravel Pit Farm, Sand Hutton, York, YO41 1LN.**

- The appeal is made under sections 78, 322 and Schedule 6 of the Town and Country Planning Act 1990 (the Act), and section 250(5) of the Local Government Act 1972.
  - The application is made by JFS Gravel Pit Biogas Ltd for a full or partial award of costs against Ryedale District Council.
  - The application Ref. No: 14/00709/MFUL, dated 24 June 2014.
  - The development proposed is for a farm scale anaerobic digestion and combined heat and power plant facility.
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### Decision

1. For the reasons given below, the application of a full award of costs is refused.

### General

2. The guidance on Costs Applications is now contained within the Planning Practice Guidance (PPG). This reiterates the long standing advice that the parties involved in planning appeals are normally expected to meet their own expenses. Even when an application for costs is made in a timely manner, as was the case here, and irrespective of the outcome of the appeal, costs may only be awarded against the party whom the award was sought if it has behaved unreasonably and, thereby, caused the party applying for costs to incur unnecessary, or wasted expense in the appeal process.

### The submissions for JFS Gravel Pit Biogas Ltd

3. The application was made in writing at the appropriate time and relates to the unnecessary expense incurred by the Appellants in being forced to pursue an appeal in circumstances where the Council should have determined the application within the prescribed period, avoiding the necessity of lodging an appeal against non-determination and the costs the Appellants incurred. In particular the appeal could have been avoided if the Council had acknowledged legal precedent and accepted it had jurisdiction over the application.
4. It is also an appeal that could have been avoided if the Council had behaved reasonably in terms of the controls it imposed on a second identical application and by extension to the conditions it now argues are necessary on this original application.

5. In failing to determine the application, the Council breached the most fundamental example of unreasonable behaviour, namely "*preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.*" Moreover, by ignoring European case law the Council showed unreasonable behaviour by acting contrary to, or not following, well-established case law.
6. As such, the Council has behaved unreasonably, putting the Appellants to additional time, trouble and unnecessary expense that ought to have been avoided.

### **Response by Ryedale District Council**

7. The Council submits that at the time the appeal was lodged, it was in discussion with the North Yorkshire County Council over the jurisdiction of the case and could not move to a decision without its agreement. In any event, the Council was not in possession of the necessary information to make a full assessment of the proposal and determine the application. At the time the appeal was lodged there was outstanding information on a number of topics raised by the Local Highway Authority and the Council's Environmental Health Officer, including details about transport, feedstock and digestate quantities, management of the site and noise.
8. As for the conditions attached to the planning permission granted for the second application the Council is satisfied that they all fulfil the tests evinced by the Planning Practice Guidance (PPG). As such, the imposition of the same conditions on the appeal application is fully justified. Accordingly, no award of costs against the Council should be forthcoming.

### **Reasons**

9. Irrespective of whether the Council was unreasonable in failing to accept responsibility for the determination of the case, I do not think the Appellants were put to unnecessary or wasted expense. The simple fact is that had the Council both accepted that jurisdiction fell to it for the decision and had been satisfied that it had the necessary information to decide the application it would have granted planning permission, subject to the very same conditions that were attached to the later application. In my view there can be no doubt that the Appellants would have been unhappy with these and lodged an appeal against the conditions that formed the basis of the examination at the hearing.
10. As for whether the conditions proposed by the Council were unreasonable or failed any of the other tests contained in the PPG, I am not convinced. In the case of four of the five conditions I have supported the Council, with a minor amendment.
11. In respect of the fifth disputed condition pertaining to the requirement for a wheel washing facility, the Appellants seemed to be taking the view that one was essential. However, the condition did not actually say that, but only that it should be provided if considered necessary. Even then, my conclusion is not clear cut, relying on the site specific layout, balance of probability and the fall-back position that the Local Highway Authority could take action in the event that mud is transferred from the site to the public highway. In other

circumstances, I may well have felt that a condition such as this was necessary and would have worded it very similarly to the Council's draft.

12. The one crucial point missed by the Appellants is that the permission will run with the land and not the Appellants. Under these circumstances, the Council is fully justified in adopting a more precautionary approach. If it did not and problems arose, it would be criticised for not doing so. Consequently, it is necessary to take a balanced view, albeit against the background of the tests in the PPG, in the wider public interest.
13. However, the arguments aired at the hearing stem from the conditions the Council advocated, even after all the information was provided. Much of the difficulty does seem to have stemmed from poor communication on the part of both main parties. The failure of the Council to appraise the Appellants about the stage the application had reached and the Appellants ambiguity in the supporting documentation about feedstock supply etc. Even if either was judged to have been unreasonable, this would not have prevented the costs incurred by the Appellants associated with the appeal and subsequent hearing.
14. In summary, bearing in mind the information available to it, I doubt that the Council was unreasonable in not delivering a decision within the prescribed period. This is irrespective of the jurisdiction arguments. As for the contention that the conditions the Council wished to impose were unreasonable, in four out of five of the conditions I disagree and in respect of the fifth disputed condition, this was very finely balanced. Thus, this is essentially a conventional appeal scenario, where each party is expected to meet its own costs. Consequently, I find that in the application for a full or partial award of costs by the Appellants against the Council is not justified.

### **Conclusion**

15. The application for a full or partial award of costs by the Appellants against the Council does not demonstrate that the latter's behaviour was unreasonable, and, irrespective of this, did not result in unnecessary or wasted expense, as described in the planning guidance.

*J S Nixon*

Inspector





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## Appeal Decision

Site visit made on 13 May 2015

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03/06/2015

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### Appeal Ref: APP/Y2736/D/15/3005888

**Hulver Bank Farm, Starfitts Lane, Kirbymoorside, North Yorkshire YO62 7JF.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Paul and Erika Hardaker against the decision of Ryedale District Council.
  - The application Ref 14/01307/HOUSE, dated 27 November 2014, was refused by notice dated 16 January 2015.
  - The development proposed is construction of two storey extension to east side of existing dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for construction of two storey extension to east side of existing dwelling at Hulver Bank Farm, Starfitts Lane, Kirbymoorside, North Yorkshire YO62 7JF in accordance with the terms of the application, Ref 14/01307/HOUSE dated 27 November 2014, and the plans and documents submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  - 2) The development hereby approved shall be carried out in strict accordance with the following approved plans: Drawing Nos 1, 2, 7, 8, 9, 10, 11.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) Notwithstanding condition No 2, no development shall take place until full details of the proposed windows, French windows and rooflight, have been submitted to and approved in writing by the local planning authority. The design of the windows and French windows should match the style, materials, finish, methods of opening and glazing bar pattern of the existing. Development shall be carried out in accordance with the approved details.

### Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area of Starfitts Lane and the Fringe of the Moors Area of High Landscape Value.

### Reasons

3. Hulver Bank Farm sits in an elevated position on Starfitts Lane. The house is 2
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storey in a traditional design with a symmetrical south front and constructed in stone under a red pantile roof. It has wide sweeping views southwards, the implication of which is that the house is visible in inward views over a large area. The land continues to rise slightly northwards to the rear of the house which, together with the landscaped boundary, means that from the north the house is more contained within the landscape.

4. The *National Planning Policy Framework* (the Framework) attaches great importance to seeking a high quality of design. Policy SP16 and SP 20 of the *Ryedale Plan – Local Plan Strategy* (LPS) is consistent with the Framework in encouraging a high quality of design, local distinctiveness and requiring development to respect the character and context of the immediate locality and the wider landscape. In addition policy SP13 seeks to ensure development is sensitive to the landscape character of the Fringe of the Moors Area of high Landscape Value (AHLV).
5. The principle of extending the property on the same footprint has been accepted with permission being granted in 2014 (Ref 14/00670/HOUSE). The issue therefore is whether the addition of the second storey would be appropriate.
6. The addition to the main house would extend for about 3.5 metres which is less than half the total length of the existing house. The ridge of the extension would be slightly lower than the main ridge and the south front of the extension would be slightly inset from the front of the main house. Whilst the visual relationship between the existing house and its extension would be improved by a greater degree of subservience, the design, in terms of scale and massing, would have a sufficient degree of subservience to respect the symmetry of the south front and the character of the original house.
7. It has been put to me that the cumulative impact of the extension together with the earlier extensions would be detrimental to the character of the house. However it would be the north facing elevation where this cumulative impact would be most apparent. The north elevation, by contrast to the south, has an asymmetrical arrangement of windows and offshot extensions. It is clear from the floor plans and the east elevation, although not from the drawing of the north elevation, that the monopitch roof between the north wall of the main house and the offshot extensions is proposed to continue along the face of the new extension which would improve the appearance by better integrating the rear extensions.
8. In most respects the extension would match the design of the existing house but, although the drawings state in the notes that the windows and doors are intended to match the existing, the drawn elevations show different detailing to windows and French Windows particularly in respect of glazing patterns.
9. The *Planning Practice Guidance* (the Guidance) does allow the imposition of a condition to control a minor modification to the submitted design provided the condition would not modify the development to the extent that it would be substantially different to that applied for. Inasmuch as the overall built form of the extension would remain exactly the same a condition to require submission of details of all fenestration would be acceptable. By this means the Council would have the ability to ensure that the fenestration in the extension would be in keeping with the original house.
10. It has been put to me that the development would fail to integrate with the locally important Fringe of the Moors Area of High Landscape Value. I acknowledge that

locally the landscape character is one of wide extensive views in which Hulver Bank Farm is prominent however the house in its original form and given its positioning is a statement building in the landscape rather than being 'integrated' with it. In that context and given that the extension would not be inappropriate to the character of the house, I am not persuaded that the proposal to extend the farm house would be detrimental in the context of the landscape setting.

11. With the detailed control over the fenestration the development would not adversely impact on the character and appearance of the host property, the surrounding area of Starfitts Lane and the AHLV and would not be in conflict with either the Framework or LPS policies SP13, SP16 or SP20.

### **Conditions and Conclusions**

12. I have considered the conditions suggested by the Council against the advice in the *Planning Practice Guidance* (the Guidance) and for their clarity. A condition requiring development to be carried out in accordance with the submitted plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring matching materials to be used on the external surfaces of the building should also be imposed to protect the character and appearance of Hulver Bank Farm in its rural setting. In addition, because of the inconsistency between the drawn plans and the stated intention for windows and doors to match the existing, referred to above, there is a need to attach an additional condition. This would request submission of details for all windows and doors to ensure that the fenestration of the extension would indeed match the existing and thereby ensure that the character and appearance of Hulver Bank Farm would not be adversely affected.
13. I have considered all the matters before me and for the reasons given above the appeal should be allowed and permission granted for the extension subject to the conditions above.

*P. D. Biggers*

INSPECTOR

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## Appeal Decisions

Site visit made on 12 May 2015

**by Michael R Moffoot DipTP MRTPI DipMgt MCMI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 01 June 2015**

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**Appeal A Ref: APP/Y2736/W/15/3003494**  
**Land east of Rye House Farm, Harome, Helmsley**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Thomas Crown Associates Ltd against the decision of Ryedale District Council.
  - The application Ref: 14/00710/FUL, dated 24 June 2014, was refused by notice dated 14 November 2014.
  - The development proposed is 'proposed agricultural barn on land at Harome'.
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**Appeal B Ref: APP/Y2736/W/15/3003502**  
**Land east of Rye House Farm, Harome, Helmsley**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Thomas Crown Associates Ltd against the decision of Ryedale District Council.
  - The application Ref: 14/01264/FUL, dated 13 November 2014, was refused by notice dated 9 January 2015.
  - The development proposed is 'erection of an agricultural livestock building with stoned turning area and formation of vehicular access. Land east of Rye House Farm Helmsley'.
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### Decisions

#### *Appeal A*

1. The appeal is dismissed.

#### *Appeal B*

2. The appeal is dismissed.

### Procedural Matter

3. The planning application forms for both appeals do not include an address for the site. I have therefore used an adapted version of the address employed on the appeal forms.

### Main Issues

4. The main issues in both appeals are:
  - (i) whether there is an agricultural justification for the proposed building; and

- (ii) the effect of the proposed development on the character and appearance of the countryside, including the Area of High Landscape Value.

## Reasons

### *Agricultural justification*

5. Policy SP9 of *The Ryedale Plan – Local Plan Strategy* (LPS) states that Ryedale's land-based economy will be sustained and diversified with support for, amongst other things, new buildings necessary to support land-based activity and a working countryside, including farming. This policy approach is consistent with the *National Planning Policy Framework* ('the Framework'), which supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To achieve this, the Framework requires plans to support well designed new buildings and promote the development of agricultural businesses.
6. Although the policy SP9 does not specifically refer to a '*bona fide agricultural trade or business*' as cited in the first reason for refusal in each appeal, the case for new buildings is clearly dependent upon necessity, and it is therefore appropriate to consider the appellant's proposed agricultural operation on the land.
7. In both cases the building is required to accommodate two tractors, a trailer, agricultural equipment and machinery and Highland cattle during calving together with other rare breeds over winter. The appeal site extends to 1.44 hectares (about 3.6 acres) and the appellant has confirmed that some 24.85 acres of nearby land cited in the planning application has not now been purchased. Reference has also been made to the appellant's ownership of other agricultural land in the wider area and negotiations to acquire further land in the more immediate area, but little detail has been provided.
8. In August 2014 the Council was advised that 50% of the appellant's herd had been sold off and the remainder was being kept on farms at Sand Hutton and Harrogate. At the time of my visit there was no livestock on the site or evidence of any other agricultural operation on the land, and no information has been provided about the present number of cattle kept by the appellant or the location of the animals. Furthermore, no appraisal has been submitted to demonstrate a functional requirement for either of the proposed buildings. Accordingly, on the basis of the limited information before me, I am not persuaded that there is an operational necessity for either of the proposed buildings on this small parcel of land.
9. I therefore conclude on the first issue that there is no agricultural justification for the proposed developments and as such the proposals conflict with policy SP9 of the LPS.

### *Effect on the character and appearance of the countryside*

10. The rectangular appeal site lies in gently undulating open countryside some 400m to the west of Harome and comprises a flat parcel of pasture land contained by trees and a stream on the north-eastern boundary and hedging and a few trees to the other boundaries. In each case the proposed building would be located at the south-eastern end of the site alongside the Harome to

Helmsley road and both schemes includes a hard-surfaced parking and turning area adjacent to the building and a new highway access.

11. The site lies within the Fringe of the Moors Area of High Landscape Value (AHLV); an area valued locally for its natural beauty and scenic qualities where the Council will carefully consider the impact of development proposals under the provisions of LPS policy SP13 in order to protect the distinctive elements of landscape character and its visual sensitivities. These objectives are consistent with one of the core planning principles in the Framework which requires planning to recognise the intrinsic character and beauty of the countryside and protect and enhance valued landscapes.
12. With a footprint of 25.6m x 10.3m and a ridge height of 6.6m, the building in Appeal A would be a substantial structure. Its scale and bulk would render it an intrusive and discordant feature in this open rural setting, and its impact would be compounded by the two-tiered, hipped roof arrangement giving it something of an industrial appearance wholly out of keeping with its surroundings. The building proposed in Appeal B would be significantly smaller but would nevertheless be an incongruously conspicuous structure in close proximity to the road and with little natural screening.
13. In both schemes the impact would be amplified by the large hard-standing and new access, and the intermittent hedging along the road frontage of the site would provide limited screening of the building, especially during autumn and winter months when the foliage thins out. Moreover, it would be likely to be several years before the landscaping volunteered by the appellant would provide the degree of maturity and screening to offset to any appreciable extent the harm that I have identified.
14. In reaching these findings I note the appellant's reference to buildings in similar positions around the village. However, the full circumstances surrounding these sites are not before me, and whilst consistency is clearly desirable, each application has to be considered on its individual merits.
15. For these reasons, I conclude on the second issue that each of the proposed developments would seriously harm the character and appearance of the countryside and the AHLV contrary to policy SP13 of the LPS. They would also conflict with LPS policies SP16 and SP20 which, amongst other things, expect development proposals to be well integrated with their surroundings, reinforce local distinctiveness and respect the character and context of the immediate locality and the wider landscape in terms of physical features.

### **Other Matters**

16. Both schemes are supported by a Flood Risk Assessment and the Environment Agency has no objections to the proposals subject to the buildings and accesses being raised by 600mm.
17. Other submissions, including animal welfare, the provision of services to the buildings and publicity for the planning applications, are unrelated to the planning merits of the appeals and do not affect my judgement of the issues that I consider relevant.

## **Conclusions**

18. For the reasons set out above, I conclude that both proposals are unacceptable and the appeals should fail.

*Michael R Moffoot*

Inspector