



PLANNING COMMITTEE

Tuesday 12 April 2016 at 6.00 pm (Following the Licensing Committee)

Council Chamber, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes** (Pages 3 - 10)
- 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 **Part A Report - Slingsby, South Holme and Fryton Village Design Statement**
(Pages 11 - 63)
- 6 **Consultation Report - Malton Level Crossing HCV Ban** (Pages 64 - 67)
- 7 **Schedule of items to be determined by Committee** (Pages 68 - 69)
- 8 **15/01517/73AM - Land North of Broughton Road, Malton** (Pages 70 - 75)

- 9 **15/01522/73AM - Land North of Broughton Road, Malton** (Pages 76 - 81)
- 10 **15/01156/MOUT - North Yorkshire Highways Depot, Manor Vale Lane, Kirkbymoorside** (Pages 82 - 149)
- 11 **16/00236/MFUL - Givendale Head Farm, Malton Cote Road, Eberston** (Pages 150 - 162)
- 12 **15/00818/OUT - Land East Of 68 Welham Road, Norton** (Pages 163 - 180)
- 13 **16/00059/FUL - 85 West End, Kirkbymoorside** (Pages 181 - 194)
- 14 **16/00113/FUL - Barton Cottage, York Road, Malton** (Pages 195 - 202)
- 15 **16/00191/FUL - Red Oak House, 110A Outgang Road, Pickering** (Pages 203 - 209)
- 16 **Any other business that the Chairman decides is urgent.**
- 17 **List of Applications determined under delegated Powers.** (Pages 210 - 216)
- 18 **Update on Appeal Decisions** (Pages 217 - 234)

Planning Committee

held at Council Chamber, Ryedale House, Malton
Tuesday 15 March 2016

Present

Councillors Burr MBE, Cleary, Farnell, Frank (Vice-Chairman), Goodrick, Hope, Maud, Shields, Thornton and Windress (Chairman)

Substitutes:

In Attendance

Tim Goodall, Gary Housden, Ellis Mortimer, Mel Warters and Anthony Winship

Minutes

176 **Apologies for absence**

There was no apologies.

177 **Minutes of meeting held on 16 February 2016**

Decision

That the minutes of the Planning Committee held on 16 February 2016 be approved and signed as a correct record.

[For 10 Against 0 Abstain 0]

178 **Urgent Business**

There was no urgent business.

179 **Declarations of Interest**

Councillor	Application
Cleary	5, 14
Farnell	5, 8
Frank	5, 8
Goodrick	5, 8
Hope	5, 7
Windress	5, 8

Maud	5
Thornton	5, 7
Shields	5, 8, 9, 15
Burr	5, 15

180 **15/00971/CPO - Land At Alma Farm, Kirkby Misperton**

15/00971/CPO - To hydraulically stimulate and test the various geological formations previously identified during the 2013 KM8 drilling operation, followed by the production of gas from one or more of these formations into the existing production facilities, followed by wellsite restoration. Plant and machinery to be used includes a workover rig (maximum height 37m) hydraulic fracture equipment, coil tubing unit, wireline unit, well testing equipment, high pressure flowline, temporary flowline pipe supports, permanent high pressure flowline and permanent pipe supports

The Planning Committee considered the report of the Head of Planning and Housing which had previously been circulated.

The Council Solicitor advised the Planning Committee on the legality of the resolution of Council on the 8 October 2015 to call for a fracking moratorium.

The Council Solicitor reminded Members that the Planning Committee had received advice on this issue in a previous report to the Planning Committee meeting on 10 November 2015.

The resolution of Ryedale District Council does not suspend the operation of the planning system in relation to the determination of planning applications for fracking by the County Council or the exercise of the District Council's discretion to make a consultation response in relation to a fracking application.

Only Parliament and the Government can legally put in place a moratorium on fracking. In addition the District Council cannot fetter its discretion by the adoption of a blanket policy of a moratorium when considering consultation responses.

Against that background the statutory duty of the County Council to determine planning applications for fracking on planning grounds and the District Council's legal power to exercise its discretion to make a consultation response in relation to a fracking application subject to the normal public law principles are not affected by the resolution.

The Planning Committee was also advised that the District Council is subject to the common law principles which apply to all decision-making by local authorities, including the requirement to take a reasoned decision based upon all material information. When the District Council exercises its discretion it abuses its discretion if it takes into account irrelevant considerations or failing to take into account relevant considerations.

Members of the Planning Committee were reminded that the responsibility for declaring interests is for each Member. If a Member of the Planning Committee has a closed mind on the issue and has pre-determined the issue they should not participate as a Committee Member and should stand down from the Planning Committee for that item.

Members debated the item.

Councillor Farnell moved the following proposal :

I propose a response be sent to NYCC stating that the Planning Committee of Ryedale District Council objects to the planning application on the grounds of unacceptable development within a rural location, impacting upon the special qualities of Kirby Misperton, its residents, the surrounding area and the potential harm to rural Ryedale, contrary to Policy SP 13 of the Local Plan. "

This was seconded by Councillor Lindsay Burr subject to the addition of the following wording which the mover agreed :

"Members have thoroughly evaluated the Officers report and considered the contents seriously but cannot endorse it."

The Head of Planning and Housing asked the mover and seconder if they also wished to add reference to other relevant Local Plan policies related to the expressed objections which amongst others included SP 14 and 17. This was approved.

Members then voted on the proposal as amended by agreement .

Decision

REFUSAL for the following reasons :

Members have thoroughly evaluated the Officers report and considered the contents seriously but cannot endorse it.

The Planning Committee of Ryedale District Council objects to the planning application on the grounds of unacceptable development within a rural location, impacting upon the special qualities of Kirby Misperton, its residents, the surrounding area and the potential harm to rural Ryedale, contrary to Policy SP 13, 14 and 17 of the Local Plan.

[For 7 Against 2 Abstain 1]

Decision contrary to Officer Recommendation

Members attached a different weight to the material planning considerations identified in their reasons for objection and therefore reached a different conclusion to the Officer report.

In accordance with the Members Code of Conduct Councillors Cleary, Farnell, Frank, Goodrick, Hope, Windress, Maud, Thornton, Shields and Burr declared a personal non pecuniary but not prejudicial interest.

Councillor Burr indicated she had an open mind on this application.

181 **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 thereon.

182 **15/01384/FUL - Land East Of Sheriff Hutton Industrial Estate, Sheriff Hutton**

15/01384/FUL - Change of use of agricultural land to form a holiday park to include the erection of 10no. holiday lodges, biomass heating store and refuse store together with formation of associated gravel track, car parking spaces and vehicular access

Decision					
PERMISSION GRANTED - Subject to conditions as recommended					
[For	7	Against	1	Abstain	2]

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

183 **15/01517/73A - Land North Of, Broughton Road, Malton**

15/01517/73AM - Variation of Conditions 11, 14 and 33 of approval 14/00346/73AM dated 27.08.2014 by submission of amended and additional plans in relation to road arrangements and associated landscaping

Decision					
DEFERRED					
[For	9	Against	1	Abstain	0]

In accordance with the Members Code of Conduct Councillors Farnell, Frank, Goodrick, Windress and Shields declared a personal non pecuniary but not prejudicial interest.

184 **15/01522/73A - Land North Of, Broughton Road, Malton**

15/01522/73AM - Variation of Conditions 04 and 08 of approval 11/01182/MREM dated 26.10.2012 by submission of amended and additional plans in relation to landscaping

Decision			
DEFERRED			
[For 9	Against 1	Abstain 0]	

In accordance with the Members Code of Conduct Councillor Shields declared a personal non pecuniary but not prejudicial interest.

185 **15/01521/MFUL - The Homestead, Scarborough Road, East Heslerton**

15/01521/MFUL - Change of use of garden/small holding land to a Glamping holiday site with the siting of 16no. glamping tents on moveable sleds and 16no. associated individual toilet/shower service pods on moveable sleds together with upgrading of existing vehicular access from Carr Lane, communal parking and turning area for 20no. cars and clearer definition of the residential domestic curtilage of The Homestead dwelling

Decision			
PERMISSION GRANTED - Subject to conditions as recommended			
[For 9	Against 0	Abstain 1]	

186 **15/01435/FUL - The Methodist Church And Garden, Steelmoor Lane, Barton-le-Willows**

15/01435/FUL - Change of use and alteration of chapel to form a 3no. bedroom dwelling to include parking/turning area, amenity area and formation of vehicular access

Decision			
PERMISSION GRANTED - Subject to conditions as recommended			
[For 10	Against 0	Abstain	0]

187 **15/01467/73A - 20 Eastgate, Pickering**

15/01467/73A - Variation of Condition 04 of approval 11/00943/HOUSE dated 16.11.2011 to replace Drawings 'Site and Floor Plan', 'East Elevation', 'West Elevation' and 'North and South Elevation' with Drawing no. 081 215 1 B - revised garage details (retrospective).

Decision			
PERMISSION GRANTED - Subject to conditions			
[For 8	Against 0	Abstain	2]

188 **15/01482/FUL - Grange Cottage, Grange Lane, Scackleton**

15/01482/FUL - Extension and alteration of existing dwelling to form a five bedroom dwelling to include incorporation of unused adjacent dwelling as additional domestic accommodation, erection of two storey rear extension, removal of detached outbuilding and remains of other outbuildings and change of use of agricultural land to form extension to domestic curtilage and formation of vehicular access track to Grange Lane - part retrospective application (revised details to approval 13/01402/FUL dated 06.03.2014)

Decision			
PERMISSION GRANTED - Subject to conditions as recommended			
[For 10	Against 0	Abstain	0]

189 **16/00053/HOUSE -Low Meadow, Church Lane, Welburn**

16/00053/HOUSE - Erection of a single storey extension to rear elevation, erection of a front porch, attached timber clad storage shed to the side (west elevation) and erection of a detached outbuilding (part retrospective application)

Decision			
PERMISSION GRANTED - Subject to conditions as recommended			
[For 9	Against 0	Abstain 1]	

In accordance with the Members Code of Conduct Councillor Cleary declared a personal non pecuniary but not prejudicial interest.

190 **16/00147/CPO - 68 Langton Road, Norton**

16/00147/CPO - Conversion of existing building, grounds and single storey extension to existing building (currently a D2 Use) to provide a new satellite primary school to Norton Primary School, associated grassed play area (circa 4841 sq. m) and playground (circa 1362 sq. m), widened 2 way vehicular access, controlled 'raising arm' access barrier, hardstanding and 17 car parking spaces (2 disabled) (circa 4274sq. m), bin store, 2 No. cycle shelters (for 40 cycles), 12 No. 6 metre high lighting columns, 5 No. low level lighting bollards, a delivery/turning area and pedestrian walkways, timber walkway raised to up to 2 metres in height depending on ground level, 2 metre high mesh security fence, access ramps, roof-mounted extract fan and air conditioning units and removal of prefabricated unit, sheds and storage containers and soft landscaping works

Decision			
RECOMMEND TO SUPPORT			
[For 8	Against 0	Abstain 2]	

In accordance with the Members Code of Conduct Councillors Shields and Burr declared an interest as Members of NYCC.

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

There was no urgent business.

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

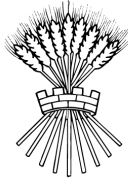
The Head of Planning & Housing submitted for information (previously circulated) which gave details of the applications determined by the Head of Planning & Housing in accordance with the scheme of Delegated Decisions.

193 **Update on Appeal Decisions**

Members were advised of the following appeal decision

Appeal Ref - APP/Y2736/D/15/3136405 - 44 Wold Street, Norton, Malton, YO17 9AA

The meeting closed at 10.40pm



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	PLANNING COMMITTEE
DATE:	12 APRIL 2016
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	SLINGSBY, SOUTH HOLME AND FRYTON VILLAGE DESIGN STATEMENT
WARDS AFFECTED:	HOVINGHAM WARD (SLINGSBY, SOUTH HOLME AND FRYTON PARISH)

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek approval to progress the Slingsby, South Holme and Fryton Village Design Statement (SSHVDS) through the necessary procedural stages to be capable of being adopted as a Supplementary Planning Document (SPD).

2.0 RECOMMENDATION

- 2.1 It is recommended that:
- (i) The Slingsby, South Holme and Fryton Village Design Statement (Appendix 1) is approved for progression through the procedural requirements for the production of Supplementary Planning Documents.

3.0 REASON FOR RECOMMENDATION

- 3.1 Members of the community of Slingsby, South Holme and Fryton Parish have prepared a Village Design Statement (VDS). They are keen that the document is adopted as a Supplementary Planning Document (SPD) by Ryedale District Council, as the Local Planning Authority. SPDs supplement the policies of the Development Plan for the determination of planning applications. They provide amplification of established planning policy. An adopted VDS has weight in the decision making process. There is a statutory process for introducing SPDs and that it is important that this is followed before the Local Planning Authority adopted an SPD.

4.0 SIGNIFICANT RISKS

- 4.1 No significant risks are associated with this report. The production of planning policy

documents are subject to prescribed statutory requirements which will be followed if Members agree the recommendation.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Ryedale Local Development Scheme commits the authority to the preparation of Supplementary Planning Documents (SPDs) to support the implementation of the Ryedale Plan.
- 5.2 SPDs can cater for a range of topics, and it is not uncommon for Village Design Statements (VDSs) to be adopted formally as SPD. Members will be aware that VDS are commonly used by local communities to articulate what special qualities and features contribute to a place, and thus are of value. As such, when they are capable of being adopted as SPD, they provide further information and evidence to help in the implementation of policies relating to the preservation and enhancement of the built and natural environment. Outside of the formal planning application process, VDSs can also provide a useful source of information to those seeking to undertake minor works to their properties.
- 5.3 Before a Local Planning Authority can adopt an SPD it must be satisfied that consultation has been undertaken to inform the preparation of the document, and seek views on a draft version. The group who have prepared the draft version of the document have undertaken initial consultation to inform the drafting of the VDS. This is documented in Appendix 2 of this report.

REPORT

6.0 REPORT DETAILS

- 6.1 The draft Slingsby, South Holme and Fryton Village Design Statement is divided into themes. It provides historical content, and the settlement's evolution to present day. The document:
- Considers the setting of the village in the countryside, including important views in and around the settlement;
 - Describes and defines the layout of the village- and areas of differing character;
 - Provides details of the houses which create the special character of the village;
 - Describes views, setting and features through maps and photos;
 - Discusses features such as materials, roofs, utility fixtures and fittings, windows, doors, outbuildings (barns and sheds), property boundaries and gates;
 - Identifies: Landscape features and important trees and wildlife and habitats; and
 - Provides guidelines for future development and property alterations.
- 6.2 The SSHFVDS seeks to achieve the following:
- Identify features which should be protected/preserved;
 - Identify changes which could be harmful to the village's character; and
 - Help to guide new developments and alterations to existing buildings.

The aim is provide a locally-specific context to considering how new development and alterations can contribute to ensuring that Slingsby remains the attractive and valued village it is today, and that in Fryton and South Holme any new development is sensitive to its surroundings. Much of the older village of Slingsby is within a

Conservation Area, and there are a number of Listed Buildings. These are statutory designations which recognise the architectural and historic character of places and buildings. The Village Design Statement can complement these existing designations, and can provide guidance, even when Local Planning Authority approval is not required.

- 6.3 Officers have taken the view that the initial consultation undertaken by the local group who have been preparing the SSHFVDS (as set out in Appendix 2) is sufficient to meet requirements and expectations of the Regulations. To this end, it is considered that the document should progress through the remaining stages required to adopt the SSHFVDS as SPD. Most notably, this will include formal consultation on the document.
- 6.4 It is the responsibility of the Local Planning Authority to take Supplementary Planning Documents through a formal consultation process. Although Officers will need to work closely with the VDS Group to ensure that responses received from the consultation will be appropriately addressed.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
Consultation costs will be met from the existing service unit budget.
 - b) Legal
In order for Supplementary Planning Documents to be part of the Development Plan they must be subject to consultation in accordance with the prescribed regulations.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
Supplementary Planning Documents, once adopted, are part of the Development Plan, for assessing planning applications.

8.0 NEXT STEPS

- 8.1 The Slingsby, South Holme and Fryton Village Design Statement will be subject to a six week consultation period. The Officers will then review the comments received with the group who have produced the Slingsby, South Holme and Fryton Village Design Statement, and agree any amendments which are considered necessary. Members of the District Council will then be asked to consider the formal adoption of the VDS as a SPD.

Gary Housden
Head of Planning and Housing

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

Background Papers:

Slingsby, South Holme and Fryton Village Design Statement (Appendix 1)

Drafting consultation undertaken (Appendix 2)

VILLAGE DESIGN STATEMENT
for
SLINGSBY, SOUTH HOLME and FRYTON



Consultation Draft
February 2016

CONTENTS

	<u>PAGE</u>
Introduction	3
General description of Slingsby, South Holme and Fryton	4
Historical context	9
The character of village housing	12
Individual buildings in Slingsby	19
Landscape features	25
Wildlife and habitats	29
Public consultation	29
Guidelines for future development and property alterations	30
Conclusion	32
Appendix A: Results of Public Consultation	33
Appendix B: Listed Buildings in Slingsby, South Holme and Fryton	35
Appendix C: Conservation Areas	39
Appendix D: Bats	41
Appendix E: Planning Policy Documents	42
Appendix F: Bibliography and Website	43
Acknowledgements	44
Maps: Slingsby and Fryton South Holme	<i>Inside back cover</i>

Front cover: The Green, Slingsby

Back cover: Slingsby Castle

Introduction

This document describes the distinctive character of Slingsby and the surrounding countryside by examining:

- the setting of the village in the countryside;
- the layout of the village;
- details of the houses which create the special character of the village; and
- other special landscape features.

It identifies important features of the village and its buildings which need to be retained if the character of the village is to be preserved, while recognising that Slingsby is a working village. It also seeks to identify changes which could be harmful to the village's character.

It is intended to be of help and guidance for any new developments in the village as well as for small alterations to existing properties.

It will have weight as a Supplementary Planning Document when future planning applications affecting the village are considered, and is intended to be a guide to all those involved in such applications.



Slingsby from the air (Steve Allen Photography)

General description of Slingsby, South Holme and Fryton

Slingsby is one of five villages around Castle Howard developed from older settlements by the Earls of Carlisle from the late 18th century. It lies on the line of the former Roman road now known as 'The Street', namely the B1257 that runs westwards from Malton. The main road passes through the south of the village but the settlement is centred on lower ground to the north. The village is characterised by its open views across the fields which surround it. Minor roads from the north and south also meet at the village. The approach from the south via Castle Howard gives a popular panoramic view of the whole of the Vale of Pickering, with the North York Moors beyond. In the foreground of this view Slingsby is laid out below with the ruined castle and its stone buildings with red pantiled roofs. The ridge, known as The Sheep Walk, forms the notional southern extent of the village. It is part of an ancient trackway which follows the line of the east/west ridge from Malton to Hovingham.



View of Slingsby from The Sheep Walk

The village is approached from the north through South Holme where the road is low-lying with high hedges and hedgerow trees. The track that was the former railway line, which closed in the 1960s, marks the northern boundary of the main village.

Approaches to Slingsby:



From the west



From the east



From the south

The western approach from Hovingham gives a clear and well-loved view across open fields, towards the village sportsfield and the three iconic listed buildings: the ruin of Slingsby Castle, All Saints Church and the fine Georgian Old Rectory.



View towards Slingsby from Fryton

The older, central part of the village includes High Street (the original main village street), The Green with an historic maypole, the area around All Saints Church, the Castle and Railway Street. The buildings here are mostly stone and traditional in appearance. The eastern approach to the village is via The Balk, a modern road developed from a trackway; the road is flanked by a striking avenue of large mature sycamore and horse chestnut trees, which present the main view of the village from the east. Wyville Hall, with its steeply pitched roof, is the oldest house in the village and is possibly on the site of one of the original manor houses.



Wyville Hall

The village stretches away to the north from The Green along Railway Street, a long street with an open feel, characterised by individual, mainly detached, stone houses, many dating from the late 18th/early 19th century. These include The Grapes Inn, which has traded since the late 17th century. On the eastern side of the street the houses are set back behind a wide verge and footpath, and in many cases behind stone boundary walls.

Modern development is limited mainly to the south-eastern quarter of the village, where there is a mixture of bungalows and two-storey dwellings. These have been built since the late 1980s in a restrained modern style in brick, free of complicated detailing, as in Sycamore Close.



Sycamore Close, Slingsby

Slingsby has a number of independent working businesses. Originally a farming community, there are still farms on the outskirts of the village. At the time of writing there is a village shop and a bus service. Tourism is important for the local economy, with various businesses, including two well-screened caravan sites.

Two miles to the north, **South Holme** is a small hamlet sited on slightly raised ground. It consists of three working farms, including West Farm, a listed property, and a small group of houses, including Manor Farm, a large prominently placed listed building, now a private house.



West Farm, South Holme



Manor Farm, South Holme

Fryton lies about half a mile to the west of Slingsby. It consists of a single linear street running north/south, originally serving four good-sized early 19th- century farms with associated barns and cottages, with a few modern additions. Two working farms remain, Cherrygarth Farm and North Farm, while other traditional farm buildings have been converted to permanent residential and holiday accommodation. Fryton is surrounded by open fields.



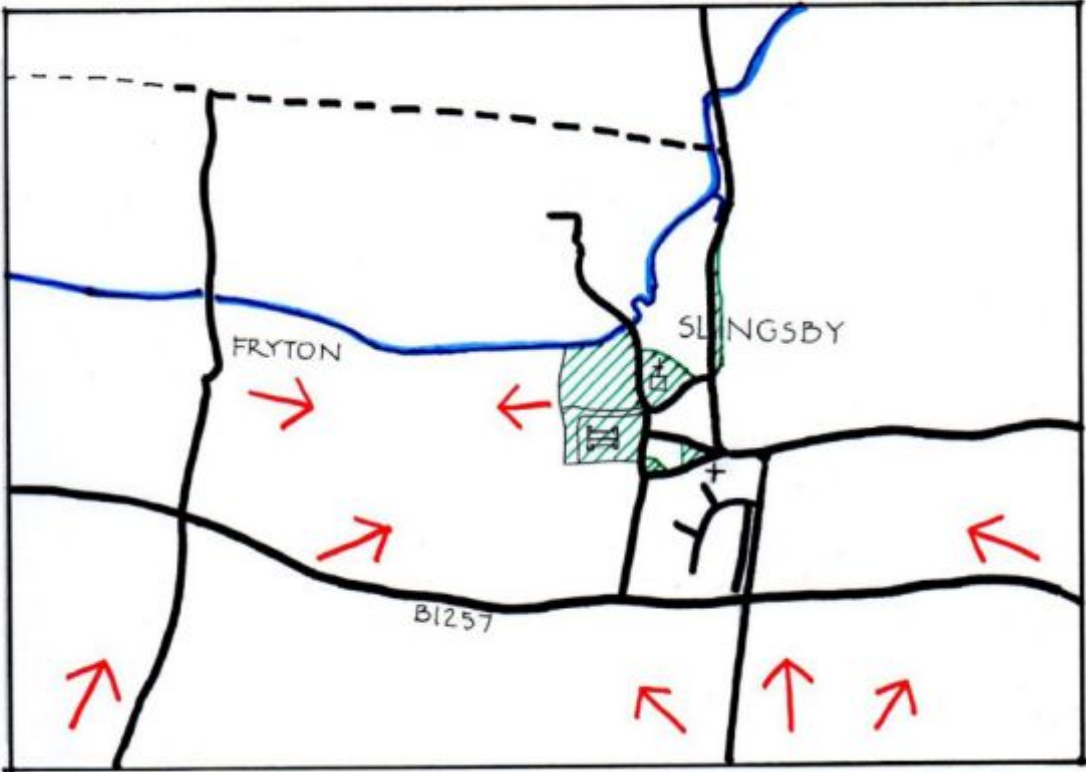
Fryton from Fryton Lane



Fryton



Cherrygarth Farm, Fryton



Important protected views and open green spaces

Historical context

The village of Slingsby developed from a small Danish settlement of the 9th or 10th century called *Selungesbi* or *Eslingesbi* (house of Sleng or Eslinc); probably comprising a house in an enclosed garth with huts for servants. By the time of the Domesday Book in 1086, the Manor of Slingsby had two manor houses, a priest and about 2,500 acres (1,012 hectares) of land. The land would have been divided into strips separated by turf banks which set the pattern for the future field and plot layout. The first recorded church building dates from the mid-12th century.

In the late 12th century, the two manor houses in Slingsby were held by the Wyville family. Wyville Hall, though much altered and possibly rebuilt, is one of the oldest houses in the village. The family's second manor house was sold to the Hastings family in the mid-14th century and was gradually converted into a castle with crenellations, ramparts and a barbican. It is thought that the main approach to the castle was from the east, and that there would have been a gatehouse on that side. The smaller buildings of medieval Slingsby would have been clustered around the entrance to the castle, and as a result the village grew up on the east side. When Lord William Hastings was beheaded in 1483 on the orders of Richard III, the castle fell into ruins.

In 1594, Sir Charles Cavendish (son of Bess of Hardwick) purchased the Manors of Slingsby and Fryton. His son, also Charles, started to build a large house on the site of the medieval castle, but the work was never completed because of the Civil War and it fell into the ruin that can still be seen today.

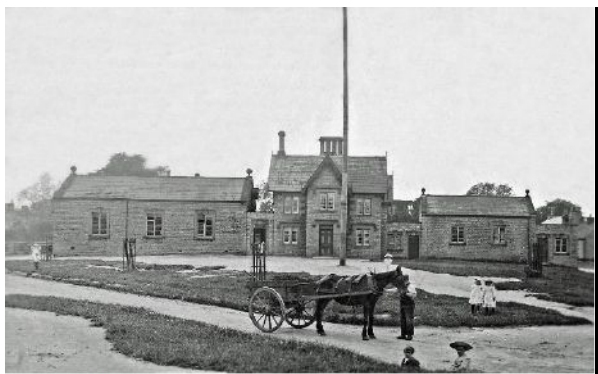


The ruins of Slingsby Castle

The purchase of Slingsby (and Fryton) Manor by the Earl of Carlisle in the early 18th century is probably the most significant event in the development of the village. Construction of Castle Howard had begun in 1699 and the surrounding villages were developed to support the Estate. Many of the stone farmhouses and cottages in the village date from this time. The Old Rectory was built in 1740.

By this time the pattern of roads and plots which are still recognisable today was fully established, having developed from the fields and plots of the medieval period. The farmsteads at Fryton and South Holme were improved with larger buildings and substantial ranges of outbuildings, but the number of households did not seem to increase. Slingsby, on the other hand, began to increase noticeably in size during the last quarter of the 18th century. Numerous smaller cottages and houses, built in the local limestone, were constructed during the 18th and 19th centuries.

The Methodist Church was built in 1837 and the Reading Room shortly afterwards. The school was built in 1860. A little later the avenue of trees along The Balk was planted.



The School, School House and Reading Room



High Street



Methodist Church



The Balk

There were two public houses: The Howard Arms on Malton Road and The Three Tuns (later The Grapes Inn) in Railway Street. In 1867 a new church was built – a direct copy of the one it replaced.

Another significant event in the development of Slingsby was the opening of the Thirsk/Malton railway line in 1846 and the opening of Slingsby railway station in 1853. The railway passed along the north side of the village and as a result the road running to the north towards South Holme became Railway Street, and developed into the central village thoroughfare.



Slingsby station



Railway Street

The second half of the 19th century saw the village at its largest. In 1861 the population peaked at 707, but by 1901 it had fallen back to 454 (roughly the level it had been in 1801).

The size and shape of the village changed little over the first half of the 20th century. The main occupation continued to be agriculture, with more than a dozen working farms in the village plus other smaller holdings. Nearly all households still tended to keep livestock, as can be seen from the abundance of small sheds, styes and stables in back gardens. The Village Hall was built in 1931 and management of the sportsfield was taken over by the village in 1935, with subsequent improvement to the facilities. 'The Lawns' area of the village originally formed part of the parkland associated with the Castle, and was probably used in medieval times as communal land for grazing and cultivation by serfs or tenants.

During the Second World War, Slingsby was used as a training centre by the Army. Several buildings were taken over; for example, the Village Hall was turned into the Army canteen and officers' horses were stabled in the Castle undercroft. The school took in 113 children evacuated from Hull, Hartlepool and Middlesbrough and they were billeted in local households.



Soldiers in High Street during World War II

After the war, houses of a more modern style appeared in the village, such as the redbrick council houses in Balksyde and High Street. Since 1983, small estates of brick houses have been built (Sycamore Close, Aspen Way, Porch Farm Close) and infill development has taken place. Two caravan sites have been created. The village has not expanded its boundaries very much, except on the eastern side, but it has become more densely populated. The population in 2012 was estimated at 610 compared with 550 in 1996. Private ownership now exceeds Castle Howard Estate ownership in the village.

South Holme and Fryton, while still relatively small, have also changed since the war with the construction of some council housing and, in the case of Fryton, some new private development with the conversion of redundant farm buildings.

The character of village housing

Slingsby is an estate village of Castle Howard, and the setting, context, materials and form of its houses reflect this and contribute to its modern character. The earliest surviving buildings in the village are the Castle, Wyville Hall and the Old Rectory. Most of the farmhouses and cottages were rebuilt in the 19th century by the Castle Howard Estate. This wave of rebuilding and 'improvement' created the essential character of the village as it survives today.

The village houses are located in four main areas: High Street; the Village Green; Railway Street; and Balksyde, Sycamore Close and Aspen Way, which are modern 20th-century developments. The Green lies at the heart of the village layout, with its iconic maypole, School and Reading Rooms surrounded by a mix of 19th-century and later farms and houses, the Methodist Chapel and more recent developments such as Green Crescent.

The buildings along High Street and Railway Street create attractive ribbons of housing with characteristic long garden plots, framing The Green and the area around the Castle and church.



High Street



Railway Street

Materials

The majority of traditional houses in Slingsby are built of locally sourced magnesian limestone. This stone is an attractive, warm white colour which reflects the changing light and muted palette of the North Yorkshire countryside. On the façades of buildings, the brick is usually coursed in blocks finished with 'hammer-dressing', with plainer stone dressings around windows and doors. Gable ends are often rubble and only roughly coursed. Traditionally, Slingsby's buildings were pointed using lime mortar, which allows the stone to breathe and weather, but this has sadly been replaced on many buildings with dark grey cementitious pointing which has an adverse effect on its weathering and ability to breathe. Prospect House, The Green is a wonderful example of the beneficial impact of recent repointing using lime mortar.



Lime mortar pointing



Cementitious pointing



Lime pointing at Prospect House

Roofs

Most roofs in Slingsby are of traditional curved red clay pantiles, with more recent additions weathering pleasingly to match the character of the old. A few houses, especially those built in brick in the 19th and early 20th century, were built with dark grey natural Welsh slate roofs. Several roofs of the larger farmhouses and even some cottages have gable copings which terminate in carved 'kneeler' stones.



Clay pantiles and stone



Natural slate roof



Natural stone 'kneeler'

Many roofs preserve cast iron half-round gutters and downpipes, usually painted dark brown or black and supported by small brackets. These define and enhance the roofline, building façade streetscape and their replacement by grey plastic modern alternatives is a disappointing, lower-quality alternative.

In general, **chimney stacks** are located at the end of roofs and are of weathered hand-made or clamp-type brick, with a pleasing variety of red and cream chimney pots, many of which have been sensitively altered with guards/vents for log-burning fires. Inevitably, chimney stacks and roofs are also characterised by television aerials, although it should be noted that there are relatively few satellite dishes visible on houses in the older parts of the village.



Chimney stack



Downpipe

Utility fixtures and fittings

In general, phone lines and cables are sensitively routed along the line of gutters, downpipes and around doorways. Other modern fixtures and fittings such as letter boxes, key boxes and alarm boxes, house signs and notices can be added/positioned in a manner that would not unduly detract from the building's appearance or the street scene.

Windows

Many 19th-century houses in Slingsby preserve original **sash windows** which are set back slightly from the wall face, with projecting stone sills and timber or stone lintels above. These can be straight or wedge-shaped, and some have keystones. Some windows, especially those at the rear of properties, are Yorkshire sliding sashes. Some unrestored windows preserve their original crown or plate glass. Internally, many of these windows used to have shutters. Dormer windows have been added to several houses, usually formed within the roof space with the effect of lowering the eaves level. These are traditionally not much wider than the glazed area, with leaded flat roofs or a simple pitched roof. Velux windows maximising loft space and solar panels are usually added to the rear of properties to minimise impact on the streetscape.

In recent years, many windows have been replaced sensitively using traditional wooden frames with double glazing, which preserves the original form, relationship and visual aesthetic of the façade. However, some windows have been replaced with UPVC windows of modern character, set flush with the wall face, and use internal glazing bars (these sit between glass panes). These can be visually intrusive and adversely alter the character of the building itself, but also the street scene.



Traditional sash window



Yorkshire sliding sash



Modern sash window



Modern sash window



UPVC window

Doors

Several 19th-century houses preserve their original wooden **front doors**, which are usually of a relatively simple four- or six-panel form. Some are half-glazed. Vertical board doors are also reasonably common. Simple divided lights above doors are most common. Original surviving door furniture includes small letter boxes and door knobs.



Old front door



New front door

Knockers, house numbers and signs are usually later additions. Porches are rare and mostly later additions. Modern replacements of doors and door furniture have become increasingly sympathetic to original designs. Although the use of UPVC and modern door designs in the modern housing developments in Slingsby is common, they can be visually intrusive and detract from the character of the streetscape in older areas of the village.



Porch



Door of Dosser's House



Old door knob



Old letter box

Outbuildings, barns and sheds

A notable feature of many of the houses in Slingsby is their direct or near-direct entry from the street, and long garden plots running back from the street frontage behind these houses, containing the remnants of outhouses, barns, stables and orchards. This reflects the fact that traditionally most residents combined some form of industry or retail with small-scale farming.

Whilst the outbuildings, barns, sheds and stables behind many houses are not necessarily aesthetically or architecturally significant, they are an important reminder of the mixed domestic, agricultural and industrial activities of Slingsby's former residents. They are vulnerable to infill and encroachment, although there have been many sensitive and successful barn and outbuilding conversions which do not detract from this overall character.



Outbuildings in Railway Street

Property boundaries and gates

Throughout the village there is a mix of boundary treatment. Most 18th- and 19th-century houses on High Street, Railway Street and The Green open directly onto the street. Those

that do not generally have traditional stone walls of varying heights forming frontage boundaries, and in some cases internal boundaries too. In a few cases the walls have been supplemented with hedges or metal rails; a good example of the latter can be found at Linden House on The Green. These traditional low-level features successfully define property boundaries but permit visual access into gateways and driveways. Recent replacements of cast iron railings and modern small wicket gates or traditional timber five-bar gates preserve this characteristic successfully. Wooden fencing is largely absent, except on the new housing estates.

Rear boundaries on the eastern side of Railway Street adjacent to open countryside are mainly hedged interspersed with native trees, whilst those on the opposite side of the street are formed by a mixture of stone walls, buildings and mixed hedges.

The modern development on Sycamore Close is in some instances open-plan or with hedge boundaries, many of low manicured beech. Aspen Way to the east of The Balk is completely open-plan.



Aspen Way looking west towards The Balk

Individual buildings in Slingsby

Listed buildings

There are several prominent buildings in Slingsby which reflect the village's changing architectural character.



Slingsby Castle



Window detail on Slingsby Castle



The Old Rectory



All Saints Church

These three buildings create a distinctive group within the Conservation Area.

Slingsby Castle is a nationally significant, 17th-century Grade II listed building set within a distinctive moated landscape. It is also a Scheduled Monument. It is unusual in that, although it is a castle, it contains Classical architectural features and was probably designed by one of the country's first named architects, Robert Smythson, for the Cavendish family. It probably sits on the site of an earlier castle and is now ruinous.

All Saints Church, Slingsby is a Grade II* listed building rebuilt 1867-69 by the architect R. J. Johnson for Castle Howard in sandstone, mimicking the late medieval 'Perpendicular' form of the earlier church, and incorporating limestone columns from this building in the interior and re-used 'cross-slabs' in the base of the tower.

The **Old Rectory** is a Grade II listed building of the 18th century. It is an excellent example of Georgian architecture featuring a Classical façade, with well-preserved sash windows, doorway and an earlier range to the rear.

Two other intriguing early buildings in the village are **Wyville Hall** and **Wyville Cottage**, which are thought to be 17th century in origin but appear to be on the site of the medieval Wyville Hall.



Wyville Hall and Wyville Cottage

Buildings on the Green

Several important buildings on the Green are Grade II listed. They include:

The **Wesleyan Methodist Church** built in 1837 with a later addition of the late 19th century;

The **Reading Room** built in the early-mid 19th century;

The **School and School House** built in the mid-19th century.



Methodist Church



Reading Room



School and School House

Other houses on The Green include **Glebe Cottage**, one of the village's earliest cottages dating to the mid-late 18th century; **Porch Farmhouse**, an 18th-century building with 19th-century alterations and a re-used 17th-century frieze in the porch; **Dosser's House** of the early 19th century whose doorway preserves a Tobacconist's frieze with cartouches; and **Linden House** dating to c. 1840.



Glebe Cottage



Porch Farmhouse



Linden House



Dosser's House

Houses on High Street

High Street preserves several 18th-century farmhouses, including **Castle Farmhouse**, a Grade II listed house of late 18th-century date; **Castle House** and **Ivy Cottage**, a pair of mid-late 18th-century houses; **Grey Gables**, an early-mid 19th-century farmhouse; **Bransdale** and **Bag End** cottages, built in the early 19th century; and slightly larger early 19th-century **West Flatts Farmhouse**.



Castle House and Ivy Cottage



Cottages in High Street



Bag End and Bransdale cottages



Castle Farmhouse



Grey Gables

Houses in Railway Street

Railway Street preserves a mix of Grade II housing, including: **Toby's Cottage**, a Grade II listed building which appears to be of early 19th-century date, encasing an earlier timber frame; mid-18th century examples such as **Fern Cottage** and **Grange House**; **Wheatlands Farmhouse**, a late 18th-century building; and **Home Farmhouse** of c.1830-40. There is also a row of four listed 19th-century cottages on the west side of Railway Street which preserve a variety of features and evidence of alteration.



Home Farm



Fern Cottage

All the listed buildings in Slingsby, South Holme and Fryton are named in Appendix B.

Unlisted houses, industrial and commercial buildings

There are many unlisted buildings in the village, which nevertheless contribute to its character. Some, such as **Slingsby Hall** and the **Dower House**, make distinctive architectural statements; others such as the late 19th and early 20th century **estate cottages built by Castle Howard** at the edge of The Green or the houses on **The Lawns** continue to preserve and enhance the essential vernacular character of the village. Some buildings, including **The Grapes Inn** (a Grade II listed building dating from the late 18th century, with earlier cellars), **The Old Station**, the **Blacksmith's Forge**, and the former **Co-Operative Store** on Railway Street, and **Prospect House** and **Castle Farm** on High Street preserve evidence of the industrial and commercial life of the village in the past and present.



Slingsby Hall



The Dower House



Estate house on The Green



Prospect House, High Street



The Grapes Inn

Landscape features

Slingsby lies on the northern edge of the Howardian Hills Area of Outstanding Natural Beauty (AONB), the southern part of the parish being within the AONB and consisting of typical rolling countryside clothed with a patchwork of blocks of commercial and native woodlands. The remaining agricultural land surrounding the village is a predominantly flat landscape of fields with hedged boundaries and hedgerow trees, some of the oldest oaks and ashes being over 200 years old.

Within the village, although trees have not been historically planted along the original streets owing to the lack of space, there are numerous large mature trees throughout the old village gardens, especially those properties which date from the Victorian era and earlier, where specimens of beech, sycamore, maple, birch, lime, pine, cypress and yew have become prominent features locally. The long rear gardens of properties on the eastern side of Railway Street include numerous trees which, although not highly visible from the village street, are readily viewed along the public right of way to the east and from Green Dyke Lane. Many of these trees are within the Slingsby Conservation Area. In the gardens of the more recent development on Sycamore Close and Aspen Way ornament species of rowan, cherry, maple and birch planted in the 1970s, 80s and early 1990s are now maturing.

Important groups of trees are to be found in the following locations:

The Balk: a beautiful avenue of sycamores and horse chestnuts dating back to the end of the 18th or beginning of the 19th century are protected under the oldest Tree Preservation Order administered by Ryedale District Council, made in 1948 under the original Town & Country Planning Act. Over the years one or two of these trees have been lost along the western side of the avenue, but replacement trees planted in the 1970s and 1980s are maturing well.



The Balk looking north

These trees are a strong landscape feature viewed from the eastern approach to the village and from Slingsby Bank to the south, forming a pleasant entrance into the village. They also provide an attractive backdrop to properties on Sycamore Close and are visually prominent from Aspen Way to the east, and when travelling south along Railway Street towards The Green.



The Balk from the eastern approach



The Balk from the southern approach

In the garden of **Wyville Hall** there are two maturing copper beech trees, the more westerly tree being a fine specimen and protected by a Tree Preservation Order.

On **The Green**, a group of five mature lime trees planted at the turn of the last century form a prominent feature in the centre of the village. These trees are periodically pollarded to keep them in check in their limited surroundings.



Lime trees on The Green

On High Street looking north, the view of **All Saints Church** is dominated by a magnificent sycamore tree close to the western boundary wall of the churchyard. It was planted in the late 18th century and stands c.22 metres tall, and is one of the tallest trees in the village. Mature beech and horse chestnut also form a pleasant backdrop to the church from this viewpoint.



Sycamore in the churchyard

The large mature lime tree in the north-western corner of the churchyard dates back to the late 19th century and was probably planted about the same time the current church was built (1867-9). An avenue of Irish yews lines the footpath from the church gate to the church door. Owing to encroachment over the footpath the yews were heavily pruned at the end of 2013, and enclosed within locally made metal pyramidal frames which will form the new formal clipped shape of the yews as they regenerate.



Yew trees before pruning ...



... and after

The Old Rectory and several properties along **The Lawns** contain numerous mature trees, including beech, birch, horse chestnut, sycamore, lime and maple, plus several coniferous species such as yew and cypress.

At the eastern end of Church Lane at the junction with Railway Street, a mature group of yews growing adjacent to the northern boundary of a property known as **The Yews** dominates this part of the lane, and forms a prominent feature when approaching the junction from the north along Railway Street. There is a tall mature lime tree adjacent to the eastern boundary wall of **The Hall**.



Lime tree at The Hall, Railway Street

Further north along Railway Street, a mature yew and a large birch on the frontage of **Burwood** and another even larger yew at **Brook House**, all on the eastern side of the street, are prominent features. At the edge of the village, two mature weeping willows on the bank of **Wath Beck** dominate the skyline.

The oldest tree in the parish is the **Mowbray Oak**, which stands in what was known as Priests Field to the north-west of Church Lane.



The Mowbray Oak

This is a truly ancient tree which is completely hollow. The tree is referred to in the book entitled 'Slingsby and Slingsby Castle', published in 1904, written by the Rev. Walker, Rector of Slingsby at the time. In the book there is a photograph of the tree taken at that time – it does not look much different today. The author commented that the tree was said to be possibly 200 years old, but he felt that this was exaggerated and that the tree was probably nowhere near that age. However, more recent methods of calculating the age of old trees suggests that the tree is more likely to be around 450 years old, surviving fires in the late 19th century and more recently in the 1980s. Thankfully, the tree is in the ownership of a sympathetic owner, who allowed the District Council to fence it off in 2000 in accordance with the Woodland Trust's recommendations. The fencing prevents grazing livestock from congregating under the tree and compacting the soil through trampling, as had been occurring at the time. The Mowbray Oak is protected under a Tree Preservation Order. The western boundary of this field also contains at least two veteran sycamores.

Wildlife and habitats

Ryedale is predominantly a rural District and therefore most settlements within it are diverse in wildlife habitats. The Ryedale Biodiversity Action Plan focuses mainly on habitats and species associated either with farmland or semi-natural places which support a wide range of habitats and features of wildlife habitats and conservation interests. Slingsby parish is no exception to this and has several of these features, including the churchyard which contains veteran sycamore trees and the associated wildlife typical of such aged trees, and of course the Mowbray Oak, which supports fauna and flora dependent upon its existence. The network of old hedgerows throughout the parish provides a highway for all forms of wildlife from insects to birds, whilst **Wath Beck**, which passes along the north-western section of Slingsby and west to Fryton, harbours numerous waterborne inhabitants. Several species of bats are common in the area, especially in Slingsby Castle, and both they and their habitats are legally protected; Appendix D gives further advice. As well as natural features, the recently formed allotments at the northern end of Slingsby are contributing to the parish's wildlife habitats and form an important habitat for declining birds, such as the song thrush and house sparrow. Finally, gardens filled with amenity planting and individual trees form important nesting sites for song birds and the food chain that supports them.

Public consultation

A survey of residents was carried out prior to the preparation of this Village Design Statement. Opinions were sought on: favourite/least favourite buildings, open spaces, streets, views and other features; the special characteristics that were particularly valued; and suggestions for changes and improvements. Details are contained in Appendix A.

Guidelines for future development and property alterations in Slingsby, South Holme and Fryton

Landscape context and village character

- Important views and open spaces, as identified by the VDS survey and document, should be protected and not altered through insensitive and piecemeal ribbon development. New developments should retain and respect these important aspects of village character.
- Important trees or groups of trees, as identified in this VDS document, should be preserved and properly maintained. New developments should enhance the streetscape and landscape setting using native species. Trees should not be planted in positions that obscure views of traditional stone frontages.
- Slingsby has traditionally consisted of farms, alongside a mix of small-scale commercial, retail and residential properties. This diversity is an essential part of the village's character. Non-domestic use of buildings should therefore be encouraged, where development proposals respect and contribute to the preservation of this character.

Buildings

- Within the older parts of the village and particularly within the Conservation Area, new buildings should be built with traditional materials: magnesian limestone with clay pantiles or slate roofs and sympathetic fenestration.
- Alterations and maintenance of existing buildings should always seek to use traditional materials, such as lime mortar and clay pantiles, rather than modern alternatives which will not work with traditional materials.
- Alterations and additions to existing buildings, including porches, extensions and conservatories, should respect their scale, and preserve and enhance their character, using traditional materials and forms of fenestration, doors and door furniture where appropriate. Roof lights and solar panels should be added sympathetically, preferably to the rear of houses. Cables on the front of houses should be kept to a minimum.
- New housing schemes should seek to provide a mixture of additional houses, predominantly smaller and affordable homes and off-street parking to the rear. Forms of housing for which there is no architectural precedent in the village, such as three-storeys above ground level, should be avoided.
- Developers are reminded to reduce reliance on fossil fuels. Slingsby, South Holme and Fryton are mainly dependent on oil as the primary means of energy, and therefore maximum efficiency in energy should be encouraged as a desirable objective.
- Developers and householders should be aware of the possibility of the presence of bats in their property. Bats and their habitats are protected by law and specialist advice must be sought if evidence of their presence is found. See Appendix D for further advice.

Streetscapes and boundaries

- The Green and wide grass verges seen throughout Slingsby should be retained and maintained. Boundaries of traditional dry-stone walling should also be preserved and conserved.
- Alterations to existing boundaries and new boundaries should use traditional forms and materials, such as low stone walls, pale fencing and railings, and hedges interspersed, to the rear of properties, with native trees.
- Front gardens and driveways should use grass verges, flower beds, gravel or traditional sandstone paving which is sustainable and permeable.
- Street lighting should be carefully designed to enhance the character of the streetscape and minimise light pollution. Security lights should be avoided, especially on the front of buildings.
- Signage and street furniture should be appropriate to the traditional streetscape of the villages.

Outbuildings

- Outbuildings are an important reminder of the agricultural and industrial activities of the villages in the past and enhance the character of houses and plots. Traditional masonry outbuildings should be maintained and where possible historic features such as chimneys, doors, and fixtures and fittings should be retained.

Farm buildings

- Alterations to existing farm buildings and new farm buildings should use traditional materials and respect the scale and context of their setting.

Services

- The current drainage and IT infrastructure of the villages is at capacity. Future developments should seek to enhance and increase capacity rather than overload existing services.
- Road drains and ditches should be monitored and maintained to ensure that flooding of domestic properties is avoided.
- The rural character of roads through the villages should be preserved with minimal street furniture, kerbing and road marking to avoid suburbanisation.
- A well-designed bus shelter on The Green would be a useful amenity for elderly residents and young people who make regular use of the bus services in the village.

Conclusion

This Village Design Statement highlights the important historical, architectural and landscape features of Slingsby, South Holme and Fryton which should be protected in future developments. It encourages good, sympathetic design for new housing and for extensions or alterations to existing buildings, using traditional or appropriate modern materials. It aims to preserve the local environment by the sensitive use of boundaries, street lighting and street furniture, and encourages the maintenance of significant features like The Green, the wide grass verges, Wath Beck, and the many important trees. It also urges that when planning future development due consideration is given to the long views which are so highly valued by residents.

By following these guidelines the special character of Slingsby, South Holme and Fryton can be preserved for future generations.



*Maypole dancing on The Green in Slingsby
(Richard Flint Photography)*

Appendix A: Results of Public Consultation

A survey of residents was carried out prior to the preparation of this Village Design Statement. Opinions were sought on: favourite/least favourite buildings, open spaces, streets, views and other features; the special characteristics that were particularly valued; and suggestions for changes and improvements.

The most liked buildings are centred around The Green and the older core of Slingsby village. The School and Reading Room, the Chapel and School Room, and Porch Farmhouse are the most popular, with the Castle and All Saints Church in close second place. The older stone buildings in the centre of the village are admired for their timeless character, although some are not liked where their character has been changed by using windows of modern design and alterations that are not in keeping.

The Village Green and the sportsfield are the favourite open spaces. Also mentioned was the Mowbray Oak field and the west side of Railway Street where a weeping willow overhangs the stream. Railway Street is admired for its open feel and the way the stone houses are set back behind deep grass verges and footpaths.

Railway Street was voted the favourite street, along with The Green and its old estate houses with their unusual stone features. Church Lane was mentioned by a few people because of its enclosed 'mysterious' feel and stone walls, and also the south end of the Lawns Road near the churchyard.

There was, however, criticism of some of the open spaces in the village and many drew attention to the untidy and abandoned feel of Richardson's former lorry yard at the top of High Street. Other blots on the landscape mentioned were Perry's former coach yard in High Street (opposite the Castle) and the adjacent road near Castle House with many parked cars and commercial vehicles. Parts of the Castle Moat were also thought to be untidy.

The view from The Sheep Walk looking northwards over the village is the most popular, but residents also like the views across the sportsfield from Slingsby and the view from Fryton towards the Castle, Church and Old Rectory. The views to the north-east and west from Railway Street were also mentioned.

Other features liked include the maypole, the trees on The Balk and the larger trees in the churchyard, the stone boundary walls to gardens and churchyard, the Mowbray Oak and the other ancient oak trees on The Lawns, the copper beeches near the village shop, the old pump near The Green, the church clock and the daffodils on the banks at the top of High Street and on The Balk.

Criticism was made of the poor state of the telephone box, the potholes in the footpaths, particularly on Railway Street, and breaking down of verges by parked cars.

The Village Green, the maypole and the old buildings around it are thought to be most important in giving Slingsby its special character, along with the estate cottages with their

special details. The open feel of Railway Street is felt to be special along with its stone buildings which are thought to have a variety and timeless attractive character. Traditional stone outbuildings and stone boundary walls were also mentioned in the survey. In general Slingsby is appreciated for the fact that it appears still to be a working village with a good mix of people.

Improvements or changes suggested in the consultation were as follows:

- Repair and maintain footpaths on Railway Street
- Reduce speed of traffic approaching hump-backed bridge at north end of Railway Street
- Improve drains on Railway Street
- Maintain all roads better – repair potholes
- Install brighter street lighting in Slingsby (some opposing views here as well)
- Improve street lighting in Fryton – heritage type
- Maintain Slingsby Castle better by cutting back trees and undergrowth, and improving the view
- Repair and upgrade telephone box
- Erect a bus shelter on The Green
- Secure the future of the pub, The Grapes Inn *[done]*
- Address the problem of derelict-looking and unoccupied houses
- Install another dog waste bin near The Green
- Restore the derelict barn on the main road
- Address the issue of large vehicles parked outside Castle House, and make sure future planning applications for all new properties provide off-street parking
- Remove parked cars from the streets generally
- Allow some small business development
- Improve muddy footpaths, eg the problem of horses churning up non-bridleway footpaths like at The Lawns
- Install mains gas *[beyond the scope of the VDS]*

Appendix B: Listed Buildings in Slingsby, South Holme and Fryton

Slingsby

Bag End

Grade II

High Street, Slingsby, North Yorkshire

Bransdale

Grade II

High Street, Slingsby, North Yorkshire

Castle Farmhouse

Grade II

High Street, Slingsby, North Yorkshire

Castle House/Ivy Cottage

Grade II

High Street, Slingsby, North Yorkshire

Church of All Saints, Slingsby

Grade II*

Church Lane, Slingsby, North Yorkshire

Dossers House

Grade II

The Green, Slingsby, North Yorkshire

Fern Cottage

Grade II

Railway Street, Slingsby, North Yorkshire

Glebe Cottage

Grade II

The Green, Slingsby, North Yorkshire

Grange House

Grade II

Railway Street, Slingsby, North Yorkshire

Grey Gables

Grade II

High Street, Slingsby, North Yorkshire

Heights Farmhouse

Grade II

High Street, Slingsby, North Yorkshire

Home Farmhouse

Grade II

Railway Street, Slingsby, North Yorkshire

House immediately south of Goodlands

Grade II

Railway Street, Slingsby, North Yorkshire

House immediately to the north of former Cooperative Stores

Grade II

Railway Street, Slingsby, North Yorkshire

Laurel Cottage/Rose Cottage

Grade II

Railway Street, Slingsby, North Yorkshire

Linden House and gate and railings to front

Grade II

Slingsby

Mile Post at southern end of Balksyde

Grade II

Balksyde, Slingsby, North Yorkshire

Porch Farmhouse and Cottage

Grade II

The Green, Slingsby, North Yorkshire

Ruins of Slingsby Castle

Grade II

High Street, Slingsby, North Yorkshire

Schoolhouse/Schoolroom

Grade II

The Green, Slingsby, North Yorkshire

Slingsby Heights and gates and railings to front

Grade II

Malton Road, Slingsby, North Yorkshire

The Cottage and three houses adjoining to north

Grade II

Railway Street, Slingsby, North Yorkshire

The Grapes Inn

Grade II

Railway Street, Slingsby, North Yorkshire

The Green

Grade II

The Green, Slingsby, North Yorkshire

The Old Rectory

Grade II

Church Lane, Slingsby, North Yorkshire

The Reading Room

Grade II

The Green, Slingsby, North Yorkshire

Toby's Cottage

Grade II

Railway Street, Slingsby, North Yorkshire

Tomb Chest commemorating members of the Markinfield Family approximately 3 metres to south of porch

Grade II

Church Lane, Slingsby, North Yorkshire

Wesleyan Chapel and Hall

Grade II

The Green, Slingsby, North Yorkshire

West Flatts Farmhouse

Grade II

Malton Road, Slingsby, North Yorkshire

Wheatlands Farmhouse

Grade II

Railway Street, Slingsby, North Yorkshire

Wyville Cottage/Wyville Hall

Grade II

Green Dyke Lane, Slingsby, North Yorkshire

South Holme

East Ness Bridge

Grade II

South Holme, North Yorkshire

Manor Farmhouse

Grade II

South Holme, North Yorkshire

West Farmhouse

Grade II

South Holme, North Yorkshire

Fryton

Barns to North Farm

Grade II

Fryton Lane, Fryton, North Yorkshire

Brick Kiln at Brickyard Farm

Grade II

Fryton, North Yorkshire

Cherrygarth Farmhouse

Grade II

Fryton Lane, Fryton, North Yorkshire

West Farmhouse

Grade II

Fryton Lane, Fryton, North Yorkshire

Appendix C: Conservation Areas

How is a Conservation Area designated?

Most Conservation Areas are designated by the Council as the local planning authority. English Heritage can designate Conservation Areas in London, following consultation with the Secretary of State for Culture, Media and Sport. The Secretary of State can also designate a Conservation Area in exceptional circumstances - usually where the area is of more than local interest.

What does designation mean?

Conservation Areas are defined in the Planning (Listed Building and Conservation Areas) Act 1990 as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Conservation Areas are therefore those areas considered to have the most important environmental quality in the District.

The character of Conservation Areas is as varied as our landscape. In some parts of the country they include, for example, terraces of workers' cottages, inter-war housing developments, and formal urban squares. In Ryedale, however, the majority of Conservation Areas are small, rural settlements whose character is derived from the unique way in which the man-made elements (such as houses, cottages, walls, churches, farms and public buildings) of each settlement relate to each other and the natural framework of landscape features (such as village greens, becks, ponds, trees, hedges and distinctive topographical features).

What living in a Conservation Area means for residents

Property alterations

An area designated as a Conservation Area requires planning applications to be made for certain types of development which are elsewhere classified as permitted development. These extra controls are designed to preserve or enhance the character of the area and the quality of design. The Council can change the types of alterations that need permission by making Article 4 Directions. The regulations are complicated and subject to the planning history of the property; it is advisable to consult the Planning Department before you undertake any new work to see what is subject to the requirement for planning permission.

Whilst there are works which can be done in a Conservation Area without consent, it is important to remember that the character of an area is often the result of many small details.

Also within Conservation Areas:

- Extra publicity is given to planning applications, with a general view to preserving or enhancing the area.
- The display of advertisements may be more restricted.

The link below takes you to the Planning Portal, the Government's planning website, where you can find more information about permitted development rights. You can also apply for planning permission online through the Planning Portal.

<http://www.planningportal.gov.uk>

Trees

If you are thinking of cutting down a tree or doing any pruning work you must notify the Council six weeks in advance if the tree has a trunk diameter of 75mm or greater, measured at 1.5m from ground level. This is to give the Council time to assess the contribution the tree makes to the character of the Conservation Area and decide whether to make a Tree Preservation Order. A link to the appropriate form is attached below:

[http://www.ryedale.gov.uk/attachments/article/330/Application for tree works works to trees subject to a preservation order \(TPO\).pdf](http://www.ryedale.gov.uk/attachments/article/330/Application%20for%20tree%20works%20to%20trees%20subject%20to%20a%20preservation%20order%20(TPO).pdf)

[http://www.ryedale.gov.uk/attachments/article/330/Guidance notes for works to trees.pdf](http://www.ryedale.gov.uk/attachments/article/330/Guidance%20notes%20for%20works%20to%20trees.pdf)

[http://www.ryedale.gov.uk/attachments/article/330/Advice the description of tree work nov 2012.pdf](http://www.ryedale.gov.uk/attachments/article/330/Advice%20the%20description%20of%20tree%20work%20nov%202012.pdf)

Appendix D: Bats

Developers and householders should be aware of the possibility of the presence of bats in their property. They are often tucked away in the soffit of a house, under the tiles or in the cavity wall. Although a roost may contain several hundred bats, an average maternity roost supports 30-100 individual females. Males mostly live individually, or in small groups. A maternity colony may use several roosting sites during the course of a summer, sometimes moving suddenly to a new location. In winter small numbers may be found hibernating in house soffits, crevices in old disused barns and miscellaneous other places. Although bats are generally very common in North Yorkshire, all bats and the places they live are protected by law.

To minimise the risk of committing an offence you must stop work and seek advice. Call the National Bat Helpline on 0845 1300 228. They will either be able to give you advice over the phone or arrange for a local volunteer to visit the site to assess the situation.

Appendix E: Planning Policy Documents

The Ryedale Plan is the Development Plan for the District outside of the National Park. A link to the Ryedale Plan is below:

www.ryedaleplan.org.uk

The Ryedale Plan is made up a series of planning policy documents which guide development. For Slingsby the relevant documents are:

The Local Plan Strategy sets out the overall framework for how new development will be brought forward, and planning applications assessed. It identifies Slingsby as a Service Village where some development will be allocated.

Some of the policies in the Local Plan Strategy are listed below for ease of reference:

- SP1 General Location of Development and Settlement Hierarchy
- SP2 Delivery and Distribution of Housing
- SP12 Heritage
- SP13 Landscapes
- SP14 Biodiversity
- SP15 Green Infrastructure Networks
- SP16 Design
- SP18 Renewable and Low Carbon Energy
- SP20 Generic Development Management Issues

The Local Plan Sites Document sets out the allocations and provides site-specific policies. This document is currently in production.

Progress can be viewed at:

<http://www.ryedaleplan.org.uk/local-plan-sites>

It is the intention that the **Slingsby Village Design Statement** will be, in due course, a Supplementary Planning Document. This does not create new policy, but is a locally specific amplification of the policies concerning design and heritage matters. It is a material consideration in the determination of a planning application, and where planning permission is not required, can provide informal guidance to those making alterations to their property.

Appendix F: Bibliography and Website

Bibliography

- Fawcett, Bill: *A History of the York-Scarborough Railway* (Hutton Press Ltd, 1995)
- Girouard, Mark: *Robert Smythson and the Architecture of the Elizabethan Era* (Country Life, London, 1966)
- Girouard, Mark: *Robert Smythson and the Elizabethan Country House* (Yale University Press, 1983)
- Hartley, Marie and Ingilby, Joan: *Life and Tradition in the Moorlands of North-East Yorkshire* (Dalesman Publishing Co. Ltd., 1990)
- Howat, Patrick: *The Railways of Ryedale and the Vale of Mowbray* (Hendon Publishing Co., 1988)
- Mackinder, Margaret and Thompson, Michael (Ed.): *The Parish of Slingsby: Its History and Wildlife* (2000)
- Mawer, A. and Stenton, F.M. (Ed.): *The Place Names of the North Riding of Yorkshire* (English Place Names Society, 1979)
- Pevsner, Nikolaus: *The Buildings of England: Yorkshire: The North Riding* (Penguin Books, 1966)
- Royal Commission on the Historical Monuments of England: *Houses of the North York Moors* (HMSO, London, 1987)
- Saumarez Smith, Charles: *The Building of Castle Howard* (Faber and Faber, 1990)
- Smith, Joseph: *Memoir of Joseph Smith of South Holme* (R.J.Smithson, Castlegate Printing Works, Malton, 1900)
- St. Clair Brooke, Arthur: *Slingsby and Slingsby Castle* (Methuen and Co., 1904)
- Walker, The Rev. William: *Some Account of the Parish and Village of Slingsby in Yorkshire* (York, 1845)
- Wenham, L. Peter: *Derventio [Malton]: Roman Fort and Civilian Settlement* (Cameo Books, 1974)

Website

For further information about Slingsby, South Holme and Fryton and local events, visit www.slingsbyvillage.co.uk

Acknowledgements

Text

Carolyn Boots
John Clayton
Kate Giles
Margaret Mackinder

Photographs

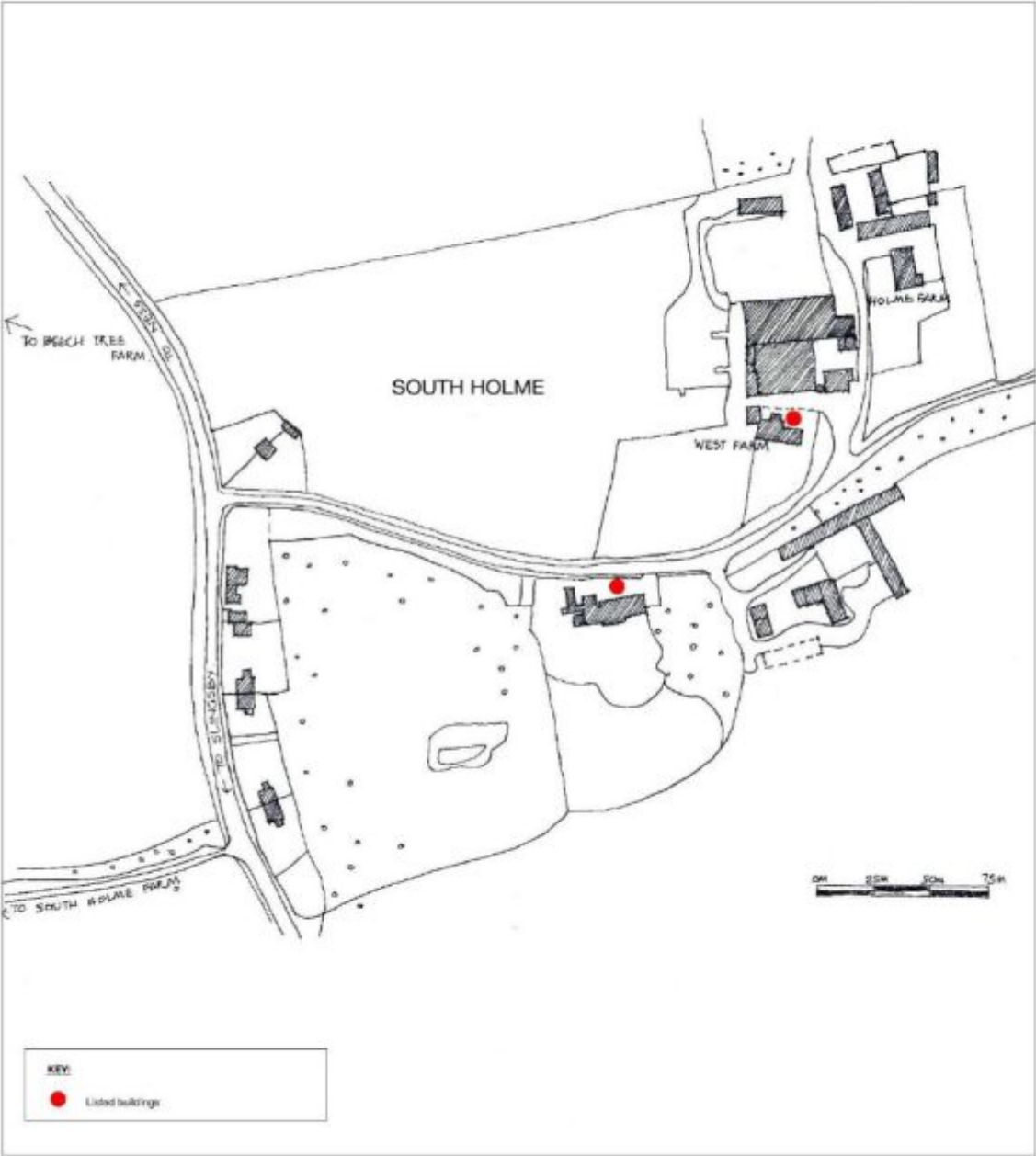
Steve Allen Photography
Jon Boots
John Clayton
Richard Flint Photography
Kate Giles
The Wormald Collection

Thanks also to Rachael Balmer and Emma Woodland at Ryedale District Council for their comments and advice, and to Sophie Mackinder for proof-reading.

Map of Slingsby and Fryton



Map of South Holme



[BACK COVER]



Slingsby Castle

Appendix 2:

Slingsby, South Holme and Fryton Village Design Statement

Consultation undertaken

An introductory walking tour of the village conservation area was undertaken on early September 2011 led by Dr. Katherine Giles, Senior lecturer in Buildings Archaeology at The University of York, John Clayton, the Tree and Landscape Officer for Ryedale District Council and Margaret Mackinder a conservation architect working in Ryedale. About 35 people joined the tour.

This was followed by circulation of a questionnaire to each household to collect views. sent out to each household in early October for completion by the end of that month.

It explained the purpose and scope of the proposed VDS and asked seven simple questions which covered the following areas:

1. Favourite and least liked buildings, with reasons, if known.
2. Most liked open spaces which are important to the character of the village and least liked open spaces.
3. Favourite streets and areas, with reasons.
4. Favourite and least liked longer views with reasons.
5. Other favourite features
6. Opinions on what gives Slingsby its special character.
7. Suggested changes or improvements.

The questionnaire gave space for people to give detail if they wished. 20 households responded.

Further consultation was undertaken in March 2012, at an open exhibition on the History of Farming in Slingsby, Fryton and South Holme. This was well attended and people were asked with the aid of a large map to mark their preferences for views and favourite parts of the village, and to give written suggestions as well. A further 40 people put stickers on maps and gave opinions. This event was run by the Slingsby Local History Group which has continued to engage regularly with people in the village and in particular the community primary school, working on further exhibitions about business leisure and the village's historic assets.

The inception of the SSHFVDS was discussed by Slingsby, South Holme and Fryton Parish Council in February 2011. They also considered, and agreed the draft in the summer of 2015. Prior to the consideration of this draft, Policy and Conservation Officers of the District Council were invited to provide comments and observations on the document. Subject to some small amendments, Officers were happy with both the content and approach of the VDS, and how it had been produced.

Agenda Item 6

Consultation on the Malton Level Crossing HCV Ban

The report for this item is to follow on the Late Pages.

Your ref:

Tel: 01609 533740

Our ref: 4/36UF078

Fax: 01653 669578

Contact: Richard Marr

Email: area4.kirbymisperton@northyorks.gov.uk

Date: 24 March 2016

Web: www.northyorks.gov.uk

To Whom It May Concern

Dear Sir/Madam

CONSULTATION: PROPOSED WEIGHT LIMIT, MALTON/NORTON LEVEL CROSSING

Please find attached a plan showing the location for a proposed weight limit across the Malton/Norton level crossing.

The restriction is being sought to reduce the number of large vehicles in the Castlegate area in order to improve the air quality here. Castlegate and the Butcher Corner area are covered by an Air Quality Management Plan and as such the County Council, as the Local Highway Authority, is working with Ryedale District Council to improve the air quality.

Large vehicles are seen as the greater contributor to the pollutants that are being measured by the District Council and so their removal from the area is seen as a key factor in helping to improve the situation.

This current consultation is seeking your views on the impacts of either a 7.5 tonne or an 18 tonne restriction across the level crossing. It is expected that the effected vehicles will bypass the level crossing and use the interchange at Brambling Fields to complete their journey. It is recognised that some journeys will still need to use Butcher Corner from the Old Maltongate, Wheelgate and/or Yorkersgate directions, but the limitations of the other access points from the A64 mean that currently this is inevitable.

Once I have received comments from the consultees I will discuss the options with colleagues and determine the way forward. It is expected that the matter will be an agenda item at the next Ryedale Area Committee held at the end of June.

To enable the proposal to be progressed I would be grateful to receive your comments in writing within 28 days.

Yours sincerely

Richard Marr
Area Manager

Cc: All Ryedale Area County Councillors, Malton Town Council, Norton Town Council, Sgt Jon Hunter (NYP), Ryedale District Council, Automobile Association, Ambulance Service, British Driving Society, Fire & Rescue, National Farmer's Union, RAC, NYCC Intergrated Passenger Transport, NYCC Traffic Engineering, Freight Haulage Association.



Traffic Management
Area 4 Pickering

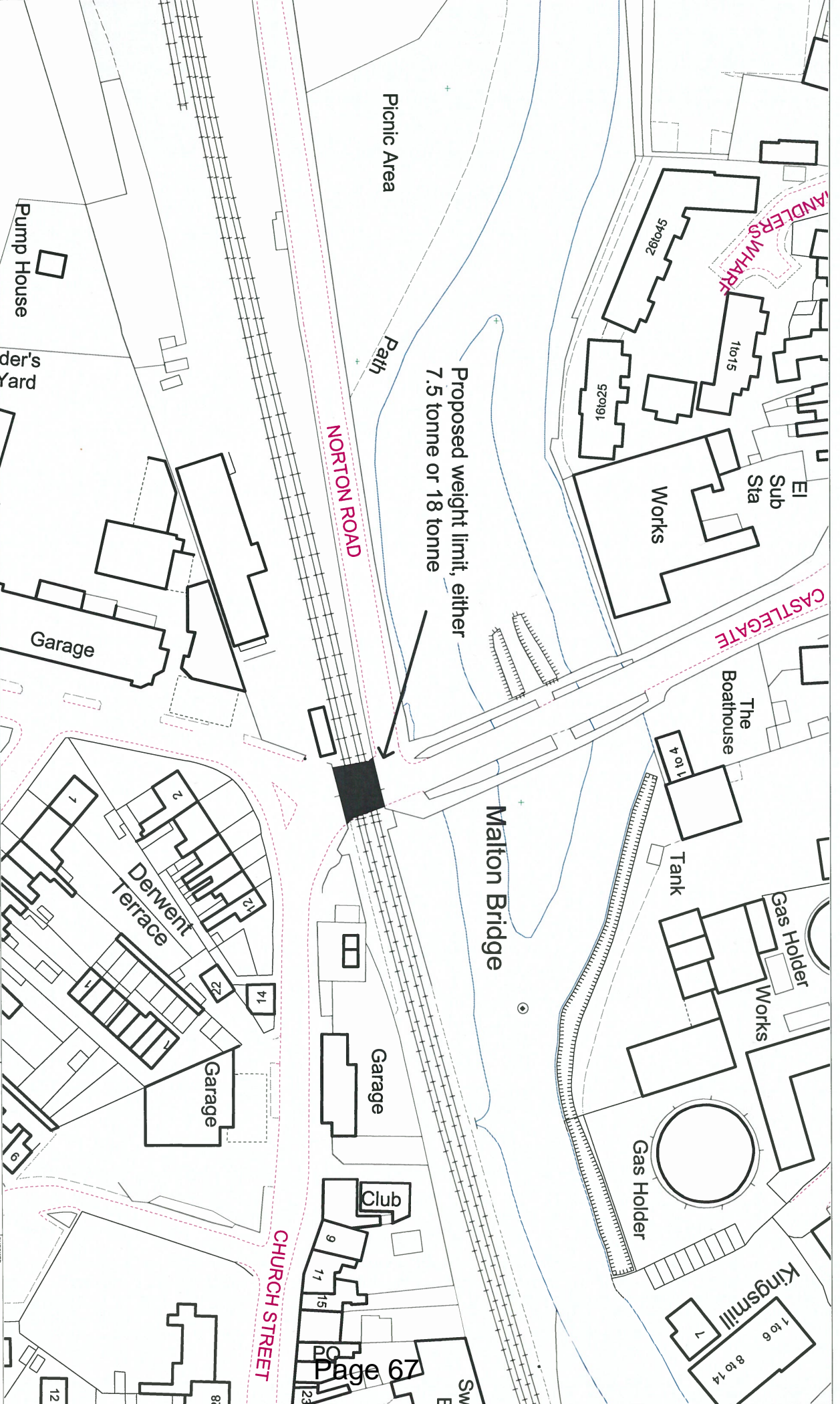
Area Office 4
Traffic Road
Pickering
North Yorkshire
YO17 8BS
Tel: 08458 72374
Fax: 01653 866578

PROJECT:
Malton/Norton Level Crossing
DRAWING TITLE:
Proposed Weight Limit

DRAWING NO:
4/36UF078/CW1

DESIGN:
P.S.
DATE:
24/03/16

CHECKED:
SCALE:
1 : 1250



Proposed weight limit, either
7.5 tonne or 18 tonne

NORTON ROAD

CHURCH STREET

Malton Bridge

HANDLERS WHARF

CASTLEGATE

Agenda Item 7

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 12/04/16

8

Application No: 15/01517/73AM

Application Site: Land North Of Broughton Road Malton North Yorkshire

Proposal: Variation of Conditions 11, 14 and 33 of approval 14/00346/73AM dated 27.08.2014 by submission of amended and additional plans in relation to road arrangements and associated landscaping

9

Application No: 15/01522/73AM

Application Site: Land North Of Broughton Road Malton North Yorkshire

Proposal: Variation of Conditions 04 and 08 of approval 11/01182/MREM dated 26.10.2012 by submission of amended and additional plans in relation to landscaping

10

Application No: 15/01156/MOUT

Application Site: North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

Proposal: The erection of 16 no. 3 bed semi-detached dwellings, 3 no. 1 bed apartments and 1 no. 1 bed duplex apartment with associated access and parking areas together with the realignment of the existing road.

11

Application No: 16/00236/MFUL

Application Site: Givendale Head Farm Malton Cote Road Ebberston Scarborough YO13 9PU

Proposal: Erection of an agricultural building for the storage of straw and machinery.

12

Application No: 15/00818/OUT

Application Site: Land East Of 68 Welham Road Norton Malton North Yorkshire

Proposal: Erection of a dwelling (site area 0.099ha)

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 12/04/16

13

Application No: 16/00059/FUL

Application Site: 85 West End Kirkbymoorside YO62 6AD

Proposal: Alterations to the two bedroom street front dwelling to form a two bedroom holiday cottage together with Change of Use and alteration of unoccupied former attached dwelling to rear to form a one bedroom holiday let to include demolition of domestic outbuildings

14

Application No: 16/00113/FUL

Application Site: Barton Cottage York Road Malton North Yorkshire YO17 6AU

Proposal: Change of use of part of dwelling to a B1(a) office use for the dwelling occupiers business with associated business parking (retrospective application)

15

Application No: 16/00191/FUL

Application Site: Red Oak House 110A Outgang Road Pickering North Yorkshire YO18 7EL

Proposal: Erection of an extension to agricultural building for the storage of machinery

Agenda Item 8

RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 8
Application No: 15/01517/73AM
Parish: Malton Town Council
Appn. Type: Major Non Compliance Conditions
Applicant: Taylor Wimpey (North Yorkshire) Ltd
Proposal: Variation of Conditions 11, 14 and 33 of approval 14/00346/73AM dated 27.08.2014 by submission of amended and additional plans in relation to road arrangements and associated landscaping
Location: Land North Of Broughton Road Malton North Yorkshire

Registration Date: 23 December 2015 **8/13 Week Expiry Date:** 23 March 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	No views received to date
Public Rights Of Way	Recommend informative
NY Highways & Transportation	No views received to date
Parish Council	No views received to date
Tree & Landscape Officer	Satisfied - comments made
Tree & Landscape Officer	No views received to date
NY Highways & Transportation	No views received to date

Neighbour responses: Mr William Caldwell, Mr & Mrs P Davies, Tania Harris,
Overall Expiry Date: 11 April 2016

Introduction Members will recall that this application was deferred at the March Committee meeting. Members are requested to refer to the agenda report for that meeting.

In the intervening period further discussions have taken place with the applicants and NYCC highways and also a further meeting was held with the applicants, the occupiers of Wayside, Broughton Road and two of the Local District Councillors for Malton.

It is anticipated that amended plans will be received which show a second point of vehicular access via a private driveway from the truncated section of Broughton Road onto the curtilage of Wayside. The existing access to the dwelling is also proposed to be retained.

The arrangement will enable the occupiers of Wayside to obtain vehicular access from both the truncated section of Broughton Road and also from the new section of realigned road.

Copies of the revised plans will be made available on the Late Pages and/or at the meeting. Members will also be updated on any further comments received on the Late Pages or at the meeting.

Recommendation

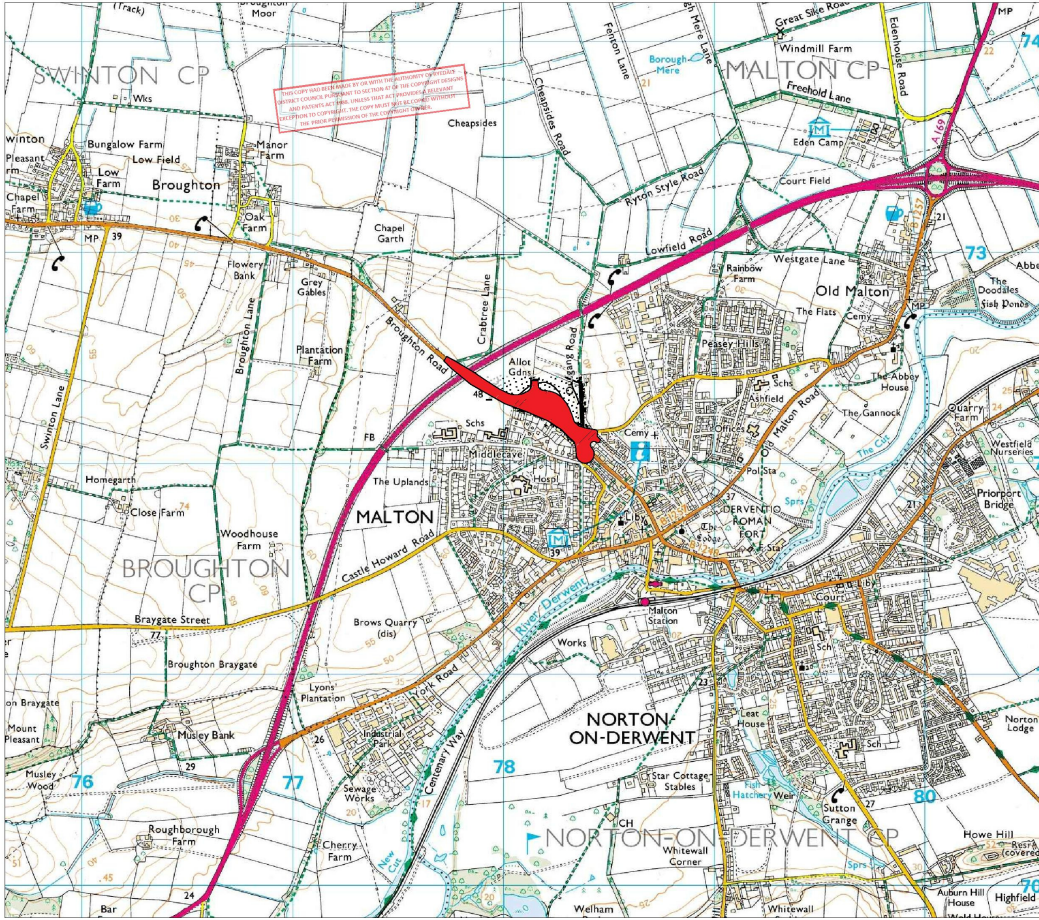
Approval subject to the following conditions.

RECOMMENDATION: Approval

- 1 The precise re-wording of highway conditions will follow, on receipt of the formal comments of the Highway Authority.

Background Papers:

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




THIS COPY HAS BEEN MADE BY OUR TERMS AND CONDITIONS WHICH STATE: 'UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING ALL DIMENSIONS ON SITE AND REPORTING ANY DISCREPANCIES TO MORGAN TUCKER.'

Copyright © Morgan Tucker
DO NOT SCALE. USE FIGURED DIMENSIONS ONLY. CHECK ON SITE AND REPORT ALL DISCREPANCIES TO MORGAN TUCKER.

Notes:
Broughton Road, Malton,
North Yorkshire
YO17 7BP
Approximate grid location
x: 478272.6253
y: 472220.9209



 Location of carriageway alterations

Rev	Amendment	Date	By

MTmorgan tucker
consulting engineers
65 Northgate, Newark, Nottinghamshire, NG24 1HD
Tel: 01636 610 766 Fax: 01636 610 786
E-Mail: info@morgantucker.co.uk
www.morgantucker.co.uk

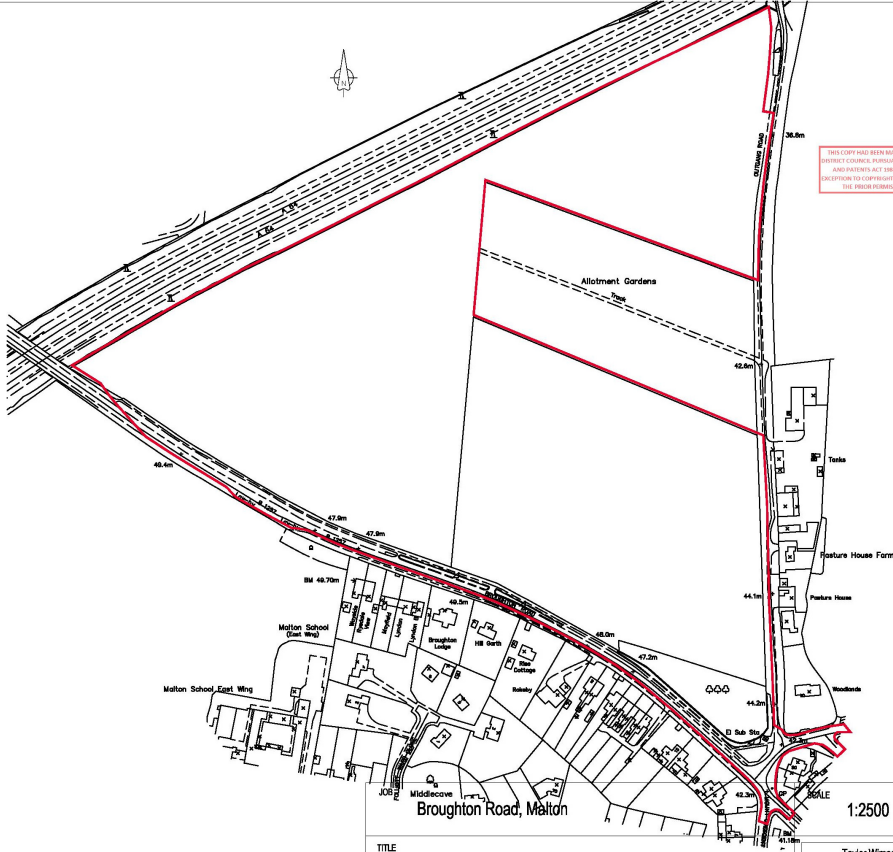
Client: Taylor Wimpey

Project Title: Land off Broughton Road
Malton
North Yorkshire

Drawing Title: Site Location Plan
DATE VALID
23/12/15

Drawn By: TJM Checked By: MLC Approved By: SJH
Date: July 2011 Scale @ A3: 1:15000

Purpose: Information
Drawing Number: JN1125-NWK-1001 Rev: P1



THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF HYNDALD DISTRICT COUNCIL. PLANNING TO SECTION 47 OF THE COPYRIGHT DESIGN AND PATENTS ACT 1988 (AS AMENDED) THAT PROVIDES A REMEDY IN RESPECT OF INFRINGEMENT OF COPYRIGHT. THE COPY MUST NOT BE COPIED WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER.

Broughton Road, Malton
1:2500

DRAWN	KM	CHKD	-
DATE	17.12.15	DATE	-

TITLE
Location Plan

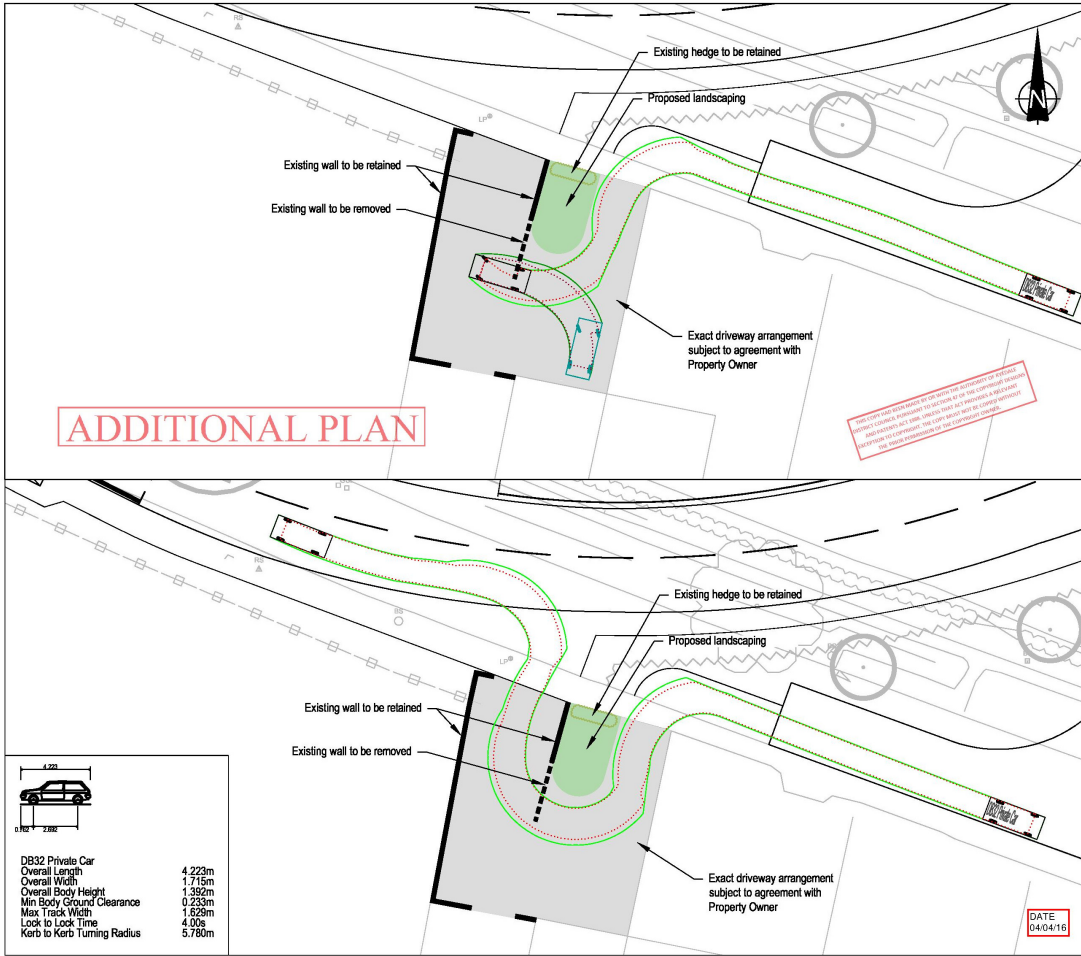
DATE VALID
23.12.15

Taylor Wimpey North Yorkshire
Lockhead Court, Preston Farm Ind Est.
Stockton On Tees, TS18 3SH.
Telephone 01642 626200
Fax: 01642 626204



DRAWING NO. 15010

REV	DATE	DESCRIPTION	BY



Copyright © Morgan Tucker
 DO NOT SCALE. USE FIGURED DIMENSIONS ONLY.
 CHECK ON SITE AND REPORT ALL DISCREPANCIES TO MORGAN TUCKER.

- Notes:
1. If this drawing has been received electronically it is the recipient's responsibility to print the document to the correct scale.
 2. This drawing should be read in conjunction with all other relevant drawings and specifications. Should there be any conflict between the details indicated on this drawing and those indicated on other drawings Morgan Tucker should be informed PRIOR to construction on site.
 3. All dimensions are in meters unless otherwise stated.
 4. Until technical approval has been obtained from the relevant authority, it should be understood that all drawings issued are preliminary and not for construction.
 5. OS data is reproduced by permission of Ordnance Survey on behalf of HMSO © Crown Copyright 2016. All rights reserved. Ordnance survey licence number 100046211.

Rev	Assessment	Date	By
P2	Drawing amended to include proposed driveway layout	01/04/16	HH

MT morgan tucker
 consulting engineers

65 Northgate, Newark, Nottinghamshire, NG24 1HD
 Tel:- 01636 610 786 Fax:- 01636 610 786
 E-Mail:- info@morgantucker.co.uk
 www.morgantucker.co.uk

Client: Taylor Wimpey

Project Title: Developemnt off Broughton Road
 Malton
 North Yorkshire

Drawing Title: Car Swept Path Analysis
 Drawing amended

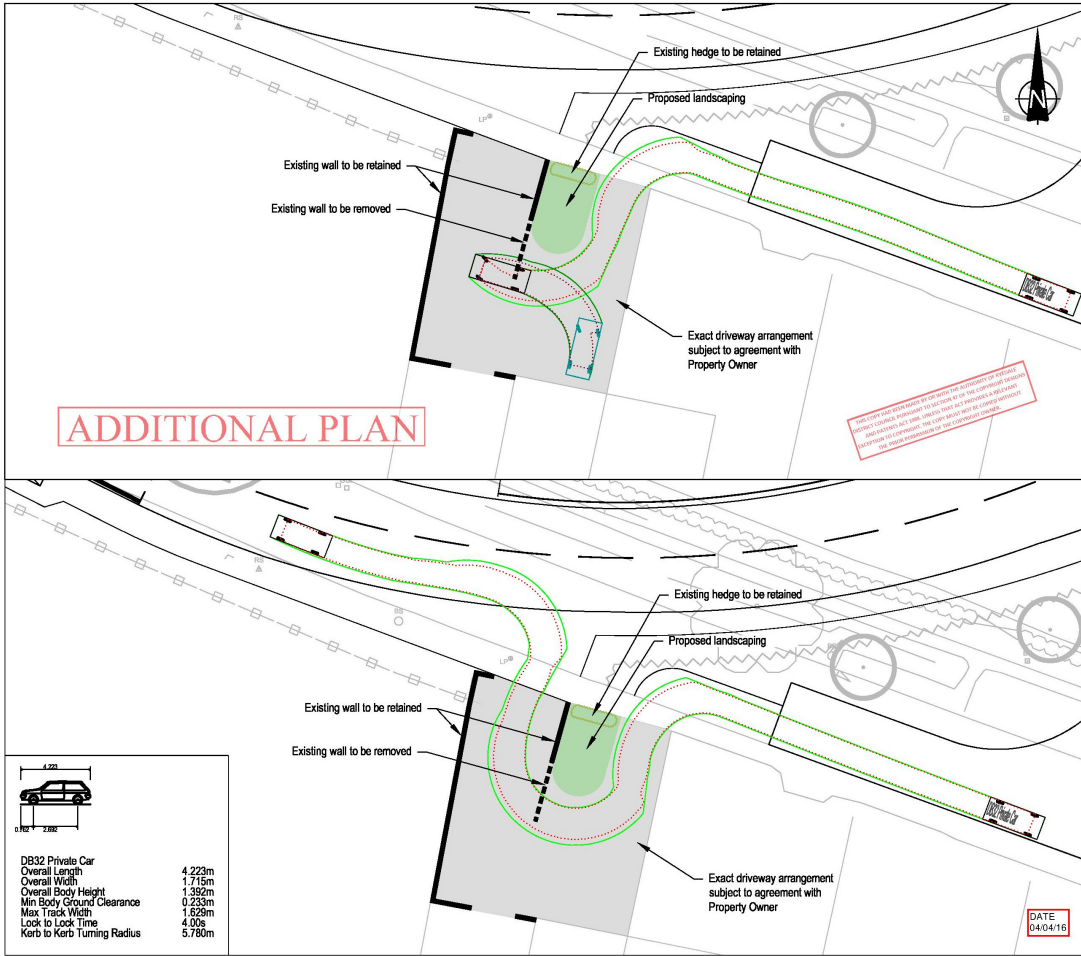
Drawn By: HH Checked By: SAH Approved By: SAH

Date: 15/03/2016 Scale @A3: 1:250

Purpose: Preliminary

Drawing Number: JN1125-NWK-SK1004 Rev: P2

DATE: 04/04/16



Copyright © Morgan Tucker
 DO NOT SCALE. USE FIGURED DIMENSIONS ONLY.
 CHECK ON SITE AND REPORT ALL DISCREPANCIES TO MORGAN TUCKER.

- Notes:
1. If this drawing has been received electronically it is the recipient's responsibility to print the document to the correct scale.
 2. This drawing should be read in conjunction with all other relevant drawings and specifications. Should there be any conflict between the details indicated on this drawing and those indicated on other drawings Morgan Tucker should be informed PRIOR to construction on site.
 3. All dimensions are in meters unless otherwise stated.
 4. Until technical approval has been obtained from the relevant authority, it should be understood that all drawings issued are preliminary and not for construction.
 5. OS data is reproduced by permission of Ordnance Survey on behalf of HMSO © Crown Copyright 2016. All rights reserved. Ordnance survey licence number 100046211.

Rev	Amendment	Date	By
P2	Drawing amended to include proposed driveway layout	01/04/16	HH

MT morgan tucker
 consulting engineers

65 Northgate, Newark, Nottinghamshire, NG24 1HD
 Tel:- 01636 610 786 Fax:- 01636 610 786
 E-Mail:- info@morgantucker.co.uk
 www.morgantucker.co.uk

Client: Taylor Wimpey

Project Title: Developemnt off Broughton Road
 Malton
 North Yorkshire

Drawing Title: Car Swept Path Analysis
 Drawing amended

Drawn By: HH Checked By: SAH Approved By: SAH

Date: 15/03/2016 Scale @A3: 1:250

Purpose: Preliminary
 Drawing Number: JN1125-NWK-SK1004 Rev: P2

Agenda Item 9

Item Number: 9
Application No: 15/01522/73AM
Parish: Malton Town Council
Appn. Type: Major Non Compliance Conditions
Applicant: Taylor Wimpey (North Yorkshire) Ltd
Proposal: Variation of Conditions 04 and 08 of approval 11/01182/MREM dated 26.10.2012 by submission of amended and additional plans in relation to landscaping
Location: Land North Of Broughton Road Malton North Yorkshire

Registration Date: 24 December 2015 **8/13 Week Expiry Date:** 24 March 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

NY Highways & Transportation Tree & Landscape Officer	No views received to date
NY Highways & Transportation Parish Council	No views received to date
Tree & Landscape Officer Parish Council	No views received to date
Tree & Landscape Officer Parish Council	Satisfied - comments made
Parish Council	No views received to date

Neighbour responses: Mr William Caldwell, Tania Harris,

Overall Expiry Date: 16 March 2016

Introduction

See earlier report for 15/01517/73AM. Amended plans are awaited to address access concerns relating to application 15/01517/73AM. Recommendation Approval subject to the receipt of satisfactory amended plans and subject to the following conditions.

RECOMMENDATION: Approval

- 1 Unless otherwise agreed in writing prior to the occupation of any dwellings hereby approved, post construction noise monitoring shall take place at Plot 1 as shown on plan no. Y81:817/03AC. If the noise monitoring identifies noise levels that fail to comply with the submitted noise modelling, details of further mitigation to attenuate noise to all sensitive properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, no properties upon Plots 2 - 4 (inclusive) and 40 - 62 (inclusive) shall be occupied until one of them has been subject to post construction noise monitoring that demonstrates compliance with the submitted noise modelling.

Reason:- In the interests of residential amenity, and to satisfy the requirements of the National Planning Policy Framework.

- 2 The play area shown on drawing no. 2202/21 shall be completed in accordance with the submitted details prior to the occupation of 50% of the dwellings hereby approved, unless an extension has first been agreed in writing by the Local Planning Authority.

Reason:- To ensure delivery of the play area, and to satisfy the requirements of the National Planning Policy Framework and Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 3 A phasing plan for the delivery of all the landscaping and earth mounding shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any construction work on site. Thereafter, all landscaping shall be carried out in accordance with the agreed phasing.

Reason:- In the interests of maintaining the character of the area, and to satisfy the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 4 Unless an alternative scheme has first been agreed in writing by the Local Planning Authority, the landscaping shall be carried out in complete accordance with drawing nos. 2202/12 rev W, 2202/13 rev W, 2202/14 rev W, 2202/15 rev W, 2202/16 rev W, 2202/17 rev W, 2202/18 rev G, 2202/22 and 2202/23A.

Reason:- In the interests of the visual amenity, and to satisfy the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy

- 5 Unless any alternative materials are first agreed in writing by the Local Planning Authority, the development hereby approved shall be carried out in accordance with the materials detailed on drawing no. Y81:817/06G and on the itemised plot schedule.

Reason:- In the interests of maintaining the character of the area, and to satisfy the requirements of Section 7 of the National Planning Policy Framework and Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of such works on site, the method of planting the trees adjacent to Plots 83, 84, 86 and 87 shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- By virtue of the restricted area available for tree planting, and to satisfy the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 7 Notwithstanding the details shown on drawing no. 2202/18C and prior to the commencement of such works on site, precise details of all hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

Drawing No. Y81:817.03AC - Proposed Site Layout;
Drawing No. Y81:817.04AC - Proposed Site Layout;
Drawing No. Y81:817.05AC - Proposed Site Layout;
Drawing No. Y81:817.06G - Provisional Materials Layout;
Drawing No. Y81:817.7 - Lindisfarne (TSS) - Plans;
Drawing No. Y81:817.8 - Lindisfarne (TSS) - Elevations;
Drawing No. Y81:817.9 - Lindisfarne (TSS) - Elevations ;
Drawing No. Y81:817.10 - Flat over garage - Plans and Elevations;;
Drawing No. Y81:817.11 - Flatford - Plans and Elevations;
Drawing No. Y81:817.12 - Gosford - Plans and Elevations;
Drawing No. Y81:817.13 - Halliford - Plans and Elevations;
Drawing No. Y81:817.14 - Portland - Plans;
Drawing No. Y81:817.15 - Portland - Elevations;
Drawing No. Y81:817.16 - Tildale - Plans;

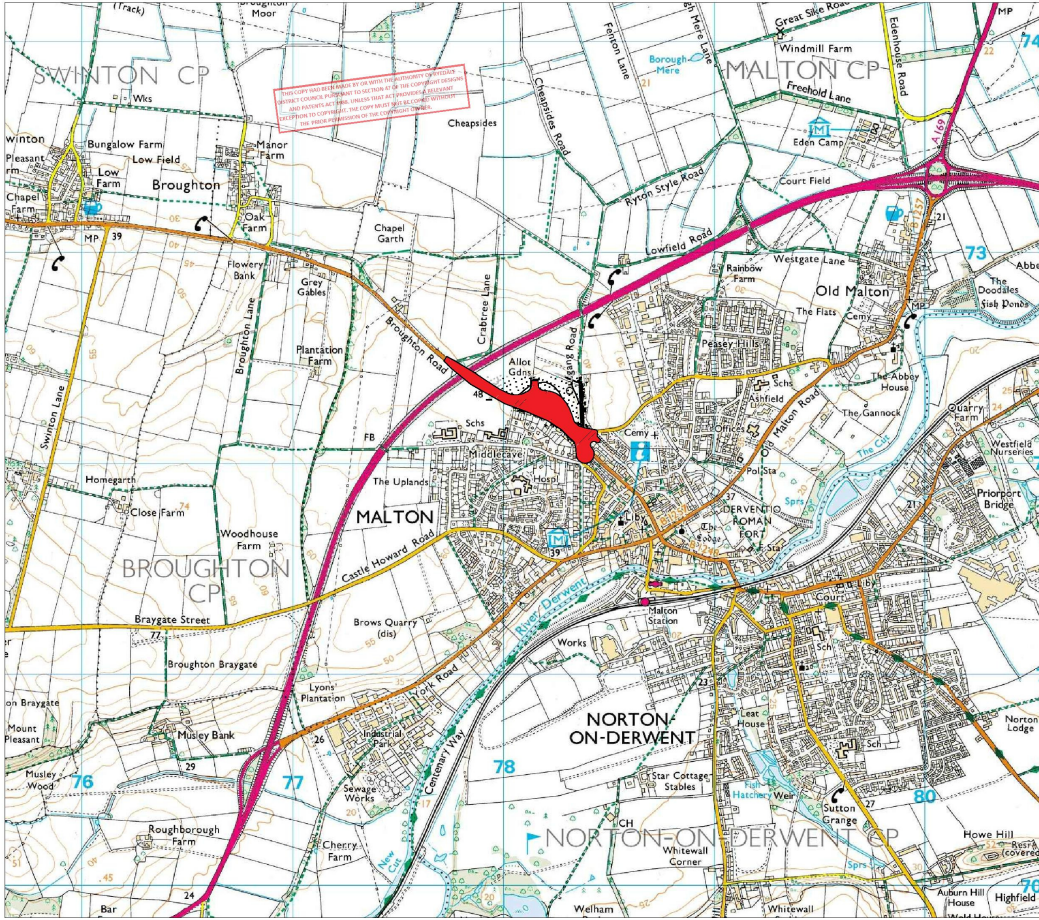
Drawing No. Y81:817.17 - Tildale - Elevations;
 Drawing No. Y81:817.18 - Tildale Special - Plans;
 Drawing No. Y81:817.19 - Tildale Special - Elevations;
 Drawing No. Y81:817.20 - Rowan - Plans;
 Drawing No. Y81:817.21 - Rowan - Elevations;
 Drawing No. Y81:817.22 - Rowan - Elevations;
 Drawing No. Y81:817.23 - Bradenham - Plans;
 Drawing No. Y81:817.24 - Bradenham - Elevations;
 Drawing No. Y81:817.27 - Midford - Plans;
 Drawing No. Y81:817.28 - Midford - Elevations;
 Drawing No. Y81:817.29 - Arlington - Plans;
 Drawing No. Y81:817.30 - Arlington - Elevations;
 Drawing No. Y81:817.31 - Arlington Special - Plans;
 Drawing No. Y81:817.32 - Arlington Special - Elevations;
 Drawing No. Y81:817.33 - Downham - Plans;
 Drawing No. PB35/06/PL2A
 Drawing No. PB35/6/PL1
 Drawing No. PB41/5/PL2 Rev A - Easton
 Drawing No. Y81:817.34 - Downham - Elevations;
 Drawing No. Y81:817.35 - Chillingham - Plans;
 Drawing No. Y81:817.36 - Chillingham - Elevations;
 Drawing No. Y81:817.37 - Easton - Plans;
 Drawing No. Y81:817.38 - Easton - Elevations;
 Drawing No. Y81:817.39 - Hadleigh - Plans;
 Drawing No. Y81:817.40 - Hadleigh - Elevations;
 Drawing No. Y81:817.41 - Hadleigh Special - Plans;
 Drawing No. Y81:817.42 - Hadleigh Special - Elevations;
 Drawing No. Y81:817.43 - Eynsham - Plans;
 Drawing No. Y81:817.44 - Eynsham - Elevations;
 Drawing No. Y81:817.45 - Lindisfame - Plans;
 Drawing No. Y81:817.46 - Lindisfame - Elevations, Brick;
 Drawing No. Y81:817.47 - Lindisfame - Elevations, Render;
 Drawing No. Y81:817.48 - Whitchurch - Plans;
 Drawing No. Y81:817.49 - Whitchurch - Elevations;
 Drawing No. Y81:817.50 - Lavenham - Plans;
 Drawing No. Y81:817.51 - Lavenham - Elevations;
 Drawing No. Y81:817.52 - Barden - Plans and Elevations;
 Drawing No. Y81:817.54 - Aydon - Plans and Elevations;
 Drawing No. Y81:817.55 - Garage (sheet 1) - Plans and Elevations;
 Drawing No. Y81:817.56 - Garage (sheet 2) - Plans and Elevations;
 Drawing No. Y81:817.57 - Garage (sheet 3) - Plans and Elevations;
 Drawing No. Y81:817.58 - Enclosures;
 Drawing No. Y81:817.60D - Block Plans and Elevations - Sheet 1 of 15;
 Drawing No. Y81:817.61D - Block Plans and Elevations - Sheet 2 of 15;
 Drawing No. Y81:817.62D - Block Plans and Elevations - Sheet 3 of 15;
 Drawing No. Y81:817.63D - Block Plans and Elevations - Sheet 4 of 15;
 Drawing No. Y81:817.64D - Block Plans and Elevations - Sheet 5 of 15;
 Drawing No. Y81:817.65E - Block Plans and Elevations - Sheet 6 of 15;
 Drawing No. Y81:817.66D - Block Plans and Elevations - Sheet 7 of 15;
 Drawing No. Y81:817.67D - Block Plans and Elevations - Sheet 8 of 15;
 Drawing No. Y81:817.68D - Block Plans and Elevations - Sheet 9 of 15;
 Drawing No. Y81:817.69D - Block Plans and Elevations - Sheet 10 of 15;
 Drawing No. Y81:817.70D - Block Plans and Elevations - Sheet 11 of 15;
 Drawing No. Y81:817.71D - Block Plans and Elevations - Sheet 12 of 15;
 Drawing No. Y81:817.72D - Block Plans and Elevations - Sheet 13 of 15;

Drawing No. Y81:817.73C - Block Plans and Elevations - Sheet 14 of 15;
Drawing No. Y81:817.74B - Block Plans and Elevations - Sheet 15 of 15;
Drawing No. Y81:817.90G - Streetscapes AA, BB, CC - Sheet 1 of 4;
Drawing No. Y81:817.91F - Streetscapes DD, EE, FF - Sheet 2 of 4;
Drawing No. Y81:817.92G - Streetscapes GG, HH - Sheet 3 of 4;
Drawing No. Y81:817.93E - Streetscapes JJ - Sheet 4 of 4;
Drawing No. Y81:817.100C - Broughton Road Streetscape - Coloured;
Drawing No. Y81:817.101 - Outgang Lane Sections;
Drawing No. Y81:817.102 - Local Context and Character;
Drawing No. Y81:817.110 - Eaves Detail - Sheet 1 of 4;
Drawing No. Y81:817.111 - Eaves Detail - Sheet 2 of 4;
Drawing No. Y81:817.112 - Eaves Detail - Sheet 3 of 4;
Drawing No. Y81:817.113 - Eaves Detail - Sheet 4 of 4;
Drawing No. Y81:817.114 - Garage Eaves Detail - Sheet 4 of 4;
Drawing No. Y81:817.115 - Bay Window Detail;
Drawing No. 2202/12 rev W - Detailed Landscape Proposals (1 of 6);
Drawing No. 2202/13 rev W - Detailed Landscape Proposals (2 of 6);
Drawing No. 2202/14 rev W - Detailed Landscape Proposals (3 of 6);
Drawing No. 2202/15 rev W - Detailed Landscape Proposals (4 of 6);
Drawing No. 2202/16 rev W - Detailed Landscape Proposals (5 of 6);
Drawing No. 2202/17 rev W - Detailed Landscape Proposals (6 of 6);
Drawing No. 2202/18 rev G - POS Detailed Landscape Proposals;
Drawing No. 2202/21 - Play area;
Drawing No. 2202/22 rev A - Post Construction Details; and Plot Schedule
Drawing No 2202/23 Rev D Wall elevations
Drawing No 172:ABO Allotment Boundary Overlay
Arboricultural Method Statement
Plan Location of highway wall and trees to be removed

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




THIS COPY HAS BEEN MADE BY OUR TERMS AND CONDITIONS WHICH STATE THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY SERVICE. THE INFORMATION CONTAINED HEREIN IS SUBJECT TO CHANGE WITHOUT NOTICE AND WE ACCEPT NO LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY RELIANCE ON THIS INFORMATION.

Copyright © Morgan Tucker
DO NOT SCALE. USE FIGURED DIMENSIONS ONLY. CHECK ON SITE AND REPORT ALL DISCREPANCIES TO MORGAN TUCKER.

Notes:
Broughton Road, Malton,
North Yorkshire
YO17 7BP
Approximate grid location
x: 478272.6253
y: 472220.9209



 Location of carriageway alterations

Rev	Amendment	Date	By

MTmorgan tucker
consulting engineers
65 Northgate, Newark, Nottinghamshire, NG24 1HD
Tel: 01636 610 766 Fax: 01636 610 786
E-Mail: info@morgantucker.co.uk
www.morgantucker.co.uk

Client: Taylor Wimpey

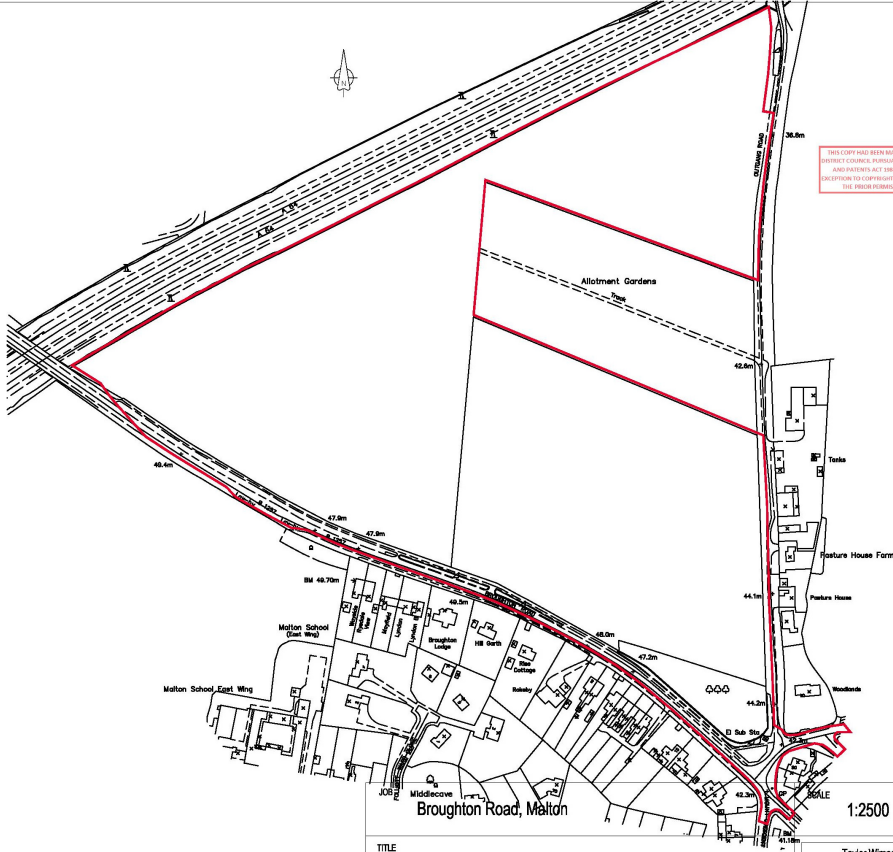
Project Title: Land off Broughton Road
Malton
North Yorkshire

Drawing Title: Site Location Plan
DATE VALID
23/12/15

Drawn By: TJM Checked By: MLC Approved By: SJH

Date: July 2011 Scale @ A3: 1:15000

Purpose: Information
Drawing Number: JN1125-NWK-1001 Rev: P1



REV	DATE	DESCRIPTION	BY

TITLE
Location Plan

DATE VALID
23/12/15

1:2500

Taylor Wimpey North Yorkshire
Lockhead Court, Preston Farm Ind Est.
Stockton On Tees, TS18 3SH.
Telephone 01642 626200
Fax: 01642 626204

DRAWN	KM	CHKD
DATE		DATE
17.12.15		

DRAWN
 CHECKED
 DATE
 BY

Agenda Item 10

Item Number: 10
Application No: 15/01156/MOUT
Parish: Kirkbymoorside Town Council
Appn. Type: Outline Application Major
Applicant: Ms V Greetham
Proposal: The erection of 16 no. 3 bed semi-detached dwellings, 3 no. 1 bed apartments and 1 no. 1 bed duplex apartment with associated access and parking areas together with the realignment of the existing road.
Location: North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

Registration Date:
8/13 Wk Expiry Date: 22 April 2016
Overall Expiry Date: 17 March 2016
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Environmental Health Officer	Potential issues previously raised are worse
Land Use Planning	Conditions to be attached if permission granted
Historic England	No wish to comment in detail - observations made
Countryside Officer	Comments made
Flood Risk (Stuart Edwards)	Objection
Tree & Landscape Officer	Comments made
Archaeology Section	No objection
Parish Council	Support - comments made
Highways North Yorkshire	Recommend conditions
Environmental Health Officer	Object
Historic England	Do not wish to offer any comments
Sustainable Places Team (Yorkshire Area)	No objections - recommendations made
Archaeology Section	No known archaeological constraint
Flood Risk (Stuart Edwards)	Additional comments made and previous comments still apply
Highways North Yorkshire	Await amended documents before making a formal recommendation
Parish Council	Concerns regarding flooding
Public Rights Of Way	Recommend Informative
Land Use Planning	The comments and conditions letter dated 4 November 2015, are still relevant for the proposed development.
Environmental Health Officer	Object
Housing Services	Comments received
Neighbour responses:	Mr John Wright, Mike And Andrea Cooper, Mr John Barrett, Mr Paul Birchall, Mr James Holt, Mr Paul Birchall, Mr And Mrs Malcolm Dowson, Mr Brian Bancroft, Liz & Paul Banks, M J & G G Bowsher,

SITE:

This site is located towards the northern end of Kirkbymoorside, and at the northern end of Manor Vale Lane. Manor Vale Lane runs through the application site and becomes a single track road which provides vehicular access to the Kirkbymoorside Golf Club which lies to the north of the application site.

The application site was previously used as North Yorkshire County Council offices associated with the Kirkbymoorside Area Highways depot operations. The site comprises a former quarry. Various buildings and structures occupy the eastern part of the site which lie beneath a cliff face. These buildings consist of offices, stores and garaging, whilst to the north of the buildings is a hard-surfaced car park. At present that site is derelict, and with the exception of the roadway, it has security fencing around its inner sides.

The western boundary of the site also comprises a cliff face. To the south and west of the application site, are two community halls, one of which is used as a Scout Hut and the second of which is a Band Headquarters. The Band Hall has recently been granted planning permission to extend onto the site occupied by the Scout Hut to create a Concert Hall.

Residential development is located on top of the cliff to the west of the application site. To the north-east is further residential development. To the south, various dwellings are located on Manor Vale Lane. This comprises the approach to the site from the town.

The site lies immediately to the north of the Kirkbymoorside Conservation Area. Part of the site lies within the development limit for Kirkbymoorside. This consists of the buildings which lie immediately to the east of the Scout Hut and Band Hall. The rear boundary of the development limit coincides with the northern side of these buildings. The land to the north, which is outside the development limit, falls within the Area of High Landscape Value (Fringe of the North York Moors). An area designated as a Site of Importance for Nature Conservation and Ancient Woodland is located to the northern side.

An area to the north-east and immediately adjacent but outside the application site is designated as an Scheduled Ancient Monument (Neville Castle)

PROPOSAL:

This is an outline planning application which seeks approval for the proposed access, layout, scale and landscaping to be considered. External Appearance is a Reserved Matter.

The application proposes 16no. 3 bed dwellings, 3 no. 1 bed apartment and a 1 bed duplex apartment together with the realignment of the highway and associated access and parking areas. All of the dwellings are in the form of frontage development which runs along the both the western and eastern sides of the site.

Six of the dwellings are also located within the development limit and ten are located outside the development limit and also within the AHLV. The 10 no. dwellings proposed beyond the development limit are proposed to be 'Rural Productivity' dwellings. There is no information as to what constitutes a 'rural productivity' dwelling.

The dwellings beyond the development limit are proposed on the western side of the newly aligned road with parking on the eastern side. The dwellings within the development limit feature the apartments on the southern side with 3 pairs of identical semi-detached properties to the north on the eastern side.

The 16no 3-bed semi-detached properties shall each measure 4.9m in width by 7.3m and 6.1m to eaves height and 9m to the ridge height. The dwellings are proposed to be finished in render and cedar cladding under a slate roof with timber windows and doors.

The building containing the 3no. 1-bed apartments and 1no 1-bed duplex apartment will have a footprint approximately measuring 13m by 9m at its largest and be 7.2m to the eaves height and 10.4m to the ridge height. The building is proposed to be finished in render, brick, and cedar cladding, under a slate roof with timber windows and doors.

The application is accompanied by the following reports:

- Planning Statement;
- Landscape and Visual Appraisal;
- Noise Assessment;
- Tree Survey;
- Asbestos removal survey;
- Archaeology assessment;
- Contaminated Land Report - Phase 2 report;
- Surface water drainage calculations;
- Design & Access Statement; and
- Ecology surveys.

These reports are able to be viewed on the Council's website.

HISTORY:

Recent planning history includes:

2014: Planning application for B1 and B8 use- dismissed on appeal.

2014: Change of use of office to a dwelling refused – dismissed on appeal.

2014: Two planning applications for residential development withdrawn.

2013: Demolition Consent granted to demolish the redundant buildings on the site.

2008: Planning permission refused for residential development on this site – dismissed on appeal.

POLICY:

National Policy

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance 2014 (NPPG)

Local Plan Strategy

Policy SP 1 – General Location of Development and Settlement Hierarchy

Policy SP 2- Delivery and Distribution of New Housing

Policy SP 3 – Affordable Housing

Policy SP 4 – Type and Mix of New Housing

Policy SP 11 – Community Facilities and Services

Policy SP 12 - Heritage

Policy SP 13 - Landscapes

Policy SP 14 - Biodiversity

Policy SP 16 - Design

Policy SP 17 – Managing Air Quality, Land and Water Resources

Policy SP 19 – Presumption in favour of sustainable development

Policy SP 20 – Generic Development Management Issues

Policy SP 22 – Planning Obligations, Developer Contributions and the Community Infrastructure Levy

APPRAISAL:

The main considerations in relation to this application are:-

- the principle of the proposed residential development both within and outside the Town's development limit;
- the siting, scale and design of the proposed scheme;
- whether the proposed dwellings will have a satisfactory level of residential amenity;
- The impact of the proposed development upon surrounding properties;
- Heritage impacts;
- Affordable housing provision;
- Ecology and protected species;
- Contaminated land and ground stability;
- Archaeology;
- Drainage;
- Flood risk;
- The impact upon trees
- The impact of the proposal upon the landscape designated as an Area of High Landscape Value;
- Contamination and ground stability; and,
- CIL.

This application was originally submitted as an Outline application with all matters reserved. The Local Planning Authority confirmed in accordance with **The Town & Country (General Development Procedure) Order 2015 Part 3 Section 5 (2)** that full details of the proposal were required. The applicant agreed to provide all the information with the exception of External Appearance. In the circumstances the Local Planning Authority can withdraw the requirement for External Appearance to be considered at this stage. The scale, layout, access and landscaping details are considered to be sufficient to enable the proposed development to be properly considered at Outline stage. Following receipt of this information, the application was the subject of a full re-consultation with interested parties.

Members will be aware from the site history that planning permission was refused for residential development on this site and subsequently dismissed on appeal. A copy of that appeal decision and block plan showing the layout previously considered is appended for Members' information.

The earlier application that was dismissed on appeal because of the layout and suburban arrangement of dwellings; the potential for future residents to have significant amenity impacts from the band hall; the impact of the proposal upon the character and appearance of the area, the lack of information regarding ecology, and inadequate affordable housing provision.

This application is a 'Major' planning application and therefore has to be determined by the Planning Committee.

The principle of the proposed development

The proposed 6 no semi-detached properties and 4 no. flats at the southern part of the site are located within the development limits of Kirkbymoorside. In accordance with Policy SP2 it is considered that the development of the part of the application site within development limits can be regarded as 'infill' development and acceptable in principle.

The area beyond for a further 10 dwellings lies beyond the Kirkbymoorside development limit. That part of the site is therefore outside of the development limits of Kirkbymoorside. The principle of developing this site is therefore contrary to Policy SP2 of the Local Plan Strategy. However, as the Council has not finalised its housing allocations there is an opportunity to assess the site in terms of Policy SP19 and the presumption in favour of sustainable development which runs through both local and national planning policy. Kirkbymoorside is designated as a 'Local Service Centre' and an area identified for some growth over the plan period (2013 - 2028) of approximately 300 dwellings. One site has recently been granted for Outline approval for up to 225 dwellings. The Council is currently considering other sites in Kirkbymoorside for allocation through the Sites Document. It is also important to note that the Council currently has a 5.92 years of housing supply, and therefore is not under immediate need to approve residential development on non-allocated sites outside of development limits to meet its supply. The principle of residential development on this site is therefore not established. There may be some benefits of developing this brownfield site however, careful consideration of any harm identified in the appraisal below will also need to be weighed in the planning balance.

The siting, scale and design and materials of the proposed development

The Inspector in 2008 stated

'The appellant argues that the layout would 'break up' the development although in my view its suburban estate style layout would appear alien in its disused quarry setting, neither reflecting its industrial heritage nor enhancing its landscape setting.'

'.. I conclude that the proposal would be harmful to the character and appearance of the site, including both parts within Kirkbymoorside's defined development limits and parts of it within Kirkbymoorside's development limits and the parts within the AHLV'

Policy SP16 of the Local Plan Strategy states:

'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'*

In this case, 16 no. identical 3-bed semidetached properties are proposed. They are spaced in a regular pattern. The individual design of the properties is considered to be appropriate to the locality, and the render reflects other rendered properties in Kirkbymoorside. Equally the proposed materials are considered to be appropriate, although some use of clay pantiles would be preferred.

There is, however, concern at the form and layout of the proposed development and its relationship with the traditional vernacular of Kirkbymoorside, a historic Market Town. The traditional character of the settlement comprises mainly terraced properties at the back edge of the footpath in an 'organic' form, with variation in heights and materials. As compared to the proposed scheme, which comprises a very regular and regimented arrangement of dwellings which appears suburban in its form and layout. Furthermore, it is not considered that this form of development would successfully relate to the industrial heritage on this site, a point made by the Inspector in 2008.

In view of the above it is considered that the regular layout and form of dwellings as is not locally distinct or consistent with the objectives of SP16 of the Local Plan Strategy.

Whether the proposed development will have a satisfactory level of residential amenity

Policy SP20 of the Local Plan Strategy states:

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'

There are concerns in respect of the following issues:

- The potential for noise and disturbance from the adjacent band hall
- The position of the cliff faces on the western and eastern sides measuring up to 10m above the site level proposed for the houses
- The existing trees on the top of the cliff faces

Kirkbymoorside Band Hall is located opposite the site, together with an existing scout hut. Planning permission (15/00644/FUL) was granted last year for an extension of the band hall onto the site of the scout hut to create a concert hall. The band hall is an important community and recreational facility that is afforded protection within the Local Plan Strategy.

Policy SP 11 of the Local Plan Strategy states:

'Existing local retail, community, cultural, leisure and recreational services and facilities that contribute to the vitality of the towns and villages and the well-being of local communities will be protected from loss/redevelopment unless it can be demonstrated that:

- there is no longer a need for the facility or suitable and accessible alternatives exist, or*
- that it is no longer economically viable to provide the facility, or*
- Proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision'*

There is an issue with the co-existence of housing adjacent to the band hall and the degree of noise that future occupiers will be subject to and whether this will create complaints for the band hall. As noted above in Policy SP20 the Local Planning Authority requires the highest standards of noise for new residential developments. A Noise Assessment has been submitted. The Environmental Health Officer has objected and considers the assessment to be inadequate. The EHO is particularly concerned at the inter-relationship of housing and the band hall. The Environmental Health Officer has stated:

'I have examined the proposals for the above planning scheme and the associated noise report. I have compared the 2016 noise report with DC1112-R1 (June 2013) with the report associated with this application DC1112 – R1v4 (January 2016), other than some slight amendments to the proposed mechanical ventilation and minor amendments to the to the internal noise levels in Charter 5.2, the acoustic reports remain the same. It is noted that the previous typographical error has been amended to state that the report excludes assessment of the behaviour of the band members. The proposals do not differ in any significant way to the previous proposals for residential development for this site. Planning permission has however subsequently been granted permission for the Band Room to have an extension for a concert hall, which is likely to increase the intensification of activities from this site and potentially make intrusion even worse.

As the proposals do not differ in any significant way, my attached comments relating to the previous proposals remain valid and I object to the application. Both British Standards, BS 8233 and BS4142, have been revised in 2014, but BS4142 for instance has now even more correction factors for intrusiveness of the noise.

If permission were to be granted, in relation to contaminated land I attach the relevant e mails regarding requirement relating to contaminated land. The e mail dated 30 June 2014, refers to Report Reference 2013-655 dated 11 April 2014, this should be replaced in the proposed condition in the third line by reference to the updated report (Report Reference 2013-655 dated 21 January 2015v2).'

Additional noise information has been submitted, however the Environmental Health Officer has maintained his objection.

It is considered that the existing trees on the outer cliff sides will not provide a satisfactory level of amenity for the proposed occupiers, by reducing daylight and creating an overdominating sense of enclosure to the rear of the proposed properties. The Tree and Landscape Officer has suggested that the trees be removed and appropriate planting be undertaken. This has the potential to address the concerns in this respect. However, the prominence of the steep outer cliff sides will also be capable of having significant impacts upon the amenities of future occupiers.

The scheme has been designed with properties having a minimum of 10m from the rear elevation to the cliff faces for the 10no dwellings proposed beyond the development limits. This is not ideal. The proposed gardens will be dark areas at certain times of the day with a significant loss of sun light. There is even greater concern at the limited nature of the gardens and their proximity to the outer sides of the quarry for the proposed plots within the development limits.

As submitted however the layout and arrangement of dwellings is considered to be detrimental to the amenities of the future occupiers of the proposed dwellings.

The impact of the proposed development upon the amenity of the adjoining neighbours

The proposed residential properties themselves are not considered likely to be prejudicial to the amenities of surrounding properties, by virtue of the separation distances to those properties on Manor Vale and by virtue of the levels changes to those properties on higher land to the eastern and western sides of the site.

Impact upon the setting of Heritage assets

Kirkbymoorside Conservation Area boundary lies to the south of the application site. The Scheduled Ancient Monument of the former Neville Castle is to the north eastern side. There are also 7 grade 2 listed buildings in the locality. High Hall and Low Hall to the eastern and south eastern side (and accessed via Castlegate) and No. 10,12,14,18, and 20 Dale End.

There is not considered to be an adverse effect upon the setting of these nearby listed buildings given the levels and separation distances. Notwithstanding the above concerns regarding the form, design and layout of the proposed development, the character and appearance of the Conservation Area and views from the Conservation Area looking north along the road are considered to be preserved.

Heritage England do not object to the setting of the Scheduled Ancient Monument. It is not considered that the proposed development will have an adverse effect upon the setting of the Scheduled Ancient Monument given the site's location on substantially lower ground.

Flooding and drainage

Both foul and surface water is proposed to be drained via the mains sewer.

Yorkshire Water has accepted that the site is not suitable for soakaways and confirmed that there is no watercourse locally to accept surface water, also stated in the Phase 2 report submitted regarding details of ground conditions. As a result Yorkshire Water has accepted that surface water can drain into the public sewer. They have stated that:

'On- site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.'

Yorkshire Water also recommends standard planning conditions in respect of drainage.

The agent has submitted calculations for this discharge rate including the 30% reduction required by Yorkshire Water.

NYCC's Flood Risk Officer has objected to the application and stated:

I note that since my last response calculations for surface water attenuation have been supplied. This states that existing runoff is based on 140l/s/ha; it is not clear where this figure comes from nor that it is obtained using recommended methods.

The report goes on to say that as there is a reduction in impermeable area that surface water attenuation is not required. This implies that the 1778m² reduction in impermeable area used in this calculation is 100% permeable and will not contribute to runoff. This is a flawed assumption and calculation, the 1778m² will generate runoff.

Whilst we accept that it can be demonstrated that surface water discharges by means of disposal to soakaway or watercourse is not practical, information is not presented to demonstrate preliminary detail of suitable surface water management proposals.'

In view of this, there is considered to be inadequate information submitted in respect of surface water flood risk. Moreover, without a suitable surface water drainage scheme, there is the possibility of increasing the risk of flooding to existing and proposed properties.

The site is also located within an area at high risk of flooding from surface water on the Environment Agency Surface Water Flood Maps.

Para. 101 of NPPF states:

'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.'

and para. 103 of NPPF states:

'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.'*

The applicant has not been requested to undertake a Flood Risk Assessment, as the site is not above a hectare in area or located within Flood Zone 2 or 3. Instead it is located in Flood Zone 1, based on flooding mainly from Rivers and the Sea. However, it does lie within a high risk area for surface water flooding as identified on the Environment Agency surface flood water maps. Para. 101 and para. 103 of NPPF and Policy SP17 of the Local Plan do not exclude surface water flood risk from the sequential test. In this case, the site does flood and surface water comes from the higher land to the north down through the steps at Manor Vale Wood (eastern side) and across the application site. The water is then known to pool to the south of the site in Manor Vale.

To date the applicant has not been asked to produce a sequential test due to the other issues identified within this report. However, it is considered that there are other sites at Kirkbymoorside where new housing can be located in locations that do not flood and are therefore at a much lower risk of flooding. Therefore the Local Planning Authority does not consider that the application has passed the sequential test.

Archaeology

NYCC Heritage has no objection to the application.

Highway safety

The Highway Authority has responded and has questioned some of the proposed tree species within the highway as not being suitable. The Tree and Landscape Officer and the applicant's Landscape Consultant has commented on this. The final views of the Highway Authority are awaited. Members will be updated. NYCC High ways have not questioned other highway safety aspects of the scheme.

It is considered likely that there are no highway related objection to the proposal. Members will note that the road through the site is to be slightly realigned and moved eastwards in part. A turning head is also proposed on the eastern side, and the width of the road is a minimum of 5m with some parts at 6m. Members will appreciate that this represents an improvement to the current situation. The impact upon the junction of Manor Vale and Dale End will be considered by the Highway Authority, together with the lawful operations that previously operated from the site. Members will be appraised of the Highway Authority's final position in due course.

Affordable Housing

Policy SP3 of the Local Plan Strategy requires a contribution of 35% on-site affordable housing provision. This equates to 7 no. affordable units

The application proposes 3 no. 1 bed flats and 1 no. duplex apartments.

The Council's Housing Officer requires 7 units to be provided, 4 x 1 bed units and 3 x 1 bed units. The full response is appended to this report.

The provision of 4 on-site properties is a 20% contribution towards affordable housing and below the required 35% on-site contribution. No financial justification has been submitted to justify a reduced provision of affordable housing on site. The proposed affordable housing provision is therefore contrary to the requirements of adopted Policy SP3 of the Local Plan Strategy.

Mention is made within the submission about the 10 dwellings outside the development limit being 'Rural Productivity' dwellings. It is not clear what is meant by this term, and such units are not consistent with the adopted Development Plan. If the agents are referring to 'starter units', these too would not be consistent with the requirements of the development plan. Whilst changes have been consulted on nationally with regard to 'starter units' these changes have not been implemented and the Local Planning Authority has a duty to determine the application in accordance with the adopted Development Plan.

Contamination and ground stability issues

The Environmental Health Manager has provided a copy of the previous response to the Phase 2 report on this site which recommends a condition in respect of ground contamination and requires further detailed assessment of potential contaminants on the site. If this application is recommended for approval it is recommended that an appropriate condition in this respect be imposed.

There are caves on the site, and there are some reservations about ground stability for the construction of the proposed dwellings. However, the Local Planning Authority does not have any evidence with regard to ground stability issues on the site and there is no evidence to substantiate this as a reason for refusal. If the application is approved, a 'grampian' style pre-commencement condition could be considered to require the applicant to demonstrate the ground is stable and capable of accommodating the proposed development. In view of the above objections, however, this has not been requested from the applicant prior to the determination of this application. Moreover, if approved, the safe construction of the development in relation to ground conditions will be addressed in accordance with Building Regulations.

Ecology and the impact of the proposed development upon protected species and Manor Vale SINC

Ecological and Protected Species surveys have been undertaken. They have confirmed that there would not be a material adverse effect upon Manor Vale Woodland (SINC) to the north.

The Countryside Management Officer has no objection subject to conditions regarding mitigation, method statements, and enhancements described with the submitted reports. Furthermore, the Countryside Management Officer states:

' However, there is an issue with the Section 106 agreement which is proposed to deal with the long term problem of the small areas of ancient woodland habitat to East and West of the development site, particularly the western section which is perched right on top of the cliff. From the information included with the application it is not clear if the developers' ownership includes these areas of land. If they do not it would not be possible to enact a section 106 agreement. Before this application can be determined I recommend that this issue is resolved.'

The agent has been asked to confirm whether the land in question is within the both the red line and the applicant's ownership. Members will be updated at the meeting.

Trees and Landscape impact

A Landscape Assessment has concluded that there will be no significant harm upon the landscape as a result of the proposal. The Tree and Landscape Officer has considered the report and raises no objections. The appearance of the current site, is a tired disused former highway depot containing utilitarian structures and buildings. The scheme is considered to represent an opportunity to introduce development within this area that is capable of enhancing the current appearance of the site. Given that the proposed development is contained within the quarry sides the impact upon the Area of High Landscape Value is concentrated to within the immediate area. In this respect it is considered to be difficult to argue that the proposal will adversely affect the special scenic qualities of the Area of High Landscape Value.

The area has exposed, steep quarry sides with a hardstanding across the lower part of the site. The trees and planting on the rising and outer sides provide an attractive environment.

The Tree and Landscape Officer has previously stated that the trees on the outer sides should be removed for maintenance reasons and replaced with more appropriate species.

There is an outstanding issue regarding the proposed trees adjacent to the road. Additional information has been submitted and the Highway Authority are yet to confirm their agreement.

Other issues

The Town Council are concerned regarding surface water flooding and they have included pictures and videos of the flooding events in Manor Vale that occurred in the winter of 2015-2016. They have confirmed that they support the views expressed by local residents in respect of surface water flooding, access rights for band hall, and concerns regarding the proposed trees in front of the proposed band hall and scout hut.

There have been 9 letters of objection and 1 letter of support. The letter of support states that the site is untidy and an eyesore and would benefit from being re-developed, but does go on to question whether 20 dwellings is too many. Although it does acknowledge that the affordable housing provided would be important for the Town.

The issues raised in the objections relate to:

- the risk of surface water flooding;
- the trees on the outer sides of the quarry
- the narrow access width
- the impact of the proposal upon the setting of the Kirkbymoorside Conservation Area
- noise
- the inaccuracies with the Noise Assessment
- pedestrian safety
- the impact upon protected species
- the stability of the quarry face, from ground activities such as fracking;

- a supreme court ruling regarding a prescriptive right to create noise
- the issues being similar to those already dismissed on appeal;
- Housing Need in Kirkbymoorside
- Changes to rights of way over land to the band hall
- Maintenance of rock face, quarry top and branches;
- the amenity implications from the trees on the outer sides of the quarry
- That the Noise Assessment was outdated and does not take account of the band room extension 14/00644/FUL;
- Opinions on whether the noise relating to movements to and from the band hall and accurate details of its operations should be included within the assessment; and
- Comments from the band hall about why they occupy their site following planning decision 1975 to ensure that they were in a location that would not affect residential properties.

The issue of noise, surface water flooding, trees, the setting of the Kirkbymoorside Conservation Area, and pedestrian and highway safety have been addressed earlier in this report. The comments regarding the band hall's relocation to the site in 1975 are noted along with their concerns. The opinions regarding the accuracy and information included within the Noise Report is also noted. The Environmental Health Officer has also stated that the Noise Report is insufficient to justify the co-existence of both uses. The maintenance of the rock face, prescriptive rights, and rights of access referred to are civil issues and not material planning considerations. The comments about housing need are noted, but this is not considered to be a justified reason on its own not to object to the application. No evidence has been submitted to state that fracking activities (if approved) would cause stability issues for the cliff face.

Community Infrastructure Levy

Community Infrastructure Levy (CIL) is chargeable on this proposed development, (with the exception of affordable housing) at a rate of £85m2.

Conclusion:

In view of the harm identified in the appraisal above in relation to surface water flooding, affordable housing, drainage inadequacy, residential amenity impacts, and the character and form of the development, the recommendation is one of refusal. Furthermore, in view of the above harm and inconsistencies with planning policy the benefits of releasing part of the site that is outside of the development limits of Kirkbymoorside are not considered to be outweighed by the harm identified above.

RECOMMENDATION: Refusal

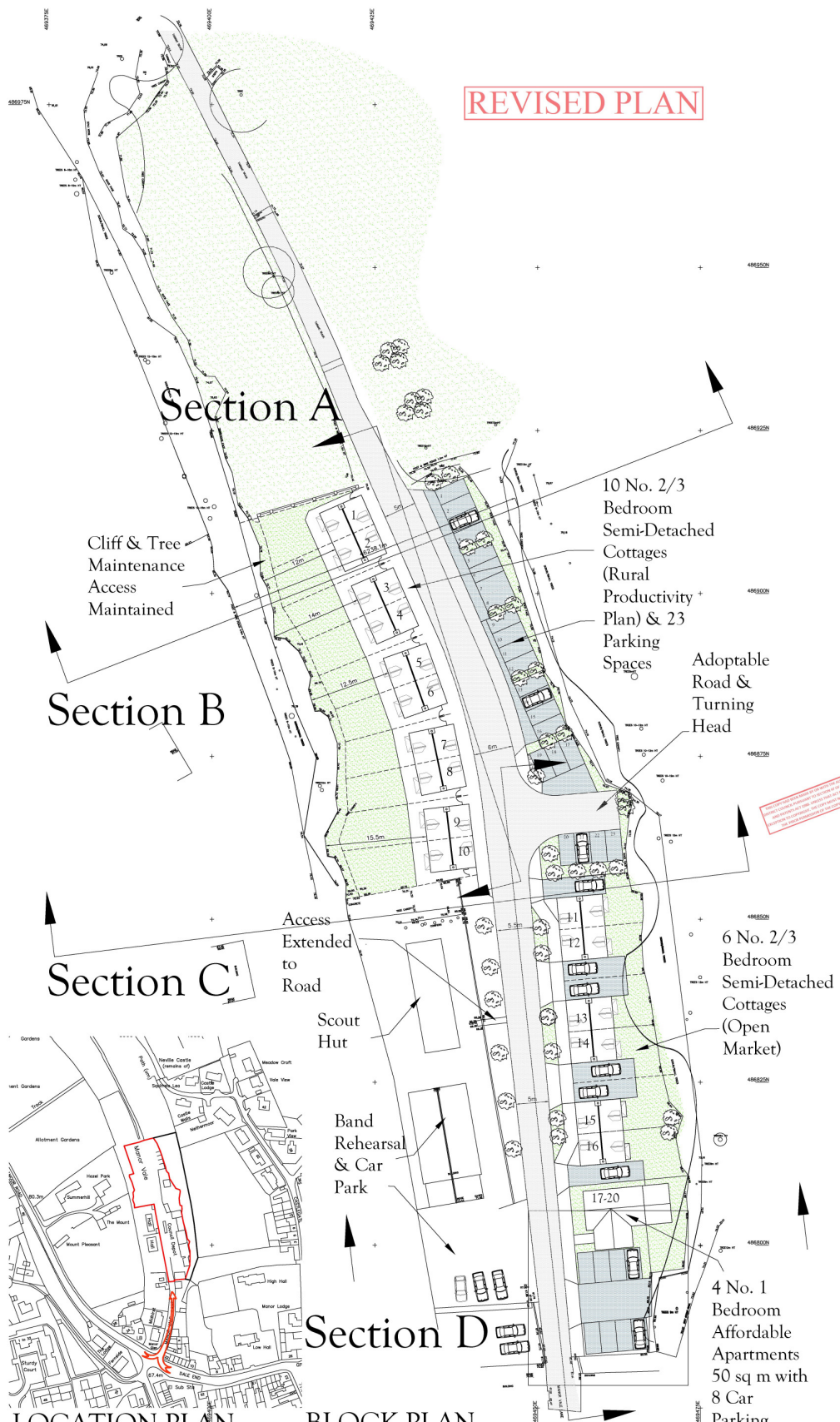
- 1 The proposed residential accommodation is located in very close proximity to the Kirkbymoorside band hall, (which has planning permission for an extension), and could create complaints regarding the operations of the band hall. The Band Hall is an important community facility and a use protected in accordance with Policy SP11 of the Local Plan Strategy. Insufficient information and mitigation measures have been provided to demonstrate that noise from the Band Room will not have an adverse effect upon the amenity of occupiers of the proposed residential accommodation and not be likely to generate complaints regarding the bands operations. The proposed development is thereby contrary to the requirements of Policy SP11 and Policy SP20 of the Local Plan Strategy.

- 2 Insufficient information has been submitted to demonstrate that surface water drainage can be attenuated and discharged at satisfactory rate. Furthermore, the site is located within an area identified as having a high risk of surface water flooding by the Environment Agency. Therefore, in the absence of satisfactory information in regard to a suitable surface water drainage scheme, the proposal could exacerbate the risk of surface water flooding to the existing properties, and the proposed properties in Manor Vale. As such the proposal is considered to be contrary to Policy SP 17 of the Local Plan Strategy and paras. 100 and 103 of NPPF.
- 3 The site is identified as having a high risk of flooding from surface water by the Environment Agency. In this case the site does not pass the sequential test in terms of flood risk and there are other sites in Kirkbymoorside where housing could be located which is at a lower risk of flooding. The approval of this application could also put the occupiers of the proposed dwellings at an unacceptable risk of flooding from surface water flooding. The proposed development will therefore be contrary to the requirements of Policy SP 17 of the Local Plan Strategy and paras 100 and 103 of NPPF.
- 4 The affordable housing provision proposed does not comply with the 35% on-site affordable housing requirements contained within Policy SP3 of the Local Plan Strategy. No justification has been submitted to justify a departure from the adopted policy level for affordable houses. The proposal is therefore contrary to the requirements of Policy SP 3 of the Ryedale Plan - Local Plan Strategy.
- 5 The proposed layout, form and design of the scheme is considered to be too regular in layout and is not locally distinctive. There scheme will also reduce views of the exposed cliff faces. As such the proposed development is considered to be contrary to the requirements of Policy SP 16 of the Local Plan Strategy.
- 6 The proposed residential development by virtue of its close proximity to the outer sides of the steep cliff faces, and the inter-relationship with the Band Hall is not considered to ensure a satisfactory level of residential amenities for future occupiers of the proposed dwellings and be contrary to the requirements of Policy SP 4 and SP 20 of the Ryedale Plan - Local Plan Strategy.
- 7 The application site includes land that is outside the development limits of Kirkbymoorside and the principle of residential development in such a location would be contrary to the requirements of the adopted development plan. Furthermore, in view of the significant harm identified above it is not considered to outweigh the benefits associated with developing this brownfield site. The proposal is therefore contrary to the requirements of Policy SP 2 of the Ryedale Plan - Local Plan Strategy.

Background Papers:

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

REVISED PLAN



NOTES	
LEVEL DATUM.....OS ORTHOMETRIC HTS	
KEY	
[Symbol]	FIRE HYDRANT
[Symbol]	BRITISH TELECOM MANHOLE
[Symbol]	ELECTRICITY INSPECTION COVER
[Symbol]	CABLE TV
[Symbol]	WATER STOP VALVE
[Symbol]	GAS VALVE
[Symbol]	ELECTRICITY POST/PYLON
[Symbol]	LIGHT
[Symbol]	TRAFFIC LIGHT
[Symbol]	ROAD SIGN
[Symbol]	TELEGRAPH POLE
[Symbol]	STAY WIRE
[Symbol]	ROAD GULLY
[Symbol]	KERB OUTLET
[Symbol]	DRAINAGE MANHOLE
[Symbol]	WASHOUT
[Symbol]	DRAIN/DIKE WATER LEVEL
[Symbol]	DRAIN/DIKE INVERT LEVEL
[Symbol]	TOP OF BANK
[Symbol]	BOTTOM OF BANK
[Symbol]	WALL
[Symbol]	CONCRETE
[Symbol]	TRACK
[Symbol]	BUILDING
[Symbol]	ROAD CHANNEL
[Symbol]	HEDGEROW
[Symbol]	TREE CANOPY
[Symbol]	FENCE

REVISIONS

01/12/2015 Rev A: Revised layout scheme

05/10/2015 Rev B: Revised layout scheme

SCHEDULE OF ACCOMMODATION 20 UNITS	
TYPE 1 - PLOT 1-16	2. BEDROOM DETACHED COTTAGES
	83 m ² / 894 sq ft per unit
	1,328 m ² / 14,304 sq ft
FLATS 17-20	3 No. 1 Bed proposed as affordable units
	49. m ² / 527 sq ft
	1 No. 1 Bed duplex unit
	19 m ² / 205 sq ft
	166 m ² / 1787 sq ft (4 units total)
AFFORDABLE HOUSING PROVISION 35%	
	1,494 m ² / 16,081 sq ft
TOTAL ACCOMMODATION AREA	
	0.40 ha TOTAL SITE AREA

The Planning & Design Partnership

PLANNING ARCHITECTURE INTERIORS LANDSCAPE

The Chivery Barn Studios,
The Old Brickyards, Moor Lane, Stamford Bridge,
York, The East Riding of Yorkshire, YO11 1HU.

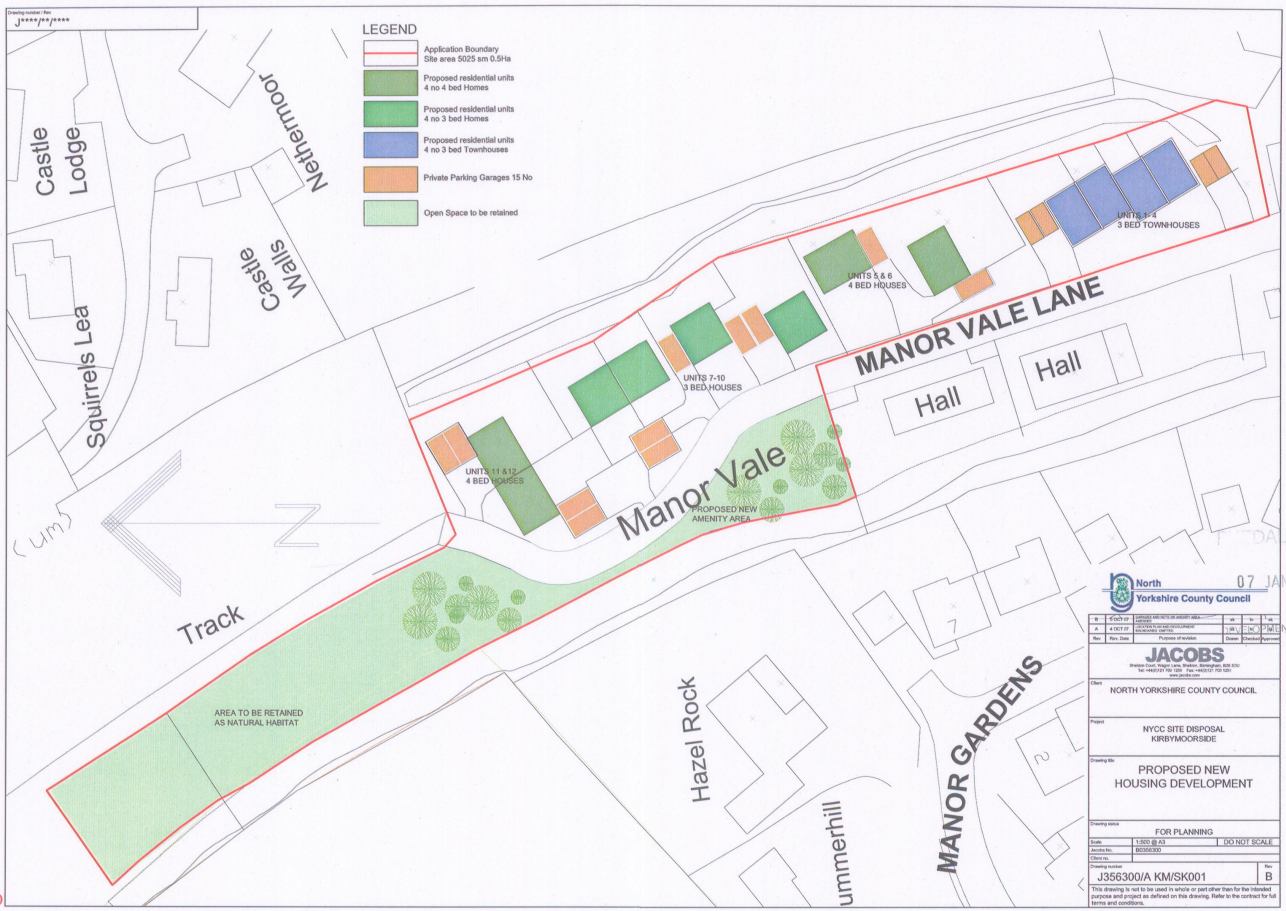
Telephone 01759 373606 Fax 01759 371810
E:mail:chivery.barn@tdp.co.uk
web:www.tdp.co.uk

Client:	Ms V. Grestham
Project:	Former Council Depot Manor Vale Lane, Kirbymoorside
Drawn:	Existing Location Plan Proposed Block Plan & Typical Section
Date:	Dec. 2013
Scale:	1:200 @ A0
Status:	PLANNING
Drawn By:	VGR/093/03/09

LOCATION PLAN
Scale 1:1250

BLOCK PLAN
Scale 1:200

Section E



THIS COPY HAS BEEN MADE BY THE OWNER. THE COUNCIL OF THE COUNTY OF WEST YORKSHIRE COUNCIL IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE COUNCIL OF THE COUNTY OF WEST YORKSHIRE COUNCIL. THE COUNCIL OF THE COUNTY OF WEST YORKSHIRE COUNCIL IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.



- LEGEND - SOFT LANDSCAPE**
- Proposed extra heavy standard trees, 16-18m girth. Rooted/contoured. Double shot stake stained black.
 - T1 Large standard trees.
 - T2 Medium standard trees.
 - T3 Small standard trees.
- Proposed grass seed-sodded areas.
- LEGEND - SURFACE**
- Permeable surfacing to be to adoptable standards.
 - Parking base to consist of Mowbray Tarmac paving 100, 100 and 240 x 1000 tiles in weather bond Colour Pearl Grey. Topping and bedding to be formed with 240 x 100 x 60 Tarmac units, colour Brindle.
 - Concrete pedestrian paving to consist of Mowbray Tarmac paving 450x450x50 in interlocking bond colour Natural.
 - Dimensional stripings, laid onto geoblocks, and type 1 sub-base.
- LEGEND - Boundaries**
- Proposed Estate Type Railings 1.2m high, to be horizontal bar.
 - Black, stainless powder coated GU10 metal grey.
 - Proposed close boarded timber screen fencing 1.8m high.

PLANTING NOTES:
 Existing areas of hardstanding to form soft landscape areas to be excavated and removed to a minimum depth of 300mm with the resultant surfacing broken up to allow free drainage. Topsoil should generally be a minimum of 300mm depth over soft areas and graded to fall. Imported topsoil to be to BS5832:2007. Trees to be planted in pits 900x900x750mm with bottom 150 to consist of drainage layer of clean stone or gravel and backfilled with lightly consolidated topsoil incorporating 8% planting compost. Trees to have a double shot stake retained block.
 Males: Immediately following planting of trees, a 900mm dia area at base of tree to be mulched with 100mm depth pulverised bark.
 All planting areas are to be monitored seasonally free of weed growth and free with all dead, dying and otherwise defective plant material to be replaced prior to final handover, with this exercise to be repeated for the following four years.

PDP Ltd. Landscape architecture, urban design.
 Popeshead Court Offices, Peter Lane, York, North Yorkshire, YO1 8SU.
 Tel: 01752 165365. email: info@pdp.co.uk
 www.pdplandscapeandurbandesign.co.uk

Client
 Ms V. Greatham.

Project
 Residential development, former Council Depot site, Manor Vale Drive, Kirbymoorside.

Drawing Title
 Landscape proposals

Scale
 1:200 @ Ao

Date
 Nov 4th, 2015

Drawn by
 CD

Job No.
 MVD

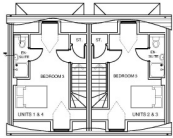
Drawing No.
 MVD L1.

Rev.
 Rev.

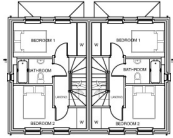
BLOCK PLAN SHOWING LANDSCAPE PROPOSALS
 Scale 1:200

DATE 22/01/16

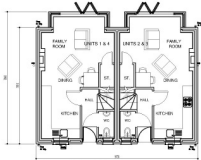
Elevations 1:100



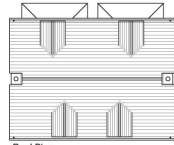
Second Floor Plan
Floor Area Per Unit: 23.99 m² / 258 sq. ft.



First Floor Plan
Floor Area Per Unit: 28.05 m² / 302 sq. ft.



Ground Floor Plan
Floor Area Per Unit: 31.03m² / 334 sq. ft.
Total Floor Plan Area Units 1 - 16
Floor Area Per Unit: 63.07m² / 684 sq. ft.

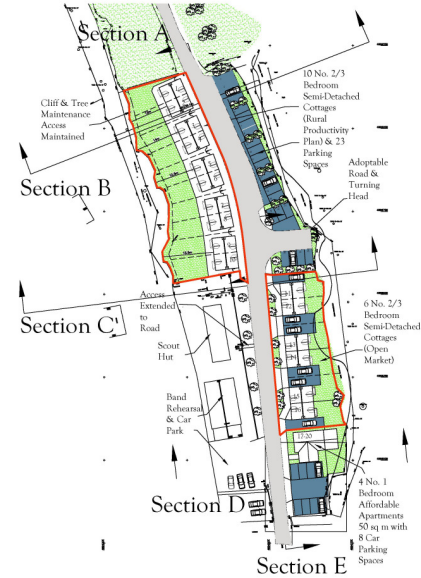


Roof Plan

ADDITIONAL PLAN

Additional notes regarding the plan, including references to the Planning and Design Partnership and the Chicky Barn Studios.

Site Block Plans 1:500



The Planning & Design Partnership
PLANNING ARCHITECTURE INTERIORS LANDSCAPE
The Chicky Barn Studios,
The Old Brickworks, Moor Lane, Stamford Bridge,
York, The East Riding Of Yorkshire, YO41 1HU.
Telephone: 01759 373656 Fax: 01759 371810
E-mail: chickybarn@the-pdp.co.uk
website: www.the-pdp.co.uk

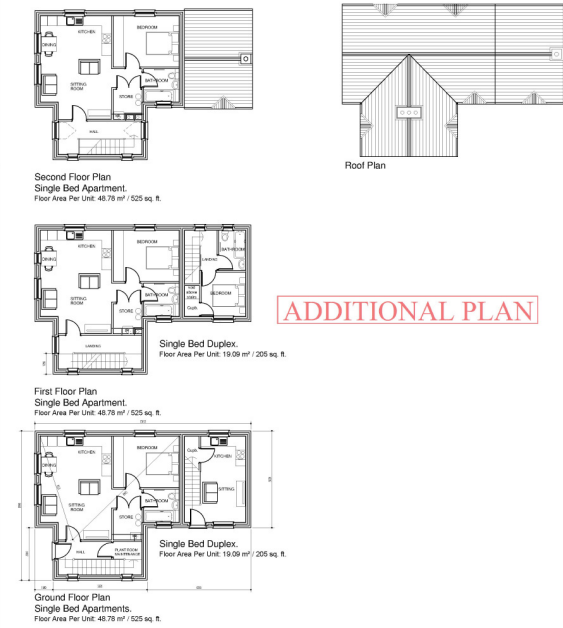
Client	Ms. V Grestham	
Project	Former Council Depot, Manor Vale Lane, Kirbymoorside	
Drawing	Proposed Dwellings 1 to 16	
Date	December 2015	Drawn PAQR
Scale	1:100 @ A1	Rev
Status	PLANNING	
Draw No.	VGR/093/03/12	

Floor Plans 1:100

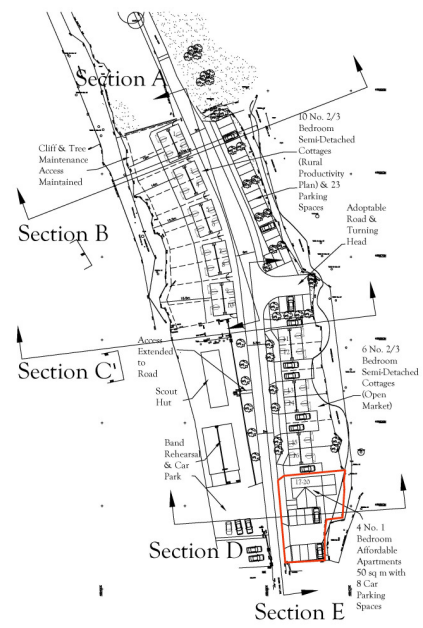
Elevations 1:100



Plans 1:100



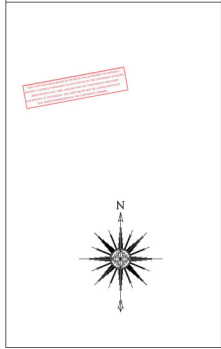
Site Plan 1:100



PLANNING NOTES
 This plan has been prepared for the planning application. All dimensions for the building are given in millimetres. The building shall be constructed in accordance with the Building Regulations. The building shall be constructed in accordance with the Building Regulations. The building shall be constructed in accordance with the Building Regulations.

NOTICE TO BE OBSERVED BY BUILDERS
 There is a caveat for the building and it is intended to be used for the purpose of a residential building. The building shall be constructed in accordance with the Building Regulations. The building shall be constructed in accordance with the Building Regulations.

THE PLANNING ACT 1990
 The building shall be constructed in accordance with the Building Regulations. The building shall be constructed in accordance with the Building Regulations. The building shall be constructed in accordance with the Building Regulations.



The Planning & Design Partnership
 PLANNING, ARCHITECTURE, INTERIOR LANDSCAPE
 The Chichester Studio,
 The Old Brickyard, Moor Lane, Stamford Bridge,
 York, The East Riding Of Yorkshire, YO41 1HU.
 Telephone 01759 373656 Fax 01759 373810
 E-mail: chichester@the-pdp.co.uk
 Website: www.the-pdp.co.uk

Client	Ms. V Greetham		
Project	Former Council Depot, Manor Vale Lane, Kirbymoorside		
Drawing	Proposed Apartments 17 - 20		
Date	December 2015	Drawn	PAQR
Scale	1:100 @ A1	Rev	
Status	PLANNING		
Drawn By	VGR/03/13/13		

ADDITIONAL PLAN



Elevation A Street elevation looking West showing dwellings in context of cliffs.

SECTION A



SECTION B



SECTION C



SECTION D



Elevation D Street elevation looking East showing context of cliff and proposed adjacent dwellings.

SECTION E

PLANNING NOTES

1. The Planning & Design Partnership (P&D) has prepared this plan for the proposed development. It is subject to the approval of the Local Planning Authority (LPA) and the relevant statutory bodies. The LPA may require additional information or modifications to the plan before it can be approved.

2. The plan is based on the information provided by the client and the P&D. It is not a guarantee of the accuracy or completeness of the information. The P&D is not responsible for any errors or omissions in the plan.

3. The plan is a preliminary plan and is subject to change. It is not a final plan and should not be used for any other purpose without the written consent of the P&D.

4. The plan is a confidential document and should not be disclosed to any other person without the written consent of the P&D.

5. The plan is a copyright work and is protected by copyright law. It is not to be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the P&D.

6. The plan is a professional document and is prepared in accordance with the standards of the Planning & Design Partnership. It is not to be used for any other purpose without the written consent of the P&D.

7. The plan is a professional document and is prepared in accordance with the standards of the Planning & Design Partnership. It is not to be used for any other purpose without the written consent of the P&D.

8. The plan is a professional document and is prepared in accordance with the standards of the Planning & Design Partnership. It is not to be used for any other purpose without the written consent of the P&D.

9. The plan is a professional document and is prepared in accordance with the standards of the Planning & Design Partnership. It is not to be used for any other purpose without the written consent of the P&D.

10. The plan is a professional document and is prepared in accordance with the standards of the Planning & Design Partnership. It is not to be used for any other purpose without the written consent of the P&D.

The Planning & Design Partnership
 PLANNING ARCHITECTURE INTERIORS LANDSCAPE
 The Chicosory Barn Studios,
 The Old Brickyards, Moor Lane, Stamford Bridge,
 York, The East Riding Of Yorkshire, YO11 1HU.
 Telephone 01759 373656 Fax 01759 371810
 E-mail chicosory@the-pdp.co.uk
 website: www.the-pdp.co.uk

Client	Ms. V Greetham	
Project	Former Council Depot, Manor Vale Lane, Kirbymoorside	
Drawing	Street Elevations and Sections	
Date	December 2015	Drawn PAQR
Scale	1:100 @ A1	Rev.
Status	PLANNING	
Draw No.	VGR/093/03/14	

PDP

The Planning & Design Partnership Planning.. Architecture.. Interiors.. Landscape

The Chicory Barn Studio, The Old Brickyards, Moot Lane, Stamford Bridge
York, The East Riding Of Yorkshire, YO41 1HU.
Telephone 01759 373656 Fax 01759 371810 e-mail: chicorybarn@the-pdp.co.uk

DESIGN, ACCESS & SUSTAINABILITY STATEMENT, DAYLIGHT, SUNSHINE & PRIVACY ASSESSMENT.

PROPOSED OUTLINE RESIDENTIAL DEVELOPMENT
OF 20 No. DWELLINGS AT FORMER COUNCIL DEPOT
MANOR VALE LANE, KIRKBYMOORSIDE YO62 6EG

11 December 2013 - Rev A Oct 2015



VIEW OF EXISTING SITE FROM THE SOUTH ON MANOR VALE LANE

CONTENTS

- 1 INTRODUCTION
- 2 THE PROPOSALS
- 3 PLANNING POLICY CONTEXT
- 4 HIGHWAYS
- 5 DRAINAGE
- 6 DAYLIGHT, SUNLIGHT AND PRIVACY
- 7 FLOOD RISK ASSESSMENT
- 8 SUSTAINABILITY
- 9 DESIGNING OUT CRIME
- 10 NOISE IMPACT
- 11 CONCLUSIONS

1. INTRODUCTION

This design statement is prepared generally in accordance with the requirements set out by DCLG Circular 01/2006 – Section 3. The appraisal will follow some of the process advocated by the CABI Guide to good practice.

This is an outline planning application with all matters reserved for a small housing development in the town of Kirkbymoorside. The site is located on the Northern edge of the town, accessed from Manor Vale Lane, & is currently occupied by a brownfield redundant NYCC highways depot buildings of little architectural merit with permission for demolition. The aim is to re-develop providing an appropriate residential use for the site to provide badly need starter homes & affordable units.

The road dissects the site from south to north & narrows to a single track access road to the local golf club. The site is bounded along its longitudinal sides by stone cliffs formed by historic quarrying which support substantial mature trees. The trees & general fauna have been surveyed by an arboriculturist & the report is included in this application.



AERIAL VIEW OF EXISTING SITE

As can be seen from the aerial view, a modern residential development is located on the top of the cliff to the west of the site with open space to the eastern boundary. To the southwest of the site are two community halls, one of which is a Scout Hut & the second being the Headquarters of Kirkbymoorside Town Band.

Kirkbymoorside is a small market town in the Ryedale district of North Yorkshire and lies approximately 33 miles North of York & 25 miles West of Scarborough on the edge of the North York Moors National Park. It has a population of approximately 3,000.

The site lies partly within the Development Limit as shown on the Ryedale Local Plan Inset Plan for Kirkbymoorside (Fig 2). The application site is approximately 0.38Ha which gives a housing density of approx 52 dwellings per hectare with a 20 unit layout.

2. THE PROPOSALS

The application is for a mix of housing types from affordable 1 bedroom flats to 2/3 bed roomed semi-detached family & starter cottages. Each dwelling includes appropriate amenity & parking spaces. The properties have been designed & sited taking note of the local distinctiveness with landscaping potential to the fronts & larger gardens to the rear. The car parking has been sited nearer the cliff face or between dwellings in order to reduce their visual impact on the street scene. The layout attempts to retain a sense of openness allowing views of the cliffs as one traverses the site with Manor Vale Lane realigned on a curve to enhance the general layout.

The dwellings have been sited away from the cliffs to ensure more than adequate sun & daylight enter the windows of the properties from above the tree canopy. The detailing on the application properties has been designed to be sympathetic with the traditional style of the Market Town. The northern area of the site which is outside the development limits continues a row of cottages & parking utilising & ensuring a transitional open area before accessing the single track road into the Manor Vale valley. These 10 house would be offered under the Rural Productivity Plan.



VIEW OF COTTAGES ON MANOR VALE LANE

Reference has been made to the Kirkbymoorside Conservation Area Appraisal document as the site is adjacent Area 3. The housing is to be built in part stone to main facades and part brick to reflect the more characterful cottage designs found at the entrance of Manor Vale Lane, with pantile roofs & timber sliding sash windows. Please refer to additional documentation submitted entitled 'Landscape & Visual Impact Assessment' & 'Supporting Planning Statement'.

3. PLANNING POLICY CONTEXT

See 'Planning Supporting Statement' by Yew Tree Associates.

4. HIGHWAYS

The principal vehicular access to the site is from Dale End then along Manor Vale Lane. Each dwelling includes designated parking areas for the dwellings. The lane is essentially a dead end currently but a regularised carriageway width is provided on the site with pedestrian areas & a turning head proposed. At the site entrance the footpath narrows a rumble strip could be provided to slow vehicular traffic movement.

Due to existing boundary & building positions at the approach to the site there is currently no footpath. Discussions need to be held with NYCC highways department to improve the pedestrian access along Manor Vale Lane & regularise the carriageway, which would not only be an improvement for the proposed housing but a significant enhancement for current residents & walkers. There are also issues with visibility at the junction of Dale End due to the position of existing buildings, which can only be resolved with NYCC input & agreement.

5. DRAINAGE

A separate Foul & Surface Water drainage system will be installed within the plot for the development proposals, with the systems connecting into the public sewers which exists in Manor Vale Lane. This will be subject to the guidance & exact attenuation requirements of Yorkshire Water & the Environment Agency.

In order to manage & ensure that localised surface water runoff is not increased, the use of an underground water storage chamber with a hydro brake flow control is proposed & will be installed in accordance with Flood Risk Engineer recommendations to provide an effective and sustainable solution.

6. DAYLIGHT, SUNLIGHT AND PRIVACY

National guidance on assessing new development proposals is set out in the Building Research Establishment Report "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" by P J Littlefair (1991). Local plan policies generally protect residential amenity & ensure that adjacent development does not result in unreasonable loss of light, overlooking or overshadowing.

Good design ensures buildings which in their design & form & positioning are compatible with the character of the surroundings, which will not result in an unreasonable loss of privacy or natural light to neighbouring properties & are not detrimental to neighbourhood amenity.

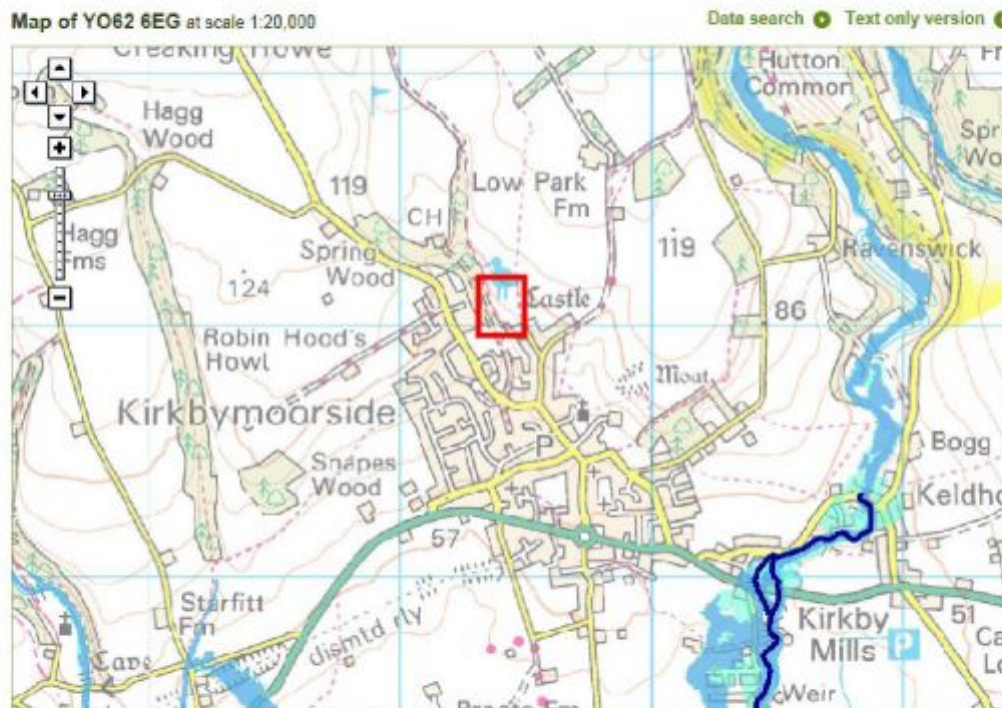
Dual aspect units have been provided for both the detached houses & the flats to improve the quality of daylight & sunlight experienced within the dwellings. The houses & flats to the east & west of Manor Vale Lane have been sited to achieve average garden lengths & distances from the variable cliff face heights.

The existing mature landscape & distances involved within the site helps mitigate any significant overshadowing & privacy issues that may occur from the neighbouring gardens on the western cliff top.

Site planning should ensure that there is sufficient area of sky visible to give good interior light with windows of a reasonable size to the proposed dwellings and the dwellings that may be affected. This is determined by distances and angles of the proposed face to face/rear relationships of the buildings with the 25 degree and 45 degree method for angled relationships but not side to side gable relationships. The site proposal addresses these requirements in their current form.

7. FLOOD RISK

The flood risk map provided by the Environment Agency indicates that the site is in an area described as low risk at extreme flood lying in flood zone 1 and does not require a flood risk assessment.



EXTRACT OF KIRKBYMOORSIDE FLOOD ZONE MAP

8. SUSTAINABILITY

The dwellings will comply with current building regulations & will be efficient in terms of thermal insulation & energy consumption which assists in minimising the carbon footprint. Construction materials & components wherever possible will be selected with regard to life cycle costing impact, the amount of energy embodied within & with a view to re-cycle ability. Reclaimed & recycled materials will also be used & sourced locally wherever possible to benefit the local economy & community. The scheme design aims to create a living environment, which will enhance the health & well being of both its residents & the surrounding community.

The houses will benefit from thermally efficient heating systems & it is intended to supplement the domestic hot water with solar panels included within the design. NB these have not been indicated on the accompanying drawings as they will be sized and designed by specialist installer. They will be located on the south facing roof pitches where ever possible. The use of these Zero Carbon Technologies is intended to reduce the demand on fossil fuels. Existing mains services will be extended as necessary to serve the proposed dwellings.

9. DESIGNING OUT CRIME

The proposed dwellings are arranged to provide close supervision of the shared access road, the parking spaces & the private gardens. The provision of distinct borders with well defined public and private spaces discourage antisocial behaviour & reduce the risk of crime. The development is intended to encourage a community feel & promote a 'crime-watch' conscious neighbourhood.

10. NOISE POLLUTION

See 'Noise Impact Assessment' by Dragonfly Acoustics, it is noted that possible acoustic improvements can be agreed for the development of the adjacent band hall & the proposed dwellings to successfully co-exist

11. CONCLUSIONS

The site currently consists of redundant buildings & extensive concrete hard standing, petrol pumps & former waste transfer areas, confined between tree-topped cliff faces of a disused quarry. It is currently in a poor site of disuse & badly needs a solution to provide an attractive viable link between the town, Manor Vale Woods & the golf course.

The adjoining dwellings on the cliff top are predominantly modern development whilst the housing to the entrance of Manor Vale are of more characterful stone & brick cottage design with pantile roofs.

The proposed new dwellings are intended to reflect the latter housing to sit sympathetically & unobtrusively within this setting & the town boundary to provide

much sought after starter home & family accommodation in this rural location entirely in line with latest government policy.

We believe this design statement has set out a well-considered scheme & the principles behind the evolution of the design & with a pro-active approach a site with the perception of a variety of issues

The material planning considerations relevant to the determination of this application have been set out in relation to the national, regional & local plan policy as described in the Planning Supporting Statement by Yew Tree Associates.

We hope to have demonstrated that the broad principle of development on this site complies with these policies on many levels.

The applicant hopes that Ryedale District Council is able to support this planning application for the development of quality starter homes & family dwellings to provide appropriate residential development for the site.



LAND, PLANNING AND DEVELOPMENT CONSULTANTS

Supporting Planning Statement
For
Outline Application For Residential Development
at
The Former NYCC Highways Depot
Manor Vale Lane
Kirkbymoorside
North Yorkshire
YO62 6EG
for
Miss V Greetham

YEW TREE HOUSE · SOUTH BACK LANE (WEST) · TERRINGTON · YORK · YO60 6PX
T: 01653 648448 · M: 07540119062

W: www.yewtreeassociates.co.uk · E: mark.newby@yewtreeassociates.co.uk

YEW TREE ASSOCIATES: DIRECTOR – MARK NEWBY DIP. T. & R. P. M. R. T. P. I.
PARTNER: VALERIE NEWBY



Contents

- 1. Introduction**
- 2. Site Location and Description**
- 3. Recent Planning Site History**
- 4. The Proposal**
- 5. The Planning Policy Context**
- 6. Key Issues**
- 7. Other Material Considerations**
- 8. Conclusions**

1. Introduction

- 1.1 This statement provides support for an Outline Planning Application for the residential development with all matters reserved on land at the former NYCC Highways Depot, Manor Vale Lane, Kirkbymoorside, North Yorkshire.

2. Site Location and Description

- 2.1 The site is located to the either side of Manor Vale Lane to the north of Kirkbymoorside. (See Fig. 1 below). The land extends to some 0.38ha (0.939 acres) and comprises part of the former North Yorkshire County Council Highways Depot, together with the carriageway of Manor Vale which ultimately provides access to Kirkbymoorside Golf Club to the north.
- 2.2 The site comprises a former quarry with various now redundant buildings and structures consisting of the former offices, stores and garaging of the depot and hardstanding area used previously for storage, equipment and associated materials and lie beneath a cliff face on top of which are substantial mature trees.
- 2.3 The western boundary of the site is also formed by a cliff face on top of which are also substantial mature trees and to the south and west of the site are two community halls, one of which is a Scout Hut and the second being the Headquarters of Kirkbymoorside Town Band. Residential development is located on the top of the cliff to the west in addition to that to the north east and south beyond the remaining part of the depot.



3. Recent Planning Site History

- 3.1 The most recent planning history relates to an Outline Application for residential development which covered the whole of this site and that to the north, which was refused permission on 13th March 2008 and to a subsequent appeal of that decision which was determined on 19th August 2008.

To take each in turn:-

3.2 Outline Planning Application for Residential Development ref no 08/00019/OUT

This application was refused on 13th March 2008 for the following reasons:-

- 01 The proposed development would be contrary to Policy H7 of the Ryedale Local Plan, because part of the proposed development extends beyond the development limit as defined by the Ryedale Local Plan.*
- 02 The proposed layout of the houses and garages would not reflect local distinctiveness in terms of the relationship of the development to the street and would not maintain or enhance the character of the settlement. The proposal would not therefore satisfy Policy H7 (ii) of the Ryedale Local Plan.*
- 03 The proposed development does not take into account local housing need in terms of the type of dwellings proposed, or with regard to the type and tenure of affordable housing provision and therefore, the proposal would not comply with Policy H7 (vi) of the Ryedale Local Plan or the Affordable Housing Alteration.*
- 04 Insufficient information and mitigation measures have been provided to demonstrate that the issue of noise from the Band Room on future residents have been addressed. For this reason, the application would not satisfy PPG24 - Planning and Noise.*
- 05 Insufficient information has been provided to demonstrate that the proposals would not have an adverse impact on the ecology of the area, and that the proposal complies with PPS9 - Biodiversity and Geological Conservation.*
- 06 The proposed development would, by virtue of extending into the Area of High Landscape Value, consist of development which would detract from the character and appearance of the area and would have an adverse impact on the landscape. For this reason, the proposal would not comply with Policy ENV3 of the Ryedale Local Plan.*
- 07 The proposed development would be sited between an existing highway and former quarry face. The resultant proposal results in a development of poor residential amenity including overshadowing, overbearing impact and lack of sunlight, and is thereby contrary to the provisions of Policy 1-17 (v) of the Ryedale Local Plan.'*

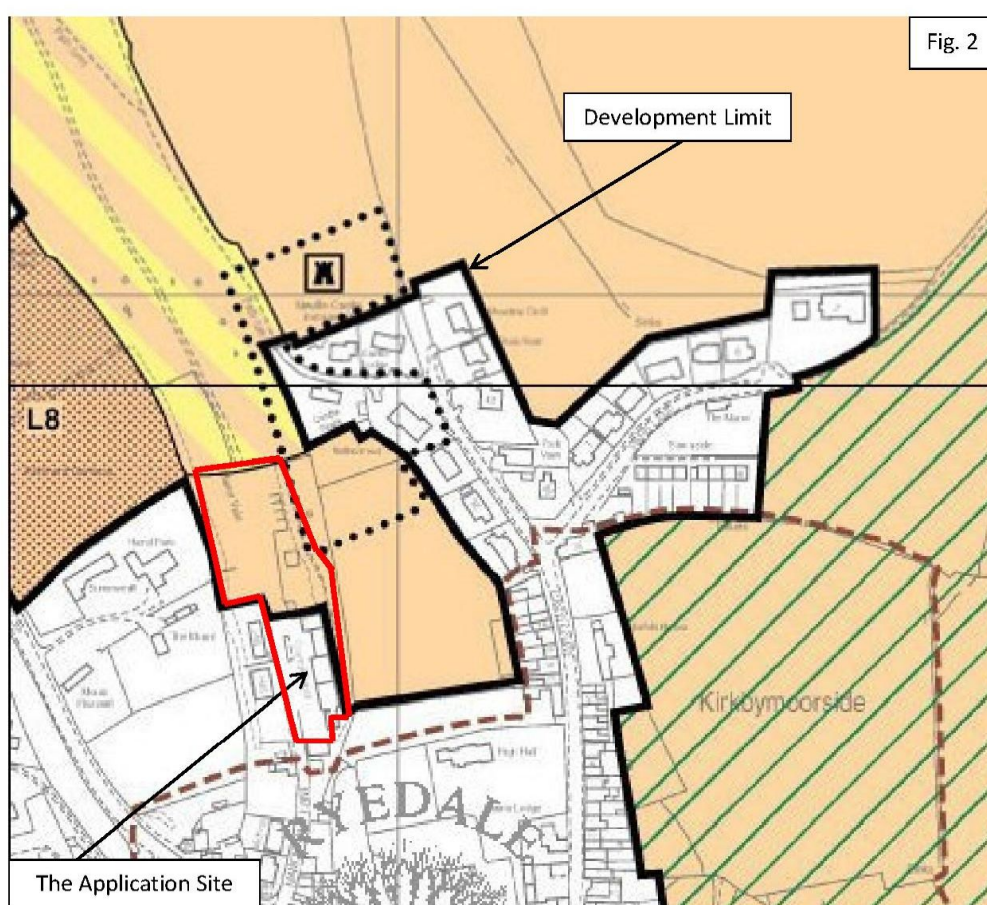
3.3 Appeal Decision Against a Refusal to Grant Outline Planning Permission for the Redevelopment of Existing Highways Depot to Residential Use. Ref. No. APP/Y2736/A/2072443.

This appeal was dismissed on 19th August 2000 by an Inspector appointed by the Secretary of State for Communities and Local Government who upheld the reasons for refusal of the above application.

- 3.4 A subsequent planning application was submitted under reference 14/00177/OUT was submitted, but this was subsequently withdrawn to address issues relating to the site. We will show however as part of our case for the development, that the issues can be resolved together with the above reasons for refusal.

4. The Proposal

- 4.1 The proposal is for residential development. An indicative layout for 20 dwellings is however submitted for information to show how the site edged red on Fig. 1 below could be developed. Access will be gained from the existing Manor Vale Lane which runs through the site.
- 4.2 The site lies partly outwith and partly within the Development Limit as shown on the Ryedale Local Plan Inset Plan for Kirkbymoorside (Fig 2).



5. The Planning Policy Context

- 5.1 The main issue in respect of the proposal is whether the principle of development is acceptable from a planning standpoint and to determine this we turn to the Planning Acts.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning

Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Ryedale District comprises the policies in The Ryedale Plan – Local Plan Strategy (adopted on 5th September 2013).

Its relevant policies are as follows:-

- 5.4 The Ryedale Plan – Local Plan Strategy 2013
 - Policy SP1- General Location of Development and Settlement Hierarchy
 - Policy SP2 - Delivery and Distribution of New Housing
 - Policy SP3 - Affordable Housing
 - Policy SP4 - Type and Mix of New Housing
 - Policy SP12 - Heritage
 - Policy SP13 – Landscapes
 - Policy SP16 - Design
 - Policy SP 17 - Managing Air Quality, Land and Water Resources
 - Policy SP19 - Presumption in Favour of Sustainable Development
 - Policy SP20 - Generic Development Management Issues
- 5.5 National Planning Policy Framework
 - 5.5.1 The relevant paragraphs and references are:
 - Paragraphs 11-16 Presumption in Favour of Sustainable Development Ministerial Forward
 - Paragraph 17 Core Principles
 - Paragraph 39 Promoting Sustainable Transporting
 - Paragraphs 47, 49, 50 Delivering a wide choice of High Quality Homes
 - Paragraphs 56, 60, 61 and 65 Requiring Good Design
 - Paragraphs 94 and 95 Meeting the Challenge of Climate Change, Flooding and Coastal Change
 - Paragraphs 109 - 125 Conserving and Enhancing the Natural Environment
 - Paragraph 159 Plan Making
 - Paragraphs 186, 187, 196 and 197 Decision-Taking
 - Paragraphs 210 - 216 (inclusive) Annex 1
- 6. Key Issues**
 - 6.1 Whilst the application is in Outline we ask that the following key issues are taken into account when assessing this proposal:-
 - 1. Sustainable Development
 - 2. Principle of Residential Development
 - 3. Siting, Scale, Design and Effect Upon the Character of the Area and Area of High Landscape Value
 - 4. Impact on the Residential Amenity of the Adjoining Neighbours
 - 5. Highway Safety
 - 6. Drainage and Flood Risk
 - 7. Affordable Housing
 - 8. Public Open Space
 - 9. Trees
 - 10. Impact on Nature Conservation and Protected Species.
 - 11. Archaeology
 - 12. Contamination

To take each in turn.

6.1.1 Sustainable Development

A number of references are made to the presumption in favour of sustainable development in the NPPF.

In the Ministerial Forward it states that:-

'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.'

and at Paragraph 14 states:-

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'.

For plan-making this means that:

●●local planning authorities should positively seek opportunities to meet the development needs of their area;

●●Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

—specific policies in this Framework indicate development should be restricted.⁹

(Our emphasis)

Footnote 9

For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

6.1.2 At paragraph 17 under the heading 'Core Planning Principles' the document sets out 12 planning principles of which the following is particularly relevant namely:-

'...proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area...'

(Our emphasis)

6.1.3 In addition, at paragraph 49 it states that:-

'49. Housing applications should be considered in the context of the presumption in favour of sustainable development...')

6.1.4 The document continues a paragraph 50:-

'50. 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 (such as, but not limited to, families with children, older people, people with disabilities,...)'

(Our emphasis)

6.1.5 Paragraph 50 is reinforced at paragraph 159 under the heading 'Plan Making – Housing' where it states:-

'159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

.....—addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and

—caters for housing demand and the scale of housing supply necessary to meet this demand;...'

(Our emphasis)

6.1.6 We find further support for the proposal at paragraph 187 which states:-

'187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

(Our emphasis)

6.1.7 and at paragraph 197 under the heading 'Determining applications we find further support as follows:-

'197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

(Our emphasis)

6.1.8 In The Ryedale Plan – Local Plan Strategy at Paragraph 1.2 of the Introduction to the plan states:-

'1.2 The purpose of the Ryedale Plan is to encourage new development and to manage future growth whilst ensuring that change across the District is based on a presumption in favour of sustainable development.

(Our emphasis)

and at Policy SP1 - General Location of Development and Settlement Hierarchy it states:-

'SP1 General Location of Development and Settlement Hierarchy

Ryedale's future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of the following hierarchy of settlements:

Principal Town - Primary Focus for Growth

· Malton and Norton (including Old Malton)*

Local Service Centres (Market Towns) – Secondary Focus for Growth

· Pickering

· Kirkbymoorside

· Helmsley...

.....In allocating and releasing development sites at the above locations:

· the use of deliverable and developable Brownfield land will be prioritised and development will be guided to areas with lowest flood risk, taking account of the vulnerability of types of development and the need to achieve sustainable development and in accordance with the requirements of the Government's latest flooding guidance

Additionally as part of the site selection process, the Local Planning Authority have regard to the deliverability and developability of sites and their ability to:

- deliver against the Objectives and Policies of the Plan, policy standards and Community Infrastructure Levy (CIL) requirements*
- support access on foot to centrally located shops, services and facilities*
- be compatible with neighbouring land uses*
- avoid adverse impacts on interests of acknowledged importance*
- be accommodated without detriment to the character of the settlement and its setting*
- satisfactorily address highway capacity and safety'*

(Our emphasis)

6.1.9 Further policy support is found at Policy SP19 'Presumption in Favour of Sustainable Development' which states:-

'When considering development proposals the Council 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 this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

· 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

Specific policies in that Framework indicate that development should be restricted.'

6.2 The Principle of Residential Development

6.2.1 The NPPF under the heading 'Delivering a wide choice of high quality homes' the document states at paragraph 47 that:-

'47. To boost significantly the supply of housing, local planning authorities should:

●●use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

●●identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

●●identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

¹¹ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence

*that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.
12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.'*

(Our emphasis)

6.2.2 The Council have only recently confirmed that they have a demonstrable 5-year supply of housing sites. However, it remains that in any case, to maintain this position the Council will require a continuing supply of housing sites particularly as it appears that the housing market is gaining momentum again. We submit therefore that in the light of this position and that which will explain later in this statement is that there is an overriding case for granting planning permission.

6.2.3 Turning to The Ryedale Plan – Local Plan Strategy we find support again at Policy SP1 under the heading General Location of Development and Settlement Hierarchy where it states that:-

*SP 1 General Location of Development and Settlement Hierarchy
Ryedale's future development requirements will be distributed and accommodated on the basis of the following hierarchy of settlements:
Principal Town - Primary Focus for Growth
· Malton and Norton (including Old Malton*)
Local Service Centres (Market Towns) – Secondary Focus for Growth
· Pickering
· Kirkbymoorside
· Helmsley...'*

(Our emphasis)

6.2.4 Policy SP2 also supports the proposal as under the heading Delivery and Distribution of New Housing states that:-

*'SP 2 Delivery and Distribution of New Housing
The delivery of at least 3000 (net) new homes will be managed over the period 2012-2027.
The sources of new housing that will contribute to the supply of new homes across the District are as follows:
Malton and Norton · Housing Land Allocations in and adjacent to the built up area
· Conversion and redevelopment of Previously Developed Land and Buildings within Development Limits
· Replacement Dwellings
· Sub-Division of existing Dwellings
· Infill Development (small open sites in an otherwise continually built up frontage)
· 100% Rural Exception Sites outside of and on the edge of Development Limits in line with SP3.
· Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate
Pickering, Kirkbymoorside,
Helmsley, Service Villages
· As above...'*

(Our emphasis)

6.2.5 and at paragraph 4.34 under the heading Type and Mix of New Housing the plan states:-

'4.34 The provision of an appropriate mix and choice of new housing is central to the objective of creating sustainable and balanced communities. The District will need to ensure a range

and choice of market housing is provided to respond to changing demographics and market drivers.

(Our emphasis)

6.2.6 and policy SP4 follows:-

'SP 4 Type and mix of new housing

Increased housing choice and high quality housing will be provided through :

· New housing development

· The re-use of empty properties

· Improvements and adaptations to existing homes

New housing sites in Ryedale will provide increased housing choice and contribute to the provision of a balanced housing stock.

(Our emphasis)

6.2.8 The proposed site lies in the town of Kirkbymoorside which is identified as a Principle Town where a significant proportion of new development is to be located and the scheme proposed will provide an appropriate mix and choice of housing. The site straddles the current Development Limit for Kirkbymoorside and as such it is our case that the area within the development in principle within the development limit is considered acceptable in policy terms.

6.2.9 In terms of the area outside the development limit, we submit that this area can be considered under the recently issued Government document Rural Productivity Plan which states at section 8 that:-

'The government will increase the availability of housing in rural areas, allowing our rural towns and villages to thrive, whilst protecting the Green Belt and countryside. This will include a significant contribution to the 200,000 'Starter Homes', to be offered at a 20% discount for first-time buyers under the age of 40, that the government is committed to delivering this Parliament.'

6.2.10 Furthermore as the site is a readily available brownfield site to which the existing development limit shows no appropriate delineation on the ground in terms of boundaries, that development in principle should be considered as acceptable.

6.2.11 We conclude that the proposal is therefore in accordance with policies SP1, SP2 and SP4 of The Ryedale Plan – Local Plan Strategy and Government advice in the form of NPPF and Rural Productivity Plan.

6.3 Siting, Scale, Design and Effect Upon the Character of the Area and Area of High Landscape Value

6.3.1 Policy SP13 Landscapes of The Ryedale Plan states:-

'SP13 Landscapes

The quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by:

· Encouraging new development and land management practises which reinforce the distinctive elements of landscape character within the District's broad landscape character areas of:

· North York Moors and Cleveland Hills

· Vale of Pickering

· Yorkshire Wolds

- Howardian Hills
- Vale of York
- Protecting the special qualities, scenic and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty, the setting of the Area of Outstanding Natural Beauty and the setting of the North York Moors National Park.

Landscape Character

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

- *The distribution and form of settlements and buildings in their landscape setting*
- *The character of individual settlements, including building styles and materials*
- *The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)*
- *Visually sensitive skylines, hill and valley sides*
- *The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure*

The Council will work with landowners and statutory agencies to encourage land management practises that will protect and reinforce landscape character across the District and proposals which seek to restore areas of degraded landscape or individual landscape elements will be supported.

National Landscape Designations and Locally Valued Landscapes

The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the AONB, its setting or the setting of the North York Moors National Park will be carefully considered.

Proposals will be supported where they:

- *Do not detract from the natural beauty and special qualities of these nationally protected landscapes or their settings*
- *Seek to facilitate the delivery of the Howardian Hills AONB Management Plan Objectives*
- *Are considered appropriate for the economic, social and environmental well-being of the area or are desirable to support the understanding and enjoyment of the area*

The District Council and Howardian Hills AONB Joint Advisory Committee will resist development proposals or land management practises that would have an adverse impact on the natural beauty and special qualities of the AONB unless it can be demonstrated that the benefits of the proposal clearly outweigh any adverse impact and the proposal cannot be located elsewhere in a less damaging location.

Major development proposals within the AONB that would result in a significant adverse impact on the natural beauty and special qualities of the AONB will be considered within the context provided by national policy and only allowed in exceptional circumstances.

Outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally:

- *The Wolds Area of High Landscape Value*
- *The Fringe of the Moors Area of High Landscape Value*
- *The Vale of Pickering*

The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each

of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.

The Vale of Pickering, the Wolds and the Fringe of the Moors are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change.'

- 6.3.2 In response to Policy SP13 and the impact on the Fringe of the Moors Area of High Landscape Value a Landscape and Visual Impact Assessment by PDP Landscape and Urban Design has been prepared and submitted with the planning application and this concludes:-

'Summary of Visual Impacts.

6.06. 'The table below shows the visual impact the proposed housing development would have upon the identified views. The views into the application site are extremely localised, due to the enclosed nature of the landform with views experienced only from within the application site or approaches from Manor Vale Lane. Outside of this area no views of the development are experienced. Views from existing residential property are extremely limited with views from public areas restricted to the public right of way, running through the site.

The proposed development will provide an opportunity to greatly improve the visual amenity of the site by replacing dereliction with a townscape which will reflect some of the better qualities of Kirkbymoorside. Due the elevated position of the mature trees and surrounding landform, the value of the visual amenity to these features will be largely preserved.

Viewpoint	Sensitivity of visual receptor	Magnitude of change	Effect significance	Residual change (after 10-15 years)
View 1. Looking North East towards the entrance of Manor Vale Lane	Medium	No change	Neutral	No change
View 2. Looking North on Manor Vale Lane.	Medium	Medium	Minor beneficial	No change
View 3. Looking North on Manor Vale Lane within the application site.	Medium	Medium	Moderate beneficial	Minor beneficial
View 4. Looking South towards the northern edge of the application site	Medium	Medium	Minor beneficial	Minor beneficial
View 5. Looking South from the northern edge of the application site.	Medium	Medium	Moderate beneficial	Minor beneficial
View 6. Looking South from within the application site.	Medium	Medium	Moderate beneficial	Minor beneficial
View 7. Looking West from Listed monument.	Medium	No change	Neutral	No change

'Summary of Landscape Impacts.

6.07 The table below shows the visual impact the proposed housing development would have upon the landscape character at both local and regional level. As with visual impact, due to the enclosed nature of the landform, influence of the wider landscape is greatly limited. The better quality features of the application site are limited to the quarry walls and embankments, which have become vegetated, with mature trees situated to the top. The recent land-use to the application site has created a landscape character of low quality and sensitivity, contradictory to its part classification as an area of high landscape value, which would potentially benefit from intervention. In conclusion, the proposals would enhance the quality

of the site by creating a townscape character in keeping with the more valued parts of Kirkbymoorside.'

Landscape Receptor	Sensitivity of receptor	Magnitude of change	Effect significance	Residual change (after 10-15 years)
Landscape features of the site consisting of Vegetated quarry walls and embankment.	Medium/ high	medium	Minor adverse	Minor beneficial
Local landscape character.	Medium/high	Low	Minor beneficial	No change
Regional landscape character.	High	No change	Neutral	No change
National monument site.	High	No change	Neutral	No change
Landscape designation.	Medium/high	Medium	Moderate beneficial	Minor beneficial
Land use of the site.	Low	Medium	Moderate beneficial	Minor beneficial

6.3.3 We submit that in the light of the above assessment that the proposed development will meet the requirements of Policy SP13 of the Ryedale Plan.

Policy SP16 of The Ryedale Plan – Local Plan Strategy states:-

'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

(Our emphasis)

6.3.2 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

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'

6.3.3 We submit that the proposal meets all the requirements of Policies SP16 and 20 of the Ryedale Plan and some weight should be attached to these policies as they are broadly consistent with the aims of the NPPF.

6.3.4 The NPPF paragraph 56 states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 6.3.5 Paragraphs 60, 61 and 65 of the NPPF make it clear that decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, should address the connections between people and places and the integration of new development into the natural, built and historic environment and proposals should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.
- 6.3.6 The Design and Access Statement and associated drawings submitted with the application should be referred to here as it explains and justifies the scheme in design terms. We believe that the proposed scheme is considered not to have a detrimental adverse effect on the character and form of the area by virtue of its design, layout, scale, external appearance and landscaping. We submit that the proposed scheme therefore complies with and the policies of The Ryedale Plan – Local Plan Strategy and advice given in NPPF.
- 6.4 Impact on the Residential Amenity of the Adjoining Neighbours
- 6.4.1 One of the core planning principles set out in Paragraph 12 of the NPPF states that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.
- 6.4.2 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-
-'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'*
- 6.4.3 Due to the location of the quarry walls either side of the site the proposed dwelling will not impact on the amenity of neighbouring properties and appropriate standoff distances are achieved between all the new dwellings with no overlooking issues. The proposed development is therefore considered not to cause a significant detrimental impact on the residential amenities of the neighbouring properties in accordance with Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan and the NPPF.
- 6.5 Noise From Adjacent Uses
- 6.5.1 It will be noted that there are two buildings adjacent to the site one of which is a Scout Hut and the second of which is the home of a local band, the Kirkbymoorside Band. The Scout Hut we would submit will not present a noise issue. However, the Band use their building for practice regularly during the week mainly weekends and evenings which are regarded as unsocial hours.
- 6.5.2 In the light of the above we have submitted with the planning application, a noise survey and assessment carried out by Dragon Fly Acoustics and this should be referred to here for the detailed assessment.

6.5.3 The report refers to current national planning guidance in the form of National Planning Policy Framework (NPPF), Planning and Policy Guidance Note (PPG24) on Noise and Noise Policy Statement for England.

6.5.4 The report advise that the NPPF does not provide any specific or quantified guidance with respect to noise and has withdrawn all previous guidance documents on the assessment of noise for planning purposes, which was detailed in Planning and Policy Guidance 24 (PPG24). Instead the NPPF places the onus on a local authority to develop a suitable local development plan, within which noise is addressed, taking account of the guidance within the NPPF However much of the previous guidance within PPG24 related to the assessment of noise using other guidance or standards specific to the type or nature of the noise being assessed. These guidance documents and referenced British Standards have not been withdrawn and remain relevant to the assessment of noise impact on a proposed residential development. Therefore the assessment of noise impact for this development has been undertaken by comparing predicted internal noise levels within properties against the criteria within BS8233. This is considered the most appropriate assessment methodology for this type of development with mixed or non-industrial noise sources.

6.5.5 The Noise Policy Statement for England document sets out the following vision for ongoing noise policy as:

'Promote good health and a quality of life through the effective management of noise within the context of Government policy on sustainable development'

This vision should be achieved through the following Noise Policy Aims which are:

'Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- avoid significant adverse impacts on health and quality of life;*
- mitigate and minimise adverse impacts on health and quality of life; and*
- where possible, contribute to the improvement of health and quality of life.'*

6.5.6 To achieve this vision the Noise Policy Statement sets three noise levels to be defined and these are set out in the report.

6.8.7 The British Standard 8233: 1999: Sound insulation and noise reduction for buildings – Code of practice is the provision of recommendations for the control of noise in and around buildings. It suggests appropriate criteria and limits for different situations; the primary intention of these is to guide the design of new buildings or refurbished buildings undergoing a change of use rather than to assess the effect of changes in the external noise climate. The standard suggests suitable internal noise levels within different types of buildings, including residential dwellings and these are considered in detail in the report.

6.5.8 The report assesses that:-

'The noise environment at the site is characterised as being predominantly noise from the Band Hall during the period the band were practicing, with noise from occasional vehicles on Manor Vale Lane and in the near vicinity of the site and from pedestrians on the footway past the site.'

It was noted that the presence of the engineer may have affected the behaviour of the band members on leaving as it was noted that there was revving of engines, beeping of horns and loud playing of car stereos as band members left. As this was not considered normal behaviour of band members, this data was not excluded from the assessment. Once the band practice had ended the noise level was very low with noise only from occasional passing vehicles.

For all the measurement locations, for both the daytime and night time assessments, it is considered that the noise levels measured are representative of the typical noise environment at the survey locations.

For the purposes of this assessment it is considered that the noise levels measured at the survey location are representative of those noise levels that will be incident on the most exposed façades of the proposed dwellings at the development.'

- 6.5.9 The report includes calculations of internal noise levels for the proposed development to demonstrate that suitable internal noise levels can be achieved within the most noise exposed rooms.
- 6.5.10 At this stage of the development, detailed floor plans or layouts have not yet been produced. Therefore, in order to calculate a 'worst case scenario' for this site three dwellings have been selected as likely to be the most exposed to noise in each area of the site. These dwellings have been selected based on a drawing provided by The Planning and Design Partnership (Drawing No. KWL-093-03-07). These 'example' dwellings have been highlighted in Appendix C and shall hereby be referred to in this report as follows:

- Example Dwelling 'A' – Plot 1
- Example Dwelling 'B' – Plot 3
- Example Dwelling 'C' – Plot 6

- 6.5.11 In respect of noise levels affecting the example dwellings, the Report concludes that:-

'An internal noise level assessment has been conducted which has shown that with the recommended ventilation and glazing scheme the internal noise levels within habitable rooms would be as listed in Table 5.7.

The assessment shows that when assessed against BS 8233:1999 the LAeq, 16hr (Daytime) internal noise levels are within the "Good" design range. Table 5.7 also shows that when assessed against BS 8233:1999 the LAeq, 8hr (Night Time) internal noise levels are within the "Good" design range and meet the "Reasonable Standard" for Night Time maximum noise levels.

It is therefore considered that the calculated internal noise levels are below the NOEL set for this project. The NOEL is defined as: NOEL – No Observed Effect Level – Internal noise levels within rooms achieve the BS8233 'Good' standard.

Furthermore, an external assessment to predict noise levels in the gardens at the proposed development has been undertaken. For the purposes of this assessment, a target external noise level of 50 to 55dB LAeq,T is taken to be an indication of an acceptable noise climate, although the criterion is considered to be desirable and not an absolute limit.

The predicted noise levels are within the 50 to 55dB LAeq,T criteria adopted for this assessment for the Daytime period when the band is not practising for all Example Dwellings.

*The predicted noise levels are within the 50 to 55dB LAeq,T criteria adopted for this assessment for the Daytime period when the band is practising for Example Dwelling 'C'.
The predicted noise levels are not within the 50 to 55dB LAeq,T criteria adopted for this assessment for the Daytime period during band practice for Example Dwelling 'A' and Example Dwelling 'B'.*

It is therefore considered that mitigation measures may need to be put in place if proposed houses are to include garden areas to legislate for periods when the band is practising.

Suitable mitigation would be in the form of a barrier fence. Details of the specification of this can be supplied once a detailed design for the development has been finalised.

- 6.5.12 In addition to the above we are now aware that the Kirkbymoorside Band have recently received planning permission under reference 15/00644/FUL to extend their band hall and this has been conditioned in respect of sound insulation as follows:-

'Condition 8.

Unless otherwise agreed in writing by the Local Planning Authority the development shall only be carried out in accordance with the Acoustic Report on the Suitability of the Structure of the Building dated 12th August 2015.'

- 6.5.12 The report concludes that:-

'The new band concert hall and scout hall has been designed to control noise levels inside the building and minimise noise transmission through the structure. The layout of the building properly addresses the issue of access to the building ensuring double door access to the concert hall and no direct "line of sight" into the concert hall.

Management of the building will be under the direct control of the Band Hall committee at all times and together with features such as triple glazing fixed pane windows this new concert hall will represent a significant improvement in noise reduction measures when compared to the existing band room and existing scout hall'

(Our emphasis)

- 6.5.13 In the light of the above, we submit that the improvements to the band and scout hall will result in the ability to develop the application site for residential dwellings and together with appropriate noise attenuation measures in the new properties will result in an acceptable level of amenity for the occupiers of those new dwellings such that the requirements of local and national planning policy are satisfied.

6.6 Highway Safety

- 6.6.1 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

'Access, Parking and Servicing

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists.

Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads'

- 6.6.2 These Local Plan policies should be afforded weight as they are broadly consistent with the aims of the NPPF.
- 6.6.3 In addition with respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high emission vehicles.
- 6.6.4 Kirkbymoorside is considered to be a settlement which is capable of accommodating additional residential growth and as such it is considered to be a sustainable location with access to a range of services and facilities. The dwellings would be served from the existing access to the site from Manor Vale Lane to the south of the site which is acceptable in highway terms and adequate parking provision has also been provided for within the site.
- 6.6.5 The site is also close to the town centre where options for access and travel other than by means of private car are available to occupiers of the dwellings as well as their visitors.
- 6.6.7 We submit that the proposal is will not adversely impact on the highway network either from an access or parking standpoint and therefore consider that the proposal is acceptable as it accords with policies SP20 of The Ryedale Local Plan- The Local Plan Strategy and Paragraph 39 of the NPPF.

6.7 Drainage and Flood Risk

- 6.7.1 The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; actively support energy efficiency improvements to existing buildings.
- 6.7.2 Policy SP17 (Managing Air Quality, Land and Water Resources) of The Ryedale Plan – Local Plan Strategy states:-

Land resources will be protected and improved by:

· Supporting new uses for land which is contaminated or degraded where an appropriate scheme of remediation and restoration is agreed and in place

· Prioritising the use of previously developed land and protecting the best and most versatile agricultural land from irreversible loss. New land allocations will be planned to avoid and minimise the loss of the Best and Most Versatile Agricultural Land. Proposals for major development coming forward on sites that are not allocated for development which would result in the loss of the Best and Most Versatile Agricultural Land will be resisted unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource

Flood risk will be managed by:

· Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic

Flood Risk Assessment. In addition, major development proposals within areas highlighted as having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage system

· Ensuring new development does not prevent access to water courses for the maintenance of flood defences

· Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national 'Exception Test' will be applied if required'

6.7.3 The application site is located in Flood Zone 1 as shown on the Environment Agency's Flood Map for Kirkbymoorside which is at a low probability of flooding and as such the Flood Risk Assessment is not required.

6.7.4 We understand that there is adequate capacity in both the foul and surface water sewers in the area and that an adequate water supply is also available. The development will be connected to the mains sewer with surface water directed to a soakaway and/or attenuated to agricultural flows before discharge from the site.

6.7.5 We submit therefore that the proposed development can be satisfactorily drained and is therefore considered acceptable and in accordance with Policies and the guidance in NPPF.

6.8. Affordable Housing

6.8.1 Policy SP3 (Affordable Housing) of The Ryedale Plan – Local Plan Strategy states:-

'Where local need exists, the Local Planning Authority will seek the provision of new affordable homes by:

· Negotiating with developers and landowners to secure a proportion of new housing development to be provided as affordable units

· Supporting Registered Social Landlords in bringing forward wholly affordable schemes within Ryedale's towns and villages

· Supporting in principle, the release of 'Rural Exception Sites'

Affordable homes will also be provided in conjunction with landlords through the purchase and repair of existing dwellings, alterations and improvements to the existing affordable housing stock and through the re-use of empty homes.

Affordable Housing from Developer Contributions

The Local Planning Authority will seek the provision of:

35% of new dwellings as affordable housing on-site (in settlements outside West and South West Ryedale) as part of developments of 5 dwellings or 0.2 ha or more and 35% of new dwellings as affordable housing on-site with a further additional financial contribution equivalent to a further 5% of provision as part of developments of 5 dwellings or 0.2ha or more in West and South West Ryedale* (including Ampleforth, Helmsley**, Hovingham and Sheriff Hutton)*

Where the on-site contribution does not equate precisely to whole numbers of units, equivalent financial contributions will be sought.

Below the threshold of 5 dwellings/0.2 ha, a pro-rated financial contribution will be sought from all new residential development, where this is viable.

(Our emphasis)

6.8.2 The proposal is for 20 dwellings, 10 within the development limit and 10 outside. The 10 outside will be considered as affordable under the Government's Rural Productivity Plan and the 10 within the development limit will include a total of 4 No 1 bed flats, (40%) which is more than necessary to meet the requirements of Policy SP3.

6.8.3 We find support for the type of dwellings proposed in the North Yorkshire Strategic Market Housing Assessment which states:-

'Future Need for Affordable Housing

1.36 If North Yorkshire were to meet the needs of all households who cannot afford to buy or privately rent a home on the open market⁴ it would have to deliver 2,808 affordable dwellings (excluding Selby) each year over the next 5 years. This is shown in the table below.

Figure 10: Net Annual Affordable Housing Need (Next 5 Years) – North Yorkshire

Net Annual Affordable Housing Need – North Yorkshire & Local Authorities

Craven Hambleton Harrogate Richmondshire Ryedale Scarborough City of York Nth Yorkshire (Total)

<i>218</i>	<i>320</i>	<i>507</i>	<i>260</i>	<i>256</i>	<i>457</i>	<i>790</i>	<i>2,808</i>
------------	------------	------------	------------	------------	------------	------------	--------------

Source: North Yorkshire SHMA, 2011

1.37 In particular, there is currently a shortfall in smaller 1 and 2 bedroom and larger 4 or more bedroom affordable properties across North Yorkshire. The shortage of these property types is making it harder for the authorities of North Yorkshire to meet the housing needs of households who cannot afford to buy or privately rent a home on the open market.'

(Our emphasis)

6.8.4 We therefore submit that the proposed housing mix within the scheme will meet the requirements of Policy SP3 of The Ryedale Plan – Local Plan Strategy.

6.9 Landscaping

6.9.1 A Tree Survey Report has been prepared by Treesource for the whole of the former depot which includes the application site and is submitted with the planning application, this should be referred to here, but it's findings are as follows:-

'Trees and tree groups growing on limestone rock either side of the site have been included in the survey.

There are three 'B' grade trees within the survey populations and two 'U' grade trees. The remaining trees have been categorised as 'C' grade, largely due to their numbers and to their growing location. Most of the trees should be unaffected by the demolition and construction, provided that overhanging vegetation is first pruned or removed, that trees at or close to ground level are protected by barriers and that the construction exclusion zone remains undisturbed throughout the construction period.

Shading and tree hazard are the main tree constraints on the site. Canopy height clearance over the site is between 2m and 15m and pruning will be required both for construction access facilitation and to remove overhanging branches and trees which pose a risk of failure. The tree work recommendations in Appendix D are based on site observations and the condition

of those trees which were accessible. While a certain level of pruning work may be acceptable for the duration of the construction period, future vegetation issues relating to shading of property, tree risk, and seasonal nuisance (leaf and twig fall) may result in subsequent requests for tree pruning or removal. Within this context I have also suggested in Appendix D several trees that might be considered for removal. I also recommend that the design takes into account the shading effects that remaining vegetation will have on the site.

For any trees which are removed as a result of development, replacement planting is advised. Species selection should be ecologically compatible with the site and try to reflect the vegetation classification of the adjacent woodland. Some of the mitigation planting could form part of woodland enhancement which is proposed by MAB Environment and Ecology Ltd. in their ecological assessment of the site’.

- 6.9.3 We would submit that where new planting is proposed within the scheme that this will be detailed by means of a suitable landscaping scheme which should form the basis of a suitable planning condition attached to any planning permission to accord with the requirements of Policies SP16 and 20 of the Ryedale Plan.

6.10 Public Open Space

- 6.10.1 Policy SP11 (Community Facilities and Services Provision) of the Ryedale Plan states:-

‘Proposals for the provision of new community facilities or services will be supported in principle as follows:

Malton and Norton;

Pickering; Kirkbymoorside;

Helmsley

Sites allocated for such uses or as part of a mixed use allocation; expansion and improvement of existing facilities in and outside of Development Limits; provision of new facilities within development limits or outside of Development Limits where the facility is needed and cannot be located within Development Limits or as part of a mixed use allocation.

Service Villages and other villages

Expansion and improvements to existing facilities in or outside of Development Limits; provision of new facilities - within Development Limits, conversion of existing buildings outside of Development Limits or new provision outside of Development Limits where the facility is needed to serve the local area and could not be provided with Development Limits

New or enhanced provision of open space, leisure and recreational facilities will address identified deficiencies set out in Table 3 and be undertaken in line with Local Open Space Standards as set out in Table 4. All new residential development will be expected to contribute to the provision of open space, recreation and leisure facilities. Residential schemes of 15 dwellings or more will be required to include on-site provision of informal amenity space unless it is considered impractical or unfeasible and an off-site contribution is more appropriate. On-site formal children’s playspace will be sought on residential sites of 50 dwellings or more.’*

**Excludes replacement dwellings, residential extensions and annexes and temporary dwellings.*

(Our emphasis)

- 6.10.2 It is our submission that the nature and size of the site is such that it is not practical to provide open space on site and as such we would argue that a commuted sum for offsite provision would be more appropriate, the amount of which is subject to negotiation.

6.11 Impact on Nature Conservation and Protected Species

- 6.11.1 NPPF paragraphs 109 to 125 relate to conserving and enhancing the natural environment and to impacts of development proposals on protected species planning policy and guidance which is provided by the NPPF and accompanying ODPM Circular 06/2005 "Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System" in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.
- 6.11.2 An Ecological Assessment of the site has been prepared by MAB Environment and Ecology Ltd. and this is submitted with the application and should be referred to here. The report concludes that:-

'The site is predominantly concrete hard standing with some old redundant buildings. The site is bounded to the east and west by steep limestone rock outcrops. These provide an interesting habitat and are vegetated with a diversity of flora, though none of the species are rare. Within these cliffs are two small tunnels and some crevices. The tunnels are small and too close to ground level to provide optimal roost habitat for bats. The rock crevices may provide potential crevice roost bat habitat.

The buildings on site, which are all to be demolished, are suboptimal for bats, but provide a low level of potential bat habitat. In view of the presence of potential bat habitat in the buildings and cliffs, a full bat survey was carried out in the optimal survey season, and a bat recorder was left on site overnight to gauge bat activity. No bat emergence was detected from any building or rock crevice and activity detected was very low. Rock crevices may still have hibernation or transitory bat roost potential.

A good woodland habitat has developed above the outcrops. This is ancient semi natural woodland and has a rich ground flora. There is a badger sett with one entrance on the eastern side of the woodland. This is in current use and is likely to be an annexe to a main sett.

The Manor Vale Site of Interest for Nature Conservation (SINC) woodland boundary coincides with the development boundary. This woodland (and associated rocky outcrops) will not be directly affected by the housing and will be retained. There may be some minor indirect impacts at the woodland edge and cliff faces.

We are recommending that as mitigation for the development, a Section 106 unilateral obligation is set up on the woodland outside the development boundary but within the ownership boundary to protect the woodland in perpetuity. This will mean that the native broadleaved woodland will be maintained with its wildlife interest. A management plan to maintain and enhance the woodland should become part of this Section 106 agreement. The management plan will incorporate protection of the badger sett, badger gate installation in any new fencing, erection of bird and bat boxes and a precautionary measure to survey trees for bat roosts before any tree felling or major surgery.'

- 6.11.3 In the light of the above findings and mitigation proposals, we submit that the proposal would not harm any acknowledged nature conservation interests and therefore would not be contrary to the advice contained within the NPPF.

6.12 Archaeology

- 6.12.1 Policy SP12 (Heritage) of the Ryedale Plan states:-

'SP12 Heritage

Distinctive elements of Ryedale's historic environment will be conserved and where appropriate, enhanced. The potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited including:

- The nationally significant prehistoric archaeological landscapes of the Yorkshire Wolds and the Vale of Pickering*
- The individual and distinctive character and appearance of Ryedale's Market Towns and villages*
- Large country houses and associated estates and estate villages, with Castle Howard being of international importance*
- The unique distribution of Saxon churches on the fringe of the Vale of Pickering and the North York Moors, including Kirkdale and Stonegrave Minsters*
- Victorian churches throughout the Yorkshire Wolds*
- Medieval features including relatively large numbers of deserted medieval villages, moated manorial sites and granges, such as Kirkham Priory and notable castle sites, including Sheriff Hutton and Bossall Hall, Pickering and Helmsley*
- The network of historic field systems across the District and in particular, the historic field patterns around Pickering and other settlements on the northern side of the Vale of Pickering*
- The Roman Derventio site at Malton*

To assist in protecting the District's historic assets and features, the Council will:

- Encourage the sensitive re-use and adaptation of historic buildings and will, where appropriate, support flexible solutions to the re-use of those historic buildings identified as at risk where this would remove a building from English Heritage's At Risk Register or local records of buildings at risk.*
- Seek to ensure the sensitive expansion, growth and land use change in and around the Market Towns and villages, safeguarding elements of the historic character and value within their built up areas, including Visually Important Undeveloped Areas*, as well as surrounding historic landscape character and setting of individual settlements*
- Consider ways in which planning obligations can be used in conjunction with the allocation of sites at the Service Villages in the Vale of Pickering to secure increased protection, management and/or understanding of archaeological assets*
- Work with North Yorkshire County Highways, Town and Parish Councils to provide highway improvements and street furniture that are appropriate to the historic context of individual towns and villages*
- Work with partners and landowners to encourage sensitive land management in the Vale of Pickering and the Wolds*
- Work with and support local estates to identify appropriate ways in which to manage their historic landscapes, features and buildings*
- Support, in principle, the small scale extraction of local building stone that would enable the repair and restoration of high grade or recognised heritage assets and features*

(Our emphasis)

6.12.2 In the light of the site being of potential archaeological interest a report has been prepared by MAP Archaeology and is submitted with the planning application. This concludes however that:-

'the development site may have unknown archaeological deposits within the boundaries of the site. The date, depth and extent of the archaeological features and deposits are not known. It is unlikely that any national important archaeological remains are located on the site to prevent development.

After consultation with the North Yorkshire County Archaeologist further archaeological evaluation would be required in order that a suitable mitigation be proposed to comply with

the National Planning Policy Framework. This work would consist of Archaeological Trial Trenching across the extent of the site to determine the presence of any previously unknown buried archaeological deposits. Dependant on the results subsequent further work may be required. This would allow a suitable mitigation to be placed on archaeological deposits prior to construction.'

6.12.3 The requirements of the above findings will be the subject of appropriate trial trenching in due course to all to meet the requirements of Policy SP12 (Heritage) of the Ryedale Plan and NPPF.

6.13 Contamination

6.13.1 Policy SP17 Managing Air Quality, Land and Water Resources of the Ryedale Plan states:-

'Land resources will be protected and improved by:

- Supporting new uses for land which is contaminated or degraded where an appropriate scheme of remediation and restoration is agreed and in place....'*

6.12.2 A Desk Top Ground Survey has therefore been prepared by Geoenvironmental Ltd and this is submitted with the planning application. It shows that:-

'the development site represents a moderate to high geotechnical risk. The site is also considered as posing a moderate risk to the proposed end users and a moderate risk to the environment (groundwater, surface water features and adjacent sites) with respect to potential ground/groundwater contamination. In addition, a low to moderate level of risk is present of ground gas associated with former quarrying activities and historical areas of potential infill.'

6.12.3 The report however recommends mitigation measures in the form of a scope of works which are deemed suitable to fully characterise the ground and gas regime below the development site with the resulting information suitable for submission to the Local Authority for planning purposes and for the appointed design team.

6.12.4 In the light of the above we submit that the proposal will meet the requirements of Policy SP 17 of the Ryedale Plan.

7. Conclusions

7.1 We believe that we have provided a substantive case through not only Central Government's most recent planning policy statements, but also the Council's own planning policies and we respectfully submit that the application is acceptable in all respects and should therefore be granted planning permission.

SMN/ YTA 12.10.15

Subject: 15/01156/MOUT

From: Lisa Bolland [mailto:town.clerk@kirkbymoorsidetowncouncil.gov.uk]

Sent: 15 March 2016 09:52

To: Development Management

Subject: Planning Applications: 15/01156/MOUT 15/01446/FUL 16/00030/ADV 16/00059/FUL 16/00103/HOUSE 16/00169/HOUSE

Dear Planning Committee,

I note that the observations submitted by the Kirkbymoorside Town Council Planning Committee in respect of several planning applications do not appear to have been acknowledged and do not appear on your website with the respective

applications. Please see below information previously submitted. Please would you ensure that these observations are applied to each application accordingly.

Regards

Lisa Bolland

Comments Raised by the Planning Committee dated 15th February 2016:

P15050 PLANNING APPLICATIONS

- a) 15/01156/MOUT | The erection of 16 no. 2 bed semi-detached dwellings, 3 no. 1 bed apartments and 1 no. 1 bed duplex apartment with associated access and parking areas together with the realignment of the existing road. | North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

Members of the public raised the following concerns:

The potential that a development of this proportion, and the associated introduction of additional impermeable surface areas, would exacerbate the ongoing issues of flooding in Manor Vale, and the detrimental impact that this would have to the existing properties. It was noted that the supporting documents do not address the matter of drainage in sufficient detail to allay any fears. Furthermore, correspondence shared by a member of the public from Stuart Edwards, SuDS and Development Control Officer, NYCC confirms that the supporting information for the planning application does not demonstrate sufficient detail of suitable surface water management proposals

Concern regarding the existing right of access for the Band and Scouts as affected by re-routing of the access road. The further realignment of the proposed roadway detailed in the current application and the implementation of a grass verge and planting of large trees appears to obstruct the connection from the Band Hall to their existing car park. It also appears that this realignment would block vehicular access to the land belonging to both the Scouts and Ravenswick Estate.

Further concerns about the planting of large trees along the new proposed verge are that they are disproportionate. The size of these plants would have a significant impact on light and the root spread of such large specimens would ultimately have an impact on the structural integrity of all neighbouring properties. The proposal to plant large trees on the border of the property is further confused by the contradiction of details in the following plans DC Plan Additional 1257299; DC Plan – Revised Site Location Plan 1527701 and DC Plan Additional 1527703.

The Planning Committee supports the points raised by members of the public, all of whom are residents of Manor Vale and directly affected by any development of the site.

The Planning Committee would like to re-submit the observations recorded in Minute P15043 dated 16 November 2015 in respect of the previous application 15/01156/OUT, the comments remain valid for this revised application, as follows:

Another member of the public confirmed that as a resident of Manor Vale Lane they are in support of residential development, however there are concerns about the drainage. It was suggested that the number of houses outlined by the proposal would be the most that the site would be able to accommodate. It was further commented that the residents have persistently complained about the state of the site and the imposition it poses both aesthetically and as a safety consideration to residents and visitors alike.

A representative of the band expressed concerns about the proximity of residential housing to the band and raised the concern that the right of access would be modified and the impact this would have on the band and golf course.

The Planning committee confirmed its support of the plans for residential development and commented that the developers and future residents alike must be aware that due to the proximity with the band building it is inevitable that there will be noise. It was agreed that any development should allow as much distance as possible between the houses and the band to minimise the noise effect. Furthermore the drainage of the site is of particular concern and would need to be addressed.

- b) 15/01446/FUL | Change of use of ground floor former bookmakers (Use Class A2) to a coffee shop and delicatessen (mixed use of A1/A3) to include use of rear courtyard as additional seating area and installation of externally illuminated hanging sign and folding shutters to the front entrance door | 1 Crown Square Kirkbymoorside North Yorkshire YO62 6AY

The Planning Committee is delighted to see proposals for new businesses within Kirkbymoorside and supports the application though there is confusion as to why the address is classified as 1 Crown Square when the premises are located on High Market Place.

- c) 16/00030/ADV | Display of 1no. internally illuminated fascia sign to north elevation. | Marshall Aerospace Ings Lane Kirkbymoorside YO62 6EZ

No Comment

- d) 16/00059/FUL | Alterations to the two bedroom street front dwelling to form a two bedroom holiday cottage together with Change of Use and alteration of unoccupied former attached dwelling to rear to form a one bedroom holiday let to include demolition of domestic outbuildings | 85 West End Kirkbymoorside YO62 6AD

A member of the public expressed the following concerns:

- i. The lack of off street parking at the property and the proposed conversion from 1 property into 2 properties would result in an increase in demand for parking on West End, which is already problematic.
- ii. Concern that the emergency escape located on the first floor was proposed to be a window, rather than a door.
- iii. Noise disturbance caused by visitors during the summer months when the evenings are lighter, will have a negative impact on neighbouring residents.

The Planning Committee noted that with the large demand for affordable rental accommodation in Kirkbymoorside it is unfortunate that the owner of the property has elected to convert the premises into holiday accommodation. It would be preferable to see more properties made available to locals.

- e) 16/00103/HOUSE | Erection of single-storey extension to rear elevation | 7 Kirby Mills Road Kirby Mills Kirkbymoorside YO62 6NP

No Comment

- f) 16/00169/HOUSE | Installation of 2no. replacement double glazed timber framed windows to front elevation. | 16 Castlegate Kirkbymoorside North Yorkshire YO62 6BJ

No Comment

Subject: 15/01156/OUT North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside
Attachments: 2016.01-2ParkLane1.JPG; 2016.01-2ParkLane2.JPG; 2016.01-2ParkLane3.JPG

From: Lisa Bolland [mailto:town.clerk@kirkbymoorsidetowncouncil.gov.uk]

Sent: 26 January 2016 11:55

To: Alan Hunter

Cc: Development Management

Subject: 15/01156/OUT |Residential development (site area 0.38ha) | North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

Dear Alan,

Please be advised that the impact of flooding in Kirkbymoorside was discussed at the meeting of the Town Council on Monday 18th January.

It was agreed to submit the following comments to yourself and the RDC Planning Committee regarding planning application 15/01156/OUT |Residential development (site area 0.38ha) | North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG:

Attention must be drawn to the recent flooding in Kirkbymoorside and the impact on existing houses in Manor Vale. The reports associated with the planning application will not include the risk of floods from storm water, which is an ongoing concern and warrants close attention. There is grave concern that the addition of properties on this site will exacerbate the effect of flooding. Furthermore, there are concerns that potential buyers will be unable to get a mortgage and buildings insurance for a property on this site due to the existing flood risk. The result being a significant number of properties that may not be sold.

I have attached and will send additional emails with additional attachments of photographs and video footage of the flooding that significantly impacted Manor Vale, Castlegate and Park Lane.

Regards

Lisa Bolland







From: Loraine Merrett
Sent: 17 November 2015 15:32
To:
Cc: Alan Hunter
Subject: SUPPORT - COMMENTS MADE - statutory 15/01156/OUT North Yorkshire Highways Depot, Manor Vale Lane, Kirkbymoorside

From: Lisa Bolland [<mailto:town.clerk@kirkbymoorsidetowncouncil.gov.uk>]
Sent: 17 November 2015 11:15
To: Development Management
Subject: 15/01156/OUT 15/01163/FUL

Morning,

Please be advised of the following observations made by the Kirkbymoorside Town Council Planning Committee.

- a. 15/01156/OUT | Residential development (site area 0.38ha) | North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

A member of the public commented that the appalling state of the Old Highways Depot and the detritus thereon is a legacy of NYCC and that it is in the best interest of the town to not deter development of the site. This opinion was supported by all present.

Another member of the public confirmed that as a resident of Manor Vale Lane they are in support of residential development, however there are concerns about the drainage. It was suggested that the number of houses outlined by the proposal would be the most that the site would be able to accommodate. It was further commented that the residents have persistently complained about the state of the site and the imposition it poses both aesthetically and as a safety consideration to residents and visitors alike.

A representative of the band expressed concerns about the proximity of residential housing to the band and raised the concern that the right of access would be modified and the impact this would have on the band and golf course.

The Planning committee confirmed its support of the plans for residential development and commented that the developers and future residents alike must be aware that due to the proximity with the band building it is inevitable that there will be noise. It was agreed that any development should allow as much distance as possible between the houses and the band to minimise the noise effect. Furthermore the drainage of the site is of particular concern and would need to be addressed.

- b. 15/01163/FUL | Demolition of Ravenswick Hall together with adjacent lodge and majority of associated outbuildings and former agricultural buildings and erection of a replacement 10 no. bedroom country house and associated buildings, inc. leisure building, service building, detached quadruple garage, gatehouse, pool house, outdoor swimming pool, garden store, tennis court, landscaped gardens with temple and grotto, 2no.belvederes (parkland structures) and 2 no. linked pools and erection of 1 no. four bedroom staff dwelling with attached double garage and 3 no. three bedroom staff dwellings with attached single garages | Ravenswick Swineherd Lane Kirkbymoorside YO62 7LR

The planning Committee welcome the development proposals and hope that where possible local tradesmen and supplies will be utilised. It is hoped that there will be employment opportunities for

people in the area throughout the development and with ongoing maintenance and management of the site in the future.

Regards
Lisa Bolland



Appeal Decision

Hearing held on 19 August 2008

Site visit made on 19 August 2008

by **Malcolm Rivett** BA (Hons) MSc MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
4 September 2008

Appeal Ref: APP/Y2736/A/08/2072443

**North Yorkshire County Council Highways Depot, Manor Vale Lane,
Kirkbymoorside, YO62 6EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by North Yorkshire County Council against the decision of Ryedale District Council.
- The application Ref 08/00019/MOUT, dated 4 January 2008, was refused by notice dated 13 March 2008.
- The development proposed is redevelopment of existing highways depot to residential use.

Application for costs

1. At the Hearing an application for costs was made by North Yorkshire County Council against Ryedale District Council. This application is the subject of a separate decision.

Procedural matters

2. The application was made in outline with all detailed matters, other than layout, reserved for future consideration and I have determined the appeal on this basis. At the Hearing the appellant indicated that it would be willing to alter the layout if necessary although, despite the tenor of its written rebuttal statement, it would wish the development to continue to comprise 4 three bedroom townhouses, 4 four bedroom houses and 4 three bedroom houses. I address the appellant's arguments about possible changes to the submitted layout plan at relevant points in this decision.

Decision

3. I dismiss the appeal.

Main issues

4. The main issues of the appeal are the effect of the proposal on:
 - the character and appearance of the area, including that of the Fringe of the Moors Area of High Landscape Value (AHLV);
 - the living conditions of its potential occupants with particular regard to light, outlook and noise/disturbance;
 - affordable housing needs in the area; and

RYEDALE D.C.

- 8 SEP 2008

DEVELOPMENT CONTROL

- the ecology of the site.

Reasons

Character and Appearance

5. The Local Planning Authority (LPA) is concerned that the layout of the development, with prominent garages and relatively large front gardens, would be out of keeping with surrounding residential development. This part of Kirkbymoorside has a variety of residential layouts and there are a number of dwellings with large front gardens and prominent garages. Therefore I am not persuaded that the layout of the proposal would be inappropriate in relation to other residential development nearby. However, the long and narrow appeal site, confined between the tree-topped, cliff faces of a disused quarry has a unique and attractive character, which also defines the part of the Fringe of the Moors AHLV within which a substantial section of the site lies. Whilst the existing buildings are not attractive they are redolent of the site's industrial heritage. Furthermore, they are mostly single storey and are of limited number and size, particularly in the AHLV part of the site. Consequently, they enable clear views to be had of the east quarry face from Manor Vale Lane and, in my view, they, and the stored materials, do not significantly undermine the site's distinctive landscape.
6. In contrast, and whilst I accept that some people would consider them to be more attractive than the existing industrial buildings, the closely spaced dwellings/garages of the proposal would largely obscure views from the road of the east quarry face. Moreover, the proposed layout, with its staggered building line and mix of terraced, semi detached and detached dwellings of varying orientation, and mostly at a slight angle to the sheer cliff, would undermine the presence of the quarry face and consequently the distinct character of the site.
7. The appellant argues that the layout would "break up" the development although in my view its suburban estate style layout would appear alien in its disused quarry setting, neither reflecting its industrial heritage nor enhancing its landscape features. Consequently, whilst I recognise that the submitted landscape assessment identified that it would enhance the AHLV, I conclude that the proposal would be harmful to the character and appearance of the site, including both the parts of it within Kirkbymoorside's defined development limits and the parts within the AHLV. Thus the proposal conflicts with policies H7(ii) and ENV3 of the adopted Ryedale Local Plan which indicate that housing development within development limits should reflect the character of the settlement and that development in an AHLV should not detract from its landscape quality.

Living Conditions

8. The majority of the dwellings would be located in close proximity to the site's east quarry face. Given the height of the cliff and the dense line of trees on top of it, I envisage that the outlook from, and light in, the rear facing rooms of most of the properties would be so restricted as to provide unacceptable living conditions for the residents of the dwellings. I appreciate that the trees on the cliff top are deciduous, although their branches appear to be dense and I envisage that, together with the cliff face itself, they would restrict light to the

properties even when not in leaf. I recognise that the positioning of windows does not form part of this outline application. However, given the shape of the properties and the presence of adjacent dwellings/garages to the side elevations of most of the houses (as shown on the layout plan), it appears to me that, despite them facing south west, it would not be possible to design the majority of the proposed properties such that all their main rooms would receive adequate light and provide a satisfactory outlook.

9. At the Hearing the appellant argued that the layout could be altered to address this problem. However, I am not persuaded that 12 houses of the types/sizes proposed (which the appellant states it is committed to), and of a layout providing satisfactory light and outlook for their main rooms, could be accommodated on the site.
10. The Kirkbymoorside Brass Band Practice Hall is opposite the site and its large, single glazed windows would be close to the proposed houses and within 15m of dwellings nos 4 and 5. Based on what I have read and heard I envisage that the sound of the band practising would be heard in most of the proposed properties. Whilst I accept that some people would enjoy the music I consider it likely that it would cause significant annoyance and disturbance to many, particularly when heard repeatedly for several hours most evenings.
11. The appellant argues that it is not aware of complaints about the noise of the band from existing residents, although I note that none live within 15m of the hall and that, unlike the proposed dwellings, the existing properties closest to it (1 Manor Vale Lane and houses in Manor Gardens) do not face the practice hall's windows. It is also contended that potential residents of the development would be aware of the presence of the practice hall and would not choose to live there if they believed they would be disturbed by it. However, it is stated that the development is designed to help meet housing (including affordable housing) needs in Kirkbymoorside and I consider that it would be inappropriate for it to be restricted to meeting the housing needs of those who would be happy to hear brass band music on a frequent basis.
12. The appellant argues that the affected houses could be designed with measures to protect their occupants from the noise, although I am not persuaded that this is practical: even if double or triple glazing in the houses were to be effective in blocking out the music, the residents would be unable to have their windows open in warm weather and, in any case, they would not be able to enjoy their gardens on summer evenings without the disturbance of the band. At the Hearing the appellant referred in vague terms to other possible measures to baffle the noise although I am not convinced that a mound or bund could protect the houses and their gardens whilst still providing the necessary access to, and outlook for, the properties.
13. The LPA argues that it would be necessary to address the disturbance problem at its source and, with reservations, has suggested a negatively worded condition requiring noise insulation and air conditioning works to be carried out to the practice hall. I agree that, in principle, such a condition could address this problem. However, I understand that no measurements of the noise levels have been taken, nor has any detailed assessment been made of the extent to which the hall can be noise insulated. Thus, I cannot be assured that noise insulation works would be effective in addressing the problem. Furthermore to

8 SEP 2008

meet the tests of specificity of Circular 11/95 I consider that it would be necessary to specify the degree of noise reduction to be achieved by the works although I have no information to suggest what this reduction should be. Consequently, I cannot be assured that the suggested condition would be effective in ensuring that the living conditions of the residents of the proposal would not be harmed by the presence of the practice hall.

14. Thus, with regard to light, outlook and noise/disturbance I find that the proposal conflicts with policy H7(v) of the Local Plan which indicates that new residential development should provide a satisfactory standard of residential amenity. I also agree with the LPA that the proposal conflicts with the guidance in Planning Policy Guidance 24: Planning and Noise to locate housing away from sources of significant noise unless the impact of the noise can be mitigated.

Affordable Housing

15. The affordable housing policy of the November 2004 adopted Ryedale Local Plan Selective Alteration indicates that 35% of dwellings provided in new housing developments of 5 dwellings or more should be affordable units. The appellant has indicated that it is its intention that 40% of the proposed dwellings would be affordable homes. Whilst not specifically referred to in the selective alteration policy, policy H7(vi) of the Local Plan states that residential development should take appropriate account of local housing need in terms of the type of dwellings to be provided. The Ryedale District 2006 Housing Needs Assessment Final Report (November 2007) indicates that in the period 2007-2012 the annual requirement for affordable dwellings in Kirkbymoorside is 17, 16 of which need to be 1 or 2 bedroom properties.
16. The proposal solely comprises 3 and 4 bedroom properties. Consequently, whilst I am not persuaded that the scheme strictly conflicts with the wording of the selective alteration affordable housing policy, I consider that the proposed housing types would not make an effective contribution towards the policy's objective of ensuring that housing developments meet local affordable housing needs. It therefore conflicts with policy H7(vi) as set out above. At the Hearing the appellant did not dispute this point although in its written statement it argues that affordable housing needs could be met by the phased release of two 3 or 4 bedroom properties per annum. However, such a release would provide double the required number of 3+ bedroom properties whilst meeting none of the annual need for 16 one/two bedroom dwellings.

Ecology

17. The Ecological Scoping Report, submitted as part of the planning application, identifies the presence of bats in the area and that the cliff faces immediately adjacent to the site are likely to be used by bats for foraging and as "commuting" routes. The use of the existing buildings on the site as roosts is not discounted. The report recommends a comprehensive survey of bats in the area prior to the commencement of works. I note that, with specific reference to this report, Natural England (NE) has not objected to the proposal. However, to my mind this response is somewhat inconsistent with the annex to NE's letter which states that prior to determination of a planning application a robust survey should be carried out, identifying the presence of protected species on a

site, the likely impact of the development and the strategy for mitigation. Such an approach accords with the Government Circular Biodiversity and Geological Conservation – Statutory Obligations, referred to by the LPA.

18. The appellant argues that such surveys/implementation of mitigation measures could be required by a condition of outline planning permission. However, given that I have no information to assure me that any, and as yet unknown, effects of the scheme on bats can be satisfactorily mitigated, I consider that it would be inappropriate to grant outline permission for the proposal subject to such a condition. Based on the information before me I cannot be assured that the proposal would not harm the ecology of the site and I find therefore that it potentially conflicts with Planning Policy Statement 9: Biological and Geological Conservation which indicates that the aim of planning decisions should be to prevent harm to biodiversity interests.

Other matters

19. One of the reasons for refusal was that part of the site is outside the defined development limits of Kirkbymoorside although at the Hearing the LPA stated that, other than in relation to its effect on character and appearance/the AHLV, no demonstrable harm would be caused by this. The LPA also raised concerns about the tenure of the affordable dwellings although in its written evidence it stated that this could be controlled by condition.
20. I recognise that the proposal would make efficient use of previously developed land in a sustainable location, that it would make a contribution towards overall housing needs and that it would be unlikely to exacerbate problems of flooding. I also appreciate that it would enhance the appearance of the Site of Importance for Nature Conservation section of the site and that it has the support of a number of local residents, particularly in removing an industrial use. However, I consider that these matters do not outweigh the proposal's failure to make an effective contribution to meeting affordable housing needs and the harm I have found it would cause to the character and appearance of the site/AHLV, the living conditions of its residents and, potentially, to the ecology of the site.
21. The appellant points to paragraph 71 of Planning Policy Statement 3: Housing (PPS3) which indicates that, where an authority cannot identify a five year supply of deliverable housing sites (which I understand to be the case in Ryedale) planning applications for housing should be considered favourably. However, it indicates that regard should also be had to achieving high quality housing reflecting the accommodation requirements of specific groups and in this respect the proposal fails the tests of the PPS.
22. Furthermore, and having regard to the guidance in PPS3 concerning reallocation of industrial land for housing, it appears likely to me that it would be possible to develop the site for housing in a way which would not result in the harm I have found this proposal would cause. This has added weight to my decision. That the LPA did not give the appellant the opportunity to respond to some of its concerns prior to determining the application is not good reason to allow the appeal given the harm I have identified the proposal would cause, having regard to the further justification of the scheme put forward by the appellant.

RYEDALE D.C.

Conclusion

23. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR

DEVELOPMENT CONTROL

APPEARANCES

FOR THE APPELLANT:

T Hobday	Jacobs UK Ltd, 1 City Walk, Leeds, LS11 9DX
A Martin	Jacobs UK Ltd, 160 Dundee Street, Edinburgh, EH11 1DQ

FOR THE LOCAL PLANNING AUTHORITY:

Paul Simpson	Ryedale District Council
--------------	--------------------------

INTERESTED PERSONS:

J Woodward	Kirkbymoorside Band, Plum Tree House, West End, Kirkbymoorside, YO62 6AF
M Dowson	1 Manor Vale Lane, Kirkbymoorside, YO62 6EG

DOCUMENTS

- 1 Notification Letter of date/time/venue of Hearing
- 2 Ryedale Local Plan Selective Alteration – Affordable Housing Policy
- 2a Ryedale District Council 2006 Housing Needs Assessment
- 2b Extract of Ryedale Local Plan – policy H13
- 3 Schedule of Planning Conditions
- 4 Written application for costs on behalf of the appellant
- 5 Written rebuttal of costs application by LPA

RYEDALE D.C.

8 SEP 2008

DEVELOPMENT CONTROL

Agenda Item 11

Item Number: 11
Application No: 16/00236/MFUL
Parish: Allerston Parish Council
Appn. Type: Full Application Major
Applicant: Mr R E & S E Gwilliam
Proposal: Erection of an agricultural building for the storage of straw and machinery.
Location: Givendale Head Farm Malton Cote Road Ebberston Scarborough YO13 9PU

Registration Date:
8/13 Wk Expiry Date: 13 May 2016
Overall Expiry Date: 25 March 2016
Case Officer: Charlotte Comforth **Ext:** 325

CONSULTATIONS:

NYM National Parks No objections
Parish Council No objection
Neighbour responses: None

SITE:

The site lies within open countryside, located to the west of Malton Cote Road approximately 2.8 miles to the north of the village of Ebberston. The site is also located within the Fringe of the Moors Area of High Landscape Value and is adjacent to the North Yorkshire Moors National Park. The site forms an existing established farmstead, which operates a mixed arable and livestock enterprise.

PROPOSAL:

Planning permission is sought for the erection of an agricultural building for the storage of straw and machinery. The floor area of the proposed agricultural building is 1188.98 square metres. The application is 'Major' development because the proposed building has a floor area in excess of 1000 square metres. As such, it is required to be determined by the Planning Committee.

The proposed agricultural building will allow for the storage of straw and machinery that is currently stored outside and is open to the weather. Therefore the applicant requires internal storage space.

The proposed agricultural building will measure 48.765m in length, 24.382m in depth, an eave height of 7.619m and a ridge height of 10.825m. It will be positioned 6m to the south of an existing agricultural building and 15m to the north of another existing livestock building. The walls will be constructed of polyester coated steel profile sheeting (slate blue) with a dark grey fibre cement roof to match the existing pig building that was recently built. (Planning Application Reference 13/01049/MFUL)

ENVIRONMENTAL IMPACT ASSESSMENT:

The development is not of a type as described in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Furthermore, the development is not described in Column 1 of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It is therefore considered that this development does not compromise EIA development.

HISTORY:

The planning history with regard to the farmstead includes:

- 97/00751/AGNOT - Agricultural notification determined 16.10.1997 - Erection of agricultural building for housing of livestock.
- 97/00936/FUL - Planning permission granted 19.11.1997 - Erection of agricultural livestock building.
- 97/01212/FUL - Planning permission granted 24.02.1998 - Erection of lean-to extension for the housing of livestock.
- 00/00338/AGNOT - Agricultural notification determined 23.03.2000 - Erection of a lean-to extension to agricultural building for housing of livestock, erection of a general purpose storage building and formation of new access.
- 03/00630/FUL - Planning permission granted 04.08.2003 - Extension and improvements to existing effluent storage area.
- 05/01348/AGNOT - Agricultural notification determined 02.12.2005 - Installation of farm weighbridge with associated access road.
- 05/01450/FUL - Planning permission granted 01.03.2005 - Installation of farm weighbridge with associated access road.
- 08/00657/AGNOT - Agricultural notification determined 21.07.2008 - Erection of extension to existing agricultural storage building to include housing of livestock.
- 10/00434/FUL - Planning permission granted 04.06.2010 - Erection of an agricultural building for the housing of livestock.
- 13/01049/MFUL - Planning permission granted 22.11.2013 - Erection of an agricultural building for the housing of pigs.

POLICY :

The Ryedale Plan – Local Plan Strategy

Policy SP9- The Land Based Rural Economy

Policy SP 13 – Landscapes

Policy SP 16- Design

Policy SP 19- Presumption in Favour of Sustainable Development

Policy SP 20- Generic Development Management Issues

National Planning Policy Framework (2012)

Chapter 3 - Supporting a prosperous rural economy

Chapter 7. Requiring good design

Chapter 11. Conserving and enhancing the natural environment

National Planning Practice Guidance (2014)

APPRAISAL:

The main considerations to be taken into account when considering the proposal are:

- i. The principle of development
- ii. Impact upon the wider open countryside - the Fringe of the Moors Area of High Landscape Value
- iii. Highway safety
- iv. Impact upon neighbouring amenity
- v. Other matters
- vi. Conclusion

i. The principle of development

Policy SP9 (The Land Based and Rural Economy) of the Ryedale Plan – Local Plan Strategy is supportive of new buildings that are necessary to support land-based activity and a working countryside, including farming. Furthermore, Section 3 (Supporting a prosperous rural economy) of the National Planning Policy Framework is supportive of sustainable growth and expansion of all types of business and enterprise in rural areas, through well designed new buildings.

The applicants operate a relatively large scale agricultural business, comprising of both arable and livestock farming. The proposed building will allow for the storage of agricultural machinery and straw that is currently stored outside. It is considered that the principle of an agricultural storage building in this location and within the farmstead is considered acceptable.

ii. Impact upon the wider open countryside - the Fringe of the Moors Area of High Landscape Value

The proposed agricultural building will be sited in close proximity to existing agricultural buildings. The scale of the proposed building in terms of floor area and height is similar to the existing buildings on the site, as well as the pitched roof design. Furthermore, the proposed building will be approximately 1.2m lower in terms of ground level compared to the other agricultural buildings to the north and the existing hard standing.

There will be partial views of the proposed agricultural building when travelling north-south and south-north along Malton Cote Road. There is also a public right of way that runs to the west of the site and a bridleway to the north west of the site. The proposed building will be read in conjunction with the existing buildings on the farmstead. It almost acts as an infill site to the existing pig building (to the south) and the existing agricultural buildings (to the north).

It is considered that due to the siting, scale and use of materials of the proposed agricultural building, it will not be detrimental to the natural beauty and scenic qualities of the Fringe of the Moors Area of High Landscape Value, as defined within Policy SP13 (Landscapes) of the Ryedale Plan - Local Plan Strategy.

The North Yorkshire Moors National Park Planning Authority has raised no objection to the proposal in terms of its impact upon the North Yorkshire Moors National Park.

iii. Highway safety

The development will utilise the existing access off Malton Cote Road to the east of farmstead and the existing hard standing area that allows for on site turning space. It is therefore considered that the proposal will not be detrimental to road safety, traffic movement or the safety of pedestrians and cyclists, complying with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

iv. Impact upon neighbouring amenity

The site is relatively isolated, with the nearest residential dwelling (not within the applicants ownership) is approximately 335m to the north east of the proposed agricultural building, within a valley. This dwelling is known as High Scamridge Farm. It is considered that due to the distance of this dwelling from the proposal and it being located within a valley, the proposal will not have a material adverse impact upon neighbouring amenity. This is in terms of being overbearing in presence, causing loss of light, loss of privacy, odour or noise, complying with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

v. Other matters

Allerston Parish Council has raised no objection to the proposal and there has been no response from any other third parties with regard to the proposal.

vi. Conclusion

In light of the above considerations, the erection of an agricultural building for the storage of straw and machinery is considered to satisfy the relevant policy criteria outlined within Policies SP9, SP13, SP16, SP19 and SP20 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval subject to the following conditions.

RECOMMENDATION: Approval

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

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

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

Location Plan IP/ED/01 date stamped 12.02.2016.

Site Plan IP/EG/02 date stamped 12.02.2016.

Elevations IP/EG/03 date stamped 12.02.2016.

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

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SCHEDULE OF WORKS



Station Farm Offices
Wansford Road
Nafferton
Drifffield
East Yorkshire
YO25 8NJ
T : 01377 253363
E : mail@ianpick.co.uk
W : www.ianpickassociates.co.uk

CLIENT
R E & S E Gwilliam
Givendale Head Farm
Srainton
YO13 9PU

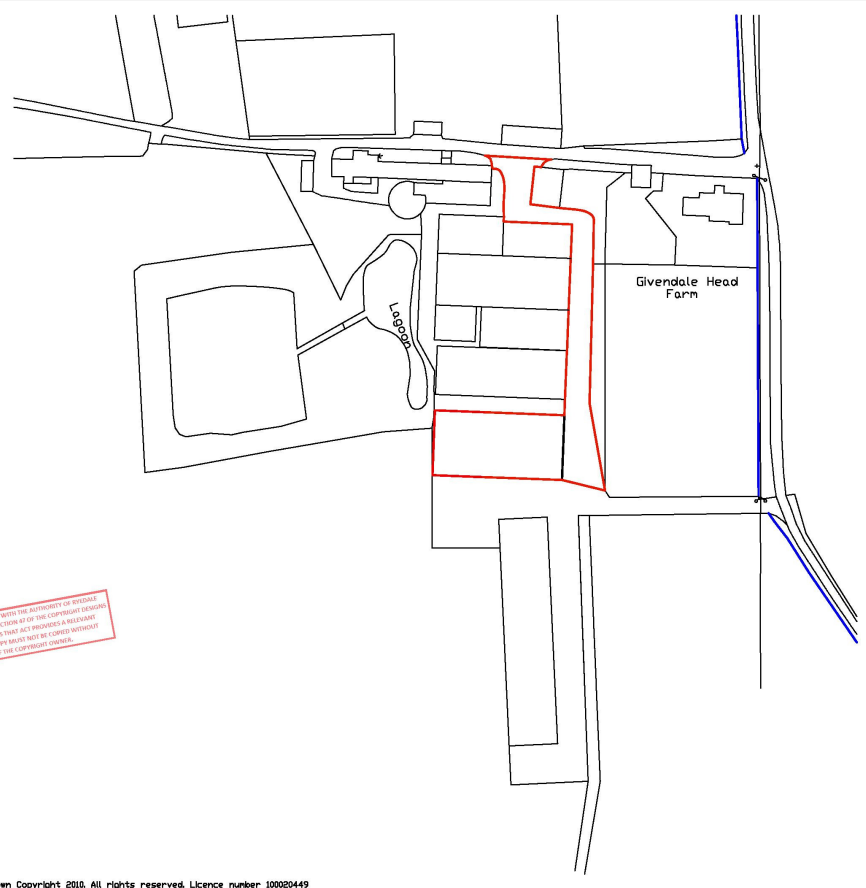
JOB TITLE
General Purpose Storage Building

DWG. TITLE
Location Plan A3

SCALE 1:1250
DRN SH

DWG. NUMBER
IPED/01

DATE Feb 16
REV -



THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF THE
DISTRICT COUNCIL IN ACCORDANCE TO SECTION 87 OF THE COPYRIGHT ACT 1988
AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY
MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE
PERMISSION OF THE COPYRIGHT OWNER.

Drainage Survey (c) Crown Copyright 2010. All rights reserved. Licence number 100020449

DATE VALID
12/02/16

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SCHEDULE OF WORKS



Station Farm Offices
Wansford Road
Nafferton
Driffield
East Yorkshire
YO25 8NJ
T : 01377 253363
E : mail@ianpick.co.uk
W : www.ianpickassociates.co.uk

CLIENT
R E & S E Gwilliam
Givendale Head Farm
Skeinton
YO15 9PU

JOB TITLE
General Purpose Storage Building

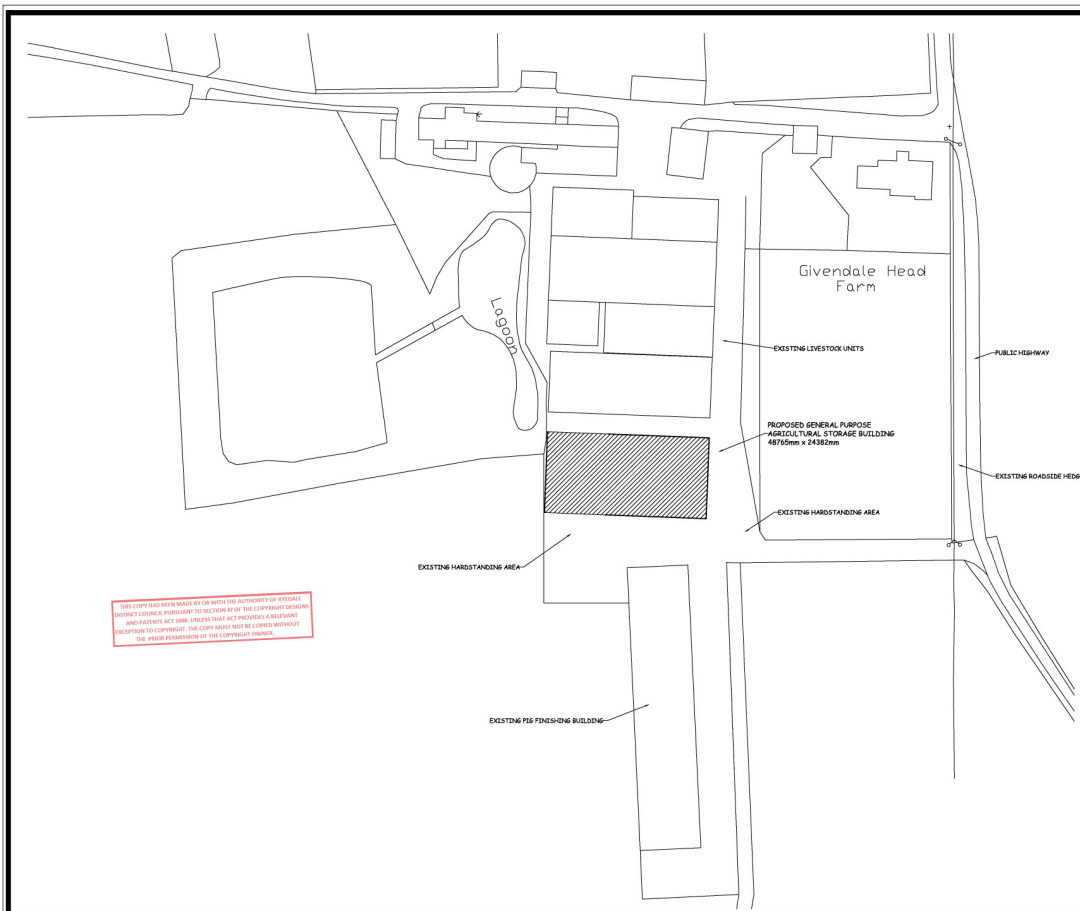
DWG. TITLE
Site Plan A1

SCALE 1:500
DRW SH

DWG. NUMBER
IPIEG/02

DATE Feb 16
REV -

DATE VALID
12/2016



THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF IAN PICK ASSOCIATES LTD. UNLESS OTHERWISE STATED, THE COPYRIGHT BELONGS TO IAN PICK ASSOCIATES LTD. UNLESS STATED OTHERWISE, THE COPYRIGHT BELONGS TO IAN PICK ASSOCIATES LTD. UNLESS STATED OTHERWISE, THE COPYRIGHT BELONGS TO IAN PICK ASSOCIATES LTD.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SCHEDULE OF WORKS

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF IP/ED/04
IN ACCORDANCE WITH THE PROVISIONS OF THE COPYRIGHT ACT 1988
AND PARTS 1 AND 2 OF THE COPYRIGHT ACT 1997. THIS COPY MAY NOT BE COPIED WITHOUT
THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



FLOOR PLAN



Station Farm Offices
Wansford Road
Nafferton
Drifffield
East Yorkshire
YO25 8NJ
T : 01377 253363
E : mail@ianpick.co.uk
W : www.ianpickassociates.co.uk

CLIENT
R E & S E Gwilliam
Givendale Head Farm
Srainton
YO13 8PU

JOB TITLE
General Purpose Storage
Building

DWG. TITLE
Floor Plan A3

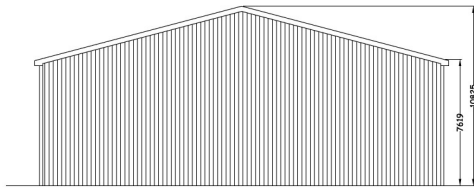
SCALE 1:200
DRN SH

DWG. NUMBER
IP/ED/04

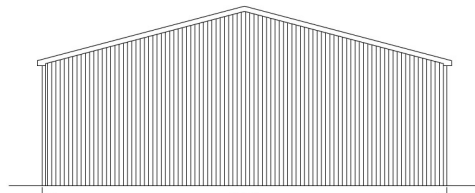
DATE VALID
12/02/15

DATE Feb 16
REV -

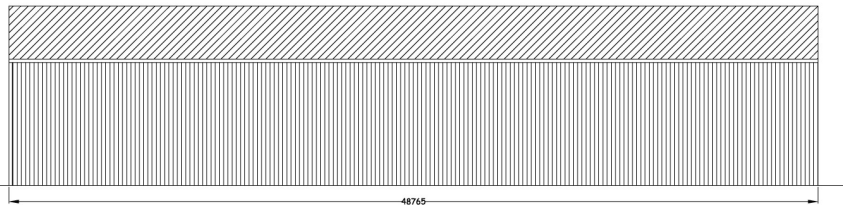
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SCHEDULE OF WORKS



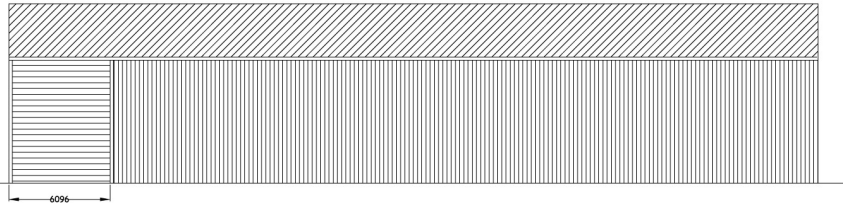
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

THIS COPY HAS BEEN MADE BY AN UNQUALIFIED PERSON. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE QUALITY OF THE WORK. THE CLIENT ACCEPTS THAT THE INFORMATION PROVIDED IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.



IAN PICK ASSOCIATES LTD
Specialist Agricultural & Rural Planning Consultants

Station Farm Offices
Wansford Road
Nafferton
Driffield
East Yorkshire
YO25 8NJ
T : 01377 253363
E : mail@ianpick.co.uk
W : www.ianpickassociates.co.uk

CLIENT
R E & S E Gwilliam
Givendale Head Farm
Snaithon
YO15 9PU

JOB TITLE
General Purpose Storage
Building
DWG. TITLE
Elevations A1

SCALE 1:100
DRW SH

DWG NUMBER
IPIEG/03

DATE Feb 16
REV -

DATE VALID
12/02/16



DESIGN AND ACCESS STATEMENT

ERECTION OF A GENERAL PURPOSE STORAGE BUILDING

Client

R E & S E Gwilliam
Givendale Head Farm
Snainton
YO13 9PU

Ian Pick Associates Ltd
Station Farm Offices
Wansford Road
Nafferton
East Yorkshire
YO25 8NJ
Tel: 01377 253363
Email: mail@ianpick.co.uk
Web: www.ianpickassociates.co.uk

Introduction

This report has been commissioned by RE & SE Gwilliams of Givendale Head Farm, Ebberstone, Scarborough, YO13 9PU.

Section 42 of the Planning and Compulsory Purchase Act 2004 requires a Design and Access Statement to be submitted with the majority of planning applications. The purpose of this report is to satisfy the requirements of Section 42 of the aforementioned Act.

This report has been prepared to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

This report has been prepared by Ian Pick. Ian Pick is a specialist Agricultural and rural planning consultant. He holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management and is a Professional Member of Royal Institution of Chartered Surveyors, being qualified in the Rural Practice Division of the Institution.

Ian Pick has 17 years experience in rural planning whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Limited.

Background Information

The applicants farm a mixed arable and livestock enterprise from Givendale Head Farm. The farm extends to 265 acres of arable land. The applicants also operate a pig rearing and finishing enterprise.

The Proposed Development

This proposal seeks full planning consent for the erection of a general purpose agricultural storage building extending to 48.765m x 24.382.

Amount

The proposal is for the erection of 1 No. agricultural building extending 48.765m x 24.382 with an eaves height of 7.619m and a ridge height of 10.825m. The proposed

building will not be used for housing livestock and as such no increase in livestock at Givendale Head Farm is proposed as a result of this application.

Use

The proposed building will be used for the storage of straw and general agricultural machinery, which is currently stored outside and is open to weather.

Layout

The proposed building has been sited within the existing cluster of agricultural buildings. The proposal will utilise the existing hardstanding area for parking and turning. The site will use the existing site entrance.

The overall site layout can be seen in more detail on the attached site plan (drawing No. IP/EG/02).

Scale

The proposed building extends to 48.765m x 24.382 with an eaves height of 7.619m and a ridge height of 10.825m.

Landscaping

The proposed building has been located adjacent to the existing livestock buildings, which in turn screens the proposed building from the north and south. The farm is located in an isolated rural location and the proposed building forms part of an existing operational farmstead. Views of the building are in the context of an existing built development.

The nature and siting of the proposed development is such that it will not be visually prominent within the existing landscape.

Appearance

The proposed building is a purpose built agricultural building. The walls are to be clad with a polyester steel profile sheeting in slate blue, whilst the roof will be clad with fibre cement sheeting. This is typical of an agricultural building such as this, and as such is

appropriate to its rural locality. The proposed use of materials matches that of the adjacent livestock units.

Access

Access to the site is via the existing entrance. The proposed building will be used for the storage of machinery and straw, which is currently kept elsewhere on the farm, as such no increase in traffic is proposed.

Planning Policy

The National Planning Policy Framework was introduced on 27th March 2012, and provides a presumption in favour of sustainable development. Paragraph 28 of the NPPF provides support for economic growth and the development of agricultural businesses at paragraph 28.

“ 3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;”

The proposed development is for the sustainable development of an agricultural business and improvement of the agricultural enterprise. The proposed development is therefore compliant with the aims of National Policy in the NPPF.

Ian Pick

February 2016

No objection

CC

DATE
10/03/16

Subject: 16/00236/MFUL

From: allerstonandwiltonpc@gmail.com

Sent: 09 March 2016 16:17

To: Development Management

Subject: 16/00236/MFUL

Dear sirs

Applicant no: 16/00236/MFUL

Applicant: Mr R E & S E Gwilliam

Description: Erection of an agricultural building for storage of straw and machinery

Location: Givendale Head Farm Malton Cote Road, Ebberston, Scarborough. YO13 9PU

The Allerston and Wilton Parish Councillors discussed this application at the Parish Council Meeting on 03/03/2016. They have no objection to this additional barn at Givendale Head Farm. It will not be detrimental to the surrounding area. It is being built on existing hard standing and is to be for agricultural use.

Lesley Myers

Sent Lesley Myers. Clerk to Allerston and Wilton Parish Council.

Please note new email address for Parish Council correspondence.

Item Number: 12
Application No: 15/00818/OUT
Parish: Norton Town Council
Appn. Type: Outline Application
Applicant: Mrs M A Patterson
Proposal: Erection of a dwelling (site area 0.099ha)
Location: Land East Of 68 Welham Road Norton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 17 February 2016
Overall Expiry Date: 14 February 2016
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council	Recommend approval
Highways North Yorkshire	Recommend conditions
Sustainable Places Team (Yorkshire Area)	Objection removed
Public Rights Of Way	Recommend informative
Land Use Planning	Comments made

Neighbour responses: Mr Geoff Thompson, Mr & Mrs Wilson, Mr Mike Punchard, Mrs J Stephenson,

SITE:

The site is located within the Norton Development Limits and accessed via a private road off Welham Road. Presently the site has most recently been used as an allotment. The south eastern corner of the site has part of a Public Right of Way Running through it.

PROPOSAL:

Outline planning permission is sought for the erection of a detached dwelling within the site. The site area is 0.099ha and intends to accommodate a detached residential property, an appropriately sized amenity area and parking provision. The applicant has chosen to submit a 'Some Matters Reserved' application; providing details of the layout and access.

HISTORY:

95/00140/OLD. 3/96/6A/OA Residential development: Erection of a bungalow (site area 0.08HA). Refused 08.03.95.

APPRAISAL:

The main considerations to be taken into account are:-

- i) Principle of the Development
- ii) Character and form
- iii) Impact upon residential amenity
- iv) Highways
- v) Drainage

i) Principle of the Development

In accordance with S38(6) of the Planning Compulsory Purchase Act 2004 planning applications must be determined in accordance with the adopted Development Plan unless material planning considerations indicate otherwise. The adopted Development Plan is the Ryedale Local Plan - Local Plan Strategy, adopted 5 September 2013 and the 'saved' development limits shown on the proposals map of the Ryedale Local Plan adopted 2002. Policy SP1 (General Location of Development and Settlement Hierarchy) directs development to the Principle Towns of Malton and Norton. In line with Policy SP2 (Delivery and Distribution of New Housing) and Policy SP3 (Affordable Housing) new residential dwellings will only be supported when it is a 'bona fide' infill development and subject to an affordable housing contribution. Officers are currently waiting for an estimated value of the proposed dwelling to enable them to calculate the 9% affordable housing contribution. Members will be updated of the committed sum at the Planning Committee.

Following the implementation of CIL on the 1 March 2016, this development would also be CIL Liable. The exact amount payable would be calculated at the Reserved Matters phase.

ii) Character and form

The site is located within the defined development limits for Norton, where in principle the erection of a dwelling would be acceptable. The access road already serves four residential properties. Two properties are located immediately west of the application site, and a further dwelling is located at the end of the private road. Planning permission was granted for the erection of a new dwelling along the same access road in 2010, to the east of the site application reference 10/01383/FUL. The access lane creates a break in character with more 'in-depth' development to the north, and fronting Welham Road only to the south.

The character of the area features larger detached properties, where the properties along the private access road whilst detached are of a more modest scale. In the absence of a detailed scheme, such considerations are difficult to quantify. However, it is considered that the site can be satisfactorily developed without being considerably detrimental to the character and appearance of the surrounding area.

iii) Impact upon residential amenity

Policy SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF requires that the development must provide a satisfactory standard of residential amenity to serve the dwelling and should not have a materially adverse effect upon the existing amenities of the adjacent properties. However, in the absence of a detailed scheme such assessments are difficult to fully evaluate. It is considered that the principle of a residential property would not be considerably detrimental to the surrounding properties. In view of the scale of the site, it is considered that the site could accommodate an adequate amenity space to serve a single dwelling.

iv) Highways

Members will note that there have been a number of objections relating to the use of the access road. The Highway Authority have been consulted. NYCC Highways have concluded that the development proposed would not raise a highway authority objection on safety grounds. They go on to further state that whilst it is accepted that the proposal would result in a small amount of additional traffic, " it is not considered that, overall, this will give rise to an unacceptable highway safety issue". Subject to the recommended conditions it is not considered that the proposal would adversely impact on highway safety.

The letters of objection also raise concern over the applicants right to use the vehicle access. This is a civil issue. The applicant has served notice on the owners of the access road which is included in the red-line of the application site.

North Yorkshire County Council Public Rights of Way Officer has also raised no objection, an informative has been recommended.

Objection has been raised by the neighbours in relation to the 'claimed footpath' shown on the consultation response attached plans. This is a matter for North Yorkshire County Council.

v) Drainage

Yorkshire Water have been consulted and have confirmed that there they have no objection and that the site has a low environmental risk.

The Environment Agency original objected to the proposal as the applicant had proposed a Package Treatment Plant rather than a connection to the mains sewers. The applicant subsequently provided details to the EA with regards to Land ownership which would prevent them from connecting to the mains sewers. Following the receipt of this information the EA withdrew their objection and provided advice with regards to the necessary permits for the installation of a Package Treatment Plant.

If members are minded to approve the application it would be subject to the relevant conditions relating to both surface and foul water emanating from the development.

Trees

The western and north western boundaries of the site have a number of mature conifer/ fir trees. As the tree survey was only received on the 29 March 2016, the Councils' Tree and Landscape Officers comments have not yet been received. His comments and any recommended conditions will be reported on the Late Pages or at the meeting.

The Town Council resolved to recommend approval.

The full letters of objections received from third parties can be seen on public access. A summary has been provided below:

Concern over NYCC PROW officers response
Decision should follow that of refusal for ref 15/00877/FUL - Land to rear of No.72 Welham Road
Consider the use of opaque glazing
Private drive is for the sole use of No 68 and 68a
Drive is not suitable for construction vehicles and additional traffic

All of these matters have been considered in the appraisal section of this report.

In light of the above assessment, the recommendation is one of approval.

RECOMMENDATION: Approval subject to S106 Agreement

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

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

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

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

- 2 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-
- (i) scale and appearance of the building, including a schedule of external materials to be used
 - (iii) the landscaping of the site
- Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:
- Class A: Enlargement, improvement or alteration of a dwellinghouse
 - Class B: Roof alteration to enlarge a dwellinghouse
 - Class C: Any other alteration to the roof of a dwellinghouse
 - Class D: Erection or construction of a domestic external porch
 - Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure
 - Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating
 - Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.
- Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s), and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 4 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 5 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed.
- Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 The outline permission hereby approved shall be no more than one and a half storey.

Reason:- In the interests of protecting the existing amenities of neighbouring occupiers.

- 8 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved.

- 9 Before the commencement of development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed boundary treatment, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.

- 10 Unless otherwise agreed in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to completion of approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved works for disposal and treatment of sewage.

Reason: To ensure that the development is properly drained and no foul or surface water discharges take place until proper provision has been made for their disposal.

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

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

- 12 No dwelling shall be occupied until the related parking and shared access service vehicle turning area facilities have been laid out in accordance with the approved drawing EX10. and constructed in bound macadam over a compacted Type 1 sub base with edge restraint as generally indicated on the attached Standard Detail DC/E9A. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

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

Reason:- In accordance with Policy SP20 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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

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

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

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

Reason:- In accordance with Policy SP20 and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

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

Site Location Plan received 23 December 2015 - Drawing No. EX11

Block Plan Received 23 December 2015 - Drawing No. EX10

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

Background Papers:

Adopted Ryedale Local Plan 2002

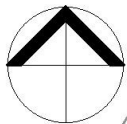
Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

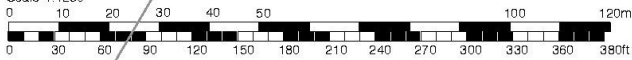


THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 43 OF THE COPYRIGHT DESIGNS AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT, THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



North

Scale 1:1250



Land off Welham Road

Mrs M A Patterson LOCATION PLAN

Bramhall Blenkharn ARCHITECTS



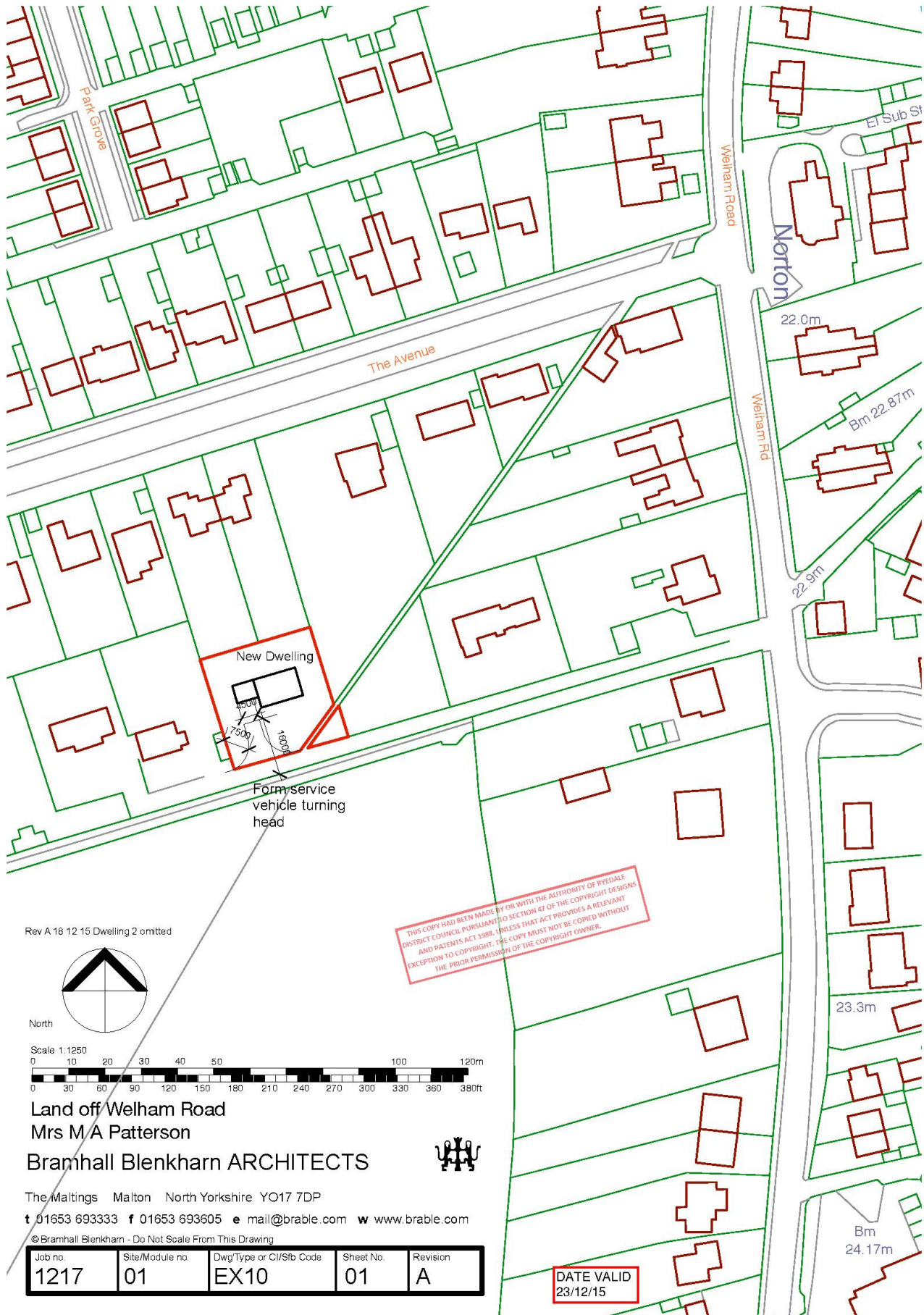
The Maltings Malton North Yorkshire YO17 7DP

t 01653 693333 f 01653 693605 e mail@brable.com w www.brable.com

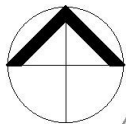
© Bramhall Blenkharn - Do Not Scale From This Drawing

Job no.	Site/Module no.	Dwg/Type or Cl/S/b Code	Sheet No.	Revision
1217	01	EX11	01	-

DATE VALID
23/12/15

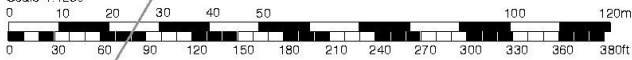


Rev A 18 12 15 Dwelling 2 omitted



North

Scale 1:1250



Land off Welham Road

Mrs M A Patterson

Bramhall Blenkharn ARCHITECTS



The Maltings Malton North Yorkshire YO17 7DP

t 01653 693333 f 01653 693605 e mail@brable.com w www.brable.com

© Bramhall Blenkharn - Do Not Scale From This Drawing

Job no.	Site/Module no.	Dwg/Type or CI/Sib Code	Sheet No.	Revision
1217	01	EX10	01	A

DATE VALID
23/12/15

bramhall blenkharn The Maltings Melton North Yorkshire YO17 7DP
t: 01653 693333 f: 01653 693605 e: mail@brable.com www.brable.com

Outline Planning Application

Land to rear of
66 Welham Road

Norton

YO17 9EF

Design & Access Statement

Incorporating

Flood Risk Statement

Rev A 23 12 2015

Introduction

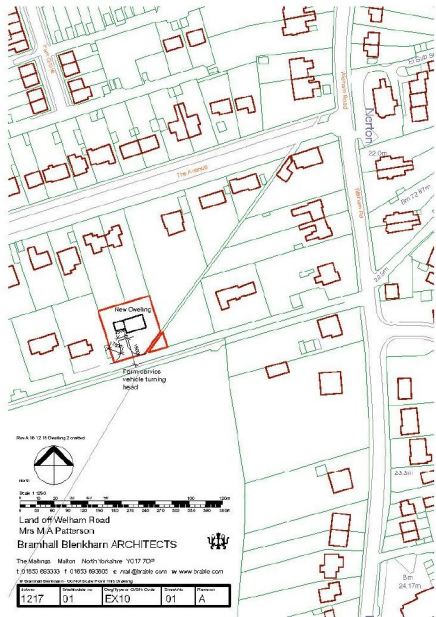
- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Access & Accessibility
- 6 Flood Risk Assessment

1.1 This document accompanies the outline planning application for construction of a single dwelling to the rear of 66 Welham Road Norton YO17 9FF Grid Ref SE 47887 470937 on behalf of Mrs M A Patterson.

The location of the site is shown on the adjoining plan and aerial view below.



Aerial view noting site



Location of site

Site Existing

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Access & Accessibility
- 6 Flood Risk Assessment



Access to site from Welham Road



Access to site from Welham Road



View of site from access



View of site from access with new dwelling to right (east of site)

Site Existing

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Access & Accessibility
- 6 Flood Risk Assessment



View of site from access



View of site from access



View of access looking back to Welham Road



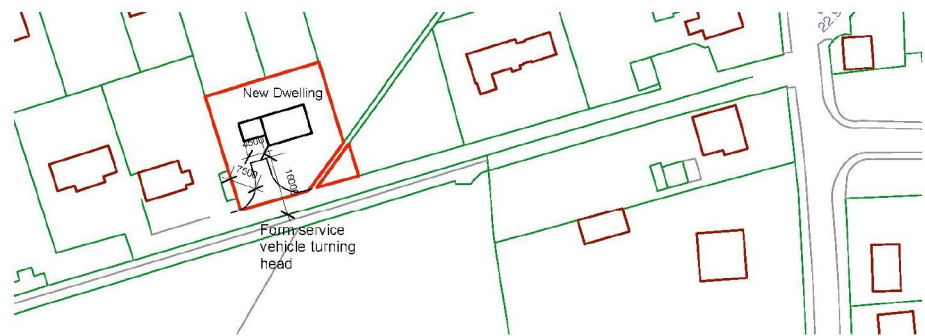
Fenced public footpath crossing site

Site Proposed

- 1 Introduction
- 2 Site Existing
- 3 **Site Proposed**
- 4 Planning Policy
- 5 Access & Accessibility
- 6 Flood Risk Assessment

3.1 The site, highlighted below, is split by a public footpath running diagonally from north east to south west. The proposal is for one dwelling and is to incorporate a service vehicle turning head, 16m in depth, 4.5m wide and with radii of 7.5m.

3.2 The size of the plot reflects those of adjoining width plots. There is good separation from adjoining buildings to north, west and east.



- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy**
- 5 Access & Accessibility
- 6 Flood Risk Assessment

4.1 Prior to making an application, informal discussions were held with NYCC Highways, regarding the suitability of the access to serve 2 No dwellings. The response from Mr S Boyne dated 22.05.2015, noted:

'My informal views would be similar to that already given for planning approval 10/01383/FUL (& 12/00717/COND), to which Mark Bramhall was involved with at the time, based upon 1 new dwelling in each plot. The larger (western) plot should incorporate a service vehicle turning head rather than a passing place, for the benefit of all properties gaining access along the private street.

That would then encompass the recommended maximum 5 dwellings off the private drive, given that No. 66 fronts onto Welham Road.

NB Please note that pre-application planning highways advice is given in good faith and represents an informal officer view. A formal determination can only be made on submission of a planning application to the local planning authority to which the local highway authority would be a statutory consultee.'

The proposed site layout notes the provision of a service vehicle turning area within the site, sized in accordance with NYCC requirements, being 16m in depth and with turning radii of 7.5m.

4.2 The principle of housing in this location is supported by SP1 [General Location of Development and Settlement Hierarchy] set within the Principal Town of Malton and Norton and being within the development limits of SP2.

4.3 Policy SP 16 notes that any scheme should be well connected and reflect the size of surrounding dwelling plots, which the site does. It has vehicular access and a public footpath conveniently bisects the development land.

Access and Accessibility

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 **Access & Accessibility**
- 6 Flood Risk Assessment

6.0 Access & Accessibility

6.1 The dwelling would be designed to meet the requirements of Part M of the Building Regulations (Access to and Use of Buildings) as a minimum standard. Level access from car parking to properties and external areas.

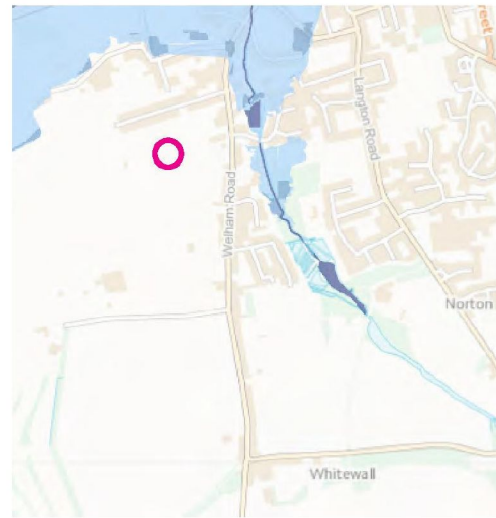
Flood Risk Assessment

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Access & Accessibility
- 6 **Flood Risk Assessment**

7.0 Flood Risk Assessment

7.1 The extract below from the Environment Agency Map notes that the existing property is outside of any flood zone.

7.2 The plan shown blue highlights the additional extent of an extreme flood from rivers or the sea. These outlying areas (indicated by light blue) are possibly affected by a major flood, with up to a 0.1 per cent (1 in 1000) chance of occurring each year. The dark blue areas indicate a risk from a river by a flood that has a 1 per cent (1 in 100) or greater chance of happening each year.



Flood risk map for site from Environment Agency website

NORTON-ON-DERWENT TOWN COUNCIL

Town Clerk: Mrs R.Tierney
Tel/Fax: 01653 695348
Council Chamber and Office
The Old Courthouse
84B Commercial Street
Norton-on-Derwent
Malton
North Yorkshire YO17 9ES



18 January 2016

Head of Planning Services,
Ryedale District Council.
Ryedale House,
Malton.
YO17 7HH

Dear Sir,

PLANNING APPLICATIONS NORTON-ON-DERWENT

I have to inform you that at its meeting on Monday, 18th January 2016 the Town Council made the following recommendations in respect of the applications listed below:-

- 15/00818/OUT Erection of a dwelling (site area 0.099ha).
Land East of 68 Welham Road, Norton, Malton, North Yorkshire
For: Mrs M A Patterson
RESOLVED Recommend approval.
- 15/01460/FUL Change of use and alteration of storage building to 1no. one bedroom ground
floor flat and 1no. two bedroomed first floor flat with part of ground floor
retained as commercial freezer room storage and demolition of lean-to wc
extension
Astwicks Yard, Wood Street, Norton, Malton, YO17 9AA
For: Mr P Hogg
RESOLVED Recommend refusal on the grounds of no parking and no
amenity space with the development.
- 16/00005/FUL Replacement of existing play equipment (excluding the Springer) by the
Playdale New Wave Plus (green) plastic slide system within the Public Open
Space area.
Cheescake Farm Beverley Road, Norton, Malton, YO17 9PH
For: Shepherd Group Ltd.
RESOLVED Recommend approval.
- 16/00024/HOUSE Erection of attached single garage to side of dwelling.
38 Evergreen Way, Norton, YO17 8BY.
For: Mr Kevin Stone
RESOLVED Recommend approval.

Yours sincerely,

Ros Tierney
Town Clerk

E. Mail: norton.tc@btconnect.com

Item Number: 13
Application No: 16/00059/FUL
Parish: Kirkbymoorside Town Council
Appn. Type: Full Application
Applicant: Miss Fiona Mackirdy
Proposal: Alterations to the two bedroom street front dwelling to form a two bedroom holiday cottage together with Change of Use and alteration of unoccupied former attached dwelling to rear to form a one bedroom holiday let to include demolition of domestic outbuildings
Location: 85 West End Kirkbymoorside YO62 6AD

Registration Date:
8/13 Wk Expiry Date: 17 March 2016
Overall Expiry Date: 2 March 2016
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council	Concerns raised
Highways North Yorkshire	No objection
Building Conservation Officer	No views received to date
Public Rights Of Way	Informative to be added

Neighbour responses: Mr Derek Kay,

SITE:

The application site is an existing double frontage end-of-terrace cottage, with a two storey attached outbuilding situated within the Kirkbymoorside Conservation Area and Article 4.

PROPOSAL:

Planning permission is being sought for the change of use and alterations of the existing two bedroom street frontage dwelling to form a two bedroom holiday cottage together with alterations and the change of use and alteration of unoccupied former attached dwelling to rear to form a one bedroom holiday let to include demolition of domestic outbuildings.

The proposed development has been revised to retain single glazed timber sliding sash windows on the front elevation of the existing dwellinghouse. Officers had also raised concerns over the first floor window insertion on the gable end of the existing two storey outbuilding and the removal of both chimney stacks. The plans were then subsequently revised to show the retention of one of the chimney stacks and the proposed gable end window has been reduced in scale. The revised plans also show the retention of the outer wall of the existing outbuilding.

HISTORY:

There is no planning history on the site.

APPRAISAL:

The main considerations in assessing this applications are:

- i) Principle of the development
- ii) Conservation Area
- iii) Residential Amenity

- iv) Highways
- v) Other Issues

i) Principle of the development

The application site is located within the Development Limits of Kirkbymoorside (as defined by the 'Saved' Ryedale Plan) and it is therefore in a Local Service Village as defined by Policy SP1 (General Location of Developments and Settlement Hierarchy) of the Ryedale Plan - Local Plan Strategy. Policy SP8 (Tourism) acknowledges that a key contributor to Ryedale's rural economy is tourism, and seeks to support new self catering accommodation within the town through new buildings and the conversion of existing buildings.

The National Planning Policy Framework also seeks to support development that benefits the rural economy. The Good Practice Guidance on Planning for Tourism also details the value of tourism to the national and rural economy.

The principle is therefore considered acceptable.

ii) Conservation Area

The Building Conservation Officer's main concern in relation to the proposal was the proposed replacement of the existing single glazed timber sliding sash windows on the front elevation with UPVC. Not only is the application site within the Conservation Area but it is also within the Article 4 area where permitted development rights have been removed in relation to the replacement of windows. Following ongoing discussions, the applicant has agreed that the windows on the front elevation will remain timber sliding sashes. This will be controlled via a condition if Members are minded to approve the application.

Following receipt of the revised plans the Building Conservation Officer has raised no objection to the proposed development.

It is considered that subject to the recommended conditions the proposed development would preserve the Kirkbymoorside Conservation Area

iii) Residential Amenity

Planning permission is being sought for the change of use of the existing residential dwellinghouse to a holiday cottage. Whilst planning permission is not required to use the existing dwelling for this purpose it has been included as part of this application as it would be considered unacceptable for the two storey outbuilding to be operated as a holiday cottage without control over the existing dwelling. This is because of the close inter relationship of windows and amenity spaces on site.

The existing first floor windows on the east elevation (due to the floor levels) would be unlikely to give rise to significant overlooking of the properties and the amenity spaces to the east. However the height and angle of the proposed velux's on the eastern slope, would enable occupiers to overlook the neighbouring properties and their amenity space. It is proposed therefore to mitigate this impact through a condition requiring the velux to be obscure glazed. It is not considered that the obscure glazing would impact significantly on the amenity of the future occupiers of the holiday cottage, because of the limited lengths of stay.

Officers were originally concerned that the proposed insertion of the ground floor doors and first floor window on the gable end of the outbuilding would likely impact on No 85's amenity area which wraps round the rear of the application site. The retention of the walls of the existing outbuilding would ensure that no over looking would occur as a result of the insertion of the proposed patio doors in the rear wall.

The reduction in scale of the proposed first floor window (as well as the recommended condition requiring it to be obscured glazed) would ensure that the proposed alterations would not adversely affect the amenity of current or future occupiers' amenity.

Members will note that a letter of objection has been received from the occupier of No 87 West End who raises the following points:

- 1) The plans result in addition of a new dwelling within the Conservation Area. It is suggested that the building used to be a pig shed before becoming unused;
- 2) Concerns over parking - no off-street available;
- 3) The use as holiday cottages and associated behaviour could adversely impact on amenities; and
- 4) The insertion of a window on the end gable would allow occupiers to look out over their rear garden and from the velux on the western roof slope which is proposed to serve the stairs.

Whilst it is considered that the appraisal section of this report addresses the majority of concerns raised the neighbour has raised concern with regards to the potential intensification of the use of the of the site for two holiday cottages. The existing dwellinghouse could function as a holiday cottage without requiring planning permission. Therefore the only difference with this application is the additional unit which is a one bedroom property. Given the size of this unit it is not considered that it would result in an over intensification of the use of the site above and beyond what could currently operate without planning permission.

iv) Highways

The site does not benefit from any of street parking. The submitted Design and Access confirms that the proposed two holiday cottages would rely on off road and town centre parking.

North Yorkshire County Council Highways Authority has raised no objection to the proposed development. The Public Right of Way Officer has recommended an informative is attached to an approval to ensure that the adjacent public right of way is not obstructed during the development.

v) Other Issues

The Proposed additional unit would be served by the main sewers and existing drainage system.

The Councils Countryside Officer has advised an informative in relation to bats.

The Town Council have neither objected or supported the proposal. The full representation response has been appended to this report however a summary has been provided below;

The Planning Committee noted that with the large demands for affordable rented accommodation in Kirkbymoorside it is unfortunate that the owner of the property has elected to convert the premises into holiday accommodation. It would be preferable to see more properties made available to locals.

In light of the above assessment, the recommendation to Members is one of 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 The accommodation currently known as No.85 West End and the outbuilding to be converted hereby permitted shall only be used for holiday letting only. The holiday lets should not be used for a period(s) exceeding a total of 31 days in any one calendar year by the same person, groups of persons or families. The accommodation shall not be used as the main residence of any occupant.

Reason:- It is not considered that the application site is suitable for permanent residential use because of the relationship between the two units.

- 3 The owners/operators of the accommodation hereby permitted shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request. The register shall include full details of the following:

- the main address(es) of all the occupiers of the accommodation hereby permitted
- the start date of every one of the letting/occupation of all the occupiers of the accommodation hereby permitted
- supporting evidence of the main address(es) of all the occupiers of the accommodation hereby permitted

Reason: To ensure the holiday unit does not become occupied as a permanent dwelling and to comply with the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 4 The velux windows on the eastern roof slope and the first floor window on the south elevation of the two storey outbuilding shall be permanently glazed with frosted or opaque glass of a type to be submitted and approved in writing by the Local Planning Authority prior to the occupation of the building.

Reason:- To protect the privacy of adjoining properties.

- 5 Notwithstanding the submitted plans, prior to the occupation of the property currently known as No.85 West End, details of all windows and doors, including means of opening depth of reveal, glazing and external finish of those on the front elevation shall be submitted to and approved in writing by the Local Planning Authority. The glazing of the existing windows shall be retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP12 and SP 16 of the Ryedale Plan - Local Plan Strategy.

- 6 If during the reconstruction of the gable end of the two storey outbuilding new or additional stone/bricks are required samples of these should first be agreed in writing with the Local Planning Authority. Details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority before any re-construction of the gable end takes place on site.

Reason:- In the interest of preserving the character of the Conservation Area.

- 7 Prior to the occupation of the two holiday lets hereby approved full details of the type and species of plants for the hedgerow as shown on the revised floor plans, received by the Local Planning Authority on the 24 March 2016 shall be submitted to and agreed in writing. The approved scheme shall then be planted by the end of the first planting season after the first occupation and shall remain as such thereafter.

Reason: In the interest of preserving the amenity of the neighbouring properties.

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

Internal floor plan, revision 4 dated 23 March 2016 received by the Local Planning Authority 24 March 2016

Elevations, revision 4 dated 23 March 2016 received by the Local Planning Authority 24 March 2016

Location Plan received by the Local Planning Authority 21 January 2016

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

INFORMATIVES:

- 1 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as Amended) and applied to whoever carried out the work.

Contact details: Natural England, 4th Floor, Foss House, Kings Pool, 1 - 2 Peasholme Green, York, YO1 7PX Tel: 0300 060 1911

- 2 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

- 3 Supporting evidence of the main address(es) of all the occupiers can include the following:

- The most recent Council Tax demand
- Utility bills issued within the last 3 months

Background Papers:

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

Location Plan #901573



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2015. Ordnance Survey 0100031673

Scale: 1:1250, paper size: A4

THIS COPY HAS BEEN MADE BY OR FOR THE
 AUTHORITY OF RYEDALE DISTRICT COUNCIL
 PURSUANT TO SECTION 47 OF THE COPYRIGHT,
 DESIGNS AND PATENTS ACT 1988 UNLESS
 THAT ACT PROVIDES A RELEVANT EXCEPTION TO
 COPYRIGHT, THE COPY MUST NOT BE COPIED
 WITHOUT THE PRIOR PERMISSION OF THE
 COPYRIGHT OWNER.

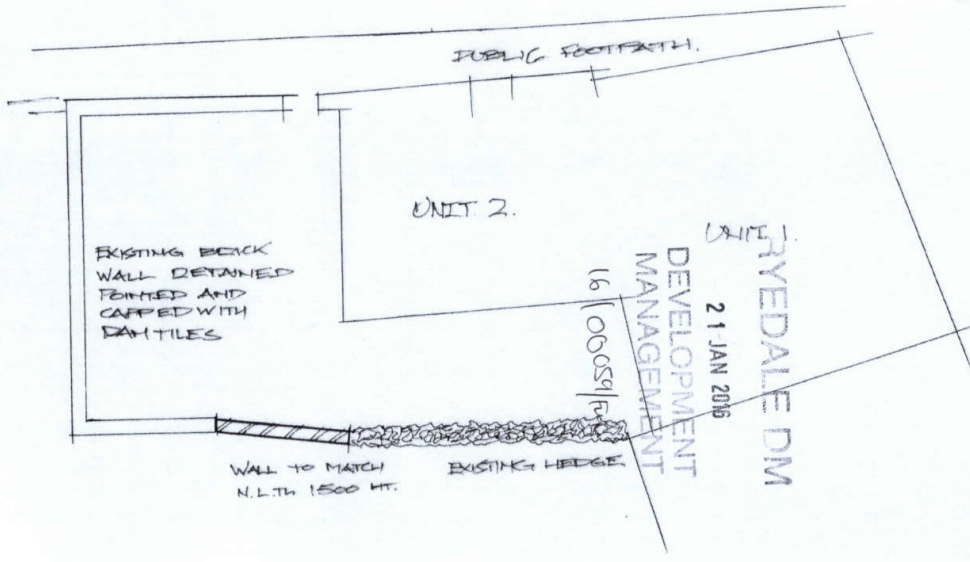
RYEDALE DM
 21 JAN 2016
 DEVELOPMENT
 MANAGEMENT
 16/00059/rul


plans ahead by emapsite

Plans ahead by emapsite

85 WEST END
EAST BOUNDARY DETAIL
SCALE 1:100
J.P.
21/1/16

THIS COPY HAS BEEN MADE BY OR WITH THE
AUTHORITY OF RYEDALE DISTRICT COUNCIL
PURSUANT TO SECTION 17 OF THE COPYRIGHT,
DESIGNS AND PATENTS ACT 1988. UNLESS
NOTED OTHERWISE, THIS PERMISSION DOES NOT
EXTEND TO THE REPRODUCTION OF THIS COPY
WITHOUT THE PRIOR PERMISSION OF THE
COPYRIGHT OWNER.





 THE SURVEYORS' INSTITUTION

 11, BEDFORD SQUARE, LONDON, W1P 0LQ

 020 7625 5500

 www.surveymen.co.uk

Survey Drawing

 of

 85, West End,

 Kirkbymoorside,

 York,

 YO62 6AD

 for

 Fiona Mackinry

 Scale 1:50 & 1:100

 2/12/15

 Sheet One

THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE SURVEYORS' INSTITUTION

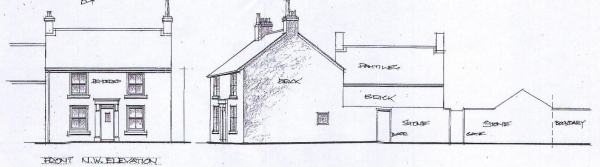
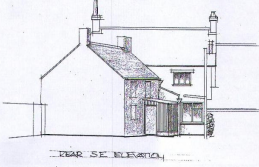
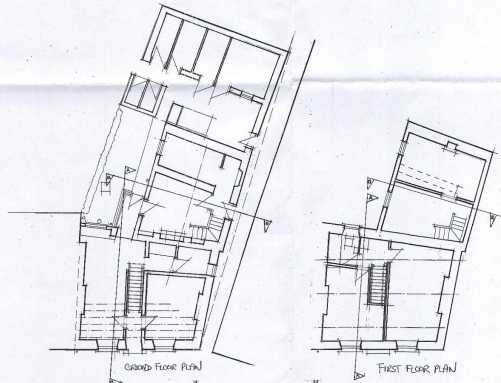
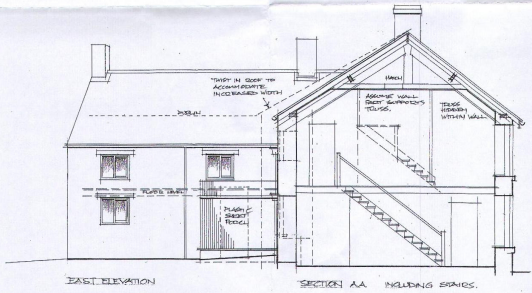
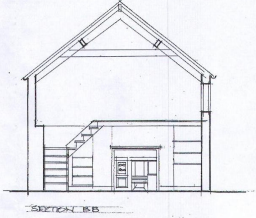
RYEDALE DM

 21 JAN 2016

 DEVELOPMENT

 MANAGEMENT

 161 00059 FAX

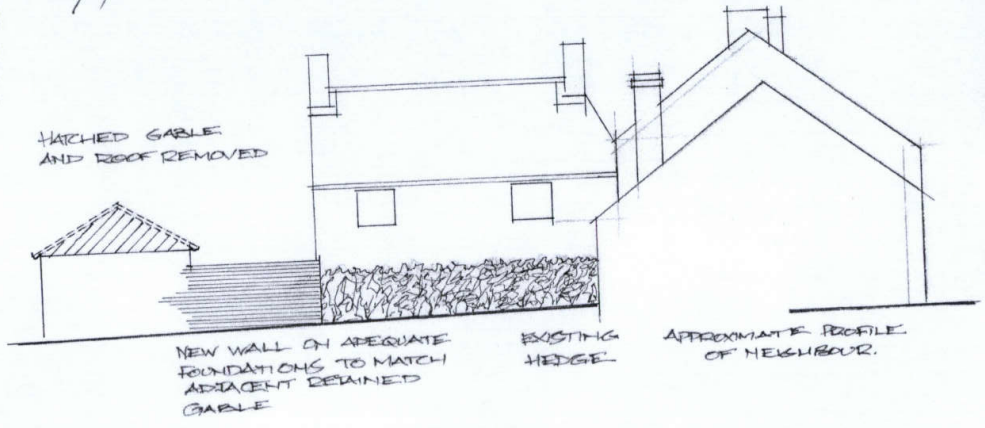


THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL DESIGNS AND PATENTS ACT 1988 UNLESS OTHERWISE STATED AND EXCEPT TO THE EXTENT THAT THE COUNCIL PERMITS IN WRITING THE USER PERMISSION OF THE COPYRIGHT OWNER

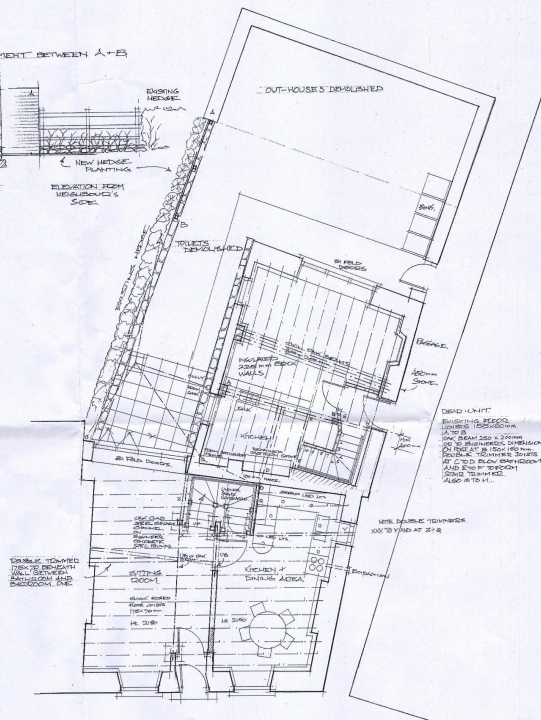
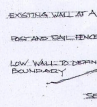
85 WEST END
EAST BOUNDARY DETAIL
SCALE 1:100
J.P.
21/1/16

21 JAN 2016
DEVELOPMENT
MANAGEMENT
161000591/FUL

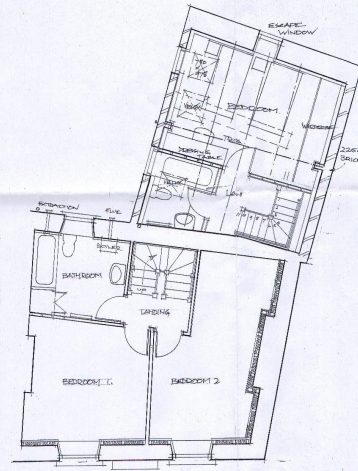
RYEDALE P11



BOUNDARY TREATMENT BETWEEN A-E



SECOND FLOOR PLAN



FIRST FLOOR PLAN

MANAGEMENT
DEVELOPMENT
2 WAY
982
RYedale DM

Second Suggestions
to create two holiday let properties at
85, West End,
Kirkbymoorside,
York,
YO62 6AD
for
Fiona Mackindry
Scale 1:50
30/12/15
Sheet Three
SIGNED BY
REVISION NO. 2

THIS DRAWING HAS BEEN MADE BY OR FOR THE ARCHITECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT

REVISED

Design and Access Statement

Reference 85, West End Kirkbymoorside for Miss Fiona Mackirdy.

The property has been recently purchased by my client with the intention to convert the original dwelling into a holiday let property. Miss Mackirdy was interested to discover a second small dwelling to the rear which has not been occupied in recent times. There are no services to this property except one socket outlet, not even a sink but there is an old cast iron range and main drainage is close by.

By demolishing the outbuildings and outside toilets the two units can be given common bin locations. The smaller unit will be accessed from the footpath right of way which passes to the right of the property and it will also share a gated egress from the rear area which will become a garden after the demolition work is completed.

Although the rear unit is small it will become perfectly adequate for two people and the location on the fringe of our small town will provide all the services and attractions holiday visitors may require. The work to be undertaken will convert a very damp and neglected cottage and the utterly neglected rear dwelling into thoroughly modern, fully insulated accommodation entirely able to add to the tourist facilities offered by Kirkbymoorside.

Although the development is within the Conservation Area my client will seek to replace the front street windows with the lower maintenance UPVC but choosing a style very close to the existing sash windows as she has observed that several properties along West End have had such windows installed. It is also true that other than the replacement of these windows and the sealing against vermin, birds and damp of all but one flue no changes to the external appearance of the visible front or side of the dwelling/s are proposed.

The parking problem may be addressed by my client including the use of the town car park in the letting cost of No 85 and the smaller unit.

JP.

RYEDALE DM

21 JAN 2016

DEVELOPMENT
MANAGEMENT

16/00059/FUL

Subject: 16/00059/FUL

From: Lisa Bolland [mailto:town.clerk@kirkbymoorsidetowncouncil.gov.uk]

Sent: 15 March 2016 09:52

To: Development Management

Subject: Planning Applications: 15/01156/MOUT 15/01446/FUL 16/00030/ADV 16/00059/FUL 16/00103/HOUSE 16/00169/HOUSE

Dear Planning Committee,

I note that the observations submitted by the Kirkbymoorside Town Council Planning Committee in respect of several planning applications do not appear to have been acknowledged and do not appear on your website with the respective

applications. Please see below information previously submitted. Please would you ensure that these observations are applied to each application accordingly.

Regards

Lisa Bolland

Comments Raised by the Planning Committee dated 15th February 2016:

P15050 PLANNING APPLICATIONS

- a) 15/01156/MOUT | The erection of 16 no. 2 bed semi-detached dwellings, 3 no. 1 bed apartments and 1 no. 1 bed duplex apartment with associated access and parking areas together with the realignment of the existing road. | North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

Members of the public raised the following concerns:

The potential that a development of this proportion, and the associated introduction of additional impermeable surface areas, would exacerbate the ongoing issues of flooding in Manor Vale, and the detrimental impact that this would have to the existing properties. It was noted that the supporting documents do not address the matter of drainage in sufficient detail to allay any fears. Furthermore, correspondence shared by a member of the public from Stuart Edwards, SuDS and Development Control Officer, NYCC confirms that the supporting information for the planning application does not demonstrate sufficient detail of suitable surface water management proposals

Concern regarding the existing right of access for the Band and Scouts as affected by re-routing of the access road. The further realignment of the proposed roadway detailed in the current application and the implementation of a grass verge and planting of large trees appears to obstruct the connection from the Band Hall to their existing car park. It also appears that this realignment would block vehicular access to the land belonging to both the Scouts and Ravenswick Estate.

Further concerns about the planting of large trees along the new proposed verge are that they are disproportionate. The size of these plants would have a significant impact on light and the root spread of such large specimens would ultimately have an impact on the structural integrity of all neighbouring properties. The proposal to plant large trees on the border of the property is further confused by the contradiction of details in the following plans DC Plan Additional 1257299; DC Plan – Revised Site Location Plan 1527701 and DC Plan Additional 1527703.

The Planning Committee supports the points raised by members of the public, all of whom are residents of Manor Vale and directly affected by any development of the site.

The Planning Committee would like to re-submit the observations recorded in Minute P15043 dated 16 November 2015 in respect of the previous application 15/01156/OUT, the comments remain valid for this revised application, as follows:

Another member of the public confirmed that as a resident of Manor Vale Lane they are in support of residential development, however there are concerns about the drainage. It was suggested that the number of houses outlined by the proposal would be the most that the site would be able to accommodate. It was further commented that the residents have persistently complained about the state of the site and the imposition it poses both aesthetically and as a safety consideration to residents and visitors alike.

A representative of the band expressed concerns about the proximity of residential housing to the band and raised the concern that the right of access would be modified and the impact this would have on the band and golf course.

The Planning committee confirmed its support of the plans for residential development and commented that the developers and future residents alike must be aware that due to the proximity with the band building it is inevitable that there will be noise. It was agreed that any development should allow as much distance as possible between the houses and the band to minimise the noise effect. Furthermore the drainage of the site is of particular concern and would need to be addressed.

- b) 15/01446/FUL | Change of use of ground floor former bookmakers (Use Class A2) to a coffee shop and delicatessen (mixed use of A1/A3) to include use of rear courtyard as additional seating area and installation of externally illuminated hanging sign and folding shutters to the front entrance door | 1 Crown Square Kirkbymoorside North Yorkshire YO62 6AY

The Planning Committee is delighted to see proposals for new businesses within Kirkbymoorside and supports the application though there is confusion as to why the address is classified as 1 Crown Square when the premises are located on High Market Place.

- c) 16/00030/ADV | Display of 1no. internally illuminated fascia sign to north elevation. | Marshall Aerospace Ings Lane Kirkbymoorside YO62 6EZ

No Comment

- d) 16/00059/FUL | Alterations to the two bedroom street front dwelling to form a two bedroom holiday cottage together with Change of Use and alteration of unoccupied former attached dwelling to rear to form a one bedroom holiday let to include demolition of domestic outbuildings | 85 West End Kirkbymoorside YO62 6AD

A member of the public expressed the following concerns:

- i. The lack of off street parking at the property and the proposed conversion from 1 property into 2 properties would result in an increase in demand for parking on West End, which is already problematic.
- ii. Concern that the emergency escape located on the first floor was proposed to be a window, rather than a door.
- iii. Noise disturbance caused by visitors during the summer months when the evenings are lighter, will have a negative impact on neighbouring residents.

The Planning Committee noted that with the large demand for affordable rental accommodation in Kirkbymoorside it is unfortunate that the owner of the property has elected to convert the premises into holiday accommodation. It would be preferable to see more properties made available to locals.

- e) 16/00103/HOUSE | Erection of single-storey extension to rear elevation | 7 Kirby Mills Road Kirkby Mills Kirkbymoorside YO62 6NP

No Comment

- f) 16/00169/HOUSE | Installation of 2no. replacement double glazed timber framed windows to front elevation. | 16 Castlegate Kirkbymoorside North Yorkshire YO62 6BJ

No Comment

Item Number: 14
Application No: 16/00113/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mann Power Consulting Ltd (Mrs Mo MacLeod)
Proposal: Change of use of part of dwelling to a B1(a) office use for the dwelling occupiers business with associated business parking (retrospective application)
Location: Barton Cottage York Road Malton North Yorkshire YO17 6AU

Registration Date:
8/13 Wk Expiry Date: 18 March 2016
Overall Expiry Date: 2 March 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Environmental Health Officer No views received to date
Parish Council No views received to date
Highways North Yorkshire Recommend condition

Neighbour responses: Alastair & Ann Barron, Mrs Debra England,

SITE:

The site is occupied by a substantial detached dwelling set in an extensive curtilage which was originally constructed circa 1840. It is located on the north side of York Road, Malton near the junction with Horsemarket Road.

The building is a Grade II listed building and is located within the Malton (Town Centre) conservation area.

PROPOSAL:

Planning permission is sought for the change of use of part of the existing dwelling to office use for the dwelling occupiers' business. The submitted plans indicates that the office use is at ground floor entrance. There are two rooms in uses as offices, a file room and a staff room and WC. There is also an external store area.

There are 7 associated business parking spaces and 4 cycle parking spaces.

The office is for desk space for 6 workers (4 full time, 2 part time). The regular office hours are 8.30 am to 6.00pm.

The planning application is retrospective in nature as the change of use has already occurred.

CONSULTATION RESPONSES:

There have been 2 objections to the application, from the occupiers of The Old Vicarage, York Road and St. Andrews House, Castle Howard Road.

The objections relate to the following issues:

- The office use is more substantial in that it requires parking for employees and visitors. This should not be encouraged in a conservation area with residential housing all around.
- The use should be located at a business site in Malton/Norton not in a residential property in the conservation area
- Concern over the car parking on a busy section of York Road with reference to the elderly residents who walk past from the McCarthy and Stone sheltered accommodation on Castle Howard Road.
- They do not wish to see signs in the conservation area
- The development will set a dangerous precedent in a conservation area
- The development will set a dangerous precedent in a residential area
- It would seem counterproductive to be considering reducing any of Malton's housing stock
- There is enough vacant office accommodation in Malton to negate the need for conversion of a residential property
- Concern over the increase in traffic
- Commercial signage would be unsightly
- Inappropriate development in a quiet residential area with potential increased noise, waste and pollution.
- The removal of a green area for replacement car parking reducing drainage and increasing flood risk.

The objections to the planning application relate to material planning considerations. As the application is recommended for conditional approval, under the Council's scheme of officer delegation it is brought to Committee for Members to consider and determine.

POLICY:

National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of new housing
Policy SP6 - Delivery and Distribution of Employment/Industrial Land and Premises
Policy SP12 - Heritage
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

HISTORY:

00/00872/LBC - Permitted - Internal alterations

04/00746/LBC - Permitted - Alterations to gate and steps to rear of dwelling, formation of opening in garden wall, formation of parking area to front of dwelling by altering ground level and resiting of stone wall and formation of doorway to west elevation

04/00825/FUL - Permitted - Formation of opening in garden wall, re-positioning and alteration of stone wall adjacent to driveway to form additional parking, works to lower ground levels and lowering of gate with removal of concrete steps

06/01024/MFUL - Refused - Erection of 29 no. one bed and 16 no two bed sheltered apartments for the elderly with 1 no. house managers apartment, communal facilities, parking area and formation of vehicular access

06/01176/LBC - Refused - Demolition with some re-building of sections of boundary wall to enable formation of vehicular access to land to rear of Barton Cottage

APPRAISAL:

The key issues to consider are:

- i. Principle of development
- ii. Impact on neighbour amenity
- iii. Highway safety
- iv. Impact on the Listed Building and the Malton (Town Centre) conservation area
- v. Other matters

- i. Principle of development

The key issue for Members to consider is whether the loss of part of a residential dwelling to employment use is acceptable. Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan - Local Plan Strategy indicates that Malton and Norton should be seen as the primary focus for growth within Ryedale District. Policy SP6 (Delivery and Distribution of Employment/Industrial Land and Premises) supports the conversion of existing buildings for employment purposes in Malton. Policy SP2 (Delivery and Distribution of new housing) states that proposals which result in the loss of existing residential accommodation will only be permitted where the need for the use is considered to outweigh use of the building for residential purposes.

The business use of the building includes part of the ground floor and a detached store. The rest of the building remains in residential use by the applicant. The location of the development within Malton and within walking distance of the town centre is considered to be sustainable. The rest of the building remains in residential use and as such a residential unit has not been lost. The principle of the change of use is therefore considered to be in accordance with Policies SP1, SP6 and SP12 of the Ryedale Plan - Local Plan Strategy.

- ii. Impact on neighbour amenity

In accordance with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy, new development is required not have a material adverse impact on the amenity of present and 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.

The key issues to consider in terms of amenity are the possible impacts of the office use on neighbours and the impact on future occupants of the residential element of Barton Cottage if there is a change in ownership. While in a primarily residential area, the site is located on one of the main roads into Malton town centre and is detached with considerable domestic curtilage (gardens). As such, the conversion of part of the ground floor to office use is not considered to result in an unacceptable impact on the amenity of the present or future occupiers of neighbouring buildings.

It is acknowledged that the principle of residential occupation above office accommodation is relatively common place, particularly within town centres. However, the development does retain significant residential space at ground floor level and the office space is located at the rear of the building.

Therefore to protect the amenity of future occupiers of the residential element of the building a condition is recommended requiring the office space to remain under the same ownership as the residential space. Imposing this condition will allow the local planning authority a significant measure of control to consider the impact of possible future development.

Office use falls within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Under current permitted development rights there are a number of uses that offices can be changed to without planning permission including storage & distribution, retail, restaurants and cafes. Given the location of the site within an existing domestic curtilage and within a dwellinghouse, it is recommended that these 'permitted development right's are also restricted by planning condition.

The Council's Environmental Health Officer has not responded at the time of writing this report. Any comments received will be reported on the Late Pages or at the meeting.

iii. Highway Safety

The application site is located on the northern side of York Road, Malton. North Yorkshire County Council as the local highway authority have been consulted and have stated that the site meets the required visibility splay of 2.4 metres by 90 metres. There is no highways objection raised subject to the imposition of a condition requiring parking spaces to be retained for non-residential use.

iv. Impact on the Listed Building and the Malton (Town Centre) conservation area

Under the Planning (Listed Buildings and Conservation Area) Act 1990 states that the Local Planning Authority has a duty to pay special regard to the preservation and enhancement of the special interest of the Listed Building. Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy states that designated historic assets will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to a designated historic asset will be resisted unless wholly exceptional circumstances can be demonstrated

The development does not involve any operational development that would have an impact on the historic fabric of the listed building or that would have an adverse impact on the conservation area. Listed Building Consent is not required for the change of use.

v. Other Matters

One of the representations to the planning application indicated concern regarding possible advertisements for the business. The applicant has stated that the offices are not open to the public, which will reduce the need for any significant advertisement. If a future advertisement is proposed then this may well require advertisement consent from the local planning authority who can then consider the proposal on grounds of amenity and highway safety.

One of the objectors refers to the loss of a green area for parking and also flood risk. It is not entirely clear what area the objector is referring to but it is noted that the development is retrospective and it is also sited outside of flood risk zones 2 and 3.

There were no further responses to the public consultation.

In conclusion, the planning application is considered to be acceptable on its planning merits when considered against national and local planning policies. Approval is recommended subject to the following conditions.

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 provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number Plan 3 for parking spaces, turning areas (cross-hatched area) and access shall be kept available for their intended purposes at all times.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
- 3 The development of the office space hereby permitted shall be used in connection with the dwelling currently known as 'Barton Cottage' and it shall not be sold or let off separately from the main dwellinghouse.

Reason: For the avoidance of doubt and in order to satisfy policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 4 The development hereby approved shall be used only for a purpose included in Use Class B1 a) Offices; of the schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument re-enacting that Order.

Reason:- To protect the amenity of the existing residential accommodation at the site, in accordance with Policy SP20 (Generic Management Issues) of the Ryedale Plan - Local Plan Strategy.
- 5 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Plan 1 - Site Location Plan validated by the local planning authority 01 Feb 2016
Plan 2 - Floor Plans validated by the local planning authority 01 Feb 2016
Plan 3 - Block Plan validated by the local planning authority 01 Feb 2016

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

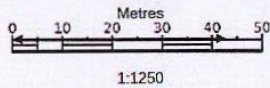
Background Papers:

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



Produced 21 Jan 2016 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

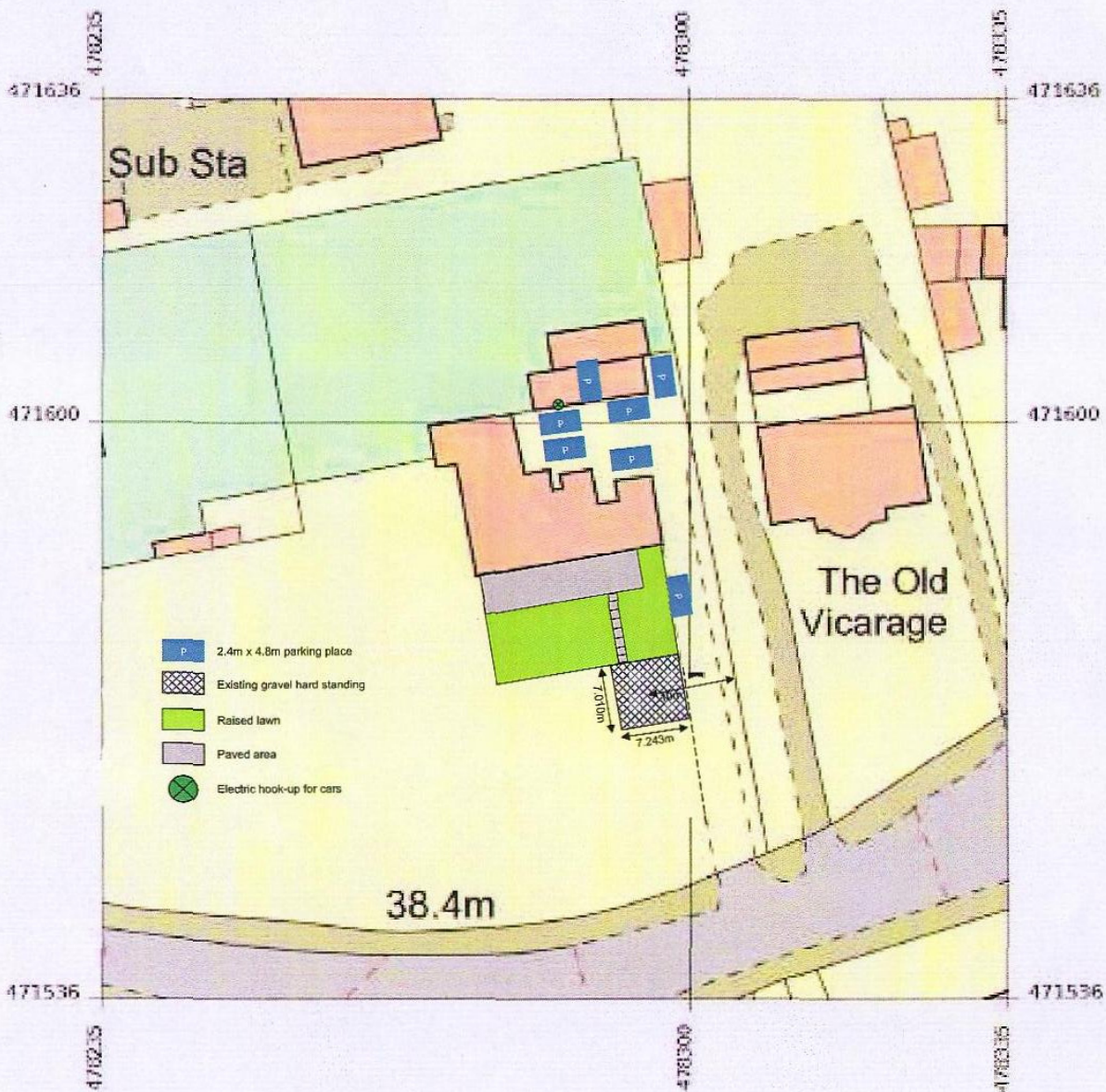


Barton Cottage, York Rd, Malton
YO17 6AU

Supplied by: **Stanfords 21 Jan 2016**
Licence: © Crown Copyright and
database rights 2016 OS100035409
Order Licence Reference: OI949711
Centre coordinates: 478285 471586

THIS COPY HAS BEEN MADE BY OR WITH THE
AUTHORITY OF RYedale DISTRICT COUNCIL
PURSUANT TO SECTION 47 OF THE COPYRIGHT,
DESIGNS AND PATENTS ACT 1988. UNLESS
THAT ACT PROVIDES A RELEVANT EXCEPTION TO
COPYRIGHT, THE COPY MUST NOT BE COPIED
WITHOUT THE PRIOR PERMISSION OF THE
COPYRIGHT OWNER

Plan 1



Survey MasterMap
surveyed revision



Barton Col
YO17 6AU

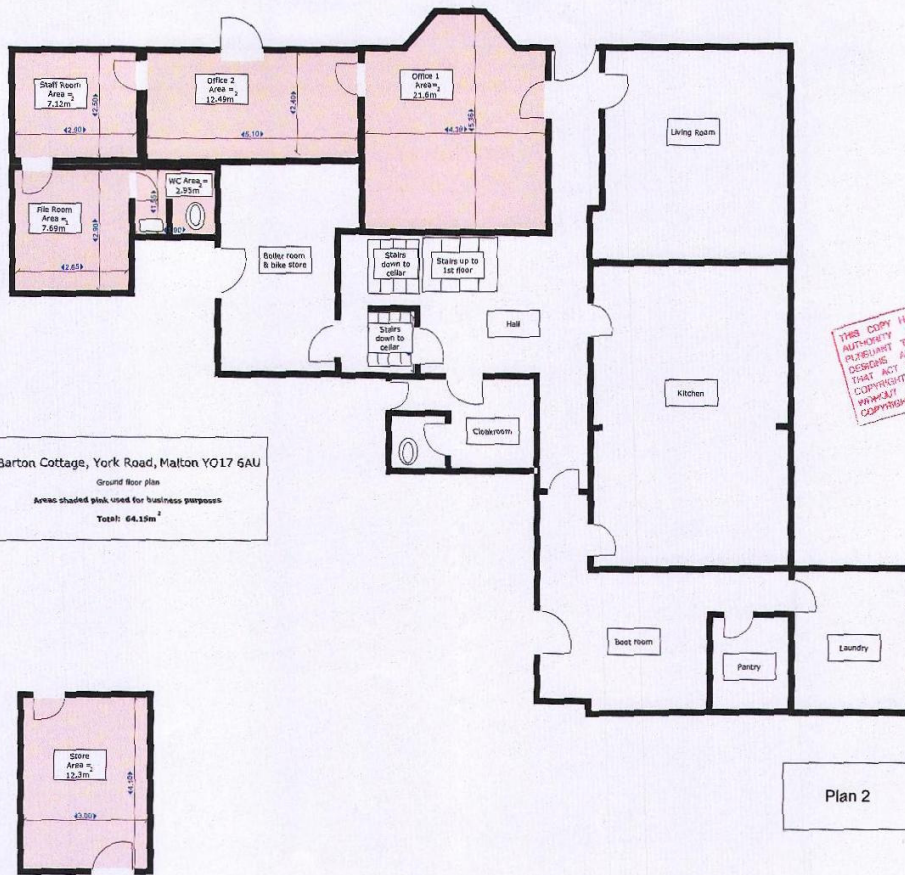
is no evidence of a right

1:1250

THIS COPY HAS BEEN MADE BY OR WITH THE
AUTHORITY OF RYSDALE DISTRICT COUNCIL
PURSUANT TO SECTION 47 OF THE COPYRIGHT,
DESIGNS AND PATENTS ACT 1988. UNLESS
THAT ACT PROVIDES A RELEVANT EXCEPTION TO
COPYRIGHT, THIS COPY MUST NOT BE COPIED
WITHOUT THE PRIOR PERMISSION OF THE
COPYRIGHT OWNER.

Plan 3

15/00050/CU Barton Cottage, York Road, Malton YO17 6AU



Barton Cottage, York Road, Malton YO17 6AU
 Ground floor plan
 Areas shaded pink used for business purposes
 Total: 64.15m²

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF EPPENDALE DISTRICT COUNCIL PURSUANT TO SECTION 14 OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT THE COPY MUST NOT BE COMED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.

Plan 2

Item Number: 15
Application No: 16/00191/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Mr Agar
Proposal: Erection of an extension to agricultural building for the storage of machinery
Location: Red Oak House 110A Outgang Road Pickering North Yorkshire YO18 7EL

Registration Date:
8/13 Wk Expiry Date: 29 March 2016
Overall Expiry Date: 1 March 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Parish Council No objection
Highways North Yorkshire No objection
Environmental Health Officer No views received to date

Neighbour responses: B And E Wolstenholme, Mr And Mrs P Smith,

SITE:

The site lies to the south of Outgang Road, Pickering. The site is accessed via a tarmac access between 108 and 110 Outgang Road. The existing site access is to the detached dwelling known as Red Oak House. There is an existing detached agricultural building of Yorkshire boarding construction to the west of the dwelling.

The site lies outside of, but adjacent to, the Pickering development limit.

PROPOSAL:

Planning permission is sought for the erection of an extension to the existing agricultural building at the site. The proposed extension is 13.6 metres in width and 5.8 metres in depth. The extension will have a mono pitched roof and reach a maximum height of 3.1 metres reducing height to 2.6 metres at the eaves.

The proposed extension will have west facing solid gates and will be constructed of Yorkshire boarding with a profiled cladding roof to match the existing building.

CONSULTATION RESPONSES:

There have been 2 responses by local residents to the application.

The first response was an objection from the occupants of 108 Outgang Road, who raised the following concerns:

- concern over what type of machinery will be stored in the extension
- dangerous of another business starting at the site as original building not being used for this purpose
- existing building is adequate for storage, extension is necessary
- area is now totally residential

- extension will appear out of character
- noise from machinery will be unacceptable

The occupants of 110 Outgang Road responded to confirm they did not object as long as the extension was not used for business purposes and extra vehicles were not using the access.

Pickering Town Council did not object to the proposal.

No further consultation responses were received.

The objections include a number of material planning considerations relevant to the determination of the application. As the application is recommended for approval, in accordance with the Council's scheme of delegation it is brought before Members of the Planning Committee for consideration and determination.

POLICY:

National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Ryedale Plan - Local Plan Strategy

Policy SP9 - The Land-Based and Rural Economy
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

RELEVANT HISTORY:

There is extensive planning and enforcement history to this site in the form of applications and enforcement notices. The most relevant applications to the current proposal are outlined below:

07/00659/FUL - Refused - Change of use of domestic garden to commercial yard for materials and trailer storage (retrospective application)

08/00614/FUL - Refused (appeal allowed) - Change of domestic garden to commercial land for materials and trailer storage (retrospective application - resubmission of refusal 07/00659/FUL dated 10/09/07)

11/00011/FUL - Refused (part allowed on appeal) - Erection of block of two stables with feed store together with formation of access track (part retrospective)

12/00968/FUL - Permitted - Erection of building to form alpaca stable and feed and implement store

13/00239/FUL - Permitted - Erection of 1no. four bedroom dwelling with detached double garage and 1no. two bedroom dwelling with parking spaces to include demolition of existing workshop building and outbuilding

APPRAISAL:

The key issues to consider are:

- i. Character and Form
- ii. Impact on Neighbour Amenity

- iii. Highways considerations
- iv. Other Matters
- v. Conclusion

i. Character and Form

Policy SP9 (The Land-Based and Rural Economy) of the Ryedale Plan - Local Plan Strategy supports new buildings that are necessary to support land based activity and a working countryside. Extensions and 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 to accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

While the extension will be located within open countryside it is adjacent to the Pickering development limit and the buildings on Outgang Road. As such, the extension to the building should be seen within the context of the proximity to Pickering. The extension will match the width and depth of the existing building, effectively doubling the floor area. However, the proposed extension will be lower in height than the existing building, with the roof ridge meeting the eaves of the existing dual pitched roof. As such, the extension will appear subservient to the existing building. Materials to match the existing building are proposed and as such, the extension is considered to be in line with Policies SP16 and SP20.

ii. Impact on Neighbour Amenity

In accordance with Policy SP20, new development is required not to have a material adverse impact on the amenity of present and 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.

The proposed extension is for the storage of machinery associated with the Alpaca husbandry and also to provide protection from birds for hay bales. The extension will be no closer to the existing dwellings to the north and east of the site and will be single storey in design. Due to the design and location of the proposed extension it is not considered there will be a material adverse impact on the amenity of present and future occupants of the neighbouring buildings.

iii. Highways considerations

The proposed extension will use the same access from Outgang Road as the existing buildings at the site. North Yorkshire County Council as the local highway authority were consulted and have not objected to the proposal.

iv. Other Matters

The objections to the application allege the possibility of an unauthorised use of the existing building. Planning permission was originally granted for the building to be used as an alpaca stable and feed and implement store. If a full time joinery were to be established at the site, this would require a separate planning permission. There is no evidence at this time of an unauthorised use, but if this were to change in the future than an enforcement investigation could be undertaken and action taken is appropriate.

iv. Conclusion

In conclusion, the proposed extension is considered to comply with national and local planning policy and is recommended to Members for approval subject to the following conditions.

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 Unless otherwise approved in writing by the Local Planning Authority, the materials, colour and external finish to the external walls and the roof tiles of the development hereby permitted shall match that of the existing agricultural building.

Reason:- To ensure a satisfactory external appearance and to comply with Policies 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 plans:

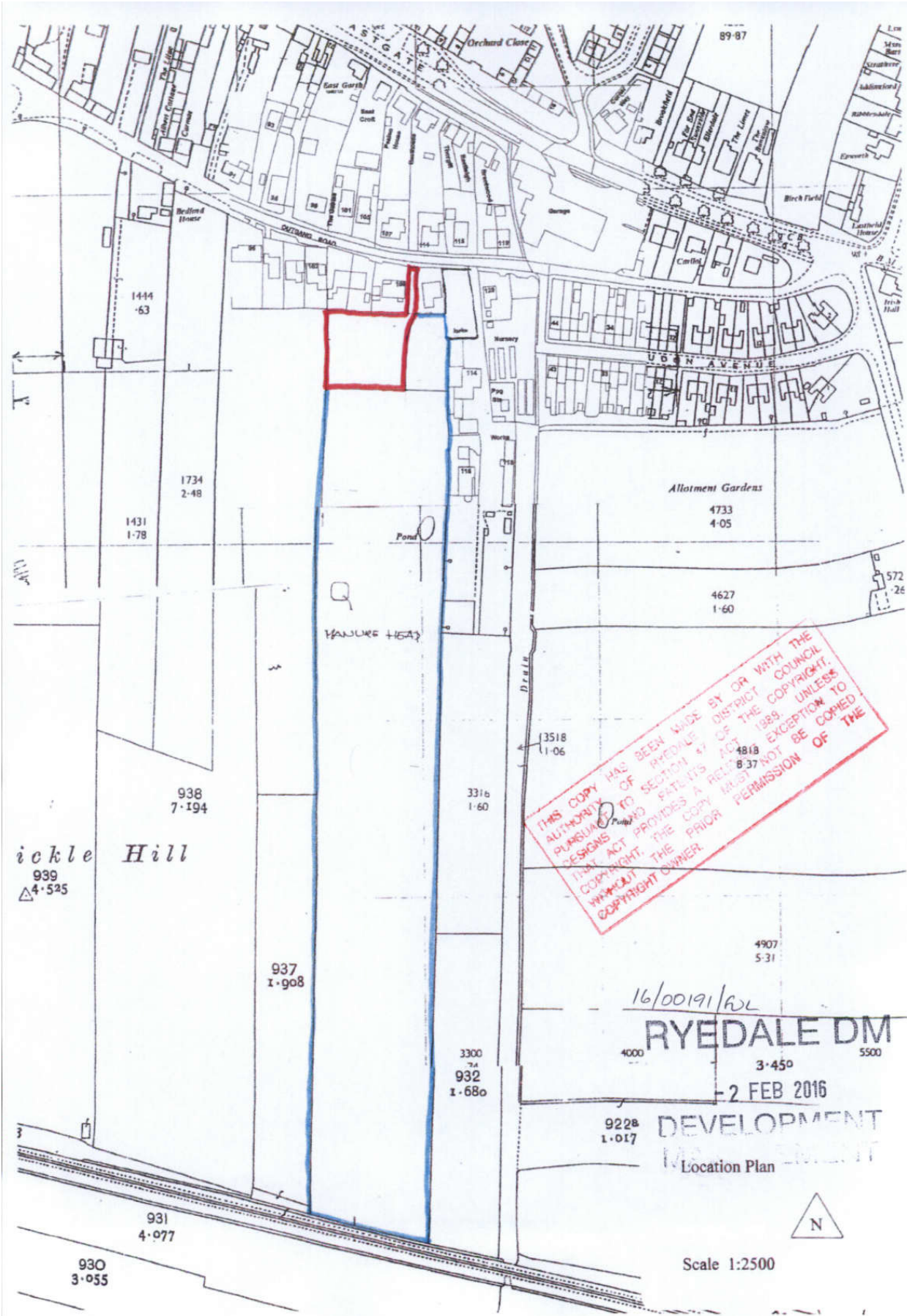
Location Plan Scale 1:2500 received by the Local Planning Authority 2 February 2016

Drawing no. 260 116 1 received by the Local Planning Authority 2 February 2016

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



THIS COPY HAS BEEN MADE BY OR WITH THE
 AUTHORITY OF RYEDALE DISTRICT COUNCIL.
 PURSUANT TO SECTION 47 OF THE COPYRIGHT,
 DESIGNS AND PATENTS ACT 1988. UNLESS
 THAT ACT PROVIDES A REPEATED EXCEPTION TO
 COPYRIGHT, THE COPY MUST BE COPIED
 WITHOUT THE PRIOR PERMISSION OF THE
 COPYRIGHT OWNER.

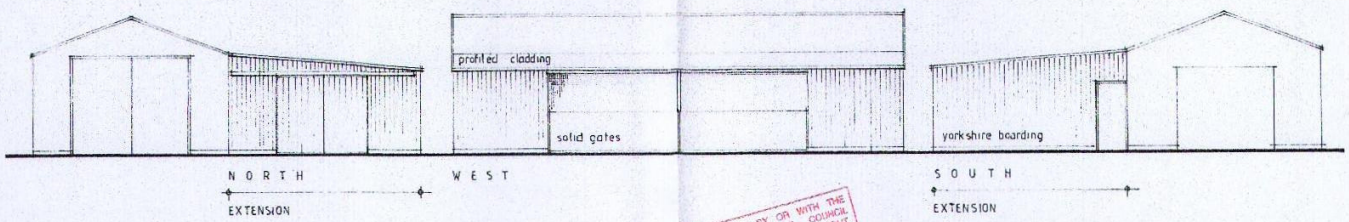
16/00191/RL
RYEDALE DM

3-450
 -2 FEB 2016

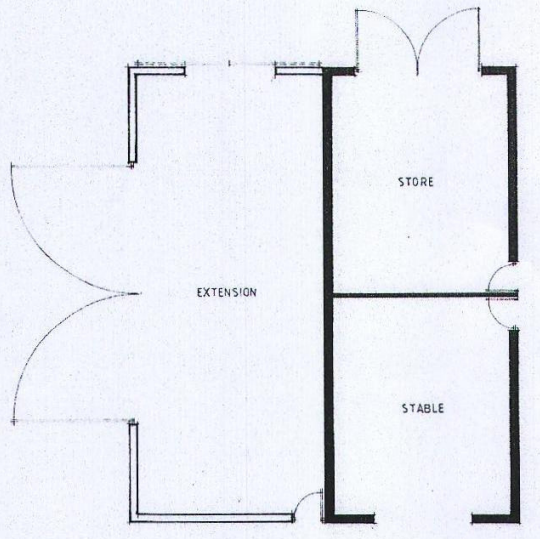
922B
 1-017
DEVELOPMENT
 Location Plan



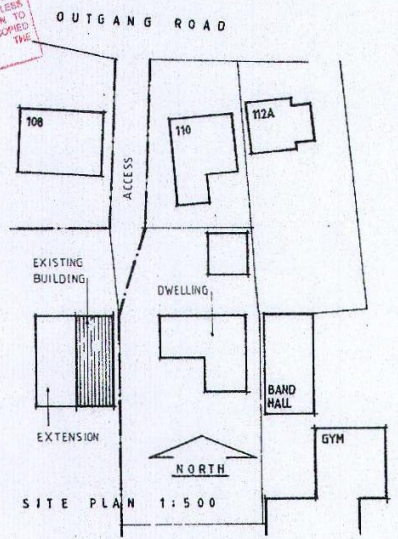
Scale 1:2500



THIS DRAWING HAS BEEN MADE BY OR WITH THE
 AUTHORITY OF THE RYEDALE DISTRICT COUNCIL.
 ANY REVISIONS TO THIS DRAWING MUST BE
 APPROVED BY THE DISTRICT COUNCIL.
 AT NO TIME SHALL THE COUNCIL BE HELD
 RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION
 OF THE WORKS SHOWN ON THIS DRAWING.
 COPYRIGHT OWNER



PLAN
 PROPOSED EXISTING



SITE PLAN 1:500

14/00191/RUL
RYEDALE DM
 -2 FEB 2016
 DEVELOPMENT
 MANAGEMENT

Peter Rayment Design Ltd architectural designers
 Upping, Westgate, Thornton le Dale,
 Pickering YO8 7BA email: rayment.design@gmail.com
 tel: 01751 472541
 EXTENSION TO AGRICULTURAL BUILDING Scale: 1:100 AB
 LAND AT OUTGANG ROAD PICKERING No: 360 116 1
 MR M. AGAR

Subject: Planning applications considered by the council

From: Pickering Town Council
Sent: 16 February 2016 14:04
To: Development Management
Subject: Planning applications considered by the council

Good afternoon

The council met last night and had no objections to any of the following applications:

16/00071/FUL – Erection of agricultural storage building at Westgate Carr Road;

15/01296/HOUSE – Erection of car port at 32 Swainsea Drive;

16/00138/CAT – Tree work at Whalebone Cottage, Main Street, Middleton;

14/01259/MFUL – Erection of dwellings on land to the rear of Firthland Road;

16/00191/FUL – Erection of extension to agricultural building for the storage of machinery at Red House, 110A Outgang Road;

16/00098/FUL – Erection of single storey extension to workshop following demolition of former office at Hungate, Joinery Work.

Kind regards

Angela Dawson
Assistant to the Town Clerk
Pickering Town Council

Agenda Item 17

RYEDALE DISTRICT COUNCIL

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

PERIOD 07.03.2016 TO 01.04.2016

1.

Application No: 15/00623/FUL **Decision: Approval**
Parish: Flaxton Parish Council
Applicant: Mr & Mrs Cottrell
Location: Gennel Fields Gennel Lane Flaxton YO60 7QS
Proposal: Alterations and raising of height of existing dwelling and erection of a two-storey side extension

2.

Application No: 15/01096/LBC **Decision: Approval**
Parish: Norton Town Council
Applicant: Mrs Ann Barningham
Location: 10A Langton Road Norton Malton North Yorkshire YO17 9AD
Proposal: External alteration to include installation of replacement casement window to north elevation

3.

Application No: 15/01113/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Rosti McKechnie Ltd
Location: McKechnie Engineered Plastics Ltd Westgate Carr Road Pickering North Yorkshire YO18 8LX
Proposal: Erection of 4no. covered storage units and formation of 74no. car parking spaces

4.

Application No: 15/01296/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mrs Paula Gaunt
Location: 32 Swainsea Drive Pickering North Yorkshire YO18 8PR
Proposal: Erection of car port to front elevation.

5.

Application No: 15/01446/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Vida Villi Ltd (Ms Carole Fuller)
Location: 1 Crown Square Kirkbymoorside North Yorkshire YO62 6AY
Proposal: Change of use of ground floor former bookmakers (Use Class A2) to a coffee shop and delicatessen (mixed use of A1/A3) to include use of rear courtyard as additional seating area and installation of hanging sign and removable hanging menu board to front elevation

6.
Application No: 15/01447/ADV **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Vida Villi Ltd (Ms Carole Fuller)
Location: 1 Crown Square Kirkbymoorside North Yorkshire YO62 6AY
Proposal: Display of 1no. hanging sign and 1no. removable hanging menu board to front elevation

7.
Application No: 15/01501/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Ms Lynn Crosby
Location: 60 West End Kirkbymoorside YO62 6AF
Proposal: Replacement of 4no. windows to front elevation with timber double glazed Yorkshire sliding sash windows

8.
Application No: 15/01510/FUL **Decision: Approval**
Parish: Gate Helmsley Parish Council
Applicant: Punch Taverns (Mr Martin Hollins)
Location: Duke Of York Inn York To Driffield Road Gate Helmsley North Yorkshire YO41 1JS
Proposal: Installation of bi-folding doors to replace 3no. windows to south-west elevation, installation of 1.3m high glazed screen to enclose outdoor seating area together with complete replacement of existing outdoor flagstones

9.
Application No: 15/01524/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Taylor Wimpey (North Yorkshire) Ltd
Location: Land North Of Broughton Road Malton North Yorkshire
Proposal: Erection of a sub-station and associated hardstanding

10.
Application No: 16/00081/73AM **Decision: Approval**
Parish: Sherburn Parish Council
Applicant: Gladman Developments Limited (Mrs Emma Tutton)
Location: Land At Manor Farm Sherburn Malton North Yorkshire
Proposal: Variation of Conditions 03, 21 and 31 and Removal of Conditions 06, 07, 08 and 23 of approval 14/01207/MOUT dated 03.11.2015

11.
Application No: 16/00083/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr & Mrs M Dawson
Location: Wold House Langton Road Norton Malton YO17 9QG
Proposal: Erection of single storey extension to west elevation to form a garden room and installation of a flat roof with lantern light over the courtyard between the dwelling and east side outbuildings to form a car port to include raising of northern boundary wall of courtyard

12.

Application No: 16/00086/FUL **Decision: Approval**
Parish: Buttercrambe With Bossall Parish Meeting
Applicant: Trustees Of G W Darley 1971 Settlement
Location: 6 Stoney Hills Buttercrambe Malton YO41 1AT
Proposal: Change of use of land to form additional domestic curtilage to include formation of vehicular access, 2no. car parking spaces and turning area.

13.

Application No: 16/00087/GPAGB **Decision: Prior Approval Refused**
Parish: Buttercrambe With Bossall Parish Meeting
Applicant: Trustees Of G W Darley 1971 Settlement
Location: Buildings At Ellers Farm Buttercrambe Malton
Proposal: Change of use of agricultural buildings to 2no. dwellings (Use Class C3)

14.

Application No: 16/00089/HOUSE **Decision: Approval**
Parish: Foxholes Parish Council
Applicant: Mr S Marley
Location: Roanjaie Main Street Foxholes Driffield YO25 3QF
Proposal: Erection of single storey extension to south elevation and erection of two storey extension to north elevation.

15.

Application No: 16/00103/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Dean Coote
Location: 7 Kirby Mills Road Kirby Mills Kirkbymoorside YO62 6NP
Proposal: Erection of single-storey extension to rear elevation

16.

Application No: 16/00117/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Dr Alan Suggett
Location: 2 West Lodge Gardens Malton North Yorkshire YO17 7YJ
Proposal: To tip back branches by 0.75m sufficient to re-balance the crown of 1No. Atlantic Cedar, reduce west facing branch extending over neighbours property by 2m of 1No. Silver Birch and tip back north and eastern sides of crown by 0.5m. Reduce leader towards main fork by 2.5m, all within TPO No. 133/1989

17.

Application No: 16/00128/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr D W Shaw
Location: 1 West Side Close Malton North Yorkshire YO17 7AR
Proposal: To remove epicormic (basal) growths and crown lift 2 No. Limes to provide a clearance of 5.1m over road, to remove epicormic (basal) growths and crown lift 1 No. Lime to provide a clearance of 5.1m, and reduce 1 No. lower limb over road by 1.5m, Crown lift 1No. Beech to provide 1.5m clearance over road, crown reduce 1 No. Beech by removing 2.5m of re-growth resultant from previous pruning and thin inner crown by 10%, Crown reduce 1No Beech by removing 1.5m of regrowth resultant from previous pruning, Crown lift 1 No. Cherry to provide 1.5m clearance over road, Tip back 1 No. Yew by 0.5m on access road side , all within A1 of TPO 153/1990

18.

Application No: 16/00133/LBC **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Mrs F Hurst
Location: Souters Cottage Brookside Hovingham YO62 4LG
Proposal: External and internal alterations to include erection of a single storey rear extension, alteration of a rear entrance door and window to a window, installation of a rooflight and flue pipe to rear roof slope, removal of false outer wall in kitchen and installation of a cloakroom and a shower room on the half landings (revised details to approval 15/00672/LBC dated 07.08.2015)

19.

Application No: 16/00146/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mrs L Ainley
Location: Box Tree Cottage Church End Sheriff Hutton YO60 6SY
Proposal: Erection of timber framed summer house in rear garden

20.

Application No: 16/00158/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Cornerstone Telecommunications Infrastructure Ltd (CTIL)
Location: World Wide Shopping Mall Ltd Chancery Lane Malton North Yorkshire YO17 7HW
Proposal: Removal of existing 8m high mock effect flagpole together with 3no. integral antennas and installation of replacement 8m high slim line replica flag pole structure containing 3no. integral antennas together with installation of 1 no. air conditioning condenser and alterations within the internal equipment room and ancillary development

21.

Application No: 16/00159/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: Cornerstone Telecommunications Infrastructure Ltd (CTIL)
Location: World Wide Shopping Mall Ltd Chancery Lane Malton North Yorkshire YO17 7HW
Proposal: Removal of existing 8m high mock effect flagpole together with 3no. integral antennas and installation of replacement 8m high slim line replica flag pole structure containing 3no. integral antennas together with installation of 1 no. air conditioning condenser and alterations within the internal equipment room and ancillary development

22.

Application No: 16/00157/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Rainbow Equine Hospital
Location: Rainbow Equine Hospital Rainbow Farm Old Malton Malton North Yorkshire YO17 6SG
Proposal: Erection of detached building comprising of 4no. stables and storage area, erection of infill extension to form additional equine facilities and erection of one bay extension to existing equestrian building to west elevation.

23.
Application No: 16/00168/FUL **Decision: Approval**
Parish: Claxton Parish Council
Applicant: G H Thompson & Sons (Mr George Thompson)
Location: Lobster House Malton Road Claxton Malton YO60 7RD
Proposal: Change of use and alteration of agricultural buildings and land to form a DIY livery yard to include formation of 15no.stables within the portal steel framed building, tack, feed and hay storage within the attached brick buildings and parking within the adjacent yard area

24.
Application No: 16/00169/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Magson
Location: 16 Castlegate Kirkbymoorside North Yorkshire YO62 6BJ
Proposal: Installation of 2no. replacement double glazed timber framed windows to front elevation.

25.
Application No: 16/00171/LBC **Decision: Approval**
Parish: Cawton Parish Council
Applicant: Mr Edward Dowden
Location: Manor Farm Main Street Cawton Helmsley YO62 4LW
Proposal: External alteration to include installation of broadband receiving dish to north-facing chimney stack.

26.
Application No: 16/00175/FUL **Decision: Approval**
Parish: Terrington Parish Council
Applicant: J R Johnson & Son (Mr Paul Johnson)
Location: Flat Top Farm Terrington South Bank Terrington YO60 6PB
Proposal: Erection of extension to the north-west corner of the existing free range egg production building to provide additional space for storage and packing of eggs

27.
Application No: 16/00177/HOUSE **Decision: Approval**
Parish: Coulton Parish Council
Applicant: Mr & Mrs Hibbert-Foy
Location: Cold Harbour Cottage Coulton Road Coulton YO62 4NF
Proposal: Erection of part two-storey/part single-storey side extension to link main dwelling with existing outbuilding following partial demolition of existing outbuilding (revised details to approval 15/00773/HOUSE)

28.
Application No: 16/00178/HOUSE **Decision: Approval**
Parish: Acklam Parish Meeting
Applicant: Mr Maxwell Morrison
Location: The Lodge Acklam Grange Main Street Acklam Malton North Yorkshire YO17 9RG
Proposal: Installation of satellite dish to south gable and external flue to rear east elevation roof slope

29.
Application No: 16/00180/GPAGB **Decision: Prior Approval Refused**
Parish: Sheriff Hutton Parish Council
Applicant: Mr Robert Ruddy
Location: Barn At High Roans Sheriff Hutton
Proposal: Change of use of agricultural building to a three bedroom dwelling (Use Class C3)

30.
Application No: 16/00189/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Cardtronics UK Ltd
Location: General Store 1 Milton Avenue Malton North Yorkshire YO17 7LB
Proposal: Installation of an automated teller machine (ATM) - retrospective application

31.
Application No: 16/00190/ADV **Decision: Approval**
Parish: Malton Town Council
Applicant: Cardtronics UK Ltd
Location: General Store 1 Milton Avenue Malton North Yorkshire YO17 7LB
Proposal: Display of 1no. internally illuminated information sign below the ATM (retrospective application)

32.
Application No: 16/00192/HOUSE **Decision: Approval**
Parish: Huttons Ambo Parish Council
Applicant: Mr K Ingram
Location: The Redings The Green Low Hutton Malton YO60 7HF
Proposal: Erection of single storey garage extension to east elevation together with replacement of flat roof with hipped roof

33.
Application No: 16/00197/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr M Jowett
Location: Priestly Butts Whitby Road Pickering North Yorkshire YO18 7HL
Proposal: Erection of single storey extension to north-east elevation together with extension and raising of roof height of existing garage following demolition of stables

34.
Application No: 16/00199/HOUSE **Decision: Approval**
Parish: Acklam Parish Meeting
Applicant: Mr R Groves
Location: Acklam Grange Main Street Acklam Malton YO17 9RG
Proposal: Erection of detached 3no. bay garage to replace existing detached double garage.

35.
Application No: 16/00202/HOUSE **Decision: Approval**
Parish: Slingsby Parish Council
Applicant: Castle Howard Estate Limited (Mr Andrew Harle)
Location: Glebe Cottage High Street Slingsby Malton YO62 4AE
Proposal: Installation of oil tank (revised details to approval 15/00256/HOUSE dated 22.04.2015).

36.

Application No: 16/00239/HOUSE **Decision: Approval**
Parish: Amotherby Parish Council
Applicant: Mr Neil Speakman
Location: The Manor House Amotherby Lane To Lime Kiln Farm Amotherby Malton YO17 6TG
Proposal: Erection of a detached garage.

37.

Application No: 16/00292/HOUSE **Decision: Approval**
Parish: Helmsley Town Council
Applicant: Mr Philip Pearce
Location: 6 Bells Court Helmsley North Yorkshire YO62 5BA
Proposal: Erection of a two storey side extension and first floor rear extension replacing existing attached single garage

Appeal Decision

Site visit made on 8 January 2016

by Louise Crosby MA MRTPI

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

Decision date: 16 March 2016

Appeal Ref: APP/Y2736/W/15/3003484

Land to the north of Main Road, Weaverthorpe, Malton, North Yorkshire, YO17 8EU

- 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 Wolds Valley Wind Farm Collective Ltd against the decision of Ryedale District Council.
 - The application Ref: 13/00851/FUL, dated 22 July 2013, was refused by notice dated 31 July 2014.
 - The development proposed is the erection of a 500kW wind turbine and temporary meteorological monitoring mast.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. I have taken the address for my banner heading above from the appeal form since the address on the submitted planning application form is too vague.
3. While the application is made by a 'community-based group', I am aware from the large amount of submitted letters of objection from local residents that the proposal does not have the support of all of the local community.
4. The Council have raised no objection to the temporary slim monitoring mast that would be around 40.5m high and anchored to the ground with guy ropes, and I concur.

Main Issues

5. The Council's decision notice contains 3 reasons for refusal. The third, relating to highway safety is not being defended by the Council since their objection has been overcome by a revised plan. While the amended plan was submitted with the appeal, it was available for local residents to view, prior to making their formal comments in relation to the appeal. They were not therefore prejudiced. Despite the submission of the amended plan I still need to consider this matter and shall return to it later in my decision.

6. This leaves 2 remaining reasons for refusal which form the basis of the main issues. These are:
 - i) the cumulative effect of the proposed wind turbine, along with existing wind turbines, on the character and appearance of the surrounding area, including the Wolds Area of High Landscape Value; and
 - ii) whether the proposed wind turbine would preserve the setting of St Andrew's Church, which is listed at Grade I.

Reasons

Character and appearance

7. The turbine would have a hub height of around 40m and a blade tip height of approximately 67m. It would be located in an elevated and exposed hillside position, around 2km from Weaverthorpe village and 1km from Butterwick village. The surrounding area contains a number of turbines, but they are all lower in height than this one and many are significantly lower. Many of the existing turbines are located close to large farm buildings, in less elevated positions and this helps to ameliorate their effect on the landscape.
8. The appeal site is within an area designated in the Ryedale Local Plan Strategy (LP) as an 'area of high landscape value'. The aim of the designation is 'to help to reinforce the landscape quality and local value attached to these landscapes when it comes to accommodating forms of development which, by their very nature are more difficult to assimilate in the landscape'. Accordingly, this designation is highly relevant in this case. LP policy SP13 says that the Council will carefully consider the impact of development proposals on The Wolds Area of High Landscape Value which is valued locally for its natural beauty and scenic qualities.
9. In terms of landscape character the appeal site lies in an area defined in the North Yorkshire and York Landscape Characterisation Project 2011 as Character Type 18; Chalk Wolds. The relevant key characteristics of the Chalk Wolds are: a series of prominent chalk hills which rise from surrounding lower landscapes and have a predominantly open character; dispersed, nucleated farmsteads are a key feature of the settlement pattern, fertile soil supports a diverse pattern of arable farming; high concentration of historic sites, reflecting prehistoric habitation on the plateau; overall strong sense of tranquillity, remoteness and associated dark night skies.
10. In terms of this landscape character type's sensitivity to change this is described as "high visual sensitivity as a result of the panoramic open views that can be gained from the tops of hills and plateaux, predominantly open character; and strong intervisibility with the adjacent landscape character types.... High landscape and cultural sensitivity as a result of the predominantly intact landscape pattern of parkland landscapes, interspersed with arable fields and a sparse settlement pattern of historic villages".
11. The site is also close to Character Type 20; Broad Chalk Valley, and there is strong inter-visibility between the two character types. The sensitivity to change in this area is described as "moderate visual sensitivity overall. There is strong intervisibility with the Chalk Wolds....from the higher valley sides, however views within the valley bottom are contained by topography of the valley sides.... High landscape and cultural sensitivity as a result of the

- predominantly rural character and pattern of small villages which have developed along the road corridors within the valley floor". Wind turbine development, and the capacity of the landscape to absorb it, is not specifically considered by this document.
12. The appeal site is around 3km from the administrative boundary with East Riding of Yorkshire Council and the submitted photomontages show that the proposal would be visible from the neighbouring authority area, albeit from a distance. Landscape Character Type (LCT) 14; Central Dissected Plateau of the 2005 Landscape Character Assessment for East Riding of Yorkshire Council contains some relevant character types. These are, rolling elevated landform cut by occasional deep steep sided dales; enclosed character of the dales contrasts with the open elevated land in between.
 13. Within LCT 14 the document says that "this is a high quality landscape with extensive views and diverse characteristics. Wind turbines are very visible structures in the landscape and when located on elevated land their visibility is increased...The introduction of wind turbines as a feature of the landscape would adversely impact on the featureless and open characteristic. The sparsely settled characteristic and remoteness of the character type would also be affected. Therefore this character type is assessed to have high sensitivity to wind farm development and a low capacity to accommodate such development. Small scale single turbines that relate to existing settlements or isolated farmsteads may be accommodated in some locations..."
 14. While there are small villages close by, as well as sporadic farmsteads and existing wind turbines, the area is still a predominantly open rural landscape that is largely unspoilt by modern development. Moreover the larger farmsteads and properties in the villages tend to be located close to roads and are often screened by the folds in the landscape, in longer distance views.
 15. By contrast, the proposed turbine would be located away from any buildings or tall man-made structures, in an elevated position, in this rolling landscape. Introducing a tall vertical structure into this hillside, exacerbated by rotating blades with a diameter of some 54 metres, would have an adverse impact on the key characteristics of this landscape.
 16. Within 5km of this appeal site there are a significant number of other turbines of differing heights, but all are smaller than this one. Many are a short distance from Weaverthorpe. So this sensitive landscape has already absorbed a great number of turbines which are readily apparent as you travel through this area. Consequently the landscape does not have the capacity to absorb this larger, more prominent turbine without it having a significant adverse effect on its character.
 17. In terms of appearance the turbine would be particularly visible from Green Lane, to the south of the appeal site. Travelling in a northerly direction along this road one would see the turbine in conjunction with smaller turbines and in particular the 54m turbine at Spaniel Farm. Views from here are of a wide open natural landscape, as can be seen in viewpoint 27 of the appellant's Landscape Visual Impact Assessment.
 18. Viewpoint 12 also demonstrates how visually strident the turbine, and in particular the moving blades would be when seen above the village, against the sky, when entering Weaverthorpe from the west. The turbine would be the

dominant feature in this view, compared to the current view of the village in the valley bottom and the Church in a more elevated position above the village. Importantly, this is also part of route 166 of the Sustrans cycleway and so the same view would be experienced by cyclists who would be passing along this road, but at a slower speed and thus experience this view for longer.

19. Again, viewpoint 13 taken from a road to the south of Weaverthorpe village and south west of the appeal site shows the properties in the village grouped along the valley floor with the Church set on the hillside just above. This is seen in the context of a natural landscape devoid of large vertical man made structures like the one that would be introduced to this scene if the proposal were permitted. Indeed the tallest and most prominent structure on display is the Church tower. While some of the small turbines can be seen in this view they have been successfully absorbed into this tranquil landscape. Harmful views of the turbine would also be available from the Church yard, but I will deal with this matter in the context of my other main issue.
20. There are a number of footpaths to the north of the village and from sections of these the turbine would be visible, but not necessarily to a harmful degree because of landscaping and topography.
21. While the Council are concerned about the cumulative effect when viewed from the Sherburn to Weaverthorpe Road, having considered the submitted evidence and driven along this road when I visited the site, I do not share the Council's view in this regard. Many of the views across to the appeal site are shielded by dense landscaping and topography. So, any views of the turbine would be likely to be of the upper section, rather than the whole thing and glimpsed as opposed to sustained views. Moreover I note that this is not identified as an area of concern by the Council's appointed landscape architect.
22. Nevertheless, this sensitive landscape has already absorbed a great number of turbines, but it is reaching saturation point. This larger, more prominent turbine would tip the balance and result in substantial harm to the character and appearance of the surrounding area for the reasons I have explained above. In summary, this proposal would introduce a strident vertical structure with rotating blades, which would detract from the open rural nature of this area of high landscape value and adversely impact upon its character and appearance.
23. As such, the proposal would conflict with LP policy SP13 in so far as it seeks to protect and enhance the distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including visually sensitive skylines, hill and valley sides and the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure. It also says that the Council will carefully consider the impact of development proposals on The Wolds Area of High Landscape Value which are valued locally for their natural beauty and scenic qualities.
24. Conflict would also arise with LP policy SP18 which advises that renewable energy development will be supported provided that individually and cumulatively proposals can be satisfactorily assimilated into the landscape, especially in respect of the Wolds (among other places).

Whether the proposal would preserve the setting of St Andrew's Church

25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to designated heritage assets in the planning balance. This includes any harm to the setting of a listed building.
26. Historic England, describe Grade I listed buildings as being of exceptional interest, with only around 2.5% of listed buildings falling into this highest category. St Andrew's Church is a Norman church dating from the early 12th century. It is situated in an isolated position above Weaverthorpe village, where the mainly linear residential development follows the valley floor. As such, it appears prominent in many views from the surrounding area. Indeed it was clearly designed to be a dominant feature that stood out in the landscape.
27. Although it was restored for Sir Tatton Sykes around 1870, the Church has retained many earlier features, including the unusually tall Norman tower. The Church is situated immediately north-west of a very important manor that was centred around Weaverthorpe and belonged to the Archbishop of York. This dates back to the 11th century and substantial 12th and 13th century archaeology have been excavated at the site of Weaverthorpe Manor.
28. The setting of the Church is integral to its aesthetic and historic significance in two ways, firstly because of its appearance within the surrounding area and secondly for the views it affords/provides. Consequently its setting is wide and includes the appeal site and therefore it is highly sensitive to change within the surrounding landscape.
29. The proposed turbine would be around 1km from the Church and clearly visible from the Church yard, after passing the eastern end of the Church. It would also be seen in conjunction with the Church in a number of wider views, as discussed above. In these views the turbine would overtake the Church in terms of prominence in the landscape. Because of its overall size and the rotating nature of the blades ones eye would be automatically drawn away from the Church and its tall Norman tower to the modern turbine which would appear enormous in contrast.
30. The appellants have submitted a plan showing some boundary treatment and planting close to the rear Church yard boundary. It would consist of wire mesh attached to timber posts and planting on the inside of the fence. The fencing would be about 1200m high and the planting slightly higher. This would provide little screening to a turbine of the scale proposed here. Moreover, the boundary treatment in itself could appear contrived and out of place in this location since beyond the Church yard there are agricultural fields where such engineered boundary treatments do not exist.
31. The impact on the setting of the Church would be major, as would the effect of the proposal on its significance. It would conflict with LP policy SP18 in so far as it seeks to ensure that renewable energy development does not have an adverse impact on historical interests and policy SP12 which reflects the advice in the Framework on the historic environment, including the need to ensure that the historic environment is conserved and where appropriate, enhanced.

32. The proposal would fail to preserve the setting of this listed building, the desirability of which is fully anticipated by section 66(1) of the Act and to which considerable importance and weight must be attached. Also, paragraph 132 of the Framework, anticipates that great weight will be given to the conservation of designated heritage assets and the more important the asset the greater the weight should be. Here there would be major harm to the setting of a Grade I listed building and this attracts great weight that must be considered in the planning balance. Also, paragraph 134 of the Framework advises that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, as would be the case here. This harm should be weighed against the public benefits of the proposal. I will carry out this balance later in my decision.

Other matters

33. In terms of highway safety the plans originally submitted with the planning application did not show the visibility splays that North Yorkshire County Council's highway department (NYCC) were requesting (2.4m x 215m). However, following negotiations NYCC have accepted that sight lines of 2.4m x 140m would be acceptable and these could be achieved if the appellants removed certain sections of the hedgerow and replanted it further back, away from the road. Plans submitted with the appeal show these amendments. This matter could therefore be dealt with by planning conditions. As such, I am satisfied that the proposal would not prejudice highway safety. However, the lack of harm in relation to this matter does not add weight in favour of the proposal; it merely has a neutral effect on the planning balance.

Benefits of the proposal

34. The wind turbine would contribute to Government renewable energy targets, reduce the emission of greenhouse gases and address climate change. These matters attract significant weight.
35. Since this is a community-based project it is intended that profits from the operation of the turbine will be returned to the local community. It is proposed that some of this money be used for landscape enhancement works. The appellants say that they would be prepared to improve around 14km of hedgerow during the 25 year operational lifetime of the proposed turbine and that this would enhance the Wolds landscape and provide longer term improvements to the area.
36. This would require the co-operation of local landowners. The necessary negotiations have not taken place and so exact details cannot be provided, but it is estimated that around £10,000 per annum would be the likely sum available for such works. Because the precise nature of the works is unknown, and they will take place on third party land, they cannot be secured by a planning condition. No other mechanism to ensure that they occur has been suggested by either party. Consequently I can only attribute limited weight to this benefit.

Planning Balance and Conclusions

37. A balance must be drawn between the competing considerations of the proposal. On the one hand the turbine would provide important local and national environmental benefits in terms of the provision of renewable energy,

- which carry significant weight. There are also the potential landscape benefits which carry limited weight. These could be considered to be public benefits.
38. I have found that the proposal would substantially harm the character and appearance of the landscape which is within the Wolds Area of High Landscape Value. It would also have a major impact on the significance and setting of a Grade I listed building and result in less than substantial harm to it.
39. The turbine is proposed to be in place for a temporary period of 25 years and this could be controlled by a planning condition. Consequently it would be temporary and reversible. Government advice in paragraph 2.7.17 of EN-3 says that the time-limited nature of wind farms, where permission is sought for a temporary period, is likely to be an important consideration for the decision maker when assessing, among other things, the potential effects on the settings of heritage assets.
40. Nevertheless, I am not satisfied that the benefits associated with this proposal outweigh the harm when assessed against the local planning policies, Government advice in relation to renewable energy and the Framework. In carrying out this balance I have I attached considerable importance and weight to the duty set out in section 66(1) of the Act.
41. I have noted the changes to policy from the Written Ministerial Statement in relation to onshore wind turbine development which, in the light of the facts in this case, do not alter my conclusion and decision that the proposal would be unacceptable.
42. While the monitoring mast is acceptable, this is unnecessary given my adverse findings in relation the wind turbine.
43. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR

Appeal Decision

Site visit made on 21 March 2016

by Susan Heywood BSc(Hons) MCD MRTPI

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

Decision date: 23 March 2016

Appeal Ref: APP/Y2736/W/15/3140213

Pheasant Hill Farm, Ebberston, Scarborough, North Yorkshire YO13 9PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs Sara Grewer against the decision of Ryedale District Council.
 - The undated application Ref 15/00569/GPAGB was refused by notice dated 26 June 2015.
 - The development proposed is the change of use of agricultural building to a one bedroom dwelling (Use Class C3).¹
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants planning permission for certain forms of development, including the change of use of an agricultural building to a dwellinghouse along with associated works provided that certain limitations and restrictions are complied with.
3. Class Q(a) of the GPDO relates to the "change of use of a building and any land within its curtilage". Curtilage is defined as "(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser."²
4. The building does not have a clearly defined curtilage on the ground. In the appeal before me the red line of the application site is drawn tightly around the agricultural building indicating that it would have no curtilage. However the block plan shows that an area would be provided to the south and west of the building, annotated as "proposed curtilage" and "parking". It would appear (if the scale of the block plan is correct) that the identified curtilage would be

¹ I have used the description of development on the Council's decision notice as none is provided on the application form.

² GPDO, Schedule 2, part 3, paragraph X

larger than the land area occupied by the agricultural building.³ This would mean that the proposal could not be permitted development under Class Q(a). Consequently, I have determined this appeal on the basis of the red line shown on the aerial photograph accompanying the application ie. that the proposed dwelling would have no curtilage. The proposal would therefore be permitted development under Class Q(a).

Main Issue

5. The Council has confirmed, having regard to GPDO paragraph Q2, that the proposal would not raise any concerns regarding transport and highway issues, contamination, flood risk or design. Nor is there any indication that noise impacts of the development (Paragraph Q2(b)) would be of concern. The **main issue** in this appeal therefore, having regard to paragraph Q2(e), is whether the location or siting of the building makes it otherwise impractical or undesirable for the building to be used as a dwelling, taking into account the effect that the nearby agricultural activities would be likely to have on the living conditions of future residents.

Reasons

6. The appeal site lies within the open countryside to the north west of Ebberston. The barn the subject of the appeal sits within a complex of farm buildings set within a large concrete yard. Access is gained from a long driveway to the south. Three large barns are located to the west of the appeal building. Two of these are open fronted and one has a large roller shutter door, all of these openings face the central yard in which the appeal building is located.
7. A further barn lies to the north of the appeal building and another to the north east. Three of the buildings, those to the north west, north and north east, house a herd of deer during the winter months. The remaining two buildings contain storage of machinery, feed and sundries. The deer are also kept in part of the open yard to the north. The appellant pointed out that the yard to the immediate east of the appeal building is used to transfer the deer from the buildings and yard to the fields. A number of droppings were evident in this area at the time of my visit.
8. The appeal building comprises a two storey stone barn and a single storey concrete block lean-to structure. The proposal would be to convert this building into a one-bedroom dwelling. The majority of the openings at ground floor would face the south. At first floor small openings face north and south and a larger opening faces the yard to the east. These existing openings would be used as windows and a door, the latter creating what appears to be a Juliette balcony, in the converted dwelling.
9. The main access to the livestock barn to the north east passes to the front of the appeal building and would be close to the principal openings in the dwelling. Use of this access to serve the barn would be likely to result in noise and disturbance to the occupiers of the property. The proposed opening and Juliette balcony at first floor would overlook the yard area to the east and use of this area by livestock, vehicles and / or machinery would similarly cause noise and disturbance in close proximity to the first floor bedroom balcony.

³ The line of the curtilage to the north of the building is not defined on the block plan. However, I have assumed that the proposed curtilage would not project northwards beyond the line of the existing building.

10. The proposed dwelling would effectively be surrounded on all four sides by the farm yard and, other than the barn to the north of the proposed dwelling, the majority of the openings in the farm buildings face the central yard where the appeal building is located. The proximity of the proposed dwelling to the farm buildings and yard would result in noise and disturbance to future occupiers. The activities likely to be taking place within this yard, including the movement of vehicles and livestock and access to the various buildings, would result in a poor living environment for future occupiers of the dwelling.
11. The Planning Practice Guidance states that 'undesirable' in the GPDO means 'harmful or objectionable'.⁴ For the above reasons the proposed change of use would be undesirable in this location due to the harmful effect of the farming operations on the living conditions of future occupiers.
12. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval. One of the core principles set out in paragraph 17 of the Framework is to seek a good standard of amenity for existing and future occupiers of land and buildings. The proposed change of use would conflict with this core principle.
13. The appellant states that the farm yard is not noisy and on most days there is little activity. Nevertheless, the existing barns are large buildings which house machinery and feed as well as livestock. These will undoubtedly generate vehicle movements and activity which, even if not occurring on a daily basis, will create a generally poor living environment for future occupiers of the dwelling. Whilst many farmhouses are sited in close proximity to farm buildings, that is a different situation to that of residents who would be unrelated to the business. Such residents are likely to find the farming operations more disruptive than those operating the business.
14. It cannot be guaranteed that future residents would be aware of the level of activity within the agricultural buildings or tolerant to it. That is particularly so because the deer are not housed in the buildings all year round. Consequently, anyone purchasing the dwelling during the summer months could be unaware of the implications of the livestock being housed in the barns during the winter months.
15. I saw the farm buildings at Hollies Farm, Wilton from the A170. I am not aware of the full circumstances surrounding that case and was unable to see the entire site from the road. However, these buildings are situated within a predominantly residential frontage to the A170. They therefore have a different context to the appeal site which is surrounded by the agricultural use.
16. Although plans were submitted showing the associated building operations for the proposed dwelling, in the light of my conclusion on the change of use under Class Q(a), I have no need to address this matter.

Conclusion

17. For the above reasons, I conclude that the appeal should be dismissed.

Susan Heywood INSPECTOR

⁴ Ref ID: 13-109-20150305

Appeal Decision

Site visit made on 12 January 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 01 April 2016

Appeal Ref: APP/Y2736/W/15/3133933

Martlet House, Back Lane, Ampleforth, North Yorkshire YO62 4DE

- 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 M Hewitt against the decision of Ryedale District Council.
 - The application Ref 14/01410/FUL, dated 22 December 2014, was refused by notice dated 10 March 2015.
 - The development proposed is erection of a five bedroom dwelling and formation of vehicular access.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a five bedroom dwelling and formation of vehicular access at Martlet House, Back Lane, Ampleforth, North Yorkshire YO62 4DE in accordance with the terms of the application, Ref 14/01410/FUL, dated 22 December 2014, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. The description of the development provided on the application form was updated by a more complete description in subsequent documents. I consider the revised description to be usefully more accurate and have employed it here.

Main Issues

3. Both parties have drawn my attention to an extant planning permission for the erection of a four bedroom dwelling with detached double garage on the current appeal site. I have been furnished with copies of the approved drawings, the Council's officer delegated report and the decision notice in that respect and I have considered the proposal before me in that context.
4. It is accepted by both parties that the principle of residential development in this location is acceptable. I am satisfied that the extant proposal, whilst differing from the current proposal, is of broadly the same character and nature and would provide a similar range of accommodation and facilities. I have also noted that the extant proposal was granted planning permission without making provision for contributions towards affordable housing provision or towards open space, recreation or leisure facilities. I have not been presented with any evidence to indicate that, in the event that the appeal proposal should

fail, the extant permission would not or could not be built. I have therefore accorded those circumstances appropriate weight in the consideration of the proposal before me.

5. Having regard to the above, and the evidence before me, I conclude that the main issues are:-
- Whether the proposal would preserve or enhance the character and appearance of the Ampleforth Conservation Area; and
 - Would the proposal make adequate financial contributions towards affordable housing and open space, recreation and leisure facilities.

Reasons

Whether the proposal would preserve or enhance the character and appearance of the Ampleforth Conservation Area

6. The core of the village and its conservation area is largely linear, running east-west along the Oswaldwick to Wass road. Towards the eastern end of the village the main road and St Hilda's Walk / Back Lane run parallel to each other. In general terms the pattern of development on each maintains this linear form, with houses either fronting the main road (also referred to as East End at this point) or set back from and above (Back Lane) the two roads. With long, sloping rear garden plots, there is a general sense of separation and space between the built form of those houses along the main road and that of the lower Back Lane.
7. The appeal site lies within the central area of this part of the village, between the rear garden areas of Martlet House (Back Lane) and College Garth (East End). Together with the rear garden areas of the Victoria House and Stables and Eldgate, and adjoining separate field enclosures, the appeal site contributes to the sense of separation identified above.
8. However, this distinction becomes blurred either side of the appeal site, where modest houses in smaller garden plots become more prevalent, and along the Orchard where houses have been developed in the intervening spaces between the East End and Back Lane. Similarly, to the west of the appeal site, existing development around the public house in the centre of the village spills down Station Road and Old Station Road towards its junction with St Hilda's Walk / Back Lane. New development at the rear of the surgery on Back Lane will, upon completion, form an additional visual and physical link between Back Lane and the main road.
9. In between these, the appeal site and its immediate surroundings form a green, undeveloped pocket of land. However, both parties have explored in detail the presence of an existing extant planning permission. That permission is for the development of a detached two storey dwelling together with a detached garage within the appeal site. The proposal before me though, is taller, longer and of a different plan form to that previously approved. The main issue however remains whether the current proposal would preserve or enhance the character or appearance of the conservation area.
10. It is evident from the submissions before me, and from observations during the course of my site visit, that the character of this particular part of the conservation area is changing, and indeed has changed subtly over time.

Whilst the site is located in an undeveloped, green pocket amongst the houses fronting the East End and Back Lane, it is also clear that other, ongoing, development is likely to have an influence on the character, and indeed openness, of this part of the village and conservation area.

11. The principle of development within the open area between Back Lane and East End has clearly been previously established, be that historically with the mid-20th century housing further to the east of the appeal site, or by the current development to the west of the appeal site. Furthermore, the recently approved extant permission for this site appears to confirm the acceptability of developing this area.
12. I agree, and the current proposal builds upon principles established by the extant scheme, notably a strong north-south axis to the building, stepping down as the site slopes downwards towards Back Lane. Whilst the built form is predominantly linear along the east-west axis of the main road through the village, buildings at right angles to the main road, and with long north-south axis are not without precedent. Indeed, the Ampleforth Conservation Area Assessment and Management Plan Supplementary Planning Document (the SPD) notes as much, albeit in the context of buildings with a street frontage. Nonetheless, I find that the principle of a long north-south building axis to be sufficiently reflective of built form within the conservation area to preserve the character and appearance of the conservation area.
13. The SPD identifies the role of the wider rural setting in defining Ampleforth's character, particularly the ability to glimpse views through and over buildings to the countryside below. One such view is that experienced from Back Lane, looking south across the valley. Whilst these views are typically not experienced from the main road itself, at least from within the eastern part of the conservation area, private views from the rear of properties in this area are possible, as evidenced in the submissions of a third party. However, I find that the proposal before me would not materially affect this general characteristic, nor indeed the "important view and vista" that the SPD identifies.
14. Having established with the previous grant of planning permission that the extant proposal would not harm the character or appearance of the conservation area, I find little of substance between the two proposals in terms of impact on the private views described above. I accept that the proposal before me would be taller, albeit only slightly so, than the previously approved scheme. However, the general fall in the land from East End to Back Lane is pronounced and significant. As a consequence the site sits at a level below that of the buildings on East End, such as the adjacent College Garth.
15. The intervening rear entrance lean-to would serve to provide a degree of separation between the site boundary and the main two storey gable whilst the single storey dining room would relate well in terms of scale with the stone boundary wall between the site and College Garth. The stepping down of the building along the length of its long axis would minimise the extent to which its length would intrude into views over the site and towards the far hills. The proposed dwelling would not therefore compromise the nature or character of the views through and over buildings towards the countryside beyond, as identified and described in the SPD. Furthermore, the proposed dwelling would have no impact upon the views across the valley from Back Lane itself, whilst its form and relationship with Martlet House would be such that it would not

adversely impact upon longer views into the village and conservation area from the south.

16. Much is made, by both parties, of the relationship between the appeal site and the proposed dwelling, and College Garth, particularly with regard to the merits of the previously approved scheme. However, for the reasons set out above I find that the proposed dwelling would not undermine the prominence of those buildings higher up the slope, nor would it overpower those lower down on Back Lane.
17. In terms of the site's relationship with the street and plot pattern within the conservation area, I see no material difference in this respect between the current proposal and that previously found to be acceptable. I find the appellant to have satisfactorily demonstrated a design underpinned by vernacular architecture and features, and acknowledged as such by the Council, and which draws upon such factors previously found to be acceptable by the Council. Whilst the proposal now before me is larger than that previously considered favourably, I nonetheless find it to be sufficiently well articulated by the stepping down of the building to follow the falling ground levels within the site.
18. Subject to suitably worded conditions, I am satisfied that the construction materials would be as reflective of local distinctiveness as I have found the overall design approach to be. Having regard to the nature and character of the areas surrounding the appeal site, and for the reasons set out above, I do not find the proposal to be harmful to either the character or the appearance of the conservation area. Further, I find that the proposal would not adversely affect views into, or out of, the conservation area, particularly those noted in the SPD.
19. For these reasons therefore, I find that the proposal would preserve the character and appearance of the Ampleforth Conservation Area. In so doing, I also find that the proposal would accord with policies SP12, SP16 and SP20 of the Ryedale Local Plan Core Strategy (the CS) which together seek to conserve and enhance Ryedale's historic environment, create high quality durable places that reinforce local distinctiveness and which respect the character and context of the immediate locality.

Affordable housing and open space, recreation and leisure facilities

20. As noted above, planning permission exists for the erection of a four bedroom dwelling with detached double garage. Both parties accept that the principle of residential development has therefore been established on the appeal site and, as that permission remains extant, I have accorded its presence significant weight in my judgement.
21. That permission exists without securing contributions towards affordable housing, or open space, recreation or leisure facilities. Indeed, at the time of the Council's determination of the proposal currently before me, the effect of the Written Ministerial Statement of November 2014¹ in respect of small sites was such that the Council did not apply the provisions of CS policies SP3 and SP1 which seek to secure contributions towards such facilities.

¹ Written Ministerial Statement and changes to Planning Practice Guidance, 28 November 2014

22. However, following a successful legal challenge² to that statement on 31 July 2015 the Council confirmed that they now wish to apply full weight to the provisions of CS policies SP3 and SP11, and that contributions should be sought in respect of the current proposal.
23. I note the timeline of the various documents referred to by the Council in setting out their revised stance on these matters. I note also that these policies were not referred to, or submitted with, the Council's initial appeal submissions and consequently the appellant was not able to respond to these matters in their grounds of appeal. Notwithstanding this, the policies nonetheless form part of the development plan and must be taken into consideration as part of the appeal proposals before me. I am, however, satisfied that there has been suitable opportunity for the appellant to be able to respond to these matters.
24. The Council have provided a figure for contributions towards affordable housing and open space, recreation and leisure facilities, based upon the provisions of CS policies SP3 and SP11. However, no evidence to demonstrate levels of local need in terms of the affordable housing contributions has been put forward, nor have any deficiencies in open space, recreation or leisure facilities been identified or submitted in support of the contribution towards those matters. Moreover, no evidence has been provided with regard to the pooling of such contributions.
25. As noted above however, the extant scheme has no such requirement to make any such contributions, and I have not been presented with any argument to suggest that that scheme would not, or could not, be built out. I accept that no mechanism to secure contributions has been put forward in this instance either. Whilst I note the appellant's suggestion that the mechanism to ensure contributions could be secured by appropriate planning conditions, Planning Practice Guidance recognises that such an approach is unlikely to be appropriate in the majority of cases. It notes that exceptional circumstances might exist such that an appropriately negatively worded condition could be applied, and this is qualified by reference to application to "more complex" or "strategically important" development. It has not been argued that the current proposal is either however, and so I find the use of a condition for such purposes to be inappropriate in this instance.
26. It seems to me therefore that, in this particular case and on the basis of the submitted evidence, it has not been adequately demonstrated that the contributions would be necessary to make the development acceptable, or that they would be directly related to the development, and fairly and reasonably related in scale and kind. I also attach significant weight to the fallback position presented by the extant planning permission for the erection of a 4 bedroom dwelling on the appeal site, in relation to which no such contributions are to be sought.
27. Consequently, and notwithstanding the aims of development plan policy, specifically CS policies SP3 and SP11, I am unable to conclude that a planning obligation seeking to provide these contributions would comply with regulation 122 of the Community Infrastructure Levy Regulations 2010. For these

² West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015], 31 July 2015

reasons, the absence of a planning obligation does not weigh against the development.

Other Matters

28. I have noted the concerns raised regarding the accuracy of the submitted tree survey and arboricultural report. However, the effect of the proposal upon the existing tree and vegetation cover on, and around, the site did not form a reason for refusal. I agree with the Council in this respect, and that this matter can be appropriately dealt with by planning condition, and so I accord these concerns only limited weight.

Conditions

29. I have had regard to the conditions suggested by the Council. In addition to a time limit condition, I agree that a condition specifying the relevant drawings is necessary in order to provide certainty.
30. Those conditions relating to construction materials (including the construction of sample panels), fenestration details and boundary treatments are, with slight modification, appropriate in the interests of character and appearance. So too are conditions relating to landscaping details and the provision of adequate protection of those trees and hedgerows shown as being retained on the relevant drawings. A condition relating to details of finished ground floor levels is also necessary in the interests of character and appearance and I have imposed this condition, again with minor modifications to its wording.
31. I am not persuaded that it is necessary to remove all permitted development rights, as the Council suggests. Planning Practice Guidance states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Since the Council have not sought to demonstrate that exceptional circumstances exist, I have not imposed the suggested condition.

Conclusion

32. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4255 EX10 01; 4255 EX20 01; 4255 AR20 01; 4255 AR 20 02; AR20 03; AR30 01; AR30 02; AR30 03; AR30 04 and AR40 01
- 3) No development shall take place until details and samples of the materials to be used in the construction of the external walling of the dwelling hereby approved have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until a sample panel of the agreed materials to be used in the construction of the external walling of the dwelling hereby approved have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre by 1 metre. The development shall be constructed in accordance with the approved sample panel, which shall not be removed from the site until completion of the development.
- 5) Prior to the commencement of the development hereby permitted, details of all windows and doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence until there has been submitted to, and approved in writing by, the local planning authority a scheme of landscaping and planting, which shall include details of the boundary treatment. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed, and the details of the proposed boundary treatment. The submitted plans and / or accompanying schedules shall indicate numbers, species, heights on planting and positions of all trees and shrubs, including existing items to be retained, and a schedule of materials. All planting, seeding, turfing and / or erection of the boundary treatments shall be carried out during the first planting and seeding seasons following occupation of the dwelling, and any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting or seeding season with others of similar size and species.
- 7) Prior to the commencement of the development hereby approved, those trees and hedgerows shown to be retained on drawing 4255 AR 20 02 shall be protected by fencing in accordance with British Standard BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

- 8) No development shall take place until full details of the finished floor levels, above Ordnance Datum, of the ground floor of the hereby approved dwelling, in relation to existing ground levels have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved levels.