



## **PLANNING COMMITTEE**

Tuesday 7 June 2016 at 6.00 pm (Following the Licensing Committee)

Norton College, Langton Road, Norton

### **Agenda**

- 1 **Apologies for absence**
- 2 **Minutes of meeting held 10 May 2016** (Pages 3 - 7)
- 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 B Report - Ryedale Community Infrastructure Levy - Payment Instalment Policy** (Pages 8 - 11)
- 6 **Schedule of items to be determined by Committee** (Pages 12 - 13)
- 7 **16/00404/MOUT - Land To North Of Sutton Grange, Langton Road, Norton**  
(Pages 14 - 170)

- 8 **16/00405/MOUT - Land Adjacent To Auburn Cottages, Langton Road, Norton**  
(Pages 171 - 211)
- 9 **16/00400/73A - Land Adj Millfield Lodge, Main Street, Amotherby, Malton**  
(Pages 212 - 218)
- 10 **16/00469/73A - Willow House, Main Street, Normanby, Kirkbymoorside** (Pages  
219 - 227)
- 11 **16/00721/HOUSE - Rowan Cottage, School House Hill, Marishes Low Road,  
Low Marishes** (Pages 228 - 235)
- 12 **16/00785/FUL - Land At, Manor View, Rillington, Malton** (Pages 236 - 245)
- 13 **15/00097/BC - Whey Carr Farm, Main Street, Sand Hutton** (Pages 246 - 252)
- 14 **Any other business that the Chairman decides is urgent.**
- 15 **List of Applications determined under delegated Powers.** (Pages 253 - 259)
- 16 **Update on Appeal Decisions** (Pages 260 - 262)

## Planning Committee

---

Held at Council Chamber, Ryedale House, Malton  
Tuesday 10 May 2016

### Present

---

Councillors Steve Arnold (Substitute), Burr MBE, Cleary, Cussons (Substitute), Frank (Vice-Chairman), Goodrick, Maud, Shields, Thornton and Windress (Chairman)

Substitutes: Councillor S Arnold (for Councillor E Hope) and Councillor D Cussons (for Councillor F A Farnell)

### In Attendance

---

Niamh Bonner, Jo Holmes, Gary Housden, Ellis Mortimer, Rachel Smith and Anthony Winship

### Minutes

---

#### 212 Apologies for absence

Apologies were received from Councillors Hope and Farnell.

#### 213 Minutes

##### Decision

That the minutes of the Planning Committee held on 10 May 2016 be approved and signed as a correct record.

[For 9

Against 0

Abstain 1]

#### 214 Urgent Business

There was no urgent business

#### 215 Declarations of Interest

Councillor	Application
Frank	7
Goodrick	7
Windress	7

#### 216 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.

217 **14/01259/MFUL - Land To Rear Of, Firthland Road, Pickering**

**14/01259/MFUL** - Erection of 12 no. four bedroom dwellings, 27 no. three bedroom dwellings, and 13 no. two bedroom dwellings with associated garaging, parking, amenity areas, public open space, landscaping and formation of vehicular accesses and site roads.

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and Section 106 Agreement and expiry of consultation period.

[For 9

Against 0

Abstain 1]

218 **16/00238/MFUL - Common Farm, Upper Helmsley, Malton**

**16/00238/MFUL** - Erection of replacement horse barn, block of 24no. loose boxes, 3no.horse walkers, roofing over of existing horse walker, provision of a horse wash down area and a horse warm up area, resurfacing of tracks and yard area, provision of an all weather gallop, horse walks, gallops access lay-by, widening of access road and siting of temporary office/rest room building (part retrospective application).

**Decision**

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

[For 10

Against 0

Abstain 0]

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

219 **16/00251/MREM - Land At, Edenhouse Road, Old Malton, Malton**

**16/00251/MREM** - Construction of retention pond with associated landscaping and construction of pumping station together with erection of perimeter fencing

and formation of vehicular access: Phase 1 of reserved matters (outline approval 14/00426/MOUTE dated 24.03.2015 refers).

**Decision**

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

[For 10

Against 0

Abstain 0]

220 **15/00917/73A - Wm Morrisons, Castlegate, Malton**

**15/00917/73A** - Variation of Condition 13 of approval 99/00123/FUL dated 17.02.2000 to state: "All deliveries to the store shall be limited to between 05.00 hours and 23.00 hours Monday to Saturday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 21.00 and 23.00. All deliveries to the store shall be limited to between 06.00 hours and 22.00 hours on a Sunday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 06.00 and 07.00 and one Morrisons company vehicle between the hours of 20.00 and 22.00. The company vehicles delivering to the site shall switch off any refrigeration units prior to accessing the site, reversing beepers shall be switched off during manoeuvring and the engine shall be switched off as soon as manoeuvring is completed. Other vehicle deliveries to the store during the permitted hours shall switch off refrigeration units prior to accessing the site and switch off engines after manoeuvring." - alteration to delivery hours and restrictions.

**Decision**

**PERMISSION GRANTED** - Conditional Approval authorised to Head of Planning & Housing for a temporary 12 month period.

[For 6

Against 2

Abstain 2]

221 **16/00302/FUL - Mast At Pickering Sewage Works, Westgate Carr Road, Pickering**

**16/00302/FUL** - Erection of 21m high lattice tower with 1no. omni-antenna for Smart Meter electronic communications together with 1no. meter cabinet at ground level and 2.1m high chain-link/barbed wire site compound boundary fence with access gate.

**Decision**

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

[For 10

Against 0

Abstain 0]

222 **16/00336/HOUSE- Ashdale House , Main Street, Flaxton**

**16/00336/HOUSE** - Erection of 3 bay detached garage to serve both Ashdale House and Sunnyside.

**Decision**

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

[For 10

Against 0

Abstain 0]

223 **16/00361/HOUSE - Briarfield, Vivers Place, Kirkbymoorside**

**16/00361/HOUSE** - Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store.

**Decision**

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

[For 9

Against 0

Abstain 0]

224 **16/00363/HOUSE - The Bungalow ,Vivers Place, Kirkbymoorside**

**16/00363/HOUSE** - Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store.

**Decision**

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

[For 9

Against 0

Abstain 0]

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

There was no urgent business

**226 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.

**227 Update on Appeal Decisions**

Members were advised of the following appeal decisions:

Appeal ref - APP/TPO/Y2736/5040 - Copper Coin, Claxton, York YO60 7SD.

**Meeting Closed at 8.25pm**

# Agenda Item 5

**RYEDALE  
DISTRICT  
COUNCIL**



---

**PART B: RECOMMENDATIONS TO COUNCIL**

**REPORT TO: PLANNING COMMITTEE**

**DATE: 7 JUNE 2016**

**REPORT OF THE: HEAD OF PLANNING AND HOUSING  
GARY HOUSDEN**

**TITLE OF REPORT: RYEDALE COMMUNITY INFRASTRUCTURE LEVY.  
PAYMENT INSTALMENT POLICY**

**WARDS AFFECTED: ALL**

---

## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 For Members to consider and agree a draft CIL Payment Instalment Policy.

### **2.0 RECOMMENDATION**

2.1 That Council is recommended to approve:  
(i) The key elements of a CIL payment instalment policy as outlined in paragraph 6.5.

### **3.0 REASON FOR RECOMMENDATION**

3.1 To support the implementation of the Community Infrastructure Levy in Ryedale.

### **4.0 SIGNIFICANT RISKS**

4.1 There are no significant risks associated with the recommendation.

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

5.1 Members are aware that the Ryedale Community Infrastructure Levy came into effect on the 1st March 2016. CIL legislation sets a default of full payment of the Levy within 60 days of the commencement of the chargeable development unless a charging authority has an payment instalment policy in place. The purpose of this is to allow payments to be spread over a longer period. The ability to pay CIL in instalments will make a considerable difference to those liable to pay CIL and will be an important factor influencing development viability and deliverability.

5.2 The legislation provides the Council with the freedom to decide the number of



payments, the amount and timing of payments in an Instalment Policy. There is no statutory requirement to consult on a payment instalment policy prior to its introduction, although clearly it is the interests of all to ensure that the policy is 'workable'. To this end and given that the CIL Charging Schedule is already in effect, it is considered that a period of practical application of the policy in tandem with targeted consultation with developers will help to identify whether improvements or changes to the policy should be made. It should be noted that a Council can make changes to its Instalment Policy providing that sufficient notice is given.

## **6.0 REPORT**

6.1 A proposed Instalment Policy is outlined below. It has been compiled by taking account of existing instalment policies operating in a range of other areas across the country, including Selby and Hambleton in North Yorkshire.

6.2 As Members are aware, CIL is charged (primarily on residential development) across Ryedale on sites of all sizes. Whilst it is important that CIL is collected in a timely fashion, this does need to be balanced against the fact that the charge will impact upon the development economics of a scheme. It is important that in collecting CIL, the Council's approach to an instalment policy is reasonable and that it acts to serve its purpose and to support developers in making payments. If an instalment policy is over optimistic in terms of the timing and level of payments, there is a risk that time and resources would need to be spent enforcing payments and collecting surcharges. It is considered important therefore that any instalment policy is reasonable and pragmatic and is designed to reflect the range of CIL liabilities that different landowners and developers are likely to face.

6.3 To date, CIL Instalment policies across the country vary considerably in terms of:

- the number and proportion of instalments depending on the amount of CIL to be paid
- the time period/ 'payment trigger' for each instalment

6.3 A number of existing charging schedules, including some of those operating locally, require CIL to be paid in full 60 days after the commencement of development for schemes that are liable for up to £50k CIL charge. It is possible that this is a legacy of earlier versions of the CIL Regulations, however, it is considered that this could be onerous for smaller developers who may not be in a position to make payments early in the early stages of a scheme. On that basis, it is considered that Ryedale should provide the opportunity for CIL liabilities to be paid in smaller amounts and over a longer time period.

6.4 Similarly, a number of charging schedules establish relatively short periods (2-4 months) for initial and second instalment triggers even for larger CIL liabilities. Officers are concerned that such an approach may prove difficult for the developers of larger schemes which often require a longer lead in time. It is considered that for higher liabilities schemes should be given the option of additional instalment periods over a longer period.

## 6.5 Proposed Instalment Policy

<b>CIL Liability</b>	<b>Payment Period and amount</b>
Under £10,000	Due in full within 6 calendar months of commencement
From £10,000 up to £50,000	Due in two equal instalments within: 6 months of commencement 9 months of commencement
From £50,000 up to £150,000	Due in three equal instalments within: 6 months of commencement 9 months of commencement 12 months of commencement
Over £150,00	Due in four equal instalments within; 6 months of commencement 9 months of commencement 12 months of commencement 18 months of commencement

## 7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial  
There are no direct financial implications associated with the implementation of an Instalment Policy.
- b) Legal  
Once an Instalment Policy is agreed it forms the basis for the CIL demand notice that the Council will issue. Any non-compliance with the demand notice can ultimately result in legal action.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
No other implications have been identified.

## 8.0 NEXT STEPS

- 8.1 Once agreed by Council, the instalment policy will be published on the Council's website and made available for inspection at Ryedale House, in accordance with statutory requirements.
- 8.2 Use of the policy will be monitored together with the responses of the development industry. If this reveals a need to amend the policy this will be the subject of a further report to Members.

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

**Author:** Jill Thompson, Forward Planning Manager  
**Telephone No:** 01653 600666 ext: 327  
**E-Mail Address:** jill.thompson@ryedale.gov.uk

**Background Papers:**  
Ryedale Community Infrastructure Levy Charging Schedule

Examples of other CIL Instalment policies

**Background Papers are available for inspection at:**  
<http://www.ryedaleplan.org.uk/community-infrastructure-levy>

Ryedale House

# Agenda Item 6

## APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 07/06/16

---

7

**Application No:** 16/00404/MOUT

**Application Site:** Land To North Of Sutton Grange Langton Road Norton Malton North Yorkshire

**Proposal:** Residential development of up to 6no. dwellings together with formation of vehicular access - Site A (site area 0.9ha) (revised details to refusal 15/00099/MOUT dated 22.07.2015)

---

8

**Application No:** 16/00405/MOUT

**Application Site:** Land Adjacent To Auburn Cottages Langton Road Norton Malton North Yorkshire

**Proposal:** Residential development of up to 79no. dwellings together with formation of vehicular access - Site B (site area 3.65ha) (revised details to refusal 15/00098/MOUT dated 22.07.2015)

---

9

**Application No:** 16/00400/73A

**Application Site:** Land Adj Millfield Lodge Main Street Amotherby Malton North Yorkshire

**Proposal:** Variation of Condition 01 of approval 13/00589/OUT to insert drawing no. MP/2014/1/1K - alteration to house design

---

10

**Application No:** 16/00469/73A

**Application Site:** Willow House Main Street Normanby Kirkbymoorside YO62 6RH

**Proposal:** Variation of condition 05 of approval 13/00817/FUL dated 04.09.2013 to add Drawing no. 230 316 1 and Variation of Condition 16 of the same approval to add Drawing no. 230 316 1 and to replace drawing no. 2326/4 Rev A by Drawing no. 2326/4 Rev E and Variation of Condition 12 of the same approval to replace drawing no. 2326/4 Rev A by Drawing no. 2326/4 Rev E - revisions relating to means of enclosure and landscaping (part-retrospective)

---

11

**Application No:** 16/00721/HOUSE

**Application Site:** Rowan Cottage School House Hill Marishes Low Road Low Marishes Malton North Yorkshire YO17 6RJ

**Proposal:** Erection of a two storey side extension and single storey rear extension (revised details to refusal 15/01437/HOUSE dated 01.02.2016)

---

**APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL**

**PLANNING COMMITTEE - 07/06/16**

---

**12**

**Application No:** 16/00785/FUL

**Application Site:** Land At Manor View Rillington Malton North Yorkshire

**Proposal:** Erection of a three bedroom bungalow with attached garage

---

# Agenda Item 7

## 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:** 7  
**Application No:** 16/00404/MOUT  
**Parish:** Norton Town Council  
**Appn. Type:** Outline Application Major  
**Applicant:** Gladman Developments  
**Proposal:** Residential development of up to 6no. dwellings together with formation of vehicular access - Site A (site area 0.9ha) (revised details to refusal 15/00099/MOUT dated 22.07.2015)  
**Location:** Land To North Of Sutton Grange Langton Road Norton Malton North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 17 June 2016  
**Overall Expiry Date:** 30 April 2016  
**Case Officer:** Rachel Smith **Ext:** 323

#### CONSULTATIONS:

<b>Building Conservation Officer</b>	Object
<b>Countryside Officer</b>	Verbal no objection
<b>Environmental Health Officer</b>	Recommend conditions
<b>Sustainable Places Team (Yorkshire Area)</b>	No comments to make
<b>Archaeology Section</b>	no known archaeological constraint to this development.
<b>Housing Services</b>	No objection
<b>Natural England</b>	No further comments to make from previous application
<b>North Yorkshire Education Authority</b>	Comments made
<b>Highways North Yorkshire</b>	Recommend conditions as per 15/00099/MOUT
<b>Tree &amp; Landscape Officer</b>	No views received to date
<b>Vale Of Pickering Internal Drainage Boards</b>	No views received to date
<b>Land Use Planning</b>	Conditions recommended
<b>Parish Council</b>	Recommend Refusal

**Neighbour responses:** Mr Andrew Bellwood, Mr P J Gray, AM And FM  
Campion, Paul Crossley, Mr Eugene Kelly,

---

#### 1.0 SITE:

- 1.1 The site extends to 0.9 hectares, and is situated on the western side of Langton Road. The site is separated from the residential development to the north by an area of mature trees which are subject to a Tree Preservation Order (TPO), identified as TPO no. 335/2014. This group TPO extends into the northern part of the application site. Planning permission has been granted in outline for the erection of 8 bungalows on land to the north west of the redline boundary, and these properties are now nearing completion. The access to Sutton Farm Barn forms the northern boundary of the site. The barns are grade II listed, (96/32/GB), and

have recently been converted to 5 dwellings, together with the erection of two new build to the rear of the main barn which were approved as part of an 'enabling' development.

- 1.2 The southern access to the site is bounded by the access driveway to Sutton Grange House with arable land beyond it. Land to the south of this access is the subject of application 16/00405/MOUT. Sutton Grange House lies to the south western corner of the site. It is a large detached house set within an extensive curtilage. Beyond this property is a large woodland area which continues and runs along the course of Mill Beck.
- 1.3 To the east of the application site, across Langton Road, is Norton college and existing residential development. Twelve single trees standing in front of Norton College are subject to TPO - 207/1994.

## **2.0 PROPOSAL:**

- 2.1 Members will be aware that a planning application for up to 6 dwellings on the site was considered at Planning Committee on July 21st 2015. Members resolved to refuse the application for the following reasons:
  1. The proposed development by reason of its proximity to Sutton Grange Barn will result in an unacceptable level of harm to the setting and significance of the listed building. The public benefits to be derived from the development do not outweigh the harm to the designated asset. The application is therefore contrary to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that decision makers must give special regard to the desirability of preserving the listed building or its setting. Furthermore the development is contrary to Section 12 of the NPPF, specifically paragraphs 129, 131, 132, 133, 134 and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
  2. The proposed development will result in significant harm to the setting of the un-designated heritage asset of Sutton Grange. As such the development of the site is contrary to paragraph 135 of the NPPF, and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
  3. The development of the site would result in the loss of this undeveloped area of land which has significant intrinsic landscape value and character, and which is atypical of the area. Furthermore it would harm the setting of this attractive approach to Norton, and breach the strong woodland setting (subject to a Tree Preservation Order), which currently provides a significant visual end stop at the approach to the town. As such it is contrary to the strategy of the Development Plan for the location and distribution of new housing at Malton and Norton, including Policies SP2, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.
  4. The development is not in accordance with the development plan, and furthermore, it is not considered that the benefits of the development would outweigh the harm to the setting and character of the listed building, the adjacent un-designated heritage asset (Sutton Grange) nor the loss if this important landscape setting to Norton. As such, the development is contrary to Policies SP2, SP12, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy, and the NPPF.
- 2.2 The abovementioned application is subject to appeal which is being considered in the form of a public inquiry commencing on June 7th 2016.

- 2.3 The applicants have re-submitted the application, and seek outline consent for up to 6 residential dwellings, together with the formation of an access. All other matters are reserved. There are no discernible changes between the current application and that previously submitted. However officers requested information from the applicant to detail the changes between the previous application, and the current application. The applicants advised the following:

*This file note outlines the principal differences between the current proposals and the supporting documents for the original submission of applications 15/00098/MOUT (Site B) and 15/00099/MOUT (Site A). However, it should be noted that some changes were submitted and considered as part of the determination of the previous applications.*

*- Amended Framework Plans:*

- ☐ *Site A - reduction in developable area and number of units from 8 to 6.*
- ☐ *Site B - reduction in developable area and number of units from 93 to 79, single point of access in a more central location and the relocation of POS to the northern boundary.*
  - An Archaeological Statement including the results of a geophysical survey and trial trenching has been submitted in lieu of the Desk Based Assessment.*
  - A Phase 1 Site Investigation has been submitted.*
  - An Air Quality Assessment has been submitted.*
  - A Design Code has been included in the Design and Access Statement including restricting development on Site A to a maximum of 1.5 storey in height.*
  - Updated Arboricultural Assessment – March 2016 survey results.*
  - Updated Landscape and Visual Impact Appraisal methodology and some of the character assessment information has been updated. Minor amends to text.*
  - The modelling and traffic assessment which supports the basis for the Transport Assessment has been revised to 2016 and 2021 assessment years.*
  - Revised Energy Statement in light of the Government abolishing the requirements for Code for Sustainable Homes accreditation.*
  - The Socio-Economic Reports have been updated to reflect the reduction in the number of dwellings.*
  - Where necessary the data supporting some of the technical reports has been updated and all reports have been updated to refer to the second go application following the refusal of the original application.*

- 2.4 It is noted that the reduction in housing numbers shown in the note above application, were carried out during the consideration of the previous application. That aspect is therefore *not* a new consideration.

- 2.5 The application is accompanied by a Development Framework Plan. This plan shows that the developable area is restricted to the southern half of the site with a frontage of approximately 50m, and depth ranging from approximately 80m to 65m. As such whilst the application boundary is 0.9 hectares, the developable area is limited to 0.18 hectares. The proposed access will be at the northern extent of this "developable area". The Design and Access statement states at section 02:

*The Courtyard development character reflects the existing building character of the neighbouring Sutton Farm barns and buildings.*

*Buildings are arranged around a shared courtyard which is situated off a single access. The "U" shaped layout allows them to fit into the existing landscape framework whilst also retaining the mature trees and historic layout of the gardens of Sutton Grange.*

*Buildings of up to 1.5 storeys are proposed to allow the existing farm buildings to dominate the views and scale of this character area.*



**2.6** The Design and Access further includes at 04. Design Principles:

*In general, the use of smaller private frontages with large rear gardens should be the predominate theme within site A.*

*...The main emphasis within this area is protecting and enhancing the setting of the existing Sutton Grange and Sutton Farm buildings.*

*... The layout and materials selected for Site A would provide a layout and structure which compliments the agricultural buildings found within the grounds of Sutton Farm.*

*Emphasis will be given to the existing barns at Sutton farm by retaining existing views through the proposed and enhanced landscape, allowing the barn to remain the dominant building and main reference point to the area.*

*... A green filtered edge to the northern, north eastern and western edge of site A.*

**2.7** The application is however in outline, with only the access for consideration at this stage. It is noted that during the course of discussions on the previous application on this site, the applicant confirmed that the Development Framework Plan is intended to form part of the planning application. They further stated in an email dated 02 June 2015, "As it is a standalone plan, I am happy for it to be conditioned with regards to developable area, location of landscape buffers, height of buildings etc... if this provides the Council's Heritage Officer with a greater degree of certainty as to how the site will be developed."

**2.8** In addition, illustrative development layouts have been provided in the Design and Access statement, giving an indication of how the site could be developed. The applicant has advised however, that the illustrative Development Framework presents one iteration of how the sites could be developed. They are not for determination at this stage.

**2.9** The application is also accompanied by the following detailed reports:

- Design and Access Statement
- Landscape and Visual Assessment
- Transport Assessment
- Ecological Appraisal
- Arboricultural Assessment
- Flood Risk Assessment and Surface Water Drainage Strategy
- Noise Screening Report
- Archaeology Assessment
- Statement of community involvement
- Heritage Assessment
- Socio Economic Sustainability Assessment
- Planning Statement and appendices
- Foul drainage analysis
- Air Quality Assessment
- Phase 1 Site Investigation.

Members will be aware that a separate planning application, (16/00405/MOUT) for up to 79 houses has been submitted on land to the south of this application site. The reports listed above I Para 2.6 relate to both sites. However the applications are independent of each other, and should planning permission be granted, the sites will not necessarily be developed by the same developer.

## 2.10 Public Benefits

2.11 As part of the submitted information, contained within section 6 of the Planning Statement, the applicants have set out the benefits that they consider would arise from the proposed development. In summary they include;

- Supply of new homes for local people
- A commuted sum equivalent to 35% affordable housing to be spent elsewhere in the settlement or District.
- Public open space and linkages -note this would be on Site B however and *not* Site A
- Economic benefits from expenditure by residents, jobs during construction, Council tax payments and new homes bonus
- Conservation and enhancement of biodiversity

## 3.0 HISTORY

3.1 Application 13/00835/MOUT application withdrawn 21:10:2013 for residential development

Application 14/00383/MOUT application refused for erection of 15no. dwellings

Application 15/00099/MOUT application refused for residential development.

## 4.0 PLANNING POLICY CONTEXT AND DECISION TAKING PRINCIPLES

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that 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 development plan unless material considerations indicate otherwise.

The development plan for the area of Ryedale (not within the North York Moors National Park) consists of:

- The Ryedale Plan – Local Plan Strategy (2013)
- The Helmsley Plan (2015).
- ‘Saved’ policies of the Ryedale Local Plan (2002) and the 2002 Proposals Map
- The Yorkshire and Humber Plan (Regional Spatial Strategy), York Green Belt Policies (YH9 and Y1)

4.2 Primary legislation places specific statutory duties on planning authorities:

Section 66 of the **Planning (Listed Buildings and Conservation Areas) Act 1990**, requires in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 40(1) of the **Natural Environment and Rural Communities Act 2006** (the ‘NERC’ Act), imposes a duty on public authorities in exercising their functions, to have regard to the purpose of conserving biodiversity.

All public bodies are required to comply with the rights and freedoms of the European Convention on Human Rights under the provisions of the **Human Rights Act (1998)**

## 4.3 Development Plan

4.3.1 None of the remaining 'saved' policies of the Ryedale Local Plan or the Yorkshire and Humber Plan are considered to be relevant to the assessment of this application, with the

exception of the 'saved' development limits in accordance with Policy SP 1 of the Ryedale Plan - Local Plan Strategy.

**4.3.2** The Ryedale Plan – Local Plan Strategy (LPS) was adopted 5th September 2013, and therefore provides recently adopted development plan policies which are compliant with national planning policy (the National Planning Policy Framework – NPPF). The current Proposals Map is the 2002 adopted Proposals Map.

**4.3.3** The LPS contains strategic policies to manage development and growth across Ryedale to 2027. It seeks to integrate the need to address development needs whilst protecting the environment and landscape and securing necessary improvements to services and infrastructure. The Plan directs most new development to the Market Towns and recognises that green field extensions to the Towns will be required to address development needs.

It confirms that as part of this strategic approach, Malton and Norton will be the primary focus for growth over the plan period and that within this, a greater focus (albeit not exclusive) will be placed on locating new development at Malton.

**4.3.4** The following policies of the Ryedale Plan – Local Plan Strategy are relevant to the assessment of the application:

Ryedale Local Plan Strategy - adopted 5 September 2013 ( Ryedale Plan)

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 SP11 - Community Facilities and Services (In respect of public open space

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP15 - Green Infrastructure Networks

Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP18 - Renewable and Low Carbon Energy

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

**4.5 National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)**

**4.5.1** The NPPF provides national planning policy and is accompanied by practice guidance. Both are significant material planning considerations. The NPPF makes it clear that it is the purpose of the planning system to contribute to the achievement of sustainable development. The Framework makes it clear that there are three dimensions to sustainable development which give rise to the need for the planning system to perform an economic role, a social role and an environmental role. The Framework establishes a set of core land-use principles to underpin the planning system within its overarching purpose of contributing to the achievement of sustainable development which include that planning should:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

**4.5.2** Where specifically relevant to the application, the policies of the NPPF are referred to within the appraisal section of the report. Predominantly, but not exclusively, this includes those policies which cover the following:

- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- requiring good design
- promoting healthy communities
- Conserving and enhancing the natural environment.

#### **4.6 The Presumption in Favour of Sustainable Development**

**4.6.1** Both the Development Plan and the National Planning Policy Framework include policies which promote a presumption in favour of sustainable development to be applied in the decision making process alongside the legislative requirement that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 11-16 of the National Planning Policy Framework details how the presumption in favour of sustainable development is to be applied. Paragraph 12 of the NPPF makes it clear that;

*“ Proposed development that accords with an up to date Development Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise”.*

**4.6.2** Paragraph 14 specifically confirms that a presumption in favour of sustainable development is at the heart of the NPPF and should be seen as a golden thread running through plan-making and decision taking. It states that for decision- taking this means (unless material considerations indicate otherwise)

- *“approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission 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 the framework indicate that development should be restricted.”*

- 4.6.3** Policy SP 19 of the Local Plan Strategy is consistent with the above national presumption but makes specific reference to the Local Plan and Neighbourhood Plans; working proactively with applicants and clarifies the application of the second bullet of the national presumption. It 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 of 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”*

## **5.0 APPRAISAL**

- 5.1** The main considerations in relation to this application are:

- the principle of the proposed development.
- impact of the development on the significance of the heritage asset.
- highway considerations including vehicular access, pedestrian, and general highway safety;
- accessibility and sustainability
- landscape appraisal
- ecological
- drainage considerations
- arboricultural assessment
- archaeology
- affordable housing provision;
- drainage;
- neighbour impact.
- designing out crime;
- potential ground contamination;
- design considerations
- impact of development on the racing industry
- public open space; and
- developer contributions.
- contributors

## **6.0 Principle of residential development on this site**

- 6.1** Planning law requires that application are determined in accordance with the development plan, unless there are material considerations that indicate otherwise. The development limits established through the Ryedale Local Plan (2002) have been saved through the Ryedale Plan - Local Plan Strategy. The site is not allocated for housing in the development

plan for residential development and falls outside the development limits. The principle of development will therefore be established by taking account of the relevant policies in the development plan, together with all other material considerations.

## **7.0 Housing Supply**

7.1 Policy SP2 (Delivery and distribution of new housing) of the Local Plan Strategy commits the authority to the identification and maintenance of a supply of deliverable housing sites sufficient to provide five years worth of housing against the planned annual requirement of 200 homes per annum. The policy also commits to the provision of an additional 20% supply of housing land (the equivalent of 200 homes over a five year period).

The policy is framed to reflect the requirements of national policy (paragraph 47 of the NPPF) which requires Local Planning Authorities to identify and maintain a five year supply of deliverable housing land with an additional supply buffer to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

7.2 The NPPF states (paragraph 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. It makes it clear that if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the NPPF confirms that for decision making, the presumption in favour of sustainable development means:

- *“approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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”*

7.3 Currently Ryedale can demonstrate that it has a five year supply of deliverable housing sites. At 31st March 2016, a total net supply of 1442 plots with planning permission existed, together with land allocations (Helmsley Plan), with a potential capacity of 95 units. This gives a total 'raw' housing supply of 1537 plots which equates to 7.69 years supply, (based on the planned housing requirement of 200 per annum). The recent SHLAA Part 1 update (May 2016) illustrates that from this 'raw' supply, 1158 new homes will be delivered over the next five years. This equates to 5.8 years worth of deliverable housing supply, based on the planned housing requirement of 200 units per annum.

7.4 Members are aware however, that the ability to demonstrate a five year deliverable supply of housing land is not in itself a reason for the refusal of a planning application. Nevertheless, it is considered that the ability to demonstrate a five year deliverable supply has the effect that there is no immediate need to release a site on the basis of housing land supply against the context of paragraph 49 of the NPPF.

7.5 The Development Plan is not out of date. Furthermore, the proposal is for 6 new homes, which even if a shortfall in supply did exist, would not make a substantive difference to the District's housing land supply position.

## **8.0 Location of Development**

8.1 Policies SP1-(General Location of Development and settlement Hierarchy) of the Local Plan Strategy identifies Malton and Norton as a Primary Focus for Growth. Pickering

Kirkbymoorside and Helmsley are identified as a secondary focus for growth together with a number of identified Service Villages as a tertiary focus for growth. Policy SP2 (Delivery and Distribution of new housing), identifies that at least 3000 new homes will be managed over the period 2012-2017 to this hierarchy of settlements. The Council is in the process of preparing the Local Plan Sites Document and public consultation on preferred sites took place in November 2015. However it is not at an advanced stage, and the anticipated publication of the plan (May 2016) will be delayed towards the end of the year.

8.2 Policies SP1 - General Location of development and Policy SP 2 - Delivery and Distribution of Housing are key to the considerations in relation to the location of the site for residential development. Policy SP1 identifies Malton and Norton as a primary focus for growth. In relation to the section in the plan on guiding development at the towns, the following principles of relevance in the explanatory text (p35) include:

- Retaining the compact and accessible traditional market town 'feel'
- Ensure development is sensitive and responsive to different historic character areas
- Higher density development in and to the Town Centres with lower density family housing in less central locations
- Creating sensitive new edges to the towns and repairing existing edges as they abut open countryside.

8.3 Policy SP2 (Delivery and Distribution of new housing), identifies the sources of new housing that will contribute to the supply of new homes across the District. The part of the policy that relates to delivery in Malton and Norton is 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 Policy SP3
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate

8.4 Whilst it is noted that the greatest focus is on locating development in Malton, the plan does not preclude the development of sites in Norton, including greenfield sites adjacent to the built up area. Furthermore Malton/Norton comprises Ryedale's principal town and primary focus for growth. Nevertheless, as detailed above, the key contributor to housing supply is:

*Housing land allocations in and adjacent to the built up area.*

8.5 It should be noted that reference to housing land allocations in Policy SP2 is because the anticipated supply of housing is to be made through residential allocations, through the sites document in line with the status given to the plan led system in legislation and national policy. Whilst the site allocations document is still at an early stage, and can only be given limited weight at this time, the key strategic locational principles may be used to inform the consideration of speculative proposals in advance of the site allocations reaching an advanced stage.

The south western edge of Norton is currently formed by residential development on Heron Way, Millside and Barley Close. To the immediate south of this, planning permission

has been granted for the erection of 8 single and one and a half storey dwellings in a linear location. These houses are predominantly completed. The roofs of which are visible as on the northern side of the access to Sutton Farm Barns.

- 8.6** The site is separated from the built up area of Norton by a woodland of mature trees which are subject to an area Tree Preservation Order. The red line around the northern boundary of the site is approximately 20m from the nearest dwelling fronting Langton Road. However the developable area has been reduced by the applicants to exclude the land covered by the TPO. As such the developable area is approximately 55m from the nearest dwellings on Langton Road. The mature trees included in the TPO, strengthen the feel of separation between the existing built up area, and the open countryside to the south. Whilst it is noted that the built development on the opposite side of the road extends further south, it is considered that the trees on the western side of Langton Road, form a significant visual end stop to the town. This feeling of separation is strengthened by the extensive wooded area to the west of Sutton Grange Barn which continues in a southerly direction alongside Mill Beck. It is this woodland that gives the application site a different character to other areas of open or green space elsewhere in Norton. This defined character will be further detailed in the landscape section of the report. There are also mature trees at the entrance to the driveway that leads to Sutton Grange.
- 8.7** Accordingly, whilst the development of the site would not in itself undermine the general locational strategy as outlined in Policies SP1 and SP2, there are significant and demonstrable form and character concerns which result in a development which detracts from the special character of this part of Norton, undermining other policies of the Ryedale Plan -Local Plan Strategy. These are discussed in turn below.

## **9.0 LANDSCAPE ASSESSMENT**

- 9.1** The application is accompanied by a Landscape Visual Impact Assessment (LVIA) which is a combined report for this site and the land which lies to the south. (See application 16/000405/MOUT).

The LVIA report is available to read in full on the Council's public access system. It is based on guidance contained within the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) published by the Landscape Institute and the Institute of Environmental Management and Assessment, April 2013. There are two components which are:

- *Assessment of landscape effects; assessing effects on the landscape as a resource in its own right and;*
- *Assessment of visual effects; assessing effects on specific views and on the general visual amenity experienced by people.*

- 9.2** The LVIA states that Site A comprises a small field which is currently grassland and a horse paddock. The report further states that Norton is located within a low lying valley associated with the River Derwent. This valley extends from the north, towards the west. The sites are at approximately 25 metres AOD.
- 9.3** The LVIA states that the sites fall adjacent to the boundary of 3 landscape character areas including the Howardian Hills, Vale of Pickering and Yorkshire Wolds, ( these are numbered 29, 26, and 27 in the LVIA). The report details the characteristics of each of these landscape character areas. Para 3.23 of the LIVA states that the landscape in which the proposed development would be located draws on the character of the National Howardian Hills and County Limestone Ridge but is also influenced by surrounding local landscape and urban/townscape characteristics. The LVIA further refers to Ryedale District Council's Report, 'The Landscapes of Northern Ryedale Landscape Character Assessment' 1995.



It states that within this publication, the sites and area of landscape surrounding Norton is located within the 'Wooded Open Vale' Landscape Type. The 'Wooded Open Vale' is described as:

*'has a strong rural character and although open, includes a number of woodland blocks that serve to provide local enclosure'.*

- 9.4 The report assesses the visibility of the sites using a series of key viewpoints from nearby settlements, properties, or local lanes, footpaths and roads.

The submitted LVIA is very detailed and it is not possible to include all the assessment and findings in this report. However the report does provide a number of conclusions which include the following;

#### **Summary of Residual Landscape Effects**

- The Natural England assessments consider only the very broad context of the landscape and cover extensive landscape areas. At this scale it is considered that the residual landscape effects would be negligible.
- The existing landscape structure is a mature framework of hedgerows to the boundaries with a muted vegetated corridor along the route of Mill Beck. Due to this strong existing framework direct views across the sites are limited and have a well wooded backdrop. The assessed residual effects on this area would be Moderate to Minor.
- The locally contained nature of the sites, due to the local ridgeline to the south, and its relationship with the existing urban edge of Norton to the north, results in effects upon the wider landscape as relatively insignificant with the most notable effects limited to the sites themselves.

#### **Summary of Residual Visual Effects**

- The visual envelope is limited to close-by settlement edge properties with limited views through gaps in existing hedgerows. From more distant elevated parts of the surrounding area the sites fit into the well wooded existing edge of Norton. There are glimpsed views of the tops of some of the mature trees on the sites' edges.
- The current views from properties on Langton Road, Bazley's Lane, Millside, Field View, and Langley Drive and the more distant settlement edges on Whitewall, Welham Road and Hunters Way are likely to not be effected. Landscaping along the existing field edges would partially screen the proposed built development. Residual effects on these receptors are assessed as Moderate to Minor.
- Views from road users travelling along Langton Road, Bazleys Lane and Welham Road may be able to gain some glimpsed views of the proposed development. These would be views within the context of intervening mature vegetation, local topography and the transient nature resulting in residual effects ranging from moderate to minor adverse depending on the extent of the view. Proposed Landscaping will aid screening.
- The limited number of receptors identified further from the site are identified as none to minor adverse.

- 9.5 The applicants' report concludes that in landscape and visual terms the assessment demonstrates that there would be no overriding effects that would preclude the proposed development.

9.6 The Council has commissioned its own LVIA for the two application sites. This report concludes that the proposed development on both sites will have a major significance on landscape character. It is considered that the landscape appraisal is inter-related with the locational factors detailed above in relation to the relationship of the site with Norton, and in the heritage section detailed below. The site is in agricultural use as pasture and paddock, and is bounded by hedgerows, with woodland to the north. There are two surfaced footpaths adjacent to Langton Road which are used by pedestrians together with the racehorse. The footpath is also extensively used by those walking dogs. Numerous letters of objection to the development have articulated the importance of this rural setting to Norton. (3rd party letters can be viewed in full on the Council's website).

9.7 An extract from the LVIA commissioned by the Council states:

*The proposed development on both sites will have a major significance on landscape character at the site level during construction, year 1 and year 10 and beyond. During construction adverse effects on landscape character would arise from the presence of construction activity forming a dominant influence on site character and change in land use from rural to construction activity. Unlike the completed buildings, construction effects would be both reversible and of short duration but the significance on landscape character of the sites would be major. In year 1 (post construction) housing would occupy the majority of both sites and represent an extensive complete change in character and land use at the site scale. These changes would be permanent and irreversible and of major significance. Similarly trees/hedges as mitigation planting or landscape infrastructure within the sites would be partially mature by year 10 and contribute to reduction in effects on character from the built form. However, the primary effects on landscape character would remain as described for year 1 and represent an irreversible change in the baseline character of major significance.*

*Effects on wider character of LCA 5 Limestone Ridge LCA would be of minor significance, reflecting the localized extent of change.*

*The significance of change in landscape character is therefore predominantly at the site scale, affecting land which is atypical of the wider landscape, of high quality and which in conjunction with cultural heritage value and evident time depth in the landscape, would be particularly harmed by housing of the scale envisaged. The characteristics of the sites - evident in photo view points 4 and 6 is such that these sites which are locally important and of particular high sensitivity in comparison with, for example other land in close proximity (for example to the east of Langton Road). The change in character would affect both the sites themselves and as explained by Ryedale District Council's Conservation Officer "the wider setting of the barn and house would not be preserved". The landscape assessment reinforces that view.*

*Viewpoints significantly affected by the proposed development are all within relatively close proximity and include locations on the edge of the Wolds AHLV adjacent to Bazleys Lane.(VP1 and VP2). Based on the site survey Bazley's Lane is assessed as a recreational asset as a result of its quiet character and limited traffic usage. Although the sites themselves are not crossed by a PROW, the footpath/bridleway along Langton Road are immediately adjacent to the sites and are well used due to the proximity of the edge of Norton on Derwent and eases of access to open countryside, including the Wolds AHLV, Both pedestrians and horse riders (which are particularly prevalent in this area) experience close range views of Site B (represented by VP4 and VP6) which form a valuable part of the transition between the urban /rural environment and which would experience change of major significance. Overall the proposed development would have a major significance on visual amenity at Viewpoints , 4 and 6 but limited non-significant effects from the wider landscape. The significant landscape and visual effects identified in this LVIA will require weighing in the planning balance against other benefits of the proposed development.*

This conclusion demonstrates that the LVIA submitted by both the applicants', and the Council's Landscape consultant concur that the impact of the proposed development on the wider landscape character areas, will be of minor significance. However the Council's consultant places greater emphasis on the intrinsic character of the site, and the importance that the sites, including the woodland, make to the setting of Norton, and its importance as a visual end to the town.

The sites are distinctly rural in character and provide an attractive 'soft' setting to the approach to Norton. The wider area is characterised by low lying intensively farmed land use and racehorse paddocks or gallops. The woodland wraps around the northern part of the site, and is viewed together with the woodland which is situated to the immediate west of Sutton Grange Bams and continues in southerly direction following the course of Mill Beck. This is in contrast to the opposite side of Langton Road where there is a strong edge to the rear of houses on Langley Drive, together with regular bounded ploughed fields. Indeed this 'unique' setting has been referred to in many of the letters of objection.

The development of the site would therefore harm this very attractive approach to the town. Whilst the mature hedges and many of the trees will be retained, the character would be significantly eroded. The houses would create an urbanisation of the area. This would be exacerbated by the formation of the access, and the comings and goings by construction vehicles during the length of the build, and cars and other vehicles afterwards. Given the distance of the site from many services and places of employment, it is likely that there will be a significant number of vehicular movements.

Furthermore, on leaving Norton in a southerly direction, the woodland creates a very attractive visual buffer that informs the approach to the countryside. If the application site is developed beyond this area, it will harm individual's appreciation of leaving the town to enter the countryside. It is noted that a significant number of objectors have referred to the character of the area which will be lost by the development. (All 3rd party letters can be viewed on full on the Council's website).

It is acknowledged that the Development Framework Plan demonstrates that the development will be limited to part of the site only, and the site will be well landscaped. The retention of such landscaping, and the provision of green infrastructure is welcomed. Nevertheless, the proposal would result in the loss of this area of land which has significant intrinsic value and it would harm the character and appearance of this very attractive approach to Norton, which is atypical of the area. Policy SP13 (Landscapes) requires quality, character and value of Ryedale's diverse landscapes to be protected and enhanced. In terms of landscape character, Policy SP13 requires development proposals to contribute to the protection and enhancement of distinctive elements of the landscape 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.

As such the development of this site is contrary to the requirements of Policies SP13 - Landscapes and SP20 - Generic Development Management Issues of the Ryedale Plan-Local Plan Strategy.

## 10.0 HERITAGE

10.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 states at Section 66(1):

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

10.2 In relation to heritage, the key part of the NPPF relevant to the consideration of the application is, Chapter 12: Conserving and Enhancing the Historic Environment.

10.3 Policy SP12 of the Ryedale Plan - Local Plan Strategy is the relevant development plan policy.

10.4 During consideration of the previous application, confirmation was received from the applicant that the Development Framework Plan was for consideration as part of the application and therefore binding in terms of maximum number of houses, developable areas and landscaped areas. Confirmation has also been provided by the applicant in relation to the current application that the Development Framework Plan 6283-L-03a Rev K can be conditioned to ensure that the development will be in broad accordance with the plan. The Council's Building Conservation Officer has been consulted on that basis, and has confirmed that her comments remain the same as they were in relation to application 15/00099/MOUT, with the following clarification:

*This application is a re-submission of a previous application which is the subject of a forthcoming public enquiry. There are no changes from the appeal application, therefore I attach my Proof of Evidence from the appeal scheme and my previous consultation response as this covers the issues arising. For the avoidance of doubt and for clarity, I have identified that this proposal would not preserve the setting of the Grade II listed Sutton Barn or the Non Designated Heritage Asset of Sutton Grange. According to the NPPF the level of harm identified should be assessed as being as 'substantial' or 'less than substantial'. In this case, I have identified the level of harm as 'less than substantial'. This according to the NPPF should be weighed against the public benefits of the scheme. Whilst I do not consider that there are any heritage benefits to the proposal, it is for the decision maker to determine whether any other planning benefits outweigh the harm.*

### Response to Application 15/00099/MOUT

#### **Objection**

*Further to my consultation response of 17th March 2015 please find below my comments responding to the additional information submitted by the applicant. The additional submitted information is:*

- *a revised Heritage Statement,*
- *a revised Design and Access Statement*
- *a revised Development Framework Plan.*
- *a revised description reducing the number of units from 8 dwellings to 6 dwellings*

*Written confirmation from the applicant confirms that the revised Development Framework Plan forms part of the planning application and therefore shows the developable area. The revised Heritage Statement is a supporting document but includes references to aspects in the Design and Access Statement that are for information only.*

Nevertheless, written communication from the applicants confirm that the building storey heights will be restricted to a maximum of one and a half storeys. My consultation response is therefore based on that approach.

I note that Historic England guidance on the Setting of Heritage Assets has been updated since my initial consultation response. I am happy that the guidance, as the applicants' revised Heritage Statement suggests, is largely a continuation of the philosophy and approach of the 2011 Settings document and does not present a divergence in either the definition of setting or the way in which it should be assessed. I consider therefore that my previous consultation response is still relevant .

I note that new information in the applicants revised Heritage Statement includes that the extended setting of the barn is 'positive in its contribution to the significance of the barn particularly in regard to the functional association with the surrounding agricultural fields' 3.3.11.

I welcome, and would agree with this analysis for the reasons as set out on my previous consultation response, however I would disagree with the applicants in respect of the degree of contribution that the wider (extended) landscape setting provides. In my opinion, for the reasons set out in my earlier consultation response, the wider landscape setting can be given equal weight to the immediate setting, (as opposed to the applicants belief that it is secondary).

Previously, due to the lack of information submitted, it was not possible to adequately form an assessment of the impact that the proposal would have. The Development Framework Plan has been submitted in order to provide clarification on some of the aspects of the development. It indicates a landscape buffer of c.50m to the western edge of the site and a green wedge to the north. The revised application description now indicates up to 6 dwellings.

***Analysis of the Proposal and its impact on the setting and significance of the listed building.***

I still consider that harm will be caused by the fact of developing this paddock. The barn retains its rural character due to the open and green nature of the development site. I am of the opinion that how the barn is appreciated in its wider rural landscape form a very important aspect of its setting, which in turn, contributes to the significance of the listed building. In my opinion, the intrinsic rural qualities of the wider setting of the barn will be harmed by removing part of the rural landscape and its replacement with housing development. This change will be a high magnitude of permanent change and will weaken the link between the barn and its functional use and thus harm its significance.

The contribution that setting makes to significance does not depend on their being public rights or an ability to access or experience that setting. Nevertheless, public views of Sutton barn and Sutton Grange are possible from Langton Road. In my opinion the fact of developing the site will adversely affect the setting of the barn by adding a competing visual element. The fact of positioning development between the road and the Grade II listed barn compounds this harm as the adverse effect is experienced by a wider public.

I also have strong concern regarding the position of the dwellings in relation to Sutton Barn and Sutton Grange. At present there is inter-visibility between the two structures and this strengthens the historic and functional links between the two buildings. The position of the dwellings in between these buildings will weaken and interrupt this visual link and diminish their settings.

*Notwithstanding my wider concerns regarding the change in land use, I consider that I can comment on the details of the proposed scheme which include the number of units, storey heights and landscape layout.*

*In my opinion the landscape buffer will go some way to mitigate the harm of the proposal and seeks to keep that part of the designed landscape as undeveloped. This is an improvement on the previous submission as clarification has been provided. The reduction in the number of houses from 8 to 6 is also an improvement on the previous submission as it is proposed to be a lower density scheme. The maximum storey height of one and a half storey provides more clarification on the development and this is an improvement on the previous ambiguous submission.*

*While the Housing Plot Arrangement shown in the submitted revised Design and Access Statement is not binding and therefore can only have limited weight, I have given some consideration to the information and do have concerns regarding the layout shown. In my opinion the position of the buildings on the plot is fussy and complicated and does not represent a convincing design in terms of a 'courtyard' development following an agricultural flavour. The mix of building lines is haphazard and fussy and compounded with the road shape may give a suburban appearance. The development is also likely to create additional movement, noise and associated domestic paraphernalia and I note that cars appear to be accommodated in the foreground of the properties adding to the magnitude of change from a static tranquil undeveloped paddock. Lighting and position of new boundaries is not detailed however it is likely that these will form part of a development scheme as will road name signs. The creation of a new vehicular and pedestrian access through the outgrown boundary hedge off Langton Road is also likely to have a suburbanising effect that will diminish the qualities of the existing natural boundary. These components together will have an adverse impact on the wider agricultural setting of the listed building and undesignated heritage asset as it will erode the natural qualities of the setting and add a suburbanising influence.*

*I am of the opinion that the wider landscape setting of the listed building will not be preserved by this development and that harm will be caused. The Planning (Listed Building and Conservation Areas) Act 1990 requires under Section 66 that the Local Planning Authority shall have special regard to the desirability of preserving the (listed) building or its setting.*

*According to the NPPF the harm identified should be assessed as being 'less than substantial' or 'substantial' in degree. In my opinion this proposal can be assessed as having 'less than substantial harm'. This judgement has taken into account that the fabric of the listed building will not be directly affected, the retention of the immediate designed setting, the mitigating landscape buffer, low density of units and restricted storey heights. According to the NPPF, this harm should be weighed against the public benefits of the scheme. For avoidance of doubt, it is clear in recent rulings that 'less than substantial' harm does not equate to a less than substantial planning objection (Bamwell).*

- 10.5** Policy SP12 (Heritage) aims to conserve and where appropriate, enhance the distinctive elements of Ryedale's historic environment. In particular, Policy SP12 seeks 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 as well as surrounding historic landscape character and setting of the individual settlements. Policy SP12 also requires historic assets and their settings to be conserved. Proposals which will result in less than substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm to the asset. The full text of Policy SP12 is appended. As such, the development of this site is contrary to the requirement of Policy SP12 - Heritage.

**10.6** In view of the above assessment, the proposed development fails to preserve the setting of the listed building. Recent decisions in the Courts, (including Barnwell Manor and the Forest of Dean) make it clear that the finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. In effect, a statutory presumption exists in favour of the preservation of a listed buildings setting. These judgements also serve to remind Local Planning Authorities that the desirability of preserving the settings of listed buildings emeshed in The Planning (Listed Buildings and Conservation Areas) Act 1990 should be given considerable importance and weight in the planning balance exercise ( para 134 of the NPPF), which is to be undertaken where the harm is identified to a designated heritage asset as in this case.

**10.7** In addition both National and local policy require that the impact of development on the significance of a non-designated heritage asset to be taken into account.

## **11.0 DESIGN**

**11.1.** Policy SP16 of the Ryedale Plan - Local Plan Strategy states:

*7.21 New development introduces changes to a place and good design helps to ensure that changes build on the existing qualities of an area, enhancing its attractiveness not only in terms of how a place looks also but how it feels to live, work and spend time in. As places change, good design will help them stand the test of time.*

*A well planned structure of streets, buildings, spaces and routes is considered one of the most enduring features of successful places. It is seen as central to the success of assimilating new development into existing areas and helps to ensure that as well as being attractive and interesting, places are easy to navigate and feel safe*

**11.2** *Policy SP16 also includes:*

*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*

**11.3** The NPPF also requires 'good design' and states at para 56:

*56. 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.*

**11.4** The application is in outline, with all matters reserved, with the exception of the access. Confirmation has been received that the Development Framework Plan (6283-L-03a REV K) can be conditioned to ensure that the development will be in broad compliance with the plan. This demonstrates that the developable area is restricted to the southern part of the site, with a landscape buffer to the west.

**11.6** The design and access states:

*The courtyard development character area reflects the existing building character of the neighbouring Sutton Farm barns and buildings.*

*Buildings are arranged around a shared courtyard which is situated off a single access. The 'u' shaped layout allows them to fit into the existing landscape framework whilst also retaining the mature trees and historic layout of the gardens at Sutton Grange'*

- 11.6** Accordingly, if Members resolve to approve the application it is recommended that conditions be imposed tying the development to the developable area, shown on the plan, together with the green infrastructure, and new planting shown on that plan. The Design and Access Statement includes a vision and summary. The illustrative plan shows six dwellings arranged around a shared court yard off a single access. The dwellings will be up to 1.5 storeys high. Out of a total site area of 0.9 hectares, the developable area is 0.18 hectares, with the remainder of the site, comprising existing landscaping, including those trees which are within the area TPO, and green infrastructure.
- 11.7** Whilst the layout in the Design & Access, is purely illustrative, it is noted that the Council's Building Conservation Officer has expressed concern regarding the layout, and in particular in relation to its likely impact on the setting of Sutton Farm Barn. In relation to the illustrative design she advises that:

*" the position of the buildings on the plot is fussy and complicated and does not represent a convincing design in terms of a 'courtyard' development following an agricultural flavour. The mix of building lines is haphazard and fussy and compounded with the road shape may give a suburban appearance. The development is also likely to create additional movement, noise and associated domestic paraphernalia and I note that cars appear to be accommodated in the foreground of the properties adding to the magnitude of change from a static tranquil undeveloped paddock.*

*Lighting and position of new boundaries is not detailed however it is likely that these will form part of a development scheme as will road name signs. The creation of a new vehicular and pedestrian access through the outgrown boundary hedge off Langton Road is also likely to have a suburbanising effect that will diminish the qualities of the existing natural boundary" .*

- 11.8** It is considered that the confirmation that the development framework plan forms part of the application is welcomed, in terms of identifying the developable area. However it is not considered that the illustrative layout is acceptable, and indeed does not demonstrate that the concerns in relation to the setting of the listed building have been mitigated.

## **12.0 Neighbour impact**

In terms of neighbour amenity, it considered that the development of six, one and a half storey dwellings could be accommodated without having a significant adverse impact on the existing amenities of neighbouring occupiers at Sutton Farm Barn, Langton Road, Heron Way and Millside. The greatest impact will relate to occupiers of Sutton Grange House. This is by virtue of the location of the dwellings adjacent to the driveway to that property. The Development Framework Plan includes existing and proposed planting in this area. However the size of the developable area is such that the dwellings will be located relatively close to the driveway. This will change the isolated access that the dwelling currently enjoys. It is also of note that the site is on higher land than that of Sutton Grange House. This could result in an overbearing and obtrusive impact on occupiers of Sutton Grange House. It is considered however, that given the number of houses proposed, and the restriction to one and a half storeys, the impact can be mitigated in relation to that dwelling by the sensitive location of the proposed dwellings and the provision of appropriate landscaping.



### **13.0 ACCESS**

- 13.1** Access will be provided by a single access from Langton Road. North Yorkshire Highways have been consulted on the application and have advised that their comments remain the same as they made to application 15/00099/MOUT:

*The proposed access has been illustrated on drawing no. 14531-002 Revision P1. This has been positioned to correctly offset with the existing junction with Field View (i.e. with right turning traffic off the major road not in conflict). Although the access point is close to the turn-around area opposite the site, it is not considered that the amount of traffic using this will create any significant issues with traffic exiting the new development at the same time. However, two traffic calming 'speed cushions' will require re-locating to clear the proposed entrance as part of any development scheme. Given the estimated number of properties proposed, there may be a possibility to reduce the impact of the access by making the entrance radii smaller to say, 6 metres, and access road to typically 4.8 to 5.0 metres wide, to keep the loss of verge, footway and horsewalk to a minimum.*

*The submitted transport assessment has combined both Sites A and B (15/00098/MOUT) and I would anticipate the Highway Authority response on Site B will address the total potential impact of additional traffic on Butcher Corner crossroads within Malton town centre, and possibly requiring a commuted sum contribution towards the Brambling Fields A64 interchange improvements.*

*I also note that surface water disposal from the site is directly linked by pipe into Site B. However, if this site is not approved/progressed, alternative arrangements will have to be considered.*

*However, no Highway Authority objections are raised to the proposed development (Site A), subject to conditions.*

### **14.0 Drainage**

- 14.1** It is proposed that foul drainage will discharge to the main sewer in Langton Road. Surface water will be piped to the adjacent site with ultimate discharge into an attenuation basin. Alternative methods of surface water disposal will however be required if permission is not granted on the adjacent site.
- 14.2** Yorkshire Water Services have not objected to the proposed development subject to a condition recommending that details of the disposal of surface water are submitted to, and approved in writing by the Local Planning Authority.
- 14.3** The Environment Agency has confirmed that the site lies in Flood Zone 1, and does not trigger any constraints.

### **15.0 ECOLOGY**

- 15.1** In relation to ecology, a number of Phase 1 habitat surveys for bats, breeding birds, and amphibians have been undertaken. The results found low levels of bats and birds. Natural England were consulted on the application and advised that if it is carried out in accordance with the submitted details the development would not have a significant impact on features of interest for which the River Derwent or SAC have been identified. However there is potential for biodiversity enhancement. It is considered that the retention of the existing trees and hedges, together with the amount of green infrastructure, there is potential for biodiversity enhancement. Accordingly it is considered that should permission be granted enhanced biodiversity should be conditioned.

**15.2** Since the last application was submitted, the applicants have submitted an up-to-date protected species survey. Natural England have been consulted and advised that they have no objection to the proposed development.

#### **16.0 Agricultural Grade Land.**

In relation to the use of agricultural land, Para 112 of the NPPF states:

*Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.*

It is noted that most of Site A is classified as Grade 3A, with 0.2 hectares as non agricultural. It is therefore classified as best and most versatile. Nevertheless the developable area, and indeed land area available for agricultural use is only 0.7 hectares. Accordingly the loss of this land would be of low magnitude. On this application site, therefore, it is not considered that the loss of Grade 3A land would be a sustainable reason for refusal.

#### **17.0 Potential ground contamination**

**17.1** A preliminary ground investigation has been carried out. Based on historic land uses and the sites current use, overall risk is considered to be low for the current land use, and low to moderate for the proposed re-development. Should permission be granted however, it is recommended that a condition be imposed to require a further survey.

#### **18.0 Arboricultural Considerations**

**18.1** In relation to trees, an arboricultural assessment has been carried out. This demonstrates that the majority of tree stock can be retained due to its location around the perimeter of the site.

#### **19.0 Archaeology**

**19.1** The application site has previously been subject to a desk based assessment and trial trenching. The reports assessed the archaeological potential and significance of the site. The results of the trial trenching were archaeologically negative. Therefore there is no known archaeological constraint to this development.

#### **20.0 Impact of development on racing industry**

**20.1** A letter of objection has been received from a member of Norton's racing industry. They are particularly concerned about the impact of the traffic associated with the development on horses in the area, and in particular resulting in additional cars travelling along Bazeleys Lane which is very narrow. It is not considered that the traffic generated by vehicles from the proposed 6 houses on site 'A' would be sufficient to cause a significant material difference to the level of traffic that currently uses the lane. This is in particular because the Highway Authority considers that visibility from the site would be acceptable.

#### **21.0 Air Quality**

**21.1** An Air Quality Assessment (AQA) has been submitted on behalf of the applicants, Gladman Developments. The Councils' Health and Environment Manager has been consulted on the application, and advises that the revised AQA is based on current significance criteria and utilises the document 'Land Use Planning and Development Control: Planning for Air Quality published by Environmental Protection UK/Institute of Air Quality Management (May 2015). The report concludes there will be a negligible and not significant impact on concentrations of nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> at all

fourteen existing sensitive receptors considered, 2021, with the development in place. Sensitivity analysis predicts that there will be a negligible and not significant impact on concentrations of NO<sub>2</sub>, at thirteen of the fourteen existing sensitive receptors considered, in 2012, with the development in place. A slight impact is predicted at ESR 8 (Castlegate). The sensitivity analysis predicts that there will be a negligible impact on concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> at all fourteen existing sensitive receptors considered, 2021, with the development in place. The predictions at the two proposed receptor locations within the site for all three pollutants are assessed at 2021, as been below the annual mean air quality objective and not considered to be significant.

21.2 The document 'Land -Use Planning & Development Control: Planning For Air Quality' advises that a particular concern of many local authorities is that individual developments are often shown to have a very small air quality impact, and as a consequence, there are few mechanisms available to the planning officer to require the developer to achieve lower emissions. This, in turn, leads to concerns about the potential air quality impacts of cumulative developments as many individual schemes deemed insignificant in themselves contribute to a 'creeping baseline'. The basic concept is that good practice to reduce emissions and exposure is incorporated into **all developments** at a scale commensurate with the emissions. The emphasis should be on mitigation measures rather than just on the modelled impacts. These proposed development together constitute major development and as such should include as a principle of good practice electric charging points and other means of mitigation at a level commensurate with the damage cost calculation as calculated within the AQA. This together with a detailed travel plan with ongoing monitoring, to protect and improve air quality, is consistent with the Council's Local Plan.

21.3 Local Plan Policy SP17, which refers to the protection and improvement of air quality is set out below:

*Air Quality will be protected and improved by:*

- *Locating and managing development to reduce traffic congestion and air pollution and promote the use of alternative forms of travel to the private car;*
- *Supporting measures to encourage non-car based means of travel or the use of low emission vehicles;*
- *Reducing air quality from buildings through renewable energy provision and sustainable building standards in line with Policy SP18;*
- *Requiring development proposals within or adjoining the Malton Air Quality Management Area to demonstrate how effects on air quality will be mitigated and further human exposure to poor air quality reduced. All development proposals within or near to the Air Quality Management Area which are likely to impact upon air quality; which are sensitive to poor air quality or which would conflict with any Air Quality Action Plan will be accompanied by an Air Quality Assessment;*
- *Only permitting development if the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured.*

21.4 In addition the requirements for mitigation are in line with the National Planning Policy Framework (NPPF), Para 35 of which includes:

*- an overall need to reduce the use of high-emission vehicles.*

**21.5** Accordingly, the Councils Health and Environment Manager has recommended that if permission is granted it be subject to condition requiring the submission of a Travel Plan to promote alternatives to single car occupancy, one EV charging point per dwelling, and an emission mitigation package for the sites:

**22.0 Affordable Housing and Public open Space Contributions**

**22.1** During consideration of the previous application on the site, Members were advised of the following position in relation to required contributions;

*The application site measures 0.9 hectares, and permission is sought in outline for the erection of up to 6 dwellings. Policy SP3 (Affordable Housing) of the Local Plan Strategy, includes the following requirement:*

*The Local Planning Authority will seek the provision of:  
35% of new dwellings as affordable housing on site as part of developments of 5 dwellings or 0.2 ha or more...*

*Since the Local Plan Strategy was adopted however, the Government has issued a Ministerial Statement to Parliament that advised that tariff style contributions should not be sought on small sites. The Council resolved in line with this statement:*

*(i) Not to seek financial contributions from small residential sites through the planning process towards affordable housing on sites of five dwellings or less under Policy SP3 of the Ryedale Plan*

*(ii) To continue to negotiate the on-site provision of affordable housing in line with Policy SP3 of the Ryedale Plan with the exception that affordable housing contributions will not be sought from sites of 10 dwellings or less and which have a maximum combined gross floorspace of no more than 1,000 square metres in Malton, Norton and Pickering*

*(iii) To continue to negotiate the on-site provision of affordable housing in line with SP3 of the Ryedale Plan with the exception that on sites of between six and ten dwellings, in parishes outside of Malton, Norton and Pickering, financial contributions of an equivalent of 40% of provision will be sought on such sites in west and south west Ryedale.*

*(vi) Not to seek financial contributions towards open space from sites of ten dwellings or less.*

*It is noted that the applicants have stated that the site will deliver 35 % affordable housing provision in line with Policy SP3. However there is no policy requirement for the provision of open space or affordable housing on the application site.*

**22.2** *Subsequent to the Ministerial Statement, West Berkshire DC and Reading Borough Council's made a successful challenge, and the contributions from small sites were re-instated. The Secretary of State appealed against West Berkshire DC and Reading Borough Council's successful challenge, and judgement was handed down on May 11th 2016. The Secretary of States appeal was allowed on all four grounds. National Planning Guidance has been updated to refer to the ruling. It is for the decision maker to determine what weight should be given to the Ministerial Statement. However the statement and change to the NPPG are up to date, and accordingly it is not considered that securing affordable housing, or public open space contributions from a site of this scale would accord with that National Planning Policy Guidance.*

**22.3** Prior to the recent judgement, the Council's Housing Services Manager has responded to the consultation on the application stating that to satisfy the requirements of policy SP3 of the Ryedale Plan - Local Plan Strategy, the proposed scheme for up to 6 houses will require 2.1 units (35%), unless it can be demonstrated that this isn't viable.

**22.4** It is of note that should Members make a judgement that affordable housing should still be required, Policy SP3 requires that such housing should be provided *on-site*, and *not* as a contribution. As such, the development is not policy compliant. However given the changes to the NPG, there is considered to be no national policy basis for the provision of either affordable housing or public open space.

### **23.0 Community Infrastructure Levy**

**23.1** Since the previous application was considered by Members, the Council has implemented the Community Infrastructure Levy. This site will be subject to that levy.

### **24.0 RESPONSES FROM TOWN COUNCIL AND OTHER CONTRIBUTORS**

**24.1** Norton Town Council has submitted a recommendation of refusal that applies to both applications as follows:

- *This development lies in a green field site which is of considerable importance to the town, and is outside development limits. Whilst no decisions have yet been made as to site selections for the town, this site is considered totally unsuitable.*
- *Congestion on Langton Road is already intolerable taking into account the position of Norton College and a certain lack of off street parking for residential properties towards the northern or town centre end of Langton Road. There is now the prospect of the extension to the Primary School being built on the Brooklyn site, situated on Langton Road, bringing even more congestion to this area.*
- *With a lack of infrastructure to support such a development this side of the level crossing, in order to access most services residents need to be able to access Malton which, with this proposal means either travelling via Norton Road or Castlegate, both of which would be unacceptable and only add to the concerns already in place with regard to Co2 levels.*
- *Impact on the sewage system in this area of town, the Victorian sewers are already over capacity and any further development would put residents in other areas at greater risk of having raw2 sewage impacting on their property whenever there is a period of heavy rain and the system is under pressure.*
- *Over development even with a reduction to the number of properties proposed, Members still believe this is too many for what are relatively small sites.*

**24.2** Four letters of objection to the application have been received. The full detailed responses are available to view on Council's Public Access website, however the following includes some the broad parameters of the main points raised.:

- No change in policy or material considerations since previous applications refused
- sites lie outside the defined development limits for Norton.
- detrimental impact on setting of listed building and heritage assets.
- query whether it is appropriate to grant outline planning permission for sites near identified heritage asset.
- identified 5 year supply of deliverable housing, therefore no presumption in favour of granting permission.
- need to balance releasing sites for development and protecting character of settlements, their surroundings and safeguarding heritage assets.

- Prospect of Brooklyn site being developed for a school will generate more traffic and increase congestion
- Importance of retaining a green corridor for benefit of existing residents to enjoy. Little accessible green space in Norton.
- Character of Norton will be poorer if these developments are allowed.
- Evidence regarding the height of the water table and tendency for flooding in the area.
- Regular flooding of Langton Road area, lowest part of area.
- water standing on the road near the bend affects highway safety.
- Norton is a major racehorse training centre. 400 racehorses access on foot the two centralised gallops on Norton, by bridleway and horsewalk. Langton road is a crucial and key part of the infrastructure used by the racehorses as they walk to and from the gallops in Norton. It is essential that the infrastructure is perceived as safe or owners may remove their horses from training in the area.
- significant increase in traffic generated by the developments will adversely effect the horses.
- Development too far to services to enable people to walk.
- Bazeleys Lane is unsuitable for additional traffic., and is a single track road, and a designated bridleway. It could become busier if used as a short cut.
- North Yorkshire Highways have not consulted the racing industry on the effects of a substantial increase in traffic on Langton Road.
- Local amenities will require expanding.

**24.3** A letter has also been received by a near neighbour who states that, whilst not objecting to, or supporting the planning application requests that:

- the development does not adversely impact on the existing drainage systems
- the ancient hedgerow fronting Langton Road is retained
- the dwellings on the application site are single storey, sustainable materials appropriate to rural setting and adjacent listed barn with a buffer of native planting
- a boarded fence is erected and maintained along the application boundary with Sutton Farm.
- Existing entrance to the site via Sutton Farm is removed
- address existing road congestion.

**24.4** It is considered that the impact of the development in relation to access and drainage relate in the main to the larger application on site B. However the other points raised have been addressed in the body of this report.

**24.5** In relation to the weight to be given to the impact on the racing industry, Members will be aware that this was not a reason for refusal of the previous applications on the site. This was in particular because the Highway Authority were satisfied that the proposed accesses were satisfactory from a point of view of visibility from the sites themselves. Furthermore, on the larger site there was a requirement for the erection of signs at the exit of the larger site to warn of potential horse walking in the vicinity of the site. The Highway Authority did not however consider that significant traffic generated by the development would use Bazeleys Lane. It is considered that the addition of traffic from the 6 houses on this site is unlikely to cause a discernible increase in traffic on Bazeleys Lane. However further clarification from the Highway Authority in relation to the larger site has been requested.

## 25.0 SUMMARY

- 25.1 It is considered that the Council has an up-to-date plan and in excess of a 5-year housing land supply. There is therefore no overriding need to release additional land for housing. The application site is an unallocated greenfield site outside the development limits for Norton, in an area of open countryside. The proposal is therefore contrary to the development plan when taken as a whole. In particular, there is significant harm to the distinctive and attractive landscape character of this site. There is also significant harm to the settings of both Sutton Grange Barn and Sutton Grange House. It is considered that the development of the site will give rise to public benefits to the supply of housing. However, these benefits do not outweigh the harm.

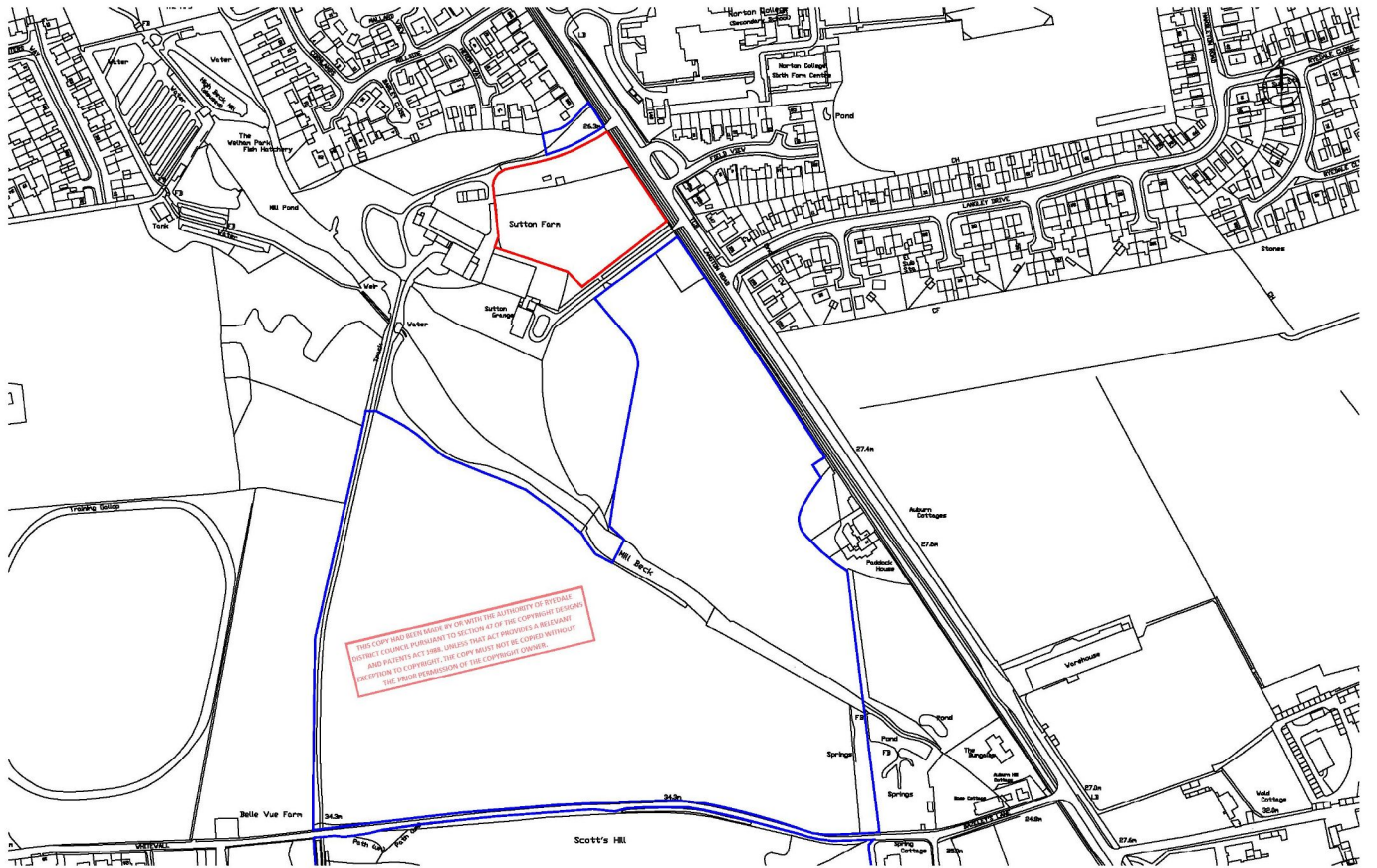
As such, the recommendation is one of refusal for the following reasons.

### RECOMMENDATION: Refusal

- 1 The proposed development by reason of its proximity to Sutton Grange Barn will result in an unacceptable level of harm to the setting and significance of the listed building. The public benefits to be derived from the development do not outweigh the harm to the designated asset. The application is therefore contrary to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that decision makers must give special regard to the desirability of preserving the listed building or its setting. Furthermore the development is contrary to Section 12 of the NPPF, specifically paragraphs 129, 131, 132, 133, 134 and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
- 2 The proposed development will result in significant harm to the setting of the un-designated heritage asset of Sutton Grange. As such the development of the site is contrary to paragraph 135 of the NPPF, and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
- 3 The development of the site would result in the loss of this undeveloped area of land which has significant intrinsic landscape value and character, and which is atypical of the area. Furthermore it would harm the setting of this attractive approach to Norton, and breach the strong woodland setting (subject to a Tree Preservation Order), which currently provides a significant visual end stop at the approach to the town. As such it is contrary to the strategy of the Development Plan for the location and distribution of new housing at Malton and Norton, including Policies SP2, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy
- 4 The development is not in accordance with the development plan, and furthermore, it is not considered that the benefits of the development would outweigh the harm to the setting and character of the listed building, the adjacent un-designated heritage asset (Sutton Grange) nor the loss if this important landscape setting to Norton. As such, the development is contrary to Policies SP2, SP12, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy, and the NPPF.

### Background Papers:

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



Gladman Developments Ltd Langton Road Norton	<b>LOCATION PLAN - SITE A</b>	1:2500 @ A3 February 2015 <b>6283-L-01A - A</b>	 DATE VALID 18/03/18
--	-------------------------------	---	--





This drawing is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without written consent of FPCR Environment and Design Ltd.  
 Ordnance Survey material is used with the permission of The Controller of HMSO, Crown copyright 100018896.

- KEY:**
- Application Boundary 0.9 Ha
  - Development Area 0.18Ha = 6 Dwellings
  - Green Infrastructure (including POS) 0.72Ha
  - 1 Existing Hedgerows and Trees
  - 2 Potential Vehicular Access Point off Langton Road
  - 3 Main Vehicular Routes
  - 4 Mill Beck
  - 5 Listed Building
  - 6 Landscape Buffer to Existing Properties
  - 7 Open Space Corridor
  - Proposed Additional Landscaping
  - Foul Water Easement
  - Tree Preservation Order
  - National Cycle Route 166
  - Public Footpath

This site is not to be developed as a residential development. It is to be used as a public open space and is to be managed as such. Any development on this site must be in accordance with the Local Plan and the National Planning Policy Framework.



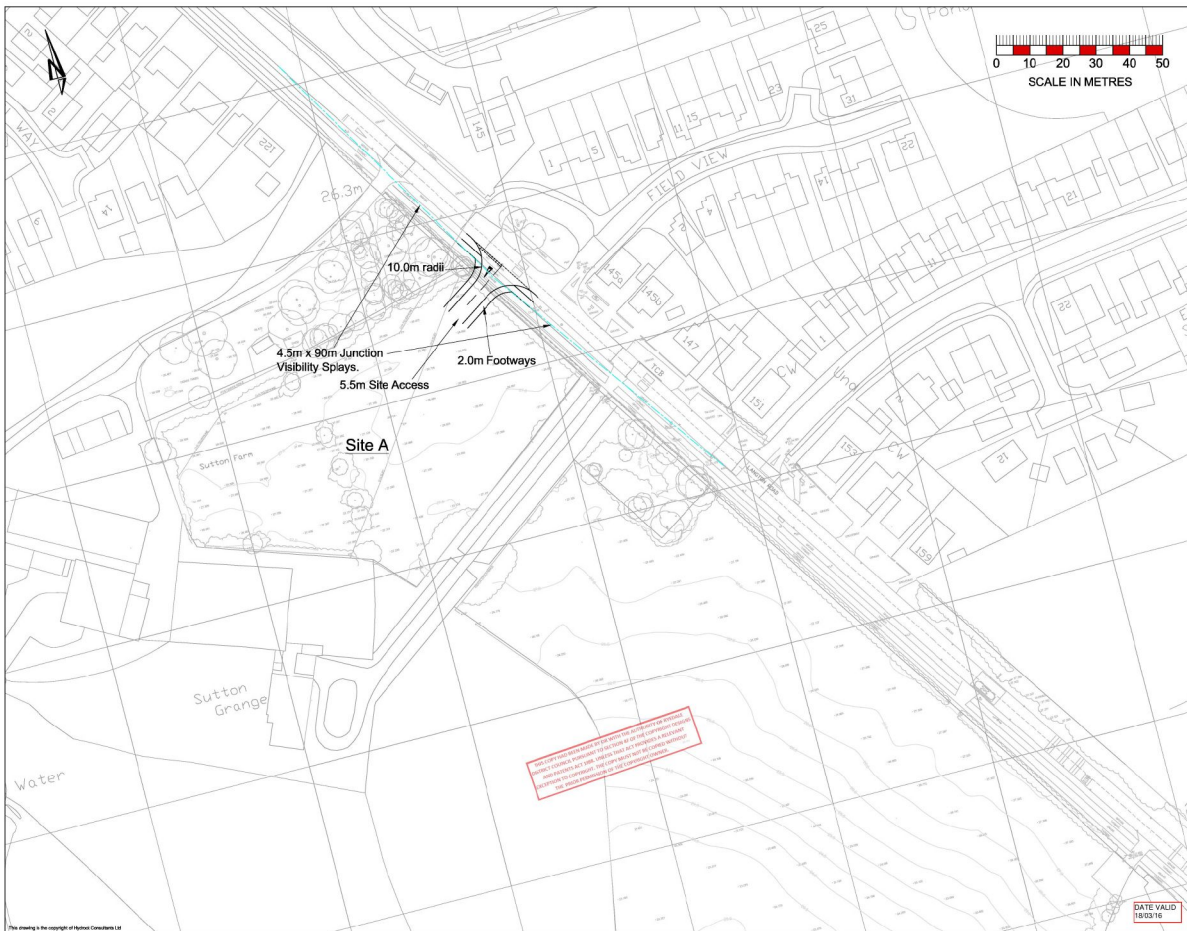
J:\63004283\LANDS\Plan\6283-L-03a\DEVELOPMENTFRAMEWORK.rvt

Gladman Developments Ltd  
 Langton Road  
 Norton, North Yorkshire

**DEVELOPMENT FRAMEWORK PLAN**

Scale 1:1250 @ A1  
 April 2015  
**6283-L-03a**

<p><b>Author:</b> FPCR Environment and Design Ltd</p> <p><b>Checked:</b> FPCR Environment and Design Ltd</p> <p><b>Approved:</b> FPCR Environment and Design Ltd</p> <p><b>Date:</b> April 2015</p>	<p><b>DATE VALID:</b> 18/03/16</p>
---	------------------------------------



**Notes:**

- All dimensions are to be checked on site before the construction of works. Any discrepancies are to be reported to the Architect & Engineer immediately. Signed dimensions only are to be used for the works.
- The drawings to be read in conjunction with all relevant Engineer and Service Engineer drawings and specifications.

Rev	Date	Description	By	Iss

**Hydrock**  
Hydrock Engineering & Construction Ltd  
 1000 The Boulevard, North Yorkshire YO21 2JG  
 www.hydrock.com

Gladman Developments Ltd

Project Ref:  
 Langton Road, Norton  
 North Yorkshire

Drawing Ref:  
 Site A - Access Proposals

Drawing Status:  
**PRELIMINARY**

Drawing No: C14531

DATE VALID 18/03/16

Rev	Iss	1-500	20/01/2015	20/01/2015

14531-002 P1

**Gladman Developments Ltd**

**Land off Langton Road, Norton**

**Ryedale District**

**Planning Statement**



**March 2016**

## CONTENTS

<b>Executive Summary</b> .....	<b>3</b>
Description of Development.....	3
Accordance with the adopted Development Plan .....	3
Emerging Development Plan .....	3
Housing Land Supply.....	3
Sustainable Development .....	4
Decision-taking .....	4
<b>2 Introduction</b> .....	<b>5</b>
<b>2.1 Context</b> .....	<b>5</b>
2.2 The Site and Surroundings.....	6
2.3 Planning History .....	6
2.4 Environmental Impact Assessment.....	7
2.5 The Application Proposals.....	7
Introduction .....	7
Public Consultation .....	8
Planning Obligations and Conditions .....	8
2.6 Delivery.....	8
<b>3 Housing Need</b> .....	<b>9</b>
3.1 Introduction .....	9
3.2 National Planning Policy Framework .....	9
3.3 Housing Requirement and Five-Year Supply.....	10
Ryedale Local Plan Strategy.....	10
National Planning Policy Guidance.....	10
Strategic Housing Market Assessment .....	11
Ryedale District Council’s Latest Position of Five-Year Housing Land Supply .....	11
Housing Need Conclusion.....	11
<b>4 The Development Plan</b> .....	<b>13</b>
4.1 Introduction .....	13
Weight Attributed to Development Plan and its Policies.....	13
4.2 Ryedale Local Plan Strategy – September 2013.....	13
Accordance with the Ryedale Local Plan Strategy.....	13
SP1 – General Location of Development and Settlement Hierarchy.....	14
SP2 – Delivery and Distribution of New Housing.....	14
4.3 Emerging Local Plan Sites DPD.....	14
4.4 Malton and Norton Neighbourhood Plan.....	15
<b>5 Why This Settlement and Site?</b> .....	<b>16</b>
5.1 Introduction .....	16
5.2 A Sustainable Settlement .....	16

5.3	A Sustainable Site.....	16
	Accessibility.....	16
	Constraints and Designations.....	17
	Utilities 18	
	Conclusion.....	18
<b>6</b>	<b>Planning Benefits .....</b>	<b>19</b>
6.1	Introduction .....	19
6.2	Social Benefits .....	19
	Provision of Affordable Housing.....	19
	Public Open Space and Linkages.....	19
6.3	Economic Benefits.....	20
	Site A - Infographic .....	20
	Site B - Infographic.....	21
6.4	Environmental Benefits .....	22
6.5	Conclusion .....	22
<b>7</b>	<b>Potential Impacts .....</b>	<b>23</b>
7.1	Introduction .....	23
7.2	Heritage.....	23
7.3	Landscape and Visual .....	23
7.4	Construction Period .....	23
7.5	Conclusion .....	23
<b>8</b>	<b>Conclusions and Overall Planning Balance.....</b>	<b>25</b>
8.1	Housing Need.....	25
8.2	The NPPF and the Development Plan .....	25
8.3	Sustainable Development and Key Benefits.....	25
8.4	Impacts .....	26
8.5	Overall Conclusion.....	26

## APPENDICES

Appendix 1	Policy Compliance Table
Appendix 2	Utilities Appraisal
Appendix 3	Sustainability Matrix
Appendix 4	Affordable Housing Statement
Appendix 5	Planning Balance Table
Appendix 6	Energy Statement

---

## **EXECUTIVE SUMMARY**

### **Description of Development**

- i. These applications relate to land off Langton Road, Norton. They seek outline planning permission for up to 6 dwellings on Site A and 79 dwellings on Site B, with associated public open space and landscaping, with all matters reserved save for access.
- ii. Site B proposes a policy-compliant level of affordable housing (35%) to be delivered on-site, while Site A makes provision for a commuted sum equivalent to 35% to be provided on affordable housing schemes elsewhere in the settlement or District.

### **Accordance with the adopted Development Plan**

- iii. The Development Plan currently comprises:
  - The Ryedale Local Plan Strategy (Adopted September 2013)
  - Saved policies of the 2002 Ryedale Local Plan and the 2002 Proposals Map.
  - The Yorkshire and Humber Regional Spatial Strategy (RSS) York Green Belt Policies - Policies YH 9 and Y1
  - The Helmsley Plan (Adopted July 2015)
- iv. However, only the Ryedale Local Plan Strategy 2013 is relevant to the applications. The development proposals accord with the objectives of the Local Plan Strategy and its relevant policies.
- v. The Local Plan Strategy does not plan for the full Objectively Assessed Need (OAN) for housing in Ryedale. This is a matter which must be addressed by the Council.

### **Emerging Development Plan**

- vi. The Council are producing a Local Plan Sites DPS which will allocate sites for housing development. However this document is still in its early stages; a draft will not be produced until spring 2016.
- vii. The Local Plan Sites DPD is only due to allocate growth up to the levels identified in the Local Plan Strategy and therefore the Council will need to find additional sites in order to meet its full OAN.

### **Housing Land Supply**

- viii. The Council currently claim a supply in excess of five years when assessed against their current adopted target.
- ix. However their current target does not represent a full OAN figure. Gladman have commissioned NLP to undertake a study to identify District's OAN. When assessed against the OAN range concluded by NLP, the Council cannot demonstrate a five-year housing land supply.

- x. The application therefore must be considered under paragraph 14 of the Framework and the presumption in favour of sustainable development is engaged.

### **Sustainable Development**

- xi. The accompanying reports show there are no unacceptable adverse impacts associated with the proposals. The proposals provide significant material planning benefits, which weigh heavily in favour of the application proposals. These include:
- Market and affordable (35%) housing to meet an identified need;
  - 1.98 ha of Public Open Space ( across both sites);
  - New footpath and cycle links;
  - New Homes Bonus totalling £807k (across both sites);
  - 72 FTE construction jobs (across both sites);
  - Ecological benefits through the protection and enhancement of existing wildlife corridors and provision of new green infrastructure within the development; and
  - No significant or demonstrable adverse impacts that would outweigh the benefits of granting permission when assessed against the Framework as a whole.
- xii. The proposals constitute sustainable development in the context of the three dimensions of sustainable development; environmental, social and economic.

### **Decision-taking**

- xiii. Housing applications should be considered in the context of the presumption in favour of sustainable development to meet the requirements of Paragraph 49 of the NPPF. The Council is currently unable to demonstrate a five-year supply against a full OAN. Granting development as expeditiously as possible will help the Council in working toward this minimum requirement.
- xiv. The proposal should be granted 'without delay' in line with the requirements of Paragraph 14 of the NPPF.

## 2 INTRODUCTION

### 2.1 Context

2.1.1 This Planning Statement is submitted to Ryedale District Council (hereafter referred to as 'RDC' or 'the Council') on behalf of Gladman Developments Ltd ('Gladman') in support of two outline planning applications on land off Langton Road, Norton:

- **Site A** - Residential development of up to 6 no. dwellings together with formation of vehicular access - (site area 0.9ha).
- **Site B** - Residential development of up to 79 no. dwellings together with formation of vehicular access - (site area 3.65ha)

2.1.2 The statement sets out the context for the development by providing the background to the proposals including a description of the site and its surroundings and the relevant up-to-date policy Framework. It then assesses the proposals against the identified policy framework and the key material considerations and sets out the case in support of development.

2.1.3 Documents which accompany this Planning Statement in support of the applications are as follows. The table denotes which submitted documents are shared between both applications.

Site A	Site B
Location Plan - Site A	Location Plan – Site B
Indicative Development Framework Plan – Site A	Indicative Development Framework Plan – Site B
Design and Access Statement	
Landscape and Visual Assessment	
Transport Assessment	
Travel Plan	
Ecological Appraisal (and Badger Survey)	
Arboricultural Assessment	
Flood Risk Assessment	
Noise Screening Report	
Archaeology Statement	
Statement of Community Involvement	
Heritage Statement – Site A	Heritage Statement – Site B
Socio-Economic Report – Site A	Socio-Economic Report – Site B
Foul Drainage Analysis	



Air Quality Assessment	
Access Plan – Site A	Access Plan – Site B
Phase 1 Site Investigation Report	

## 2.2 The Site and Surroundings

- 2.2.1 Both Site A and Site B are located within the administrative area of Ryedale District Council (RDC), within the ward of Norton West and within the Parish of Norton. The latest Census data for the Parish in 2011 identifies the population to be 7,387.
- 2.2.2 Site A is a small agricultural field of about 0.9 ha. It is bound by Langton Road to the east, beyond which lies existing residential development. Sutton Farm Stone Barn, a Grade II Listed Building which has recently been converted to residential units, lies immediately to the west. Existing residential development also lies to the north, beyond a small area of trees which contains an access route to the barn. The southern boundary of Site A is defined by a private drive to Sutton Grange to the west, beyond which lies open countryside (Site B).
- 2.2.3 Site B is a larger field of approximately 3.65 ha. Site A, as described above, lies to its north beyond the private driveway. Langton Road also runs along the eastern boundary of Site B, beyond which is a mix of existing residential dwellings and open countryside. A small group of residential dwellings is located adjacent to the site's boundary to the south east. An existing mature tree belt which follows the line of Mill Beck defines the western boundary of Site B, beyond which lies open countryside.
- 2.2.4 Within the adopted Ryedale Local Plan Strategy DPD (RLPS), the settlement of Norton is supported as Ryedale's Principal Town along with Malton. This is the highest tier in the settlement hierarchy set out by the Local Plan Strategy, followed by Local Service Centres, Other Villages and the Wider Open Countryside.

## 2.3 Planning History

- 2.3.1 These planning applications are the second to be submitted on the respective sites and remain unchanged from the scheme that was determined by the Council in July 2015. Gladman submitted the original applications to RDC for consideration on 2<sup>nd</sup> February 2015. Both applications were validated on 6<sup>th</sup> February 2015, with the reference numbers 15/00099/MOUT (Site A) and 15/00098/MOUT (Site B).
- 2.3.2 The original target determination date for the applications was 8th May 2015, though three extensions of time were agreed with the Council until 5th June, 29th June and 21st July 2015 respectively. Gladman and the Council's Case Officer worked proactively during the determination of the applications to identify issues and discuss potential solutions. As a result of this engagement and following a review of consultation responses, Gladman prepared and submitted amended Development Framework plans and associated technical reports, which were submitted to the Council for re-consultation.

- 2.3.3 The applications were nevertheless refused by RDC Planning Committee on 22nd July 2015. The decision notices identified four reasons for refusal (RfR) for Site A and five RfR for Site B. It should be noted that Site B shared the exact same RfR as Site A, with one additional reason.
- 2.3.4 In response to the refusal of planning permission, Gladman lodged a (co-joined) appeal to the refusals. This appeal will be heard at a public inquiry, which is due to commence on 7<sup>th</sup> June 2016.
- 2.3.5 Prior to Gladman's involvement with the sites, an application was submitted on Site A for the erection of 15 dwellings (ref: 14/00383/MOUT). This was registered on 1<sup>st</sup> April 2014 and the application went to Committee on 30<sup>th</sup> July 2014. It was refused due to the proposal's proximity to Sutton Farm Stone Barn which would result in an unacceptable level of harm to the setting and character of the listed building.

## **2.4 Environmental Impact Assessment**

- 2.4.1 As part of the first applications, Gladman sent an Environmental Impact Assessment (EIA) Screening Opinion Request for both sites to the Council in letters dated 29th January 2015, asserting that the proposals did not constitute EIA schemes. Following submission of these requests, RDC issued their Scoping Opinions dated 20th February 2015 confirming, in their view, that the proposals for both Sites A and B constituted EIA development.
- 2.4.2 Gladman, in disagreement, sent a Formal Screening Direction Request to the National Planning Casework Unit (NPCU) for both sites on 3rd March 2015. The NPCU issued their Screening Directions, dated 20th March 2015, which confirmed both schemes did not comprise EIA development.
- 2.4.3 As the applications have not changed as part of this second submission, no further EIA work has been undertaken.

## **2.5 The Application Proposals**

### **Introduction**

- 2.5.1 These applications seek outline planning permission for residential development with all matters reserved, save for the main site accesses. Details of the parameters of the development for which outline permission is sought are included within the respective Design and Access Statements. Further detail (including detailed housing mix, precise location of buildings and appearance) will be brought forward at the Reserved Matters stage.
- 2.5.2 In addition, illustrative Development Frameworks have been prepared, giving an indication of how the sites could be developed, helping to demonstrate the acceptability of the developments and having proper regard to constraints. This illustrative Development Frameworks present one iteration of how the sites could be developed. They are not for determination at this stage.

---

### **Public Consultation**

- 2.5.3 Prior to the submission of the previous applications on this site, Gladman engaged in a comprehensive process of pre-application consultation with the local community. On 19th January 2015, information leaflets were distributed to circa 535 households and businesses within the proximity of the site. This leaflet invited readers to give feedback on the proposals, as well as directing them to a dedicated website which contained further information on the schemes ([www.your-views.co.uk/norton](http://www.your-views.co.uk/norton)). Additionally, a press advert was circulated in the Norton Gazette and Herald on 21st January 2015.
- 2.5.4 As the scheme remains unchanged from the previous applications, it has not been considered necessary to engage in further consultation prior to the submission of these second applications. Consultees, stakeholders and the local community will have the opportunity to provide the Council with comments on the schemes during the Council's own consultation period during the determination process.
- 2.5.5 Responses to the original public consultation exercise, along with Gladman's reply, can be found within the accompanying Statement of Community Involvement.

### **Planning Obligations and Conditions**

- 2.5.6 Gladman will seek to enter into constructive dialogue with RDC to agree obligations for any necessary and reasonable on and off-site provisions which are related in scale and kind to the proposed development and which meet the statutory tests set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010.
- 2.5.7 Gladman will be happy to propose and discuss draft planning conditions with the Council as part of the determination of the applications.

## **2.6 Delivery**

- 2.6.1 It is likely that, subject to market conditions, on average around 25 to 35 dwellings would be completed per annum. The affordable housing would be delivered simultaneously alongside market dwelling completions. Taking into account infrastructure delivery, it is anticipated that the development of both sites together would take in the order of three years to complete.

As the site will be complete in around three years, delivery will contribute directly toward the District's five-year supply of deliverable housing land (5YHLS). In order to support quick delivery, Gladman will commit submitting applications for approval of reserved matters within two years and would be willing to accept a condition to this effect.

### **3 HOUSING NEED**

#### **3.1 Introduction**

3.1.1 This section provides a summary of the National Planning Policy Framework and considers the housing need and supply in Ryedale.

#### **3.2 National Planning Policy Framework**

3.2.1 At the heart of the Framework is the 'presumption in favour of sustainable development', seen as the 'golden thread' running through plan-making and decision-taking (paragraph 14). For plan-making this means meeting objectively assessed needs; for decision-taking this means approving development where it accords with the development plan, or where the Plan is absent, silent or out-of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the Framework indicate development should be restricted.

3.2.2 Paragraph 17 sets out a series of underpinning Core Principles which, inter alia, seek to proactively drive and support sustainable economic development to deliver the homes, business, infrastructure and thriving local places that the country needs; secure high quality design; take account of the different roles and character of different areas; recognise the intrinsic character and beauty of the countryside; contribute to the conservation and enhancement of the natural environment; promote mixed use development and sustainable, accessible development.

3.2.3 Paragraphs 18 and 19 of the Framework give significant weight to the need to support economic growth. The Framework calls for a positive approach to new development and amongst other things seeks to boost significantly the supply of housing. LPAs are required to identify a 5 year land supply of deliverable sites for housing development; where the authority has a persistent record of under-delivery against the delivery of housing they should provide an additional 20% flexibility allowance (paragraph 47). Policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a deliverable five-year supply of sites (paragraph 49).

3.2.4 Developments should be located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. This should take into account the development needs and opportunities available which differ in all communities (paragraphs 29 and 34).

3.2.5 Paragraph 215 sets out that due weight should be given to development policies in existing plans according to their degree of consistency with the Framework. Paragraph 216 also states that due weight should be given to relevant policies in the emerging plan according to: its stage of preparation, the extent of unresolved objections and their degree of consistency with the Framework.

### 3.3 Housing Requirement and Five-Year Supply

#### Ryedale Local Plan Strategy

3.3.1 The adopted housing requirement in the District is contained in the Ryedale Local Plan Strategy, adopted on 5<sup>th</sup> September 2013. The Local Plan Strategy seeks to provide 3,000 net additional dwellings in the District between 2012 and 2027, an annual average of 200. It is a continuation of the requirement within the 2002 Ryedale Local Plan, which also aimed to deliver 3,000 dwellings, albeit for the period 1991-2006.

3.3.2 When considering this housing requirement, the Examination Inspector of the RLPS commented:

***“Consequently, taking account of all the evidence, statements and submissions, and having examined all the elements that go into making an objective assessment of housing requirements, a total level of 3,000 dwellings or 200 dwellings/year represents a realistic, balanced, deliverable, justified and soundly based figure which would meet the objectively assessed housing needs of the district over the plan period. The LPS is not fundamentally flawed or will lead to a serious under-supply of housing, as some suggest, and further flexibility and boosting of housing supply would be enabled by providing the 20% NPPF buffer of sites and the 25% additional “zone of tolerance”. The proposed commitment to reviewing housing needs within 5 years, including the SHMA & SHLAA, would ensure that this key element of the plan is kept up-to-date”***

3.3.3 However, in order to make the Ryedale Local Plan Strategy sound and suitable for adoption, the Inspector, through the schedule of main modifications, set out that the following paragraph be added into the final Local Plan Strategy.

***“The housing figure included in this plan is the best objectively assessed estimate of housing requirements at the date of the adoption of the Plan. However, the Council recognise that housing needs and requirements can change over time and it will commit to reviewing housing needs in five years. The Council will consider the extent to which a formal review of the housing figure in the plan is required on the basis of this information- derived from demographic trends and updated Strategic Housing Market Assessment information, together with other factors relevant to an objective assessment of housing needs, including deliverability, economic growth factors and on-going strategic co-operation.”***

#### National Planning Policy Guidance

3.3.4 Though the Examination Inspector found the housing requirement figure representative of an objectively assessed need, he did so within the context of the time. As per the paragraph quoted above to be added into the Local Plan Strategy, evidence and information pertaining to objectively assessed need figures have progressed.

- 3.3.5 Chiefly, the publication of the National Planning Policy Guidance on 6<sup>th</sup> March 2014 sets out in Paragraph 019 (Reference ID: 2a-019-20140306) that the housing need number indicated by household projections should be adjusted to reflect appropriate market signals, in addition to other market indicators of the balance between the demand for and supply of dwellings. The figure of 200 dwellings per annum cannot therefore be in line with “*other factors relevant to an objective assessment of housing needs*” i.e. the updated NPPG guidance for calculating OAN figures, and in turn can no longer be considered a best objectively assessed estimate of the housing requirement for the District.

### **Strategic Housing Market Assessment**

- 3.3.6 The Council’s latest Strategic Housing Market Assessment predates the Local Plan Strategy, the Framework and the NPPG. It was published in November 2011 and was part of the wider North Yorkshire SHMA. Presently, no progress has been made by the Council on producing an updated SHMA, in line with the comments of the Examination Inspector.
- 3.3.7 Gladman however have commissioned NLP to produce an Objective Assessment of Housing Need and Market Signals Update report. This takes account of up-to-date evidence and guidance such as the NPPG. The latest report (August 2015) concludes that the OAN for the Ryedale District is in fact between 310 d.p.a and 340 d.p.a, the latter uplift accounting for the full affordable housing need.

### **Ryedale District Council’s Latest Position of Five-Year Housing Land Supply**

- 3.3.8 The Council’s latest assessment of their five-year housing land supply is contained within the SHLAA update (May 2015, with a minor addendum in September 2015). RDC state they have a net raw supply of 1,461 plots, equating to about 7.31 years against the adopted target of 200 d.p.a. However, paragraph 2.11 of this SHLAA states this raw figure is not representative of the deliverable five-year housing land supply as set out by paragraph 49 of the NPPF.
- 3.3.9 The total deliverable supply figure is 1,173 dwellings. This constitutes:
- Major Deliverable Sites: 898 dwellings.
  - Small Windfall delivery @ 55 d.p.a: 275 dwellings.
- 3.3.10 The results in a claimed deliverable supply of 5.87 years against a target of 200 d.p.a and a 20% buffer.
- 3.3.11 It is Gladman’s case that, when assessed against the true OAN figure, the Council are not able to demonstrate over five years of deliverable housing land.

### **Housing Need Conclusion**

- 3.3.12 The UK has a structural problem with inadequate housing supply, which has led to low income and middle income families being priced out of the housing market. National Government recognise that house price inflation is getting to dangerous levels and that building new homes is necessary in order to address this issue.

- 3.3.13 The NPPF is a material consideration to be taken into account in the determination of these applications. It is framed as a positive and enabling document, seeking to facilitate sustainable development and growth. Its core principles and policies seek to identify and meet the need for new housing in full, and boost significantly the supply of housing.
- 3.3.14 The development proposal responds directly to meeting the housing deficit in Ryedale. The proposals serve to assist in remedying the lack of five-year housing land supply in the District.
- 3.3.15 In accordance with paragraph 49 of the Framework relevant policies concerning the supply of housing cannot be considered up-to-date and the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged.

## **4 THE DEVELOPMENT PLAN**

### **4.1 Introduction**

4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that a planning applications determination must be made in accordance with the development plan unless material considerations indicate otherwise.

4.1.2 The Development Plan for the District currently comprises:

- The Ryedale Local Plan Strategy (Adopted September 2013)
- Saved policies of the 2002 Ryedale Local Plan and the 2002 Proposals Map.
- The Yorkshire and Humber Regional Spatial Strategy (RSS) York Green Belt Policies - Policies YH 9 and Y1
- The Helmsley Plan (Adopted July 2015)

4.1.3 Based on the policies quoted in the RfR of the previous applications and the comments within their associated Planning Committee reports, only the Ryedale Local Plan Strategy is relevant to the proposals. However, it should be noted that the Development Limits established in the 2002 Proposals Map have been carried forward to the RLPS without amendment.

4.1.4 The principle housing policies are dealt with below, however, for completeness the relevant environmental, design and technical development management policies of the Development Plan have been considered within a Policy Compliance table, which can be found at Appendix 1

#### **Weight Attributed to Development Plan and its Policies**

4.1.5 Contrary to paragraphs 17 and 47 of the Framework, the relevant policies of the Local Plan Strategy fail to encourage the delivery of a wide choice of housing and do not plan for a level of housing based on the objectively assessed housing need of the Authority. The weight to be accorded to the relevant policies for the supply of housing within the Local Plan Strategy should be reduced.

### **4.2 Ryedale Local Plan Strategy – September 2013**

4.2.1 The RLPS was adopted in September 2013, post adoption of the NPPF but pre the publication of the NPPG. The Plan sets out the long-term vision, objectives and strategy to guide public and private sector investment between 2012 and 2027. The Plan does not allocate sites for development, deferring this instead to a future Sites Allocations DPD.

#### **Accordance with the Ryedale Local Plan Strategy**

4.2.2 The development proposals accord with the objectives of the Local Plan Strategy, which seeks to plan for growth in Ryedale which is compatible with the principles of sustainable development, address local sustainability issues and which specifically helps to support a more balanced population structure in the longer term. They will also serve enhance the role of the Market Towns as accessible, attractive and vibrant service centres, promote the use of sustainable transport,



deliver affordable homes, provide community, transport and utilities infrastructure, respond to climate change and improve the quality of the on-site environment.

4.2.3 The RLPS principle housing policies are as follows:

#### **SP1 – General Location of Development and Settlement Hierarchy**

4.2.4 In this policy, the settlement of Norton, along with the nearby Malton, is identified as a Principle Town. This is established as a Primary Focus for Growth; it is the top tier of the settlement hierarchy.

4.2.5 The implementation of policy SP1 with regard to planned supply of new development sites is to be undertaken through the allocation of sites via the Local Plan Sites DPD and Neighbourhood Plan. As neither is currently sufficiently progressed there are currently no adopted mechanisms in which to deliver Policy SP1 with regard to identifying new housing sites.

4.2.6 The proposals comply with this policy insofar as they would provide housing in a Principle Town; a Primary Focus for Growth. Nevertheless, as this policy relates to the supply of housing it is considered out-of-date due to a lack of deliverable housing land.

#### **SP2 – Delivery and Distribution of New Housing**

4.2.7 This policy sets out that Malton and Norton will be directed 1,500 dwellings across the 15-year plan period. This equates to 50% of the total planned housing provision in the district (though with all housing requirements, this should be considered a minimum).

4.2.8 The policy lists a variety of sources for the provision of new housing, though most relevant is "housing land allocations in and adjacent to the built up area". These will be "Small - Medium - Large extension sites around the towns".

4.2.9 In a similar fashion to SP1, delivery of this policy is reliant on the allocation of sites via the Local Plan Sites DPD and Neighbourhood Plans, both of which are insufficiently progressed to be able to implement the policy.

4.2.10 The proposals comply with this policy insofar as they would provide a medium extension to the town of Norton. Nevertheless, as this policy relates to the supply of housing it is considered out-of-date due to a lack of deliverable housing land.

### **4.3 Emerging Local Plan Sites DPD**

4.3.1 The Local Plan Sites DPD is still in its relatively early stages. As part of an on-going Call for Sites process, RDC received over 600 potential sites across the District submitted by landowners and agents. Through consideration of a 'Site Selection Methodology' and general planning policy, the Council assessed these submitted sites and have identified a range of options around the towns of Kirkbymoorside, Pickering, Malton and Norton (as well as preferred options in smaller villages).

- 4.3.2 The overview of these identified sites were published in October 2015, and consulted upon between November and December 2015. In the Council's own words "no decisions have been made at this stage".
- 4.3.3 The proposal sites were included as part of this level of assessment. Site A is under reference 262 and Site B is under reference 476, though for the latter the site boundary assessed is that of a much larger site (over twice the size of the red line boundary of Site B).
- 4.3.4 Both 262 and 476 are considered "Group 2" sites. These are sites where:
- "It is considered that there is no reasonable prospect/ very unlikely that concerns identified at Stage 2 of the SSM can be mitigated or sufficiently mitigated or, there are compelling reasons which indicate that a site is not considered to be deliverable/ developable"***
- 4.3.5 However, the suite of technical documents accompanying these applications sets out how the proposals represent sustainable development and can effectively mitigate any perceived harm.
- 4.3.6 The Council are currently considering the results of this consultation and are aiming to produce a draft version of the Local Plan Sites DPD in spring 2016. As the document is not significantly progressed, it should be afforded little weight in the decision making process.
- 4.3.7 Further to this, the emerging Local Plan Sites DPD cannot be considered consistent with the Framework. The Framework requires Councils to use their evidence base to ensure that their Local Plan meets the full OAN. The Local Plan Sites DPD will seek to identify housing allocations in the context of a housing requirement which does not represent a full OAN. At the Examination stage, this fact will allow objectors to easily demonstrate the DPD's inconsistency with the Framework.

#### **4.4 Malton and Norton Neighbourhood Plan**

- 4.4.1 The Norton and Malton Neighbourhood Plan is at an early stage of preparation. As a draft of the Neighbourhood Plan has yet to be published, there are no policies or overall strategy to give weight to in the determination of the application. As such, no weight can be given to the emerging Neighbourhood Plan.

## 5 WHY THIS SETTLEMENT AND SITE?

### 5.1 Introduction

5.1.1 This section demonstrates that the development proposals provide for a high quality development in sustainable locations close to the services and facilities in the settlement and will provide significant economic support for the vitality and viability of services in and around Norton.

### 5.2 A Sustainable Settlement

5.2.1 Norton, in addition to Malton, is identified as a Principle Town and a Primary Focus for Growth in the District. Principle Towns sit at the top of the Council's adopted settlement hierarchy as per Policy SP1. In line with Policy SP2, these two Principle Towns are to accommodate 50% (1,500 dwellings) of the minimum growth requirement of the District across 2012-2017.

5.2.2 Its status as a Principle Town ensures that it is considered by the Council to be one of the two most sustainable settlements in the District. The RLPS states;

***"Together, Malton and Norton form the largest settlement in the District and they are Ryedale's Principal Town with a joint population just over 12,000. The towns are home to key facilities such as the railway station and the District hospital and they have the greatest concentration of employers and shops."***

5.2.3 The sustainability of Norton as a location for additional housing growth is therefore wholly acceptable and in full accordance with the spatial strategy for the RLPS.

### 5.3 A Sustainable Site

#### Accessibility

5.3.1 The sites are well related to the existing built form, in a sustainable location with good access to local services and facilities that are within easy walking and cycling distance of the sites

- Norton Community Primary School – 1.2km
- Norton College – 290m
- Malton Train Station – 1.7km
- Derwent Practice GP Surgery – 1.8km
- Cost Cutter – 1.2km
- Butchers – 1.1km
- Railway Tavern Pub – 1.1km
- Bakery – 1.2km
- Petrol Station – 1.2km
- Pharmacy – 1.2km
- Norton Library – 1.3km

- 5.3.2 It is understood that a Proposal Document (dated May 2015) was produced concerning the extension of Norton Community Primary School onto an additional site, via conversion of Brooklyn House, 68 Langton Road, and located c. 700m from the centre of Site B.
- 5.3.3 This was followed by a public consultation which ran until 11th June 2015. On 23rd September 2015, North Yorkshire County Council received a formal request for a Screening Opinion for the following proposal (ref: NY/2015/0272/SCR) on the aforementioned Brooklyn House site. On 22<sup>nd</sup> October 2015, it was confirmed that the proposal would not constitute EIA development.
- 5.3.4 On 22<sup>nd</sup> January 2016, the following application was validated by North Yorkshire County Council:

***“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.”***

- 5.3.5 The application remains pending, with a decision deadline of 22<sup>nd</sup> April 2016. It should be noted that the delivery of this proposal would reduce the walking distance to Norton Community Primary School from the sites, further enhancing their sustainability.
- 5.3.6 Overall, the sites are in accessible and sustainable locations. A range of services are within nationally recognised walking and cycling distances and there are strong links to the wider public transport network. Information on the sites’ relation to the local bus and rail services can be found in the accompanying Transport Assessment.

### **Constraints and Designations**

- 5.3.7 The sites themselves are not the subject of any formal historic or environmental designations and it is not situated within a conservation area. Though both sites are within close proximity of a Grade II Listed Building and a non-designated heritage asset (Sutton Grange), the submitted Heritage Statements sets out how the sites will have no direct impacts on Sutton Farm Stone Barn or Sutton Grange and no greater than a minor moderate adverse impact on the setting of Sutton Farm Stone Barn. The benefits of the scheme, as set in the next chapter of this Planning Statement, outweigh the harm to the significance of the identified heritage assets.
- 5.3.8 Site A borders some trees protected under a Tree Preservation Order (TPO). The proposals do not result in a physical breach to the tree belt along the northern site boundary of Site A which is subject

to this TPO (ref: 335 2014). The application proposals do not necessitate any works to these trees and they will be retained as part of a wider area of Public Open Space. Appropriate tree protection measures can be secured via an appropriately worded planning condition. The TPO'd trees are not therefore a constraint to the development of either sites.

5.3.9 The accompanying Landscape and Visual Assessments provide a robust assessment of the potential landscape and visual impacts of the application proposals and demonstrate the proposals will not have a detrimental impact on landscape character, the character and appearance of the approach to the settlement of Norton or a visual impact that will outweigh the benefits of the schemes.

5.3.10 Both sites are located within Flood Zone 1. The probability of flooding is less than 1 in 1000 (<0.1%) on all the developable areas.

5.3.11 The technical information submitted in support of the application confirms that there are no technical constraints to the development of the site. The site is not in an area where specific policies in the Framework indicate that development should be restricted.

#### **Utilities**

5.3.12 The Utilities Statement appended to this Planning Statement (Appendix 2) details how the site is able to connect utility services surrounding the site.

#### **Conclusion**

5.3.13 Norton is a successful settlement that is socially and economically sustainable when judged against the Framework within its spatial context. Further, the application sites are situated within a demonstrably suitable and appropriate location to host new housing development.

5.3.14 The following section examines all three dimensions of sustainable development in greater detail and further information on sustainability can be found within the Sustainability Matrix at Appendix 3.

## **6 PLANNING BENEFITS**

### **6.1 Introduction**

6.1.1 The purpose of this section is to set out the benefits of the development proposals in relation to the three dimensions of sustainability: social, economic and environmental.

### **6.2 Social Benefits**

6.2.1 The sites will boost the supply of land for housing, providing for high quality market family housing within a sustainable location. The proposed developments of (together) up to 85 net additional dwellings will provide a balanced mix of dwellings providing a choice of type and size in response to the identified housing demand and need in Ryedale.

6.2.2 New homes in Norton will enable people to access the housing market locally rather than being forced to move away due to lack of available housing.

6.2.3 The proposals will assist in helping to maintain and enhance the vitality of the community and support for services in Norton and the wider local area.

#### **Provision of Affordable Housing**

6.2.4 Site B will deliver 35% affordable homes on-site, while Site A will provide a commuted sum equivalent to 35% affordable housing to be spent on affordable housing schemes elsewhere in the settlement or District. The proposals therefore provide the full range of affordable housing at a time when other schemes might have been unable to deliver policy compliant level of affordable housing.

6.2.5 In circumstances where there is a chronic shortage of affordable housing in Ryedale (as confirmed by the explanatory text prior to Policy SP3) this should be regarded as a significant material benefit which weighs heavily in favour of the application proposals. An Affordable Housing Statement is provided at Appendix 4.

#### **Public Open Space and Linkages**

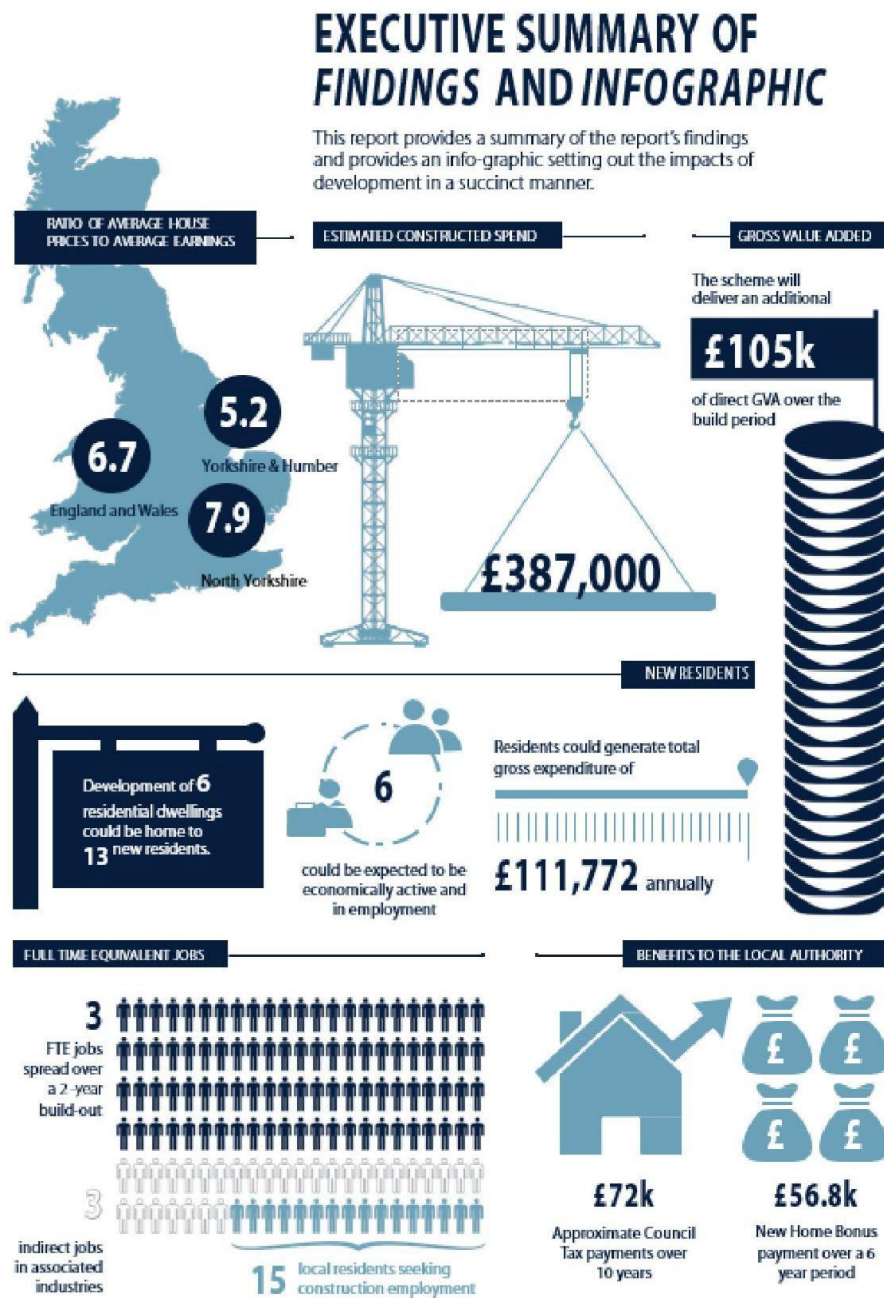
6.2.6 Together the development proposals will provide at least 1.98 hectares of public open space (POS) which includes a children's play area (on Site B) and green infrastructure with quality landscaping. This represents approximately 44% of the total site area across both sites. This POS will be provided in close proximity to the proposed housing, along with more informal recreation space and landscaping to meet the needs of the new residents.

6.2.7 Site B in particular will provide new Public Rights of Way, better linking the existing fields to Langton Road and Bazeley's Lane to the south for pedestrians and cyclists. This is a material benefit that is unlikely to be able to be delivered without construction of these schemes.

**6.3 Economic Benefits**

6.3.1 The applications are accompanied by a Socio-Economic Report prepared by Gladman which sets out the socio-economic context and the economic benefits, including construction and operational impacts of the proposed development. This is summarised in the infographics below:

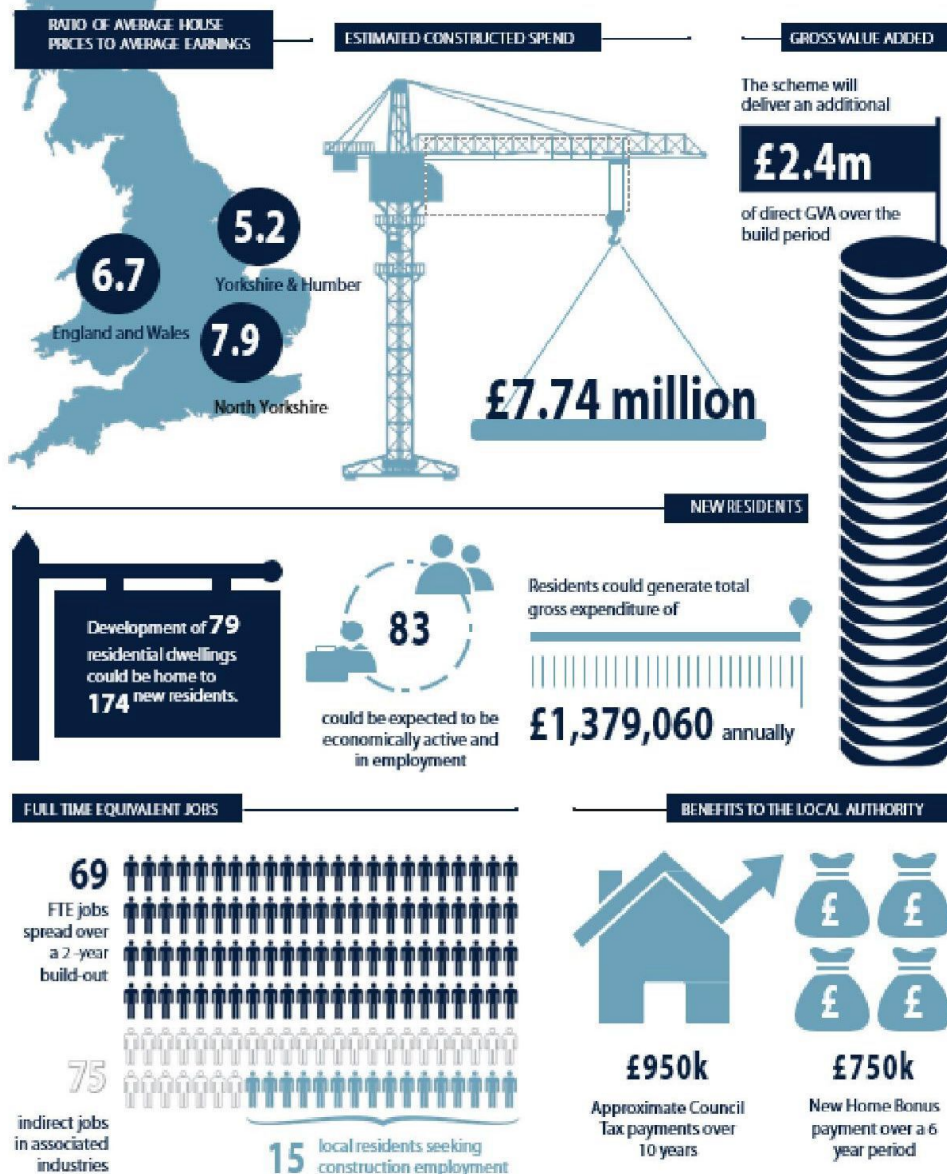
**Site A - Infographic**



**Site B - Infographic**

# EXECUTIVE SUMMARY OF FINDINGS AND INFOGRAPHIC

This report provides a summary of the report's findings and provides an info-graphic setting out the impacts of development in a succinct manner.





## **6.4 Environmental Benefits**

- 6.4.1 The proposal aims to conserve and enhance biodiversity through:
- Significant areas of planting to provide green infrastructure, ecology and wildlife benefits (44% of total site area across both sites).
  - Habitat creation measures to ensure biodiversity is retained with enhanced hedgerows and green corridors. These measures will ensure a net biodiversity gain in accordance with requirements of Paragraphs 9 and 118 of the Framework.
  - Provision of domestic gardens which provide an opportunity to improve biodiversity over and above agricultural use.

## **6.5 Conclusion**

- 6.5.1 The benefits of the development proposals are considerable. The proposals will make a significant contribution towards meeting the social elements of sustainability through: providing homes to meet the housing needs of Ryedale and making a valuable contribution towards the five-year housing land supply.
- 6.5.2 Furthermore, Site B will provide 35% affordable housing on-site and Site A, 35% as a commuted sum, in circumstances where there is a chronic shortage in the District. This should be regarded as a significant material benefit.
- 6.5.3 The development proposals will assist in helping to maintain and enhance the vitality of services in Norton and the local area surrounding the site.
-

## **7 POTENTIAL IMPACTS**

### **7.1 Introduction**

7.1.1 The potential impacts of the development proposals have been considered in the technical reports submitted in support of the application. An overview of the key potential impacts are given below.

### **7.2 Heritage**

7.2.1 As stated, the sites themselves are not the subject of any formal historic or environmental designations and it is not situated within a Conservation Area. Though both sites are within close proximity of a Grade II Listed Building and a non-designated heritage asset (Sutton Grange), the submitted Heritage Statements sets out how the sites will have no direct impacts on Sutton Farm Stone Barn or Sutton Grange and no greater than a minor moderate adverse impact on the setting of Sutton Farm Stone Barn.

### **7.3 Landscape and Visual**

7.3.1 The accompanying Landscape and Visual Assessments provide a detailed and robust assessment of the potential landscape and visual impacts of the application proposals and demonstrate the proposals will not have a detrimental impact on landscape character, the character and appearance of the approach to the settlement of Norton or a visual impact that will outweigh the benefits of the schemes. It is considered that a high quality urban design solution can be delivered on the sites which is in keeping with best practice and current Government guidance and which can make a positive contribution to the local landscape and townscape.

7.3.2 The application proposals do not necessitate any works to the trees to the north of Site A which are protected under a Tree Preservation Order; they will be retained as part of a wider area of Public Open Space.

### **7.4 Construction Period**

7.4.1 As with any development, there will be immediate and noticeable changes to the sites. However, the sites are well screened from the surrounding landscape and further planting will be erected to protect residential amenity.

7.4.2 The housebuilder will prepare and submit to the Council for approval a Construction Management Plan, which will ensure that construction impacts will be minimised. This can be secured by an appropriately worded planning condition.

### **7.5 Conclusion**

7.5.1 The supporting material, assessments and reports demonstrate that there are no unacceptable adverse impacts associated with the schemes. The sites are not subject to, nor especially sensitive in terms of, any built or natural protection designations and the proposed housing developments

will not result in significant harm in terms of amenity, community, heritage, landscape, traffic, environmental, technical or other acknowledged public interests.

7.5.2 A full Planning Balance Table can be found at Appendix 5.

## **8 CONCLUSIONS AND OVERALL PLANNING BALANCE**

### **8.1 Housing Need**

8.1.1 These outline planning applications are made in the context of delivering to support Ryedale in meeting its five-year supply requirements for a full OAN for housing.

8.1.2 It also supports the government's requirement to boost housing land supply and responds specifically to the pressing need identified in Ryedale to deliver additional market and affordable housing.

### **8.2 The NPPF and the Development Plan**

8.2.1 Paragraph 14 of the Framework calls for decision takers to approve development which is consistent with the development plan without delay and to grant planning permission unless the harm of doing so would significantly and demonstrably outweigh the benefits.

8.2.2 The proposed developments are considered to accord with the Development Plan when read as a whole. As such, the applications should be approved without delay.

8.2.3 Should the Council not agree with the applicant's assessment, in any event those policies relevant to the supply of housing must be considered to be out of date as a result of the Council being unable to demonstrate a 5YHLS when assessed against the full OAN.

8.2.4 In these circumstances the applications benefit from the weighted planning balance as set out at paragraph 14 of the NPPF and the presumption in favour of sustainable development unless significant and demonstrable harm outweighs the identified benefits.

### **8.3 Sustainable Development and Key Benefits**

8.3.1 Norton is a successful Principle Town and is socially and economically sustainable when judged against the Framework within its spatial context: as one of two Principle Towns at the top of the settlement hierarchy in Ryedale, where significant growth is directed.

8.3.2 The proposals will make a substantial contribution towards meeting the social elements of sustainability through: providing homes to meet the objectively assessed housing needs of Ryedale and providing 35% policy compliant affordable housing (on-site for Site B and off-site for Site A) in circumstances where there is a chronic need in the district. This should be regarded as a significant material benefit.

8.3.3 In addition to the delivery of housing, the proposals will also deliver a number of economic benefits which include (across the two sites) New Homes Bonus totalling £807k, and 72 FTE construction jobs. It is expected that residents could generate total gross expenditure of £1.4m annually, much of which could be spent locally.

**8.4 Impacts**

- 8.4.1 The supporting material, assessments and reports demonstrate that there are no unacceptable adverse impacts associated with the schemes. As with any Greenfield site, the development will introduce changes to the area and some urbanising effects. Care has been taken to ensure that the impact and perceived impact on Norton is minimal and acceptable. This will be achieved through careful design and siting, and the holistic approach to landscape provision at the sites.

**8.5 Overall Conclusion**

- 8.5.1 It can be concluded that there are no material considerations or adverse impacts which significantly and demonstrably outweigh the benefits which flow from the developments.
- 8.5.2 These developments, as proposed, clearly constitute 'sustainable development', are viable and deliverable.
- 8.5.3 There are significant material considerations that weigh heavily in their favour. In accordance with planning law and policy guidance the applications should be approved without delay.

## **APPENDIX 1 – POLICY COMPLIANCE TABLE**

## Appendix 1 - Policy Compliance Table

### Introduction

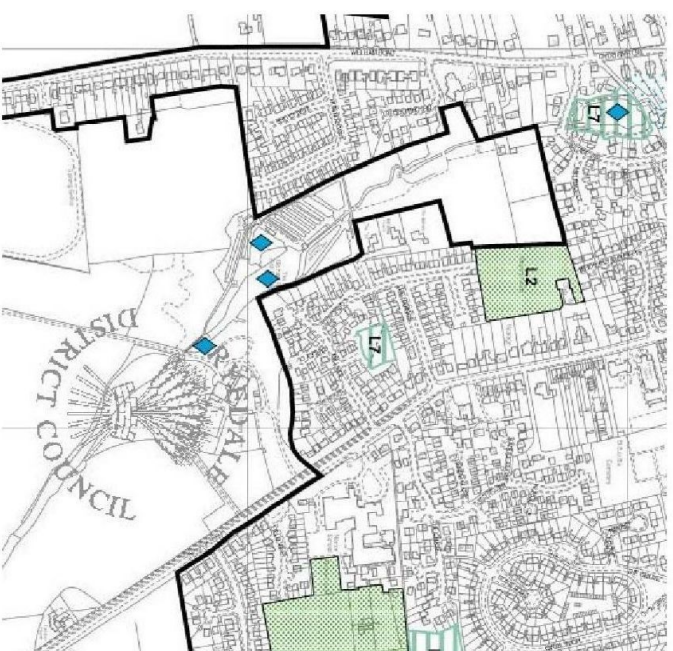
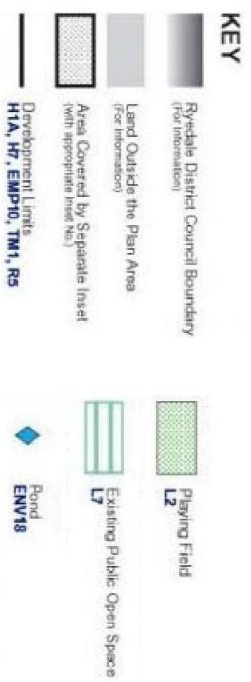
The tables within this appendix outline compliance with relevant detailed policy matters contained within the adopted Ryedale Development Plan. *Principle* policies related to the deliverability of housing are dealt with in the main body of the Planning Statement.

### The Development Plan

The Development Plan for the District currently comprises:

- The Ryedale Local Plan Strategy (Adopted September 2013)
- Saved policies of the 2002 Ryedale Local Plan and the 2002 Proposals Map.
- The Yorkshire and Humber Regional Spatial Strategy (RSS) York Green Belt Policies - Policies YH 9 and Y1
- The Helmsley Plan (Adopted July 2015)

Only the Ryedale Local Plan Strategy is relevant to the proposals. However it should be noted that the Development Limits established in the 2002 Proposals Map have been carried forward to the LPS. The proposals map for Norton can be seen to the right.



## The Ryedale Local Plan Strategy (Adopted September 2013)

Policy	Policy Summary	Compliant?	Comment
<b>SP3 – Affordable Housing</b>	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.	✓	Site B proposes 35% of the dwellings on-site to be affordable, while Site A provides a commuted sum equivalent to 35% to be put towards affordable housing schemes elsewhere in the settlement/district.
<b>SP4 – Type and Mix of New Housing</b>	This policy promotes increased housing choice and high quality housing.	✓	Between them, Site A and Site B cater for a mix of 1-5 bedroom properties (with 35% of homes on Site B being affordable). The proposals are therefore in compliance with this policy.
<b>SP10 – Physical Infrastructure</b>	The Council will seek improvements to local infrastructure through planning conditions and contributions over the course of the Plan Period.	✓	Gladman will seek to enter into constructive dialogue with RDC to agree obligations for any necessary and reasonable on and off-site provisions which are related in scale and kind to the proposed development and which meet the statutory tests set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010.
<b>SP11 – Community Facilities and Services</b>	Proposals for the provision of new community facilities or services will be supported in principle.	✓	Site B proposes an on-site Local Equipped Area of Play and, across both sites, around 1.98 hectares of new Public Open Space will be provided. Gladman will seek to enter into constructive dialogue with RDC to agree obligations for any necessary and reasonable on and off-site provisions which are related in scale and kind to the proposed development and which meet the statutory tests set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. The proposals are in accordance with Policy SP11.



<b>SP1 2 - Heritage</b>	Distinctive elements of Ryedale's historic environment will be conserved and where appropriate, enhanced. Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced.	✓	The planning applications are accompanied by Heritage Assessments which considers the sites' local heritage assets. The reports set out how the sites will have no direct impacts on Sutton Farm Stone Barn (Grade II Listed) or Sutton Grange (Undesignated asset) and no greater than a minor moderate adverse impact on the setting of Sutton Farm Stone Barn.  The multitude of benefits associated with the schemes outweigh the limited harm to local heritage assets, and mitigation measures such as new tree planting are proposed.  The proposals are therefore in compliance with this policy.
<b>SP1 3 - Landscapes</b>	The quality, character and value of Ryedale's diverse landscapes will be protected and enhanced. Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences.	✓	The Design and Access Statement (D&A), Framework Plan and LVA identify the proposal's good design principles which seek to protect and enhance the character of the local area, and respect local historical assets and the wider landscape.  The accompanying LVAs demonstrate the proposals will not have a detrimental impact on landscape character, the character and appearance of the approach to the settlement of Norton or a visual impact that will outweigh the benefits of the schemes.  The proposals are therefore in compliance with this policy.
<b>SP1 4 - Biodiversity</b>	Biodiversity in Ryedale will be conserved, restored and enhanced.	✓	Subject to the recommendations set out in the submitted Ecological Appraisal, the proposals do not have any adverse impacts on local biodiversity, and in fact have the potential to deliver a net biodiversity gain. The proposals are therefore in compliance with this policy.

<b>SP15 – Green Infrastructure Networks</b>	A network of green open spaces and natural features will be created and managed across Ryedale to support biodiversity and environmental systems to enhance the attractiveness of places and to support healthy lifestyles by providing opportunities for activity and relaxation.	✓	Together the development proposals will provide at least 1.98 hectares of public open space (POS) which includes a children's play area (on Site B) and green infrastructure with quality landscaping. This represents approximately 44% of the total site area across both sites. The proposals therefore comply with this policy, creating significant areas of new green infrastructure and POS.
<b>SP16 - Design</b>	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 and protect amenity and promote well-being	✓	The Design and Access Statement (D&A), Framework Plan and LV/A identify the proposal's good design principles. Full compliance with this policy can be achieved at the Reserved Matters stage.
<b>SP17 – Managing Air Quality, Land and Water Resources</b>	Land resources, flood risk, water resources and air quality will be managed, protected and improved.	✓	As part of the application, an Air Quality Assessment has been undertaken which concludes the proposed developments will not lead to an unacceptable risk from air pollution, or to any breach in national objectives, or to a failure to comply with the Habitats Regulations as required by national policy.  Subject to the recommendations in the accompanying Flood Risk Assessment, there will be no detrimental impact to the existing Flood Zone (entirely Zone 1) or drainage network arising from the proposals. The FRA recommends a SUDS strategy, which can be secured with an appropriately-worded planning condition.  A Ground Conditions Desk Study has also been produced for the proposals which conclude further work is required to confirm the ground conditions. This can be secured by appropriately-worded planning condition.

<b>SP18 – Renewable and Low Carbon Energy</b>	Developments that generate renewable and/or low carbon sources of energy will be supported providing they can be satisfactorily assimilated into the landscape, do not impact on local community, nature conservation or air quality, soil and water resources.	✓	The Appeal Proposal will include measures in accordance with the building regulations to reduce the effects of the development on the climate. Detailed design matters can be dealt with at the Reserved Matters stage.
<b>SP19 – Presumption in Favour of Sustainable Development</b>	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.	✓	GDL have established that the Council cannot currently demonstrate a five-year supply of deliverable housing land.  The Local Plan is out-of-date and 'principle policies' of the Development Plan are out-of-date by virtue of their inconsistency with the Framework; the presumption in favour of sustainable development therefore applies.  The Planning Statement sets out a number of key benefits which the proposal would bring on a social, environmental and economic level, which must be a material consideration when deciding this application as per Section 38(6) of the Planning and Compulsory Purchase Act 2004.
<b>SP20 – Generic Development Management Issues</b>	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.  The design of new development will follow the principles established in Policy SP16.  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.  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.	✓	The Design and Access Statement (D&A), Framework Plan and LVA identify the proposal's good design principles. Full compliance with this policy can be achieved at the Reserved Matters stage.  The accompanying Transport Assessment concludes the proposals would have a negligible impact on the local highway network in terms of development traffic volumes and would not exaggerate any pre-existing highway safety issues present on the local highway network.  The proposals are compliant with this policy.

<p><b>SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy</b></p>	<p>New development will contribute to the place-making objectives and aspirations of this Plan and to the infrastructure necessary to support future development in the District.</p>	<p>✓</p>	<p>Gladman will seek to enter into constructive dialogue with RDC to agree obligations for any necessary and reasonable on and off-site provisions which are related in scale and kind to the proposed development and which meet the statutory tests set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010.</p>
--	---	----------	--

## **APPENDIX 2 – UTILITIES APPRAISAL**

## **Utilities Appraisal – Norton**

**March 2016**

### **Electricity**

Electricity plans from Northern Powergrid indicate that there are no existing mains within the site boundary. There are high voltage (HV) and low voltage (LV) mains within Langton Road; only minor diversions of these will be required to accommodate the new site entrance.

It is anticipated that the new development in Site A could be supplied from an LV connection and Site B could be supplied by an HV connection, off the existing mains within Langton Road. A new secondary substation would be required within Site B with associated LV mains and service connections.

### **Gas**

Information from Northern Gas Networks indicates there are no mains within the site boundary or within the vicinity of the development site. There is a 63mm low pressure (LP) main feeding Sutton Grange running up the lane between Site A and Site B, this will be unaffected by the proposed development. There is also a 150mm LP main running along Langton Road, this will be unaffected by the proposed development.

It is anticipated the existing network could supply the proposed development with the required capacity. A new LP mains infrastructure would be laid on site with associated service connections.

### **Water**

The plans supplied by Yorkshire Water indicate there are no existing mains within the site boundary. There are distribution mains running along Langton Road; these will be unaffected by the proposed development.

It is anticipated that capacity will be available from the existing network and a new mains infrastructure would be laid on site to serve the new domestic properties. No engineering difficulties or excessive costs are anticipated for these works.

### **Telecoms**

BT records indicate there is overhead within the site boundary of Site A; this will need to be diverted underground and accommodated within the new site infrastructure. There is underground plant running along Langton Road but no diversions are anticipated.

The proposed new site could be fed by extending this existing infrastructure. Broadband connections are available within this area however high speed fibre connections are not yet installed.

### **Summary**

Initial investigations have not highlighted any concerns, engineering difficulties or excessive costs with servicing the proposed development with new gas, water, electric or telecommunication connections.

New infrastructure and service connection costs are anticipated to be in line with those expected for a standard development of this scale. It should be noted that all Utility Providers have a licence obligation to ensure that any connections to the system comply with all relevant regulations,

legislation and Engineering Recommendations so therefore do not have an adverse effect to the supply and quantity of supply to existing customers.

## **APPENDIX 3 – SUSTAINABILITY MATRIX**



Sustainability Strand	Sustainability Criterion	Factor	Sustainability Outcome	Commentary	Document Reference
<b>Social</b>	<b>1 Primary Check List</b>	Do the sites contribute to the 5-year housing land supply requirement?	✓	Yes.	See Planning Statement
		the sites are Available	✓	Yes.	See Planning Statement
		the sites are Suitable	✓	Yes.	See Planning Statement
		the sites are Achievable	✓	Yes.	See Planning Statement
		Do the schemes accord with delivery of the Council's Spatial Strategy?	✓	Norton is considered a Principle Town and Primary Focus for Growth. It occupies the top tier in the adopted settlement hierarchy and, along with Walton, is directed 50% of Ryedale's total minimum growth (1,500 dwellings). Site B provides 35% affordable housing on-site and Site A provides a committed sum equivalent to 35% for off-site schemes. This represents a significant benefit and planning gain. The affordable housing will be pepper-potted throughout Site B and completed at the same time as the market housing.	See Planning Statement
		Does the provision of Affordable Housing contribute to the local affordable housing shortfall?	✓	The schemes propose a quality sustainable design, creating an environment which is both safe and attractive, enhancing quality of life, health and social well-being. The mix of dwelling type and tenure will improve housing choice.	See Planning Statement
		<b>Diversity of housing stock:</b> - flexibility within homes to enable home-working - Lifetime Homes standard in social housing	✓	The proposals provide a choice of housing size and tenure in order to help create a mixed community, including provision of affordable housing.	See Design & Access Statement
		Meet Local Housing needs, maintain land supply and reduce waiting lists by providing a range of types, sizes and tenures of market housing based on local socio-economic demographics.	✓	Children can access the schools in Norton from the sites via existing footpaths/pavements, enabling safe routes to schools. Safe routes are also available to school bus stops from where children in Norton catch buses to schools elsewhere in the settlement.	See Design & Access Statement, Transport Assessment and Travel Plan
		Facilitates safe routes to schools	✓		See Design & Access Statement and Socio Economic Reports.
		3 <b>Quality of life, Education, Community</b>	Creates a balanced community by increasing affordability and introducing a younger demographic of working age population.	✓	Norton is considered a Principle Town and Primary Focus for Growth. It occupies the top tier in the adopted settlement hierarchy and, along with Walton, is directed 50% of Ryedale's total minimum growth (1,500 dwellings).
4 <b>Sustainable Settlement and Location</b>	Is the site adjoining a recognised Sustainable Settlement or Location for Growth in LPA Policy?	✓		See Planning Statement	
	<i>What makes this location sustainable?</i> Accessibility to district services within or just beyond the 2,000m walking distance (2km) - maximum distance commutable for walking (4HT) <i>Approximate shortest walking distance used from site centre.</i>				See Design & Access Statements and Transport Assessments
			<b>Facility</b> Norton College Railway Tavern Pub Butchers Cost Cutter Norton Community School	<b>Distance (m)</b> 290m 1.1km 1.1km 1.2km 1.2km	

Environmental				
<p>5</p> <p><b>Sustainable Transport</b></p>	<p>Means of additional capacity at existing education / medical facilities provided.</p>	✓	<p>A contribution towards education/healthcare provision will be provided where necessary, should these meet the Community Infrastructure Levy Regulations (2010).</p>	<p>See Section 106 Heads of Terms</p>
	<p>Existing residents benefiting from increased sustainability by provision of new facilities on-site</p>	✓	<p>The sites include provision of new open space on-site which will be available to residents of both the new development and the surrounding housing.</p>	<p>See Design &amp; Access Statement, Planning Statement and Development Framework Plans.</p>
	<p>Development restricted to flood zone 1: - able to contain rainfall from 1 in 100 year rain events</p>	✓	<p>The development is all in Flood Zone 1.</p>	<p>See FRA</p>
	<p>Areas of ecological and geological interest are unaffected / mitigated by the proposals</p>	✓	<p>The development of these sites do not affect any national designations of ecological or geological interest.</p>	<p>See Ecological Report</p>
	<p>Development will not lead to an avoidable loss of Best and Most Versatile (BMV) / agricultural soils?</p>	✗	<p>The proposal will result in the loss of some BMV (and Grade 3a).</p>	<p>See MAGIC Map</p>
	<p>Is the site outside Green Belt, National Park, AONB or other protected landscapes?</p>	✓	<p>The site is not located within any national or local landscape designation.</p>	<p>See LVA and comments of the Council's Landscape Officer</p>
	<p>The scheme does not affect a wildlife sensitive location – SSSI, SINCC, LNR?</p>	✓	<p>The Three Dykes SSSI is located circa 1.8km from the proposal sites and is not considered to be detrimentally impacted by the proposal. Impacts to Bazzeley's Lane SINCC (150m south of survey area) are considered to be negligible.</p>	<p>See Ecological Assessment</p>
	<p>All homes within 5km of long distance public transport services (railway station/bus services)</p>	✓	<p>Malton Train Station lies some 1.7km north of the sites. This provides links to Scarborough and Liverpool Lime Street.</p>	<p>See Transport Assessment</p>
	<p>Development site within 800m of hourly bus service</p>	✓	<p>The site entrances are approximately 600m away from bus stops off Howe Road, where there is a regular circular service to the centre of Malton.</p>	<p>See Transport Assessment and Travel Plan</p>
	<p>Indicative scheme prioritises foot and cycle access to local facilities, public transport and green space.</p>	✓	<p>The site has been designed to link as possible with neighbouring footpaths and public rights of way.</p>	<p>See Design &amp; Access Statement</p>
<p>Travel Plan Co-ordinator to implement Travel Plan to reduce car-reliance and enable lift sharing.</p>	✓	<p>The developments are within walking distance of a range of facilities in Norton and has access to public transport services from nearby roads. Council information will be provided in the Wilt Ryedale District Council requirements.</p>	<p>See Transport Assessment and Travel Plan</p>	
<p>Quality street design regulates traffic &amp; encourages shared-use, amenity, recreation and community</p>	✓	<p>Pavements and shared surfaces are proposed to provide a pedestrian friendly environment and reduce traffic speeds.</p>	<p>See Design &amp; Access Statement</p>	

<h1>Economic (&amp; NPPF)</h1>	6	<p><b>Design and Integration with local environment</b></p> <p>A high quality built environment with a network of connected streets with active frontages responsive to local vernacular as reference points for design</p> <p>Provide multi-functional green spaces on site achieving Local Plan and / or NPPA standards for recreation and play space, incorporating</p> <ul style="list-style-type: none"> <li>Local landscape features,</li> <li>Existing vegetation / native planting schemes</li> <li>SUDS, swales, open watercourse, reed beds, ponds</li> </ul>	✓	<p>The proposal takes into account the principles of good design and aligns this with local policies and integrates into the existing fabric and currently developing parts of Hambury by way of referencing common building materials, layout and street hierarchy.</p> <p>Proposals protect and extend the sites' existing environmental assets and use them as a framework for the creation of new Green Infrastructure, which respects the landscape and promotes biodiversity. The sites' landscape and ecological assets, and the conservation of natural resources are important both in terms of minimising the impact of development within the site but also in setting the developments within their wider context.</p>	See Design & Access Statement
	7	<p><b>Economic Benefits</b></p> <p>Does scheme promote Planning for Growth aims?</p> <p>Benefits to LPA: New Homes Bonus, Council Tax, s106 contributions, Job creation, Value of works.</p> <p>Proposal that increases the viability and reinforces the sustainability of local businesses and facilities.</p>	✓	<p>The proposals are consistent with Planning for Growth and the Framework.</p> <p>There will be a number of benefits associated with these developments. The developer will provide contributions where necessary in order to improve the local area and amenities.</p> <p>The proposals and the increase in population will help sustain the vitality and viability of Norton centre, local businesses and facilities.</p>	See Planning Statement
	8	<p><b>NPPF: Para 14:</b></p> <p>"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 decision-taking this means (unless material considerations otherwise)..."</p>	✓	<p>... approving development proposals that accord with the development plan without delay"</p> <p>... 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."</p> <p>or specific policies in this Framework indicate development should be restricted (SSSI, Green Belt, AONB etc.)"</p>	See Planning Statement
			✓	<p>and where the development plan is absent silent or relevant policies are out-of-date granting permission unless:"</p> <p>There are a number of significant economic and social benefits associated with the proposed developments that outweigh any adverse impacts.</p>	See Planning Statement
			✓	<p>It has been demonstrated that the proposals accord with the up-to-date and Framework-compliant elements of the Core Strategy and take account of the adopted and emerging DPD's requirement to find additional housing sites in Norton.</p>	See Planning Statement
			✓	<p>The proposed developments are in broad compliance with the overall objectives of the Framework and national planning policy.</p>	See Planning Statement
			✓	<p>There will be a number of benefits associated with these developments. The developer will provide contributions where necessary in order to improve the local area and amenities.</p>	See Planning Statement
			✓	<p>The proposals and the increase in population will help sustain the vitality and viability of Norton centre, local businesses and facilities.</p>	See Planning Statement
			✓	<p>The sites represent an acceptable location on the edge of a sustainable settlement. The sites are not covered by any of the designations listed by NPPF Footnote 9.</p>	See Planning Statement

## **APPENDIX 4 – AFFORDABLE HOUSING STATEMENT**

## Land off Langton Road, Norton

### Affordable Housing Statement

March 2016

- 1.1.1 This Affordable Housing Statement accompanies a Planning Application submitted to Ryedale District Council (referred to herein as 'Ryedale') by Gladman Developments Ltd (referred to herein after as 'the Applicant') in support of two planning applications for Outline Planning Permission for Residential Development on land off Langton Road, Norton.
- Site A: Outline planning application for up to 6 dwellings, with all matters reserved save for access, the Site is approximately 0.9 hectares.
  - Site B: Outline planning application for up to 79 dwellings, with all matters reserved save for access, the Site is approximately 3.65 hectares.
- 1.1.2 Policy SP3 Affordable Housing of the adopted Ryedale Local Plan Strategy (2013) requires developments within Ryedale to provide 35% affordable housing on-site as part of developments of 5 dwellings or 0.2 ha or more.
- 1.1.3 Site B will provide 35% affordable homes on-site and Site A will provide a commuted sum equivalent to 35% to be channelled into affordable housing schemes elsewhere in the settlement/District.
- 1.1.4 In 2010, the Chancellor of the Exchequer announced the creation of a new affordable housing tenure – Affordable Rent in the statement which accompanied the Comprehensive Spending Review. Registered providers were given greater flexibility to set rents at levels up to 80% of the open market rent for the property and to issue shorter tenancies – originally as short as 2 years although 5 years was subsequently made the norm.
- 1.1.5 The introduction coincided with a shift in the Government's philosophical approach to affordable housing and a radical withdrawal of capital funding for new affordable homes.
- 1.1.6 With Capital funding for new affordable housing (especially affordable housing delivered by means of planning obligations) cut back to a bare minimum, the intention behind the higher rents associated with affordable housing was to increase the price that Registered Providers

could pay for affordable homes and thus to maintain the output of much needed affordable homes at a time when output might otherwise have fallen sharply.

- 1.1.7 In its options appraisal for the introduction of the new tenure, the Government explicitly considered the question of whether it would be more beneficial to secure a larger number of less subsidised Affordable Rented homes or whether it would be better to continue to deliver a smaller number of more deeply subsidised Social Rented homes. It found in favour of the former. In doing so, it assumed that households moving into rented affordable housing came mostly from the private sector, where they needed to be supported by significantly higher levels of housing benefit. The higher rents associated with affordable housing would blunt the savings to the benefit bill in individual cases but, in aggregate, the higher capital values would deliver more affordable homes and thus spread the benefits further.
- 1.1.8 Nor did the Government see this as a short term solution limited to the provision of new homes whilst its top priority of reducing the national deficit precluded significant capital funding for affordable homes. In fact, the Chancellor announced that Registered Providers would be permitted to transfer existing Social Rented homes to the new tenure as they fell vacant and became available for re-letting. This was to allow the RPs to use the higher rents to release capital to be reinvested in the delivery of new affordable homes.
- 1.1.9 This marks a philosophical shift. There are two ways to support people in need of affordable housing – either through subsidising the individuals concerned through housing benefit or by subsidising the homes themselves. The view of the present Government is that large subsidies to the homes themselves (through the provision of social rented housing) is inefficient. The theory being that households might be allocated to the home at a uniquely vulnerable moment in their lives perhaps following a redundancy but, once provided with an affordable home, their circumstances should improve. If the household's circumstances subsequently change such that they no longer require the subsidy it is then impossible to make the subsidised home available to a household with a present need because social rented tenancies are granted for life.
- 1.1.10 The new tenure is intended to support households at their time of need rather than indefinitely. The intention is that, as households get back on their feet, they either move into the private sector or, alternatively buy a share in the equity of the home, thus releasing a subsidy which can be used to help others.
- 1.1.11 That Affordable Rent should be the primary form of affordable housing delivery across the country is built into the framework of the Affordable Homes Programme, the Government's

flagship programme for new affordable homes. The framework to the AHP makes it abundantly clear that the Homes and Communities Agency sees the provision of new social rented housing as making up only the most marginal element of the overall programme.

*“Affordable Rent is expected to be the main element of the product offer from providers both for new supply and conversion of re-lets. But we want providers to respond appropriately to a range of local needs and development opportunities. We will therefore consider the inclusion of affordable home ownership in proposals, where it is a local priority and offers value for money.*

*Funding for social rented housing may be considered in exceptional cases.”<sup>1</sup>*

- 1.1.12 Just how exceptional those cases would be is set out later in the same document.

*“Social rent provision will only be supported in limited circumstances. For example, social rent could be considered in regeneration schemes where decanting existing social tenants into new homes is necessary.*

*In all cases providers, supported by the relevant local authorities, will have to make a strong case to demonstrate why Affordable Rent would not be a viable alternative. All such cases will be considered on their individual merits.*

*Alternatively a local authority may wish to support the provision of social rent through the application of its own resources, for example, the provision of free land or its own funding. The HCA will consider such cases where this results in the level of HCA funding requested offering similar value for money to that achieved for Affordable Rent offers.”<sup>2</sup>*

- 1.1.13 The published statistics on the output of new homes under the Affordable Homes Programme up to the end of June 2013 contains not a single instance of social rented housing<sup>3</sup>. This data contains the funding details of some 38,000 new homes, including those which did not receive any public funding.

- 1.1.14 However, we recognise that not all elements of the Government's programme have been implemented. In particular, conversions of existing social rented homes to affordable rent have been relatively rare and, even if the absence of new social rented homes in the AHP

---

<sup>1</sup> Affordable Homes Programme Framework para 4.1-2 HCA 2010

<sup>2</sup> Affordable Homes Programme Framework para 4.20-22 HCA 2010

<sup>3</sup> [http://www.homesandcommunities.co.uk/sites/default/files/our-work/2011-15\\_ahp\\_-\\_schemes\\_confirmed\\_by\\_the\\_hca\\_end\\_of\\_june\\_2013.xlsx](http://www.homesandcommunities.co.uk/sites/default/files/our-work/2011-15_ahp_-_schemes_confirmed_by_the_hca_end_of_june_2013.xlsx)

turns out to be a reporting error (which is possible) – it is possible to deliver affordable homes outside the Affordable Homes Programme. Frustratingly, despite being the regulator for the entire affordable housing sector, the HCA has no statistics at all on delivery outside the AHP and was unable to confirm or deny whether such delivery was taking place or to what extent.

- 1.1.15 In summary then, the Government is seeking to maximise the delivery of affordable housing and in order to ensure this, its view and that of the HCA is that all new rented affordable homes should take the form of Affordable Rent rather than Social Rent. Moreover, it is clearly the case, both in theory and in practice that many development sites in Ryedale are struggling to deliver the amount of affordable housing sought by policy.
- 1.1.16 We conclude that there is room for a discussion with the Council and partners as to what the Affordable Rent should be, but in order to give the maximum level of certainty, the Council should accept that Affordable Rented housing is accessible to all and meets the identified housing need in the Borough. As such, provision of affordable rented units complies fully with adopted policy.

End.



## **APPENDIX 5 – PLANNING BALANCE TABLE**

## **Purpose**

The purpose of this appendix is to encapsulate the relevant material considerations, and demonstrate in the planning balance that the benefits demonstrably outweigh the negative factors, and thus harm, of the proposal.

Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The document will demonstrate that the proposal strongly accords with the three dimensions of sustainable development; economic, social and environmental.

## **Economic**

<b>Material Consideration</b>	<b>Description</b>	<b>Positive Benefit or Negative Factor</b>
<b>New Jobs</b>	<p>Across both proposals, around 72 construction jobs (full time equivalent) on average per year during the construction period.</p> <p>There are around 15 people in Ryedale claiming Job Seekers Allowance and seeking work in the construction and development sector (as at January 2016). As such, the proposed developments could contribute to enabling unemployed construction workers in the area to find employment.</p>	Positive Benefit
<b>Labour Force/ Demography</b>	<p>Together, the proposed developments would accommodate around 187 new residents. The scheme will directly contribute to ensuring the availability of local labour force.</p> <p>This would contribute to supporting the area's economy by meeting local needs for affordable housing and providing housing that working residents in lower skilled and lower paid occupations could afford. This is also of direct benefit to local businesses.</p> <p>The increase in population would also generate additional demand and support for local education and health services, nurseries, schools and colleges.</p> <p>Potential to deliver aspirational housing to rebalance housing market; attract and retain business leaders; secure inward investment and support economic growth objectives.</p>	Positive Benefit
<b>Resident Expenditure</b>	<p>Residents of the proposed developments could generate annual household expenditure of £1.4 million to be spent within the region.</p> <p>Household moves generated by the development would bring significant benefits to the local economy through expenditure with local firms on services such as estate agents and conveyancers, as well as on new fixtures and fittings.</p>	Positive Benefit
<b>New Homes Bonus</b>	Ryedale District Council would receive an estimated total of £807,000 in New Homes Bonus (NHB) across both schemes.	Positive Benefit

<b>Council Tax</b>	The Council will also receive Council Tax rates in perpetuity from occupiers of the new developments, providing an important source of revenue funding for the Local Authority in delivering services as well as investing in the locality.	Positive Benefit
<b>Vitality &amp; Viability</b>	The additional residents of up to 85 households will increase demand for and use of local services and businesses (including retail outlets, pubs, cafes etc.) This increased demand and spending will help to maintain and enhance the services available and accessible within the town and increase their viability.	Positive Benefit
<b>Ageing Population</b>	As set out in the accompanying Socio-Economic Reports, during the 10 years between 2001 and 2011, the number of over 45s in Norton increased by 15.4% whilst under 44s decreased by 0.3% in the same period.  By providing a range of family housing, especially three and four bed homes, the proposed developments are expected to attract families and some key workers. This will help to respond to the challenges of an ageing population such as reduced local spend and increased pressure on local services and the labour market. The developments will also make provision of smaller homes for older residents to meet the requirement of the growing number of residents over 65 to downsize, thereby releasing larger family properties.	Positive Benefits
<b>Economic Recovery</b>	Delivery of these sites will assist economic recovery more quickly than (emerging) allocations in the district.	Positive Benefit
<b>Retention of Skills</b>	Having a wider choice of quality homes will allow people to stay in the area helping retain skills and available labour force.	Positive Benefit
<b>Affordability</b>	Currently, house prices are 7.9 times higher than average earnings in North Yorkshire. This makes the housing market in Ryedale particularly difficult to access, especially for first time buyers or those on low incomes. Provision of affordable homes will allow those with low income to live in the area and have access to employment opportunities.	Positive Benefit
<b>Job Training</b>	The development will provide for the creation of job training opportunities of for construction trade apprentices.	Positive Benefit

## Social

Material Consideration	Description	Positive Benefit or Negative Factor
<b>Housing Need - Market</b>	<p>The provision of these types of sites for housing is a very efficient way of meeting existing housing needs quickly. The sites are easy to develop and have very few constraints. This will ensure that the sites will rapidly contribute to increasing the supply of housing.</p> <p>They meet an identified housing need for people in both the market and affordable housing sectors which will “ensure choice and competition in the market for land” (NPPF para 47).</p> <p>New market and affordable homes here are a major planning benefit due to their contribution to remediating a severe shortage of housing land supply.</p> <p>New homes here will enable people to access the housing market locally rather than being forced to move away due to a lack of available housing. The proposal will assist in helping keep work, family and friendship connections that improve both quality of life and the vitality of the community (NPPF para 55).</p> <p>The mix of house types to attract the economically active and improve economic competitiveness, diversify local age structure and contribute to the “objective of creating mixed and balanced communities” (NPPF paragraph 50).</p>	Positive Benefits
<b>Housing Need - Affordable</b>	As discussed above.	Positive Benefit
<b>Building Sustainable Communities</b>	Assists in building and maintaining a mixed and balanced community that will help sustain the vitality of community life in Norton.	Positive Benefit
<b>Design &amp; Access (Social Dimension)</b>	<p>Demonstrates that the proposals set a framework to enable delivery of a high quality residential development.</p> <p>Existing and new residents of the settlement will benefit from the additional social infrastructure provision on-site of new footpaths and new areas of open space.</p> <p>The planning permissions would enable delivery of a mix of housing - up to 85 new dwellings, offering 1-4 bedroom properties, comprising a range of house types from linked townhouses to detached properties. This will add to the choice of high quality homes available in the District.</p>	Positive Benefits
<b>Recreational Landscape and Countryside Links</b>	The developments will provide linkages to the wider network of paths in surrounding countryside and the existing settlement. Strategic areas of landscape and open space will include formal recreation and footpaths. The existing vegetation along the	Positive Benefit

	boundaries will be reinforced with new tree and hedgerow planting, which will benefit people and wildlife alike.	
<b>Public Open Space Provision</b>	Across both schemes there will be the provision of 1.98 ha of public open space and landscaping, which will benefit existing as well as new residents.	Positive Benefit
<b>Children's Equipped Play Area</b>	An equipped children's play area will be provided on Site B; this will be accessible to new and existing residents.	Positive Benefit
<b>Travel Plan</b>	<p>The Travel Plan (TP) promotes sustainable travel awareness and encourages sustainable travel choices other than single occupancy vehicle journeys. This Framework TP is prepared taking account of currently available best practice guidance (DfT 2009) and complementary residential guidance (DfT 2005).</p> <p>The TP will be managed and operated by the Travel Plan Coordinator (TPC,) to be appointed by the residential developer(s), and to be in post six months prior to first occupation of the first house at the Site.</p> <p>As these are new developments, sustainable travel habits can be encouraged from the outset of occupation. The early appointment of the Travel Plan Coordinator will maximise this opportunity to influence travel choices. In seeking to reduce reliance on the Private Car, the Travel Pack and Co-Ordinator will contribute towards meeting the Council's Travel Plan Team's objectives.</p>	Positive Benefit
<b>Travel Plan "Welcome Pack"</b>	<p>All new residents will be issued with travel welcome packs promoting alternative transport modes. These packs will promote national initiatives such as 'Walk to Work Week', 'Bike Week', 'In Town Without My Car' and 'Walk to School Week'.</p> <p>The welcome packs will also include information on public transport such as the cost, timetables and services available given new residents information on ways to access local facilities without the use of private cars, this will benefit new and existing residents.</p> <p>The welcome pack will also include a map identifying pedestrian friendly routes surrounding the site providing new residents with information on how to access local facilities by walking or cycling.</p>	Positive Benefit
<b>Travel Notices Boards</b>	<p>To continue to promote sustainable transport, including walking and cycling routes, notice boards will be set up in the site's communal areas.</p> <p>These notice boards will promote: car sharing, local taxi services, internet websites on sustainable transport and journey planning.</p>	Positive Benefit

	These boards will benefit new residents but will also help to inform existing residents of sustainable transport within the area.	
<b>Car Sharing</b>	Car sharing schemes can be set up by the Travel Plan Coordinator, this will be open to both new residents but existing residents can join helping reduce the amount of journeys by private car within the village. It is unlikely that a scheme like this would take place otherwise.	Positive Benefit
<b>Bus Stops</b>	Improvements to bus stops within the vicinity of the site (to be agreed with the highways authority).	Positive Benefit
<b>Resident's Sustainable Travel Group</b>	The Travel Plan Coordinator will encourage new residents to create or join a resident's sustainable travel steering group. The group will organise social events such as organised cycle rides which will be extended to include existing residents. This will help promote sustainable patterns of travel between both new and existing residents benefiting the town as a whole and promoting a healthy life style. Existing residents and Parish members can also join.	Positive Benefit
<b>Social Mobility</b>	This development will provide up to 27 affordable homes on-site (Site B) and increase the choice of homes for first time buyers, enhancing social mobility. A commuted sum equivalent to 35% of Site A will also be provided to be put towards off-site affordable housing schemes.	Positive Benefits
<b>Social Capacity</b>	187 people arising from 85 homes will broaden the social capacity of Norton, enhancing inclusivity, and broadening and enhancing community skills base.	Positive Benefit
<b>Allowing Younger Families to enter into the Housing Market</b>	Having a wider choice of homes will allow younger families, who may be living at home or not be the head of their own household, enter the housing market.	Positive Benefit

## Environmental

Material Consideration	Description	Positive Benefit, Neutral, or Negative Factor
<b>Landscape &amp; Visual Impact</b>	The proposed developments would represent a landscape impact to the existing land, mainly due to the loss of greenfield agricultural land to developed residential land and vehicular/pedestrian/cycle routes. However, the impact of these can be offset by the proposed retention and enhancement of the field boundaries, hedgerows, trees and the addition of a significant portion of new public open space.	Slight Negative Factor
<b>New Tree Planting</b>	The sites will be enriched by new tree planting to enhance the existing trees and hedgerows. New landscaping will soften landscape impact over time and create a new edge to the settlement.	Positive Benefit
<b>Soils</b>	The sites are on Grade 3a and 3b Agricultural Land.  As such, the development of this site would not result in the loss of a significant area of the best and most versatile agricultural land. However, greenfield sites such as this are necessary to reach the District's growth aspirations.	Neutral
<b>Ecological Impact</b>	Hedgerows and trees will be retained where possible and enhanced, as well as the provision of new trees and hedgerows to encourage local wildlife.  There is a net biodiversity gain in accordance with requirements of 9 and 118 of the NPPF.  The proposal aims to conserve and enhance biodiversity through: <ul style="list-style-type: none"> <li>• Provision of domestic gardens which provide an opportunity to improve biodiversity over and above agricultural use.</li> <li>• Significant areas of planting to provide green infrastructure, ecology and wildlife benefits eg. wildlife corridors, habitat etc.</li> <li>• Habitat creation measures to ensure biodiversity is retained and enhanced hedgerow, and green corridors.</li> </ul>	Positive Benefit
<b>Flood Risk Assessment (FRA)</b>	The surface water drainage design will attenuate water run-off to mimic existing greenfield run-off rate to take account of future climate change in accordance with National Planning Policy Guidance. This is a material environmental benefit. All drainage	Positive Benefit

	designs will include the appropriate climate change allowance.	
<b>Health and Well Being</b>	Residents of the new housing will benefit from the new recreational and open space infrastructure available within the town, which will integrate with the existing Public Rights of Way network and provides greater opportunities for access to existing residents.	Positive Benefit
<b>Reducing the Reliance on Private Cars</b>	<p>Sustainable modes of transport will be promoted to all new residents through the Travel Plan and Travel Plan Coordinator seeking to reduce the reliance on private car journeys.</p> <p>Work with the Councils Travel Plan Team, through the Travel Plan Coordinator, will be established to encourage sustainable modes of travel seeking to reduce the reliance on the private car and contribute to meeting the Council's Travel Plan objectives.</p>	Positive Benefit
<b>Heritage</b>	The Heritage Statements sets out how the sites will have no direct impacts on Sutton Farm Stone Barn (Grade II Listed) or Sutton Grange (Undesignated asset) and no greater than a minor moderate adverse impact on the setting of Sutton Farm Stone Barn.	Positive Benefit



### **Planning Balance**

Positive Benefits	Negative Impacts of the Scheme
New jobs	Landscape and Visual Impact
Residential Expenditure	
New Homes Bonus	
Council Tax	
Vitality and Viability	
Ageing Population	
Economic Recovery	
Retention of Skills	
Affordability	
Job Training	
Housing Need – Market	
Housing Need - Affordable	
Building Sustainable Communities	
Design and Access (Social Dimension)	
Recreational Landscape and Countryside Links	
Provision of Public Open Space	
Children’s Equipped Play Area	
Travel Plan	
Travel Plan “Welcome Pack”	
Travel Notice Boards	
Car Sharing	
Potential New Bus Stops and Improvements	
Resident’s Sustainable Travel Group	
Social Mobility	
Social Capacity	
Allowing Younger Families to enter into the Housing Market	
New Tree Planting	
Ecological Impact	
Flood Risk Assessment	
Health and Well Being	
Reducing the Reliance on Private Cars	
Heritage	

## **APPENDIX 6 – ENERGY STATEMENT**

# **Energy Statement**

**Langton Road**

**Norton**



**March 2016**

## CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>4</b>
1.1	Introduction .....	4
<b>2</b>	<b>PLANNING POLICY.....</b>	<b>5</b>
2.1	Background.....	5
2.2	National Policy.....	5
2.3	Local Policy.....	5
2.4	Building Regulations.....	6
2.5	Conclusions.....	6
<b>3</b>	<b>ENERGY STRATEGY.....</b>	<b>7</b>
3.1	Proposals.....	7
3.2	Fabric First Techniques.....	7
3.3	Walls.....	7
3.4	Roof.....	7
3.5	Floors.....	7
3.6	Windows & Doors.....	7
3.7	Thermal Bridging.....	7
3.8	Air Tightness .....	8
3.9	Ventilation .....	8
<b>4</b>	<b>CONCLUSIONS .....</b>	<b>90</b>

# 1 INTRODUCTION

## 1.1 Introduction

- 1.1.1 This Energy Statement relates to the proposed development at Langton Road, Norton. This report is prepared in support of two planning applications referred to as Site A and Site B. Site A extends to 0.9 Ha and is promoted for up to 6 dwellings with a single vehicle and pedestrian access point from Langton Road. Site B extends to 3.65 Ha and is promoted for up to 79 dwellings with two access points for vehicles from Langton Road and an additional pedestrian/cycle point from the south of the site.
- 1.1.2 The development is located in an area under the control of Ryedale District Council. This report addresses policies relevant to sustainability and energy strategy as set out in National and Local policy.
- 1.1.3 This report also provides detail on the proposed approach to meet specific targets relating to those policies, Building Regulations and energy use on site.

## 2 PLANNING POLICY

### 2.1 Background

2.1.1 The sustainability strategy for the proposed development at Norton has been developed in line with the following relevant planning policy.

### 2.2 National Policy

2.2.1 The National Planning Policy Framework, achieving sustainable development, issued on 27<sup>th</sup> March 2012 has a section regarding sustainability in relation to energy and water consumption;

- Section 10: **Meeting the challenge of climate change, flooding and coastal change** places emphasis on, and sets out guidelines for local planning authorities, for local mitigation and adaptation measures for current and future climate change and for the support of the delivery of renewable and low carbon energy and associated infrastructure where viable.

2.2.2 The latest update on Government Policy is the **Government Productivity Plan** issued on 10<sup>th</sup> July 2015, Chapter 9 "Planning freedoms and more houses to buy" states;

- The Government will "repeat its successful target from the previous Parliament to reduce net regulation on housebuilders. The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established"

### 2.3 Local Policy

2.3.1 The existing adopted Ryedale Local Plan Strategy (2013) contains policy SP18 Renewable and Low Carbon Energy which states that;

- New development is expected to play a key role in reducing carbon emissions and improving building sustainability through the following;
  - *All new development will demonstrate that all levels of the Energy Hierarchy have been considered, taking into account the nature, scale and location of the development. The Local Planning Authority will take into account the feasibility and viability issues associated with the delivery of decentralised renewable and low carbon energy. Where it is not feasible or viable to provide on-site renewable/low carbon energy, or within the locality, consideration will be given to Allowable Solutions in line with agreed national definitions.*
  - *For all new build residential development, the proposal demonstrates that it meets the highest 'Code for Sustainable Homes' standard (or its successor) that is feasible and*

*viable on the site. There is general direction within emerging documents that new developments should be sustainable and potentially utilise renewable energy, but no more detail has been provided to date.*

- 2.3.2 It should be noted that the Government have now abolished any requirement for Code for Sustainable Homes accreditation.

## **2.4 Building Regulations**

- 2.4.1 Building Regulation Part L 2013 Edition, Conservation of Fuel and Power, came into force on the 6th April 2014 in England with the next step forward to Zero Carbon in new buildings. New dwellings need to improve by a further 6% reduction in CO<sub>2</sub> emissions over the 2010 Target Emission Rate (TER). In addition, dwellings will have to meet a second mandatory target under Fabric Energy Efficiency Standard (FEES). FEES will give a value in terms of mass of CO<sub>2</sub> emitted per square metre of floor area per year. FEES have been included as a mechanism to ensure “fabric first” efficiencies are built into the main envelope of a dwelling.

## **2.5 Conclusions**

- 2.5.1 Following consideration of the National and Local policies that relate to the proposed scheme, the targets for the development at Norton are;
- Meet Building Regulations Part L 2013 Edition.

### **3 ENERGY STRATEGY**

#### **3.1 Proposals**

3.1.1 Essentially the proposed scheme will follow the latest guidance to reduce CO<sub>2</sub> emissions by providing a "fabric first" approach. The following techniques will be considered;

- Increase insulation
- Reduce the effects of thermal bridging
- Effective air tightness
- Mechanical controlled ventilation with the consideration to heat recovery input ventilation.

3.1.2 As per the Energy Savings Trust Guide "Fabric First", October 2010, these methods alone can achieve the target 25% reduction in CO<sub>2</sub> emissions as required for Regulations Part L 2010.

3.1.3 To achieve the additional 6% reduction in CO<sub>2</sub> emissions to meet the 2013 Part L Regulations further improvements in fabric first insulation performances, window and door U values, and increased air tightness can achieve this requirement, however there may also be a consideration for on-site renewable or low carbon technology as an alternative approach.

#### **3.2 Fabric First Techniques**

3.2.1 To achieve a reduction in CO<sub>2</sub> emissions the following techniques will be used, however, the total reduction in CO<sub>2</sub> emissions that will be possible cannot be calculated until detailed design stage.

#### **3.3 Walls**

3.3.1 Enhanced U Values to be achieved by increasing the size of the cavity walls and increasing the insulation thickness, or alternatively through the use of timber framed construction with the use of high levels of insulation with the timber studwork.

#### **3.4 Roof**

3.4.1 Enhanced U Values to be achieved through increasing the thickness of the insulation.

#### **3.5 Floors**

3.5.1 Installation of high performance insulated ground floors will provide enhanced U values.

#### **3.6 Windows & Doors**

3.6.1 Utilisation of high performance glazing will provide improved U values.

#### **3.7 Thermal Bridging**

3.7.1 By employing enhanced construction details heat losses can be reduced.



**3.8 Air Tightness**

- 3.8.1 By following Passive house principles air leakage rates can be significantly improved.

**3.9 Ventilation**

- 3.9.1 With excellent air tightness principles used appropriate ventilation will need to be installed in line with Building Regulations to provide fresh tempered air.

**3.10 Energy Demand & Additional CO<sub>2</sub> Reduction**

- 3.10.1 The most cost effective solution is always specific to the development in question, i.e. the energy profile of what is being built and its location. At the outline design stage there is not enough design information available (i.e. dimensions, layout, orientation, fabric type etc) to precisely predict the baseline energy demand for the dwellings and therefore the CO<sub>2</sub> emissions. It is therefore proposed that this element is determined at detailed design stage.
- 3.10.2 The final strategy for the site may well be based on a combination of fabric first techniques and the installation of renewable energy technologies and will be required to be amended slightly to suit individual building design. This would involve the inclusion or exclusion of energy efficient measures, or an increased or decreased capacity of renewable energy technologies, as applicable.

## 4 CONCLUSIONS

- 4.1.1 The proposed development is for up to 6 dwellings on Site A and 79 dwellings on site B at Langford Road, Norton. This report has addressed National and Local policies relevant to the energy strategy for the proposed development.
- 4.1.2 The proposed strategy is based on an improvement in standard energy efficiency to meet Part L of the Building Regulations 2013. Full details of how the scheme will fully achieve any Part L Building Regulation targets can only be confirmed at detailed design stage but will encompass a 'Fabric First' approach and will include the following;
- Increase insulation
  - Reduce the effects of thermal bridging
  - Effective air tightness
  - Improved controlled ventilation
  - Energy efficient lighting
- 4.1.3 Additional renewable energy generation technology may need to be installed within the development to achieve the required CO<sub>2</sub> emissions targets to meet the Building Regulations targets, but this can only be developed in more detail as further design and layout information becomes available.



**Land off Langton Road**  
**NORTON-ON-DERWENT, NORTH YORKSHIRE**

Design & Access Statement

6283-DAS C  
MARCH 2016



masterplanning ■ environmental assessment ■ landscape design ■ urban design ■ ecology ■ architecture ■ arboriculture  
J1828LANDS/PLANS/DAS

Langton Road, Norton - May 2015

# CONTENTS

<b>1</b>	<b>Background</b>	<b>04</b>		
	The Vision and Summary	05		
	Design Objectives	06		
	Introduction and Purpose	08		
<b>2</b>	<b>Response To Context</b>	<b>09</b>		
	Location	10		
	Planning Policy and Housing Need	11		
	The Existing Situation	13		
	Topography	14		
	Nature Conservation and Ecology	16		
	Arboriculture	17		
	Townscape	18		
	Local Character	19		
	Landscape and Visual	20		
	Access, Movement and Facilities	22		
<b>3</b>	<b>Evaluation and Evolution</b>	<b>24</b>		
	Constraints and Opportunities	25		
	Evaluation	27		
	Consultation	28		
<b>4</b>	<b>Design Principles</b>	<b>29</b>		
	Design Evolution	30		
	The Framework	31		
	Illustrative Masterplan	32		
	Character Areas	34		
	Access and Layout	37		
	Housing Plot Arrangement	40		
	Street frontage	42		
	Scale of development	43		
	Vistas and Views	44		
	Parking	46		
	Housing Mix	46		
	Pedestrian and Cycle Linkage	47		
	Density	47		
	Appearance	48		
	Sustainability	51		
	Boundary Treatments	52		
	Green Infrastructure	53		
	Trees	54		
	Water and Drainage	54		
<b>5</b>	<b>Building for Life</b>	<b>55</b>		
	Building for Life Summary	56		



**BACKGROUND**

## 01. Background



### The Vision and Summary

This report has been prepared on behalf of Gladman Developments Ltd (GDL) in support of an outline planning application for the residential development of land to the west of Langton Road, Norton. This application is a resubmission of applications 15/00098/MOUT and 15/00099/MOUT which were refused by Rydale District Council on the 22nd July 2015.

Gladman Developments Ltd has successfully invested in communities throughout the UK over the past 20 years, developing sustainable high quality residential, commercial and industrial schemes.

Site A extends to 0.9 ha and is promoted for up to 6 dwellings with a single vehicle and pedestrian access point from Langton Road.

Site B extends to 3.65 ha and is promoted for up to 79 dwellings with an access point for vehicles from Langton and an additional pedestrian/cycle access points to the north east and south of the site.

The overall vision for the site is to provide a distinctive and high quality place, which enhances the quality and character and provide a choice of housing to meet the needs of the area, whilst respecting and enhancing the site's environmental and cultural assets including Sutton Farm.

Housing will be set within green infrastructure. This will help to integrate development within the landscape and create a distinctive sense of place.

Rather than attempt to imitate existing built development, the design is inspired by the character and detail found within Norton and its surrounding landscapes.

The masterplan(s) in this document is illustrative only and further details would be provided at reserved matters stage.

## 01. Background

### Design Objectives

The vision responds to current conditions and future needs, with the overall aim of providing a high quality environment. There are a number of key design objectives which inform the Illustrative Masterplans and which are explained in detail in the Design and Access Statement:

- To retain & enhance views - A separate Landscape Visual Impact Assessment has been prepared.
- To deliver a high quality "place" which is sustainable, safe, and attractive; the masterplan and DAS provide a high quality built and landscaped design that incorporates Best Practice principles.
- To deliver a mix of housing across both sites - comprising a range of house types from linked townhouses to detached properties.
- To provide an integrated network of public open spaces and new play facilities.
- To adopt inclusive design, by making the place accessible for all.
- To promote sustainability and reduce energy consumption.

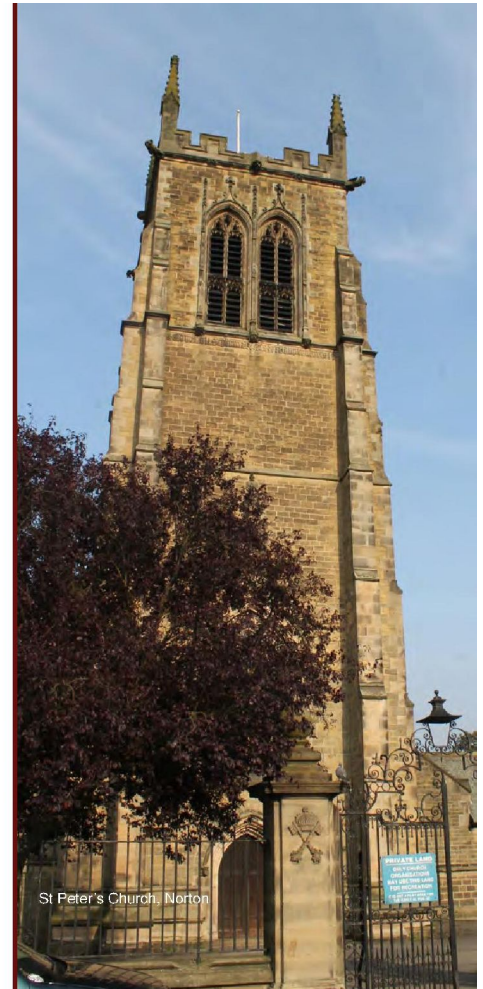
- Identifying the distinctive components that define local character has been a fundamental starting point for the design of each site.
- The design of two sites which provide due consideration to Sutton Farm and its setting.

Local character comprises of a variety of design elements, from the way in which streets interconnect, development blocks and buildings are arranged, the use of common building materials, visual containment and boundary treatments etc.

The two sites are different in character, each are described within the design section.

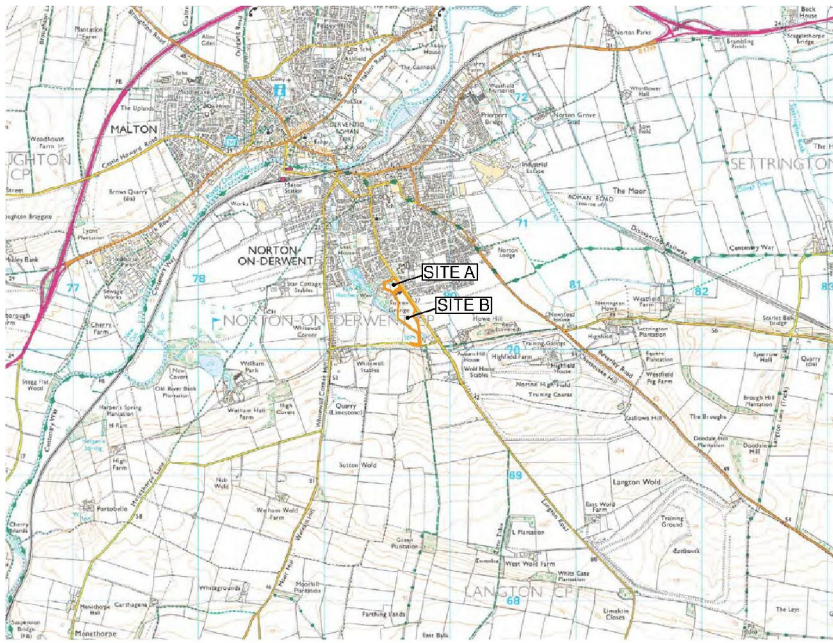
The sites do not specifically seek to recreate, or generate a pastiche of what has gone before, but instead to look forward to contemporary sustainable design solutions which effectively integrate them into the existing fabric of Norton by way of referencing the character of each site, common building materials, layout and street hierarchy.

Langton Road, Norton - May 2015





01. Background



Application Boundaries

Figure 01: Location Plan  
N.T.S

Langton Road, Norton - May 2015

## 01. Background

### Introduction and Purpose

This Design & Access Statement (DAS) accompanies the Outline Planning Application made by Gladman Developments Ltd, for the development of land off Langton Road, Norton. The development comprises of residential development with vehicular access points off Langton Road. The location of the site is illustrated in **Figure 01**.

The Planning Practice Guidance (PPG) was adopted on 6th March 2014. This document provides the following guidance on Design & Access Statements:

#### *"What is a Design and Access Statement?"*

*A Design and Access Statement is a concise report accompanying certain applications for planning permission and applications for listed building consent. They provide a framework for applicants to explain how the proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users.*

*Design and Access Statements can aid decision-making by*

*enabling local planning authorities and third parties to better understand the analysis that has underpinned the design of a development proposal.*

*The level of detail in a Design and Access Statement should be proportionate to the complexity of the application, but should not be long.*

#### *What should be included in a Design and Access Statement accompanying an application for planning permission?*

*A Design and Access Statement must:*

- (a) explain the design principles and concepts that have been applied to the proposed development; and*
- (b) demonstrate the steps taken to appraise the context of the proposed development, and how the design of the development takes that context into account. A development's context refers to the particular characteristics of the application site and its wider setting. These will be specific to the circumstances of an individual application and a Design and Access Statement should be tailored accordingly.*

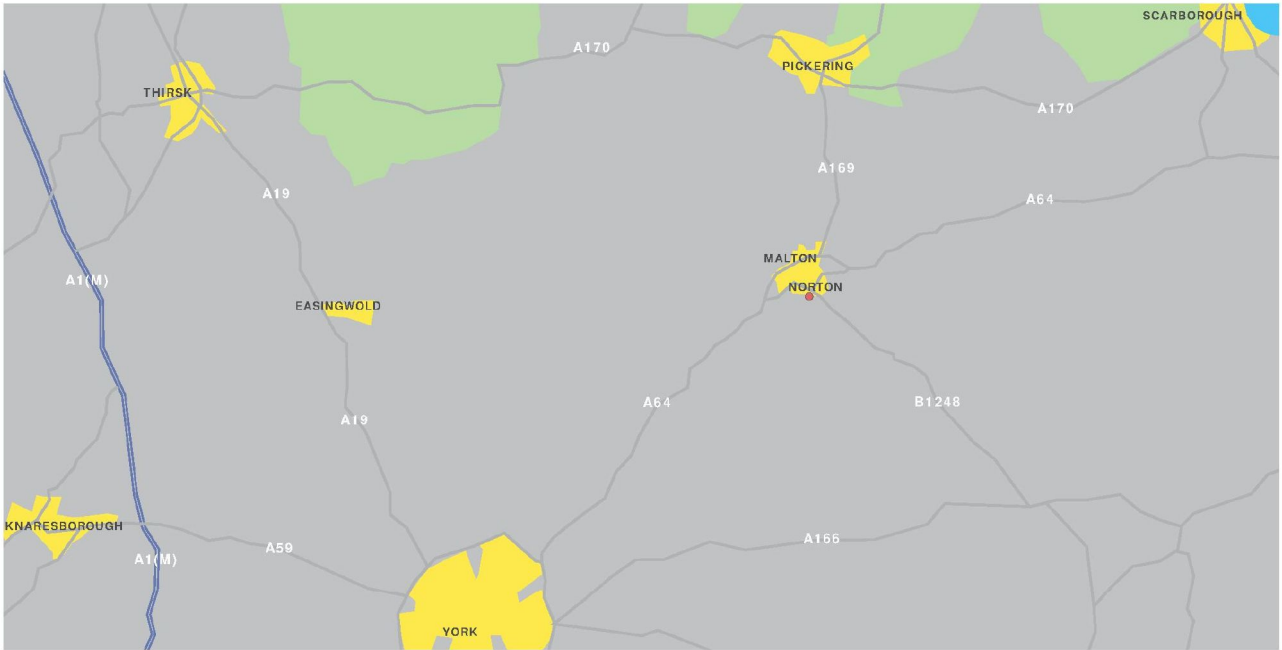
*Design and Access Statements must also explain the*

*applicant's approach to access and how relevant Local Plan policies have been taken into account. They must detail any consultation undertaken in relation to access issues, and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed."*



**RESPONSE TO CONTEXT**

02. Response to Context



Site Locations

Figure 02: Context Plan  
N.T.S

Langton Road, Norton - May 2015

## 02. Response to Context

### Location

The area of Norton is located in North Yorkshire, 18 miles northeast of York and 10 miles south of Pickering. It has excellent local facilities such as local supermarkets, doctors surgery, post office, primary and secondary schools and employment areas. The site is also located with good access to the local public transport network.

### Housing Need

Every Council is required by the Government to boost significantly the supply of housing and to make planning decisions in the light of a presumption in favour of sustainable development.

Rydale District Council must provide new housing in order to meet the housing need for the area. There is an urgent need for housing; the Council cannot demonstrate a deliverable 5 year housing land supply.

This development will assist in building a mixed and balanced community that will help sustain the vitality of community in Norton and ease the housing affordability gap within the District.

35% of the new homes will be affordable homes (or provision of a sum of money to provide the homes elsewhere) allowing young people and families to remain in Norton.

### Planning Policy

There is a wealth of design documentation and core reading, which provides a rich source of best practice design guidance for new development. The National Planning Policy Framework (NPPF) and By Design are some of the principal documents, which have been embraced as part of the design strategy.

A detailed assessment of the planning policy framework is set out in the Planning Statement, which accompanies the planning application. This section focuses on the local planning policies most relevant to the design and access proposals for the development.

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable Councils can produce their own distinctive local and neighbourhood plans, which reflect the priorities and needs of their communities. At the heart of the NPPF is a presumption in favour of sustainable development.

02. Response to Context



 Figure 03: Aerial Photograph

Langton Road, Norton - May 2015

## 02. Response to Context

### The Existing Situation

Sites A and B are located on the southern urban edge of Norton in North Yorkshire off the main road, Langton Road. A line of clipped hedgerow fronts onto Langton Road which form both sites' eastern boundary. The Sutton Grange access lane separates Site A and Site B.

Residential properties are situated along Langton Road at the junctions of Field View and Langley Drive.

The western edge of Site A and Site B is the land and vegetation at Sutton Grange.

A group of mature trees which are associated with Mill Brook form Site B's southern edge.

The urban edge of Norton provides the local context to the north of Site A, with linear patterns of properties along Langton Road and Welham Road to the west, beyond agricultural fields. The majority of the surrounding areas are farmland/ horse paddock or with some individual/ scattered private properties and industrial/ farm buildings including stables and racing horse training facilities.



View northeast into and towards the sites from Bazeley's Lane



View northwest towards the sites boundary from Langton Road



View southwest towards the sites from Langton Road



View east towards sites from adjacent to properties on Hunters Close

## 02. Response to Context

### Topography

Site A comprises a small sized field which is currently in use for arable farming and horse paddock.

Site B comprises a medium sized field which is also in use for arable farming. The southern edge of site B has Mill Brook running along it, which includes a corridor of scrub vegetation associated with the brook. Sutton Grange and Sutton Farm are located to the northwest.

The adjacent urban area of Norton are located within a low lying landform associated with the Vale of Pickering. This landform extends from the north, towards the west. The sites are at approximately 25 metres AOD.

The local land rises steadily to the northwest and south west to approximately 80m AOD.

Approximately 1.4km to the south of the sites, a local ridge line at Sutton Wold rises to 80m AOD and is the most prominent ridge line within the local landscape.



Langton Road, Norton - May 2015



02. Response to Context

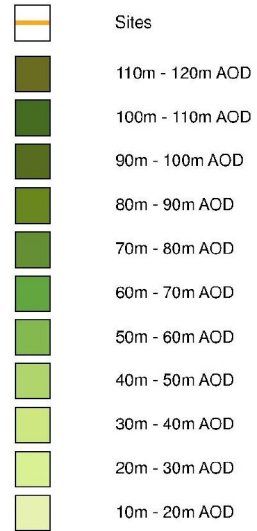
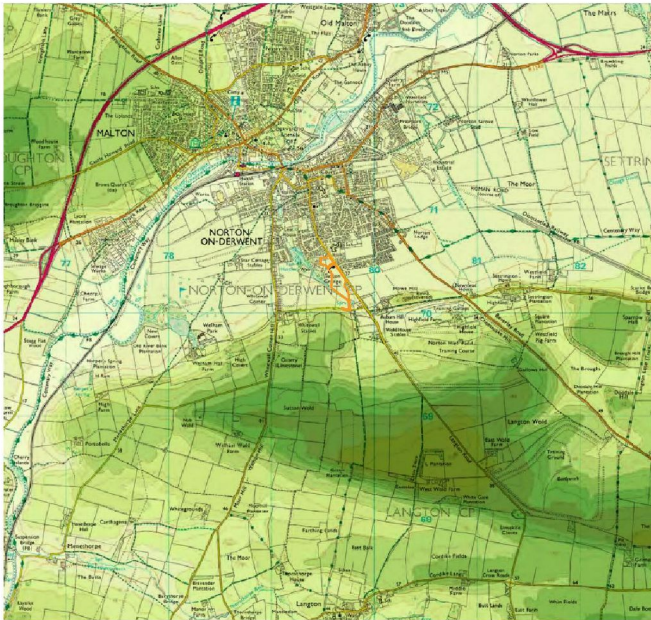


 Figure 04: Topography Plan  
H.T.S

Langton Road, Norton - May 2015

## 02. Response to Context

### Nature Conservation and Ecology

It is considered that providing surface water discharged into Mill Beck is of a suitable quality then the development is unlikely to have any significant impact on the designating features of the River Derwent SAC and SSSI. There is a single SSSI located 1.8 km from the site. It is considered that the proposed development would not impact upon it.

With newly created greenspace acting as mitigation, it is likely that any impacts from increased visitor numbers on Bazeleys Lane SINC will be negligible.

The grassland and arable land forming the majority of the proposed site was of negligible nature conservation value and as the development area falls entirely within these areas the impacts are likely to be low.

No hedgerows are considered to be important under the wildlife and landscape criteria of the Hedgerow Regulations 1997. All are habitats of principal importance and should be retained. It is recommended where necessary these hedgerows are gapped up with a range of native species.

The development proposals will not harm or disturb any active badger setts.

Langton Road, Norton - May 2015

One tree with bat roosting potential was found not to contain a bat roost. Bat roosting potential in another tree was dismissed following a further inspection. A further two trees had high bat roosting potential, it is not considered currently necessary to identify roosts in this tree as it will be retained and buffered within their current context

As little habitat of value to bats will likely be affected by the scheme a single bat activity survey provided an insight into the bats that are present within the scheme. This found small numbers of bats using peripheral habitats. It was concluded that proposals will not likely have a significant negative impact on foraging and commuting bats and new greenspace may provide some new enhancements. It is recommended that to provide further enhancements for bats hedgerows are gapped up and additional structured planting is provided within green space and these areas are protected from excessive light spillage. It is also recommended that additional bat roosting provision is provided through bat boxes located on new buildings or retained trees.



N Figure 05: Phase 1 habitat Plan

02. Response to Context

**Arboriculture**

The proposals allow for the majority of tree stock on site to be retained due to their locations around the field boundaries. Proposed landscape buffers and open space corridors would allow for a generous amount of space from the existing tree stock enabling it to be successfully incorporated and aid in the developments incorporation into the existing landscape.

To facilitate the access into the sites, sections of hedgerow on the eastern boundaries of the sites would require removal. These were typical low quality boundary hedgerows and the removal of these sections would be unlikely to cause objection on arboricultural grounds.

In conclusion, the material required for removal in order to facilitate the proposals would not be considered from an arboricultural perspective to significantly reduce the amenity value provided by the surveyed tree cover. The majority of trees on the sites would be retained and be enhanced through additional planting to mitigate the losses, providing a quality setting for the proposed development.

Langton Road, Norton - May 2015



## 02. Response to Context

### Townscape

Langton Road forms the central north - south route into the town. It includes rows of terraced dwellings and some larger houses with larger front gardens. Langton Road leads into the centre of Norton.

Langley Drive is the main street for the housing area to the southeast of Norton.

Wellham Road to the west provides a north - south link and has more properties situated along it.

These surrounding properties display the local character of Norton which provide design elements that could be taken forward into the proposed residential site.

Traditional building materials include brick with rendered finish.

Specialist heritage consultants have been instructed by Gladman in order to consider the proposed development's relationship with the nearby Listed Building. A significant parcel of land will be provided with additional mature landscaping to screen the proposed development.



Langton Road, Norton - May 2015

## 02. Response to Context

### Local Character

The sites lie on Langton Road. Residential properties are situated adjacent the sites, along Langton Road, Field View and Langley Drive. Properties on Welham Road are found beyond fields to the west. A bund of mature trees which are associated with Mill Brook and Sutton Grange form site A's western edge.

The urban edge of Norton provides the local context to the north, with linear patterns of properties along Langton Road and Welham Road. Langton Road and Welham Road lead into the centre of Norton and include mixed size and mixed density properties. Similar styles and materials have been used throughout the town.

The majority of the surrounding areas are farmland and horse paddocks with some individual and scattered private properties and industrial/ farm buildings including stables and race horse training facilities.

Site A is a horse paddock, site B appears to be intensively managed for arable farming.

There is a strong landscape structure found on the boundaries with mature hedgerows with trees.

Langton Road, Norton - May 2015





- Sites
- Photoviewpoint Location

N Figure 08: Viewpoint Locations  
N.T.S.

**02. Response to Context**

**Landscape and Visual Effects**

The assessment of the sites reveal that there are few peripheral residential receptors with direct views across the development. These are properties on Langton Road and Bezeley's Lane which either back onto the site B's eastern and south eastern boundaries, from where there are views towards the sites. Properties on the opposite side of Langton Road adjacent to the sites eastern boundary have partial views and are seen within the context of the main road and above a mature hedgerow.

The development is set beyond lines of mature hedgerow providing a partial screen surrounding the edges. As tree planting establishes within the green infrastructure it will screen and filter views.

Views from properties within the wider area are restricted by intervening landform and vegetation with generally only the tall features visible, ie tall trees on the sites boundaries. For residents of a small number of properties within the wider landscape surrounding the site, Whitewall, Welham Road, Millside and Hunters Way, parts of the Proposed Development are only partially visible and seen in the context of existing views of the properties on Langton Road and the edge of Norton.

The assessments undertaken demonstrate that there would be no overriding adverse effects that should preclude the proposed development.

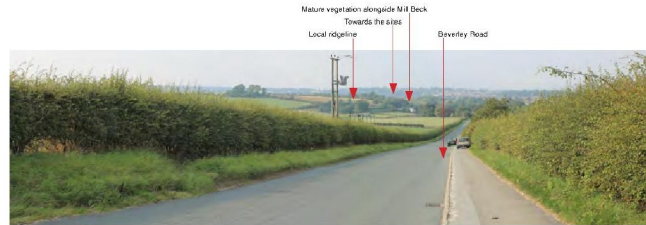
Langton Road, Norton - May 2015



**1 PHOTO VIEWPOINT 2: View north across the sites from footpath alongside Bezeley's Lane**



**2 PHOTO VIEWPOINT 5: View west towards the sites from the junction of Langley Drive and Langton Road**



**3 PHOTO VIEWPOINT 11: View north towards the sites from Langton Road**

## 02. Response to Context

### Access, Movement and Facilities

Surveys undertaken have included impacts of the proposed site access junctions. Initial investigations show that traffic impact will be minimal and no off-site highway improvements will be required. These site will feature two access points, one serving approximately 6 dwellings in Site A, with the other serving approximately 79 dwellings in Site B.

The sites are sustainably located with easy access to the town centre, existing community amenities and the public transport network. Amenities include schools, pubs, churches, local shops, bus stops and train station.

There is a bus service between Leeds and York to Pickering and the east coast. The TransPennine Express rail service connecting Scarborough to Leeds, Manchester and Liverpool stops at the local train station.

The sites are located off Langton Road which is where the site access will join. Bazeley's Lane runs adjacent to site B's southern edge which includes the route of the Sustrans National Cycle Route 166.

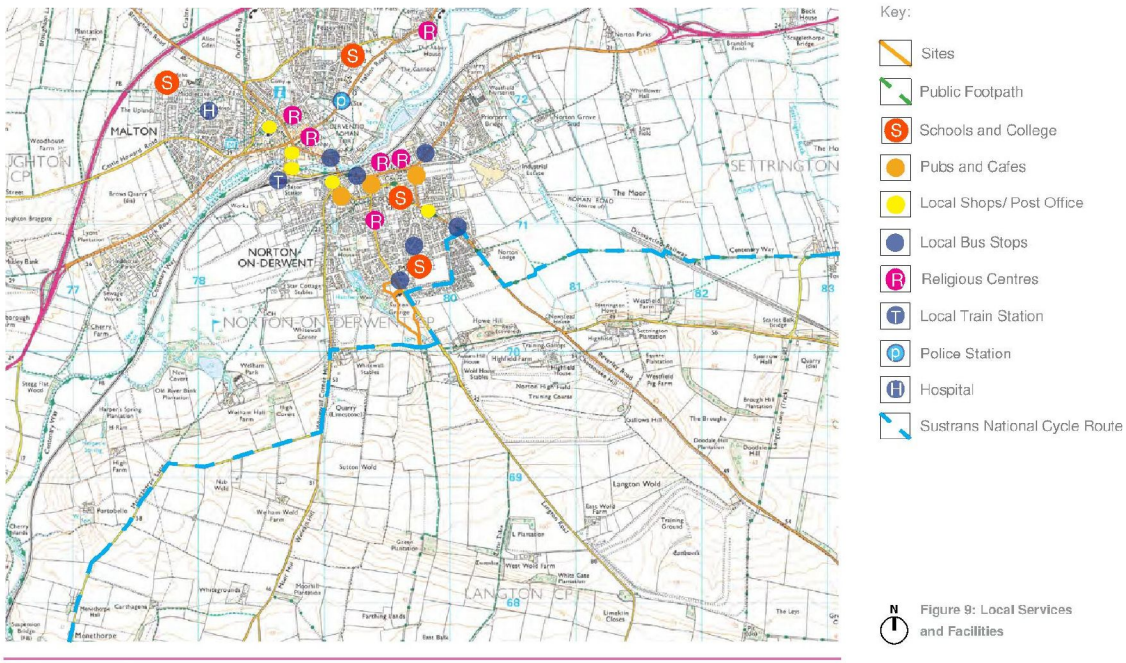


View west towards the site along Langton Road

Langton Road, Norton - May 2015



02. Response to Context



Langton Road, Norton - May 2015

# EVALUATION

Langton Road, Norton - May 2015

### 03. Evaluation

#### Constraints and Opportunities

The evaluation of the site's and their context has identified key on-site and off-site features which have helped to inform the decision making process and the continuing evolution of the development proposals. In summary, both site's have very few physical constraints to development of the type proposed, those that do exert an influence are as follows:

#### Access Constraints

- The vehicular access will be off Langton Road.

#### Physical and Environmental Constraints

- Hedgerows along site boundaries, the majority of which can be retained within the proposals.
- It is important that the new development responds to the existing built context of Norton.
- The proximity of the watercourse and associated mature vegetation along the site B's southern edge.
- Ecological constraints from animal habitat and movement
- Proximity of Listed Building and farm buildings to site A's western edge.

Langton Road, Norton - May 2015

#### Social and Neighbourhood Constraints

- Consider views to and from housing backing onto the site's on Langton Road and Bazeley's Lane.
- Consider some elevated distant views to the site's from the wider landscape in the south and potentially the east.



Properties within Norton

**Constraints and Opportunities**

- 1 Existing Hedgerows and Trees
- 2 Potential Vehicular Access Point off Langton Road
- 3 Potential Additional/ Emergency Vehicular Access Point of Langton Road
- 4 Consider Views from adjacent Properties and Streets
- 5 Consider Views from Surrounding Countryside
- 6 Potential Location for Proposed Attenuation Basin
- 7 Mill Beck
- 8 Listed Building
- 9 Landscape Buffer
- 10 Potential Open Space Corridor
- 11 Retained Pumping Station
- Contours
- Foul Water Easement
- Tree Preservation Order
- National Cycle Route 166
- Public Footpath
- Potential Footpath/ Cycle Link

Figure 10: Constraints and Opportunities

Langton Road, Norton - May 2015



### 03. Evaluation

#### Evaluation

The sites provide an excellent opportunity for a development which integrates well with the existing residential area of Norton. The sites have no overriding environmental or physical constraints and provides the opportunity to establish sustainable developments which is both physically and visually well contained.

The design of Site A has been formed as a response to the historical setting of Sutton Farm. A wide landscaped buffer is proposed to compliment this setting, with the retention of any open views. .

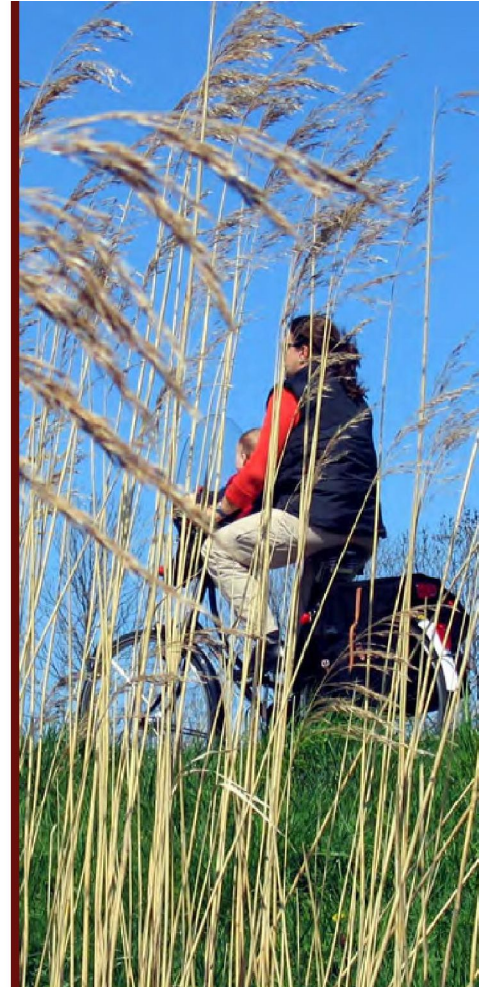
The following objectives are a direct result of the evaluation of baseline data, the site's context, constraints and opportunities and also respond to consultation responses:

- To promote the highest quality sustainable design, creating a 'place' which is both safe and attractive and which enhances quality of life, health and social well-being.
- To make the most effective and efficient use of land which is well related to Norton and its wider surroundings.

Built development will respond to the morphology of the existing settlement and will be located in proximity to the existing urban edge and linear form of Langton Road.

- To provide a choice of housing size and tenure in order to help create a mixed community, including provision of affordable housing. Affordable housing is not to be grouped or pushed to the site boundaries but appropriately located throughout the development.
- To protect and extend the site's existing environmental assets and use them as a framework for the creation of new Green Infrastructure.
- To create an enduring high quality built form, public realm and landscape that sensitively responds to its setting by using best practice contemporary design.
- Using local townscape characteristics of block form and street layout; plot arrangement and material's will assist in creating a development that will positively respond to its immediate context and local surroundings.
- Utilise opportunity for linking existing PRoW routes to the development and wider surroundings.

Langton Road, Norton - May 2015



03. Evaluation

Consultation

Gladman Developments has engaged in a process of community engagement in advance of submitting this application including an online public exhibition. Full details of this are set out in the Statement of Community Involvement submitted with this application and a brief summary is included below:

A series of information boards were available on the internet providing background to the proposals and identifying the factors which have potential impact on the surrounding area. Visitors to the consultation website were encouraged to leave comments by email.



Langton Road, Norton - May 2015





**DESIGN PRINCIPLES**

#### 04. Design Principles

##### Design Evolution

Having gained a good understanding of the existing site(s) and place, through the various environmental, technical studies, and site surveys it is possible to formulate an appropriate masterplan response.

This section sets out the rationale which has informed the masterplan design. It considers the inherent and underlying characteristics of the site and how these should shape the structure of the development. Overlying this, the process considers the location, the extent of the built development and Green Infrastructure.

The creation of an integrated network of green corridors focussed around existing field boundaries which incorporate pedestrian and cycle access provides a further key layer in the process before the character and appearance of the future development which is more closely analysed and the masterplan refined.



Langton Road, Norton - May 2015





**Development Framework**

-  Application Boundary Site A 0.9 Ha  
Site B 3.65Ha
-  Development Area
-  Green Infrastructure (including POS)
-  1 Existing Hedgerows and Trees
-  2 Potential Vehicular Access Point off Langton Road
-  3 Main Vehicular Routes
-  4 Potential Location for Proposed Attenuation Basin
-  5 Mill Beck
-  6 Listed Building
-  7 Landscape Buffer to Existing Properties
-  8 Open Space Corridor
-  9 Equipped Play Area
-  10 Retained Pumping Station
-  Proposed Additional Landscaping
-  Foul Water Easement
-  Tree Preservation Order
-  National Cycle Route 166
-  Public Footpath
-  Proposed Footpath/ Cycle Link

**N** Figure 11: Development Framework

#### 04. Design Principles

##### Quantum of development and mix of uses

The outline planning application covers a total area of 4.55 hectares. In summary the amount of development proposed within the site is as follows:

**Site A - Application Boundary 0.9Ha**  
**Site B - Application Boundary 3.65Ha**

The development provides a total of 2.57 hectares for residential development, providing up to 85 dwellings.

**Site A = 0.18Ha Development Area = upto 6 dwellings**  
**Site B = 2.39Ha Developable Area = upto 79 dwellings**

The development will provide for a broad mix of dwellings and house types, ranging from 2 to 5 bedroom units, offering a mix of market housing from first time homes to larger family homes.

**Total Green Infrastructure (Public Open Space) 1.76Ha**

**Site A = 0.72Ha**  
**Site B = 1.26Ha**

Langton Road, Norton - May 2015

#### 04. Design Principles

##### Illustrative Masterplan

The Illustrative Masterplans along with supporting text and illustrations in this section of the Design and Access Statement indicate the principles of urban structure, (i.e. the framework and the layout of streets and pedestrian routes), and the urban grain, (i.e. the location, arrangement and design of the development blocks, plot arrangement, and green infrastructure).

The Illustrative Masterplans provide an indication of densities across both sites. They also identify the most suitable locations where taller buildings may be used to close a vista or turn a corner etc. In addition, within this DAS information is also provided with regard to building scale and the appearance of the development both in terms of its architecture and landscaping.

The purpose of the Illustrative Masterplan is to provide a template for the detailed design stage of reserved matters applications. It sets out the key urban design principles that the development will seek to adopt.

The open space consists of;

Site A: a wide landscape buffer from Sutton Farm allowing open views towards the existing farm buildings.

Site B: a green frontage to Langton Road with open space on the northwest edge and along the southern edge providing a buffer to Mill Beck. Green corridors will link the open spaces and accommodate informal footpaths to surrounding PRow's and areas of informal open space. An overall green framework consisting of existing hedgerows and small woodland blocks with an enhanced infrastructure of newly planted edges, and linking vegetation will increase the sites overall biodiversity.

##### Equipped Area of Play Space:








An equipped children's play area to offer toddler and child play provision. The play space will be set within an area of public open space to the north of Site B.

This will be accessible from both developments and the existing settlement.

**Proposed footpath and walking links will make this facility available to the existing community of Norton.**



**Illustrative Masterplan**

-  Site A Housing - 6 dwellings
-  Site B Housing - 79 dwellings
-  Retained trees and hedgerows
-  Potential vehicular access off Langton Road
-  Proposed equipped area of play
-  Proposed balancing pond
-  Proposed footpath links

**N** Figure 12: Combined Illustrative Masterplan(s)

**Character Areas**

Within the masterplan(s) the site has been split into two key character areas to create a sense of place and to increase legibility and orientation within the site.

Green Frontage

The Main Street

The Courtyard

Figure 13: Character Plan

Langton Road, Norton - May 2015



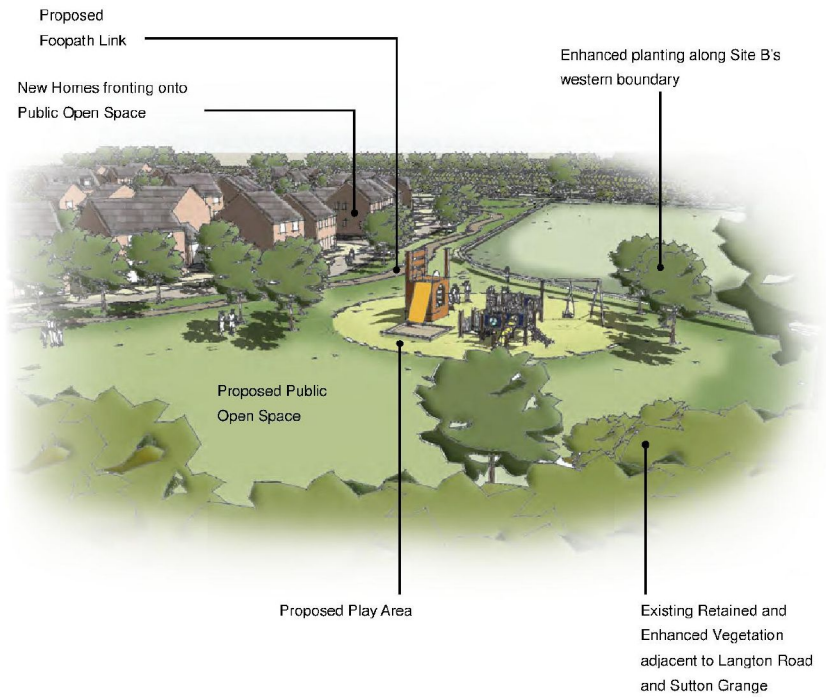
02. Response to Context

**Character Areas**

**Green Frontage**

The 'Green Frontage' development character area reflects the existing landscape character of the surroundings Norton landscape. Mature existing vegetation and trees will be retained with the proposed housing fronting onto the public green space, proposed footpath corridors and SUDs areas.

The play area will be set amongst the POS within Site B, but within a short distance from Site A and the existing properties on Norton's southern edge.



02. Response to Context

Character Areas

The Main Street

Through the centre of the development will run 'The Main Street'. The housing which fronts onto the street will consist of higher density dwellings, semi-detached and terraced dwellings and a mix of styles. Tree planting and front garden landscaping along the route will highlight the hierarchy of streets within the narrow frontages.

Existing Site Vegetation Retained within Development GI



Langton Road, Norton - May 2015

Housing fronting onto the Main Street

Housing on Secondary Streets which are accessed from the Main Street

## 02. Response to Context

### Character Areas

#### The Courtyard

The 'Courtyard' development character area reflects the existing building character of the neighbouring Sutton Farm barns and buildings.

Buildings are arranged around a shared courtyard which is situated off a single access. The 'U' shaped layout allows them to fit into the existing landscape framework whilst also retaining the mature trees and historic layout of the gardens at Sutton Grange.

Buildings of up to 1.5 storeys are proposed to allow the existing farm buildings to 'dominate' the views and scale of this character area.



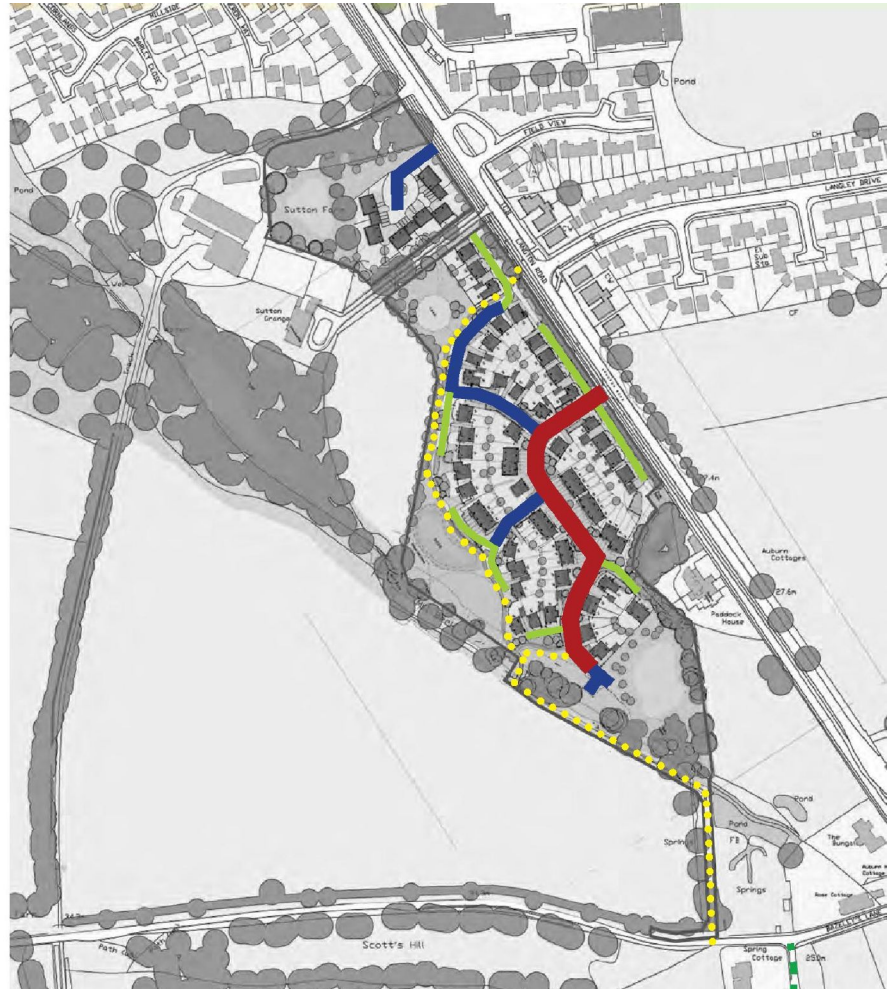
Street Hierarchy

Key:

-  Main Street
-  Lanes
-  Private Drives
-  Public Right of Way
-  Footpath Links

Figure 14: Street Hierarchy

Langton Road, Norton - May 2015





#### 04. Design Principles

##### Access and Layout

To maintain good legibility of the sites, which are appropriate to the scale of the proposed development, a simple street hierarchy is to be used.

**Access will be provided off Langton Road for both sites.**

For site A a single access and short lane accesses the courtyard.

For site B a central main street provides the primary access through the site including a pedestrian footway.

The layout of the streets would provide a safe and well overlooked network of public spaces as set out by Best Practice. These streets could be designed in detail to slow vehicular traffic and provide a safer environment for pedestrians and cyclists.

The hierarchy of streets and the size and arrangement of development blocks and open space is a connected design discipline addressing the need to meet the following standards;

- Maximise connectivity to the existing settlement and wider area.
- Design a street pattern which reflects local morphology and place making character, with a main street providing access to a hierarchy of descending routes. These follow a progression of street and carriageway widths, plot sizes, building types and relationship to the street.
- Promote ready accessibility for the whole community, bearing in mind the needs of parents with young children and those with impaired mobility.
- Encourage the control of vehicle speeds and movement by urban design, by exploring local examples such as restricted forward visibility, narrow street widths, frequent connections, changes in direction and tight junction radii.



#### 04. Design Principles

##### Housing Plot Arrangement - Site A

Buildings are arranged around a shared courtyard which is situated off a single access. The 'U' shaped layout allows proposals to fit into the existing landscape framework whilst also retaining the mature trees and historic layout of the gardens at Sutton Grange.

The dwellings will include for a garage building either adjoining or as a block adjacent to the residential properties. Some buildings may be set back from each other to allow for the rear garden space to be used to the maximum potential of each individual dwelling.

Properties will be a maximum of 1.5 storeys which may include for usable space above the garages.



Langton Road, Norton - May 2015

**04. Design Principles**

**Housing Plot Arrangement - Site B**

In broad terms, the street network is based around an irregular pattern of development blocks.

It is vital that the development is easy to navigate. The use of a 'distorted grid' will provide identifiable landmark features and key spaces as you navigate the development aiding residents and visitors to easily move around the place and ensuring a high degree of legibility.

**Corner Plot Arrangements**

How blocks change direction, or move around corners, is an essential part of place making. The design will follow the best practice example of using, where appropriate a continuous built frontage 'wrapping' around corners, and thus enclosing and defining spaces. The benefit of this approach is that it maintains a positive definition to the street, and avoids 'weak' or ill-defined edges. This will provide opportunities for locating landmark buildings on corners which in turn will help terminate, or frame views along the street.

**Landmark Features**

The use of landmarks or a gable end facing onto the street in an otherwise straight line of buildings will provide focal points within the layout. Other distinctions will be achieved by the careful use of building height and mass. A taller 2.5 storey building, if well located, can add prominence within a street of 2 storey buildings. The subtle use of materials and colour will also achieve this affect.



Typical corner plot arrangement



Landmark buildings located to the entrance of the development

Streets that lead to landmark features such as a slightly more detailed or differently coloured building or a well positioned tree would become a key design principle. These will be formed by the links between the distorted grid and the intersection of blocks, as well as building groups and landscaping.

#### 04. Design Principles

##### Street Frontage

To define the boundaries between private and public space, all dwellings will have some form of private frontage. Within site A a shared courtyard is proposed with individual areas of front garden provided for individual properties. Within site B the gardens will tend to be small in higher density areas, appropriately 0.5 to 2.5 metres in depth, whilst in lower density areas there will be the opportunity for increased frontages. However, it is important that frontages are not excessive and that buildings still relate and interact with the public realm.

In general, the use of smaller private frontages with larger rear gardens should be the predominate theme within site A, and along the main routes, around public spaces, with larger front gardens used to define corners or vistas, along the Lanes and towards the edges within site B. Frontages will be defined by the use of consistent boundary treatments, which reflect the local vernacular:



Langton Road, Norton - May 2015

##### Design and Safety: Creating Safer Places

A desirable place to live, which is safe and secure is fundamental. This will be achieved by the way the development is laid out and by the street, block and plot design.

Buildings will be located to actively face streets and public areas in order to promote 24 hour surveillance, and to encourage safer places. Public areas such as the streets and play areas will be designed so that they are safe, easily accessible and attractive to use. All users will be considered as part of an inclusive design approach.

It is important that there is good surveillance of public spaces by a number of properties and buildings, and that barriers, blank walls and 'dead ends' are avoided. Locating windows and doors on corners, or gable ends is a key principle, and occurs within the local context. Across the whole development careful attention will be paid to designing out crime through the layout, and promoting privacy and security.

- High quality active streets.
- The position of buildings to the front of the plot.
- Well located windows and doors that survey the public realm clearly defining public and private spaces.



#### 04. Design Principles

##### Scale of Development

Within site A the dwellings will a maximum of 1.5 storey. The main emphasis within this area is protecting and enhancing the setting of the existing Sutton Grange and Sutton Farm buildings.

Views of the existing buildings will be retained, utilising the existing mature landscape features.

Within site B the dwellings will have reference to buildings within the local vicinity. The majority of dwellings surrounding the sites comprise of 2-2.5 storeys and as such the development will seek to broadly reflect this range.

Buildings within Site B would not exceed 2.5 storeys – with the vast majority of buildings being no more than 2 storeys in height.

Within both sites attention will be given to the impact of height and massing of development on neighbouring streets and buildings.

The buildings within site A are likely to be of a similar size and height throughout.

Within site B, higher buildings will be positioned adjacent to the main street, facing onto internal public open spaces and at key points such as corner plots to provide focal points.

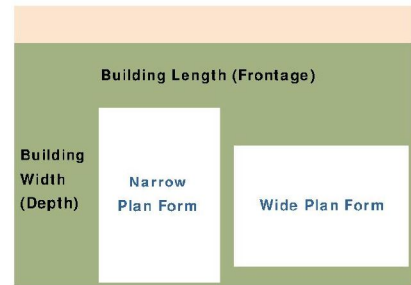
Buildings will be designed to have a variation in their height from ground to ridge or eaves, and the arrangement of buildings within a plot will seek to ensure subtle changes in height to create a varied roof line across the development.

Within both sites, buildings will include both functional and decorative features which may increase building heights marginally, but will also add significantly to ensuring a varied roofline across the development and the overall character of the development.

Within site B there will be a variation in the step of roof lines to reflect the local building style.

Best practice advocates that a mix of both wide and narrow plan forms are to be used.

Wide frontage buildings allow for greater opportunity of facade variation along the street, whilst a narrow frontage approach will establish a run of linked dwellings and continuous frontages. The design uses both forms to create a varied street scene.



### Vistas and Views - Site A

Site A is adjacent to existing agricultural buildings of Sutton Farm. Recent proposals to convert these buildings into homes along with land to the north of Site A changes the outlook from existing buildings to Langton Road.

Proposals for Site A include a small cluster of buildings with a soft edge utilising the existing landscape.

The main view from Sutton Farm, between mature trees towards Langton Road will be retained and set within a green corridor alongside the development access lane.

The scale of the development will provide opportunity for maintained views towards Sutton Farm from Langton Road.



Figure 15: Views and Vistas  
Langton Road, Norton - May 2015



**Vistas and Views - Site B**

The detailed block and street layout will be arranged so that it composes a series of attractive views and vistas. This will add a certain character and charm to the development, and respond to traditional place making principles.

These will be defined by a sequence of connecting views (short or long), which lead or draw the eye from one feature to another. This will be achieved, for example, by including a street tree within the view that is framed by a building group, or a building line which deliberately restricts and then suddenly channels a view to a landmark building.

The detailed design will also include subtle variations in the building line, in terms of scale, height, and set back of buildings from the footway. This will be supplemented by quality materials and landscape treatment which will produce an attractive street.

## 04. Design Principles

### Parking

Within both sites, parking will be provided close to the properties. This will:

- Avoid parked vehicles dominating the street scene
- Consider highway safety within residential areas
- Maximise natural surveillance and security
- Allow access to parking spaces and mobility for all users

Parking within Site A will be within garages and parking bays accessed from a shared courtyard in front of the dwellings.



Typical Image: Courtyard and adjoining garage

Langton Road, Norton - May 2015

Parking within Site B will be off road where possible with on plot parking bays, garages and parking courts.

Landscaping will be used to soften the effects if parking is provided in front of dwellings.



Typical Image: On plot parking

### Housing Mix

To offer high quality living accommodation, the development will comprise a mix of dwelling types.

The main objective is for the development to offer a range of accommodation with a choice of houses to provide for single occupancy and family accommodation. This will foster a wide demographic and a mixed community.

Site A will offer large spacious dwellings set within a well landscaped area with shared access, a courtyard with large private rear gardens.

Site B will offer a range of dwelling types at differing densities throughout the development.

Small groups of similar size and styled dwellings will be interspersed throughout the development.

Smaller and linked properties will be found on along the main streets, with larger dwellings fronting green edges and open space.



#### 04. Design Principles

##### Pedestrian and Cycle Linkage

The Masterplans for both sites create walking and cycling links between each development and the wider area.

Routes through and around the development via a connected pattern of streets, footpaths, green corridors and connections to existing rights of way and public highways.

This overall strategy will encourage the community to walk and cycle and will promote healthy active living. These will serve all significant desire lines within the site and offer safe and secure routes towards the centre of Norton.

The street design will also include footways to provide priority for pedestrians and cyclists in terms of movement and crossing points over Mill Beck. This will help to facilitate safe and easy pedestrian and cycling movement through the development.



Typical Image: Footway and Cycleways within development



Typical Image: Footways within green corridor

##### Density

Typically, the housing density determines part of the character of the streets, the design of the development blocks and the types of houses.

Site A will consist of a lower density to compliment the setting of Sutton Farm.

Site B will be a mixed density with higher densities along the higher order main streets, which will consist of more linked buildings to reinforce the character of these streets as the principal routes through the development. Lower density development will be located at the plot edges, overlooking the public open space.

#### 04. Design Principles

##### Appearance of Development - Site A

Whilst the development does not advocate pastiche or historic solutions, it is important that the new development has some connection with the surrounding local character and place making.

This is achieved through an analysis of street character, built form and use of materials. One of the most obvious ways of achieving a response will be by using traditional building materials, especially the colour and style of structure materials and complimenting boundary details. This will be the guiding rationale for the development.

The layout and materials selected for Site A would provide a layout and structure which compliments the agricultural buildings found within the grounds of Sutton Farm.

Emphasis will be given to the existing barns at Sutton Farm by retaining existing views through the proposed and enhanced landscape, allowing the barn to remain the dominant building and main reference point to the area.



Langton Road, Norton - May 2015

#### 04. Design Principles

The layout of this small collection of buildings will be set around a shared courtyard which is accessed from a single access point.

A maximum of 1.5 storey building heights will contain the scale of the proposed buildings.

The buildings should be a modern interpretation of architectural styles found within the locale that utilise a mix of local stone/ timber/ brick/ render.

Appropriate coloured roof tiles and surfacing, complimented by well thought out external areas with native landscaping and the use of tree planting to blend the new development into the mature landscape.

Particular attention should be made to details such as the materials and styles of windows and external doors creating a palette inkeeping with a subtle approach.



#### 04. Design Principles

##### Appearance of Development - Site B

Site B will create a high quality development which utilises the existing features within the area.

At this design stage, the materials selected for the development would provide a modern interpretation of the traditional materials used around Norton.

This includes brick, tile roofs, decorative window and door surrounds, eave details, local stone and rendered walls. Boundary treatments could include walls, timber and metal fences and low hedgerows.

The emphasis will be upon well detailed buildings orientated to aid placemaking and active surveillance in open spaces and which are built on a human scale.



Langton Road, Norton - May 2015

#### 04. Design Principles

##### Sustainability

Sustainable construction methods and energy efficiency will be incorporated in the detailed design stage. This will promote a high standard of build and construction for the development.

Best practice sustainability will be embraced, which will fully explore issues such as sustainable drainage techniques, and buildings that are resource and energy efficient.

The location of the sites allows residents to undertake journeys on foot and by cycle, for a variety of purposes, including employment leisure, shopping and school.

Enhanced permeability with the local area, through creation of footpath and cycle links to the National Cycle Trail (NCT) to the south and a contribution to improve the NCT locally.

The local schools become more sustainable as there will be more children arising thus needing places in the future. In addition fewer places will be offered to children outside the area therefore, less children will be travelling into the area from elsewhere, thus reducing traffic.

It is expected that the design will explore the following in order to promote reduction in carbon emissions;

- Flexible building and house design, allowing for the expansion of living areas and storage needs, and where practicable making better use of roof spaces.
- Ensuring that buildings can be easily adapted to suit different occupiers needs, through the use non structural internal walling and easily extended services;
- The use of locally sourced or recycled construction, building materials and aggregates;
- The preference for using environmentally friendly and more sustainable materials and products, such as recycled timber;
- The use of porous/concrete block permeable paving and surfaces for some streets, driveways and spaces;
- Low flow showers, smaller baths and dual low flush toilets as part of controlled water demand and use;
- Low carbon lighting, energy controls and management;
- Double and triple glazing, and improved insulation;
- Wherever possible using an optimum plot orientation

for solar gain with south facing windows; and the use of solar thermal panels to collect solar energy to heat water and to reduce carbon emissions;

- Conservation of natural resource such as the site's hedgerow and trees;
- Ground level 'urban greening' with the use of street trees, open space, private spaces and gardens;



#### 04. Design Principles

##### Boundary Treatments

The interface between the public realm and the private domain has a significant role to play in the overall design quality of the development and of place making. Boundary treatments which should be considered include:

- Steel railings, walls and hedgerows.
- Residential frontages onto the principal access routes and boundaries which allow overlooking of public open space.
- Road and Secondary Streets / Lanes.

The boundary treatments within Site A should compliment the carefully selected building materials palette which reflects and enhances the historical setting of Sutton Farm.



Langton Road, Norton - May 2015

#### 04. Design Principles

##### Green Infrastructure

The Green Infrastructure has evolved as a result of analysis of the sites and their setting, and by responding to the best practice design guidance.

The landscape features of merit within the sites include boundary hedgerows, small blocks of trees and vegetation associated with Mill Beck, most of which can be retained and enhanced within the development.

The following key landscape features are proposed;

- A green filtered edge to the northern, north eastern and western edge of site A and western and southern edges of site B.
- Creation of an equipped play area in the northern part of site B, accessible to all.
- Links towards a public right of way which connects the proposed developments with the surrounding areas to the south.

The development of the sites will enable the range of biodiversity to be greatly increased through provision of suburban gardens which are home to a greater range of wildlife and flora than the current farmed fields.



Langton Road, Norton - May 2015

## 04. Design Principles

### Trees

In support of the retained green framework, additional tree planting will be located primarily within the sites green spaces. Where appropriate, larger growing tree species will be used including a larger proportion of native species.

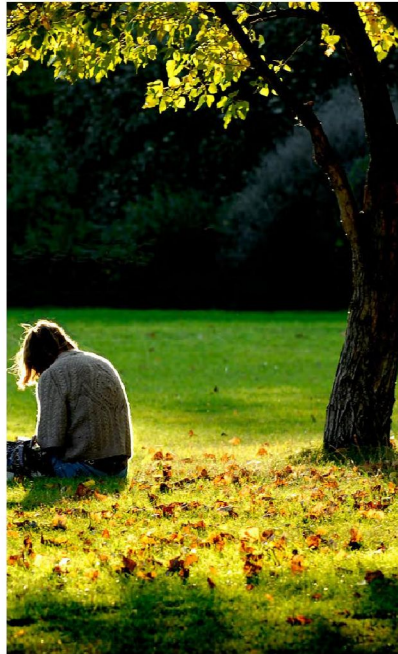
Elsewhere, the use of street trees will be adopted as a key design principle which will establish a distinct character for the development.

Trees will be located to enhance visual interest and to provide identity as well as being used as landmark features. Trees can help to soften the built form, provide shade and create ecological habitats.

For all new street trees attention will be given to siting and selection of species. The long term growth and spread will be well considered, as well as their relationship with buildings, streets and public areas. It is essential that suitable trees grown for urban locations are specified, with a narrow compact form, and a medium height.

The SUDs facility should also be managed to increase the biodiversity of the area.

Langton Road, Norton - May 2015



### Water and Drainage

The Green Infrastructure areas will include sustainable drainage features. Surface water would ultimately drain into on site attenuation basin which would collect the rainfall to a volume 30% larger than required. This pond will release the surface water at the "Greenfield Run off Rate", ie, the rate at which the land currently releases rainfall.

The extra capacity of the pond will lessen the likelihood and amount of flooding further downstream.

#### The Key Points:

- Surface water drainage features to be designed accorded to SuDS principles
- Surface water drainage features to contribute to site biodiversity and amenity





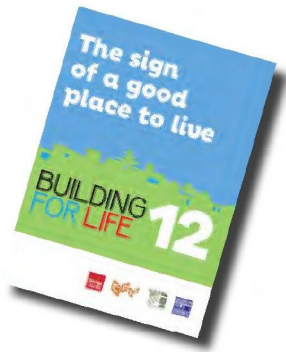
# BUILDING FOR LIFE

Langton Road, Norton - May 2015

## 05. Building For Life

## Building for Life 12 Summary

The following section provides a summary of the evaluation against the 12 Building For Life Questions, and links to the evidence that supports the evaluation. If the standard is met for each question then a green light will apply.



## Integrating into the Neighbourhood

**1) Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?**

**Evaluation:** The proposed development links into existing public footpaths and highways and provides opportunities to link areas which are not already accessible.

Score: **Green light**

**2) Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?**

**Evaluation:** The development will provide a new public open space including an area for play. The development is also close to local facilities including shops and pubs within Norton. All of these are within walking distance.

Score: **Green light**

**3) Does the scheme have good access to public transport to help reduce car dependency?**

**Evaluation:** The development has easy access to public transport with close links to existing bus routes. Clear and easy to use pedestrian routes would be available within the development towards the bus stops.

Score: **Green light**

**4) Does the development have a mix of housing types and tenures that suit local requirements?**

**Evaluation:** The accommodation mix would reflect the needs and aspirations of the local community. The design would include a range of dwelling sizes across the site, to provide a mixed community. The tenure mix would reflect the local community, and would provide a balanced and robust mix of tenures.

Score: **Green light**

**05. Building For Life**

---

Creating a place

**5) Does the scheme create a place with a locally inspired or otherwise distinctive character?**

**Evaluation:** The layout and green infrastructure for the scheme would respond to its context and provide a distinctive character. At a detailed level, features would be included in the design, to develop local distinctiveness. This could include selected use of traditional materials which feature within Norton.

Score: **Green light**

**6) Does the scheme take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates?**

**Evaluation:** The scheme utilises the existing landscape and topography, including hedgerows, woodlands blocks on the perimeter of the site and proposals for attenuation in the lowest areas. These link into the wider open areas.

Score: **Green light**

**7) Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?**

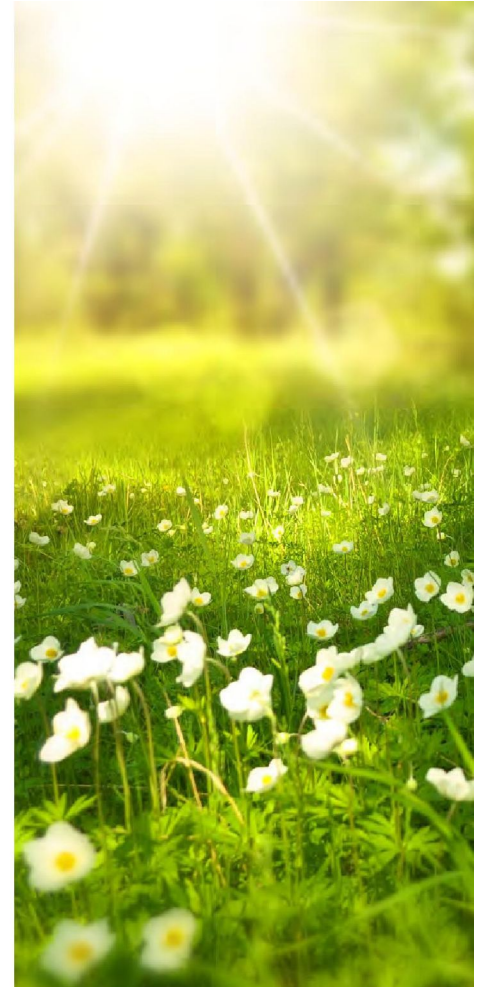
**Evaluation:** The scheme is based on a series of development blocks, which interlock with the landscape. There would be a clear definition of the private and public realm, and properties would overlook the public space.

Score: **Green light**

**8) Is the scheme designed to make it easy to find your way around?**

**Evaluation:** The layout for the scheme follows a simple approach with a distinct 'main street' and 'lanes' to allow residents and visitors to easily find their way around. The relationship with the existing rights of way and green infrastructure would allow easy orientation.

Score: **Green light**



## 05. Building For Life

---

### Street and Home

**9) Are streets designed in a way that encourages low vehicle speeds and allows them to function as social spaces?**

**Evaluation:** The building layout has defined the street network, so that highways and car parking do not dominate. Where main pedestrian routes cross the streets levels would be raised to give pedestrians priority, and to assist in calming traffic.

Score: **Green light**

**10) Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?**

**Evaluation:** Car parking would be integrated into the overall layout and design. Car parking would be within curtilage, to the side and rear of dwellings in small parking courts.

Score: **Green light**

**11) Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?**

**Evaluation:** The streets and the public spaces would all be overlooked by adjacent dwellings, allowing informal surveillance and safe routes.

Score: **Green light**

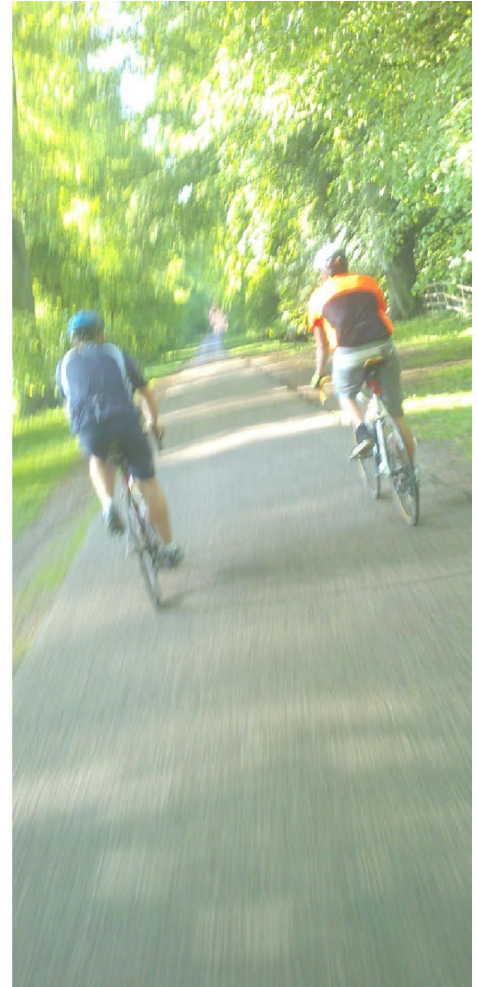
**12) Is there adequate external storage space for bins and recycling as well as vehicles and cycles?**

**Evaluation:** The building layout will allow for bins and recycling stores to be stored out of sight and minimise their impact on the streetscene.

Score: **Green light**

---

Langton Road, Norton - May 2015



# 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



19 April 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, 18 April 2016 the Town Council made the following recommendations in respect of the applications listed below:-

- 16/00375/FUL            Change of use and alteration of detached garage to an office for graphic design business.  
75 Fletton Road, Norton, Malton, YO17 8BD  
For: Paul Middlewich  
**RESOLVED** Recommend Approval.
- 16/00434/FUL            Change of use of parcel of land to form additional domestic curtilage together with erection of 1.8m fence.  
2 George Cartwright Close, Norton, Malton, YO17 8EL  
For: Daniel Barker  
**RESOLVED** Recommend Approval.
- 16/00446/FUL            Erection of part two storey / part single storey extension to side and rear elevations to include integral garage to the side and first floor balcony to the rear following demolition of existing two storey and single storey extensions, together with alterations to landscaping and formation of additional parking to the front.  
136 Welham Road, Norton, Malton, YO17 9DU.  
For: Lee Cobley  
**RESOLVED** Recommend Approval.
- 16/00488/HOUSE        Erection of a single storey extension to side and rear elevations.  
13 Welham Road, Norton, YO17 9DP  
For: Mr & Mrs Matthew Sawdon  
**RESOLVED** Recommend Approval.

Continued.....

- 16/00404/MOUT Residential development of up to 6no. dwellings together with formation of vehicular access – Site A (site area 0.9ha) (revised details to refusal 15/00099/MOUT dated 22.07.2015)  
Land to the north of Sutton Grange, Langton Road, Norton, Malton, North Yorkshire.  
For: Gladman Developments
- 16/00405/MOUT Residential development of up to 79no. dwellings together with formation of vehicular access – Site B (site area 3.65ha) (revised details to refusal 15/00098/MOUT dated 22.07.2015)  
Land to the north of Sutton Grange, Langton Road, Norton, Malton, North Yorkshire.  
For: Gladman Developments

Both Gladman Applications were considered together and the recommendation applies to both:

RESOLVED Recommend Refusal on the following grounds;

- This development lies in a green field site which is of considerable importance to the town, and is outside development limits. While no decisions have yet been made as to site selections for the town, this site is considered totally unsuitable.
- Congestion on Langton Road is already intolerable taking into account the position of Norton College and a certain lack of off street parking for residential properties towards the northern or town Centre end of Langton Road. There is now the prospect of the extension to the Primary School being built on the Brooklyn site, situated on Langton Road, bringing even more congestion to this area.
- With a lack of infrastructure to support such a development this side of the level crossing, in order to access most services residents need to be able to access Malton which, with this proposal means either travelling via Norton Road or Castlegate both of which would be unacceptable and only add to the concerns already in place with regard to Co2 levels.
- Impact on the sewage system in this area of town, the Victorian sewers are already over capacity and any further development would put residents in other areas at greater risk of having raw sewage impacting on their property whenever there is a period of heavy rain and the system is under pressure.
- Over development even with a reduction to the number of properties proposed, members still believe this is too many for what are relatively small sites.

Yours sincerely,

Ros Tierney  
Town Clerk

E. Mail: norton.tc@btconnect.com

## 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 Derwentio 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

- Work with local communities to identify local features of historic interest and value for example through Parish Plans and Village Design Statements
- Support new development proposals aimed at educating and raising awareness of Ryedale's historic environment

Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset

In considering and negotiating development proposals, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset

Proposals for Enabling Development necessary to secure the future of a heritage asset which would be otherwise contrary to the policies of this Plan or contrary to national policy will be carefully assessed against the policy statement and guidance provided by English Heritage - Enabling Development and the Conservation of Significant Places. In addition to the criteria embodied within the national statement, in considering the extent to which the benefit of an Enabling Development proposal outweighs a departure from this Plan or national policy, the following local criteria will also be used to inform the decision making process –

- The Enabling Development proposed can be accommodated without material harm to the character of the North York Moors National Park and the Howardian Hills Area of Outstanding Natural Beauty and landscapes identified as being of local value
- Enabling Development proposed at or within villages is well related to their form, character and landscape setting
- In cases where there is a need to secure the future of multiple heritage assets within a single ownership, that Enabling Development proposals are:
  - Based upon an up-to-date conservation management plan for the assets in their ownership aligned with an up to date business plan
  - Prioritised to address the needs of those assets identified as being at greatest risk unless it can be demonstrated and agreed that the Enabling Development proposal secures the future of a significant asset in conjunction with income generating development that would in turn, support a reduction in conservation deficit
  - Affordable housing contributions will be negotiated as part of residential Enabling Development schemes on sites which would trigger the application of Policy SP3. Consideration will be given to varying the form of contributions sought through Policy SP3 so as not to prejudice the heritage benefits of the Enabling Development proposal

\*Visually Important Undeveloped Areas are as defined on the adopted Proposals Map



### 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.

**Item Number:** 8  
**Application No:** 16/00405/MOUT  
**Parish:** Norton Town Council  
**Appn. Type:** Outline Application Major  
**Applicant:** Gladman Developments  
**Proposal:** Residential development of up to 79no. dwellings together with formation of vehicular access - Site B (site area 3.65ha) (revised details to refusal 15/00098/MOUT dated 22.07.2015)  
**Location:** Land Adjacent To Auburn Cottages Langton Road Norton Malton North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 17 June 2016  
**Overall Expiry Date:** 27 May 2016  
**Case Officer:** Rachel Smith **Ext:** 323

## CONSULTATIONS:

<b>Parish Council</b>	Recommend Refusal
<b>North Yorkshire Police Architectural Liaison Officer</b>	Comments and recommendations made
<b>Building Conservation Officer</b>	Object
<b>Countryside Officer</b>	Verbal no objection
<b>Environmental Health Officer</b>	Recommend conditions
<b>Sustainable Places Team (Yorkshire Area)</b>	No comments to make
<b>Archaeology Section</b>	Advise that a scheme of archaeological mitigation recording is undertaken and a WSI. Conditions to be attached.
<b>Housing Services</b>	Comments made
<b>Natural England</b>	No objection
<b>North Yorkshire Education Authority</b>	Comments made
<b>Tree &amp; Landscape Officer</b>	Verbal no objection
<b>Vale Of Pickering Internal Drainage Boards</b>	No views received to date
<b>Land Use Planning</b>	Conditions to be attached
<b>NY Highways &amp; Transportation</b>	Recommend conditions

**Neighbour responses:** Mr Andrew Bellwood, Miss Janella Calvert, Mr Eugene Kelly, AM And FM Campion, Mr Paul Crossley, Mary, John & Jennifer Cowton, Mr P J Gray, Ms Amanda Wainwright,

---

## 1.0 SITE:

1.1 The site comprises 3.65 hectares of land on the western side of Langton Road. It is situated to the south of Norton. The land is currently in agricultural use and is categorised as Grade 3. This is made up of 1.3 hectares of Grade 3A; 2.1 hectares as Grade 3B, and 0.1 hectares as non agricultural. The area around the site is primarily in agricultural and equestrian use. It has an irregular shape and field boundaries and slopes gently towards Mill Beck to the south west, which is lined with mature trees and hedges. To the north west is agricultural land in separate ownership, with the access to Sutton Grange House forming the northern boundary. Sutton Grange Barn a grade II listed building lies to the north west of the application site. An application has been submitted on 0.9 hectares of land to the north of the access to Sutton Grange for up to 6 dwellings. To the north east of the site, and across Langton Road is an area of existing residential development. To the east is relatively flat agricultural land. A pair of semi detached dwellings is situated at the eastern corner of the site, together with a field in separate ownership.

## 2.0 PROPOSAL:

Members will be aware that a planning application for up to 79 dwellings, (ref 15/00098/MOUT), was considered at Planning Committee on July 21st 2015. Members resolved to refuse the application for the following reasons:

1. The proposed development by reason of its proximity to Sutton Grange Barn will result in an unacceptable level of harm to the setting and significance of the listed building. The public benefits to be derived from the development do not outweigh the harm to the designated asset. The application is therefore contrary to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that decision makers must give special regard to the desirability of preserving the listed building or its setting. Furthermore the development is contrary to Section 12 of the NPPF, specifically paragraphs 129, 131, 132, 133, 134 and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
2. The proposed development will result in significant harm to the setting of the un-designated heritage asset of Sutton Grange, by subsuming the house with urban development. As such, the development is contrary to paragraph 135 of the NPPF, and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
3. The development of the site would result in the loss of this open area of undeveloped land which has significant intrinsic landscape value and character, and which is atypical of the area. Furthermore it would harm the setting of this attractive approach to Norton, and breach the strong woodland setting (subject to a Tree Preservation Order), which currently provides a significant visual end stop at the approach to the town. As such it is contrary to the strategy of the Development Plan for the location and distribution of new housing at Malton and Norton, including Policies SP2, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.
4. By virtue of the separation of the application site from the built up area of Norton, the proposed development would be detrimental to the form and character of the town. Furthermore it would result in the development of a site in an unsustainable location in relation to local and neighbourhood facilities. As such it is contrary to the locational policies of the Development Plan including Policies SP1 and SP2 of the Ryedale Plan - Local Plan Strategy.
5. The development is not in accordance with the development plan, and furthermore, it is not considered that the benefits of the development would outweigh the harm to the setting and character of the listed building, the adjacent un-designated heritage asset (Sutton Grange) nor the loss of this important landscape setting to Norton. As such, the development is contrary to Policies SP2, SP12, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy, and the NPPF.

The refused application is subject to an appeal, which is being considered in the form of a public Inquiry commencing on June 7th 2016.

The applicants have re-submitted both applications. There are no discernible differences between the current applications and those previously determined, with the exception of an update to a number of the reports. The applicants were however asked by officers to clarify the changes. They responded as follows;

*This file note outlines the principal differences between the current proposals and the supporting documents for the original submission of applications 15/00098/MOUT (Site B) and 15/00099/MOUT (Site A). However, it should be noted that some changes were submitted and considered as part of the determination of the previous applications.*

*- Amended Framework Plans:*

*o Site A - reduction in developable area and number of units from 8 to 6.*

*o Site B - reduction in developable area and number of units from 93 to 79, single point of access in a more central location and the relocation of POS to the northern boundary.*

*- An Archaeological Statement including the results of a geophysical survey and trial trenching has been submitted in lieu of the Desk Based Assessment.*

*- A Phase 1 Site Investigation has been submitted.*

*- An Air Quality Assessment has been submitted.*

*- A Design Code has been included in the Design and Access Statement including restricting development on Site A to a maximum of 1.5 storey in height.*

*- Updated Arboricultural Assessment – March 2016 survey results.*

*- Updated Landscape and Visual Impact Appraisal methodology and some of the character assessment information has been updated. Minor amends to text.*

*- The modelling and traffic assessment which supports the basis for the Transport Assessment has been revised to 2016 and 2021 assessment years.*

*- Revised Energy Statement in light of the Government abolishing the requirements for Code for Sustainable Homes accreditation.*

Accordingly, in relation to the current application, permission is sought in outline for the erection of up to 79 dwellings together with the formation of a new access off Langton Road. All other matters are reserved. The application is accompanied by a Development Framework Plan, Dwg 6283-L-03b rev K. The applicants have confirmed that if planning permission is granted, this plan forms part of the application and can be conditioned to require development to be in general conformity with it. The plan shows a total site area of 3.65ha, however a developable area of 2.39ha. An equipped play area is shown in the north western part of the site, with landscaped buffers around the south western and south eastern boundaries. The proposed access will be relatively central along the site frontage. A cycle/footpath link is shown from Langton Road, and running in a western direction, and passing through the landscaped buffers along Mill Beck. It exits the site at Bazeleys Lane. An approximate area for a surface water attenuation basin is shown at the western extent of the site. Proposed additional landscaping is also shown, including a landscaped buffer along the western boundary of neighbouring properties identified as Auburn Cottages and Paddock house on the drawing.

The Design and Access Statement also includes an indicative master plan to demonstrate an appropriate development capacity linked to density. This is not however for determination at this stage. The application is also accompanied by the following detailed reports:

- Landscape and Visual Impact Assessment
- Transport Assessment
- Travel Plan
- Ecological Appraisal (including updated protected species survey)
- Arboricultural Assessment
- Flood Risk Assessment
- Noise screening report
- Archaeology Statement
- Statement of community involvement
- Heritage Assessment
- Socio Economic Report
- Planning Statement
- Foul drainage Analysis
- Air quality Assessment April 2016

## **Public Benefits**

As part of the submitted Planning Statement, (section 6), the applicants have identified what they consider to be the planning benefits of the development, in relation to the three dimensions of sustainability as set out in the NPPF: social, economic and environmental. The full document is available to view on the Councils' Public Access System, however the main points made include:

- 35% affordable housing on-site
- boost the supply of land for housing, providing a mix of dwellings
- enhance and maintain the vitality of the community and support for services in Norton and the wider area.
- provision of 1.98 hectares of public open space.
- New public right of way for pedestrians and cyclists.
- employment
- tax payments and new homes bonus.
- green infrastructure and habitat creation

## **History**

13/00568/FUL Permission granted for the erection of an above ground plant enclosure to serve below ground sewage pumping station on immediately adjacent land.

15/00098/MOUT Permission refused for up to 79 houses July 22nd 2016. Appeal in progress.

### **3.0 ENVIRONMENTAL IMPACT ASSESSMENT**

When the previous application was considered, it was screened in relation to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Local Planning Authority confirmed that the proposed development was not of a type described in Schedule 1 of the Regulations. It was determined however that the development *did* fall within Category 10B of Schedule 2 of the regulations, and as such it was necessary to screen the development to determine whether significant environmental effects were likely, and hence whether an environmental assessment was required. The Local Planning Authority subsequently determined that the proposed use would be of a significantly greater scale, and different in nature than the previous agricultural use. Furthermore, it is within the vicinity of Sutton Grange Barn, which is a grade II listed building. The Local Planning Authority considered that the development site formed a sizable element of the context in which Sutton Grange Barn is experienced, and contributes to its distinctive identity. The application for the houses would substantially change the rural surroundings of the listed building, and affect the link between the historic use of the barn and its functional relationship with the rural landscape. This change would be permanent and irreversible.

Accordingly, the Local Planning Authority resolved that an Environmental Assessment was required.

The Applicants however challenged this decision and sought a screening direction from the secretary of State. The Secretary of State did not however consider that the proposal is likely to have significant effects on the environment for the following reasons:

*The proposal subject to the screening request is relatively small scale at only up to 90 dwellings on agricultural land and its impacts will not be of a magnitude or complexity such as to indicate that there are likely to be significant effects. there would be traffic, emissions, noise and light impacts but they are not considered to be significant. the site is not part of an area protected under international or national legislation for its ecological, landscape, cultural or*

*other value. It lies within 2km of the River Derwent SAC/SSSI. Taking into account the distance from the site and the intervening developments, the Secretary of State is not persuaded that the proposal would undermine the attributes for which this has been identified to suggest that a significant environmental effect is likely.*

*There is a screening direction request for a linked proposal of up to 10 residential dwellings on an adjacent site, though the submitted planning application is for up to 8 dwellings. The proposals together are relatively small scale at a maximum of 100 dwellings and taking account the potential cumulative impacts the effects will not be significant. A Grade II listed building lies to the north west of the site and the setting of the barn and the surrounding area may be affected by the project. A heritage assessment provided as part of the supporting documentation states that the barn is currently being converted to domestic use, with additional new build residential properties within the asset's curtilage. Taking into account the size and location of the development it is not considered that the setting or surrounding area of the historic asset would be affected to the extent that a significant environmental effect is likely and an EIA is not warranted. It is noted that this determination by the Secretary of State relates to the provisions under the Environmental Assessment Regulations only, and does not pre-judge the material planning considerations.*

Officers have screened the current application, and taking account of the secretary of states determination on application 15/00098/MOUT have determined that it is not EIA development.

#### **4.0 PLANNING POLICY CONTEXT AND DECISION TAKING PRINCIPLES**

- 4.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that 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 development plan unless material considerations indicate otherwise.

The development plan for the area of Ryedale (not within the North York Moors National Park) consists of:

- The Ryedale Plan – Local Plan Strategy (2013)
- The Helmsley Plan (2015).
- ‘saved’ policies of the Ryedale Local Plan (2002) and the 2002 Proposals Map
- The Yorkshire and Humber Plan (Regional Spatial Strategy), York Green Belt Policies (YH9 and Y1)

- 4.2** Primary legislation places specific statutory duties on planning authorities:  
Section 66 of the **Planning (Listed Buildings and Conservation Areas) Act 1990**, requires in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 40(1) of the **Natural Environment and Rural Communities Act 2006** (the ‘NERC’ Act), imposes a duty on public authorities in exercising their functions, to have regard to the purpose of conserving biodiversity.

All public bodies are required to comply with the rights and freedoms of the European Convention on Human Rights under the provisions of the **Human Rights Act (1998)**

### **4.3 Development Plan**

**4.3.1** None of the remaining 'saved' policies of the Ryedale Local Plan or the Yorkshire and Humber Plan are considered to be relevant to the assessment of this application, with the exception of the 'saved' development limits in accordance with Policy SP 1 of the Ryedale Plan - Local Plan Strategy.

**4.3.2** The Ryedale Plan – Local Plan Strategy (LPS) was adopted 5th September 2013, and therefore provides recently adopted development plan policies which are compliant with national planning policy (the National Planning Policy Framework – NPPF). The current Proposals Map is the 2002 adopted Proposals Map.

**4.3.3** The LPS contains strategic policies to manage development and growth across Ryedale to 2027. It seeks to integrate the need to address development needs whilst protecting the environment and landscape and securing necessary improvements to services and infrastructure. The Plan directs most new development to the Market Towns and recognises that green field extensions to the Towns will be required to address development needs. It confirms that as part of this strategic approach, Malton and Norton will be the primary focus for growth over the plan period and that within this, a greater focus (albeit not exclusive) will be placed on locating new development at Malton.

**4.3.4** The following policies of the Ryedale Plan – Local Plan Strategy are relevant to the assessment of the application:

Ryedale Local Plan Strategy - adopted 5 September 2013 ( Ryedale Plan)

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 SP11 - Community Facilities and Services (In respect of public open space)

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP15 - Green Infrastructure Networks

Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP18 - Renewable and Low Carbon Energy

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

### **4.5 National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)**

**4.5.1** The NPPF provides national planning policy and is accompanied by practice guidance. Both are significant material planning considerations. The NPPF makes it clear that it is the purpose of the planning system to contribute to the achievement of sustainable development. The Framework makes it clear that there are three dimensions to sustainable development which give rise to the need for the planning system to perform an economic role, a social role and an environmental role. The Framework establishes a set of core land-use principles to underpin the planning system within its overarching purpose of contributing to the achievement of sustainable development which include that planning should:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs



- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

**4.5.2** Where specifically relevant to the application, the policies of the NPPF are referred to within the appraisal section of the report. Predominantly, but not exclusively, this includes those policies which cover the following:

- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- requiring good design
- promoting healthy communities
- Conserving and enhancing the natural environment.

#### **4.6 The Presumption in Favour of Sustainable Development**

**4.6.1** Both the Development Plan and the National Planning Policy Framework include policies which promote a presumption in favour of sustainable development to be applied in the decision making process alongside the legislative requirement that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 11-16 of the National Planning Policy Framework details how the presumption in favour of sustainable development is to be applied. Paragraph 12 of the NPPF makes it clear that;

*“Proposed development that accords with an up to date Development Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise”.*

**4.6.2** Paragraph 14 specifically confirms that a presumption in favour of sustainable development is at the heart of the NPPF and should be seen as a golden thread running through plan-making and decision taking. It states that for decision- taking this means (unless material considerations indicate otherwise)

- *“approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission 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 the framework indicate that development should be restricted.”*

**4.6.3** Policy SP19 of the Local Plan Strategy is consistent with the above national presumption but makes specific reference to the Local Plan and Neighbourhood Plans; working proactively with applicants and clarifies the application of the second bullet of the national presumption. It 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 of 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”*

#### **APPRAISAL:**

The main considerations in relation to this application are:

- The principle of the proposed development.
- Impact of the development on the significance of the heritage asset.
- Highway Considerations including vehicular access, pedestrian, and general highway safety;
- Accessibility and sustainability
- Landscape appraisal
- Ecological
- Drainage considerations
- Arboricultural assessment
- Archaeology
- Affordable Housing provision;
- Drainage;
- Neighbour impact.
- Designing out crime;
- Potential ground contamination;
- Design considerations
- Impact of development on the racing industry
- Public Open Space; and
- Developer contributions.
- Air Quality
- Contributors
- Community Infrastructure Levy

#### **Principle of Development**

As detailed above, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate

otherwise. The site is not allocated in the development plan for residential development and falls outside the development limits for Norton.. The principle of development will be established by taking account of the relevant policies in the development plan, together with all other material considerations.

## **Housing Supply**

Policy SP2 (Delivery and distribution of new housing) of the Local Plan Strategy commits the authority to the identification and maintenance of a supply of deliverable housing sites sufficient to provide five years worth of housing against the planned annual requirement of 200 homes per annum. The policy also commits to the provision of an additional 20% supply of housing land (the equivalent of 200 homes over a five year period). The policy is framed to reflect the requirements of national policy (paragraph 47 of the NPPF) which requires Local Planning Authorities to identify and maintain a five year supply of deliverable housing land with an additional supply buffer to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

7.2 The NPPF states (paragraph 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. It makes it clear that if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the NPPF confirms that for decision making, the presumption in favour of sustainable development means:

- *“approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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”*

7.3 Currently Ryedale can demonstrate that it has a five year supply of deliverable housing sites. At 31<sup>st</sup> March 2016, a total net supply of 1442 plots with planning permission existed, together with land allocations (Helmsley Plan), with a potential capacity of 95 units. This gives a total 'raw' housing supply of 1537 plots which equates to 7.69 years supply, (based on the planned housing requirement of 200 per annum). The recent SHLAA Part 1 update (May 2016) illustrates that from this 'raw' supply, 1158 new homes will be delivered over the next five years. This equates to 5.8 years worth of deliverable housing supply, based on the planned housing requirement of 200 units per annum.

7.4 Members are aware however, that the ability to demonstrate a five year deliverable supply of housing land is not in itself a reason for the refusal of a planning application. Indeed, at Planning Committee on May 10<sup>th</sup> 2016. Nevertheless, it is considered that the ability to demonstrate a five year deliverable supply has the effect that there is no immediate need to release a site on the basis of housing land supply against the context of paragraph 49 of the NPPF.

## **8.0 LOCATION OF DEVELOPMENT**

8.1 Policies SP1-(General Location of Development and settlement Hierarchy) of the Local Plan Strategy identifies Malton and Norton as a Primary Focus for Growth. Pickering, Kirkbymoorside and Helmsley are identified as a secondary focus for growth together with a number of identified Service Villages as a tertiary focus for growth. Policy SP2 (Delivery and Distribution of new housing), identifies that at least 3000 new homes will be managed over the period 2012-2017 to this hierarchy of settlements. The Council is in the process of preparing the Local Plan Sites Document and public consultation on preferred sites took place in November 2015. However it is not at an advanced stage, and the anticipated publication of the plan (May 2016) will be delayed towards the end of the year.

8.2 Policies SP 1 - General Location of development and Policy SP 2 - Delivery and Distribution of Housing are key to the considerations in relation to the location of the site for residential development. Policy SP1 identifies Malton and Norton as a primary focus for growth. In relation to the section in the plan on guiding development at the towns, the following principles of relevance in the explanatory text (p35) include:

- Retaining the compact and accessible traditional market town 'feel'
- Ensure development is sensitive and responsive to different historic character areas
- Higher density development in and to the Town Centres with lower density family housing in less central locations
- Creating sensitive new edges to the towns and repairing existing edges as they abut open countryside.

8.3 Policy SP2 (Delivery and Distribution of new housing), identifies the sources of new housing that will contribute to the supply of new homes across the District. The part of the policy that relates to delivery in Malton and Norton is 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 Policy SP3
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate

8.4 Whilst it is noted that the greatest focus is on locating development in Malton, the plan does not preclude the development of sites in Norton, including greenfield sites adjacent to the built up area. Furthermore Malton/Norton comprises Ryedale's principal town and primary focus for growth.

It should be noted that reference to housing land allocations in Policy SP2 is because the anticipated supply of housing is to be made through residential allocations through the sites document. Whilst the site allocations document is still at an early stage, and can only be given limited weight at this time, the key strategic locational principle equally applies to speculative proposals in advance of the site allocations reaching an advanced stage.

8.5 The south western edge of Norton is currently formed by residential development on Heron Way, Millside and Barley Close. To the immediate south of this, planning permission has been granted for the erection of 8 single and one and a half storey dwellings in a linear location.

8.6 The red line that de-lineates the north boundary of the application site (shown on Dwg Development Framework Plan -6283-L-03b rev K) is situated approximately 120m from the nearest dwelling. It is also of particular relevance that there is a group Tree Preservation Order on land to the immediate south of the existing built up edge of Norton. A separate application has been submitted by the same applicant on land to the south of the driveway that serves Sutton Grange Barn. That application seeks outline permission for up to 6 houses. Whilst many of the same documents have been submitted for both applications, the applications are independent. Accordingly the small site cannot be used to demonstrate that this application site is contiguous with the built up area of Norton. An application for development on the smaller site may have been submitted, but the houses have not been built.

In addition, the application on the adjacent site seeks permission for a limited number of up to 6 houses in an attempt to take account of the impact of the proposed development on the setting of Sutton Grange Barn which is Grade II listed. (Ref 96/32/GB) In addition, the Tree Preservation Order (TPO) extends to approximately 50m along Langton Road. The mature trees included in the TPO strengthen the feel of separation between the existing built up area and the open countryside ( that comprises the application site) to the south. Whilst it is noted that the built development on the opposite side of the road extends further south, it is considered that the trees form a significant visual end stop to the town. The views of the approach to Norton, will be examined in more detail in the section of the report on the Landscape Visual Impact Assessment.

8.7 The Ryedale Plan - Local Plan Strategy includes principles for guiding development of the towns, (page 34 onwards). These are detailed above, however two key points that should be considered in relation to the applications area:

- *retaining the compact and accessible traditional Market Town Feel*
- *Creating sensitive new edges to the towns and repairing existing edges as they abut open countryside.*

During consideration of the previous application on the site, officers raised concerns regarding the value of the site at the end/approach to Norton. At that time the applicant responded to officers concerns and included the following points:

- *It is noticeable from looking at Google maps that Norton includes a number of areas of public open space and larger green spaces including formal POS, amenity green space, sports recreation facilities, cemeteries, allotments and private gardens.*
- *The plan demonstrates that there are a number of existing 'green gaps' along street frontage in Norton including along Scarborough Road, Welham Road and Beverley Road as well as pockets of other green space dispersed throughout the town.*
- *Should Site B be developed independently of Site A, then site A would be read as a small area of green space in the context of existing development along Langton Road, as per other areas of existing green space in Norton.*

8.8 Nevertheless for the reasons articulated above, it is considered that Site A, together with the rest of the land within the area TPO, and the woodland wrapping around Sutton Grange Barn and house, and continuing alongside Mill Beck is very different in character to other areas within, and on the edge of the town. As such it is not just an 'incidental' parcel of land within an urban setting. It forms a significant landscaped buffer to the south of Norton which separates the application site, (Site B), from the rest of Norton.

Accordingly, it is considered that the development fails to comply with principles on guiding development at the towns, and conflicts with the element of Policy SP2 as the proposal would not be '*in and adjacent to the built up area*' of Norton.

## **9.0 IMPACT OF THE DEVELOPMENT ON THE HISTORIC ASSET**

9.1 The site lies within the vicinity of Sutton Grange Barn, which is a grade II listed building. (ref 96/32/GB) The development site forms a sizable element of the context in which Sutton Grange Barn is experienced, and contributes to its distinctive identity. The application for the houses would substantially change the rural surroundings of the listed building, and affect the link between the historic use of the barn and its functional relationship with the rural landscape. This change would be permanent and irreversible. The Council's Building Conservation Officer was fully involved in the consideration of application 15/00099/MOUT and objected to it. She has been consulted on the current planning application and has responded as below.

*This application is a re-submission of a previous application which is the subject of a forthcoming public enquiry. There are no changes from the appeal application therefore I attach my Proof of Evidence from the appeal scheme and my previous consultation response as this covers the issues arising. For the avoidance of doubt and for clarity, I have identified that this proposal would not preserve the setting of the Grade II listed Sutton Barn or the Non Designated Heritage Asset of Sutton Grange. According to the NPPF the level of harm identified should be assessed as being as 'substantial' or 'less than substantial'. In this case, I have identified the level of harm as 'less than substantial'. This according to the NPPF should be weighed against the public benefits of the scheme. Whilst I do not consider that there are any heritage benefits to the proposal, it is for the decision maker to determine whether any other planning benefits outweigh the harm.*

9.2 For information, her proof of evidence is available to view on the Councils' Public Access Website. However her response to application 15/00098/MOUT remains relevant in relation to the current application.

### 9.3 **Objection**

*Further to my consultation response of 17th March 2015 please find below my comments responding to the additional information submitted by the applicant. The additional submitted information is:*

- *a revised Heritage Statement,*
- *a revised Design and Access Statement*
- *a revised Development Framework Plan*
- *a revised description reducing the number of units from 85 dwellings to 79 dwellings.*

*Written confirmation from the applicant confirms that the revised Development Framework Plan forms part of the planning application and therefore shows the developable area. The revised Heritage Statement is a supporting document but includes references to aspects in the Design and Access Statement that are for information only.*

*I note that Historic England guidance on the Setting of Heritage Assets has been updated since my initial consultation response. I am happy that the guidance, as the applicants' revised Heritage Statement suggests, is largely a continuation of the philosophy and approach of the 2011 Settings document and does not present a divergence in either the definition of setting or the way in which it should be assessed. In this respect therefore my previous response is still relevant.*

*I note that new information in the applicants revised Heritage Statement includes that the extended setting of the barn is 'positive in its contribution to the significance of the barn particularly in regard to the functional association with the surrounding agricultural fields' 3.3.11. I welcome, and would agree with this analysis for the reasons as set out on my previous consultation response, however I would disagree with the applicants in respect of the degree of contribution that the wider (extended) landscape setting provides. In my opinion, for the reasons set out in my earlier consultation response, the wider landscape setting can be given equal weight to the immediate setting, (as opposed to the applicants belief that it is secondary).*

*Previously, due to the lack of information submitted, it was not possible to adequately form an assessment of the impact that the proposal would have. The Development Framework Plan has been submitted in order to provide clarification on some of the aspects of the development. It indicates a landscape buffer of c.50m to the north-western edge, southern edge and western edge of the site. The revised application description now indicates up to 79 dwellings down from 85.*

**Analysis of the Proposal and its impact on the setting and significance of the listed building.**

*I still consider that harm will be caused by the fact of developing this field and I strongly object to this proposal. In my opinion the development site forms part of the wider agricultural setting of the listed building and links the function of the barn with the landscape. At present the field is undeveloped, green and rural. In my opinion the intrinsic rural agricultural qualities of the extended setting of the barn will be harmed by the effect of removing part of the rural landscape and its replacement with housing. The change in land use from agricultural to housing will be a high magnitude of permanent change and sever the link between the barn and its functional use. The barn will be subsumed in a swathe of housing development and be left as an island in an unfortunate degraded suburban landscape.*

*The large scale of development in terms of area and the large number of houses will have a suburbanising effect on the landscape. In addition, when taken in conjunction with Site A, there will be a cumulative harmful effect that will see the eastern and southern landscape around the heritage assets being impacted to a very major extent. This large scale of development and extent of permanent change will sever the link between the barn and its wider landscape setting. In addition, the density of development shown will result in a suburban/urban form that does not respond to the rural location of the site.*

*I am of the opinion that the wider landscape setting of the listed building will not be preserved by this development and that harm will be caused. The Planning (Listed Building and Conservation Areas) Act 1990 requires under Section 66 that the Local Planning Authority shall have special regard to the desirability of preserving the (listed) building or its setting.*

*According to the NPPF the harm identified should be assessed as being 'less than substantial' or 'substantial' in degree. In my opinion this proposal can be assessed as having 'less than substantial harm'. This judgement has taken into account that the fabric of the listed building will not be directly affected, the retention of the immediate designed setting, the distance from the listed building and the mitigating landscape buffer. According to the NPPF, this harm should be weighed against the public benefits of the scheme. For avoidance of doubt, it is clear in recent rulings that 'less than substantial' harm does not equate to a less than substantial planning objection (Barnwell).*

- 9.4 Policy SP12 (Heritage) aims to conserve and where appropriate, enhance the distinctive elements of Ryedale's historic environment. In particular, Policy SP12 seeks 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 as well as surrounding historic landscape character and setting of the individual settlements. Policy SP12 also requires historic assets and their settings to be conserved. Proposals which will result in less than substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm to the asset. The full text of Policy SP12 is appended.
- 9.5 In view of the above assessment, the proposed development fails to preserve the setting of the listed building. Recent decisions in the Courts, (including Barnwell Manor and the Forest of Dean) make it clear that the finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. In effect, a statutory presumption exists in favour of the preservation of a listed buildings setting. These judgements also serve to remind Local Planning Authorities that the desirability of preserving the settings of listed buildings enmeshed in The Planning (Listed Buildings and Conservation Areas) Act 1990 should be given considerable importance and weight in the planning balance exercise (para 134 of the NPPF), which is to be undertaken where the harm is identified to a designated heritage asset as in this case. The development

of the site is contrary to the requirements of Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy.

## **10.0 Archaeological Evaluation**

- 10.1 The previous application was initially accompanied by a desk based archaeological evaluation. The County Archaeologist, was consulted on the application and advised that significant Romano -British activity is recorded along Langton Road, including cremation burials. It was therefore recommended that a scheme of archaeological evaluation be undertaken to identify and describe the nature and significance of any surviving archaeological remains. Accordingly, a programme of evaluation trenching was carried out.
- 10.2 The evaluation results over ten trenches indicate that there are two phases of archaeological activity represented on site, with the focus of Romano-British activity on the lower terrace and medieval activity on the upper terrace. Artefacts recovered include Romano-British 2nd to 3rd century AD, and medieval ceramics, small bone, small quantities of fired clay, ironworking slag and ceramic building material. The County Archaeologist formally raised no objection subject to recommended conditions including a requirement for a scheme of archaeological recording. During consultation on the current application, the previous response is re-iterated.

## **11.0 Landscape and Visual Impact Assessment**

- 11.1 The application is accompanied by a Landscape Visual Impact Assessment (LVIA) which is a combined report for this site and the land which lies to the south. (See application 15/00098/MOUT).

The report is available to read in full on the Council's public access system. It is based on guidance contained within the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) published by the Landscape institute and the Institute of Environmental Management and Assessment, April 2013. There are two components which are:

- *Assessment of landscape effects; assessing effects on the landscape as a resource in its own right and;*
- *Assessment of visual effects; assessing effects on specific views and on the general visual amenity experienced by people.*

*The LVIA states Site B comprises a medium sized field which is also grassland. The southern edge of Site B has Mill Brook running along it, which includes a corridor of scrub vegetation and trees associated with the brook. Sutton Grange and Sutton Farm are located to the northwest. The sites are at Approximately 25 metres AOD. The land falls towards Mill Beck along the southern boundary of Site B.*

The land rises steadily to the south of the site approximately 1.4km to the south of the sites, a local ridge line at Sutton Wold rises to 80m AOD and is the most prominent ridge line within the local landscape.

- 11.2 The LVIA states that the sites fall adjacent to the boundary of 3 landscape character areas including the Howardian Hills, Vale of Pickering and Yorkshire Wolds. The close proximity of these character areas to the site suggest that the site lies within somewhat of a transitional area drawing on a variety of characteristics. The report assesses the visibility of the sites using a series of key viewpoints from nearby settlements, properties, or local lanes, footpaths and roads.



11.3 The submitted LVIA is very detailed and it is impractical to include all the assessment and findings in this report. However the report does provide a number of conclusions which include the following;

- There are few peripheral residential receptors with direct views across the proposed developments. These are properties on Langton Road and Bazeleys Lane which either back onto the sites eastern and south eastern boundaries, from where there are views towards both sites. Properties on the opposite side of Langton Road adjacent to both sites eastern boundaries have partial views and are seen within the context of the main road and above a mature hedge. At year 1 effects assessed as Moderate Adverse.
- Views from properties within wider area are restricted by intervening landform and vegetation with generally only the tall features visible. Residents of a small number of properties within the wider landscape surrounding the sites, Whitewall, Welham Road, Millside and Hunters Way, parts of the proposed developments are only partially visible and seen in the context of existing views of the properties on Langton Road and the edge of Norton. At Year 1 assessed as Minor Adverse decreasing as landscaping matures to Negligible in year 10.
- No public footpaths within or directly adjacent to the sites although Langton Road and Bazeleys Lane both have footpaths along them. Views from these Locations are seen with differing amounts of vegetation or in context of Norton. Effects Moderate or Moderate /Minor
- To south of site, a public footpath runs over local ridgeline towards Langton. This runs over the higher ground adjacent to the southern edge of site B. Direct views towards the sites are restricted due to blocks of woodland and topography. Visual effects assessed as Negligible.
- Public Footpaths and bridleways to east of sites are within a ground level similar to both sites. Visual effects assessed as Negligible.
- National cycle route 166 runs along Bazeleys Lane adjacent to the southern boundary of Site B. Visual effects assessed as Minor.
- In terms of road users, there are restricted views towards the sites from Langton Road to the east. Development is beyond a wide verge and mature hedgerow. Visual effects in year 1 assessed as Moderate Adverse. Year 10 reduced to Moderate/Minor adverse as landscaping matures.
- Limited views towards the sites from Bazeleys Lane. Proposed development beyond hedgerow and mature trees. Moderate/minor adverse
- glimpsed views from minor estate roads to edges of sites Minor adverse.
- the roads on slightly rising land to the south are beyond intervening rows of mature hedgerows etc. Negligible.
- Places of work summary: The local landscape of this area is populated by many race horse stables. Some farm buildings are also located to the south of the sites. Views towards sites limited. Assessed as Negligible.

11.4 The Local Planning Authority, has commissioned an independent Landscape Visual Impact Assessment and this concludes:

*The proposed development on both sites will have a major significance on landscape character at the site level during construction, year 1 and year 10 and beyond. During construction adverse effects on landscape character would arise from the presence of construction activity forming a dominant influence on site character and change in land use from rural to construction activity. Unlike the completed buildings, construction effects would be both reversible and of short duration but the significance on landscape character of the sites would be major. In year 1 (post construction) housing would occupy the majority of both sites and represent an extensive complete change in character and land use at the site scale. These changes would be permanent and irreversible and of major significance. Similarly trees/hedges as mitigation planting or landscape infrastructure within the sites would be*

*partially mature by year 10 and contribute to reduction in effects on character from the built form. However, the primary effects on landscape character would remain as described for year 1 and represent an irreversible change in the baseline character of major significance.*

*Effects on wider character of LCA 5 Limestone Ridge LCA would be of minor significance, reflecting the localized extent of change.*

*The significance of change in landscape character is therefore predominantly at the site scale, affecting land which is atypical of the wider landscape, of high quality and which in conjunction with cultural heritage value and evident time depth in the landscape, would be particularly harmed by housing of the scale envisaged. The characteristics of the sites - evident in photo viewpoints 4 and 6 is such that these sites which are locally important and of particular high sensitivity in comparison with, for example other land in close proximity (for example to the east of Langton Road). The change in character would affect both the sites themselves and as explained by Ryedale District Council's Conservation Officer "the wider setting of the barn and house would not be preserved". The landscape assessment reinforces that view.*

*Viewpoints significantly affected by the proposed development are all within relatively close proximity and include locations on the edge of the Wolds AHLV adjacent to Bazeleys Lane.(VP1 and VP2). Based on the site survey Bazeley's Lane is assessed as a recreational assets as a result of its quiet character and limited traffic usage. Although the sites themselves are not crossed by a PROW, the footpath/bridleway along Langton Road are immediately adjacent to the site and are well used due to the proximity of the edge of Norton on Derwent and eases of access to open countryside, including the Wolds AHLV, Both pedestrians and horse riders (which are particularly prevalent in this area) experience close range views of Site B (represented by VP4 and VP6) which form a valuable part of the transition between the urban/rural environment and which would experience change of major significance.*

*Overall the proposed development would have a major significance on visual amenity at Viewpoints , 4 and 6 but limited non-significant effects from the wider landscape.*

*The significant landscape and visual effects identified in this LVIA will require weighing in the planning balance against other benefits of the proposed development.*

- 11.5 This conclusion demonstrates that the LVIA submitted by both the applicants, and the Council's Landscape consultant concur that the impact of the proposed development on the wider landscape character areas, will be of minor significance. However the Councils consultant places greater emphasis on the intrinsic character of the site, and the importance that the sites, including the woodland, make to the setting of Norton, and its importance as a visual end to the town.
- 11.6 The sites are distinctly rural in character and provide an attractive 'soft' setting to the approach to Norton. The wider area is characterised by low lying intensively farmed land use and racehorse paddocks or gallops. Whereas the application sites form an irregular pocket of pastoral land use. It is surrounded by an area of woodland to the north. It is considered that the site is not representative of much of the countryside around Norton which tends to be relatively flat and open. It is considered that the area has a unique character not typical of other parts of the area. The woodland wraps around the northern part of the site, and is viewed together with the woodland which is situated to the immediate west of Sutton Grange Barns and continues in southerly direction following the course of Mill Beck. The site is irregular in shape, and falls gently towards Mill Beck. This irregularity, together with the surrounding mature trees gives the site an intimate feel that is relatively unique in this part of Ryedale. Whilst it is accepted that there are no public footpaths crossing the site, a double footpath runs along the site frontage. This affords views of the site during the winter, and through field gates during the summer months. As stated earlier, the fact that the direct views into the site are not constant can add to the enjoyment of the view. The relatively unchanged nature of the

site without regular field boundaries is such that the perception of those viewing it whilst walking or on a horse is that it has remained relatively unchanged in the last 200 years. This is in contrast to the opposite side of Langton Road where there is a strong edge to the rear of houses on Langley Drive, together with regular bounded ploughed fields. Indeed this 'unique' setting has been referred to in many of the letters of objection.

- 11.7 The development of the site would therefore harm this very attractive approach to the town. Whilst the mature hedges and many of the trees will be retained, the character would be significantly eroded. The houses would be visible, and create an urbanisation of the area. This would be exacerbated by the formation of the access, and the comings and goings by construction vehicles during the length of the build, and cars and other vehicles afterwards. Given the distance of the site from many services and places of employment, it is likely that there will be a significant number of vehicular movements.

Furthermore, on leaving Norton in a southerly direction, the woodland creates a very attractive visual buffer that informs the approach to the countryside. If the application site is developed beyond this area, it will harm individual's appreciation of leaving the town to enter the countryside. It is noted that a significant number of objectors have referred to the character of the area which will be lost by the development. (All 3rd party letters can be viewed on full on the Council's website).

- 11.8 It is acknowledged that the Development Framework Plan includes large areas of green infrastructure and the retention of most existing trees and hedging. The retention of such landscaping and the provision of green infrastructure is welcomed. Nevertheless, the proposal would result in the loss of this area of land which has significant intrinsic value and it would harm the character and appearance of this very attractive approach to Norton, which is typical of the area. Policy SP13 (Landscapes) requires quality, character and value of Ryedale's diverse landscapes to be protected and enhanced. In terms of landscape character, Policy SP13 requires development proposals to contribute to the protection and enhancement of distinctive elements of the landscape 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.

As such the development of this site is contrary to the principles of Policies SP13 - Landscapes and SP20 - Generic Development Management Issues of the Ryedale Plan-Local Plan Strategy.

## **12.0 Ecology**

- 12.1 The site is not subject to any statutory designations in relation to nature Conservation. However, the Mill Beck forms the south western boundary of the site which runs into the River Derwent. The River Derwent is a Special Area of Conservation, (SAC) and is also designated as a Site of Special Scientific Interest, (SSSI). The SAC designation is because the river hosts River Lamprey, Bullhead, Otter and Sea Lamprey. The river also hosts a variety of aquatic flora. Within the SSSI designation, the river is noted for its range of invertebrates, fish and breeding bird species. One further SSSI is situated at Three Dykes which is a small ancient earthwork of parallel ridges and hollows supporting a species-rich Jurassic Limestone grassland flora. A Site of Importance for Nature Conservation, (SINC) is identified on Bazeleys Lane. This is 150m to the south of the survey area.

- 12.2 An extended Phase 1 Habitat Survey was undertaken in August 2014. The application site was largely fallow arable, although the southernmost area comprised semi-improved grassland. Woodland, hedges and trees were surveyed as part of this, including a bat survey. Surveys did not find any evidence of Otters, Great Crested Newts, Water Voles or White Crayfish, or Bats, however Bullhead were recorded at Mill Beck. The applicants have updated their protected species surveys to accompany the current application. Natural England have been consulted on this report and have not raised any objection.
- 12.3 The grassland and arable land within the site was considered to be of negligible value. Greatest value was placed on the hedgerows, Mill Beck, woodland scrub and mature trees. The access to the site will pass through a hedge. The report identifies that all hedgerows on the site are dominated by native species and are therefore a habitat of principal importance. However none of the hedgerows were deemed to be important under the wildlife and landscape criteria of the Hedgerow Regulations 1997. The non technical summary of the submitted surveys concludes that providing surface water discharged into Mill Beck is of a suitable quality, then the development is unlikely to have any significant impact on the designating features of the River Derwent SAC or the SSSI. It is further concluded that hedgerows should be retained, except where required to form the access, and new planting should aim to use locally native species and create three dimensional structure. Woody vegetation should not be removed in the bird nesting season.
- 12.4 The Council's Countryside Officer has considered the submitted information, and has confirmed that there will not be an impact on protected species. There is some potential impact on Bullhead, and common birds, however any loss of habitat can be compensated for by the replacement and management of habitats. Natural England has also advised that if carried out in strict accordance with the submitted details the development will not damage or destroy features. If Members are minded to approve the application it is recommended that conditions be imposed in relation to hedge retention, improvement to existing hedgerows, additional native species planting with protection from lighting spill, foul drainage to discharge to main sewer, biodiversity, silt trap/attenuation basin, biodiversity enhancement, protection of birds during breeding season, and the control of Himalayan Balsam.

### **13.0 Arboricultural Considerations**

- 13.1 The application is accompanied by an updated (March 2016), arboricultural report. The applicants confirmed that whilst the application is in outline, with only access for consideration at this stage, the Development Framework Plan forms part of the application. This plan shows a developable area of 2.39 hectares, and green infrastructure (including POS) of 1.26 hectares. The majority of the trees on this site are situated around the perimeter of the site, and the plan demonstrates that such areas will be retained. To facilitate the access into the site, sections of hedgerow on the eastern boundary of the site would require removal. However there is potential for replacement planting of hedgerows adjacent to the access road. The Council's Tree and Landscape Officer has not objected to the development in respect of arboricultural matters, and has recommended conditions to include the requirement for a plan and schedule of all trees and shrubs on the site and on adjoining land, together with a statement for the implication of trees on the site. It is noted however that the hedging to the front boundary of the site, is defined by a mature hedge, which is currently outgrown. It is of note that most of the year the hedge is clipped. There are also some trees opposite the junction to Langley drive in a small copse. The plan shows their removal, and whilst it is not considered they have any significant amenity value individually, they do add to the 'soft' landscaped setting of this approach to Norton. The development of the site, is likely to result in pressure for the hedge to be maintained as a formal lower clipped hedge due to the proximity of houses along the frontage of the site. This will add to the change in character on the approach to Norton.

#### **14.0 Potential ground contamination**

- 14.1 The application is accompanied by a desk study. This assesses the potential land contamination of the site. The report identifies that the agricultural fields that comprise the site have remained largely undeveloped since approximately 1851. As such risk to end users is low. The report does however recommend an analysis of soil and groundwater to confirm this. In addition, monitoring of ground gas on the site is recommended due to the potential infilling of nearby historic quarries and gravel pits. This would be the subject of conditions should permission be granted. The Council's Environmental Health Officer concurs with this recommendation.

#### **15.0 Designing out Crime**

- 15.1 The National Planning Policy Framework (NPPF) states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. This is taken further in the National Planning Policy Guidance which states "Designing out crime and designing in community safety should be central to the planning and delivery of new development. The Police Designing Out Crime Officer has been consulted on the current application. He has raised a number of observations on considerations to be taken into account in the consideration of the layout. However in the absence of a detailed layout is unable to provide detailed comments, but will assess any detailed design submission against the observations made.

#### **16.0 Drainage**

##### **16.1 Flood Risk Assessment**

The site lies within flood zone 1, which is defined as having an annual probability of fluvial flooding of less than 1 in 1000 in any one year. There is some localised surface water flooding associated with topographical low points, however this will be mitigated by the location of the Strategic green areas and public open space. The report acknowledges that the SFRA for the area indicates that the sites are designated as within a Critical Drainage Area and sensitive to change. Furthermore rising groundwater and springs have caused localised flooding in the past. Accordingly foundations should be constructed when groundwater is suitably low, or controlled through dewatering, and designed such that the damproof membrane is raised above expected peak groundwater levels. The detention basin may need to be lined to mitigate the potential impact of rising groundwater.

##### **16.2 Surface Water Drainage**

The submitted surface water drainage strategy advises that surface water drainage from the site will be controlled to mimic pre-development run-off rates, and will then discharge into Mill Beck. The following design philosophy is proposed:

- Surface water discharge into the local watercourse at the lower point of the site at a controlled rate
- prevention measures by the inclusion of water butts
- source control measures such as permeable paving
- site control features, in the form of an open detention basin, to accommodate surface water run-off generated by the site
- limit where possible the impermeable fraction of the site.

Detention basins remain dry during periods of low rainfall and are located to receive runoff from conveyance systems prior to discharge into the watercourses/ditches at controlled flow rates. Basins can be sized to allow storage of excess flows until they can drain. Discharge will

generally be controlled via vortex flow control device or reduced sized orifice plate as appropriate. Essentially this works on the basis of a large pipe into the basin, and a small pipe out. The size of the basin will be dependent on detailed calculations of runoff from the development. It is understood that the size of the detention basin will vary, dependent on the volume of water that is required to be stored. It is noted that infiltration tests for soakaways have been carried out on the site. This demonstrated that infiltration is a viable SUDS technique on parts of the site, although unsuitable elsewhere. This is in particular in respect of part of the site that are closer to Mill Beck.

Yorkshire Water Services, The Environment Agency, the Internal Drainage Board, and the County Council SuDS and Development Control Officer have been consulted on the planning application. None of these agencies have objected to the application. Yorkshire Water Services have recommended conditions and further state:

*The Drainage Strategy report prepared by Hydrock, report ref R/14531/002 issue 4 dated 12/02/2015 is satisfactory from Yorkshire Water's viewpoint. The report confirms surface water disposal via existing watercourse to the south of the site.*

The Environment Agency have no objection to the development.

*A letter has been received from one contributor who refers to "well documented problems with surface and ground water flooding, and this site's position adjacent to problematic Mill Beck." The letter further states that "it is imperative that drainage issues on this proposed development be addressed as a high priority and confirmed as of sufficient capacity. Should the development be approved, any balancing pond deployed must be appropriately sized to reduce the surface water runoff from the whole site to the required rate of not exceeding 2 litres per second per hectare on this green field site. Some of the required attenuation could be achieved by a condition requiring the adoption of suitable SUDS."*

These concerns regarding existing flooding problems that have occurred in Hunters Way, Norton (due to surcharging of the combined sewer) have also been raised by the Council's Environmental Health Officers. In view of this, Yorkshire Water Services and the Environment Agency were re-consulted and asked to take into account and respond in the light of the concerns raised. Nevertheless, they have not changed their formal responses. Accordingly, subject to mitigation referred to earlier in the report, it is not considered that existing drainage problems in the wider Norton area can be used as a sustainable reason to refuse the application.

### **16.3 Foul Drainage**

Foul drainage will drain directly to public sewers in Langton Road by means of a new gravity based network. Yorkshire Water Services have advised;

*Foul water domestic waste should discharge to the 375mm diameter public combined water sewer recorded in Langton Road, at a point adjacent to the site at a minimum of 10 metres from the rising main. From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network.*

Yorkshire Water Services has confirmed that the sewer in Langton Road has capacity to accommodate the development.

### **17.0 Air Quality**

- 17.1 An Air Quality Assessment (AQA) has been submitted on behalf of the applicants, Gladman Developments. The Council's Health and Environment Manager has been consulted on the application, and advises that the revised AQA is based on current significance criteria and

utilises the document 'Land Use Planning and Development Control: Planning for Air Quality published by Environmental Protection UK/Institute of Air Quality Management (May 2015). The report concludes there will be a negligible and not significant impact on concentrations of nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> at all fourteen existing sensitive receptors considered, 2021, with the development in place. Sensitivity analysis predicts that there will be a negligible and not significant impact on concentrations of NO<sub>2</sub>, at thirteen of the fourteen existing sensitive receptors considered, in 2012, with the development in place. A slight impact is predicted at ESR 8 (Castlegate). The sensitivity analysis predicts that there will be a negligible impact on concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> at all fourteen existing sensitive receptors considered, 2021, with the development in place. The predictions at the two proposed receptor locations within the site for all three pollutants are assessed at 2021, as been below the annual mean air quality objective and not considered to be significant.

- 17.2 The document 'Land -Use Planning & Development Control: Planning For Air Quality' advises that a particular concern of many local authorities is that individual developments are often shown to have a very small air quality impact, and as a consequence, there are few mechanisms available to the planning officer to require the developer to achieve lower emissions. This, in turn, leads to concerns about the potential air quality impacts of cumulative developments as many individual schemes deemed insignificant in themselves contribute to a 'creeping baseline'. The basic concept is that good practice to reduce emissions and exposure is incorporated into **all developments** at a scale commensurate with the emissions. The emphasis should be on mitigation measures rather than just on the modelled impacts. These proposed development together constitute major development and as such should include as a principle of good practice electric charging points and other means of mitigation at a level commensurate with the damage cost calculation as calculated within the AQA. This together with a detailed travel plan with ongoing monitoring, to protect and improve air quality, is consistent with the Council's Local Plan.

Local Plan Policy SP17, which refers to the protection and improvement of air quality is set out below:

*Air Quality will be protected and improved by:*

- *Locating and managing development to reduce traffic congestion and air pollution and promote the use of alternative forms of travel to the private car;*
- *Supporting measures to encourage non-car based means of travel or the use of low emission vehicles;*
- *Reducing air quality from buildings through renewable energy provision and sustainable building standards in line with Policy SP18;*
- *Requiring development proposals within or adjoining the Malton Air Quality Management Area to demonstrate how effects on air quality will be mitigated and further human exposure to poor air quality reduced. All development proposals within or near to the Air Quality Management Area which are likely to impact upon air quality; which are sensitive to poor air quality or which would conflict with any Air Quality Action Plan will be accompanied by an Air Quality Assessment;*
- *Only permitting development if the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured.*

- 17.4 In addition the requirements for mitigation are in line with the National Planning Policy Framework (NPPF), Para 35 of which includes:  
*- an overall need to reduce the use of high-emission vehicles.*

- 17.5 The applicants have stated within the submitted Travel Plan that they will provide one electric charging point for use by residents and the wider community. It is not considered that such a level of provision is consistent with National or local plan policy. Nor will it provide a reduction in emissions. Accordingly, the Council's Health and Environment Manager has recommended that if permission is granted it be subject to condition requiring the submission of a Travel Plan to promote alternatives to single car occupancy, one EV charging point per dwelling, and an emission mitigation package for the sites.
- 17.6 The applicants have, however, undertaken a Damage Cost Calculation in terms of air pollutant damage. This amounts to £17,939.00 and will be delivered via a Section 106 Agreement should Members resolve to approve the application.

## **18.0 Affordable Housing Requirements**

- 18.1 Policy SP3 of the Ryedale Plan - Local Plan Strategy requires provision of 35% of new dwellings as affordable housing on-site as part of sites of developments of 5 or more dwellings or 0.2 hectare. The change in policy as a result of Ministerial guidance does not affect a site of this scale. The applicants have advised that they aim to deliver the full policy compliant amount of affordable housing. Accordingly if a reserved application is approved for 79 houses, (the application seeks consent for up to 79 houses), there will be a requirement for 27.65 affordable houses.
- 18.2 The Council's Housing Services Manager has advised that provision should result in a 45% social rent, 45% affordable rent and 10% intermediate tenure (Discount for Sale). They have also advised that the site should deliver a number of two bedroom, three person bungalows as a proportion of the affordable for rent housing. It is recommended that the 0.65 of a house requirement be made as a commuted sum, based on a two bedroom house at market value less the transfer price. Members may be aware however that the Housing and Planning Act 2016 has introduced changes to the definition of Affordable housing to include starter homes. However until more detailed Regulations are released, the exact details and how they may effect the delivery of affordable housing is not known.

## **19.0 Access**

- 19.1 The application is in outline with all matters reserved with the exception of the access which comprises a single access point off Langton Road. The application is accompanied by a Transport Assessment and a Travel Plan. The Transport Assessment has taken account of the required visibility in relation to the proposed access road, and also the capacity of the wider area to absorb the additional traffic generated by the development. The Local Highway Authority has taken into account the Transport Assessment submitted by the applicant. The proposed access arrangements onto Langton Road are considered satisfactory allowing for both the required visibility and adequate capacity to serve the proposed site. The site access should be formed as a transition road or alternatively the internal road layout should allow for provision of an emergency link.
- 19.2 The impact on the wider road network has been assessed by the applicant and capacity modelling undertaken at key junctions. During the peak periods less than 10% of traffic from the proposed development is expected to leave/arrive to the south of the site which equates to less than 10 trips. During the am peak hour 6 trips are predicted to turn right out of the site and although some will continue south along Langton Road, some of these trips are likely to use Bazeley's Lane. However existing traffic volumes on Bazeley's Lane are not expected to change significantly as a result of the development.



- 19.3 To mitigate the impact of additional traffic heading towards Norton and Malton town centres it is proposed to seek a contribution from the applicant to fund a Travel Plan which will aim to reduce car trips from the site and promote alternative means of transport. Funding for additional traffic management measures in Malton and Norton is also recommended to implement schemes aimed at improving safety and removing trips from the Air Quality Management Area.
- 19.4 There are no highway authority objections to the proposed development.
- 19.5 The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant.
- a contribution towards improved warning signs in the vicinity of the site.
  - a contribution towards the travel plan
  - a contribution towards junction and traffic management improvements in Malton and Norton.

Members will be updated at their meeting on the required amount.

- 19.6 These measures are aimed at mitigating a defined capacity problem, and impact on the AQMA. However the sustainability of the location, and the appropriateness of a site that generates a significant number of vehicular movements is included in the next section of the report.

## **20.0 Sustainability of the location**

- 20.1 In terms of sustainability, the applicants contend that the site is in a sustainable location. They have referenced guidance in both the Chartered Institute of Highways and Transportation (CIHT) document 'Providing for journeys on foot' 2000, and Manual for streets (MfS). The CIHT document indicates that a walking distance of 400m is acceptable for trips to bus stops and local shops, with 800m being the preferred maximum. MfS<sup>2</sup> emphasises that walkable neighbourhoods should have a range of facilities available within 800m. Nevertheless, the sustainability matrix submitted by the applicant includes a list of local and neighbourhood facilities which demonstrates that there are few facilities within the recommended range. Brooklyn play group, St Peters Church, and an open amenity area, are the only facilities listed that are within 800m. The ATM, Primary School, public house, post office, sports facilities, small park and pharmacy are all in excess of this figure, although consideration is being given to providing some school provision at Brooklyn.
- 20.2 The submitted information does state that the recommended distances should not be regarded as the upper limit for walking journeys, and MfS<sup>2</sup> uses the principle that walking offers the greatest potential to replace short car trips, particularly those under 2km. Accordingly the submitted information includes a list of the following facilities which are within 2km of the site;
- Morrisons and Asda Food store (1.7km/21 minutes Walk)
  - Malton Rail Station (1.7km/21 minutes walk)
  - Post Office (1.1km /13 minutes Walk)
  - Derwent Surgery (1.8km / 22 minutes walk)
  - Brooklyn Pre-school (650m/8 minutes)
  - Norton College (210m / 3 minutes walk )
  - Norton Community Primary School (850m /10 minutes Walk)
  - potential school provision at Brooklyn (650m/ 8 minutes walk.

- 20.3 Officers are of the opinion that whilst future residents may be prepared to walk on occasion to some of the facilities listed, the distances are such that significant use of the car is likely. This is due to the limited facilities within the recommended guidance in MfS<sup>2</sup> and the CIHT. It is accepted that the figures are not absolute maximums however the distances involved require those living on site to also have the time to walk to such facilities, and if young children are involved, such distances may not be feasible or indeed practical. Carrying shopping also makes it unlikely that the majority of trips will be on foot.
- 20.4 The submitted Transport Assessment states that Norton is served by frequent bus services which provides access to the town centre and Leeds. Reference is made to the nearest stop being on Howe Road and Field View some distance from the site. The applicants have advised that they are liaising with service providers to provide an additional bus stop nearer the site. However for bus use to significantly improve the sustainability of the location, the service needs to be provided long term, and with sufficient frequency. Three of the buses listed in the submitted information only operate one day a week, and the Malton - Foxholes bus is not a frequent service. The Malton -Norton bus is however a circular bus service which is regular and may enable some access to local facilities. Nevertheless an hourly service can be limiting if there is no alternative choice. Furthermore if residents need to access a variety of facilities a lack of frequency will limit usage. It is noted however that the Coastliner, and the train are a viable alternative for those working towards Leeds and Scarborough.
- 20.5 The applicants have submitted a Travel Plan with the aim of " reducing the potential negative transport related impacts of the development". This includes the following measures:
- providing a pedestrian and cycle access into the site from Whitewall / Beazley's Lane and Langton Road.
  - Funding a Personalised Travel Planning initiative
  - one electric charging point within the site.
  - Travel information notice board
  - travel welcome pack
  - encouragement of car share scheme
  - potential for car club car.
  - initiatives to promote travel by public transport.
- 20.6 Officers have considered the submitted details. However, whilst the proposals are welcomed in terms of improving sustainability, it is not considered that the proposals are sufficient to mitigate the increase in car travel that will be generated by a site that is so distant from most local facilities.
- 20.7 It is also noted that Policy SP17 -(Managing Air Quality, Land and Water Resources), of the Local Plan Strategy supports measures to encourage non-car based means of travel or the use of low emission vehicles. The Councils Environmental Health Officer has advised that a single charging point for electric vehicles is not sufficient and should be provided for all dwellings. Whilst the site is not within the Air Quality Management Area, some of the traffic generated by the development will inevitably feed into the designated area. (see section of report on air quality)

## **21.0 Public Open Space Requirements**

- 21.1 On-site Public Open Space is required in relation to Policy SP11 of the Local Plan Strategy. This comprises 0.2 hectares in relation to Parks and Gardens, 0.8 hectares in relation to natural and semi natural open space, 1 No. local area for play, together with 0.37 hectares in relation to outdoor sports facilities. The Development Framework Plan includes a significant area of green infrastructure. The applicants have advised 1.76 hectares of public open space will be provided which will include an equipped play area. There is no specific specification for outdoor sport, however it is noted that the framework plan includes a proposed footpath/

cycle link will provide a form of recreation. Accordingly it is considered that the framework plan shows that the site is capable of delivering the required level of public open space.

## 22.0 Design

22.1 Both Local and national policy details the need for good design. Indeed, para 56 of the NPPF states:

*56 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.*

22.2 Policy SP16 Design 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.*

22.3 Policy SP12 Heritage includes the following statement:

*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.*

22.4 The policy also includes the following requirement;

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

*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 built up areas, including Visually Important Undeveloped Areas, as well as surrounding historic landscape character and setting of individual settlements.*

22.5 The application is in outline, with only access for consideration at this stage. All other matters are reserved. Accordingly there are no details of the design of the proposed house types, or the layout. Nevertheless, the application is accompanied by a Development Framework Plan. The applicant has confirmed that this plan forms part of the application, and can be conditioned in relation to developable areas, and location of landscape buffers etc.. The application description has also been reduced from "up to 85 houses" to "up to 79" houses. The Design and Access Statement includes a masterplan which is not for consideration at this stage. The applicants have, however stated that the plan has "*been drawn by a specialist proving layout consultant who works on behalf of a number of house builders*" The Design and Access Statement states the development will comprise a green frontage, with a main street running through the centre of the development with houses ranging between 2, and 2.5 storey. Higher buildings will be positioned adjacent to the main street, facing onto internal public open spaces and at key points such as corner plots to provide focal points, with a variation in the step of roof lines to reflect local building style. This information is submitted to demonstrate how the site could be developed, but is not however for consideration as part of this application.

- 22.6 The applicants Framework Plan states that the area of the site is 3.65 hectares, with the developable area measuring 2.39 hectares and green infrastructure, including public open space measuring 1.26 hectares. The north western corner of the site will comprise an equipped play area within a green setting. The south west and south eastern areas of the site also include extensive areas of green infrastructure with retained trees and hedges. A balancing pond for surface water will be sited in the south western corner of the site. Additional planting will be provided around the western boundaries of the existing properties which are situated to the eastern corner of the site. The impact of the development in relation to the setting of the historic asset, and the approach and setting to Norton are considered in the sections on landscape, and heritage.
- 22.7 If it is considered that the principle of the development is acceptable in all other respects, officers are of the opinion that the site can accommodate the number of dwellings proposed with sufficient landscaping and green infrastructure to benefit the needs of future occupiers. It is noted, however, that Policy SP4 - (Type and Mix of New Housing), requires that 5% of all new homes built on schemes of 50 dwellings or more shall be built as bungalows providing this is viable in conjunction with other requirements.

### **23.0 Neighbour Amenity**

- 23.1 The application is in outline only, and therefore it is not possible to fully consider the impact of development on neighbouring occupiers. It is considered that the impact in relation to those dwellings on the junction of Langton Road with Beazley's Lane is unlikely to be such that it would have a significant adverse impact on their existing amenities. The development will have some impact on the amenities of the occupiers of Sutton Grange. This is by virtue of the location of the dwellings adjacent to the access drive to Sutton Grange, together with further dwellings to the south east of that property. It is also accepted that there will be some noise from the proposed public open space. Nevertheless it is considered that the framework provides sufficient flexibility to ensure that such impacts are sufficiently mitigated. The nearest dwellings to the site are Auburn Hill Cottage and Paddock House. The northern and southern boundaries of those properties will be protected by green infrastructure and both existing and proposed planting. There is concern about the impact of a two storey dwelling on Auburn cottage, if located as shown on the illustrative Master Plan. If Members resolve to approve the application, it is considered that a property in that location should be single storey, or alternatively located further from the boundary.

### **24.0 Agricultural Grade of Land**

- 24.1 The submitted information states that the application site (Site B), is made up of 1.3 hectares of Grade 3A and 2.1 hectares of Grade 3B land with 0.1 hectare as non agricultural. Policy in the Local Plan Strategy and the NPPF states that Local Planning Authorities should avoid the use of the best and most versatile land (BMV). Nevertheless it is also known that a significant proportion of the land around Norton currently classified as Grade 3, is likely to be BMV, and it is not considered that the loss of 1.3 hectares of Grade 3A will have a significant impact on supply of BMV.

### **25.0 Contributors**

- 25.1 An objection has been received from Norton Town Council. Their objection is based on the following grounds:

Norton Town Council has submitted a recommendation of refusal that applies to both applications as follows:

- *This development lies in a green field site which is of considerable importance to the town, and is outside development limits. Whilst no decisions have yet been made as to site selections for the town, this site is considered totally unsuitable.*
- *Congestion on Langton Road is already intolerable taking into account the position of Norton College and a certain lack of off street parking for residential properties towards the northern or town centre end of Langton Road. There is now the prospect of the extension to the Primary School being built on the Brooklyn site, situated on Langton Road, bringing even more congestion to this area.*
- *With a lack of infrastructure to support such a development this side of the level crossing, in order to access most services residents need to be able to access Malton which, with this proposal means either travelling via Norton Road or Castlegate, both of which would be unacceptable and only add to the concerns already in place with regard to Co2 levels.*
- *Impact on the sewage system in this area of town, the Victorian sewers are already over capacity and any further development would put residents in other areas at greater risk of having raw2 sewage impacting on their property whenever there is a period of heavy rain and the system is under pressure.*
- *Over development even with a reduction to the number of properties proposed, Members still believe this is too many for what are relatively small sites.*

25.2 In addition 8 letters of objection have been received, together. The letters are available to view in full on the Council website, however they include the following points:

- drainage concerns, due to well documented problems associated with Mill Beck
- adverse impact on the setting of the listed building
- previous application on this land was refused because it was considered that insufficient benefits would be derived from the proposed development to outweigh the harm to the designated asset. The proposal to enclose the listed farm buildings raises other concerns.
- the small number of houses that the development will generate will not have a significant impact on the housing supply in the market towns, so there is no urgent justification for the proposal.
- detrimental impact on the character of the open countryside unique to Norton
- Contrary to policies in the adopted Development Plan Strategy, the NPPF, NPPG and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- the site lies A outside the defined development limits for Norton, and is in the open countryside
- the site assessment carried out by the LPA has initially ruled the site out due to its adverse effect on the setting of the heritage asset and the landscape setting of Norton.
- Query whether it is appropriate to grant planning permission for residential housing estates in proximity to an identified and protected heritage asset in the absence of sufficient detail to fully assess the potential impacts.
- No change in policy or material considerations since previous applications refused
- Object, but if approved ensure:
  - (i) Development does not effect existing drainage
  - (ii) Retention of ancient hedgerow
  - (iii) dwellings should be low level and designed in sustainable materials
  - (iv) Significant number of properties should be low cost and affordable.
  - (v) Character and integrity of stream should be preserved
  - (vi) appropriate measures to take account of traffic.
- Heritage asset under threat
- Setting and visual impact of the development would be detrimental to the 'gateway amenity value of this approach to Norton.
- Sites lie outside the defined development limits for Norton.
- detrimental impact on setting of listed building and heritage assets.
- query whether it is appropriate to grant outline planning permission for sites near identified heritage asset.

- identified 5 year supply of deliverable housing, therefore no presumption in favour of granting permission.
- LPA agreed that the land would not be taken forward as part of the site selection process.
- need to balance releasing sites for development and protecting character of settlements, their surroundings and safeguarding heritage assets.
- Prospect of Brooklyn site being developed for a school will generate more traffic and increase congestion
- Importance of retaining a green corridor for benefit of existing residents to enjoy. Little accessible green space in Norton.
- Character of Norton will be poorer if these developments are allowed.
- There are already major housing developments being processed and driving the prices of existing houses down.
- Evidence regarding the height of the water table and tendency for flooding in the area. Photographic evidence accompanies an objectors letter and is available to view on the Council's website.
- Regular flooding of Langton Road area, lowest part of area.
- water standing on the road near the bend affects highway safety.
- Norton is a major racehorse training centre. 400 racehorses access on foot the two centralised gallops on Norton, by bridleway and horsewalk. Langton road is a crucial and key part of the infrastructure used by the racehorses as they walk to and from the gallops in Norton. It is essential that the infrastructure is perceived as safe or owners may remove their horses from training in the area.
- significant increase in traffic generated by the developments will adversely effect the horses.
- Development too far to services to enable people to walk.
- Bazeleys Lane is unsuitable for additional traffic., and is a single track road, and a designated bridleway. It could become busier if used as a short cut.
- North Yorkshire Highways have not consulted the racing industry on the effects of a substantial increase in traffic on Langton Road.
- Local amenities will require expanding.
- From a gate in the field you can watch wild animals.
- The view from the top of the hill is stunning, the new development will spoil the view
- There are few places in Norton where families can walk which is suitable for pushchairs, wheelchairs, and for children to run safely etc. A lot of people just walk to the end of Bazeleys Lane and then back into town.
- Why is it necessary to build on the open countryside and not brown field sites.
- Bazeleys Lane, Auburn House, Furze and Paddock House etc have always been a separate hamlet. The development will create a bridge between Norton and this area.
- Traffic Management - Langton Road is not suitable for any increase in traffic and is dangerous. Cars unable to pass on some lengths, blind bend in one area. (Please note that the contributor response that raises management issues is length, however it is available to view in full on the public access website)
- Unlikely that traffic use will reduce in favour of boots and cycles.
- Increased traffic. Around 9am you are obliged to queue to go down Wold Street and then onto Church Street or Commercial Street.
- The development is too far out of time, and bus service is inadequate, and hardly used.
- The development will also increase traffic on Bazeleys Lane and Langley Drive. Bazeley Lane is a beauty spot, and is an unlit single track country lane, with no footpath.
- Norton Primary School is beyond capacity, if Brooklyn Youth Centre is used to accommodate over capacity, this would cause further traffic and parking problems.
- the supermarkets, surgery and other services are inadequate.
- affordable housing can reduce the value of existing houses in an area.

- Norton is not provided with an abundance of green space and residential creep along the roads to the south has the potential to create housing development out of scale with the town and destroy a 'green boundary' which allows the community a convenient place to walk away from high density housing without the need to drive first.

25.3 It is considered that most of the points raised above have been addressed in the body of the report. In relation to capacity of supermarkets and surgery's etc, work was carried out with the then Primary Care Trust as part of the Infrastructure Delivery Plan in relation to work on the Local Plan Strategy. This has not revealed a need for new or additional surgery space. The current issue appears to be one of recruitment and retention of Doctors which is understood to be a national concern, and not a reason for refusing a planning application. In relation to supermarket provision, the Local Planning Authority is required to meet full needs for development requirements, and will take this into account should an application for further retail be submitted within Norton and /or Malton. In relation to Education, this is a matter for County Education to take account of. When the application was previously considered, contributions towards education were required, however such contributions are no longer sought towards education because of the implementation of the Community Infrastructure Levy.

## **26.0 Impact of the development on the racing industry**

26.1 A letter of objection has been received from a member of the racing industry. His objection includes the following points:

- There are 600 racehorses stabled in Malton and Norton. Those stabled to the north and west of Norton use Langton Road to reach the gallops. They follow a one way bridleway from Langton Road at Blink Bonny to Beverley Road, and return down the designated horse walk along Langton Road from the exit of Langton Wold Gallops, back to Norton and Home. Beazley's Lane itself is a bridleway and therefore horses have the right to be able to use this freely.
- There is already a conflict between the traffic in the narrow part of Langton Road near the school and, the junction with Commercial Street is at capacity. If more traffic is generated by the development, it will cause greater queuing, and vehicles will take a short cut along Beazley's Lane. This is a single track, with 'blind' bends on it. Too much traffic on Beazley's Lane will lead to accidents.
- The proposed cycle path joins Bazeley on an 'S' bend in a dangerous location.
- The area in the vicinity of Langton Road and Beazley's Lane near Spring Cottage stables is low lying and water collects in this location. At certain times water has been standing for weeks with the water table permanently at ground level. More development will exacerbate this.
- Norton is on a flood plain, and there is substantial water along the whole area between Welham and Langton Road, and behind the development. Norton has experienced flood problems in recent years.

26.2 The value of the racing industry to the area is of great significance. However the Highway Authority has advised that it is not considered that the level of traffic generated by this development in itself will have a significant impact on the safety of those riders in the area. This is in particular because the visibility from the site itself is in accordance with recommended standards. It is acknowledged that there is a capacity issue in relation to the mini roundabout at the end of Langton Road. However if Members are minded to approve the application a condition a series of mitigation measures, including funding a Travel Plan, will be conditioned to help reduce the traffic at this point. Langton Road does have traffic calming installed and a 20mph zone along with relatively wide verges that provide an off carriageway route for horses along the site frontage. Although it would be necessary to negotiate the new site access, North Yorkshire Highways have advised that given the volumes of traffic

generated, horses should be able to continue to use this route. The developer has offered to provide funding to improve warning signs along Langton Road.

- 26.3 Nevertheless, in view of the importance of the racing industry to the area, and the continued objections raised on their behalf, the Highways Authority has been asked to provide further on the comments raised.

## **27.0 Community Infrastructure Levy**

- 27.1 Since the consideration of the previous application, the Local Planning Authority has implemented the CIL. It is noted the County Education have advised that there is a shortfall of 118 places as a result of the development. However, this contribution through Section 106 can no longer be sought for education because it is a matter on the CIL Charges Schedule - Regulation 123 list.

## **28.0 Summary**

- 28.1 It is considered that the Council has an up-to-date plan and in excess of a 5-year housing land supply. There is therefore no overriding need to release additional land for housing. The application site is an unallocated greenfield site outside the development limits for Norton, in an area of open countryside. The proposal is therefore contrary to the development plan when taken as a whole. In particular, there is significant harm to the distinctive and attractive landscape character of this site. There is also significant harm to the settings of both Sutton Grange Barn and Sutton Grange House.

Furthermore, the site is poorly located having regard to existing facilities and services. This will result in a development in which residents would be heavily dependant on the use of the private car rather than alternative means of transport.

It is considered that the development of the site will give rise to public benefits to the supply of both market and affordable housing. However, these benefits do not outweigh the harm outlined above.

## **RECOMMENDATION: Refusal**

- 1 The proposed development by reason of its proximity to Sutton Grange Barn will result in an unacceptable level of harm to the setting and significance of the listed building. The public benefits to be derived from the development do not outweigh the harm to the designated asset. The application is therefore contrary to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that decision makers must give special regard to the desirability of preserving the listed building or its setting. Furthermore the development is contrary to Section 12 of the NPPF, specifically paragraphs 129, 131, 132, 133, 134 and Policy SP12 of the Ryedale Plan - Local Plan Strategy
- 2 The proposed development will result in significant harm to the setting of the un-designated heritage asset of Sutton Grange, by subsuming the house with urban development. As such, the development is contrary to paragraph 135 of the NPPF, and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
- 3 The development of the site would result in the loss of this open area of undeveloped land which has significant intrinsic landscape value and character, and which is atypical of the area. Furthermore it would harm the setting of this attractive approach to Norton, and breach the strong woodland setting (subject to a Tree Preservation Order), which currently provides a significant visual end stop at the approach to the town. As such it is contrary to the strategy of the Development Plan for the location and distribution of new housing at Malton and Norton, including Policies SP2, SP13 and SP20 of the Ryedale Plan - Local Plan

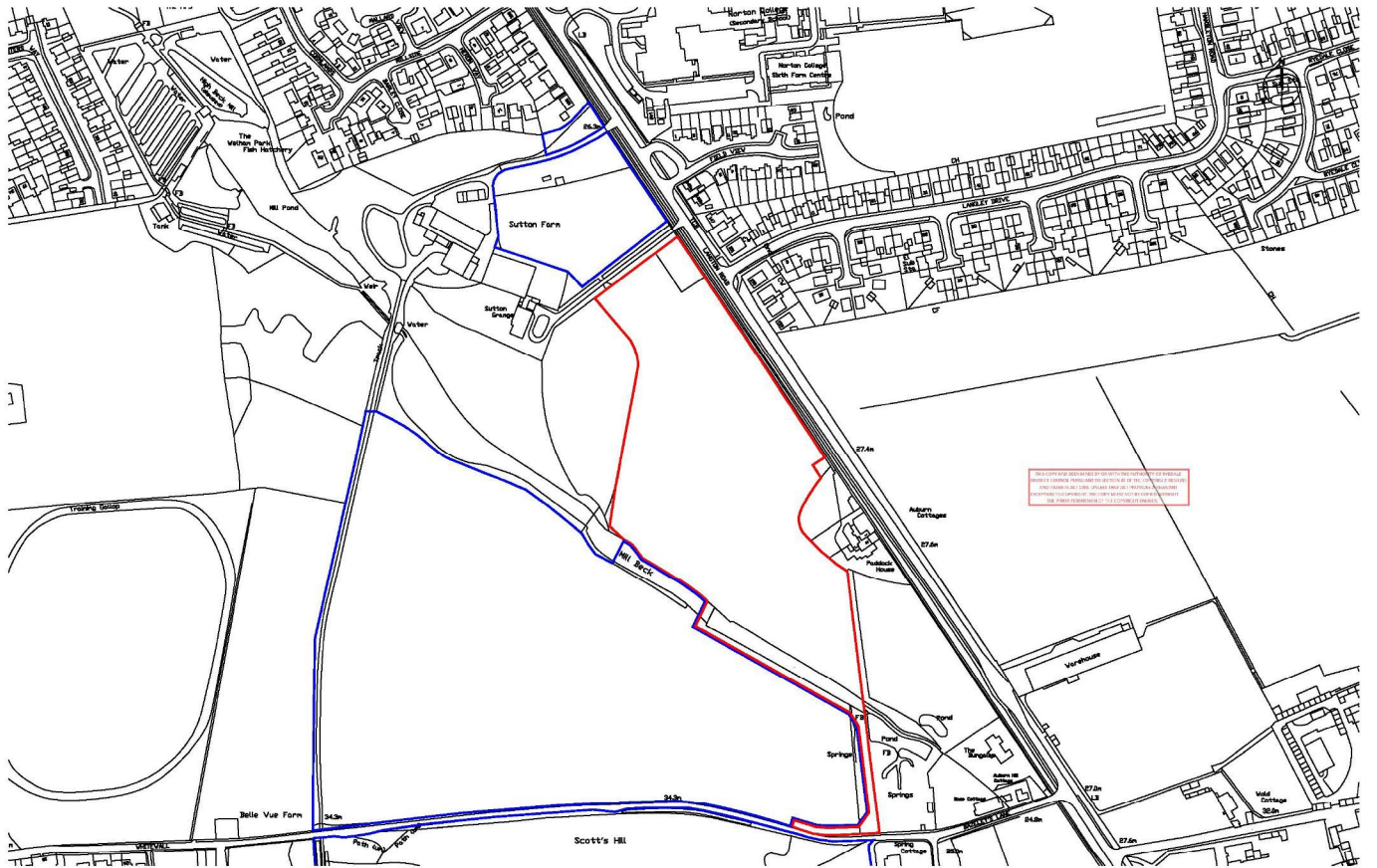


Strategy.

- 4 By virtue of the separation of the application site from the built up area of Norton, the proposed development would be detrimental to the form and character of the town. Furthermore it would result in the development of a site in an unsustainable location in relation to local and neighbourhood facilities. As such it is contrary to the locational policies of the Development Plan including Policies SP1 and SP2 of the Ryedale Plan - Local Plan Strategy.
- 5 The development is not in accordance with the development plan, and furthermore, it is not considered that the benefits of the development would outweigh the harm to the setting and character of the listed building, the adjacent un-designated heritage asset (Sutton Grange) nor the loss of this important landscape setting to Norton. As such, the development is contrary to Policies SP2, SP12, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy, and the NPPF.

**Background Papers:**

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



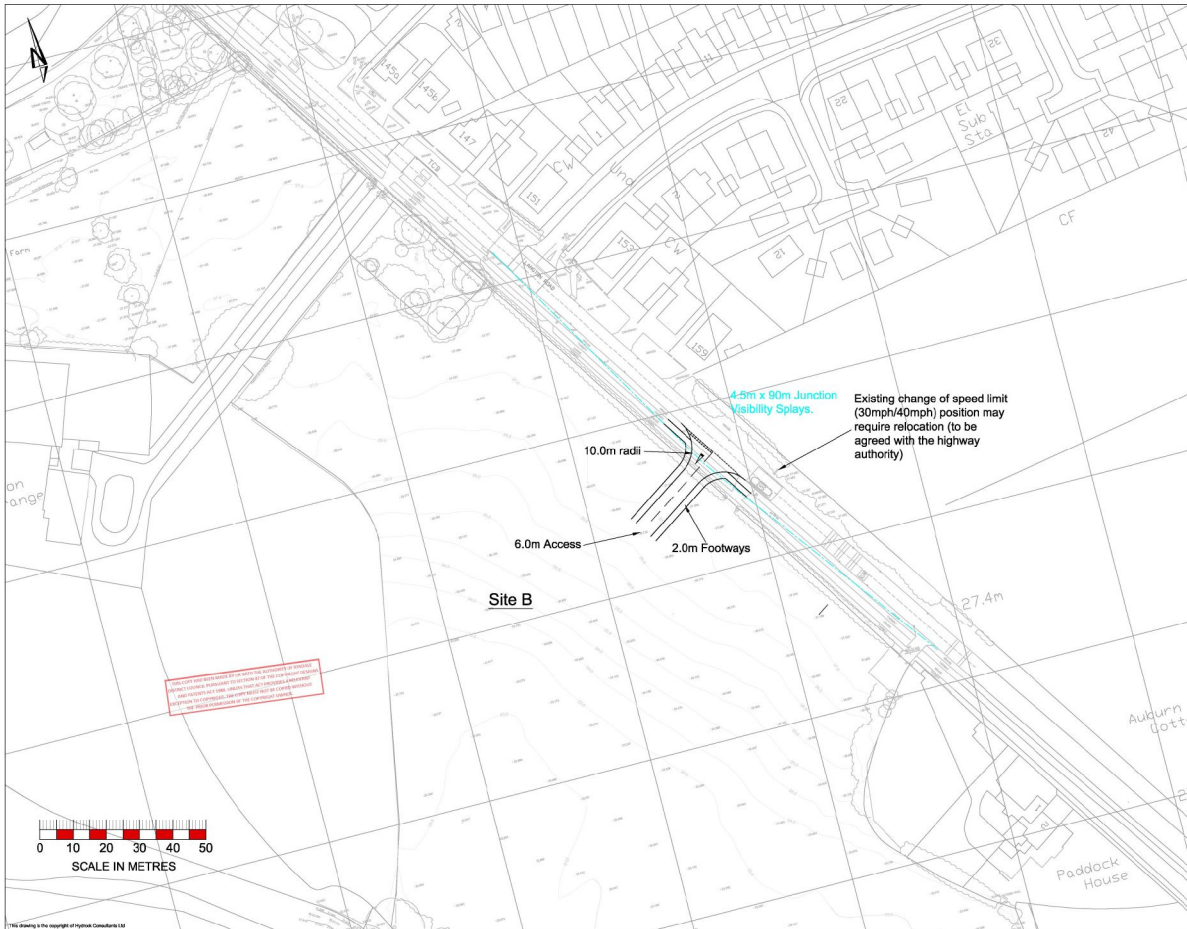
<p>Gladman Developments Ltd Langton Road Norton</p>	<p><b>LOCATION PLAN - SITE B</b></p>	<p>1:2500 @ A3 February 2015 <b>6283-L-01B - A</b></p>	<p><b>fpcr</b></p> <p>DATE VALID 18/03/16</p>
---	--------------------------------------	--	---



This drawing is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without written consent of FPCR Environment and Design Ltd. Ordnance Survey material is used with the permission of The Controller of HMSO, Crown copyright 100018896.

- KEY:**
- Application Boundary 3.65Ha
  - Development Area 2.39Ha = 79 Dwellings
  - Green Infrastructure (including POS) 1.26Ha
  - 1 Existing Hedgerows and Trees
  - 2 Potential Vehicular Access Point off Langton Road
  - 3 Main Vehicular Routes
  - 4 Potential Location for Proposed Attenuation Basin
  - 5 Mill Beck
  - 6 Listed Building
  - 7 Landscape Buffer to Existing Properties
  - 8 Open Space Corridor
  - 9 Equipped Play Area
  - 10 Retained Pumping Station
  - Proposed Additional Landscaping
  - Foul Water Easement
  - Tree Preservation Order
  - National Cycle Route 166
  - Public Footpath
  - Proposed Footpath/ Cycle Link





**Notes:**

- All dimensions are to be checked on site before the commencement of work. Any discrepancies are to be reported to the Architect Engineer immediately. Speed limits are to be in accordance with the Highway Act 1980.
- The drawing is to be used in conjunction with all relevant Engineer and Survey Engineer drawings and specifications.

Rev	Date	Description	By	Out
P1	11.02.2015	Final Issue		

**Hydrock**  
 Gladman Developments Ltd  
 Langton Road, Norton  
 North Yorkshire  
 Site B - Access Proposals DATE VALID 18/03/16

**PRELIMINARY**  
 C14531  
 PMA FS 1:500 11.02.2015 11.02.2015  
 14531-004 P1

# 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



19 April 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, 18 April 2016 the Town Council made the following recommendations in respect of the applications listed below:-

- |                |  |
|----------------|--|
| 16/00375/FUL   | Change of use and alteration of detached garage to an office for graphic design business.<br>75 Fletton Road, Norton, Malton, YO17 8BD<br>For: Paul Middlewich<br><u>RESOLVED</u> Recommend Approval.  |
| 16/00434/FUL   | Change of use of parcel of land to form additional domestic curtilage together with erection of 1.8m fence.<br>2 George Cartwright Close, Norton, Malton, YO17 8EL<br>For: Daniel Barker<br><u>RESOLVED</u> Recommend Approval.  |
| 16/00446/FUL   | Erection of part two storey / part single storey extension to side and rear elevations to include integral garage to the side and first floor balcony to the rear following demolition of existing two storey and single storey extensions, together with alterations to landscaping and formation of additional parking to the front.<br>136 Welham Road, Norton, Malton, YO17 9DU.<br>For: Lee Cobley<br><u>RESOLVED</u> Recommend Approval. |
| 16/00488/HOUSE | Erection of a single storey extension to side and rear elevations.<br>13 Welham Road, Norton, YO17 9DP<br>For: Mr & Mrs Matthew Sawdon<br><u>RESOLVED</u> Recommend Approval.  |

Continued.....

- 16/00404/MOUT Residential development of up to 6no. dwellings together with formation of vehicular access – Site A (site area 0.9ha) (revised details to refusal 15/00099/MOUT dated 22.07.2015)  
Land to the north of Sutton Grange, Langton Road, Norton, Malton, North Yorkshire.  
For: Gladman Developments
- 16/00405/MOUT Residential development of up to 79no. dwellings together with formation of vehicular access – Site B (site area 3.65ha) (revised details to refusal 15/00098/MOUT dated 22.07.2015)  
Land to the north of Sutton Grange, Langton Road, Norton, Malton, North Yorkshire.  
For: Gladman Developments

Both Gladman Applications were considered together and the recommendation applies to both:

RESOLVED Recommend Refusal on the following grounds;

- This development lies in a green field site which is of considerable importance to the town, and is outside development limits. While no decisions have yet been made as to site selections for the town, this site is considered totally unsuitable.
- Congestion on Langton Road is already intolerable taking into account the position of Norton College and a certain lack of off street parking for residential properties towards the northern or town Centre end of Langton Road. There is now the prospect of the extension to the Primary School being built on the Brooklyn site, situated on Langton Road, bringing even more congestion to this area.
- With a lack of infrastructure to support such a development this side of the level crossing, in order to access most services residents need to be able to access Malton which, with this proposal means either travelling via Norton Road or Castlegate both of which would be unacceptable and only add to the concerns already in place with regard to Co2 levels.
- Impact on the sewage system in this area of town, the Victorian sewers are already over capacity and any further development would put residents in other areas at greater risk of having raw sewage impacting on their property whenever there is a period of heavy rain and the system is under pressure.
- Over development even with a reduction to the number of properties proposed, members still believe this is too many for what are relatively small sites.

Yours sincerely,

Ros Tierney  
Town Clerk

E. Mail: norton.tc@btconnect.com

## **Item 8**

### Application 16/00405/MOUT

The applicants have submitted a joint Planning Statement and Design and Access Statement for applications 16/00404/MOUT (Item 7) and 16/00405/MOUT (Item 8).

These documents are annexed to Item 7 on this agenda.

## 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 Derwentio 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



- Work with local communities to identify local features of historic interest and value for example through Parish Plans and Village Design Statements
- Support new development proposals aimed at educating and raising awareness of Ryedale's historic environment

Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset

In considering and negotiating development proposals, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset

Proposals for Enabling Development necessary to secure the future of a heritage asset which would be otherwise contrary to the policies of this Plan or contrary to national policy will be carefully assessed against the policy statement and guidance provided by English Heritage - Enabling Development and the Conservation of Significant Places. In addition to the criteria embodied within the national statement, in considering the extent to which the benefit of an Enabling Development proposal outweighs a departure from this Plan or national policy, the following local criteria will also be used to inform the decision making process –

- The Enabling Development proposed can be accommodated without material harm to the character of the North York Moors National Park and the Howardian Hills Area of Outstanding Natural Beauty and landscapes identified as being of local value
- Enabling Development proposed at or within villages is well related to their form, character and landscape setting
- In cases where there is a need to secure the future of multiple heritage assets within a single ownership, that Enabling Development proposals are:
  - Based upon an up-to-date conservation management plan for the assets in their ownership aligned with an up to date business plan
  - Prioritised to address the needs of those assets identified as being at greatest risk unless it can be demonstrated and agreed that the Enabling Development proposal secures the future of a significant asset in conjunction with income generating development that would in turn, support a reduction in conservation deficit
  - Affordable housing contributions will be negotiated as part of residential Enabling Development schemes on sites which would trigger the application of Policy SP3. Consideration will be given to varying the form of contributions sought through Policy SP3 so as not to prejudice the heritage benefits of the Enabling Development proposal

\*Visually Important Undeveloped Areas are as defined on the adopted Proposals Map

**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.

# Agenda Item 9

**Item Number:** 9  
**Application No:** 16/00400/73A  
**Parish:** Amotherby Parish Council  
**Appn. Type:** Non Compliance with Conditions  
**Applicant:** Mr T Piercy  
**Proposal:** Variation of Condition 01 of approval 13/00589/OUT to insert drawing no. MP/2014/1/1K - alteration to house design  
**Location:** Land Adj Millfield Lodge Main Street Amotherby Malton North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 24 May 2016  
**Overall Expiry Date:** 31 May 2016  
**Case Officer:** Tim Goodall **Ext:** 332

## CONSULTATIONS:

<b>Highways North Yorkshire</b>	No objection
<b>Environmental Health Officer</b>	No views received to date
<b>Parish Council</b>	Object

**Neighbour responses:** Mrs Catherine Hall, Sarah Ward And Richard Bell,

---

## SITE:

The application site is a building plot with a largely completed dwelling located on the west side of Main Street, Amotherby. Planning permission for a single dwelling was originally granted outline planning permission in 2013.

The dwelling is a single storey dwelling with habitable rooms within the roofspace. The building has a dual pitched roof with a flat roof single storey rear projection. There is a detached garage and vehicular access to main street.

The site is located within the development limit of Amotherby and lies opposite the BATA site. There are dwellings directly to the north (Millfield Lodge) and south (4 Seven Wells) of the site.

## PROPOSAL:

The current application proposes to vary condition 01 of planning approval 13/00589/OUT by amending the wording of the condition to include amended drawing MP/2014/1/1K

The wording of the existing condition is as follows:

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

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

*(ii) the access to the site*

*(iii) the landscaping of the site*

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

A 2015 reserved matters approval also included the approved drawing MP/2014/1/H.

The revised drawing (MP2014/1/1K) seeks the following amendments to this approved plan:

- Reduction in the height of the dwelling from 6.5 metres at the roof ridge to 5.7 metres at the roof ridge. (The depth of the house, excluding the single storey rear projection will remain at approximately 10.3 metres)
- Inclusion of a bay window to the front elevation
- Replacement of the previously approved front dormer windows with a roof light
- Reduction in the number of roof lights to the rear elevation from 3 to 2
- Alterations to the roof design of the single storey rear elevation to replace the pitched roof with a flat roof and lantern
- Minor alterations to the dimensions of the garage
- Alterations to the fenestration of the external walls of the dwelling to include ship lap boarding to the gable ends

### **CONSULTATION RESPONSES:**

Three objections were received in response to the public consultation. The contents of the objections are summarised below:

The occupier of 4 Seven Wells objected for the following reasons:

- The flat roof is visible from their garden and is not in keeping with the rest of the view of the village.
- The first floor layout shows a window to the side elevation that was originally for a stair well with obscured glass. The window is now to a bedroom and therefore must open fully for fire regulations. This would therefore impeach on privacy.

The occupiers of Millfield Lodge have objected for the following reason:

- Object to the flat roof to the rear of the property as a pitched roof was more in keeping with the visual character of the surrounding properties.
- Retrospective nature of the planning application.

Amotherby Parish Council have objected for the following reasons:

- Risk of overlooking from the south facing side window and concern that as the window is to a bedroom it may not meet building regulations.
- The shiplap boarding is not reflective of any such materials used on dwellings in the village
- Concerns over the front boundary treatment.
- No evidence of excavations to the connect to the main sewer, concerns over foul drainage.

North Yorkshire County Council have raised concerns over encroachment onto the public highway and compliance with the highway conditions attached to the planning permission.

As a result of the objections to the proposal, outlined above under the Council's scheme of delegation the application is brought to Planning Committee to be considered by Members.

## **HISTORY:**

13/00589/OUT - Permitted - Erection of a dwelling (site area 0.028 ha).

14/00796/REM - Permitted - Erection of a four bedroom dwelling with detached single garage.

## **POLICY:**

National Planning Policy Framework  
National Planning Practice Guidance

Ryedale Plan - Local Plan Strategy

SP1 - General Location of Development and Settlement Hierarchy

SP2 - Delivery and Distribution of new housing

SP4 - Type and mix of new housing

SP16- Design

SP19 - Presumption in Favour of Sustainable Development

SP20 - Generic Development Management Issues

## **APPRAISAL:**

Outline planning permission was granted in 2013 for the erection of the dwelling, with the subsequent reserved matters application approved in 2015. A complaint was received that the dwelling had not been constructed in accordance with the approved plan. Following a visit to the site by Council officers, this application was submitted to vary the approved plan in an attempt to regularise the breach of planning control. The current application is required to consider whether the revisions are acceptable and whether they accord with national and local planning policy.

### **i. Design considerations**

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The approved alterations included the removal of two dormer windows to the front roof slope and its replacement with a velux roof light. The prevailing character of Main Street to the south of the site is predominantly of dwellings with dual pitched roofs, without dormers to the front elevation. The dwellings to the north of the site includes a mixture of roof designs that include some front facing gable ends. Officers consider that there is a variety of roof types on this section of Main Street., The absence of the dormer windows is not considered to be reasonable grounds for refusal of the revised drawings on design grounds. Indeed the more simple roof design is considered to be more in keeping with other dwellings in the vicinity of the site. As such, the removal of the dormer and its replacement with a roof light is considered to accord with Policy SP16.

The design of the single storey rear projection has also been altered to remove a proposed pitched roof projection and replace it with a flat roof with a roof lantern. Under householder 'permitted development' rights, a 4.0 metre deep extension can be built without planning permission to a detached dwelling. There are also modest alterations to the dimensions of this element of the proposal. A flat roof and roof lantern to a single storey rear projection or extension is not uncommon in the design of dwellinghouses and this element is not visible from public view. At 4.15 metres in depth, this projection is considered to be modest in scale and in accordance with Policy SP16.

Objectors have noted the alterations to the fenestration of the gable ends of the dwelling and that the shiplap boarding to the gable ends is not in accordance with the previously submitted plans. However, the gable end retains the same colour as the render below and due to its location to the side elevation, is partially obscured from public view. There is an eclectic mix of architecture within the existing street scene, including brick, render and stone. There are also corrugated metal buildings within the industrial unit opposite the site. As such, within the context of the existing street scene the addition of the gable end boarding is not considered to conflict with Policy SP16 to the extent that refusal of the application could be sustained.

ii. Impacts on the Amenity of the Occupiers of Neighbouring Buildings

In accordance with Policy SP20, new development will 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 principle of residential development in this location was established with the original grant of planning permission. The revised plans represent modest alterations to the approved designs including a reduction in the overall height of the dwelling. The window to the south facing first floor side elevation is shown as obscure glazed and with restricted opening. As such the revised scheme is not considered to result in a materially adverse impact to the amenity of present and future occupants of neighbouring buildings and therefore complies with Policy SP20.

iii. Other Matters

Concerns were raised during the application process regarding possible encroachment onto the public highway and discrepancies between the proposed plans and what has been built in terms of the front boundary treatment. Remedial works have taken place on site with the boundary wall now demolished and replaced with a fence, as shown on the submitted plans. Conditions relating to Highways works that were imposed on the original permission can be imposed on a revised planning permission.

Concerns have been raised over whether the development meets Building Regulations requirements. These fall outside of the remit of the planning legislation. The applicant has however been advised that the development does need to satisfy the Building Regulations as a separate matter..

v. Conclusion

In conclusion, the revised application is considered to be in accordance with national and local planning policy, and is recommended for approval subject to the following conditions.

**CONDITIONS:**

**Conditions to follow**

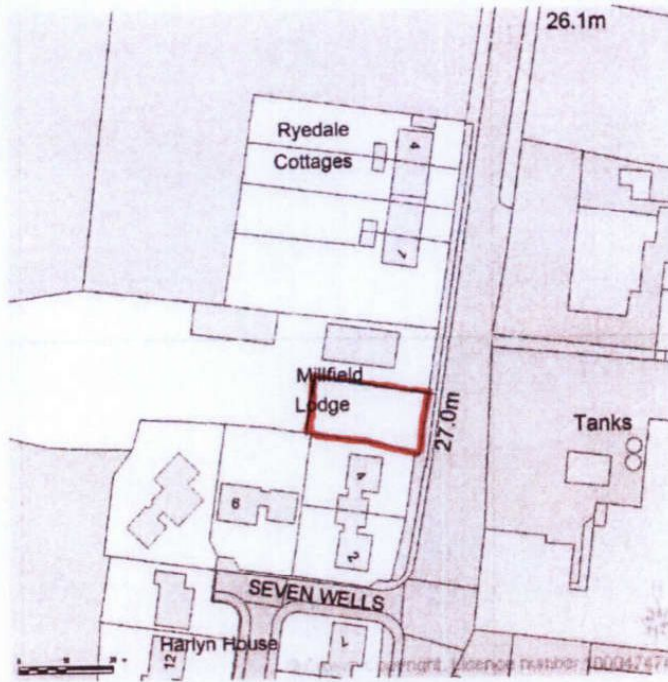
**RECOMMENDATION:**                      **Approval**

LOCATION PLAN FROM 14/00796/REM

Streetwise

Enabled by  
OS Ordnance  
Survey

SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 474968, 473799



Supplied by Streetwise Maps Ltd  
www.streetwise.net  
Licence No: 100047474  
29/07/2014 11:27

THIS COPY HAS BEEN MADE BY ME WITH THE  
PERMISSION OF THE ARCHITECTURAL BOARD  
REPRODUCED BY ME FOR THE ARCHITECTURAL  
BOARD. I AM NOT RESPONSIBLE FOR THE  
ACCURACY OF THE INFORMATION CONTAINED  
HEREIN. I AM NOT RESPONSIBLE FOR THE  
COPYING OF THIS INFORMATION.

16/00400/73A  
RYEDALE DM

29 MAR 2016

DEVELOPMENT  
MANAGEMENT

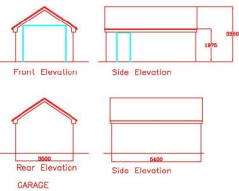
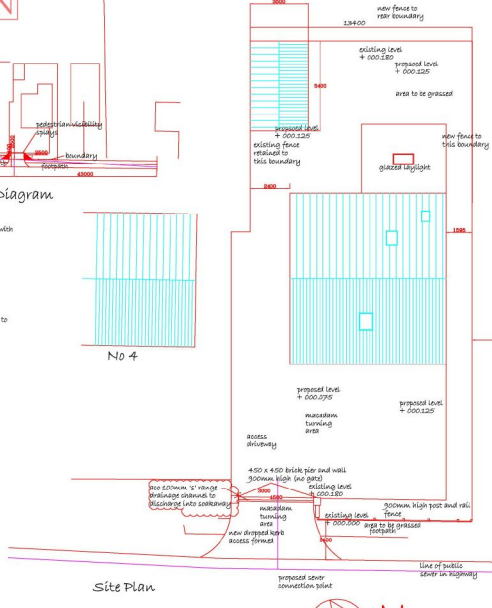
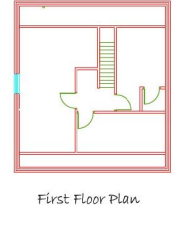
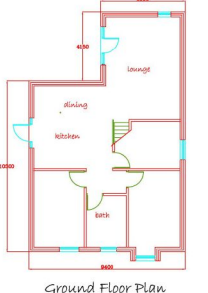
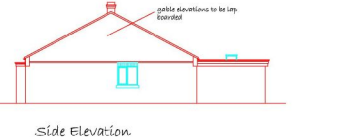
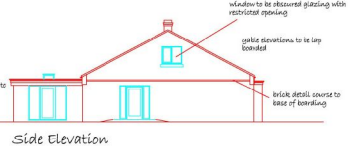
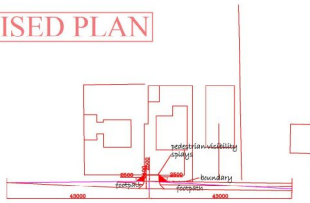


# REVISED PLAN

Do not scale from this drawing only written dimensions are to be used any other dimension are to be checked prior to work commencing. Check of work shown does not indicate that an existing survey has been carried out and reference should be made to the client for this information prior to work commencing.

Bungalow construction to be similar to vacant adjacent property under parallel roof. Windows and doors to be above ground level. External soil pipes to be black. Garage construction to match bungalow. Access driveway to be macadam. Surface water drainage to be to soakaway. Soil drainage to be to existing sewer in roadway.

THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO WORK COMMENCING. THE ARCHITECT ACCEPTS NO LIABILITY FOR ANY ERRORS OR OMISSIONS.



Revisions	Description	By	Date
A	Final design	RF	May 18
B	Amendments	RF	Jun 18
C	Final design	RF	Jun 18
D	Final design	RF	Jun 18
E	Final design	RF	Jun 18
F	Final design	RF	Jun 18
G	Final design	RF	Jun 18
H	Final design	RF	Jun 18
I	Final design	RF	Jun 18
J	Final design	RF	Jun 18

SERIES ONE DESIGN ASSOCIATES  
Architectural Design  
Baththorpe York  
Tel: 01953 880033 e-mail: info@seriesone.co.uk

DRAWING TITLE  
PROPOSED DWELLING  
LAND ADJ MILLFIELD LODGE  
MAIN STREET  
AMOTHERBY

PROPOSED SITE PLAN  
PROPOSED PLANS/ELEVATIONS

SCALE 1:100 DATE JUNE 2014  
DRAWING NUMBER MP/2014/1/1K

---

**From:** Amotherby Parish Council [<mailto:anotherbypc.clerk@outlook.com>]

**Sent:** 13 May 2016 12:13

**To:** Karen Hood

**Subject:** RE: 16/400/73A

Hi Karen,

The Parish Council comments relating to this application are below. Please pass these comments onto the planning committee for discussion at the planning meeting:-

**It is difficult to comment properly on this application as the submitted plans do not reflect what has been built on site. If this application seeks to regularise the as built situation it fails. Several windows are shown in the wrong place, others are omitted. The velux's on the rear roof slope are not in the as built position and the lantern feature on the rear lounge wing appears taller than shown on the plans. In addition the front boundary has been completed by the erection of a wall and not a fence as specified on the submitted plans.**

However the Parish Council would offer the following comments.

**The Parish Council OBJECT to the application on the following grounds :-**

- 1. There is a risk of overlooking from the upper floor window on the side (south) elevation. Whilst the window is specified on the submitted plan to be obscure glazed with restricted opening this may not meet Building Regulations as there will need to be a means of escape from what is now a bedroom. The internal layout has changed from that originally approved and what was originally shown as a landing is now a bedroom.**
- 2. If the materials are to remain as built it is considered that the shiplap boarding that has been used on the gable ends of the property is not reflective of any such materials used on dwellings in the village. As such an alien form of development is being introduced into the village to the detriment of its character. If the materials are to be as the submitted plans and render is used the Parish Council would have no objection.**
- 3. Similarly if the front boundary treatment is to be as the submitted plans the Parish Council would have no objection. However, the wall that has been constructed appears to encroach onto the highway and reduce the amount of space available for the verge and a reasonable footway. In addition, a fire hydrant sign that was on the front boundary of the original site has been removed. It is not known if the hydrant has been built over.**
- 4. The submitted plans indicate that "soil drainage to be to existing sewer in the roadway". As far as can be ascertained there is no evidence of any excavations to connect into the main sewer. Residents are most concerned regarding how the foul drainage has or is to be dealt with.**

Regards

Sammie Brambles  
Parish Clerk  
Amotherby Parish Council

**Item Number:** 10  
**Application No:** 16/00469/73A  
**Parish:** Normanby Parish Meeting  
**Appn. Type:** Non Compliance with Conditions  
**Applicant:** A & D Sturdy Ltd  
**Proposal:** Variation of condition 05 of approval 13/00817/FUL dated 04.09.2013 to add Drawing no. 230 316 1 and Variation of Condition 16 of the same approval to add Drawing no. 230 316 1 and to replace drawing no. 2326/4 Rev A by Drawing no. 2326/4 Rev E and Variation of Condition 12 of the same approval to replace drawing no. 2326/4 Rev A by Drawing no. 2326/4 Rev E - revisions relating to means of enclosure and landscaping (part-retrospective)  
**Location:** Willow House Main Street Normanby Kirkbymoorside YO62 6RH

**Registration Date:**  
**8/13 Wk Expiry Date:** 24 May 2016  
**Overall Expiry Date:** 6 May 2016  
**Case Officer:** Tim Goodall **Ext:** 332

## CONSULTATIONS:

<b>Parish Council</b>	No views received to date
<b>Highways North Yorkshire</b>	No objection
<b>Tree &amp; Landscape Officer</b>	No views received to date
<b>Building Conservation Officer</b>	No objection

**Neighbour responses:** Mr David Jackson, Christina Blythe, Mr John Riddell, Josephine Jackson, Dr Peter Smith, Mr Graham Shail, Jennifer Marsland, Mr Peter Milner, Ann Milner,

---

## SITE:

The application site contains two detached dwellings located on the east side of Main Street, Normanby. To the south of the application site lies St Andrew's Church and churchyard. There are residential dwellings to the north and west of the site.

The site lies within the development limit of the village of Normanby.

## PROPOSAL:

Planning permission was granted in 2013 for the erection of two dwellings. Subsequently, the Council received a complaint that the landscaping and boundary treatment had not been completed in accordance with the approved plans. A site inspection by Council Officers confirmed this was the case and the owner was advised to submit an application in an attempt to regularise the breach of planning control.

The current application proposes the variation of Condition 05 of approval 13/00817/FUL (details of materials and means of enclosure) to add drawing 230 316 1. This drawing details amended west boundary treatment to include a 1.1 metre high post and rail fence with mixed native hedge. It also seeks to amend the eastern part of the southern boundary treatment to include a 1.0 metre high boarded timber fence.

The current application also proposed the variation of Condition 16 (approved plans) of the same approval to add Drawing no. 230 316 1 and to replace Drawing no. 2326/4 Rev A with Drawing no. 2326/4 Rev E - revisions relating to means of enclosure and landscaping (part-retrospective).

Condition 12 (landscaping condition) is also proposed to be revised to replace Drawing no. 23/26/4 Rev A with Drawing no. 2326/4 Rev E.

The landscaping drawing has been revised to reflect the planting that has occurred on site since commencement of development.

### **CONSULTATION RESPONSES:**

9 objections have been received in response to the public consultation. The objectors are from the following persons:

- 2 x objections from the occupiers of Southhill Cottage, Normanby
- occupier of Orchard Lodge, Normanby
- occupier of Walnut Cottage, Normanby
- occupier of Meadowbank, Normanby
- occupier of High Gables, Normanby
- occupier of 7 Crawfield Lane, Wrelton
- 2 x objections from the occupiers of York House, Great Barugh

The objections are in a standardised format and raise two main issues. These are:

- The original approval included the extension of the dry stone wall across the southern boundary of the site (adjoining the churchyard). They consider that replacement with a fence is considered to be unacceptable. The wall is considered to be more appropriate to the conservation requirements of grade II\* listed building (the church).
- The absence of the approved mature trees is unacceptable as they were to provide a privacy screen between the new dwellings and the churchyard.

The Council's Building Conservation Officer has been consulted and has no objection to the revised proposal. The full consultation response is set out below.

*"This application falls within the setting of the adjacent Grade II\* listed church of St. Andrew as it falls immediately on the northern boundary with which it shares with the development site. The watch house and attached churchyard wall are also listed at Grade II. The church has many different elements that contribute to its significance including its built fabric, its aesthetic contribution to the streetscene, and its internal fixtures and fittings. The setting forms a contribution to its significance in that it sets the church within a rural churchyard in a village context.*

*The application seeks to vary condition 5 of approval 13/00817/FUL which relates to means of enclosure and landscaping. The application is part retrospective.*

*The church of St. Andrew lies in the centre of the village and is prominent on the main street. It is raised up and positioned in the centre of the churchyard which is formed behind a boundary wall. The churchyard of St. Andrew is rural in character and forms part of a typical village scene in that it is accessed by gates and paths leading to the church. The church is set within the village centre and as such its setting is in part formed by village dwellings and their curtilages. Tombstones and graves are located in the churchyard as are hedges and greenery. Views to the church which are relevant to this application are from the west looking through and over the roadside boundary. Views from the churchyard are to the north looking over the development site.*

*This application seeks to retain a section of timber close boarded fence to the south-eastern corner of Willow House which lies immediately to the north of the church. A recent planning approval shows this section to be completed as a stone wall. It also proposes the variation of the western boundary which it shares with the village street which I understand was laurel hedge and is now a mixed native hedge.*

*The south-eastern boundary which is proposed to be retained as close boarded fence lies c. 17m at its nearest point from the public footway adjacent to the village street. It is therefore some way into the depth of the site. The first c.17m is made up of a stone wall. The western boundary is planted as native hedgerow.*

*Recent tree planting has occurred in the domestic lawn in between the western boundary hedge and the fence.*

*Hedges and trees form part of the boundary between the churchyard and the development site."*

The Council's Tree & Landscape Officer has been consulted on the revised proposals and the consultation response will be presented by officers to the Planning Committee.

North Yorkshire County Council have no objection to the scheme in their capacity as the local highways authority.

#### **RELEVANT HISTORY:**

12/00494/OUT - Permitted - Erection of 2 no. detached dwellings with associated detached double garages following demolition of existing dwelling (site area 0.155ha)

13/00817/FUL - Permitted - Erection of 2 no. 4-bedroom detached dwellings with attached garages and formation of vehicular access

#### **POLICY:**

National Planning Policy Framework  
National Planning Practice Guidance

#### **Ryedale Plan - Local Plan Strategy**

SP4 - Type and mix of new housing  
SP12 - Heritage  
SP13 - Landscapes  
SP16- Design  
SP19 - Presumption in Favour of Sustainable Development  
SP20 - Generic Development Management Issues

#### **APPRAISAL:**

Full planning permission was granted in 2013 for the erection of 2 x detached 4 bedroom dwellings on the site immediately to the north of the church. The dwellings have been constructed and are now occupied. Following a complaint that the boundary treatment and tree planting had not been carried out in accordance with the approved plans, an application to revise the plans has been submitted for consideration.

The key planning issues to consider are:

- i. Impact of the landscaping treatment on the setting of the listed building
- ii. Impact of the landscaping treatment on the street scene
- iii. Impact on amenity

- iv. Other matters
- i. Impact of the landscaping treatment on the setting of the listed building

Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy states that designated historic assets and their settings will be conserved and where appropriate, enhanced. Proposals which result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of the harm to the asset. In considering and negotiating development proposals, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset.

While the objections to the current application highlight the comments of the Building Conservation Officer in response to planning permission 12/00494/OUT, it should be noted that the outline scheme was not implemented. (The implemented permission (that this application seeks to revise) was not considered by the Building Conservation Officer during the application process but an assessment was made by the Planning Officer on the impact of the proposed development on the setting of the listed building).

However, as stated earlier in the report, The Building Conservation Officer has no objection to the revised proposal.

*"In my opinion the views from the village street towards the church looking over and through the site will be detrimentally effected to a very low degree and cause an almost negligible degree of harm. The depth of the site, the native western hedge planting, the softening effect of the tree planting and the naturalistic colour of the fence all help to mitigate the effects of the fence from this direction.*

*When looking from the churchyard to the north, the primary visible boundary treatment is the stone wall. The length of fence is well screened by hedges and trees.*

*In my opinion the retention of the close boarded timber fence will have a very minor negative effect on the setting of the church as it introduces a modern element to the boundary. This is however mitigated by the screening effect of the trees and hedges and natural colour of the fence. The reduced land levels of the development site also have the effect that the height of the fence when viewed from the churchyard is significantly lower than that when viewed from the domestic garden thus reducing its impact.*

*In my opinion the retention of the fence will have a very minor negative effect on the setting of the church by introducing a modern element to a small section of churchyard boundary. The mitigating elements of the effect are set out above. The principle of domestic boundaries in this location are acceptable as it is a village church within a village setting."*

As such, the revised plans are not considered to result in any significant level of the harm to the setting of the listed building to the extent that there would be a conflict with Policy SP12.

- ii. Impact of the landscaping treatment on the street scene

Policies SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy seek to reinforce local distinctiveness. The location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The originally approved development proposed a section of rebuilt brick wall fronting Main Street. This section of wall, while a replacement for the previous wall at the site, was an incongruous feature on a street scene which is dominated by stone and a variety of planting. The developer had originally included laurel bushes to the front elevation, however these were considered unacceptable by Council Officers and native planting as per the approved plans has now been undertaken on site.

The replacement of the brick wall by a boundary fence within the context of a village is considered to be an appropriate replacement and in accordance with Policy SP16.

iii. Impact on amenity

In accordance with Policy SP20, new development will 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 proposed alterations include a section of fence instead of a wall to a section of the south boundary of the site, adjoining the church grounds. Appropriate boundary treatment is necessary in this location to ensure adequate privacy to the occupiers of Willow House and to users of the churchyard some of whom will be visiting the graves. The close board fence is approximately the same height as the existing boundary wall. The site was visited in November 2015 and it was noted that even at that time of year, the level of screening provided by the existing hedge in the south east corner of the site was considered to be effective. Since that time further tree planting in the southern section of the garden of Willow House has been undertaken by the current occupiers. The coverage of the planting and therefore the level of privacy will increase over time as the plants mature. Photographs will be displayed at the meeting to show the current appearance of the site.

The boundary treatment and tree planting are to be retained by revising the planning conditions. Subject to the detailed comments of the Council's Tree and Landscape Officer, the revisions are considered to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy with respect to amenity.

v. Conclusion

In conclusion, the revised application is considered to be in accordance with national and local planning policy, and is recommended for approval subject to conditions.

**RECOMMENDATION: Approval**

1 The materials and design of all means of enclosure shall be retained in accordance with drawing no 230 316 1 and maintained hereafter.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by the National Planning Policy Framework and Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

2 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing Site Plan 1:2500. Once created, the parking areas that have been constructed in accordance with approved drawing Site Plan 1:2500, validated by the local planning authority 15 July 2013, 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

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

Site Location Plan, validated by the local planning authority 15 July 2013

Drawing No 230 316 1, validated by the local planning authority 29 Mar 2016

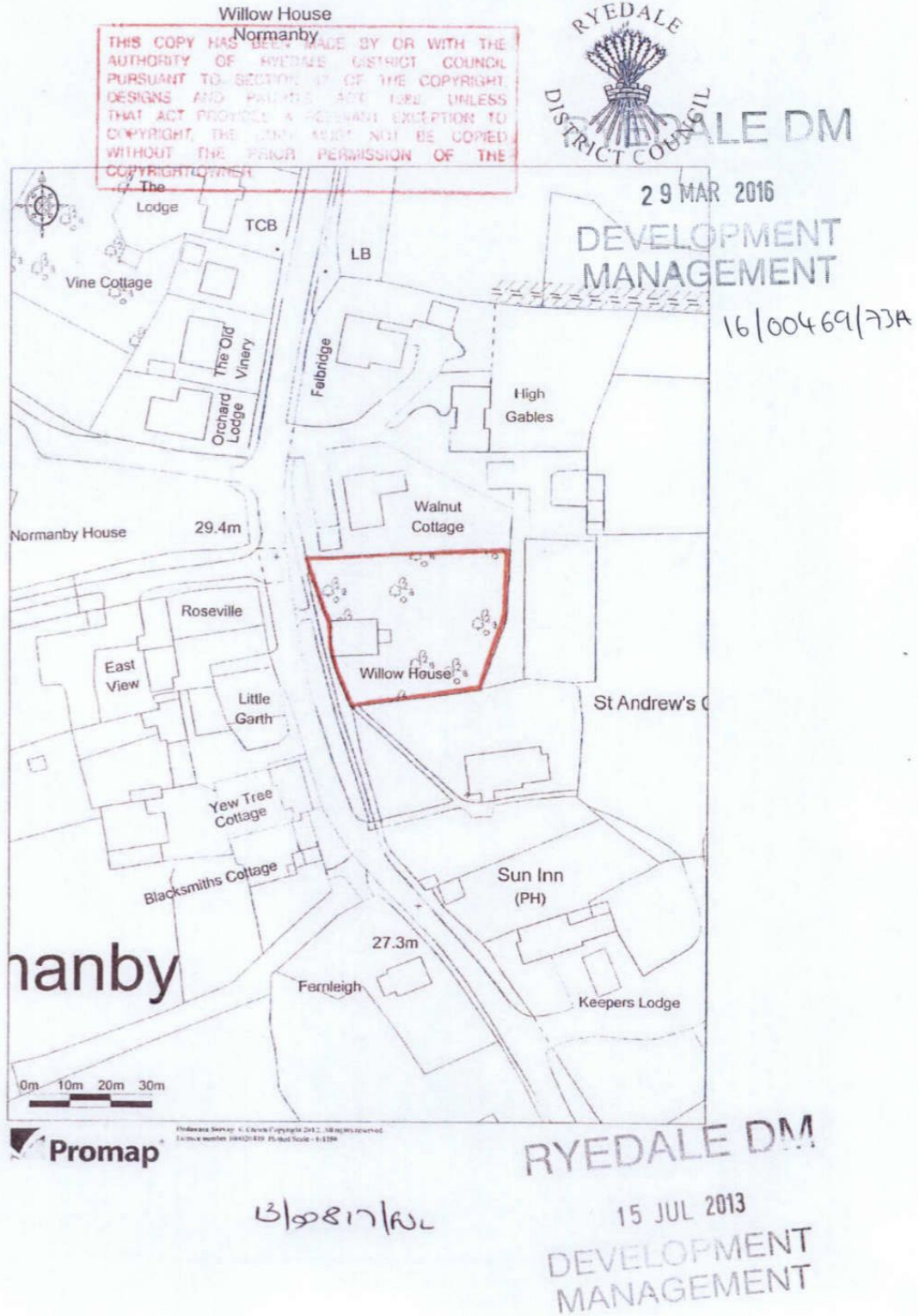
Drawing No 2326/4 rev E, validated by the local planning authority 26 May 2016  
Drawing No 170 613 1, validated by the local planning authority 15 Jul 2013  
Drawing No 170 613 3 A  
Drawing No 170 613 5A  
Reason: For the avoidance of doubt and in the interests of proper planning.

**Background Papers:**

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



FOR INFORMATION - PLAN FROM 13/00817/FUL



16/00469/73A

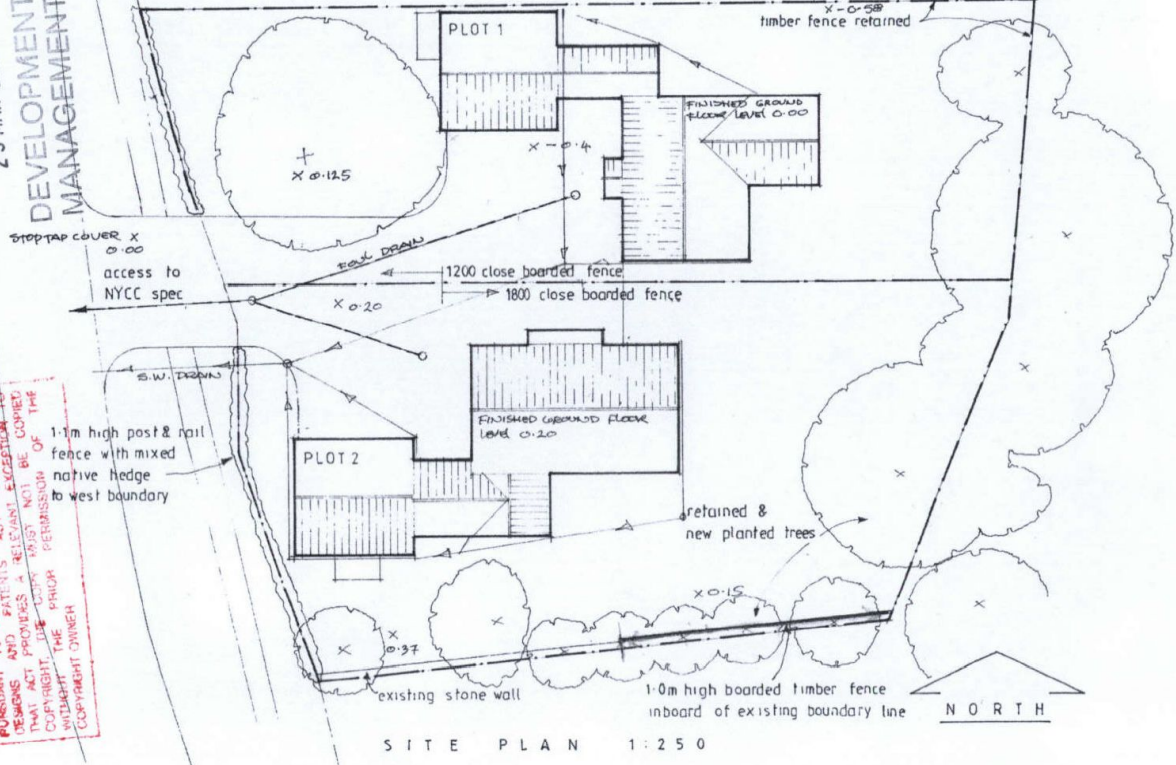
RYEDALE DM

29 MAR 2016

DEVELOPMENT  
MANAGEMENT

WILLOW HOUSE NORMANBY - A & D STURDY LTD

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 47 ACT 1988 UNLESS OTHERWISE STATED. THIS ACT PROVIDES A RELEVANT EXCEPTION TO THE COPYRIGHT, BUT MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER

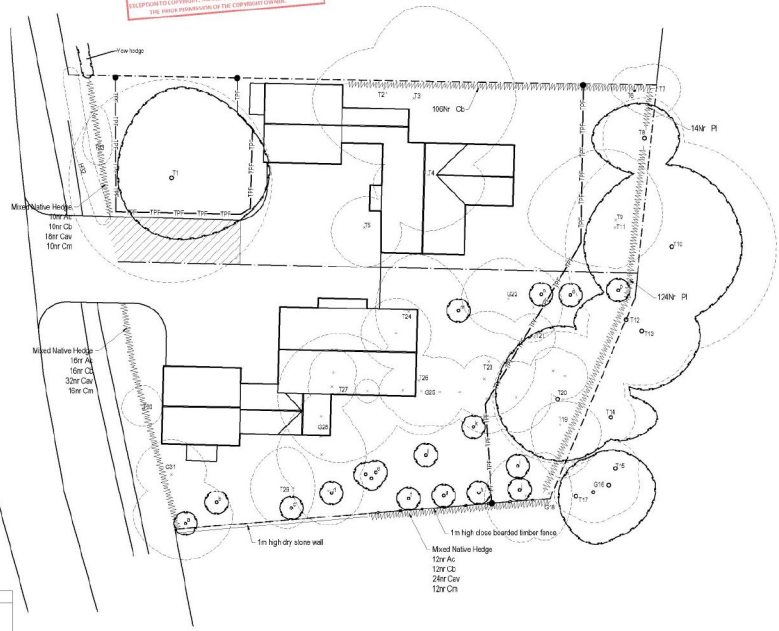


SITE PLAN 1:250

DRG No 230 316 1



THIS COPY IS NOT VALID UNLESS IT IS SIGNED BY THE AUTHOR OR THE DESIGNER. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE AUTHOR OR THE DESIGNER. THIS DRAWING IS THE PROPERTY OF ROSETTA LANDSCAPE DESIGN AND CANNOT BE REPRODUCED IN ANY FORM WITHOUT THE EXPRESS CONSENT OF THE COMPANY. WRITTEN AND SCALED DIMENSIONS TO BE CHECKED ON SITE. ANY DISCREPANCIES REPORTED PRIOR TO WORK COMMENCING. IF IN DOUBT PLEASE ASK.



# REVISED PLAN

Additional vegetation surveyed

Ref	Species
a	Mākae 'Ewaraoi'
b	Piraua 'Sikaka'
c	Kohekohepa paniculata
d	Mākae 'Ewaraoi'
e	Ōra ōraia pendula 'Jocosemoff'
f	Amelanchier canadensis
g	Fagus sylvatica 'Daayek Gold'
h	Mākae 'Ewaraoi'
i	Akaka 'Bassett'
j	Caradaphnum japonicum
k	Nyssa sylvatica
l	Liquidambar styraciflua
m	Sorbus commoda 'Olympic Flame'
n	Pinus nigra
o	Acar griseum
p	Daphniphyllum leylandii

Proposed Hedging

Nr	Code	Plant Name	H(m)	Root	Cont'd	Ntm
106	Cb	Carpinus betulus	45-60	C	3	4.00
138	PI	Prunus laurocerasus	60-80	C	3	4.00

Proposed Mixed Native Hedge (4m)

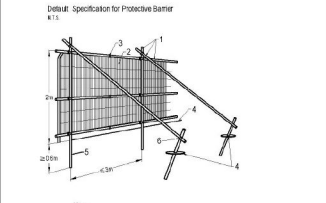
Nr	Code	Plant Name	H(m)	Root	Cont'd	%
38	Ac	Akar campestre	45-60	C	3	20.00
38	Cb	Carpinus betulus	45-60	C	3	20.00
74	Car	Corunus avellana	45-60	C	3	40.00
38	Cn	Crataegus monogyna	45-60	C	3	20.00

This drawing is the copyright of Rosetta Landscape Design and cannot be reproduced in any form without the express consent of the company. Written and scaled dimensions to be checked on site. Any discrepancies reported prior to work commencing. If in doubt please ask.

This drawing has been prepared for the purpose of planning approval.

**LEGEND**

- Existing tree (to be retained)
- Existing tree to be removed
- Root protection area of retained trees in line with BS 5837:2012
- Tree protection fencing to BS 5837:2012 (see detail below)
- Area of driveway to be laid using 100kg construction & porous paving blocks backfilled with gravel (see Arboricultural Method Statement)
- Proposed tree (Standard Shewy)
- Proposed tree (Standard Selected)
- Proposed hedge



- Key**
- Standard scaffold poles
  - Heavy gauge 3mm galvanized tube and welded mesh 11mm panels
  - Panels secured to uprights and cross-members with wire ties
  - Ground level
  - Uprights driven into the ground until secure (minimum depth 0.6m)
  - Standard scaffold clamps
- Rev E: Revised to show tree planting within front garden - 24/May/16 (MP/tp)  
 Rev D: Revised to show amended plant schedules - 26/Mar/16 (MP/tp)  
 Rev C: Revised to correct requirements - 02/Mar/16 (MP/tp)  
 Rev B: Revised to correct comments to show additional planting along the custom boundary - 11/Sep/15 (EP)  
 Rev A: Revised to new layout. Trace of "Site Plan" (RPS: 2183) - 15/M/13 (MP/tp)  
 Base: Trace of hand drawn "Site Plan" received from Pillar Payment Design

DATE: 26/05/16

PROJECT: Willow House, Normanby

TITLE: Detailed Landscape Proposals

CLIENT: A & D Sturdy Ltd

DATE: 23 May 13 SCALE: 1:200 SHEET: A2

DRAWN: MP/tp DRAWING NO: 23204

CHECKED: MP REVISION: E

Chartered Landscape Architects

114a Court, Regatta Way, York, YO26 6AH  
 Telephone: +44 (0)1904 756225  
 Fax: +44 (0)1904 756222  
 Email: info@rosetta.co.uk  
 Web: www.rosetta.co.uk

# Agenda Item 11

**Item Number:** 11  
**Application No:** 16/00721/HOUSE  
**Parish:** Marishes Parish Meeting  
**Appn. Type:** Householder Application  
**Applicant:** Ian Wilson & Rachel Campion  
**Proposal:** Erection of a two storey side extension and single storey rear extension (revised details to refusal 15/01437/HOUSE dated 01.02.2016)  
**Location:** Rowan Cottage School House Hill Marishes Low Road Low Marishes Malton North Yorkshire YO17 6RJ

**Registration Date:**  
**8/13 Wk Expiry Date:** 8 June 2016  
**Overall Expiry Date:** 26 May 2016  
**Case Officer:** Tim Goodall **Ext:** 332

## CONSULTATIONS:

<b>Countryside Officer</b>	Comments made and informative to be added
<b>Highways North Yorkshire</b>	No objections.
<b>Parish Council</b>	Object

**Neighbour responses:** Paul & Amanda Welford,

---

## SITE:

The site contains a two storey end of terrace dwelling at Low Marishes. The dwelling is of brick construction with a slate tile roof. There is a rear garden with parking to the side of the dwelling. There is also a single storey detached annexe within the curtilage of the dwelling.

The attached dwelling is known as Joiners Cottage. The application site is located outside of a defined settlement limit. Part of the rear garden is located within Flood Zone 2.

## PROPOSAL:

Planning permission is sought for the erection of a two storey side extension and a single storey rear extension to the dwelling.

The rear extension will be 3.1 metres deep and have a mono pitched roof 3.7 metres high at the ridge and 2.5 metres high at the eaves.

The side extension will be 3.7 metres wide and 7.0 metres high. The extension will have a dual pitched roof and be set back from the front elevation of the dwelling.

The materials to be used in the construction of the extension will match the existing dwelling.

## CONSULTATION RESPONSES:

There have been 2 objections to the application.

The occupiers of Joiner's Cottage have objected to the application. The full objection is available online on public access. A summary is below.

- loss of light to the lounge and bedroom windows
- overlooking and overshadowing the garden
- compaction of the ground during the build will have a severe impact on ground water drainage
- alterations and extensions undertaken at Rowan Cottage have led to an increase in flooding due to the inability of ground water to drain away
- Concerns over the physical condition of the vehicular access with relation to construction vehicles and materials

Marishes Parish Meeting object to the proposal due to a loss of light to the neighbouring dwelling.

Some of the contents of the objections 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 the Planning Committee for Members to consider and determine.

The remainder of the contents of the objections are not planning matters and are therefore not considered in the appraisal of the planning application.

## **POLICY:**

### **National Planning Policy**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **Ryedale Plan - Local Plan Strategy**

Policy SP16 - Design  
Policy SP19 - Presumption in Favour of Sustainable Development  
Policy SP20 - Generic Development Management Issues

## **HISTORY:**

10/00613/FUL - Approved - Change of use, alteration and extension of outbuilding to form a one-bedroom self-contained granny annex

15/01437/HOUSE - Refused - Erection of a rear two storey extension with single storey side entrance porch

## **APPRAISAL:**

The key issues to consider are:

- i. Character and Form
- ii. Impact on neighbour amenity
- iii. Other matters

### **i. Character and Form**

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).

The proposed extensions include a two storey side extension and a single storey rear extension that will project the full width of the dwelling and the proposed side extension. The roof of the proposed side extension will be set down from the main roof of the dwelling and the extension will be set back from the front elevation.

The rear extension will have a shallow pitched roof and patio doors to the rear elevation. The other windows to the proposed extensions will match the designs of the existing windows. The materials used in the construction of the extension will also match those used in the original construction. When considered against Policies SP16 and SP20, the proposed extensions are considered to be sympathetic and appropriate development to the dwellinghouse.

## **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 to 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 proposed rear extension will be 3.1 metres deep, a maximum of 3.7 metres in height, reducing in height to 2.5 metres at the eaves. Overall the rear extension is considered to be a modest development that will result in some loss of light to the rear habitable room at ground floor level. However, it should be noted that the extension to the rear, if constructed without the side extension, would fall within the Government's permitted development tolerances for rear extensions in terms of its height and that an extension projecting by up to 3 metres from the rear wall and up to 4.0 metres in height could be constructed without planning permission. Furthermore, the Government has in recent years extended 'temporary' permitted development rights to include rear extensions of up to 6 metres to attached dwellings.

The potential fallback position is therefore a significant consideration in the determination of the application in terms of its amenity impacts.

## **iii. Other Matters**

Objections have been raised over the condition of the private access road to the dwelling and the impact of construction traffic. The condition of the access road is outside of the scope of this application and it is not considered reasonable or enforceable to place conditions restricting construction traffic for a relatively modest extension to a dwelling house.

The Council's Countryside Officer considers the development to have low potential to harm bat habitats and has recommended an informative be added to the decision notice regarding bat roosts.

There were no further responses to the public consultation.

While part of the garden lies within Flood Zone 2, the extent is approximately 12 metres from the rear elevation of the dwelling. Due to the minor nature of the development, a flood risk assessment is not required.

In conclusion, the planning application is considered to be acceptable when considered against national and local planning policies. Approval, subject to the following conditions is recommended to Members.

## **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 dwelling, currently known as 'Rowan Cottage'.

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 plan(s):

Site Location Plan validated by the Local Planning Authority 13/04/16

Drawing No 15-1114-4 validated by the Local Planning Authority 23/05/16

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

## **INFORMATIVE**

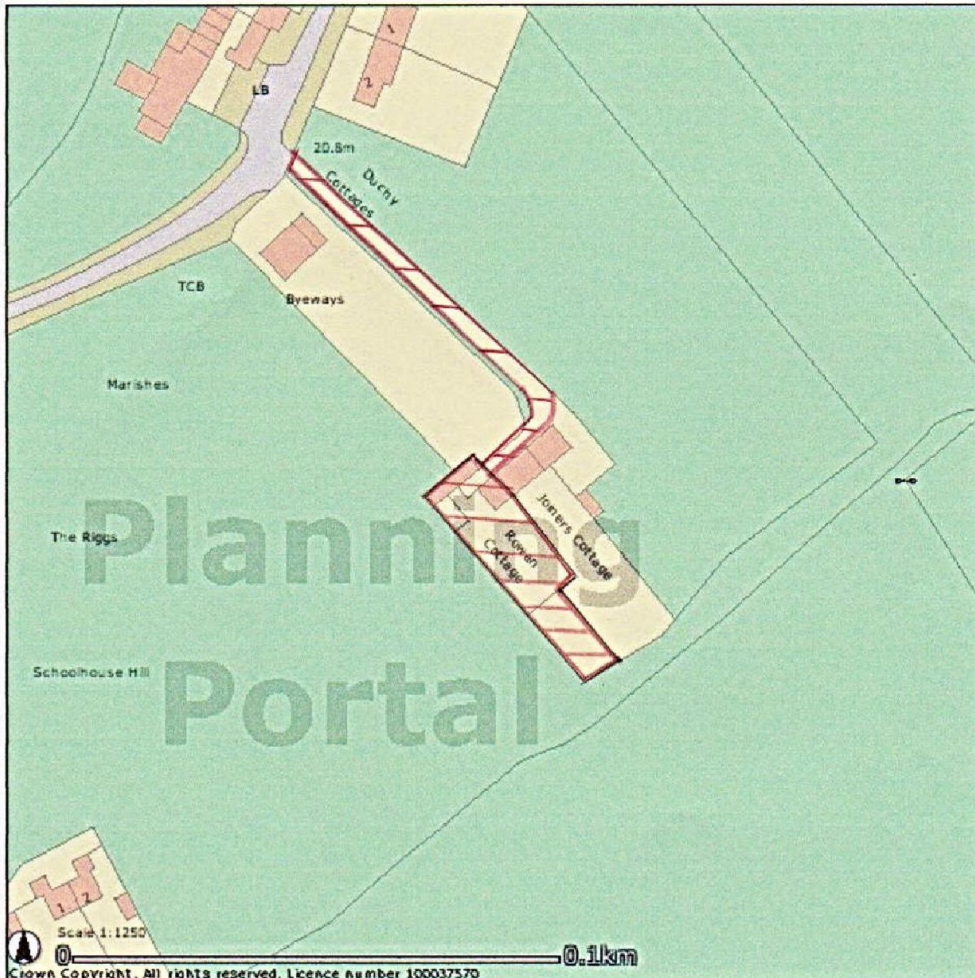
All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 ( as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found 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

## **Background Papers:**

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



Site Location Plan



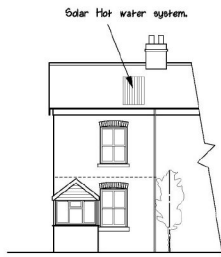
THIS COPY HAD BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT DESIGNS AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT, THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.

Rowan Cottage, Low Marishes.

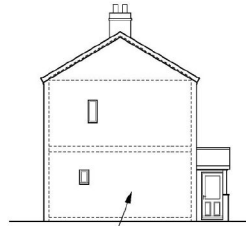
DATE VALID  
13/04/16



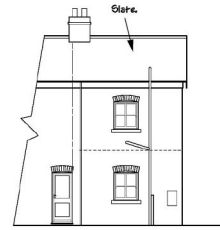
Check All Dimensions on Site.



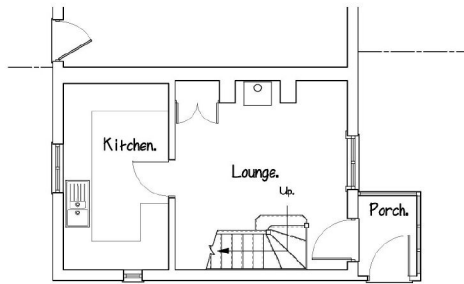
South East Elevation.



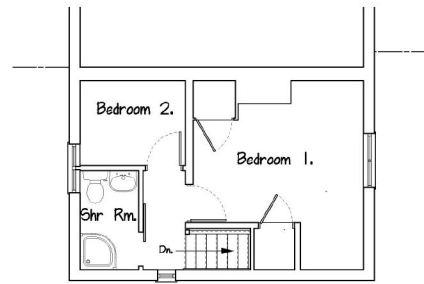
South West Elevation.



North West Elevation.



Ground Floor Layout.



1st Floor Layout.

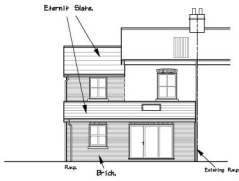
THIS DRAWING IS THE PROPERTY OF MIKE PUNCHARD PLAN DRAWING SERVICE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE DRAWING. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF MIKE PUNCHARD PLAN DRAWING SERVICE.

DATE VALID  
13/04/16

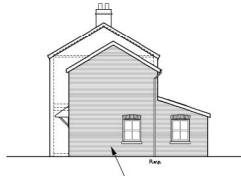
TITLE :- Survey of Dwelling. AT :- Rowan Cottage, Low Marishes, Malton.  
 SCALES :- 1:100, 1:50. DATE :- Sept 2015. DRAWING No. :- 15-1114-1.

**MIKE PUNCHARD  
 PLAN DRAWING SERVICE**  
 9 THE AVENUE, NORTON, MALTON,  
 N. YORKS. YO17 9EF  
 TEL:- 01653 694276

Check All Dimensions on Site.



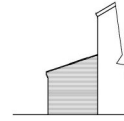
Proposed South East Elevation.



Proposed South West Elevation.

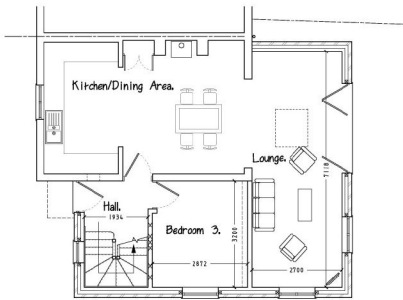


Proposed North West Elevation.

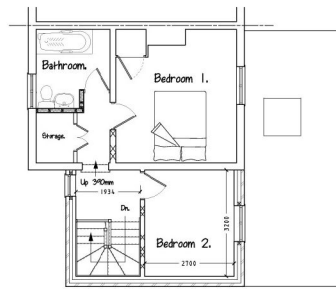


Proposed North East Elevation.

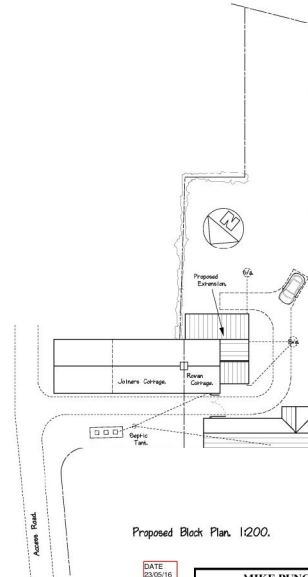
**REVISED PLAN**



Proposed Ground Floor Layout.



Proposed 1st Floor Layout.



Proposed Block Plan. 1:200.

THIS DRAWING HAS BEEN MADE ON THE ASSUMPTION THAT THE DIMENSIONS OF THE EXISTING BUILDING ARE CORRECT AND THAT THE PROPOSED EXTENSION WILL BE CONSTRUCTED IN ACCORDANCE WITH THE DIMENSIONS AND SPECIFICATIONS SHOWN ON THIS DRAWING. THE CLIENT ACCEPTS RESPONSIBILITY FOR ANY DISCREPANCIES BETWEEN THE DIMENSIONS ON THE GROUND AND THE DIMENSIONS ON THIS DRAWING.

DATE: 23/05/16

**MIKE PUNCHARD  
PLAN DRAWING SERVICE**  
9 THE AVENUE, NORTON, MALTON,  
N. YORKS. YO17 9EF  
TEL:- 01653 694276

TITLE :- Proposed part Single & part Two Storey Gable End Extension. AT :- Rowan Cottage, Low Marishes, Malton. FOR :- Ian Wilson & Rachel Campion.  
 SCALES :- 1:100, 1:50. DATE :- April 2016. DRAWING No. :- 15-1114-4.

TG

OBJECT

Marnley Parish Meeting

RYEDALE DM      Bellaker Grange  
Marnley

16 MAY 2016      Malton

DEVELOPMENT OBJECT      Y017 6UG  
MANAGEMENT

Planning Application      16/00721/HOUSE

Rowan Cottage -  
Low Marnley

Concerns have been expressed from Marnley Parish with regard to the Above application. It is felt that it still will have a negative impact on the neighbouring house, due to its close proximity to windows and the fact it will block out a lot of light. With this in mind we cannot support the application and must register an objection.

Yours

(DAVID BEAL)

(Chairman)

# Agenda Item 12

**Item Number:** 12  
**Application No:** 16/00785/FUL  
**Parish:** Rillington Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs Bellfield  
**Proposal:** Erection of a three bedroom bungalow with attached garage  
**Location:** Land At Manor View Rillington Malton North Yorkshire

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

## CONSULTATIONS:

**Parish Council** No views received to date  
**Highways North Yorkshire** Recommend conditions  
**Archaeology Section** Proposed development has no known archaeological constraint

**Land Use Planning** No views received to date  
**Tree & Landscape Officer** No views received to date

**Neighbour responses:** Mr Warren Grant, Mrs Patricia Sollitt, Mrs Clarke Collier, Mr P Abbey, Mrs K Green, Mr Richard & Patricia Porter, Mrs J Hodge, Shirley Maud, Stella Ketley, Mr Nicholas Wilson,

---

## SITE:

The application site measures 40m in length at its maximum by 24m in width at its maximum. With the exception of the access from Manor View on its southern side, the application site is located outside of the development limits of Rillington. The access track from the existing cul-de-sac to the site approximately measures 8m in width and 16m in length and is located between No. 9 and No. 26 Manor View. Both No. 9 and No. 26 are detached bungalows. Manor View is a 1990's cul-de-sac of residential development comprising both single and two storey dwellings of brick and tiled roofs. The application site is currently part of the rear garden area of No. 52 Low Moorgate, with that property located to the western side of the application site. Beyond the site to the east is open countryside, with an orchard and grazing land to north.

## PROPOSAL:

Planning permission is sought for the erection of a 3 bed detached bungalow that has a footprint measuring 18.3m in width by 9.7m in width and is 2.3m to its eaves height and 5.4m to the ridge height. It is proposed to construct the dwelling of brick under a pantile roof with UPVC windows.

The proposed dwelling is sited on a similar building line to No. 9 Manor View with an attached garage on its southern side.

## HISTORY

1992: Planning permission granted for the erection of electricity sub-station adjacent to Plot 1 Manor View.

1991: Planning permission granted for the erection of 17 dwellings.

## **POLICY:**

### National Policy

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

### Local Plan Strategy

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 SP11 – Community Facilities and Services

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 – Presumption in favour of sustainable development

Policy SP20 – Generic Development Management Issues

## **APPRAISAL:**

The main considerations in relation to this application are:

1. The principle of the proposed development;
2. The siting, scale and design of the proposed dwelling;
3. Developer contributions;
4. Whether the proposal will have an adverse effect upon the character and appearance of the open countryside;
5. Impact upon the amenity of the adjoining neighbours;
6. Whether No. 52 Low Moorgate retains a satisfactory level of residential amenity;
7. Highway safety;
8. Landscaping; and
9. Drainage.

This application is referred to Planning Committee as the recommendation to approve this application beyond the ‘saved’ development limits represents a departure from the adopted Development Plan. The application has been advertised as ‘Departure’ and the rationale for this recommendation is contained in the report below.

### The principle of the proposed development

The Council had a 5-year supply of housing as of 31 March 2015. The current figure is being calculated by Officers and the Council is expected to maintain at least a 5-year supply of housing. The application site is located outside of the development limits of Rillington, as such it lies within the open countryside. In accordance with Policy SP2 of the Local Plan Strategy the proposed dwelling would not meet any of the normal open countryside exceptions and be contrary to Policy SP2.

However, the Council does not have an adopted Housing Development Plan Document specifying housing allocations, as stated within Policy SP2 of the LPS.

Para. 14 of NPPF states:

*‘ .... For decision-taking this means:*

- Approving development proposals that accord with the development plan without delay; and*
- Where the development plan are absent, silent, or relevant policies are out-of –date, granting planning permission 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 the Framework indicate development should be restricted.*

Given that the Council has not made Housing Allocations, the Development Plan can be considered to be silent in part in this respect, and para. 14 of NPPF is invoked. Therefore, this application should be granted planning permission unless the impacts of the proposed development significantly or demonstrably outweigh the benefits or specific NPPF policies indicate development should be restricted.

In this case, the application site has been submitted as a possible site for residential development within the Housing Sites Document 2015. In combination with other sites to the north, the site is identified as one of the preferred housing sites for the Service Villages. Furthermore the site is located in Rillington, which is identified as a ‘Service Village’ and a sustainable settlement with local services and facilities.

It is therefore considered that the principle of developing this site is consistent with national and emerging Local Plan Policy. The appraisal below will address whether there is conflict with other NPPF policies or any significant or demonstrable harm identified in the appraisal below.

#### Siting, design, and scale

The siting, scale and design of the proposed dwelling is considered to relate well to the character and form of the surrounding properties on Manor View and meet the requirements of Policy SP16 and Policy SP20 of the Local Plan Strategy.

#### Developer Contributions

The development is chargeable to CIL at 45m2 giving a charge of approximately £5,400

Policy SP3 of the Local Plan Strategy requires a 9% Affordable Housing contribution based on the private sales revenue of the dwelling. A decision of the Court of Appeal (West Berkshire DC v SSCLG [2016] EWHC 267) earlier this month confirmed the legality of Government's amendment to the NPPG to prevent Affordable Housing contributions being sought from sites of less than 10 dwellings. On 19 May 2016 Government amended national policy (NPPG) to prevent developer contributions from smaller sites of 10 dwellings or less. It is therefore not considered to be possible for such developer contributions to be sought towards affordable housing on this single dwelling. The decision of the Court of Appeal and the changes to NPPG are a significant material consideration that is of sufficient weight to override the Development Plan requirement for Affordable Housing contributions. As such Members are advised that no such contribution should be sought from this single dwelling.

#### Impact upon the open countryside

The site is bounded by existing residential development to the west and southern sides, with mature planting to the northern and eastern sides. Because of this the impact of the proposal upon the Vale of Pickering landscape character is considered to be negligible. There is a public footpath to the eastern side within a partly planted area, however views of the proposed dwelling will be in the context of the existing built form of Rillington.

#### Impact upon the amenity of adjoining neighbours

The proposed dwelling is single storey having a maximum ridge height of 5.4m and an eaves height of 2.3m. There is considered to be a satisfactory separation to surrounding properties and no issues with regard to potential overlooking. The inter-relationship of the proposed garden with those existing gardens is equally considered to be acceptable.

The use of the proposed access and movements associated with a single dwelling to and from Manor View is not considered likely to give rise to a material adverse effect upon the amenity of the adjoining properties. The proposal appears a logical extension of the existing cul-de-sac.

#### Whether No. 52 Low Moorgate retains a satisfactory level of residential amenity space?

No. 52 is a substantial property and is considered to retain ample sized garden.

#### Highway safety

The Highway Authority has considered the ability of Manor View and Low Moorgate to safely accommodate this additional dwelling and the inter-relationship with other road users. The Highway Authority has confirmed that there are no objections to the proposed development subject to the imposition of a standard condition regarding a Construction Management Plan.

#### Drainage

Foul water is to drain to the mains, and surface water to is to be drained via a soakaway. There are no objections to these drainage methods.

#### Landscaping

The proposal is to retain as much planting as possible on the outer sides and within the site and no objections have been received.

#### Other considerations

The County Archaeologist has no objection to the application, and no response has been received from the Parish Council. There have been 7 letters of objection and 2 letters of representation in regard to the application, the following issues have been raised:

- Highway safety and the impact upon Manor View and Low Moorgate;
- The impact upon the amenity of the adjoining neighbours;
- Construction disruption;
- The possibility of the site to the east being unlocked;
- The possibility of a 'rat run' from Manor View to the proposed housing scheme to the north;
- Impact upon the Doctor's surgery;
- Loss of trees and wildlife; and,
- Possibility of overlooking should velux roof lights be added to the rear roofslope.

The issue of highway safety and the safety of road users has been considered in detail by the Highway Authority and no objections have been raised. The impact of the proposal upon residential amenity has been addressed in the appraisal above and there are considered to be no reasons to refuse planning

permission regarding its impact. The existing hedge does not have protection and there is considered to be no objection to its removal, an informative is recommended to advise the developer's of their obligations under the Wildlife and Countryside Act when removing the hedge in relation to breeding birds. The impact upon the Doctor's surgery is a matter for the surgery, the site is a sustainable location and a preferred option for allocation. There is no proposal to create access from Manor View to the proposed development to the north, and consequently no 'rat run' is proposed.

Construction disruption and noise is inevitable, however this is short-term. A condition is recommended by the Highway Authority to control the highway safety impacts of construction. An informative is recommended regarding adherence to the Considerate Construction Scheme.

It is possible that an additional plot to the east could become unlocked by virtue of the proposed access. However this is not a reason to withhold planning permission. Any development of that site would have to be considered on its own merits through the submission of a further planning application.

The main part of the dwelling where velux roof lights could be inserted is back-to-back to No. 52 Low Moorgate. There is a separation distance of approximately 50m between the proposed dwelling and No. 50 Low Moorgate. It is therefore not considered to be reasonable to impose a condition withdrawing permitted development rights in this case.

### Conclusion

In view of the above there are considered to be no conflicts with NPPF or with the development principles set out in the Local Plan Strategy. Furthermore no significant or demonstrable harm has been established. Therefore it is recommended that this application be approved subject to conditions as listed below.

### **RECOMMENDATION:                      Approval**

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

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

2            Notwithstanding the submitted details and 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

3            No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- A. the parking of vehicles of site operatives and visitors
- B. loading and unloading of plant and materials
- C. storage of plant and materials used in constructing the development
- D. measures to control the emission of dust and dirt during construction
- E. HGV routing



Reason: In the interests of highway safety and to satisfy Policy SP20 of the Local Plan Strategy

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

Site location plan; Drg No. 040 416 2; 040 416 1

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

- 5 Prior to the commencement of the development hereby approved precise details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the 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

## **INFORMATIVES**

1. You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).
2. The applicant/developer is advised that the site clearance works should be undertaken to avoid the bird breeding season. The applicant/developer is also advised of their obligations under the Wildlife & Countryside Act 1981.
3. The applicant/developer is advised to adhere to the Considerate Construction Scheme.

### **Background Papers:**

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

Rillington



RYEDALE DM

22 APR 2016

DEVELOPMENT  
MANAGEMENT

16/00785/Fu

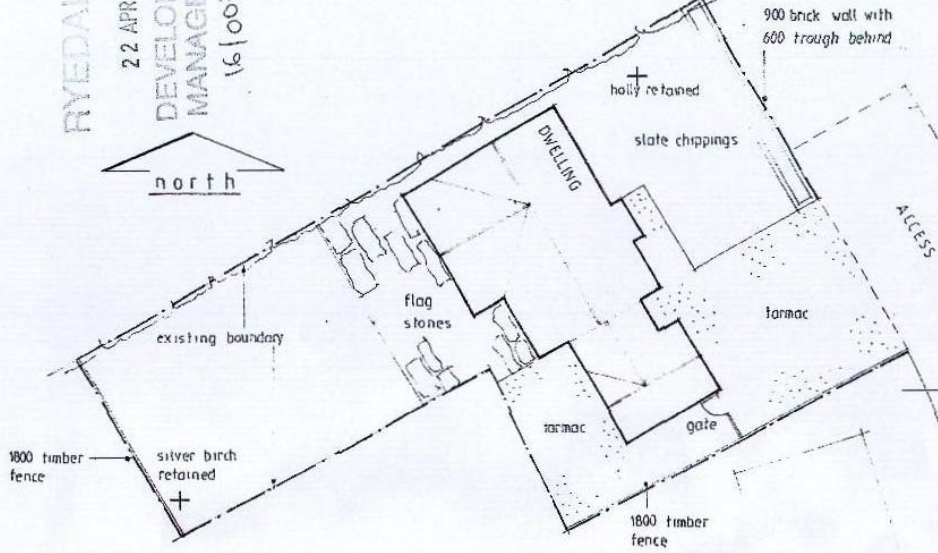
**Promap**  
Ordnance Survey © Crown Copyright 2012. All rights reserved.  
Licence number 100020449. Printed Scale - 1:1250

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. WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER, THIS COPY MUST NOT BE COPIED OR REPRODUCED IN ANY MANNER.

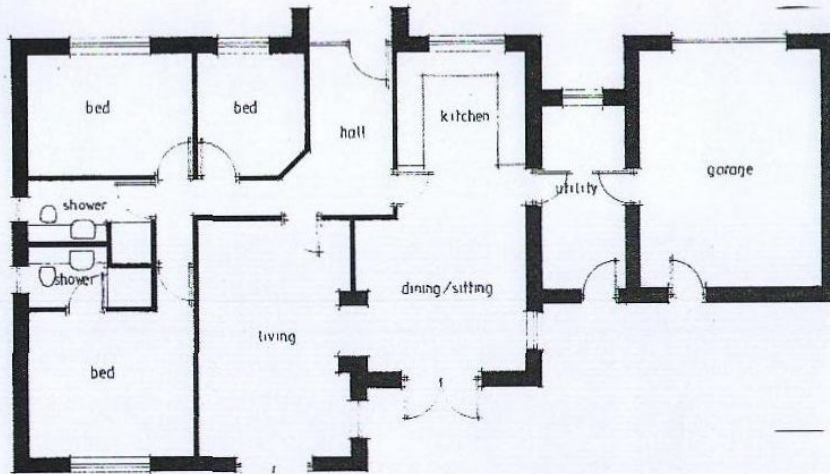
Proposed dwelling - plans  
 Manor View - Rillington  
 MR & MRS Bellfield  
 Scale: 1:100 1:250 A3  
 No: 040 416 2

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 4(1) OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES RELEVANT EXCEPTION TO COPYRIGHT, THIS COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.

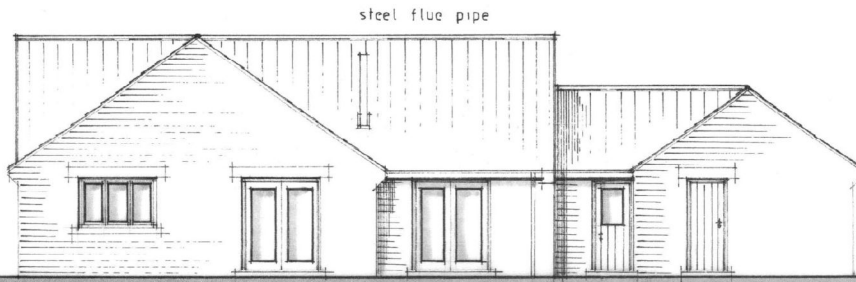
RYEDALE DM  
 22 APR 2016  
 DEVELOPMENT  
 MANAGEMENT  
 16/00785/RW



site plan 1:250



plan



s o u t h w e s t



s o u t h e a s t

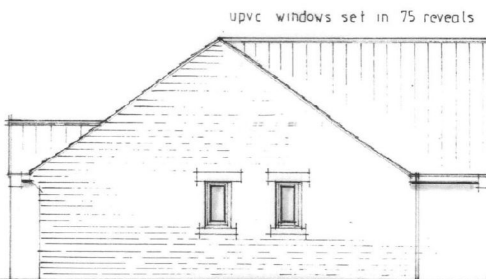
THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 40 OF THE COPYRIGHT DESIGNS AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT, THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.

**REVISED PLAN**



n o r t h e a s t

brickwork walling



n o r t h w e s t

**Peter Rayment Design Ltd**

architectural designers

Upgang, Westgate, Thornton le Dale  
Pickering YO18 7SB

email: raymentdesign@gmail.com

tel: 01751 472541

PROPOSED DWELLING - ELEVATIONS

Scale: 1:100 A3

MAJOR VIEW - RILLINGTON

No: 040 416 1 &

DATE  
26/05/16

MR & MRS BELLFIELD.

RYEDALE DM

22 APR 2016

DEVELOPMENT  
MANAGEMENT

16/00785/FUL

**DESIGN AND ACCESS STATEMENT**

**FULL PLANNING APPLICATION FOR PROPOSED SINGLE STOREY 3 BEDROOMED DWELLING  
ON LAND AT MANOR VIEW RILLINGTON FOR MR & MRS BELLFIELD.**

The site is located to the north of Manor View, Rillington and currently forms part of the rear garden of 52 Low Moorgate. Land to the north of the application site is currently subject of a planning application for residential development. The site is within the village development limits. Rillington is designated as a Service Village in the Ryedale Plan - Local Plan Strategy.

We are proposing the construction of a detached single storey dwelling with an attached garage wing. The site area is approximately 0.0746 HA in area.

The proposed dwelling will have a footprint area of 156m<sup>2</sup>, an eaves height of 2.3m and a ridge height of 5.4m. The siting has been chosen to accord with the neighbouring property to the south and the proposed development to the north. The proportions and roof span of the proposed dwelling have been designed to reflect those of the majority of existing modern and traditional buildings in the vicinity. We believe that the design is appropriate for this site and will allow the new building to sit in context with the existing surrounding buildings in terms of scale and massing. It is proposed to construct the dwelling in brickwork with a red clay pantiled roof. Doors will be of timber construction and window frames in Upvc set in 75mm deep external reveals.

Vehicular and pedestrian access to the site will be via Manor View to the south of the property and it is proposed to create two new parking spaces as well as garaging for use in association with the new dwelling. The access to the site and into the property will comply with Part M of the building regulations covering access and facilities for disabled and semi ambulant persons.

Existing site boundaries of hedges, fences and walls will remain as existing with the addition of new 1.8m high close boarded fencing and brick walling as shown on the submitted site plan. We are proposing retention of an existing Silver Birch tree on the proposed west boundary and a Holly tree to the north east of the proposed dwelling.

The following planning policies are relevant to this development:

National Planning Policy Framework NPPF (2012)-

Section 6 – Delivering a Wide Choice of High Quality Homes

Section 7 – Requiring Good Design

Section 11 – Conserving and Enhancing the Natural Environment

Ryedale Plan – Local Plan Strategy

SP1 – General Location of Development and Settlement Hierarchy

SP2 – Delivery and Distribution of New Housing

SP16 - Design

SP19 – Presumption in Favour of Sustainable Development

SP20 – Generic Development Management Issues

SP21- Occupancy restrictions

We consider that the proposed dwelling is of good design and will provide a quality home in a conveniently sited, quiet village location and its size, scale and appearance will enhance the built and natural environment.

Peter Rayment design Ltd

April 2016

# Agenda Item 13

## RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 7 June 2016

#### Report of the Head of Planning

Breach of Condition 07 (hours of operations), Condition 08 ( use of equipment) and Condition 10 (noise levels from operations on the site not to exceed 45dB 15 min LAeq) of Planning Permission 93/00856/OLD at Whey Carr Farm, Sand Hutton

#### Purpose of the Report

To advise Members of alleged breaches of planning control in relation to the above planning conditions and recommend an appropriate course of action.

#### 1. SITE LOCATION

1.1 The site is situated in a former farmstead within the development limits of the village of Sand Hutton. The application site is within the Conservation Area boundary. A plan showing the location of the site is attached for Members information.

#### 2. ALLEGED BREACHES OF PLANNING CONTROL

2.1 The alleged breaches of planning control comprises :

Failing to comply with Conditions 07, 08 and 10 of the 1993 planning permission 3/111/19C/FA, Change of use of farm outbuildings and yard for the storage and assembly of sectional timber buildings and components at Whey Carr Farm, Sand Hutton.

These are described below.

#### 2.2 Condition 07

The application site shall be used for the approved use only between 08.00 and 18.00 on Monday to Friday; and between 08.00 and 12.00 on Saturday. It shall not be used at all on Sundays and Public Holidays .

Reason: to ensure that the amenities of nearby residents are not unreasonably affected.)

#### Condition 08

No machinery or power tools shall be operated on the premises before 08.00 or after 18.00 on Monday to Friday. Machinery or power tools shall not be operated at any times on Saturdays, Sundays or public holidays

Reason To ensure that the amenities of nearby residents are not unreasonably affected.

#### Condition 10

Noise from operations conducted on the premises shall not exceed 45 dB 15 minute LAeq as measured at the boundaries of the application site.

Reason; to ensure that noise from the premises does not adversely affect neighbouring residents.

### 3. WHAT BREACHES HAVE OCCURRED

- 3.1 The site was investigated by the Council's Enforcement Officer after complaints had been received from the Council's Environmental Health Officer regarding the operation of the site. The complainant alleged that the site was being used and machinery and power tools operating outside of the times set in Conditions 07 and 08 of the 1993 planning permission. The complainant also raised concern over the levels of noise being generated by the operations taking place on the site.
- 3.2 In addition to the diary sheets provided to the complainant to complete. Environmental Health Officers also took initial noise readings on the site boundary, to check whether condition 10 was being breached.
- 3.3 The initial site recordings taken in September 2015 showed that during the time period of 09.00 - 11.00 activity at Whey Carr Farm, on several occasions, noise levels exceed 45dB (LAeq 15- the Equivalent Continuous A - weighted Sound Level measured over a 15 minute period) taken at the boundary of the site as stipulated by Condition 10. The measurements during the period included 47dB, 50dB and 56dB. These levels were perceived to be directly related to the use of extraction systems and the intermittent use of power tools. The use of the forklift truck during the monitoring period was measured at 57dB .
- 3.4 The Development Management Enforcement Officer and Environmental Health Officer visited the site and met with the site owner. The purpose of the site meeting was to establish how the site operated and lead to a better understanding of the noise recordings. During the meeting the site owner was again advised that the noise recordings taken prior to that point had showed that there had been a breach of Condition 10. He was advised that the onus was on him to commission a noise survey which should identify what part or parts of the process were resulting in the breach of Condition 10 and what mitigation could be put in place to ensure the condition was not breached. He informed officers that he had already approached a consultant to conduct the work and confirmed he would provide officers with a copy of the report.
- 3.5 Officers received confirmation from the site owner on the 4 January 2016 that the following works had been carried out to mitigate the noise generated from some of the machinery; investment in quieter tooling, acoustic lining of the machine cubicles and he had also acoustically lined a large section of the gable end. Photographs were submitted showing the 'acoustic lining'. However no noise survey was received, despite the request to see a copy of the report.
- 3.6 In light of this further noise recordings were taken by Environmental Health Officers. These recordings revealed that the noise levels being emitted as a direct result of the operations site were regularly exceeding the levels set by condition 10, sometimes in excess of 10dB.
- 3.7 A further meeting was arranged by the Council's Development Management Enforcement Officer with the Environmental Health Officers, the applicant and his newly appointed noise consultant. The purpose of the meeting was to address the identified breaches of planning control and to decide how the investigation was to progress as well as giving the owner of the site the opportunity to confirm his intentions. During the course of the meeting the owner of the site confirmed that despite his previous commitment to carrying out his own noise survey he had not done so and the mitigation works he had thus far done had not been done without the assistance of any professional advice.

3.8 Further to this meeting Environmental Health Officers have carried out a further site visit on the 19 May 2016 with the appointed Noise Consultant. Noise recordings are continuing to be carried out periodically to give officers a more comprehensive understanding of the noise levels being emitted.

3.9 The complainant continues to submit diary sheets which are providing officers with a greater understanding of the impacts the breach of Condition 10 is having on their residential amenity. The information also continues to show that the premises is being used and machinery operated outside of the times as stipulated in Conditions 07 and 08 of the 1993 approval.

#### 4. HISTORY

4.1 The land the subject of this report has had numerous planning applications. However the most relevant is the one which is the subject of this report Ref. 3/111/19C/FA Change of use of farm outbuildings and yard for the storage and assembly of sectional timber buildings and components at Whey Carr Farm, Sand Hutton.

5

#### . PLANNING POLICY CONTEXT

5.1 The relevant planning policy considerations are:

##### National Planning Policy Framework (NPPF)

Paragraph 17 - Core Planning Principles

Section 3 - Supporting a prosperous rural economy

##### Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP9 - The Land-Based and Rural Economy

Policy SP11 - Community Facilities and Services

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

#### 6. APPRAISAL

6.1 When considering whether or not to take enforcement action it is not sufficient just for a breach to be identified. The Local Planning Authority should only take formal enforcement action where it is fair, reasonable and expedient to do so. In making this decision the Local Planning Authority is required to assess the circumstances of the case and make reference to adopted planning policies. In addition the LPA must also consider national planning policy and guidance. This is set out in the National Planning Policy Framework (NPPF) 2012 and the Planning Practice Guidance. The NPPF sets out that 'local planning authorities should act proportionately in responding to suspected breaches of planning control' Para 207. In considering 'expediency' the decisive issue is whether the breach would unacceptably affect public amenity or whether the use of land should be regulated in the public interest. Any enforcement action is required to be proportionate to the breach.

6.2 The site is located within the development limits of the village of Sand Hutton, within a designated Conservation Area. The site is close to non associated residential dwellings.



- 6.3 The Development Plan contains policies which seeks to promote rural business, as Policy SP9 (The Land-Based and Rural Economy) of the Ryedale Plan- Local Plan Strategy highlights. However there is a duty for both the LPA and for site owners to do so inline with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy and Para 17 of the NPPF to ensure development is not to the detriment of residential amenity.
- 6.4 When planning permission was sought for the site to be developed for the storage and assembly of sectional timber buildings and components in 1993, it was controversial. A number of concerns had been raised by officers, neighbours and the Parish Council. These predominantly revolved around the potential impact the noise generated by the operations could have on the amenity of the neighbouring properties. In order to alleviate these concerns the applicant wrote to the planning officer dealing with the application on a number of occasions. He confirmed his willingness for conditions relating to noise and operation hours to be imposed. The applicant also expressed his readiness to take proactive steps such as acoustic lining the building, the subject of the application, if noise recordings showed operations were exceeding the levels set.
- 6.5 A series of noise recordings have been taken by Environmental Health Officers. On the 29 September 2015 noise readings taken at the boundary clearly showed that the noise levels generated by the operations taking place on the site regularly exceeded 45 dB as set by Condition 10. Mr Goodrick was advised of this breach and a site meeting followed. Further readings taken on 23 February 2016 clearly demonstrated further breaches by a significant margin, resulting in significant detriment to the amenity of neighbouring occupants. Subsequent to a meeting held with Mr Goodrick on 27 April 2016, further complaints and diary sheets and recordings made during May 2016 suggest that the breaches are continuing. The underlying background levels in the neighbouring garden are in the region of 35-38dB LAeq during the daytime with typical readings taken during hammering, banging and machinery operation being 50-57dB LAeq.
- 6.6 In view of the nature of the complaints received, and the evidence of the clear breaches of planning control, it is considered that the Local Planning Authority should take action to remedy the situation.
7. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A NOTICE?
- 7.1 The site is located in a village setting adjacent to residential properties which are not associated with the activities carried out on the site as permitted by the 1993 permission. The breach was first reported to the Council in May 2015. Despite on-ongoing meetings and negotiations between officers and the owner the LPA are yet to be in receipt of any hard evidence that it is the owners intentions to comply with the conditions that were imposed. Whilst the owner has indicated that it is his intention to commission a noise survey at the time of writing this has not been done. In light of previous promises Officers consider it is necessary to be able to seek authority for enforcement action. If once again a noise survey and a schedule of remedial works have not produced within an agreed time frame. Despite attempts to mediate an acceptable course of action it is of note that the complaint has now been with the Council for in excess of 12 months and the matter remains unresolved.
- 7.2 The site owner has failed to ensure the operations on the site are being carried out in accordance with the aforementioned conditions. After the identification of the breach of planning control the site owner has failed to demonstrate to the LPA that they have remedial measure in place to enable the operations to be carried out in line with the requirements of the planning conditions. The diary sheets submitted by the complainant show that the operations on the site continues to have an adverse impact on their amenity.

7.3 It is the conclusion of Officers that the failure to operate the site in accordance with the conditions of the 1993 planning permission is contrary to national planning advice contained in the NPPF and NPPG. This is considered to adversely impact on the amenity of neighbouring residents contrary to the requirements of Para. 17 of the NPPF and Policy SP20 of the Ryedale Plan - Local Plan Strategy. In this instance, there is a clear breach of a planning control and it is considered to be expedient to authorise enforcement action in this case.

7.4 The expediency reason to serve an enforcement notice is outlined below:

1. The unauthorised breach of planning control is contrary to Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy which requires that development should 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 the ... 'use, location and proximity to neighbouring uses'. The National Planning Policy Framework Paragraph 17 seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. It is evident from the complaints received and the evidence gathered by the Councils Environmental Health Officers that the operations and activities being carried out on the site, (in the manner which they are presently being done) result in an adverse impact on the amenity of the occupiers of the neighbouring properties.

In the absence of a Noise Impact Assessment it has not been demonstrated to the Local Planning Authority that the site is or can be operated in a manner which does not adversely affect the amenity of the occupiers of neighbouring properties or in accordance with the condition as imposed on the original grant of planning permission. The development is therefore contrary to Para. 17 of the NPPF, and Policy S20 of the Ryedale Local Plan Strategy.

## 8. STEPS NECESSARY TO REMEDY THE BREACH

8.1 This report seeks authorisation to serve a formal enforcement notice to remedy the breach of planning control. In order to achieve compliance the necessary steps include:

1. Cease any use on the land arising from the approved use which results in a noise level which exceeds 45 dB 15 minute LAeq as measured at the boundaries of the application site
2. Subject to clauses 3, 4 and 5 below, cease the use of the land for the approved use outside the authorised hours of use where the authorised hours of use are between 08.00 and 18.00 on Monday to Friday; and between 08.00 and 12.00 on Saturday.
3. Cease the use of the land for the approved use on Sundays and Public Holidays .
4. Cease the use of machinery or power tools on the land before 08.00 or after 18.00 on Monday to Friday.
5. Cease the use of machinery or power tools at any time on Saturdays, Sundays or public holidays

9. SUGGESTED PERIOD FOR COMPLIANCE

9.1 The suggested period for compliance is one month in respect of an Enforcement Notice.

Recommendation

The Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue an enforcement notice and any further action pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring :

1. Cease any use on the land arising from the approved use which results in a noise level which exceeds 45 dB 15 minute LAeq as measured at the boundaries of the application site
2. Subject to clauses 3, 4 and 5 below, cease the use of the land for the approved use outside the authorised hours of use where the authorised hours of use are between 08.00 and 18.00 on Monday to Friday; and between 08.00 and 12.00 on Saturday.
3. Cease the use of the land for the approved use on Sundays and Public Holidays .
4. Cease the use of machinery or power tools on the land before 08.00 or after 18.00 on Monday to Friday.
5. Cease the use of machinery or power tools at any time on Saturdays, Sundays or public holidays

Background Papers

Investigation file 15/00097/BC

15/00097/BC

Not Set



Scale: 1:2,500

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

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	27/05/2016
MSA Number	Not Set

## RYEDALE DISTRICT COUNCIL

### APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS PERIOD 3 MAY TO 27 MAY 2016

---

1.

**Application No:** 15/00870/HOUSE **Decision: Approval**  
**Parish:** Scampston Parish Council  
**Applicant:** Mr Tony Holliday  
**Location:** Mill Granary Scarborough Road East Knapton Malton YO17 8JA  
**Proposal:** Erection of single storey extension to south elevation to form an orangery

---

2.

**Application No:** 15/01116/HOUSE **Decision: Approval**  
**Parish:** Buttercrambe With Bossall Parish Meeting  
**Applicant:** Mr B Sheppard  
**Location:** Howl Beck House 6 Bossall To Carr Plantation Bossall Malton YO60 7NT  
**Proposal:** Erection of a detached triple garage (revised plans)

---

3.

**Application No:** 16/00296/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam Malton Estate (Mr Alex Welburn)  
**Location:** Old Talbot Yard Yorkersgate Malton North Yorkshire  
**Proposal:** Internal alterations to include installation of disabled toilet and baby changing facility.

---

4.

**Application No:** 16/00340/FUL **Decision: Approval**  
**Parish:** Burythorpe Parish Council  
**Applicant:** Mr & Mrs T Scarff  
**Location:** Mill Farm Ruffin Lane Eddlethorpe North Yorkshire YO17 9QU  
**Proposal:** Erection of 4no. bedroom dwelling and linking extension to include alterations and change of use of barn to form additional domestic accommodation following demolition of existing dwelling, shed and pole barn together with installation of roof-mounted PV solar panels to south-facing roofslope and installation of biomass boiler and fuel store within retained detached outbuilding (revised details to approval 15/00861/FUL dated 21.09.2015).

---

5.

**Application No:** 16/00341/TPO **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mrs Susan Khafagy  
**Location:** 3 Foliott Ward Close Malton North Yorkshire YO17 7NN  
**Proposal:** To carry out minor crown reduction to T41 and T42 within TPO No. 33/1981 to relieve infringements over property and parking area

---

6.

**Application No:** 16/00373/HOUSE **Decision: Approval**  
**Parish:** Barton-le-Willows Parish  
**Applicant:** Mrs Miriam Hassell  
**Location:** Rose Barn Steelmoor Lane Barton Le Willows North Yorkshire YO60 7PD  
**Proposal:** Erection of a detached garage with integral shed.

- 
7.  
**Application No:** 16/00376/HOUSE **Decision: Approval**  
**Parish:** Upper Helmsley Parish Council  
**Applicant:** Mr David O'Meara  
**Location:** Common Farm Sand Hutton To Upper Helmsley Road Upper Helmsley Malton YO41 1JX  
**Proposal:** Erection of a single storey extension to side elevation.
- 
8.  
**Application No:** 16/00390/HOUSE **Decision: Approval**  
**Parish:** Nunnington Parish Council  
**Applicant:** Mr Ben Mosey  
**Location:** The House The Square Church Street Nunnington YO62 5US  
**Proposal:** Erection of single storey extension to rear elevation.
- 
9.  
**Application No:** 16/00391/LBC **Decision: Approval**  
**Parish:** Nunnington Parish Council  
**Applicant:** Mr Ben Mosey  
**Location:** The House The Square Church Street Nunnington YO62 5US  
**Proposal:** External alterations to include erection of single storey extension to rear elevation.
- 
10.  
**Application No:** 16/00392/HOUSE **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr A And Mrs E Purser  
**Location:** Kildare Swineherd Lane Kirkbymoorside YO62 6LR  
**Proposal:** Erection of attached double garage with storage above following demolition of the existing garage and car port together with infill kitchen extension and extension of existing balcony with installation of stainless steel hand railing and glass balustrade
- 
11.  
**Application No:** 16/00431/73A **Decision: Refusal**  
**Parish:** Pickering Town Council  
**Applicant:** Mrs Denham  
**Location:** 20 Ryebeck Court Pickering North Yorkshire YO18 7FA  
**Proposal:** Variation of Condition 10 of approval 14/00651/73A dated 24.07.2014 to allow clear-glazing of windows to west elevation.
- 
12.  
**Application No:** 16/00432/HOUSE **Decision: Approval**  
**Parish:** Wilton Parish Council  
**Applicant:** Mr & Mrs Davies  
**Location:** Corner House High Street Wilton Pickering North Yorkshire YO18 7LE  
**Proposal:** Erection of a porch extension to rear elevation
- 
13.  
**Application No:** 16/00434/FUL **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Daniel Barker  
**Location:** 2 George Cartwright Close Norton Malton North Yorkshire YO17 8EL  
**Proposal:** Change of use of parcel of land to form additional domestic curtilage together with erection of 1.8m high fence

- 
- 14.**  
**Application No:** 16/00437/HOUSE **Decision: Approval**  
**Parish:** Newton Parish Council  
**Applicant:** Mr Adam Thomas  
**Location:** High Street Farm High Street Newton On Rawcliffe Pickering North Yorkshire YO18 8QA  
**Proposal:** Erection of detached single garage with carport and lean-to storage area.
- 
- 15.**  
**Application No:** 16/00440/HOUSE **Decision: Approval**  
**Parish:** Nawton Parish Council  
**Applicant:** Mrs M Kilcran  
**Location:** The Bield Chapel Street Nawton Helmsley YO62 7RE  
**Proposal:** Erection of enclosed porch to the rear following demolition of existing porch.
- 
- 16.**  
**Application No:** 16/00441/FUL **Decision: Approval**  
**Parish:** Slingsby Parish Council  
**Applicant:** Mr & Mrs Leigh and Catharine Spooner  
**Location:** Grapes Inn Railway Street Slingsby Malton YO62 4AL  
**Proposal:** Erection of single storey extension to existing lean-to extension to include replacement roof and installation of 3no. rooflights.
- 
- 17.**  
**Application No:** 16/00442/LBC **Decision: Approval**  
**Parish:** Slingsby Parish Council  
**Applicant:** Mr & Mrs Leigh and Catharine Spooner  
**Location:** Grapes Inn Railway Street Slingsby Malton YO62 4AL  
**Proposal:** External alterations to include erection of a single storey extension to existing lean-to extension to include replacement roof and installation of 3no. rooflights.
- 
- 18.**  
**Application No:** 16/00446/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Lee Cobley  
**Location:** 136 Welham Road Norton Malton North Yorkshire YO17 9DU  
**Proposal:** Erection of part two storey/part single storey extension to side and rear elevations to include integral garage to the side and first floor balcony to the rear following demolition of existing two storey and single storey extensions, together with alterations to landscaping and formation of additional parking to the front
- 
- 19.**  
**Application No:** 16/00448/HOUSE **Decision: Approval**  
**Parish:** Sinnington Parish Council  
**Applicant:** Mr & Mrs Neville Hobbs  
**Location:** Chapel Garth The Garth Sinnington Pickering YO62 6SG  
**Proposal:** Rendering of dwelling walls together with fitting of timber cladding to porch.
- 
- 20.**  
**Application No:** 16/00453/FUL **Decision: Approval**  
**Parish:** Leavening Parish Council  
**Applicant:** Mr R Wardle  
**Location:** Clifton Farm Cottages Westow Malton North Yorkshire YO60 7LS

**Proposal:** Change of use of existing holiday accommodation to form a 2no. bedroom permanent residential dwelling

---

**21.**

**Application No:** 16/00454/FUL **Decision: Approval**  
**Parish:** Gate Helmsley Parish Council  
**Applicant:** Mr M Machin  
**Location:** Balloon Tree Farm Shop And Cafe Gate Helmsley North Yorkshire YO41 1NB  
**Proposal:** Erection of single storey extension to farm shop cafe

---

**22.**

**Application No:** 16/00456/GPAGB **Decision: Prior Approval Granted**  
**Parish:** Sheriff Hutton Parish Council  
**Applicant:** G W & M Singleton  
**Location:** Buildings At Mill Hill Farm Cornborough Road Sheriff Hutton  
**Proposal:** Change of use of agricultural building to a dwellinghouse (Use Class C3)

---

**23.**

**Application No:** 16/00457/LBC **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr Andrew Hook  
**Location:** Buckingham House 3 High Market Place Kirkbymoorside YO62 6AT  
**Proposal:** External alterations to include installation of 6no. replacement windows to rear and south-east facing elevations

---

**24.**

**Application No:** 16/00458/LBC **Decision: Approval**  
**Parish:** Welburn (Malton) Parish Council  
**Applicant:** Mr Stewart Holt & Ms Sarah Leece  
**Location:** Cherry Tree House Main Street Welburn Malton YO60 7DX  
**Proposal:** External and internal alterations to include removal of existing part two storey/part single storey flat roofed extension and replacement by a part two storey/part single storey flat roofed extension, replacement of adjacent ground floor French doors with alterations to balcony above including installation of French doors for balcony access, re-roofing of dwelling, replacement of front and rear UPVC dormer windows by double glazed timber Yorkshire sliding sash units and alterations to internal layout on ground floor, first floor and second floor

---

**25.**

**Application No:** 16/00462/FUL **Decision: Refusal**  
**Parish:** Malton Town Council  
**Applicant:** Mrs Elizabeth Parlett  
**Location:** 55 Middlecave Road Malton North Yorkshire YO17 7NQ  
**Proposal:** Change of use, alteration and extension of existing detached single garage to form a one bedroom self-contained residential annex to include a glazed linking extension to the main dwelling

---

**26.**

**Application No:** 16/00465/HOUSE **Decision: Approval**  
**Parish:** Westow Parish Council  
**Applicant:** Mr Clive Staples  
**Location:** The Rakes Cottage 19 The Orchards Westow Malton YO60 7NF  
**Proposal:** Rebuilding of 3no. existing flat roof dormers to rear (south) elevation with UPVC wood grain window frames and replacement of 2no. existing single glazed timber



windows to rear (south) elevation with double glazed UPVC wood grain windows to include enlarging of one of the windows

---

27.

**Application No:** 16/00468/LBC **Decision: Approval**  
**Parish:** Settrington Parish Council  
**Applicant:** Mr P Thacker  
**Location:** Elm Tree Farm Town Street Settrington Malton North Yorkshire YO17 8NR  
**Proposal:** External and internal alterations to attached single storey outbuildings to form a one bedroom residential annex

---

28.

**Application No:** 16/00485/HOUSE **Decision: Approval**  
**Parish:** Nawton Parish Council  
**Applicant:** Rachel Young  
**Location:** 2 Station Cottages Station Road Nawton Helmsley YO62 7RG  
**Proposal:** Erection of a single storey extension to side elevation

---

29.

**Application No:** 16/00488/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr & Mrs Matthew Sawdon  
**Location:** 13 Welham Road Norton Malton YO17 9DP  
**Proposal:** Erection of single storey extension to side and rear elevations

---

30.

**Application No:** 16/00497/HOUSE **Decision: Approval**  
**Parish:** Westow Parish Council  
**Applicant:** Mr Mark Wood  
**Location:** Manor Farm Main Street Westow Malton YO60 7NE  
**Proposal:** Erection of a garden room to rear elevation following demolition of existing porch

---

31.

**Application No:** 16/00498/LBC **Decision: Approval**  
**Parish:** Westow Parish Council  
**Applicant:** Mr Mark Wood  
**Location:** Manor Farm Main Street Westow Malton YO60 7NE  
**Proposal:** Erection of a garden room to rear elevation following demolition of existing porch

---

32.

**Application No:** 16/00520/HOUSE **Decision: Approval**  
**Parish:** Great & Little Barugh Parish Council  
**Applicant:** Mr & Mrs Bulmer  
**Location:** Manor Farm Barugh Lane Little Barugh Malton YO17 6UY  
**Proposal:** Erection of a single storey extension to side elevation and erection of a detached garage/storage area.

---

33.

**Application No:** 16/00546/73A **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr & Mrs Fisher  
**Location:** Joiners 75 Outgang Road Pickering North Yorkshire YO18 7EL  
**Proposal:** Variation of Conditions 02 and 03 of application 15/00317/HOUSE as allowed by appeal APP/Y27366/15/3136948 dated 12.10.2015 to allow clear-glazed first floor

windows and to replace drawing nos. 021 214 2 and 021 214 3 with drawing nos. 021 214 2A and 021 214 3A.

---

34.

**Application No:** 16/00556/FUL **Decision: Approval**  
**Parish:** Huttons Ambo Parish Council  
**Applicant:** Ms Clare Jenyns  
**Location:** The Hall Buck Lane Low Hutton Malton YO60 7HJ  
**Proposal:** Erection of single storey extension to rear elevation, re-roofing of 2no. porches to front elevation and installation of replacement UPVC windows and doors to all existing windows and doors.

---

35.

**Application No:** 16/00605/HOUSE **Decision: Approval**  
**Parish:** Slingsby Parish Council  
**Applicant:** Mr Warwick & Mrs Lesley Helme  
**Location:** Fishers Cottage Railway Street Slingsby Malton YO62 4AL  
**Proposal:** Erection of rear single storey extension and formation of vehicular access with parking/turning area to include removal of section of stone front boundary wall with hedge above

---

36.

**Application No:** 16/00635/FUL **Decision: Approval**  
**Parish:** Brawby Parish Meeting  
**Applicant:** J Houlston And Son (Mr J Houlston)  
**Location:** Buildings West Of Barugh Lane Great Barugh Malton North Yorkshire  
**Proposal:** Erection of a general purpose agricultural building to include housing of livestock following removal of existing timber framed cattle shelter

---

37.

**Application No:** 16/00709/HOUSE **Decision: Approval**  
**Parish:** Terrington Parish Council  
**Applicant:** Mrs Lorna Hoyle  
**Location:** Stable Cottage Wiganthorpe Court Wiganthorpe Terrington Malton YO60 6NU  
**Proposal:** Installation of timber french doors to directly replace existing west elevation window partly utilising the existing window opening

---

38.

**Application No:** 16/00712/LBC **Decision: Approval**  
**Parish:** Hovingham Parish Council  
**Applicant:** Mr Stephen Smith  
**Location:** Barns To Rear Of Ford View Brookside Hovingham  
**Proposal:** External alterations to include installation of a replacement window to south elevation (revised details to approval 14/00088/LBC dated 21.07.2014).

---

39.

**Application No:** 16/00716/TPO **Decision: Refusal**  
**Parish:** Norton Town Council  
**Applicant:** Mr Nicholas Fothergill  
**Location:** Denholm House 143A Langton Road Norton Malton North Yorkshire YO17 9PS  
**Proposal:** To crown reduce T1 (Horse Chestnut) and remove T2 (Horse Chestnut) within TPO No. 183/1992

---

40.

**Application No:** 16/00809/73A **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr John James  
**Location:** Pickering Carr Methodist Church Malton Road Pickering North Yorkshire  
**Proposal:** Variation of Conditions 06 and 07 of approval 13/00573/FUL dated 09.07.2013 to replace drawing no. 190 313 3 with 190 313 4

---

## Appeal Decision

Site visit made on 26 April 2016

**by Roger Catchpole DipHort BSc(hons) PhD MCIEEM**

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

**Decision date: 18 May 2016**

---

**Appeal Ref: APP/Y2736/D/16/3144553**

**Embleton, Harome, York YO62 5JF**

- 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 C Ward against the decision of Ryedale District Council.
  - The application Ref 15/01041/HOUSE, dated 28 August 2015, was refused by notice dated 2 December 2015.
  - The development proposed is the erection of detached garage and alterations to access.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant has modified the description of development on the appeal form. As this more accurately reflects the scheme I have used it for the purposes of this appeal.
3. As the proposal is in a Conservation Area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Harome Conservation Area.

### Reasons

5. The appeal site is located in the village of Harome and comprises a two storey residential property situated on the principle thoroughfare of Main Street. The rear garden is a narrow plot that extends to a road, Back Lane, with open countryside beyond. The proposed development would comprise a single storey, timber-clad garage positioned approximately 7 m from the verge of the aforementioned road. This is required for the secure storage of a car and other items.
6. The Harome Conservation Area (HCA) includes the historic core of the village as well as a number of surrounding fields. It has a distinctive rural character with vernacular architecture and traditional materials predominating. Despite the presence of modern infill development and plot subdivision, a medieval toft pattern is still evident, as reflected in the layout of some of the buildings and plots along Main Street. As is common to this type of layout, some tofts still

- have outbuildings associated with earlier patterns of use. Consequently, the significance of the HCA, insofar as it relates to this appeal, is not only related to its vernacular architecture and traditional materials but also the surviving medieval plot pattern.
7. I observed from my site visit that a number of outbuildings are located at the end of the rear gardens that abut Back Lane and that these are more or less orientated parallel to the road. Four out of five in the immediate area are stone-faced with pantile roofs. The fifth one is brick-faced and set at an angle to the road with a pantile roof. Both the orientation and materials used in newer buildings along Back Lane have largely conformed to this pattern. Furthermore, I observed that a number of historic outbuildings remain, thus supporting the significance of this feature. Given the above, I find that both the materials and orientation of the proposed garage would be highly incongruent and that this would be detrimental to the historic significance of the HCA.
  8. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through the alteration of the asset. Given the scale of the proposal, I find the harm to be less than substantial in this instance. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
  9. The appellant maintains that a viable 'fallback position' is present under Part 1, Class E of the Town and Country Planning Act (General Permitted Development) (England) Order 2015. I accept that this would permit the construction of a garage provided it does not exceed 2.5 m in height and cover no more than 50% of the curtilage. Whilst any such building would be lower than the 3.7 m ridge height of the proposed garage, the footprint could be considerably larger. Furthermore, there would be no control over the design or the materials that could be used. Consequently, I accept that the fallback position would be more harmful.
  10. I have no evidence before me to suggest that permitted development rights have been withdrawn and I am satisfied that the fallback position is available and could be implemented. However, this option would still be open to the appellant even if the appeal were allowed. This is because if I were to impose a condition to remove any such permitted development rights this would only take effect once the permission has been implemented thus leaving the appellant free to construct a longer outbuilding with an increased footprint in the meantime. The only way in which such an outcome could be avoided would be through a planning obligation in which the appellant forgoes relevant permitted development rights. As no such obligation is before me the fallback position is negated because such rights could be exercised irrespective of the outcome of this appeal.
  11. The appellant has suggested that the proposal would affect an area that only makes a 'limited contribution' to the significance of the HCA. Case law<sup>1</sup> has established that proposals must be judged according to their effect on a conservation area as a whole. Bearing in mind the erosion of the medieval

---

<sup>1</sup> South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

layout and its importance in helping to define the historical legibility of the HCA as a whole, I do not find this to be the case.

12. Given the above, I conclude that the proposal would lead to an incongruent outbuilding that would fail to preserve or enhance the character or appearance of the Harome Conservation Area. In the absence of any substantiated public benefits, the proposal would fail to satisfy the requirements of the Act and paragraphs 131 and 134 of the Framework. This would be contrary to saved policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy 2013 that seek, among other things to protect designated heritage assets, reinforce local distinctiveness and ensure that all development respects the character and context of the immediate locality. The proposal would therefore not be in accordance with the development plan. I also find that it would be contrary to paragraph 17 of the Framework which seeks to conserve heritage assets in an appropriate manner for future generations.

### **Other Matters**

13. The appellant has suggested that a condition could be used to ensure that the garage is faced with more appropriate local materials. I accept that conditions can enable development proposals to proceed where it would have otherwise been necessary to refuse planning permission if the adverse effects of the development are mitigated. However, the wooden cladding is only one harmful element, the other being the orientation of the garage within the plot. I acknowledge that this choice has been made for practical reasons but this does not outweigh the harm that I have identified.
14. The appellant considers that the presumption in favour of sustainable development weighs in favour of the proposal. However, paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. Whilst it may be possible to deliver positive gains to one of these, this should not be to the detriment of another. In order to achieve sustainable development, the Framework advises that the planning system should ensure that economic, social and environmental gains are sought jointly and simultaneously. This involves not only seeking positive improvements to the quality of people's lives and the built and natural environments but also the historic environment. Given the harm that would be caused to the HCA and considering the Framework as a whole, I conclude that the proposal would not constitute sustainable development.

### **Conclusion**

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

*Roger Catchpole*

INSPECTOR