



PLANNING COMMITTEE

Tuesday 17 January 2017 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes** (Pages 3 - 6)
- 3 **Urgent Business**
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**
Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Schedule of items to be determined by Committee** (Pages 7 - 8)
- 6 **16/01839/MFUL - Canadian Fields, Gale Lane, Nawton** (Pages 9 - 12)
- 7 **16/01250/MREM - Land South of Westgate, Old Malton, Malton** (Pages 13 - 52)
- 8 **16/01659/MFUL - York Meadows, Sheriff Hutton** (Pages 53 - 73)

- 9 **16/00072/OUT - Land At Golden Square, Low Marishes** (Pages 74 - 81)
- 10 **16/01242/73A - Longhouse, Pottergate, Helmsley** (Pages 82 - 106)
- 11 **Unauthorised Encampment at Kirby Misperton**
- 12 **Any other business that the Chairman decides is urgent.**
- 13 **List of Applications determined under delegated Powers.** (Pages 107 - 113)
- 14 **Update on Appeal Decisions** (Pages 114 - 119)

111 **Part A Report - Publication of the Minerals and Waste Joint Plan**

Part A Report - Publication of the Minerals and Waste Joint Plan

Decision

Members resolved to approve the response to the consultation as outlined in paragraphs 6.7, 6.35 and 6.37 of the report but requested that the responses in paragraphs 6.27-6.32 be amended (in consultation with the Chairman of the Planning Committee) to express concern that elements of the proposed hydrocarbon policies were unsound . It was agreed that there was a need for the Plan to provide explicit protection for the Yorkshire Wolds and Vale of Pickering as well as the National Park and AONB. It was also agreed that representations should also be made regarding the effectiveness of the 500m buffer; the use of 'unqualified' loose language; the lack of a requirement for proposals to be accompanied by Noise Assessments and for the monitoring framework to cover qualitative issues such as the impact on the local economy.

[For 10 Against 0 Abstain 0]

In accordance with the Members Code of Conduct Councillor's Cleary, Burr, Shields and Thornton declared a personal non pecuniary but not prejudicial interest.

112 **Part B Report - Malton Food Enterprise Zone Local Development Order (LDO)**

Part B Report - Malton Food Enterprise Zone Local Development Order (LDO)

Decision

The Planning Committee resolved to recommend to Council that the Local Development Order for the Malton Food Enterprise Zone is adopted.

[For 10 Against 0 Abstain 0]

113 **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.

114 **16/01820/MFUL - The Food And Environment Research Agency, Sand Hutton**

16/01820/MFUL - Construction of an Edge-of-Field Waterbody Safety (E-FloWS) Assessment Facility, with associated plant installations, including pump housing, effluent water tank, treatment plant, backwash water tank, GRP stores shed, landscaping, security and wildlife deterrent fencing and access

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

115 **16/01599/FUL - Land At Croft Farm, The Lane, Gate Helmsley**

16/01599/FUL - Retention of mobile home, 2no. touring caravans, timber shed and area of hardstanding (retrospective)

Decision				
REFUSED - As recommended				
[For	10	Against	0	Abstain 0]

116 **16/01635/HOUSE - The Old Pottery, St Nicholas Street, Norton**

16/01635/HOUSE Erection of a detached double garage

Decision				
PERMISSION GRANTED - subject to conditions as recommended.				
[For	8	Against	0	Abstain 0]

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

There was no other business.

118 List of Applications determined under delegated Powers.

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

119 Update on Appeal Decisions

Members were advised of the following appeal decisions:

Appeal ref APP/Y2736/W/16/3154175 - Land to the rear of The Croft, Nawton Road, Wombledon YO62 7RJ

Appeal ref APP/Y2736/W/16/3157303 - Manor Farm Plot 1, Leppington, Malton YO17 9RL

Appeal ref APP/Y2736/D/16/3159383 - 12 Elm Grove, Sherburn, Malton YO17 8PF

Appeal ref APP/Y2736/W/16/3156982 - High Roans, Sheriff Hutton Road, Strensall, York YO32 5TS

Meeting Closed at 8:50pm

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 17/01/17

6

Application No: 16/01839/MFUL

Application Site: Canadian Fields Gale Lane Nawton Helmsley YO62 7SD

Proposal: Change of use of agricultural land to allow siting of 28no. holiday lodges in association with Canadian Fields campsite together with formation of site roads, car parking and turning areas and associated landscaping

7

Application No: 16/01250/MREM

Application Site: Land South Of Westgate Old Malton Malton North Yorkshire

Proposal: Erection of 24no. four bedroom dwellings, 9no. three bedroom dwellings and 6no. two bedroom dwellings with associated garaging, parking, amenity areas and landscaping to include demolition and some rebuilding of existing site buildings (outline approval 14/00428/MOUTE dated 24.03.2015 refers)

8

Application No: 16/01659/MFUL

Application Site: York Meadows Sheriff Hutton YO60 6QP

Proposal: Change of use of agricultural land to allow the formation of 30no. static caravan pitches and 42no. touring caravan pitches with formation of crushed stone access tracks together with erection of extension to existing site office/amenity block and the provision of a play area (part retrospective)

9

Application No: 16/00072/OUT

Application Site: Land At Golden Square Low Marishes Malton North Yorkshire

Proposal: Erection of an agricultural workers dwelling

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 17/01/17

10

Application No: 16/01242/73A

Application Site: Longhouse Pottergate Helmsley YO62 5BY

Proposal: Variation of Condition 12 of approval 12/00264/FUL dated 27.06.2012 to state 'The development hereby permitted shall be carried out in accordance with the following approved plan(s): Drawing no. 968_AR50_06A' - replacement of plan 968_AR50_03 - increase in roof height to allow for additional domestic storage areas (retrospective application).

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: 6
Application No: 16/01839/MFUL
Parish: Nawton Parish Council
Appn. Type: Full Application Major
Applicant: Miss Jenny Bulmer
Proposal: Change of use of agricultural land to allow siting of 28no. holiday lodges in association with Canadian Fields campsite together with formation of site roads, car parking and turning areas and associated landscaping
Location: Canadian Fields Gale Lane Nawton Helmsley YO62 7SD

Registration Date: 15 November 2016
8/13 Wk Expiry Date: 14 February 2017
Overall Expiry Date: 22 December 2016
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Neighbouring Parish Council	
Highways North Yorkshire	Recommend refusal
Parish Council	Support application
Lead Local Flood Authority	No objection
Environmental Health Officer	
Land Use Planning	Comments made
Caravan (Housing)	No objection - informative to be added

Neighbour responses: Mrs Ailsa Teasdale,

INTRODUCTION

The above application was validated on 15th November 2016. The site is located approximately 1km south of Nawton village within the open countryside, that is also designated as an Area of High Landscape Value. The site operates as 'Canadian Fields' following the grant of planning permission for change of use of agricultural land to a campsite providing 'glamping' style accommodation for 19 No. safari type tents in 2011. This proposal seeks an extension to the existing site to allow the siting of 28 No. holiday lodges, with associated site roads, car parking and landscaping.

Members will be aware of the site history which includes:

- 11/00686/MFUL - Planning permission granted 28.09.2011- Change of use of agricultural land to allow the siting of 19 no. tents on decking bases, erection of toilet and reception block and canteen marquee, change of use of agricultural building to winter tent store, formation of vehicular access, gravel site roads and paths, car parking and landscaping.

PLANNING COMMITTEE

- 13/01122/73AM - Planning permission granted 16.12.2013 - Removal of Condition 06 of approval 11/01280/73AM dated 09.03.2012 to allow a year round opening season for the holiday occupation of the tents.
- 14/00779/FUL - Planning permission granted 11.09.2014 - Change of use of reception, toilet, office and laundry store building to reception, toilet, office, laundry store and first floor wardens accommodation for use solely in connection with the operation of Canadian Fields campsite (retrospective application).

Members will also recall that a temporary planning permission was authorised for a 2 year period for the erection of pre-fabricated building for use as camp kitchen to serve camp cafe (retrospective application) at the Planning Committee of the 18th November 2014. In addition at the same meeting a decision was made to taken enforcement notice requiring the cessation of the restaurant use (A3 use class) and the removal of the pre-fabricated kitchen building from the land after a 2 year compliance period. However, it has been brought to officers attention that an enforcement notice has not yet been served and these issues are therefore also required to be reconsidered by Members.

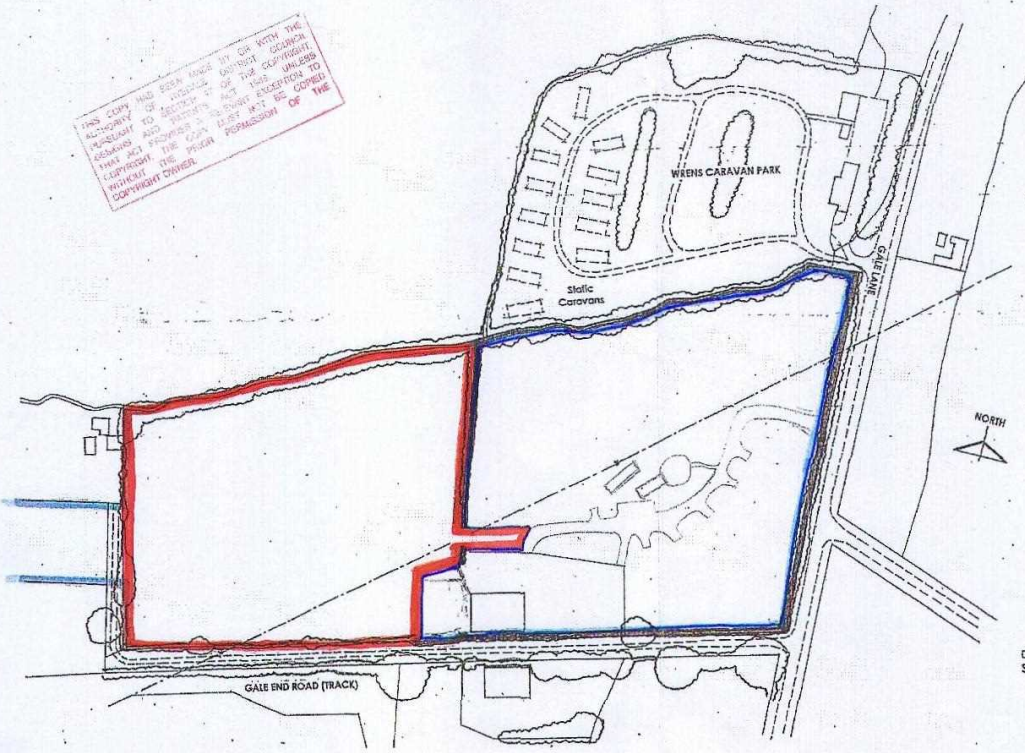
The current planning application is the subject of an objection from the Local Highway Authority, which can be viewed in full on the Council's website. The applicant has been made aware of this objection and is currently considering how the Local Highway Authority objections can be overcome.

At this stage, given the early stage of processing the application and the known issue regarding highway safety, it is not possible to fully appraise the current application proposal and to make a final recommendation to Members.

It is anticipated that a full report will be brought before Members at Planning Committee on Tuesday 14th February 2017 which will also deal with any outstanding enforcement considerations. However the application has been brought to this Committee Meeting to enable Members to consider whether they wish to carry out a site visit in advance of the next meeting in order to fully appreciate the relationship with the extent of the current site, the on-going uses and the proposed application for 28 no. additional holiday lodges.

RECOMMENDATION: **Site Inspection**

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15 NOV 2016
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MANAGEMENT
16/01839/mrc

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SITE LOCATION PLAN

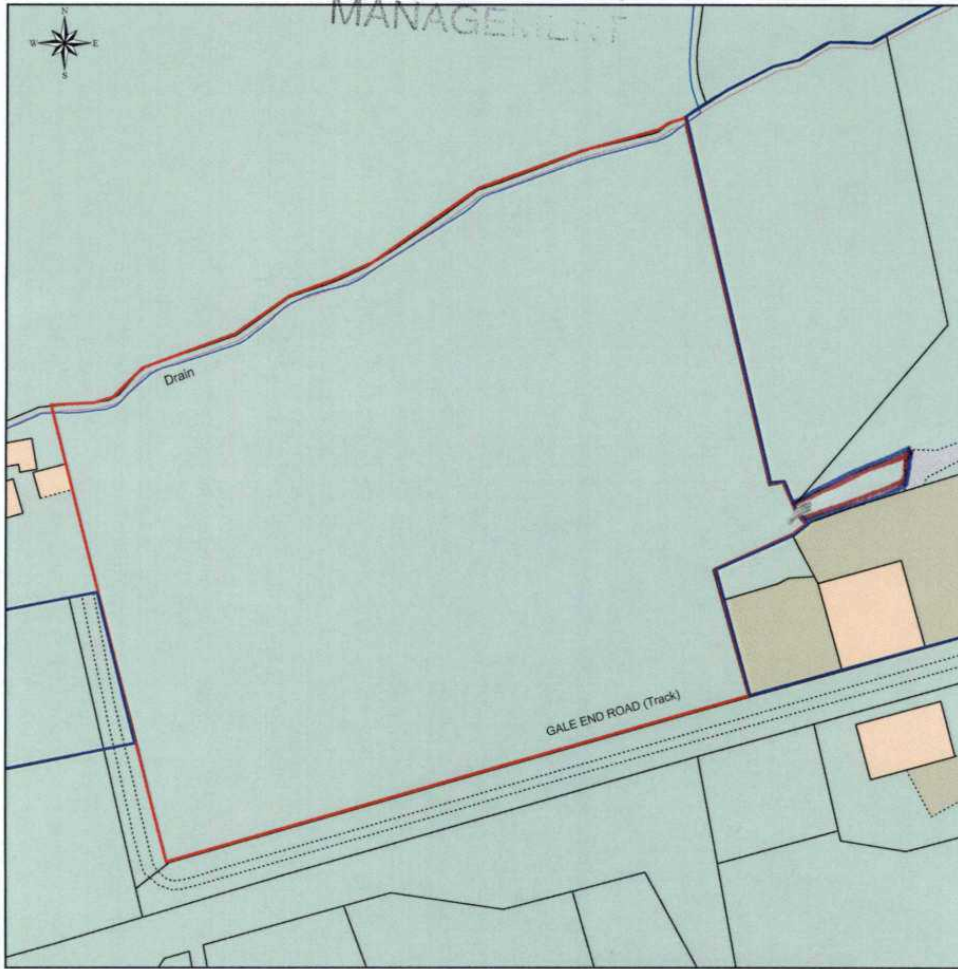
16/01839/mfcl

RYEDALE DMS

15 NOV 2016

DEVELOPMENT MANAGEMENT

CANADIAN FIELDS
SITE PLAN



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Prepared by: felicity kaye, 11-10-2016

Item Number: 7
Application No: 16/01250/MREM
Parish: Malton Town Council
Appn. Type: Approval of Reserved Matters Major
Applicant: Broadacre Services Limited (Mr Andrew Garrens)
Proposal: Erection of 24no. four bedroom dwellings, 9no. three bedroom dwellings and 6no. two bedroom dwellings with associated garaging, parking, amenity areas and landscaping to include demolition and some rebuilding of existing site buildings (outline approval 14/00428/MOUTE dated 24.03.2015 refers)
Location: Land South Of Westgate Old Malton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 31 October 2016
Overall Expiry Date: 10 January 2017
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Public Rights Of Way	Adjacent to Public Right of Way
North Yorkshire Police Architectural Liaison Officer	Comments and recommendations made
Building Conservation Officer	Design concerns
Sustainable Places Team (Yorkshire Area)	No views received to date
Building Conservation Officer	Object
Sustainable Places Team (Yorkshire Area)	No views received to date
Vale Of Pickering Internal Drainage Boards	No objection
Land Use Planning	Drainage Strategy Report is satisfactory
Lead Local Flood Authority	No comments to make on the reserved matters
Highways North Yorkshire	Further information required
Parish Council	No views received to date
Highways North Yorkshire	Need to consult with internal colleagues
Parish Council	No views received to date
Lead Local Flood Authority	No further comments to make
Vale Of Pickering Internal Drainage Boards	No objection
Land Use Planning	No views received to date
Highways North Yorkshire	No views received to date

Neighbour responses: Mr Steve Watson, Mr Ernest Pallett, Mr David White, Dorianne Butler,

SITE:

The Old Malton site is located to the south of Westgate, partly on the site of the former Council depot and the Coronation Farmstead. Further to the south is a paddock which abuts Westfold and the rear of properties on Town Street. The southern side of the site is bounded by the cemetery, allotments and continuation of the vehicular access serving the Royal Oak public house and five other residential properties.

A public footpath abuts the eastern site boundary of the paddock area. The site has a total area of approximately 2 hectares. The area associated with Coronation Farm and the eastern extremity of the paddock area lie within the designated Conservation Area. All of the Coronation Farm complex and the former Council depot area lie within the development limits. The paddock area is outside of but immediately adjacent to the identified development limit for the village.

There are no listed buildings located on the site, however, there are four traditional farm buildings which are considered to be worthy of retention and these are shown as retained structures on the proposed illustrative plans.

Part of the site is located in Flood Zone 2 and the application has been accompanied by a detailed Flood Risk Assessment.

PROPOSAL:

Following the earlier grant of outline planning permission in March 2015 this application seeks reserved matters approval for the erection of 24 four bedroom dwellings, 9 three bedroom dwellings and 6 two bedroom dwellings with associated garaging, parking areas, amenity areas and landscaping.

A separate application has been dealt with under officer delegated powers to vary condition numbers 5, 16 and 17 of the outline planning permission and an application to discharge the requirements of nine other conditions is currently under consideration. The variation of conditions 5 accepts in principle the demolition of buildings 3 and 4 within the site with building 3 rebuilt in a similar style (Plot 6). Buildings 1 and 2 on the Westgate frontage are proposed to be retained as far as is practicable in the building of the dwellings proposed for these plots - (Plots 1 and 38).

RELEVANT HISTORY:

Outline planning permission granted 24.3.2015 - Circa 35 dwellings (Site area 2.0 hectares)
Reference 14/000428/MOUTE

POLICY:

Ryedale Plan - Local Plan Strategy

Policy SP4 - Type and Mix of New Housing
Policy SP12 - Heritage
Policy SP16 - Design
Policy SP20 - Generic Development Management Issues

APPRAISAL:

The principle of development has already been established by the grant of outline planning

In this case the following matters are considered to be relevant:

- Impact on conservation area/heritage considerations
- Design matters layout /street scene/ individual designs
- Housing mix/Density
- Impact on residential amenity
- Impact on trees
- Drainage matters
- Highway considerations

Impact on Conservation Area

The Council's conservation officer had objected to the scheme as originally submitted stating:

"This application confirms the detailed design for an application that was approved in outline. The site lies partly within the Old Malton conservation area and affects the settings of listed buildings, previously identified in my consultation response related to the outline application.

The site is therefore in a sensitive location, and should comply with the statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that the character and appearance of the conservation area is preserved or enhanced and that the setting of listed buildings is preserved. The character and appearance of the conservation area extends to both views looking in towards the conservation area and views looking through and out of it. A rural public right of way runs to the west of the site giving views into the conservation area looking east. The conclusion of the heritage report submitted with the outline application concluded that the effect of the proposals on the conservation area and nearby listed buildings will be negligible or neutral if the design is in keeping with the village.

The outline permission included some detailed design parameters due to the sensitivity of the site. After design revisions throughout the planning application process the submitted documentation and parameters were considered to preserve the setting of the listed buildings and the character of the conservation area. These were considered to respond to the existing morphology of Old Malton and reflect the character and appearance of the context. This included, to the north of the site nearer Westgate, a new village street with a tight grain reflecting the dwellings within the conservation area and a looser more rural quality to the south of the site reflecting the rural edge to the village.

The above current application for consideration proposes 'Erection of 24no. four bedroom dwellings, 9no. 3 bedroom dwellings and 6no. 2 bedroom dwellings and associated garaging, parking, amenity areas and landscaping to include demolition and some rebuilding of existing site buildings (outline approval 14/00428/MOUTE dated 24.03.15).

I have strong concerns with a number of aspects to these proposals. In my opinion the proposed layout of the northern part of the site does not reflect the urban morphology of the conservation area and therefore will appear out of character. The pattern and density of the layout shown bears no resemblance to the established urban morphology of the conservation area which includes terraces of cottages and other attached dwellings which are long and low. The spacing between the houses is too great and the contrived and overly staggered building lines are not representative of the surrounding context. Cars parked in front of the dwellings result in highly visible cars and a set back building line not representative of the conservation area. Garaging should be to the rear of the site with drive through parking/parking to the side of plots not in front.

The form of the houses is too 'boxy' and suburban, giving simple rectangular or square forms and does not sufficiently pick up on the character of the conservation area which includes rectangular forms with lean-to's and cross wings. The roof pitches on the single storey units is too shallow and in general, the gable widths are too wide.

Plots 23, 24 and 25 are sensitive as they provide the transition between the soft rural edge and the built form. These should perhaps be lower in height, pushed forward away from the western boundary and reduced to 2 dwellings in that area.

The detailed design of the scheme is too suburban and does not reflect the simple vernacular detailing of the cottages within the conservation area. These detailed comments are not exhaustive and in general the design should follow the simple vernacular found within the surrounding context. Details should include, for example chimneys on both gable ends. Double height bay windows could perhaps be reserved for the depth of the site as they are not reflective of the wider context which has a more simple vernacular form. Consideration could be given to the occasional use of corbels/kneelers to denote hierarchy.

Plot 7 could be designed with an agricultural idiom reflecting its position behind the development and relating to Coronation Farm.

More detail is required regarding the drainage soakaway and grass highway verges should be included within the public realm.

Details of house and street lighting should be included. This should be low key and reflective of its rural context on the edge of a village. Street name signs should be on boundary walls not dwarf posts if at all possible.

Stronger definition is needed to plot 32 as it turns the corner.

Single storey structures are reflective of the wider context however careful thought should be given to the position, location and design of them. Thought could be given to raising the eaves level.

Plot 1 continue the existing beech hedge round to the east to close off the boundary and relate it to the conservation area where the existing gate is. Delete B1 close boarded timber fence from Plot 18A. This is a sensitive location in terms of the primary entrance to the cemetery. Stone boundary walls should be used on plots 1 and 39.

There is a mixed palette of materials in the conservation area including stone, brick, painted brick, pantile, thatch, however slate and render are rarely used. Too much slate is included in the proposal. Delete plastic rainwater goods. Garage doors could be up and over but designed in a manner to look as side hung timber planked doors. Details of these should be included, including materials.

With regard to the application to vary the condition that seeks the retention of some of the existing buildings on the site. I am of the opinion that the existing agricultural buildings strongly contribute to the character of the conservation area and that they should be retained and incorporated into this development as converted structures".

Following further negotiations significant amendments have been made to the layout and design of the dwellings proposed. The BCO has acknowledged these amendments and makes the following additional comments:

"In general terms, the layout of the development site better reflects the conservation area and I have no objection to the overall layout. I do however have some detailed design concerns and I will go through plots numbers. These comments are notwithstanding the application that relates to the demolition of the traditional agricultural buildings on the site (16/01252/73AM) which I will address in a separate memo.

Plots 1-5 (1x 'c' 4 x 'F') - acceptable

Plot 6 - barn style rebuild - acceptable - see consultation response on 16/01252/73AM

Plot 7 - (1x 'h') barn style rebuild - acceptable-see consultation response on 16/01252/73AM

Plots 8, 9 (2x'f') - acceptable

Plot 10 - (1x'e') bungalow - still wide gable span and shallow roof pitch. Consideration should be given to reducing the gable span and increasing the pitch of the roof.

Plots 11-37 - acceptable

Plot 38 - (Type 'a' variation)- needs additional chimney on Westgate roadside

Plot 39 - (Type 'b') - needs additional chimney on Westgate roadside

General comments - more grass needed to be incorporated into highway verges. Further details of drainage soakaway needed (e.g. cross section). Street and house lighting information should be included. This should be low key and reflective of its rural context on the edge of the village.

Plot 18 - close boarded timber fence still showing here. This is a sensitive plot close to the cemetery and a more sensitive boundary treatment should be used here (e.g. post and rail fence with a hedge).

Stone boundary walls (not brick) should be used on plots 1 and 39 at the entrance to the development".

Subject to further minor revisions to the scheme the proposal is considered to follow the spirit of the Design and Access statement submitted as part of the original outline application and no objections are raised on heritage grounds.

Design

The design approach is set out in the applicant's Design and Access Statement. In essence the site is developed in two parts - with a more traditional 'street' format at the entrance from Westgate and a more open layout on the southern part of the site which is currently an open paddock. The northern part of the site provides for a scheme which has more visual linkage -akin to that found elsewhere on Westgate with a mix of individual designs that pick up on the simple detailing of dwellings found in Old Malton. The palette of material is limited to brick, stone clay pantile and slate which is also representative of the locality.

Thirty nine dwellings in total are proposed comprising eight basic house types as described below.

Composition of Dwellings Proposed on Latest Layout Plan

39 Dwellings total - Variants of stone and brick walls and slate and pantile roofs

Type A	9No. four bed units of this type in total. Footprint measures 8 x 10.4 metres approx with eaves 4.95 metres and apex 8.2 metres. Chimney details are shown on each gable end as requested by Building Conservation Officer - Plot 38 also incorporates an existing single-storey building adjacent to Westgate.
Type B	7No. four bed units of this type. Footprint measures 8 x 8.7 metres with eaves of 4.95 metres and apex of 8.2 metres. Units shown with single chimney. Extra stack request on Plot 39 which is adjacent to Westgate.
Type C	6No. four bed units of this type with eaves of 4.95 metres and apex height of 8.5 metres. Two variants - one with apex height of 7.5 metres (Plot 30) and Plot 1 includes an existing single-storey unit which also fronts Westgate.
Type D	6No. three bed semi-detached units are proposed with 5.2 metre eaves and 8.1 metre apex.
Type E	3No. 2/3 bed bungalows are proposed on Plots 10, 25 and 26. Concern has been expressed over the extent of the span and shallowness of the roof pitch on Plot 10. Further information is awaited.
Type F	6No. 2 bed units of this type are proposed, with eaves of 4.95 metres and apex of 7.8 metres.
Type G	1No. of this 'bespoke' house type which is a re-build of an existing agricultural building on site, with eaves and apex height of 3.8 metres and 5.9 metres respectively.
Type H (Plot 7)	There is also a bespoke 'barn style' dwelling which is a four bed unit with eaves and apex heights of 3.9 metres and 6.8 metres respectively.

The Building Conservation officer considers the designs to be largely acceptable aside from the detail of the single storey dwelling proposed for Plot 10. This matter is currently under further consideration by the agent and Members will be updated at the meeting.

Housing mix/density

The application provide for the erection of 39 dwellings on a site of 2 hectares - equating to approximately 19.5 dwellings/hectare The mix and sizes of house types including 3 single storey dwellings is described above. Four affordable units are also proposed as part of the scheme. It is considered that the overall mix and density is appropriate to the locality and that there are no sustainable objections on these grounds.

Impact on Amenity

The layout of the site provides for adequate curtilage and parking arrangements for the occupiers of the dwellings proposed. Careful consideration ahs been given to the impact of the dwellings on adjacent dwellings . The revised plan now shows single storey dwellings on Plots 25 and 26 and the nearest house on Plot 24 has been moved further away from the boundary . This significantly improves the relationship with existing houses on Westfold. The amended layout is considered to be acceptable in terms of amenity issues for both existing and future residents at the site.

Impact on trees

The Tree and Landscape Officer had expressed concern about the alignment of the footpath link next to Plot 18. This has now been amended and no objections are raised in terms of any impact on trees.

Drainage

Technical detailed matters relating to foul and surface water drainage are being dealt with under a separate discharge of conditions application . However in broad terms fould drainage is being dealt with by connection to the mains foul sewer and surface water from the dwellings will link to soakaways. No objection is raised from The local Internal Drainage Board, the Lead Local Flood Authority or Yorkshire water.

Highway matters

NYCC Highways had raised concerns with the proposed detention basin. This has now been deleted from the scheme. The final comments from NYCC Highways are awaited in respect of the amended plans. No objections however are anticipated to the number of dwellings proposed following from the earlier grant of outline planning permission.

Other Matters

Third party response:

Original plans - 3 Responses

- Too many dwellings /too dense
- Parking problems/ too much traffic / concern over survey data
- Detention basin- safety issue
- Overlooking from Plot 26

Amended plans

To date 1 response.

Too many dwellings/associated traffic issues on Westgate.

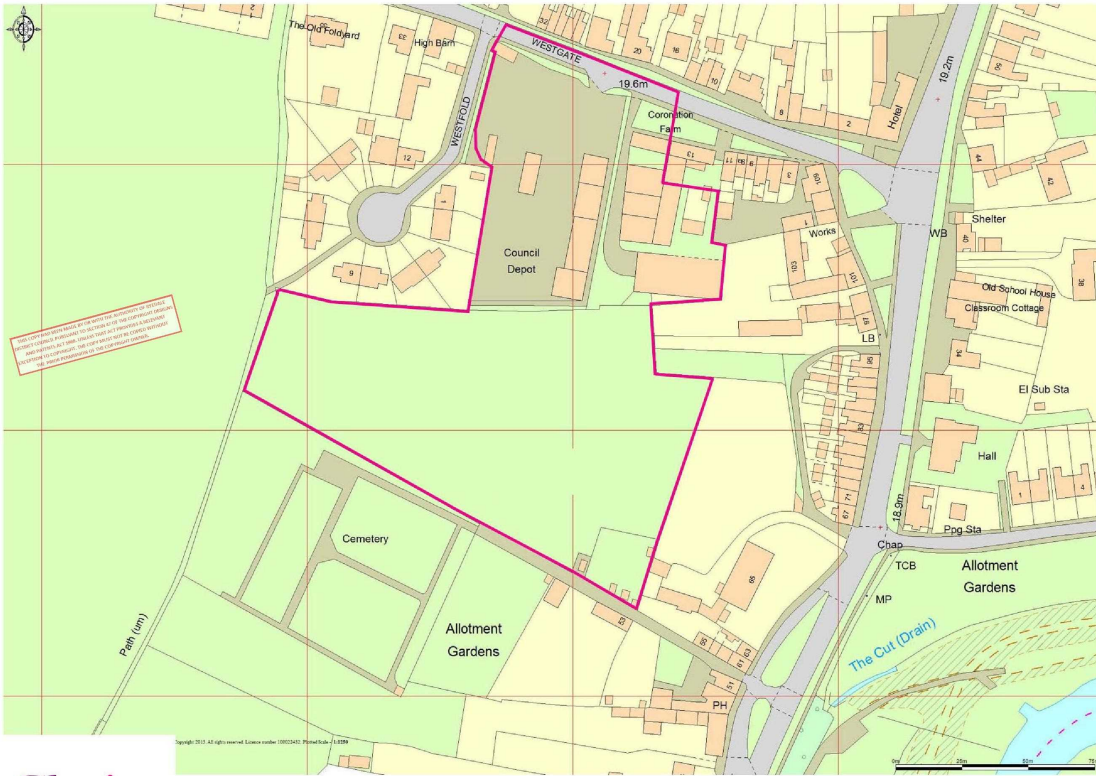
The abovementioned comments have already been considered in the appraisal section of this report and in part addressed in the amendments to the scheme described above.

In summary the reserved matters application is considered to meet the requirements and expectations of the original outline permission and subject to consideration of the further minor revisions suggested by the Council's Building Conservation officer the application is recommended for approval.

RECOMMENDATION: **Approval**

Background Papers:

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



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Clarity
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Malton
OLD MALTON
CORONATION FARM
Location Plan

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Malton
Marshall CDP

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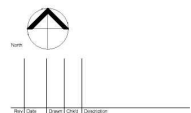


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Demolition Key

- Structures to be demolished
- Structures to be retained/rebuilt
- Adjoining off-site structures to be protected from damage by construction work

PLANNING ISSUE

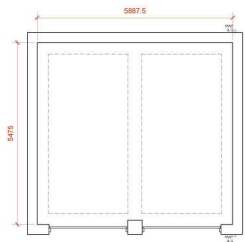


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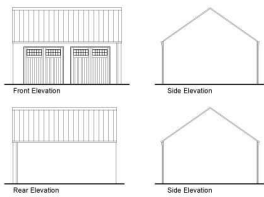
Project: **Westgate**
 Address: **Old Malton, North Yorkshire**
 Client: **Mulberry Homes Yorkshire**

DATE VALID
 01/08/16

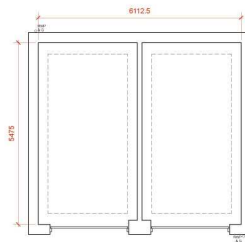
Drawn: **Proposed Demolition Plan**
 Scale: **A1 PC 05/02/16**
 Date: **1:250 PC 11/02/16**



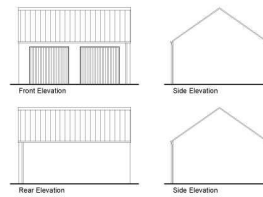
PLAN 1:50
Type 1: Double Detached
Plan: 16, 21, 22, 23



ELEVATIONS 1:100
Type 1: Double Detached

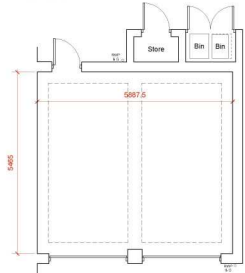


PLAN 1:50
Type 2: Single Semi-detached
Plan: 20, 21, 22, 23, 24

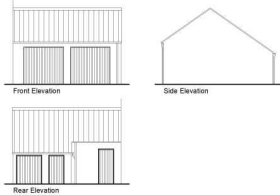


ELEVATIONS 1:100
Type 2: Single Semi-detached

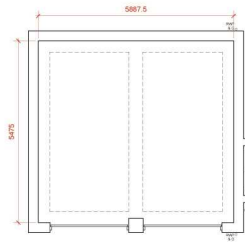
PLEASE NOTE: THESE PLANS ARE FOR INFORMATION ONLY. THEY DO NOT REPRESENT A CONTRACT. ANY WORK TO BE DONE SHOULD BE BASED ON THE CONTRACT DOCUMENTS AND THE SPECIFICATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING THE ACCURACY OF ALL DIMENSIONS AND LEVELS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES AND UTILITIES.



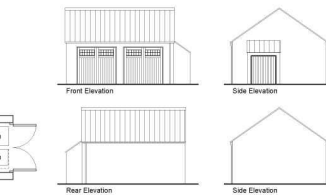
PLAN 1:50
Type 3: Double Attached (with stores at rear)
Attachment varies according to plot
Plan: 11, 12, 23, 24



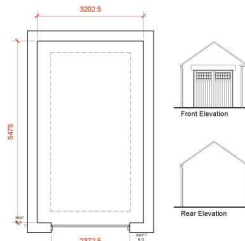
ELEVATIONS 1:100
Type 3: Double Attached (with stores at rear)



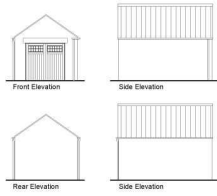
PLAN 1:50
Type 4: Double detached (with store at side)
Plan: 16, 21, 22, 23



ELEVATIONS 1:100
Type 4: Double Detached



PLAN 1:50
Type 5: Single Detached
Plan: 11



ELEVATIONS 1:100
Type 5: Single Attached

Garages

Type	Arrangement	Plots
1	Double detached	13, 25, 33
2	Single semi-detached	29, 6, 27, 28, 8, 29, 30 & 31
3	Double attached (store rear)	7, 17, 21, 27
4	Double attached (store side)	14, 22, 23
5	Single detached	11
7	Single attached (store rear)	1, 16, 18, 19, 20, 35, 39
8	Single attached (store side)	6, 15, 38
8	Single attached	12, 24
-	No garage	2, 3, 4, 5, 8, 9, 10, 32, 34, 36

Garage door pattern to vary.
Personnel door to be lodged, braced and framed.
Materials to match situated plot - refer to separate schedule

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Old Millom

Mulberry Homes Yorkshire/Lindum

Garages Plans and Elevations
Sheet 1

Scale: A1

Date: 1/10/20

27/04/16

PC

PC

1152

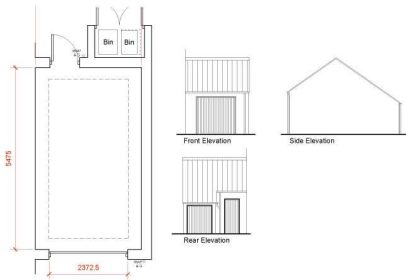
01

AR50

10

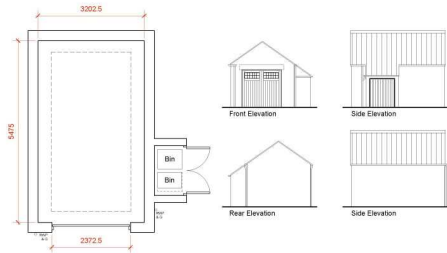
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DATE VALID
01/08/16



PLAN 1:50
Type 6: Single Attached (with store at rear)
Plots: 10, 16, 19, 20, 35, 39

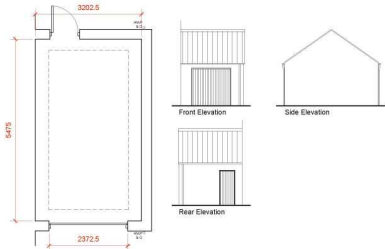
ELEVATIONS 1:100
Type 6: Single Attached (with store)



PLAN 1:50
Type 7: Single Detached
Plots: 6, 12, 18

ELEVATIONS 1:100
Type 7: Single Detached (with store)

THIS PLAN SHOWS THE PROPOSED POSITION OF THE GARAGE AND STORE. THE EXISTING GARAGE AND STORE ARE SHOWN IN DASHES. THE PROPOSED GARAGE AND STORE ARE SHOWN IN SOLID LINES. THE PROPOSED GARAGE AND STORE ARE SHOWN IN SOLID LINES. THE PROPOSED GARAGE AND STORE ARE SHOWN IN SOLID LINES.



PLAN 1:50
Type 8: Single Attached
Plots: 12, 24

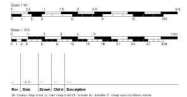
ELEVATIONS 1:100
Type 8: Single Attached

Garages

Type	Arrangement	Plots
1	Double detached	13, 25, 33
2	Single semi-detached	28 & 27, 29 & 28, 30 & 31
3	Double attached (store rear)	7, 17, 21, 37
4	Double detached (store side)	14, 22, 23
5	Single detached	11
6	Single attached (store rear)	1, 16, 18, 19, 20, 35, 39
7	Single detached (store side)	6, 15, 30
8	Single attached	12, 24
-	No garage	2, 3, 4, 5, 8, 9, 10, 32, 34, 36

Garage door pattern to vary.
Personnel door to be ledged, braced and framed.
Materials to match attached plot - refer to separate schedule.

PLANNING ISSUE



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Westgate
Old Millom

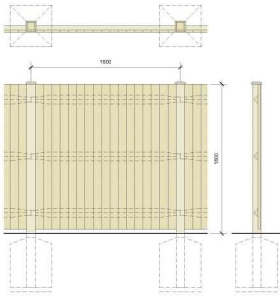
Muberry Homes Yorkshire/Lindum

Garages Plans and Elevations
Sheet 2

A1 1:100/50

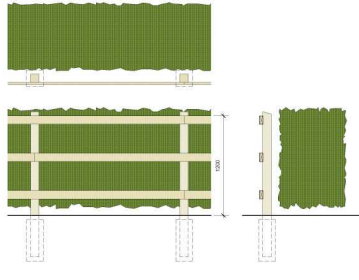
23/09/16 PC PC

DATE VALID	1152	01	AR50	11	17
	01/08/16				



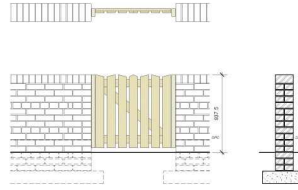
B1 TIMBER FENCE 1.8m

B1 PRIVACY SCREEN 1.8m
Timber vertical close boarded fence, comprising:
Timber boards nailed to lichen ended armit timber rails,
timber posts @ 1800mm min. centres set in concrete (as drawn) or in augered hole & backfilled with well rammed coarse aggregate.



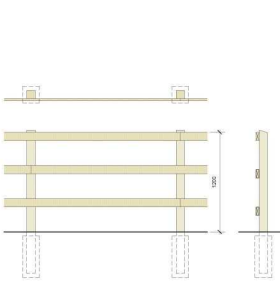
B2 HEDGE & STARTER FENCE 1.2m

Native species hedge (e.g. hawthorn, blackthorn, beech etc) with timber post & rail starter fence - in certain locations the timber fence is replaced by the Estate-Parkland railings. Post & rail fence for development side of hedge. 100 x 38mm timber rails @ 300mm centres nailed to posts. 102 x 100mm timber posts @ 1800mm min. centres driven or set in augered hole & backfilled with well rammed coarse aggregate.



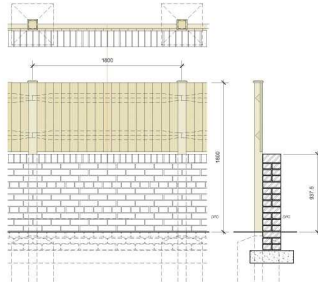
B3 BRICK WALL 0.9m

English Garden Bond with brick on edge capping and timber gate. Via to be 0.9m high to drive adjacent the highway.



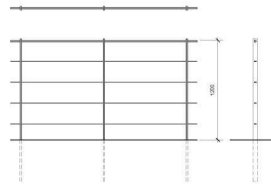
B4 TIMBER FENCE 1.2m

Timber post & rail fence, comprising:
Timber rails @ 400mm centres nailed to timber posts @ 1800mm max. centres driven or set in augered hole & backfilled with well rammed coarse aggregate.



B5 BRICK WALL & TIMBER FENCE 1.0m

English Garden Bond with brick on edge capping with close boarded timber fence over (similar to B1).



B6 STEEL FENCE 1.2m

Black powder coated steel Estate-Parkland railings with round top rail and 4 flat lower rails.

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NOTES
For location and extent of boundary treatment and any variations refer to drawing 1152_AR10_01

PLANNING ISSUE

NO.	DATE	BY	REVISION

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Boundary Treatments

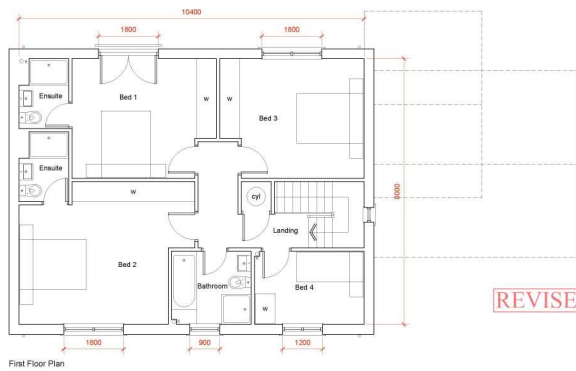
Scale: A1 Date: 1/20

22/09/16 PC PC

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DATE PLOTTED: 09/10/16

Walls, Fences & Railings



First Floor Plan

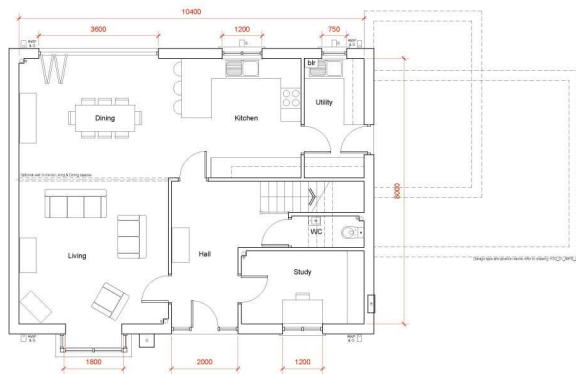
REVISED PLAN



Front Elevation

Side Elevation

Small red stamp with illegible text.



Ground Floor Plan
PLANS 1:50



Rear Elevation

Side Elevation

ELEVATIONS 1:100

Type A
1800 sqft / 167 sqm

Plot	Handing	Roof	Walls	Garage	Notes
13	Handed	Slate	Brick	Double detached	-
17	As drawn	Parfite	Brick	Double attached	-
18	As drawn	Parfite	Render	Single attached	-
20	Handed	Slate	Brick	Single attached	-
21	Handed	Parfite	Stone	Double attached	-
22	Handed	Parfite	Render	Double detached	-
23	Handed	Slate	Stone	Double detached	-
24	As drawn	Parfite	Brick	Double attached	-

Total Type Plots: 9 no. as drawn
 All doors and windows to be painted softwood.
 Windows to be vertical sliding sash.
 Juliette balcony guarding to be proprietary polyester powder coated mild steel.
 Cast stone sub-walls and thresholds to all plots (140mm dp).
 Cast stone heads to all plots with stone outer leaf (215mm dp generally, 250mm dp to large openings).
 Sillier course heads to all plots with brick outer leaf (215mm dp).
 No head treatment to rendered plots.
 Rainwater goods to be black plastic cast iron effect.
 Attached garage position varies.
 All Plots with stone walls to have brick chimney stacks (masonry stacks supported internally, not GRP).
 For Plot 38 variation refer to drawing 1096_01_GA50_09

PLANNING ISSUE

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Westgate
 Old Malton

Muberry Homes Yorkshire/Lindum

Type A Plans and Elevations

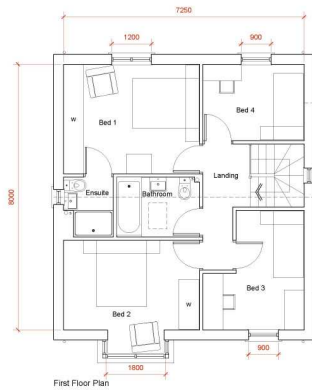
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07/07/15 RB RB

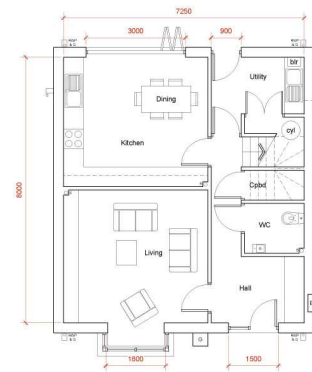
1152 01 AR50 01 E

DATE 08/12/16

REVISED PLAN



First Floor Plan



Ground Floor Plan
PLANS 1:50



Front Elevation



Side Elevation



Rear Elevation

ELEVATIONS 1:100



Side Elevation

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Type C
1250 sqft / 116 sqm

Plot	Handing	Roof	Walls	Garage	Notes
15	Handed	Slate	Brick	Single detached	-
25	As drawn	Parfle	Stone	Single detached	Semi-detached garage
29	Handed	Parfle	Stone	Single detached	Semi-detached garage
37	Handed	Parfle	Brick	Double attached	-

Total Type C plots: 4 nos.
All doors and windows to be painted softwood.
Windows to be vertical sliding sash except windows to gables which are to be side hung casements.
Roof windows to be conservatory type.
Bay windows to be clad with timber at first floor only.
Cast stone sub-sills and thresholds to all plots (140mm dp).
Cast stone heads to all plots with stone outer leaf (210mm dp generally, 200mm dp to large openings).
Solder course heads to all plots with brick outer leaf (215mm dp).
Roimaster goods to be black plastic cast iron effect.
Attached garage position varies.
All Plots with stone walls to have brick chimney stacks (masonry stacks supported internally, not GRP).

PLANNING ISSUE

- 1:100000: RB
- 1:10000: RB
- 1:1000: RB
- 1:500: RB
- 1:200: RB
- 1:100: RB
- 1:50: RB
- 1:25: RB
- 1:10: RB
- 1:5: RB
- 1:2: RB
- 1:1: RB

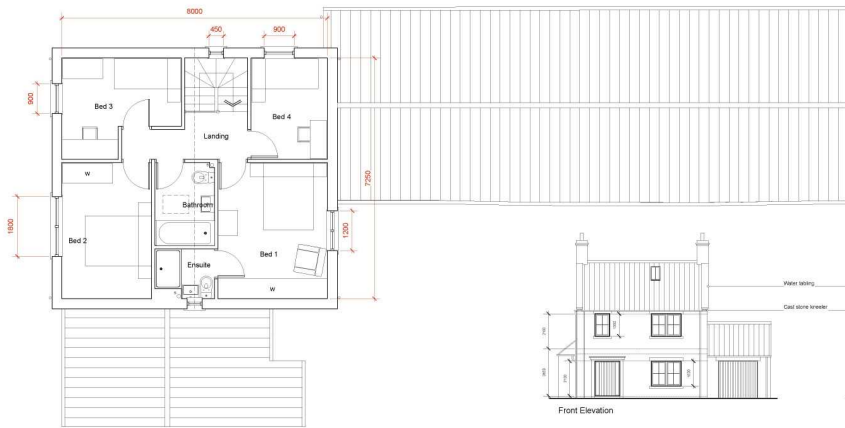
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The Works: Muberry Homes Yorkshire Lindum
1:10000: RB
1:1000: RB
1:500: RB
1:200: RB
1:100: RB
1:50: RB
1:25: RB
1:10: RB
1:5: RB
1:2: RB
1:1: RB

Muberry Homes Yorkshire Lindum
Type C Plans and Elevations

Plot No.	Scale	1:1000 / 50
A1	1:1000 / 50	
07/07/15	RB	RB
1152	01	AR50 03 E

DATE
06/12/16



First Floor Plan

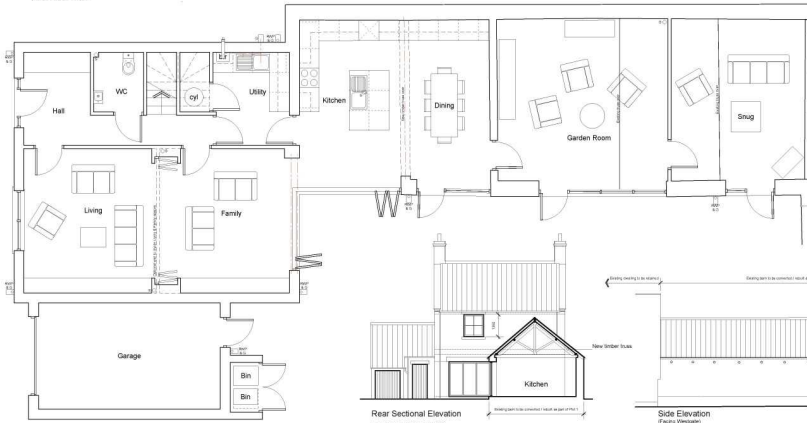


REVISED PLAN

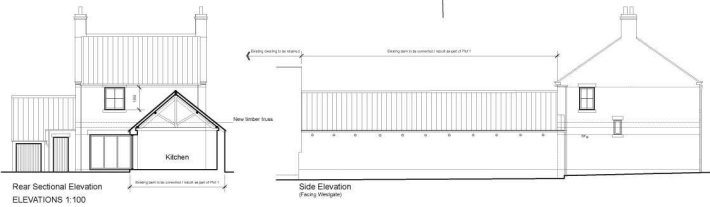
Type C Variation Plot 1
2050 sqft / 194 sqm

Plot	Handing	Roof	Walls	Garage	Notes
Plot 1	As shown	Paralle	Stone	Single attached	

Guide of existing adjoining building: Conservation Farm (to be retained)
 Total Type Plot: 1 no.
 All doors and windows to be painted softwood.
 Windows to be vertical sliding sash except window to stair on the gable and outbuilding which are to be side hung casements.
 Roof window to be conservation type.
 Cast stone sub-sills and thresholds (140mm dp).
 Cast stone heads (25mm dp generally, 30mm dp to large openings).
 Rainwater goods to be black plastic cast iron effect.
 Plot to have brick chimney stacks (masonry stack supported internally, not GRP).



Ground Floor Plan
PLANS 1: 50

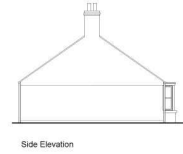
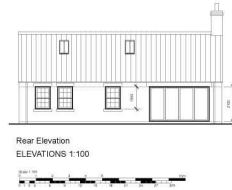
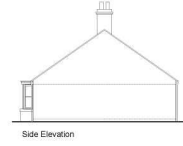
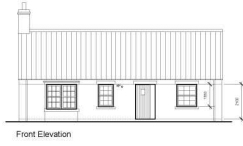
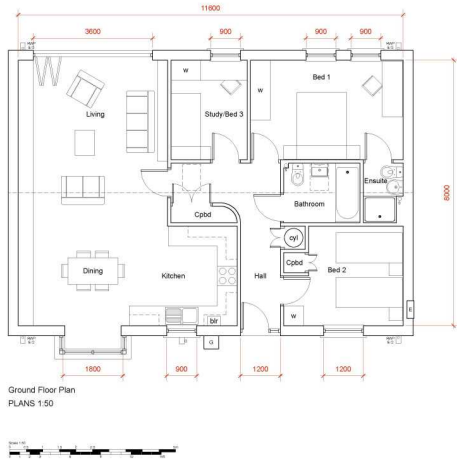


Rear Sectional Elevation
ELEVATIONS 1: 100

Side Elevation
(facing Westgate)

10/05/16
 16/12/16
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 The Westgate, Market, North Yorkshire YO17 0DP
 A 2120100001, A 2120100002, A 2120100003, A 2120100004
 Westgate
 Old Station
 Mulberry Homes Yorkshire/Lindum
 Type C Plot 1
 Plans and Elevations DATE 16/12/16
 A1 1:100/50
 10/05/16 PC PC
 1152 01 AR50 08 C

REVISED PLAN



Type E
1000 sqft / 93 sqm

Plot	Handing	Roof	Walls	Garage	Notes
10	As drawn	Panicle	Stone	None	-
20	As drawn	Panicle	Stone	Single detached	-
25	As drawn	Panicle	Stone	Single detached	-

Total Type Plots: 3 no.
All doors and windows painted buffwood.
Windows to be vertical sliding sash.
Sill-sills to be cast stone.
Rainwater goods to be black plastic cast iron effect.
All Plots with stone walls to have brick chimney stacks.

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PLANNING ISSUE

- 1. The Works: To be carried out in accordance with the approved planning application.
- 2. The Works: To be carried out in accordance with the approved planning application.
- 3. The Works: To be carried out in accordance with the approved planning application.
- 4. The Works: To be carried out in accordance with the approved planning application.
- 5. The Works: To be carried out in accordance with the approved planning application.
- 6. The Works: To be carried out in accordance with the approved planning application.
- 7. The Works: To be carried out in accordance with the approved planning application.
- 8. The Works: To be carried out in accordance with the approved planning application.
- 9. The Works: To be carried out in accordance with the approved planning application.
- 10. The Works: To be carried out in accordance with the approved planning application.

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The Works: Muberry Homes Yorkshire Limited
1152-01-AR50-05-E
1152-01-AR50-05-E

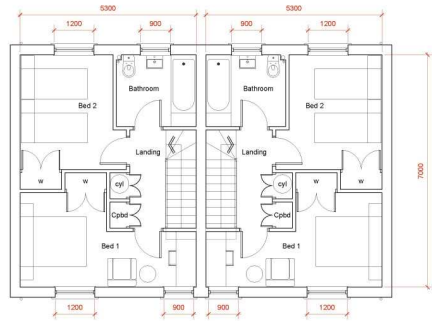
Westgate
Old Mill
Muberry Homes Yorkshire Limited
Type E Plan and Elevations

Scale: A1
Date: 1:100 / 50
07/07/15 RB RB

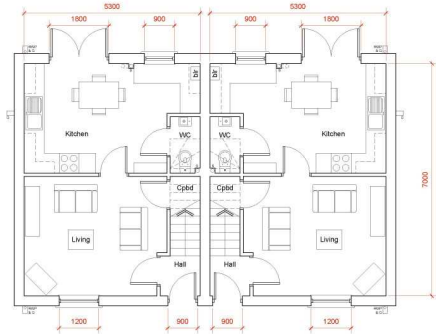
DATE: 16/12/16

1152	01	AR50	05	E
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REVISED PLAN



First Floor Plan



Ground Floor Plan
PLANS 1:50



Front Elevation

Side Elevation



Rear Elevation
ELEVATIONS 1:100

Side Elevation



Type F
800 sqft / 74 sqm

Plot	Handing	Roof	Walls	Garage	Notes
2 & 3	As drawn	Pantile	Brick	None	-
4 & 5	As drawn	Pantile	Brick	None	-
8 & 9	As drawn	Pantile	Brick	None	-

Total Type Plots: 6 no.
All doors and windows to be painted softwood.
Windows to be vertical sliding sash.
Cast stone sub-sill also thresholds to all plots.
Soldier course leads to all plots.
Rainwater goods to be black plastic cast iron effect.

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PLANNING ISSUE

Issue No.	Date	Description
1	15/07/15	Issue for planning
2	15/07/15	Issue for planning
3	15/07/15	Issue for planning
4	15/07/15	Issue for planning
5	15/07/15	Issue for planning
6	15/07/15	Issue for planning

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Muberry Homes Yorkshire/Lindum

Type F Plan and Elevations DATE 15/07/15

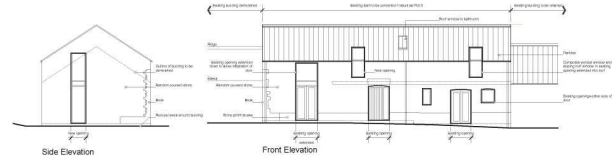
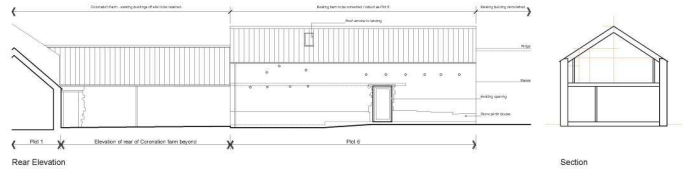
Plot No.	Issue	1:100 / 50
A1	07/07/15	RB RB
1152	01	AR50 05 D

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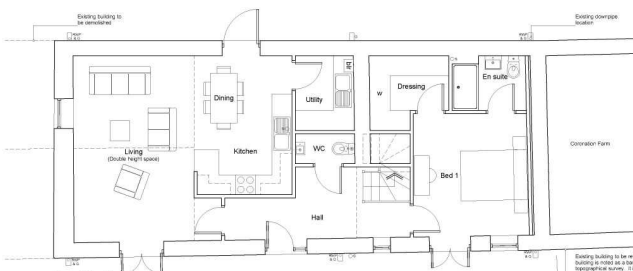
First Floor Plan

Existing building to be retained. The building to be demolished is the existing building on the site of the existing building. The building to be demolished is the existing building on the site of the existing building.



Side Elevation
ELEVATIONS 1:100

Front Elevation



Ground Floor Plan
PLANS 1:50

Existing building to be retained. The building to be demolished is the existing building on the site of the existing building. The building to be demolished is the existing building on the site of the existing building.

REVISED PLAN

Type G

1315 sqft / 122 sqm

Plot	Handing	Roof	Walls	Garage	Notes
6	As drawn	Pantile	Stone/Brick	Single detached	-

Total Type Plots: 1 no. as drawn
All doors and windows to be painted softwood.
Windows to be side-hung casements.
Where feasible materials reclaimed from the existing building are to be reused in rebuilding.
Rainwater goods to be black plastic cast iron effect.
Floor area at First Floor measured to 1500mm crease line.

PLANNING ISSUE

NO.	DATE	DESCRIPTION
1	10/09/16	Issue for planning
2	10/09/16	Issue for planning
3	10/09/16	Issue for planning
4	10/09/16	Issue for planning
5	10/09/16	Issue for planning
6	10/09/16	Issue for planning
7	10/09/16	Issue for planning
8	10/09/16	Issue for planning
9	10/09/16	Issue for planning
10	10/09/16	Issue for planning

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Chartered Practice

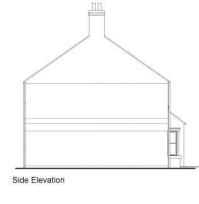
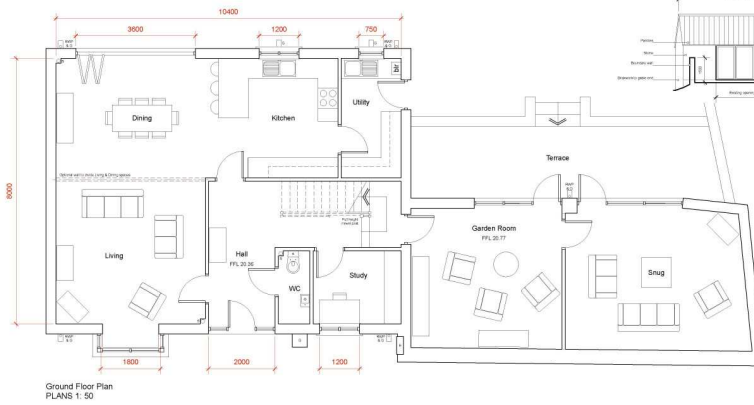
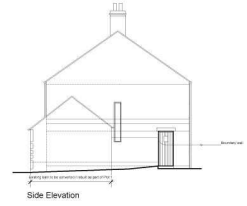
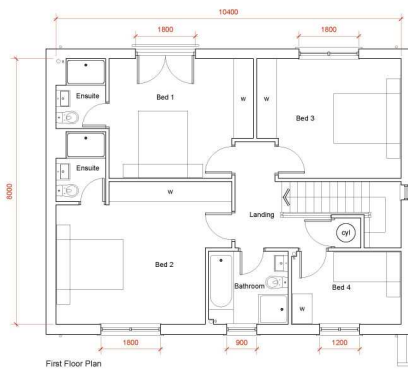
10 Westgate, Millom, North Yorkshire YO21 2DP
Tel: 01904 833333 Fax: 01904 833334 Email: info@bramhallblenkarn.co.uk www.bramhallblenkarn.co.uk

Author: Westgate
Date: 10/09/16

Client: Muberry Homes Yorkshire/Lindum
Drawing: Type G
Title: Plans and Elevations

NO.	DATE	DESCRIPTION
1	10/09/16	Issue for planning
2	10/09/16	Issue for planning
3	10/09/16	Issue for planning
4	10/09/16	Issue for planning
5	10/09/16	Issue for planning
6	10/09/16	Issue for planning
7	10/09/16	Issue for planning
8	10/09/16	Issue for planning
9	10/09/16	Issue for planning
10	10/09/16	Issue for planning

DATE
10/12/16



REVISIONS

REVISED PLAN

Type A Variation

2235 sqft / 207 sqm

Plot	Handing	Roof	Walls	Garage	Notes
35	As drawn	Pantile	Stone/Brick	Single detached	-

Total Type Pools: 1 no. as drawn
 All doors and windows to be painted softwood.
 Windows to be vertical sliding sash.
 Juliette balcony guarding to be proprietary polyester powder coated mild steel.
 Cast stone sub-sills and thresholds (140mm dp).
 Cast stone heads (150mm dp generally, 200mm dp to large openings).
 Rammer goods to be black plastic cast iron effect.
 Chimney stack constructed in brickwork (masonry stack supported internally, not GRP).

The barn is to be rebuilt using materials reclaimed from original building where feasible, however the visual structural survey (Building 1) has highlighted that materials are only in a "reasonable condition" where they are visible therefore it is possible that there will be a significant amount of wastage. There are a number of structural and constructional issues in the existing building that would require a significant amount of, if not complete, rebuilding in order to make the fabric sound for conversion to habitable space.

PLANNING ISSUE

NO.	DATE	DESCRIPTION
1	11/05/16	Issue for comment
2	11/05/16	Issue for comment
3	11/05/16	Issue for comment
4	11/05/16	Issue for comment
5	11/05/16	Issue for comment
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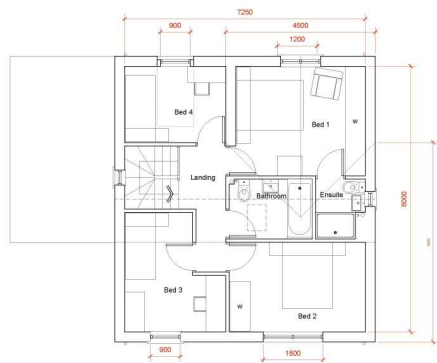
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RIBA Chartered Practice

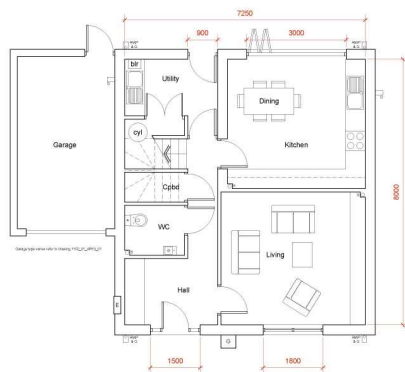
Muberry Homes Yorkshire/Lindum

Type A: Plot 35 Variation Plans and Elevations

DATE	BY	APPROVED
11/05/16	01	AR50
11/05/16	09	B



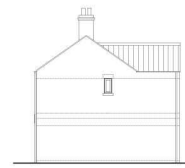
First Floor Plan



Ground Floor Plan
PLANS 1:50



Front Elevation



Side Elevation



Rear Elevation
ELEVATIONS 1:100



Side Elevation

Type C variant

1250 sqft / 116 sqm

Plot	Handing	Roof	Walls	Garage	Notes
30	As drawn	Pantile	Stone	Attached	-

Total Type Plots: 1 no.
 All doors and windows to be painted anthracite.
 Windows to be vertical sliding sash except windows to gables which are to be side hung casements.
 Leds covered gutter.
 Roof window to be conservation type.
 Cast stone sills and lintels to all plots (140mm dp).
 Cast stone heads to all plots with stone outer leaf (215mm dp).
 Solder course heads to all plots with brick outer leaf (215mm dp).
 Rainwater goods to be black plastic cast iron effect.
 All Plots with stone walls to have brick chimney stacks (masonry stacks supported internally, not GRP).

ADDITIONAL PLAN

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT ACCEPTS NO LIABILITY FOR ANY ERRORS OR OMISSIONS.

PLANNING ISSUE



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Chartered Practice

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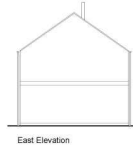
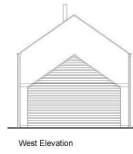
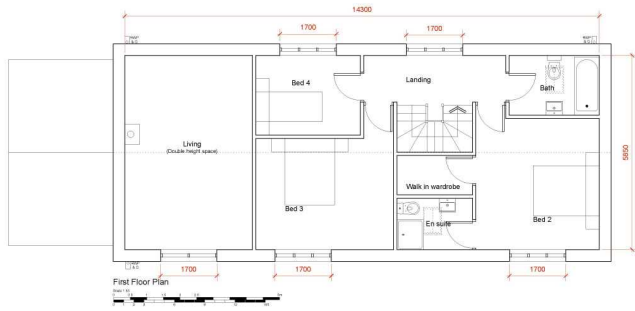
Westgate
 Old Station

Muberry Homes Yorkshire/Lindum

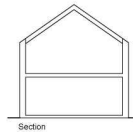
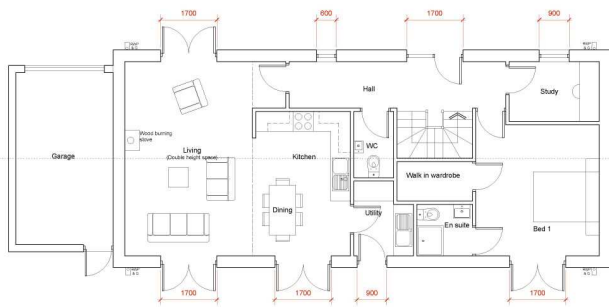
Plot 30 Type C Variant
 Plans and Elevations

DATE
 16/12/16

Rev	Date	By	Check
A1	1:100 / 50		
16/12/16	RAB	RAB	
1152	01	ARS0	14



ELEVATIONS 1:100



ADDITIONAL PLAN

Type H
1560 sqft / 145 sqm

Total Type H: 1 no. as drawn
All doors and windows to be painted softwood
Stone walling, timber weatherboarding to garage
Rainwater goods to be black plastic cast iron effect.

NOTE: ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

PLANNING ISSUE



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Westgate
Millom
Old Millom

Muberry Homes Yorkshire/Lindum

Type H
Plans and Elevations

Scale: A1 Date: 1:100/50

10/06/16 PC PC

DATE	10/12/16	1152	01	AR50	13	01
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VIEW 1

Bird's-eye view over site looking south west
Westgate, Old Malton, North Yorkshire
Ref: 1152_AR50_20_A

DATE VALID
01/08/16

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VIEW 2

Bird's-eye view over site looking south east
Westgate, Old Malton, North Yorkshire
Ref: 1152_AFS0_21_A

DATE VALID
01/08/16

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VIEW 3
Eye-level view along Westgate looking south west
Westgate, Old Malton, North Yorkshire
Ref: 1162_AR30_22_A

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DATE VALID
01/08/16

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VIEW 4

Eye-level view at site entrance from Westgate looking south
Westgate, Old Malton, North Yorkshire
Ref: 1152_AR50_23_A

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VIEW 5

Eye-level view along new access road looking south east
Westgate, Old Malton, North Yorkshire
Ref: 1152_AR50_24_A

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VIEW 6

Eye-level view from outside Plot 12 looking south west

Westgate, Old Malton, North Yorkshire

Ref: 1152_AR50_25_A

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01/08/16

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VIEW 7

Eye-level view from outside Plot 18 looking north west
Westgate, Old Malton, North Yorkshire
Ref: 1152_AR50_26_A

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01/08/16

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LANDSCAPE STRATEGY (1:250)

SCHEDULE OF SURFACING MATERIALS

- Flag to block paving in internal private drive and private drives of Plots 17, 22 and 23
- Permeable paving to be used in all private drives and footpaths in accordance with drainage scheme
- Block paving, terrazzo pattern to private drives
- Gravel paving to private drives, paths, private footpaths and footpath link to Town Street
- Grass

SCHEDULE OF BOUNDARY TREATMENTS

- 1.8m high close boarded timber fence with matching gate where indicated
- 2m high timber picket fence with native species hedge - timber fence indicate an existing timber fence in existing situations
- 2.1m high picket fence with 2.1m high native species hedge - need to be 2.1m high adjacent to provide views of 4.1m fence
- 1.2m high timber picket and 2m wall fence
- 1.8m high to 2m long (approx) close boarded timber privacy screen
- 2m high picket with 2.1m high close boarded timber fence over
- 1.2m high perforated steel Eddisbury fence

SCHEDULE OF LANDSCAPE PLANTING AND/OR BASH

- Well-maintained lawn, needs or marginal planting
- Seed bed
- Native shrubs

- KEY:**
- 22 (A) Plot (Type)
 - Change
 - Single garage
 - Double garage
 - Existing tree retained
 - New tree
 - Bin store

PLANNING ISSUE

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RIBA Chartered Practice

Westgate
Old Market, North Yorkshire
Mulleary Homes Yorkshire

PROPOSED LANDSCAPE STRATEGY

DATE VALID	AD	PC	27/06/2016
1:250	1:250	PC	1182_AR10_02_1



PLANNING ISSUE

BRAMHALL BLENKHAM

IBSA Chartered Practice
The Watnall, Malton, North Yorkshire YO17 5DP
01904 880000
www.ibsa.co.uk

Project: Watnall
Client: Old Malton, North Yorkshire
Location: Malton, North Yorkshire
DATE VALID: 01/08/2016

Drawn: A1
Checked: TJT
20/08/2016

Scale: 1:200
PC: 1192_AR46_01_A

Town Street Old Malton Design Statement

1.0 INTRODUCTION

1.1 This statement is to be read in conjunction with submitted drawings and other supporting information in respect of the reserved matters application for the above site.

1.2 A Design Guide was produced for the application site in July 2014 and this current application follows the broad principles of this guide. The statement cross-references to the design guide for continuity.

1.3 The Design Guide noted that the site is on partially brown-field land [formerly the North Yorkshire County Council Highway Depot] with a total site area of approximately 1.9 hectares. The depot site contained a number of single and two-storey late 20th century brick and temporary buildings. The northeast part of the site is made up of part of Coronation Farm and contains a number of single and two-storey brick and stone outbuildings, and to the south there is an unused paddock which contains one or two small outbuildings on its southern boundary. The boundaries are a variety of hedges, walls and railings with some mature trees, particularly along the southern boundary adjacent to the cemetery. The site is largely flat, rising gently by a metre or so in the centre. The northeastern edge of the is partly within the designated Conservation Area of Old Malton.

1.4 The heritage of the site was outlined in the Heritage Report by MAP [Archaeological Consultants] which noted that "*Old Malton was an established settlement prior to the Norman invasion, possibly aligned along modern Town Street and Westgate. To the southeast, a priory of the Gilbertine order was established in c. 1150. Some minor mediaeval building remains have previously been found in the grounds of Coronation Farm. The site appears originally to have been made up of fields and gardens, with the development of the cemetery in the 19th/20th Centuries forming the southern boundary. The area associated with Coronation farm, in the northeastern section of the site, lies within the Old Malton Conservation Area, and the detailed design of the scheme would therefore need to preserve or enhance the character of the area. There are no listed buildings within the site but there are several Grade II structures in nearby Westgate, and more in the rest of Old Malton. These are generally houses from the 17th and 18th Centuries. Details of these properties are given in the Heritage Report. The report concludes that the effect of the proposals on the Conservation Area and the nearby Listed Buildings will be negligible or neutral if the design is in keeping with the village, and the redevelopment of the derelict highway depot will be a benefit.*"

1.5 The design guide noted that there are a number of characterful old agricultural buildings within the northern part of the site, which if possible, should be integrated into the new development, since they form part of the semi rural character of this part of Old Malton.

1.6 The report noted that the north the site is bounded by Westgate: a well established thoroughfare lined on its northern edge by a series of single and two-storey bungalows and houses in a variety of materials including local stone and red brickwork with pitched clay pantiled and thatched roof coverings. The buildings tend to be in terraces, interspersed with individual houses, giving the impression of a fairly continuous frontage. The structures are set on, or near, the back edge of pavement,

lending a noticeable sense of containment to the street.

1.7 To the east, the site adjoins the back gardens and residual areas of fields of the properties facing on to Town Street. Areas of mature planting run along the boundary particularly in the southern section. Although the street corridor on Town Street is reasonably well defined, there are considerable gaps in the frontage caused by a greater proportion of individual buildings, front gardens and green spaces.

1.8 The report noted that the communal grassed areas along Westgate and Town Street are particularly characterful.

1.9 To the south, the site borders the cemetery and the allotments, together with a residential garden, all on the other side of a narrow road running from Town Street through to the graveyard. There is a line of mature trees on the boundary near the allotments. Further along the cemetery boundary there are individual attractive specimens. To the west and in the southern section our site is separated from a public footpath by a brick wall. The remainder of the western boundary borders the back gardens of the two- storey mid-20th century brick and tile buildings on Westfold.

1.10 The Design Guide noted that the principal views both in and out of the site will concern the south western part of the site: to and from the edge of Malton across the public footpath.

1.11 The Guide noted that vehicular access to the site will be from Town Street, but that links to the public footpath to the south of the site should be created for pedestrian and cycle access, allowing ready access to Malton town centre. The site is a short walk from Town Street which carries a number of bus routes and where there are nearby bus stops. The only major road bordering the site is Westgate and this should be the location of the main vehicular site entry point. An existing entrance lies towards the centre of the frontage.

1.12 The outline application scheme notes a single road entering the site from Westgate serving properties on both sides. The development then opens up around a central green space at the wider southern part of the site. This reflects the open nature of the cemetery and mature planting to the southern edge of the site.

1.13 The guide noted that the general building design should follow a number of principles:

- *Create a common vocabulary for all of the buildings, offering the opportunity for variation within a theme, but creating a harmonious overall arrangement.*
- *All of the buildings should follow traditional precedents and be informed by the local vernacular - in massing, style and detailing.*
- *The general approach should be simple, robust and well -proportioned.*
- *All buildings should exhibit 'incremental' massing with a principal element and clearly legible, subservient additions and extensions.*
- *The principal element is to be of a traditional depth, say 5-8m, in the northern part of the site. Greater depths may be considered in the less formal southern area.*
- *Walls should predominantly be in natural local coursed limestone, but variety will*

be created through the modest use of buff or red brick, render or painted masonry.

- *Chimneys should be either in the centre of the building or integrated into gable walls.*
- *Roofs should be pitched - at 35 to 45 degrees - and covered principally in natural clay pantiles, with potentially some restricted use of natural slate.*
- *Verges are to be plain and constructed with a mortar infill above a plain tile creasing.*
- *Eaves are to be simple, either flush with the wall or using a few slightly projecting top courses. Timber fascia boards or projecting boxed-out fascias will not be used.*
- *Rainwater goods should be in cast iron or aluminium, painted, with gutters on rise and fall brackets.*
- *Windows should be in timber and either of sash or casement type; heads either of masonry arches, painted timber, or natural stone lintols; cills predominantly in natural stone, with occasional limited use of brick.*
- *External doors should be in timber and either panelled or vertically boarded, with heads as per the windows.*
- *Window frames and door surrounds should be painted, and generally white or cream, with a proportion in pastel shades.*
- *Front doors may have a wider - but still restrained - variety of colours. They must not include fake, inset, fanlights, but correct use of fanlights on appropriate buildings is encouraged.*
- *The majority of buildings should be modest, but key locations may justify a more formal approach*
- *The more vernacular buildings can be subtly varied by using flat or arched heads in brick or stone, or timber lintols, to openings. Ceiling heights may be lower, including small areas of sloping ceiling in the upper floors. Windows are more likely to be casements or horizontal sliders and doors will be simpler such as ledged and braced boarding.*
- *A more formal building might have dressed ashlar stone walls, stone lintols, taller ground floors accommodating sash windows and front doors with fanlights, and parapetted verges or 'water tabling'.*

2.0 DESIGN STATEMENT

2.1 The proposed scheme broadly follows the parameters established by the design guide. A new access road is formed from Westgate towards the eastern part of the northern boundary. The road is sited to enable the existing tree and open grassed area to be retained. Dwellings along the access road into the site are generally sited towards the edge of the road, whilst given sufficient distance across the road for privacy. This creates larger private gardens to the rear of the dwellings.

2.2 This road then follows a meandering course into the southern end of the site, where a central green space is created. The access road has pavements either side, but then a single pavement only is formed around the southern part of the site. Off the road, there are two small access roads serving a small number of dwellings. To the southern green open space a small, shared drive serves 4 dwellings along the southern boundary.

2.3 A combined footway/cycle track is formed from the southern green space connecting through to Town Street and the public footpath beyond.

2.4 Existing trees within the site are retained, with a root protection zone created around the significant trees along the southern boundary. In design terms, these trees produce a dramatic skyline when entering the site from Westgate. A further group of trees at the southern end of the road [between units 32 and 33] into the open green space are retained.

2.5 The significant existing buildings are in poor condition due to age and lack of maintenance and will be reconstructed as part of the new dwellings numbered 1, 6 and 38. Two of these dwellings, 1 and 38, front Westgate and are important buildings in the streetscene.

2.6 Within the site the majority of the dwellings are two storey. There are 4 No single storey dwellings along the access road into the site, which reflect the small scale dwellings along Westgate. The 3 single storey dwellings to the western side of the access road, numbers 32,34 and 36 allow views of the existing trees to the north of house 32 to be readily visible.

2.7 The plans of all the dwellings are deliberately simple double-pitched roof dwellings built in a variety of materials. These are a mixture of stone and brick with two key dwellings, 18 and 22 being in render. Roof materials are pantile or slate. A list of materials for all dwellings is included as a separate document. This document notes specifications for roads, pavements, paved areas, windows, doors and porches. Windows are set back in reveal. Gutters and rainwater pipes are cast iron appearance. Front doors are timber. There are no fascias to verges or eaves.

2.8 Front boundaries are formed as hedges, low brick walls or park fencing [to the fronts of dwellings along southern boundary, facing the open green space].

2.9 Dwellings adjoining the northern boundary to Westfold are designed to prevent overlooking by distance and by siting single storey garages along the northern boundary.

2.10 A number of 3D computer generated views are included with the application to show the overall arrangement.

3.0 CONCLUSION

3.1 The submitted scheme closely follows the design guide in terms of access, layout and creation of green open space to the southern end of the site.

3.2 Buildings are generally simple robust, traditionally detailed dwellings in keeping with the visual language of buildings within Old Malton. The aspects from dwellings incorporate larger glazed areas, which open out onto enclosed rear gardens. The streetscape is deliberately traditional, with vertically proportioned windows, double

pitched roofs and chimney stacks placed to end gables.

3.3 Variety is created through differing materials and the use of simple pitched or gabled timber open porches to the fronts of a number of dwellings. There are a number of dwellings with single and two storey bay windows.

3.4 Existing trees are retained and used as a visual focus for the scheme.

3.5 Overall, the scheme is intended to reflect the character of the immediate area and to fully respect the parameters set out in the site Design Guide and followed in the approved outline consent for the site.

Bramhall Blenkarn Architects The Maltings Malton YO17 7DP

Item Number: 8
Application No: 16/01659/MFUL
Parish: Sheriff Hutton Parish Council
Appn. Type: Full Application Major
Applicant: York Meadows Caravan Park (Mr D Armstrong)
Proposal: Change of use of agricultural land to allow the formation of 30no. static caravan pitches and 42no. touring caravan pitches with formation of crushed stone access tracks together with erection of extension to existing site office/amenity block and the provision of a play area (part retrospective)
Location: York Meadows Sheriff Hutton YO60 6QP

Registration Date:
8/13 Wk Expiry Date: 16 January 2017
Overall Expiry Date: 9 January 2017
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Highways North Yorkshire	Recommend conditions
Parish Council	No objection but comments made
Countryside Officer	No views received to date
Tree & Landscape Officer	Recommend conditions
Land Use Planning	No views received to date
Sustainable Places Team (Yorkshire Area)	Comments made
Neighbouring Parish Council	Concerns
Caravan (Housing)	No views received to date
Land Use Planning	No comments to make
Foss Internal Drainage Board	Recommend condition

Neighbour responses: Ian Gordon,

SITE:

The application site comprises agricultural land, to the north of the C90 Sheriff Hutton to Strensall Road. The main body of the site measures 240m in length at its largest and 117m in width at its greatest. The site also includes a strip of land along the eastern field boundary immediately to the south-east of the application site. This strip of land contains the access to the site and curves in an easterly direction into the adjacent field and adjacent to the C90. The application site contains existing planting on the majority of its boundaries and within the site. The site is outside the development limit of any defined settlement and as such it is located within the open countryside, within the Vale of York Landscape Character area.

PROPOSAL:

Planning permission is sought for the change of use of agricultural land in order to allow the formation of 30 no. static caravan pitches and to replace an area of camping plots with 42 no. touring caravan pitches with formation of crushed stone access tracks together with the erection of an extension to the existing site office/amenity block and children's play area (part retrospective).

The proposed touring pitches are to be located on the northern part of the application site in an area approximately measuring 110 m by 85m, and the static pitches are to be located on an area immediately to the south on an area approximately measuring 110 m by 80 m.

Within the proposed static area, 3 rows each comprising 10 static units are proposed. Following negotiations a revised plan has been submitted that shows new planting along the southern boundary to be planted, with semi-mature species to augment the landscape screening within the 2016/17 planting season. Furthermore the rows of statics are proposed to be phased, with the northern most row commenced in 2017, and then the middle and southern rows in 2018 and 2019 respectively.

The proposed extension to the office/amenity block will approximately measure 3m by 6.75m and be 2.9m to the eaves height and 4.8m to the ridge height. It is proposed to construct the extension of sandstone under a clay pantile roof.

HISTORY:

2006: Planning permission refused for the change of use of agricultural land to site for 38 touring caravans with associated vehicular access and road and erection of two amenity buildings.

2007: Planning permission granted for the change of use of agricultural land to site for 38 touring caravans with associated vehicular access and road and erection of two amenity buildings.

2008: Planning permission granted for the siting of 15 no. static holiday caravans on part of approved touring site.

2013: Change of use of agricultural land to allow the formation of a fishing pond for the use of caravan site residents with use of existing hardstanding area for associated parking and turning

POLICY:

National Policy

National Planning Policy Framework 2012 (NPPF)

National Planning Policy Guidance 2014 (NPPG)

Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP8 - Tourism

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

APPRAISAL:

The main considerations in relation to this application are:

- The principle of the proposed development;
- The impact of the proposal upon the character and appearance of the landscape;
- Design and Appearance;
- Highway safety;
- Flood risk; and
- Drainage.

Principle of Development

The NPPF supports local planning policies that support sustainable rural tourism and leisure developments that benefit the businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy SP8 (Tourism) of the Ryedale Plan - Local Plan Strategy states that tourism will be supported through the provision of a range and choice of quality tourist accommodation. In the wider open countryside, new static caravan and chalet self catering accommodation and extensions to existing facilities that can be accommodated without an unacceptable visual intrusion and impact on the character of the locality will be supported. All year round tourism is supported subject to the occupancy conditions set out within Policy SP21 (Occupancy Restrictions).

The proposed development will provide for the expansion of an existing tourism site within the Vale of York area of the District. Planning permission has already been granted for 28 touring pitches on the site immediately to the north and 15 static units. The proposed extension to include 30 static units and 42 no. touring pitches represents a significant extension to the approved site.

The Local Planning Authority has a requirement to ensure any new development is sustainable. The scale of the proposed tourist site in total would be relatively large. However, it is located to the southwest of a Service Village, Sheriff Hutton and a sustainable settlement. There are facilities, such as a Public House and a shop in the village. The site is also well located for accessing the AONB, York and the North York Moors. Providing the scheme provides a pedestrian link to Sheriff Hutton it is considered that the application (at the scale proposed) can be regarded as a relatively sustainable form of tourism development in this case.

The principle of the proposed development is therefore considered to be acceptable.

Landscape impact

Policy SP13 (Landscapes) states that 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.

The site is elevated from the road level, along with planting to the southern elevation of the application site. This has the effect of screening some views from the C90 road towards the proposed application site. However, additional planting is required in this planting season, of semi-mature container grown trees to augment the additional planting and to further limit views from the south western side. This is particularly important in the winter months. This planting has been agreed with the Tree and Landscape Officer and if planning permission is granted, is conditioned to be planted before 31st March 2017. A Phased development of the static units is proposed to further limit their visual impact. The static's are proposed to be located on the southern part of the application which is the most exposed area of the application site. 3 rows of 10 static units are proposed and these are to be developed from next year, with 10 each year starting at the northern side and working forwards (south). This will ensure that the new planting is already well established for the row nearest to the C90 by year 3.

The proposed touring pitches are generally well screened by established landscaping.

Subject to the proposed additional planting and phasing, the proposal is not considered to have a material additional adverse effect upon the Vale of York Landscape Character area.

Design and Appearance

The applicant has indicated that that the proposed static units are to be externally clad in green colour or a wood finish, and a condition is recommended accordingly. There is considered to be no objection to the proposed play area. Subject to the landscaping mentioned above there is considered to be no objections to the proposed development in terms of the design approach.

Highway safety

The Highway Authority has no objection to the application on highway safety grounds in principle subject to the imposition of planning conditions relating to a new public footpath and parking provision. In making this assessment, the Highways Officer has confirmed the existing access can achieve the required visibility at the access point and that the existing junction can accommodate the additional traffic flows. The maintenance of the grass verges adjacent to the access is a continued requirement and this is controlled by a planning condition on an earlier planning application. It was agreed with the applicant following a site meeting, that the public footpath can be extended from the entrance to the Sheriff Hutton Industrial Estate along the verge to the culvert to the north-east of the application site (approximately 150m in length). Between the bridge and the entrance to the site the applicant has agreed to maintain the grass verge so it can be walked on to the bridge.

Drainage

The application proposes to drain surface water to soakaways. The applicant has confirmed foul water will be drained from the site via a package treatment plant, then to a soakaway. Yorkshire Water has stated no objection to the proposal. The Environment Agency do not raise objection to the proposed discharge of surface water, although their consultation response does make recommendations regarding the disposal of surface water. The Foss IDB similarly raise no objection and recommend a condition to cover matters of soakaway design and run-off rates. An informative is recommended in this respect.

Flood risk

The application site is located within Flood Zone, representing the lowest risk of flooding. The Environment Agency has been consulted on the Flood Risk Assessment and does not wish to object to the application.

The impact upon neighbouring properties

It is not considered that the proposed development would have a material adverse effect upon the amenity of the adjoining neighbours in terms of potential noise and disturbance given its separation from other residential properties (minimum 150m from the proposed static unit to the nearest property).

Other issues

Sheriff Hutton Parish Council has responded to the consultation and stated that they have no objection to the proposal subject to a satisfactory highways report. However, the Parish Council would like to see increased screening to the western approach and a footpath from the site as far as the industrial estate. Lillings Ambo Parish Council (neighbouring Parish Council) have stated concerns regarding the increased traffic flows through their village and the increased sewage and its management.

There has been one letter of objection from the nearest property, The Hollies. That objection relates primarily to highway safety and the road layout close to the 'T' junction to West Lilling and the site access. The objector considers this to be dangerous. Concerns have also been raised regarding increased road signage, litter and noise since the site began to operate.

The views of the Highway Authority has been addressed in the appraisal above. The local Highway Authority has confirmed it has no objections to the scheme and is satisfied that both the access to the site and surrounding highway network can safely accommodate the additional traffic. A requirement for a public footpath from the entrance to Sheriff Hutton Industrial Estate extending 150 to the south-west to the bridge will be a planning condition.

In principle, there is considered to be no objection to an onsite package sewage treatment plant, and its management is a matter for the applicant.

The issue of litter is a management issue, and the noise associated with the proposed development is not considered to have a material adverse effect upon the amenity of nearby properties, for the reasons described above.

In view of the above the application is recommended for approval.

RECOMMENDATION: Approval

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

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

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

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

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

3 Prior to the commencement of the development, a 20-year management plan for the establishment of the retention of the existing planting, boundary hedge/trees and all proposed planting shall be submitted to the Local Planning Authority for approval in writing.

Reason:- To ensure that the existing landscape elements and proposed supplementary planting continue to screen and enhance the development and to satisfy Policy ENV7 of the Ryedale Local Plan.

4 The touring pitches hereby approved shall only be used between 1 March and 31 October inclusive. Outside this period, all touring caravans shall be permanently removed from the site.

Reason:- It is considered that the touring caravans would constitute an unacceptable visual intrusion into the open countryside during the winter months and outside the holiday season. The reason also complies with Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 5 Any caravans occupied shall be done so for holiday purposes only and for no other purpose including any purpose in Class C3 of the Schedule to the Town & Country Planning Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason:- In order to ensure that the caravans do not become permanently occupied as dwellings within the open countryside and to comply with Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 6 The owners/operators shall retain an up-to-date register of the names of all owners/occupiers of the touring caravans and static units on the site and their main home address, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason:- In order to ensure that the holiday accommodation is not used for unauthorised permanent occupation and to comply with Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 7 The occupation of any of the touring holiday accommodation or tents, the subject of this permission shall only be used for holiday occupation to the same person, groups of persons, families for period(s) not exceeding a total of 28 days in any one calendar year. The touring pitches on the site shall be used as the main residence of any occupant.

Reason:- It is not considered that the application site is suitable for permanent residential use because of its location outside development limits and within the open countryside and to satisfy Policies SP2 and SP13 of the Ryedale Plan - Local Plan Strategy.

- 8 Prior to the commencement of the development hereby approved precise details of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, including the location and percolation tests results in accordance with BRE Digest 365, in respect of soakaways.

If soakaways are considered inappropriate any drainage to land drains the peak run-off must be attenuated to 70% of the existing rate based on 140 l/s of connected impermeable area.

Reason:- In order to ensure that the site can be effectively drained and to satisfy Policy SP17 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 9 The static caravan development hereby approved shall be undertaken in a phased approach in accordance with the details contained on Plan No. IP/DA/02/1 Rev B.

Reason:- In order to protect the character and appearance of the area and to satisfy Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 The 30. no static units shall not be used and the site closed between 15th January and 1st March each year.

Reason:- To ensure the site is closed and the static units are not used for permanent residential accommodation and to satisfy Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 11 The 30 no. static units hereby approved shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days in each calendar year.

Reason:- To ensure the site is closed and the static units are not used for permanent residential accommodation and to satisfy Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 12 Unless otherwise agreed in writing with the Local Planning Authority the planting detailed on Plan No. IP/DA/02/1 Rev B shall be undertaken before 31st March 2017.
- Reason:- In order to ensure the site does not have a long-term adverse effect upon the Vale of York Landscape Character area and to satisfy Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 13 Prior to the commencement of the development hereby approved precise details of the external colour of the caravans hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
- Reason:- In order to protect the character and appearance of the area and to satisfy Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 14 The application site shall not contain more than 30 static units or 42 touring pitches.
- Reason:- For the avoidance of doubt.
- 15 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
- (i) The details of the following off-site required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a. Provision of a 1.2 metre wide macadam footway with timber edgings to Highway Authority specification within the existing highway verge of York Road between the Industrial Estate entrance and the culvert under the highway south of the waste water treatments works, including any adjustments as may be required at existing access crossings and start/finish points.
- (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the local Highway Authority.
- Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
- 16 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition 16:
- (i) The details of the following off site required highway improvement works, listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the local Highway Authority:
- a. Provision of a 1.2 metre wide macadam footway with timber edgings to Highway Authority specification within the existing highway verge of York Road between the Industrial estate entrance and the culvert under the highway south of the waste water treatment works, including any adjustments as may be required at existing access crossings and start/finish points.

(ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the local Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of the safety and convenience of highway users.

- 17 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number IP/DA/02/1 for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

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

IP/DA/02/1
IP/DA/01
IP/DA/02/1 Rev B

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

INFORMATIVES:

- 1 The applicant/developer is advised to consider the consultation response of the Environment Agency dated 28 October 2016.
- 2 In relation to Condition 16, an explanation of the terms used above is available from the Highway Authority.

Background Papers:

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

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17.10.2016



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Caravan Site
Clewdisick
York

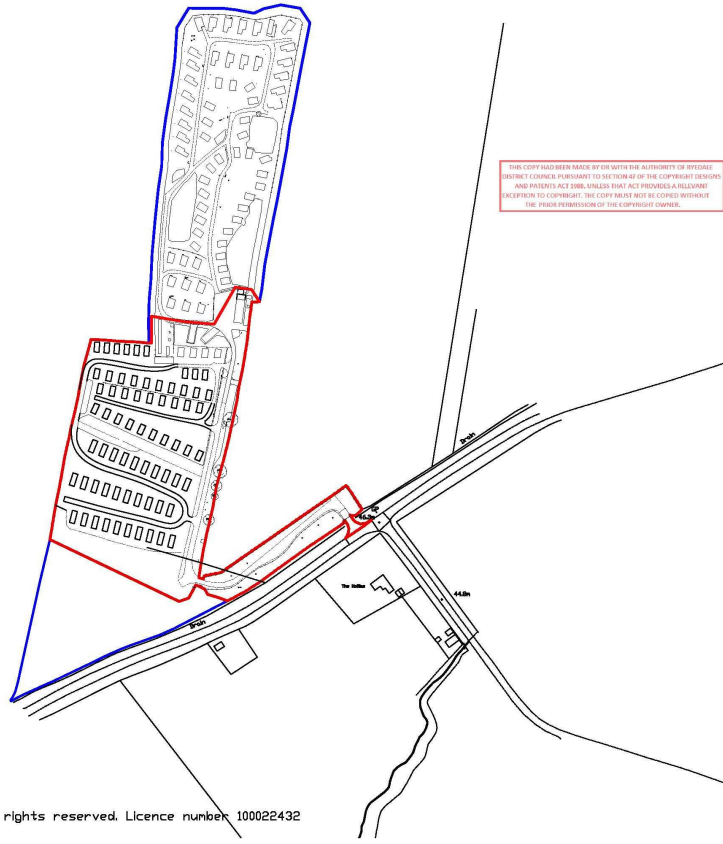
JOB TITLE
York Meadows Development

DWG. TITLE
Location Plan A3

SCALE 1:2500
DRN SH

DWG. NUMBER
IPDA/01

DATE Oct 16
REV -



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 Golden Square
 Caravan Site
 Oswaldkirk
 York

JOB TITLE
 York Meadows Caravan Park

DWG. TITLE
 Site Plan A1
 Sheet 1

SCALE 1:500
 DRW SH

DWG. NUMBER IPDA/02/1
 DATE 23/12/16
 DATE REV
 Dec 16 C

- PROPOSED STATIC CARAVAN/STORIES (PHASE 1 - WORK TO COMMENCE 2017)
- PROPOSED TOURING CARAVAN PITCHES
- PROPOSED UTILITY BUILDING EXTENSION
- EXISTING CARAVAN PITCHES
- PROPOSED STATIC CARAVAN/STORIES (PHASE 2 - WORK TO COMMENCE 2018)
- PROPOSED STATIC CARAVAN/STORIES (PHASE 1 - WORK TO COMMENCE 2017)

REVISED PLAN



PROPOSED ADDITIONAL TREE PLANTING
 ADDITIONAL PLANTING TO CONSIST OF 2 STAGGERED ROWS, 5m CENTRES, OFFSET 2m FROM EXISTING REDUCTION FOR MAINTENANCE PURPOSES.
 ADDITIONAL PLANTING TO CONSIST OF HEAVY STANDARD CONTAINER-GROWN TREES CONSISTING OF OAK, FIELD MAPLE, SMALL LEAVED LIME, AND BIRD CHERRY.
 ALL CONTAINER-GROWN TREES ARE TO BE OF A 12-14CM STEM GIRTH, 2.5M IN HEIGHT, DOUBLE STAGED, SUPPORTED ON A HORIZONTAL TUBES BARS WITH 15CM TIE AND SPACER. THE WHOLE OF THE PLANTED STRIP IS TO BE MULCHED WITH A 100MM DEPTH OF WOOD CHIPS.
 PLANTING TO BE UNDERTAKEN IN THE 2016 / 2017 PLANTING SEASON, NOVEMBER - MARCH (OR FIRST AVAILABLE FOLLOWING ANY PLANNING PERMISSIONS GRANTED)

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CLIENT
D Armstrong
Golden Square
Caravan Site
Oswaldkirk
York

JOB TITLE
York Meadows Caravan Park

DWG. TITLE
Site Plan A1
Sheet 2

SCALE 1:500
DRW SH

DWG. NUMBER
IPDA/022

DATE REV
Sept 16 -



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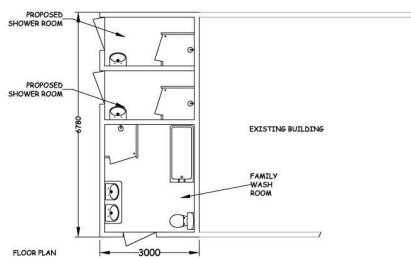
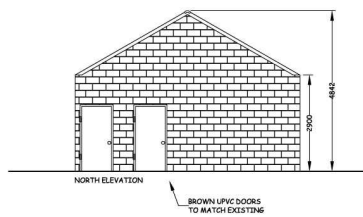
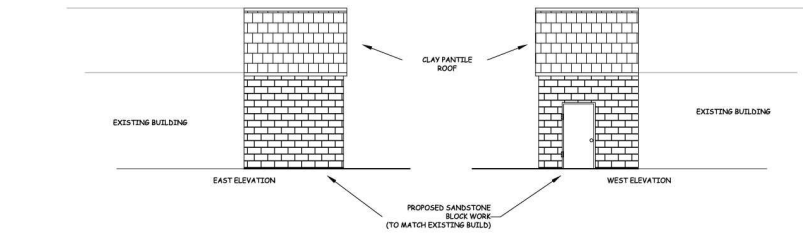
JOB TITLE
York Meadows Caravan Park

DWG. TITLE
Elevations Plan A1

SCALE 1:50
DRW SH

DWG. NUMBER
IPDA/02

DATE Oct 16
REV -



No objection but comments made

AH

DATE
15/11/16

Subject: 16/01659/MFUL - York Meadows Caravan Park, Sheriff Hutton

From: Louise Pink

Sent: 15 November 2016 10:50

To: Development Management; Alan Hunter

Subject: Planning Application 16/01659/MFUL - York Meadows Caravan Park, Sheriff Hutton

Dear RDC/Alan,

Sheriff Hutton Parish Council do not wish to object to the above planning application, subject to a satisfactory Highways report, but do wish to make the following comments:-

The Parish Council would like to see increased screening to the West approach.

The Parish Council would like to see a hard standing footpath be installed from the entrance of the site to the Industrial Estate.

Best Regards,

Louise

Clerk - Sheriff Hutton Parish Council

Att -

Concerns

LILLINGS AMBO PARISH COUNCIL.

Clerk. Mrs A.Bailey. Rose Villa. West Lilling. York. YO60 6RP.

10-11-2016

Karen Hood

Managing Development Team Leader.

Ryedale District Council.

Ryedale House.

Malton.

North Yorkshire. YO17 7HH.

Dear Karen Hood,

Application 16/01659/MFUL

York Meadows Caravan Park. Sheriff Hutton.

RYEDALE DM
14 NOV 2016
DEVELOPMENT
MANAGEMENT

With reference to your letter of 27th October 2016 our Parish Council discussed this application on 8th November.

Whilst this development is outside the Parish Council boundary. We are directly affected by traffic flows from and to the development and by pedestrians who frequently walk through our village (sometimes with dogs).

Whilst not wishing to oppose the change of use which is the subject of the application we would like to register our concern for two reasons.

1. The substantial increase of traffic flows from the site, much of which passes through West Lilling, and the effects on our already damaged and overcrowded roads.
2. The possible effects of the generation of increased sewage and its management.

We would ask for any reassurance you can give us on these two points.

Yours sincerely,

J.L.C.Pratt. Chairman.



DESIGN AND ACCESS STATEMENT

CHANGE OF USE OF LAND TO PERMIT THE SITING OF STATIC AND
TOURING CARAVAN PITCHES & THE ERECTION OF AN EXTENSION TO
EXISTING AMENITY BUILDING

Client

York Meadows Caravan Park

Ian Pick Associates Ltd
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Email: mail@ianpick.co.uk
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Introduction

This report has been commissioned by York Meadows Caravan Park.

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

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

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

Ian Pick has 18 years experience in rural planning whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Limited.

Background Information

York Meadows Caravan Park is operated as a thriving tourism and leisure business. Facilities on the site include a touring and static caravan spaces, site office, changing facilities, toilets, play area, sports field, on site shop and a camping area.

Due to a constant increase in demand for static pitches, the applicants are proposing to change the use of an existing parcel of land immediately to the south of the site, to form

30 static caravan pitches. The development also proposes to replace the existing camping plots with 38 touring caravan pitches, and proposed an extension to the existing amenity building to offer a family wash room and individual shower cubicles.

This application will enable the applicants to take advantage of a recent increase in demand the spaces, which in turn will all the business to grow enable the enterprise to become more economically sustainable. The caravan park also supports many other close by business, such as restaurants, through on site advertisement and offers.

Amount of Development

The amount of development involves the siting of 30 static caravan pitches, 38 replacement touring pitches (replacing existing camping plots) and an extension to the existing amenity block.

The caravan pitches will consist of a crushed stone base, with an adjacent electrical hook-up. A static caravan (which will meet the customers requested specification) will then be sited on the pitch. The touring caravan pitches will be used for the siting of the customers own caravan.

Use

The use of the development will be for the siting of static and touring caravans for holiday use. The extension to the amenity block will be used as a family wash room and showering facility.

Layout

The overall layout of the proposed development can be seen in detail on the attached site plan (drawing No IP/DA/02/1).

The proposal includes an additional crushed stone track, which will service the proposed static caravans. The site will be accessed via the existing highway access to the south.

The existing grass field which is to be used for the siting of the static pitches will essentially be seen as an immediate extension to the existing site.

Scale

The scale of the development is the construction of 68 caravan pitches, 38 touring pitches and 30 statics. This is considered to be a modest and appropriate expansion of the site, given the substantial increase in demand and the scale of the existing caravan park.

The proposed extension to the amenity block will measure 6780mm x 3000mm, with an eaves and ridge height matching that of the existing building (see elevations for more detail, drawing No. IP/DA/03).

Landscaping

The application site is exceptionally well screened within the landscape, due to an existing undulating landform and mature vegetation. Mature tree planting and hedgerows screen the site from the public highway immediately to the south. The proposed development is such that it will not be visible from any public vantage point.

The proposed development overall is of a discreet nature and will not be visually intrusive. The character of the surrounding landscape will not be harmed as a result of this proposal.

Appearance

The proposal involves the creation of an additional static and touring caravan pitches within the site. An example photo of a static caravan can be seen below.



The proposed extension to the amenity building will be of a sandstone block construction with a clay pantile roof, in order to match the materials of the existing building.

Vehicular Access & Transport Links

The proposal will utilise the access from the existing site entrance. The proposed traffic to be generated by the proposal will be limited to seasonal visits. The existing entrance to York Meadows Caravan Park offers excellent visibility in both directions and is of an approved highway specification.

Planning Policy

The National Planning Policy Framework was introduced on the 27th March 2012. Section 3 of the NPPF relates to supporting a prosperous rural economy.

3. Supporting a prosperous rural economy

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

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*

- *promote the development and diversification of agricultural and other land-based rural businesses;*

- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*

- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*

The National Planning Policy Framework provides clear support for the proposals at York Meadows Caravan Park within paragraph 28. The proposal is for the sustainable growth and expansion of an existing tourism and leisure business.

Ian Pick

October 2016

Agenda Item 9

Item Number: 9
Application No: 16/00072/OUT
Parish: Marishes Parish Meeting
Appn. Type: Outline Application
Applicant: Mr A N Willis
Proposal: Erection of an agricultural workers dwelling
Location: Land At Golden Square Low Marishes Malton North Yorkshire

Registration Date: 1 August 2016 **8/13 Week Expiry Date:** 26 September 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Parish Council	Support
Highways North Yorkshire	No objection
Countryside Officer	Recommend condition
Land Use Planning	No views received to date
Tree & Landscape Officer	No views received to date
Environmental Health Officer	No views received to date

Neighbour responses: None

Overall Expiry Date: 26 August 2016

Members will recall that this application was deferred at the meeting held on 25 October 2016 in order for further consideration of the justification for the erection of a second dwelling at Golden Square Farm (Members are requested to refer to the earlier agenda papers).

In particular, Members wish to understand the claimed need for a second dwelling on site which might be justified by the agricultural needs of the visit, but also by the needs of other businesses which had located to the site complex since planning permission had been granted for their change of use to B1, B2 and B8 in 2004.

Further information has been received from the applicant's agent and in relation to the overall uses being carried out on site and the site has been re-inspected following receipt of that information. The submitted information is currently not available to view on the application file because of commercial sensitivities.

The additional information is currently under review by officers and a final recommendation will follow with the Late Pages.

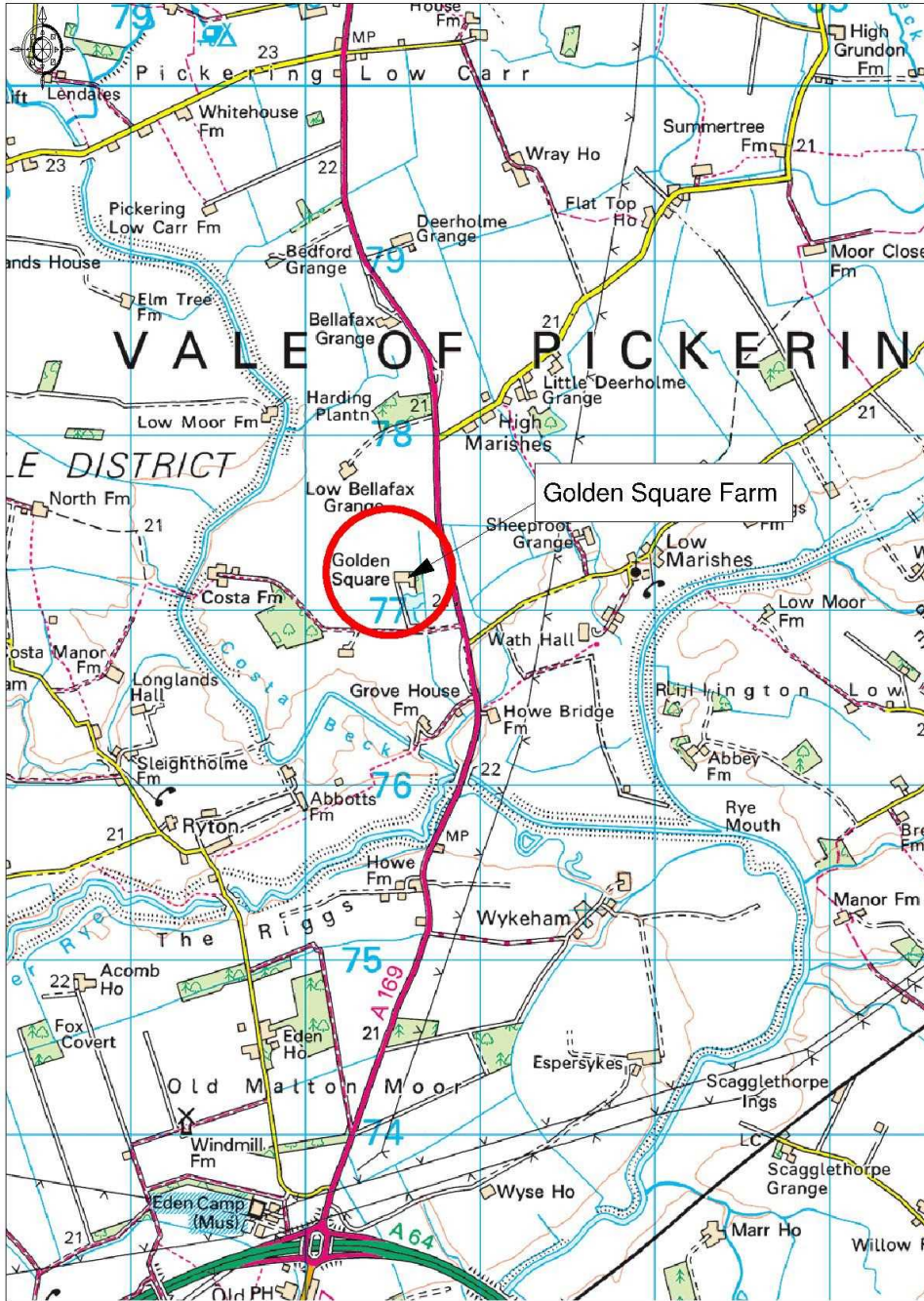
RECOMMENDATION: **Pending Recommendation**

Background Papers:

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

Golden Square Farm, Low Marishes, Malton

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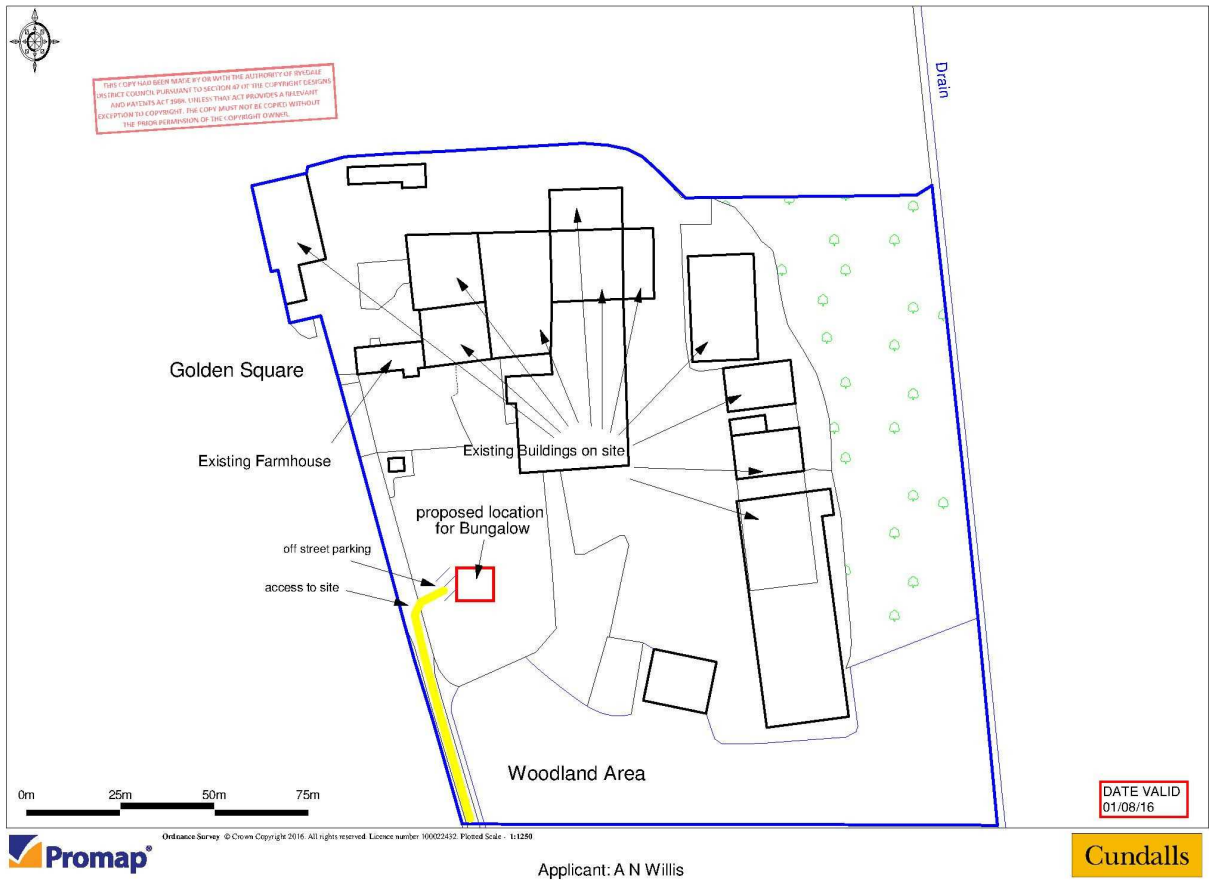
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AN Willis

Cundalls

DATE VALID
01/08/16

Golden Square, Low Marishes



Cundalls

15 Market Place, Malton, North Yorkshire, YO17 7LP
t. 01653 697820
malton@cundalls.co.uk
www.cundalls.co.uk

DESIGN AND ACCESS STATEMENT

**AGRICULTURAL WORKERS DWELLING TO SUPPORT EXISTING
ENTERPRISE.**

AT

GOLDEN SQUARE FARM
LOW MARISHES
MALTON
NORTH YORKSHIRE

Applicant: A N Willis

APPLICATION DETAILS

Applicant: Mr Andrew Willis

Applicants Address: Golden Square, Low Marishes, Malton, YO17 0RH

Applicants Agent: William Tyson BSc (Hons) MRICS FAAV, Cundalls Chartered Surveyors

Agents Address: Cundalls, 15 Market Place, Malton, North Yorkshire, YO17 7LP

Site Address: Golden Square, Low Marishes, Malton

Application Title: Proposed Erection of one agricultural workers dwelling

Application Type: Outline planning application with all matter reserved

Application Date: December 2015

Location: Low Marishes, Near Malton

Proposed Use: Class C3 - Dwelling House

Reason for Proposal: Increased functional need at Farm and new agricultural workers accommodation requirements due to agricultural business

Parking: Vehicle and pedestrian access to the new dwelling will be via the existing private driveway

Foul Water: it is proposed that the new dwelling will have its own soak-away drainage system.

INTRODUCTION

This planning application seeks outline planning consent for the erection of one farm workers dwelling at Golden Square farm. All matters are reserved for future consideration.

USE

The site would create one dwelling that would enhance the character and viability of the surrounding area and the development would avoid the inefficient use of land whilst respecting local character.

LAYOUT

The application for a dwelling will provide much needed standard residential accommodation and will have no material adverse effect upon existing amenities or surrounding properties.

It is proposed that the dwelling will be sited within the farmstead and within the garden area of Golden Square Farmhouse. The proposed dwelling will have off street parking to the west.

The proposed dwelling is to be located in close proximity to the wooded area to the south and east which will provide adequate screening. The proposed dwelling will have no adverse effect on the wildlife value or natural environment surrounding as it will be situated on farmland adjacent to the farm buildings.

SCALE

The proposed dwelling will be a single storey unit of approximately 150 sq.mtrs of living space. This will provide much needed agricultural accommodation for the Andrew Willis and his wife.

LANDSCAPING

Landscaping of the site will take place and be shown as reserved matters in the future, this will include including provision of shrubs and other plantings between the proposed dwelling and the surrounding yard area. The proposed development will have no effect whatsoever on existing hedgerows or shrubs lying adjacent to the proposed site.

APPEARANCE

The proposed dwelling will be constructed of traditional materials customary to the surrounding area and adjoining properties which will sit comfortably within the low Marishes mix of traditional buildings and dwellings.

ACCESS

Access will be via the existing vehicular access and the proposed dwelling will be accessed via the farm yard. This will not have a detrimental impact on the safety of pedestrians and/or other road users or the free flow of traffic upon the highway network as it is a private roadway. All associated parking will be off street and adjacent to the proposed dwelling.

Signed.....

Cundalls

Date.....

T6 Support

23 SEP 2016
DEVELOPMENT
MANAGEMENT

Marishes Parish Meeting
Bellafax Grange
Marishes
Malton
YO17 6UG
21/9/2016

RYEDALE DISTRICT
23 SEP 2016
DEVELOPMENT
MANAGEMENT
23/9/16 - LHM

Planning ref: ¹⁶13/00072/OUT

Mr Willis

Golden Square

Marishes.

Marishes Parish Meeting is fully supportive of the above application by Mr Willis of Golden Square Marishes.

The businesses operated from Golden Square are a major source of local employment and must be given all the help possible.

The development will not affect any other people or properties.

There is a proven need for another house to enable the business to flourish, so this must be supported.

Residents have seen operations grow at Golden Square and wish to see continued success and feel another dwelling would certainly help this.

In summary we must insist this dwelling is given permission, it is essential to the business, which in turn is essential to the local area, too many jobs have been lost in the locality over recent years.

I trust the Parish of Marishes can rely on your support in this application.

Yours,

David Beal

Chairman Marishes Parish Meeting.

Agenda Item 10

Item Number: 10
Application No: 16/01242/73A
Parish: Helmsley Town Council
Appn. Type: Non Compliance with Conditions
Applicant: Mrs Emmy Burdon
Proposal: Variation of Condition 12 of approval 12/00264/FUL dated 27.06.2012 to state 'The development hereby permitted shall be carried out in accordance with the following approved plan(s): Drawing no. 968_AR50_06A' - replacement of plan 968_AR50_03 - increase in roof height to allow for additional domestic storage areas (retrospective application).
Location: Longhouse Pottergate Helmsley YO62 5BY

Registration Date:
8/13 Wk Expiry Date: 23 September 2016
Overall Expiry Date: 23 November 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council Object

Neighbour responses: C F Button, Mr M Cooper,

SITE:

The site is situated to the rear of Pottergate within Helmsley Conservation Area. It was previously occupied by two garage buildings, one in concrete panels and the other traditional brick with a pitched roof. However a dwelling was constructed on the site following the granting of planning permission in June 2012. The site is bounded to the immediate north by a row of relatively new stone terrace houses, with older residential properties to the south and south-east.

PROPOSAL:

The revised plans show the following changes:

- Increase in the eaves and ridge height of the building of approximately 0.5m;
- Increase in number of roof lights on southern elevation from 4 to 5 single roof lights and one double roof light;
- Increase in size of 'first floor' window on western gable from 1.0m by 0.5m to 1.5m by 0.8m;
- Emergency access to southern elevation (door in the boundary wall serving the courtyard); and
- First floor room with stair access at western end of dwelling.

HISTORY:

Application 11/00678/FUL - October 2011: Application withdrawn for the erection of a two-storey dwelling

Application 11/00679/CON - October 2011: Application for Conservation Area Consent withdrawn for demolition of two garages

Application 12/00220/CON - 27 June 2012: Application approved for the demolition of existing garages

Application 12/00264/FUL - 27 June 2012: Permission granted for the erection of a single storey detached dwelling

Application 13/01364/73A - Application submitted to vary condition 12 - withdrawn

Application 15/00987/HOUSE - Application submitted for installation of internal staircase to first floor loft space. Withdrawn to allow submission of application to detail all the changes.

For clarification, following the approval of application 12/00264/FUL in June 2012, work commenced on the construction of the approved dwelling. However when work was well under way, a complaint was received that that a door was being formed in the southern elevation of the dwelling, that hadn't been shown on the approved plans. The architect advised that this was installed to comply with building regulations as a secondary means of escape and is inward opening only. The applicant was advised that the change would necessitate an application for a minor material amendment to the approved plans. However a further complaint was then received that the ridge and eaves height appeared higher than the approved plans, that a first floor was being installed and the installed windows were not in accordance with the approved plans.

Officers visited the site, and confirmed that indeed the dwelling was not being constructed in accordance with the approved plans. Officers again requested a revised application.

In December 2013 an application was submitted to seek approval for:

- An additional roof light on the northern elevation over the kitchen;
- 2 high level roof lights above the inner hall on the south elevation;
- An emergency exit door from the courtyard on the southern elevation;
- A larger high level window on the western elevation; and
- Increase in height.

The application resulted in 4 letters of objection and an objection was also received from the Town Council.

Correspondence was ongoing between officers and the architect, and a further site visit was carried out inside the building. This demonstrated that habitable first floor accommodation had been installed in part of the property, together with a mezzanine floor area within bedroom 2. It was therefore agreed that the application be withdrawn to enable an application to be submitted that accurately showed all of the changes to the approved plans for further consideration.

This application was followed in August 2015 by an application that was only for a new staircase to serve the 'loft' area. This was submitted as a 'Householder' Application and clearly it did not address all the unauthorised changes made to the approved plans. Accordingly, the application was withdrawn in October 2015. The current application was submitted, and validated on September 23rd 2016. The application seeks a variation of the approved plans secured by planning condition 12 of application 12/00264/FUL.

POLICY:

Local Planning Strategy; Ryedale Plan – adopted 5 September 2013

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and distribution of housing
Policy SP4 - Type and mix of new housing
Policy SP12 - Heritage
Policy SP14 - Biodiversity
Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP19 - Presumption in favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP21 - Occupancy Restriction

National Policy Guidance

National Planning Policy Framework, 2012 (NPPF)
National Planning Policy Guidance 2014 (NPPG)

CONSULTATION REPOSES:

The Parish Council has objected to the application on the following basis:

The Council objects to the increase in roof height on the grounds that it contravenes the original planning permission. The Council would also like to know why the building was allowed to be completed given its increase in height.

A letter of objection has been received on behalf of three neighbours who live in Pottergate Mews (Nearest neighbouring occupiers to the south).

The full letter is available to view on the Council's public access system. The main points raised include:

- The increase in ridge height is significant in the context of the development;
- The height of the building was a recognised sensitivity from the start;
- Photographs accompanying their letter show the shading of the gardens in early October and therefore it is clear that later in the year, the shading will extend to the ground floor of the houses;
- The first floor accommodation is both carpeted and furnished, and is therefore not just storage but a first floor room;
- The increase in the size of the gable window is a clear intention to create a second residential floor;
- Given the above point, the description of the application to '*increase in roof height to allow for additional domestic storage areas*' is wholly misleading; and
- If the increase in height is approved, our properties and others in Pottergate Mews will continue to suffer loss of amenity caused by shadowing from the dwelling.

APPRAISAL:

The principle of a dwelling in this location has been approved. The material considerations therefore relate to:

- Appropriateness of revised design and impact on the character of Helmsley Conservation Area; and
- Impact of changes on the existing amenities of neighbouring occupiers.

APPROPRIATENESS OF DESIGN:

During the consideration of the original application (12/00264/FUL), the report to Planning Committee included the following paragraphs:

It is considered that its design is broadly traditional, incorporating a linear stone wall broken by occasional windows, under a pantiled roof. It is considered that the design provides an appropriate link between the surrounding residential properties, and the form of outbuildings that are traditionally, often located to the rear of main streets.

It is also considered that the height of the proposed dwelling respects the character of the Conservation Area. Traditional buildings in backland locations often have a lower ridge height than more prominent street frontage locations. The existing buildings on the site have no uniformity, and the concrete double garage detracts from the character of the area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In this case, it is considered that the scale and design of the development is appropriate, and will enhance the character of the Conservation Area. Indeed, the Council's Building Conservation Officer supports the design approach which has resulted from an analysis of local distinctiveness.

The revised design still retains the same characteristics as that previously approved, i.e. a simple linear structure, constructed from stone under a natural clay pantiled roof. The eaves detail has been carried out in a traditional manner, and gutters are on rise and fall brackets. The windows and doors are dark grey, and are a simple design that is reminiscent of a converted agricultural building. From a design point of view, the enlarged opening at first floor on the western elevation is of similar proportions to door openings that are known to exist on many former agricultural buildings. The additional roof lights are regrettable, as they break up the simple roof lines. However overall, it is considered that as constructed, the dwelling preserves the character of Helmsley Conservation Area.

IMPACT OF DEVELOPMENT ON AMENITIES OF NEIGHBOURING OCCUPIERS:

1. REVISED DOOR TO WESTERN ELEVATION AND INCREASED ROOF LIGHTS

A neighbour has previously expressed concern regarding the additional door on the southern elevation at ground floor. The applicant has advised that the door was installed as an emergency access, and therefore will only be used on rare occasions. A neighbour queried (on a previous application) why such a door would be located where it provided access onto neighbouring property which was used for parking. For information the door does open inwards, and the applicant has confirmed that it will only be used in times of emergency. It is therefore not considered that the installed door, will have a significant adverse impact on the existing amenities of neighbouring occupiers. However if Members resolve to approve the application, it is recommended that a condition be imposed restricting the use of the door.

The increased number of roof lights is noted, however they are located within an extensive area of roof and are not considered to be obtrusive as built. In addition given their location, it is not possible that occupiers of the dwelling will be able to overlook the gardens or inside dwellings of neighbouring occupiers. Accordingly, there is no objection to this aspect of the changes.

2. ENLARGED FIRST FLOOR WINDOW ON WESTERN ELEVATION AND CREATION OF FIRST FLOOR ROOM

The first floor window on the western gable of the building was designed to provide light to the dwelling. The original plans did not include a first floor, and therefore neighbouring occupiers were satisfied that it would not be possible to be overlooked from this window. Officers do not consider that the window will indeed result in overlooking of any of the properties of those neighbours that have raised an objection to the application. Nevertheless, the decision made by Members for a dwelling in this location in close proximity to existing properties, was made on the basis of a single storey property, with a first floor window that would not enable occupiers to obtain any view from it. Neighbouring occupiers are entitled to expect that the development would be carried out on that basis. Whether it is possible to overlook neighbouring dwellings from the first floor room, does not necessarily reduce the perception of being overlooked.

Furthermore, if the plans before Members now, were submitted originally, it is possible that it would have resulted in neighbour objections, with potential for a different decision being made. The submitted plans describe the floor as storage, however it has stair access to it, and Building Control Officers have advised that there are no reasons why it cannot be used as a bedroom under the Building Regulations. A recent inspection of the room has confirmed its occasional use when the applicant's grandchildren visit. The acceptability of this floor, together with the enlarged window is balanced. If Members are minded to approve the plans, it is recommended the decision is conditioned to require that the window is both fixed and obscure glazed. This will reduce the perception of being overlooked, and will also reduce the likelihood of the upstairs room being used as a bedroom on a permanent basis. The ground floor kitchen window and window to Bedroom 3 are also required to be obscure glazed as required by the original planning permission.

3. INCREASE IN HEIGHT OF DWELLING

Members will note from the history section that a previous application on the site sought permission for a two-storey dwelling. Indeed this is a matter that has been raised by neighbouring occupiers. The ridge height proposed on that occasion was 7.25m as opposed to a ridge height of 5.6m for the dwelling as constructed on the site. The proposed dwelling at that time also included a bedroom, bathroom, living room and balcony at first floor level. Given officer concerns in relation to impact on neighbour amenity the application was withdrawn. This is clearly significantly greater accommodation than the plans currently before Members for consideration. The application was also withdrawn after officers expressed concern regarding the impact of the development on the existing amenities of neighbouring occupiers. The applicant was, however, fully aware of the sensitivities regarding the erection of a dwelling in this location.

During the consideration of the subsequently approved application in 2012, the impact of the development on the character of Helmsley Conservation Area, and on the existing amenities of neighbouring occupiers were key to the acceptability of the proposed development. Officers held meetings with the architect at the time to assess shadow analysis in order to better understand the likely impact. The analysis demonstrated, that existing buildings surrounding the site, together with the garages that currently occupied it, and the height of the boundary wall would in themselves create overshadowing of neighbouring properties at some times of the day and year. The report to Committee reflected the attention to neighbour impact and included the following paragraphs:

'As discussed earlier, concern was expressed regarding a previously submitted two-storey development, and indeed, a letter has been received from a neighbour on this application advising that they do not object providing the building does not take light away from their property, and that there are no overlooking windows. The dwelling currently proposed has a much lower ridge height at 5m. The dwelling will be sited approximately 11m from the nearest dwellings to the north and approximately 8.5m from the dwellings to the south. The applicants have provided sun lighting and shadowing diagrams. These demonstrate that the impact of the development is not significant at most times of the year. This is partly due to the relatively low ridge height of the proposed building, and the existing boundary wall to those dwellings that lie to the north of the site. The impact is greatest in the later months of the year when people are less likely to sit in their garden. The orientation is such that whilst there may be some loss of day lighting, it is not considered that the development will have sufficient impact on the existing amenity of other houses in the area to warrant refusal of the scheme. It is noted that there are two windows facing the existing dwelling to the north, however, the use of obscure glass will reduce any potential for overlooking.'

Given the recognition of the impact on neighbouring amenity, It is therefore particularly disappointing that the development was not built in accordance with the approved plans.

As part of the consideration of this application, officers requested, further shadow analysis to demonstrate the 'as built' position compared to the approved position. The analysis shows the shadow projections at 12pm on April 20th, October 20th and December 20th. These show that in April at 12pm, the increase in shadowing is no greater than the shadowing caused by the boundary wall which raises between 1.5 and 1.6 metres in height. The impact is greater later in the year, and projects across more of the adjacent garden. In December the shadowing cast by the boundary wall reaches the front facade of the neighbouring properties, and the shadow from the dwelling slightly covers the front of the houses. However whilst this occurs to a greater extent than would result from the dwelling as approved, it is still below the ground floor windows. This is borne out by submitted photographs from a neighbouring objector. It is acknowledged that the shadow analysis is a snapshot in time, and indeed there will be times of the day later in the year when the extent of the shadowing may well be slightly greater when residents sitting in their gardens is less likely to occur. In addition, the shadow will not rise up to window level. Officers have also taken account of the potentially overbearing impact of the dwelling as constructed.

CONCLUSION:

Officers are of the opinion that the cumulative impact of the changes to the dwelling as built, when compared to the approved plans, will have an impact on the existing amenities of neighbouring occupiers. The decision is therefore particularly finely balanced. However taking account of the limitations on overlooking by virtue of the installation of obscure glazing, and the relatively small change in the level of overshadowing of neighbouring occupiers, the recommendation is one of approval.

RECOMMENDATION: Approval

- 1 The external door on the southern elevation of the dwelling shall be retained as an inwards opening door, and shall be used for emergency purposes only. It shall be kept locked except when required for emergency purposes, and shall not at any time be used as a general means of access or exit from and into the dwelling.

Reason:- The location of a door in this position, providing access onto land outside the applicants control would not be otherwise acceptable, save in times of emergency, and to satisfy the requirements of Policy SP21 of the Ryedale Plan - Local Plan Strategy.

- 2 The first floor window on the western elevation of the dwelling shall be fitted and permanently glazed with obscure glazing, details of which shall be submitted to, and approved in writing by the Local Planning Authority. Such details shall be submitted for approval within 8 weeks of the date of this decision notice, and the approved glazing installed within 12 weeks of the date of this decision notice.

Reason:- In the interests of the amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP21 of the Ryedale Plan - Local Plan Strategy.

- 3 Unless otherwise agreed in writing by the Local Planning Authority, the site shall be developed with separate systems of drainage for foul and surface water. Details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of the satisfactory drainage of the site, and to satisfy the criteria contained in Policy SP17 of the Ryedale Plan - Local Plan Strategy.

- 4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason:- To ensure that the appearance of the area is not prejudiced by inappropriate materials or structures, to protect the existing amenities of neighbouring occupiers, and to satisfy the requirements of the National Planning Policy Framework, and Policy SP12 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order revoking, re-enacting or amending that Order), no windows, other than those shown on the plans hereby approved, shall be formed in the walls or roof of the dwelling(s) hereby permitted without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason:- To safeguard the privacy and amenity of adjoining residents, and to satisfy the requirements of Policy SP 21 of the Ryedale Plan - Local Plan Strategy.

- 6 The kitchen window and the window to Bedroom 3 on the dwelling hereby approved shall be permanently glazed with frosted or opaque glass, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP 21 of the Ryedale Plan - Local Plan Strategy.

- 7 Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until actual or potential land contamination at the site has been investigated and a Phase 1 Desk Study Report has been submitted to and approved in writing by the Local Planning Authority, should further intrusive investigation be recommended in the Phase 1 Report or be required by the Local Planning Authority, development shall not commence until a Site Investigation Report and if required, or requested by the Local Planning Authority, a Remediation Statement have been submitted to and approved in writing by the Local Planning Authority. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175(2011) Code of Practice for the Investigation of Potential Contaminated Sites. Submission of a verification report to be approved in writing by the Local Planning Authority will be required on the completion of any remedial work.

Reason:- To satisfy the requirements of para 121 of the National Planning Policy Framework.

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

Reason:- The site is of archaeological interest and investigation/protection and observation of the site and the requirements of the National Planning Policy Framework and SP 12 of the Ryedale Plan - Local Plan Strategy.

- 9 Unless otherwise agreed in writing by the Local Planning Authority, the site shall be developed with separate systems of drainage for foul and surface water. Details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of the satisfactory drainage of the site, and to satisfy the criteria contained in Policy SP17 of the Ryedale Plan - Local Plan Strategy.

- 10 Notwithstanding the submitted details, precise details of all gutters and down pipes shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity, and to satisfy the requirements of Policy SP12 of the Ryedale Plan - Local Plan Strategy.

- 11 The development hereby approved shall be carried out in complete accordance with the submitted report on protected species by Julian Hall.

Reason: To satisfy the requirements of the National Planning Policy Framework and Policy SP14 of the Ryedale Plan - Local Plan Strategy, the Wildlife and Countryside Act 1981 and the provisions of the Conservation Regulations 1994 as amended.

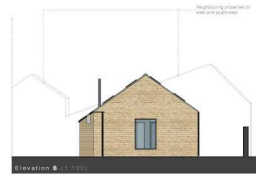
- 12 The development hereby permitted shall be carried out in accordance with the following approved plan(s):.

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

Background Papers:

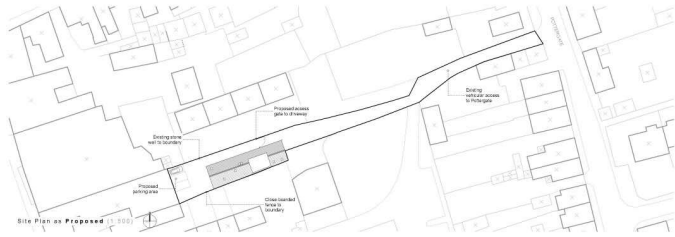
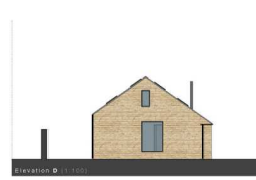
Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties





Notes:
 1. All elevations are shown in perspective.
 2. All elevations are shown in perspective.
 3. All elevations are shown in perspective.

MATERIALS:
 - Brick
 - Stone
 - Slate
 - Timber



PLANNING ISSUE

bramhall blenkarn

BRBA Chartered Practice

Planning & Design Services

111-113 High Street, London, E15 2ET

020 7464 0000

www.bramhallblenkarn.co.uk

Project: Burdon House

Location: Harpenden, North Yorkshire

Client: Mrs E. Burdon

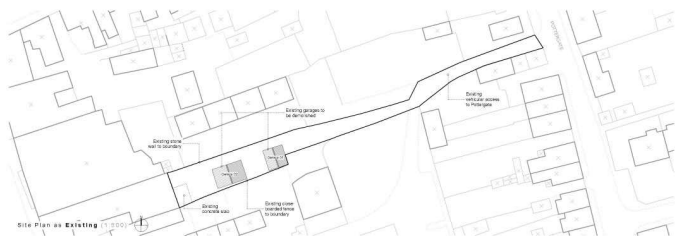
Proposals

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Date: 25/02/12

Version: RAB

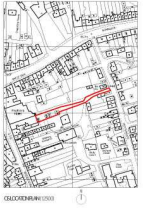




MATERIALS
 - Brickwork to match existing
 - Change to red brick on upper floor
 - Change to red brick on lower floor
 - Change to red brick on ground floor



BRAMHALL BLINKHORN



BRAMHALL BLINKHORN

PLANNING ISSUE

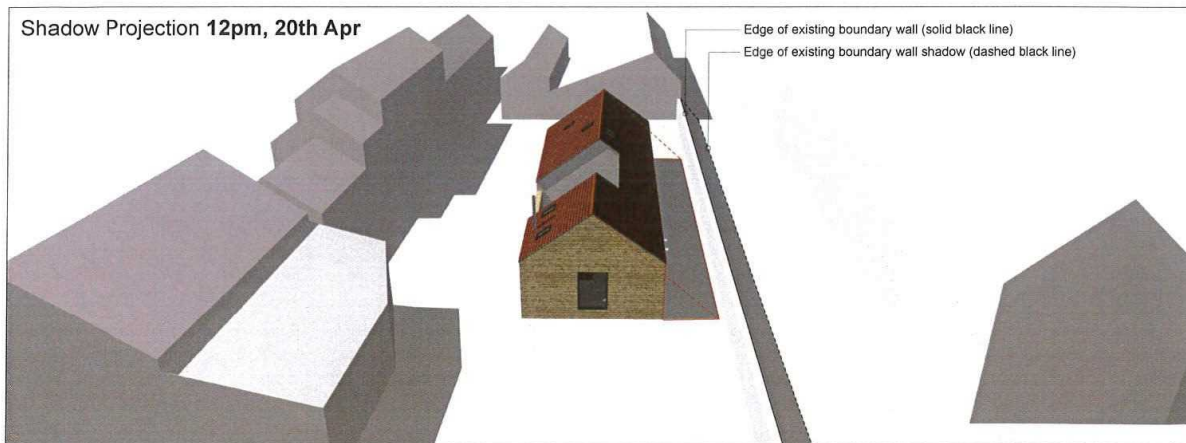
Scale: 1:1000
 Date: 05/11/13

bramhall blinkhorn

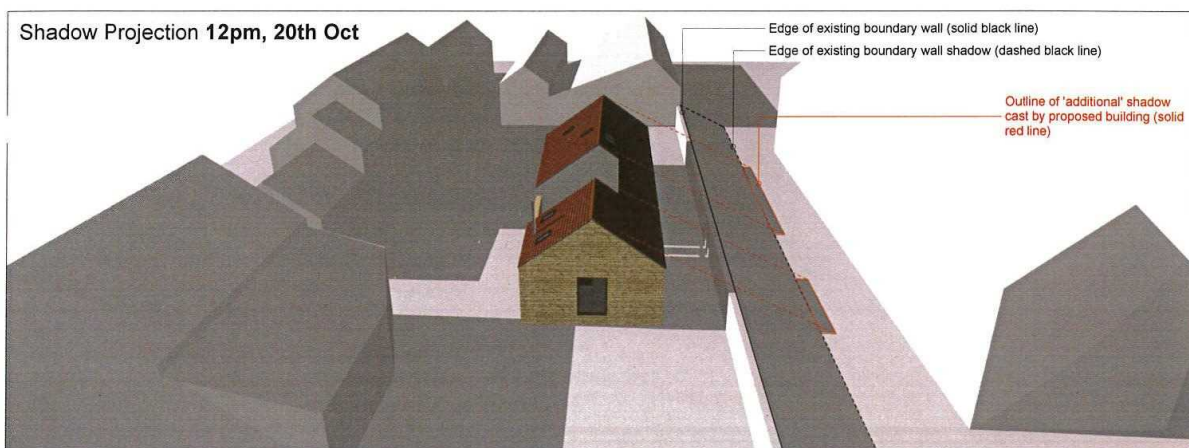
RB&A Chartered Practice
 The Watnyp, Midon Northampton, NN17 5DP
 01603 850000
 01603 850001
 www.bramhallblinkhorn.com

Plot:
 Burdon House
 Hemley, Northampton
 Prop:
 Mrs E Burdon

PROPOSALS
 Client Name: Bramhall Blinkhorn Technology Ltd, Midon, Ann
 Number: 0604
 Date: 05/11/13
 Author: T.J.F.
 Checker: RAB
 Project: 988_AR50_06A



In April, the shadows cast by the ridge of the proposed building do not cross the boundary wall into the gardens of the houses to the north at any time of the day. Any shadows that are cast into the gardens are cast by the existing boundary wall or the existing buildings against the boundary wall. This remains the case through until mid-late October.



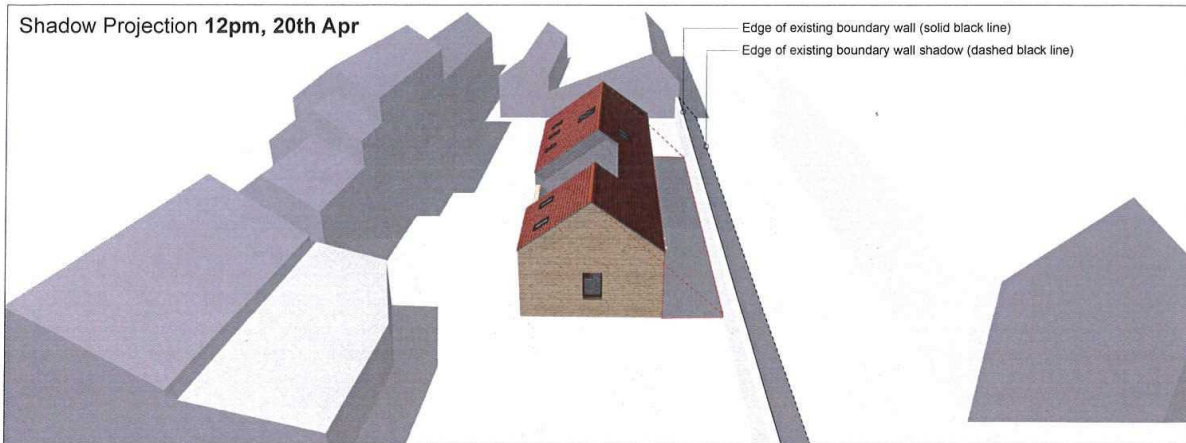
Later in the year, the shadows cast by the ridge of the proposed building do encroach very slightly above the shadow cast by the existing boundary wall. These 'additional' shadows are outlined in red on the above 3D views. In late October, the impact of this is very minimal. By late December, the 'additional' shadows have increased slightly, but still have only a small impact above the shadow cast by the existing boundary wall.

bramhall blenkarn

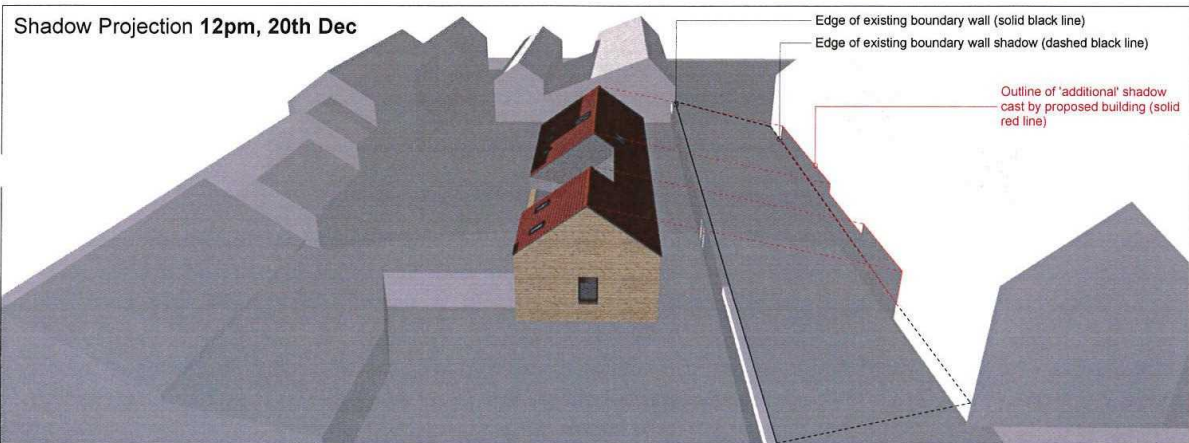
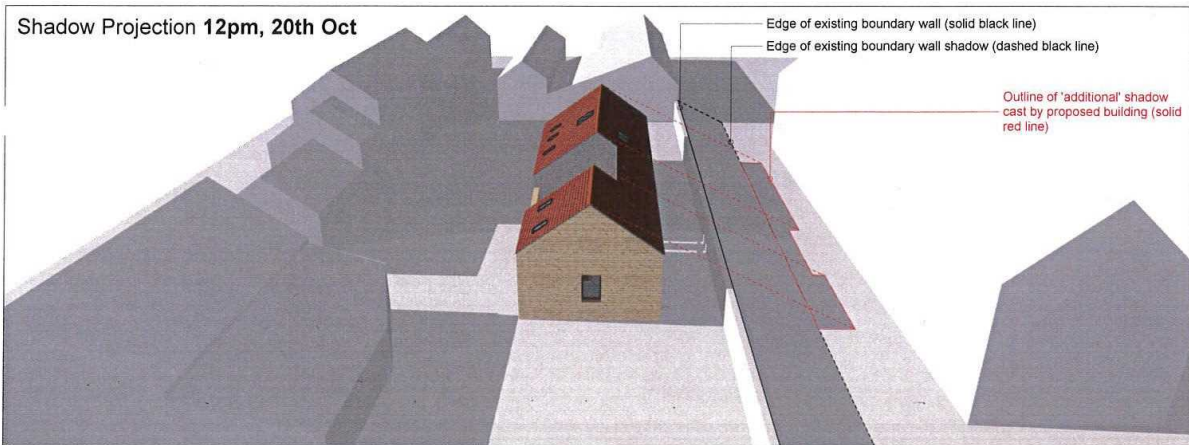
Burdon House, Helmsley, North Yorkshire
SHADOW ANALYSIS
 Scale: NTS
 Ref: 968_AR50_04_

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AS APPROVED



In April, the shadows cast by the ridge of the proposed building do not cross the boundary wall into the gardens of the houses to the north at any time of the day. Any shadows that are cast into the gardens are cast by the existing boundary wall or the existing buildings against the boundary wall. This remains the case through until mid-late October.



Later in the year, the shadows cast by the ridge of the proposed building do encroach slightly above the shadow cast by the existing boundary wall. These 'additional' shadows are outlined in red on the above 3D views. In late October, the impact of this is minimal. By late December, the 'additional' shadows have increased slightly, but still have only a small impact above the shadow cast by the existing boundary wall.

bramhall blenkarn

Burdon House, Helmsley, North Yorkshire
SHADOW ANALYSIS
 Scale: NTS
 Ref: 968_AR50_04_A

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AS BUILT

bramhall blenkharn The Maltings Malton North Yorkshire YO17 7DP
t 01653 693333 f 01653 693605 e mail@brable.com www.brable.com

House Alterations

Rear of 7 Market Place

Helmsley

YO62 5BH

08 07 2016

Design and Access Statement

Introduction

- 1 Introduction
- 2 Site & Context
- 3 Form, Massing & Design
- 4 Flood Risk Assessment
- 5 Planning Policy
- 6 Conclusion
- 7 Scheme Drawings

1.1 This Design and Access and Statement accompanies a planning application for alterations to a dwelling on land to the rear of 7 Market Place Helmsley York YO62 5BH with access from Pottergate [shown below in orange]. An application for the site was submitted and approved, Ref 12/00264/FUL but subsequent alterations to the scheme have required a new application.

Client
Mrs E Burdon
Longhouse
Pottergate
Helmsley
YO62 5BY

Architect
Bramhall Blenkharn
The Maltings
Malton
North Yorkshire
YO17 7DP



Location

Site & Context

- 1 Introduction
- 2 Site & Context
- 3 Form, Massing & Design
- 4 Flood Risk Assessment
- 5 Planning Policy
- 6 Conclusion
- 7 Scheme Drawings

2.1 The location of the house is noted on the aerial view below. The site previously contained a number of lock up prefabricated garages and a brick built storage building which were demolished prior to the construction of the new house. The site is accessed from Pottergate.

2.2 The overall site is 36m x 11m



Aerial view noting outline of site

Site & Context

- 1 Introduction
- 2 Site & Context
- 3 Form, Massing & Design
- 4 Flood Risk Assessment
- 5 Planning Policy
- 6 Conclusion
- 7 Scheme Drawings



Access from Pottergate



Access from Pottergate



Access from Pottergate



Approach to site



Approach to site



Approach to site

Brief, Form, Massing & Design

-
- 1 Introduction
 - 2 Site & Context
 - 3 Form, Massing & Design
 - 4 Flood Risk Assessment
 - 5 Planning Policy
 - 6 Conclusion
 - 9 Scheme Drawings

3.1 The brief for the project was to provide a new home for a client who wished to downsize from their current larger home in Helmsley and create a property closer to the central facilities of the town.

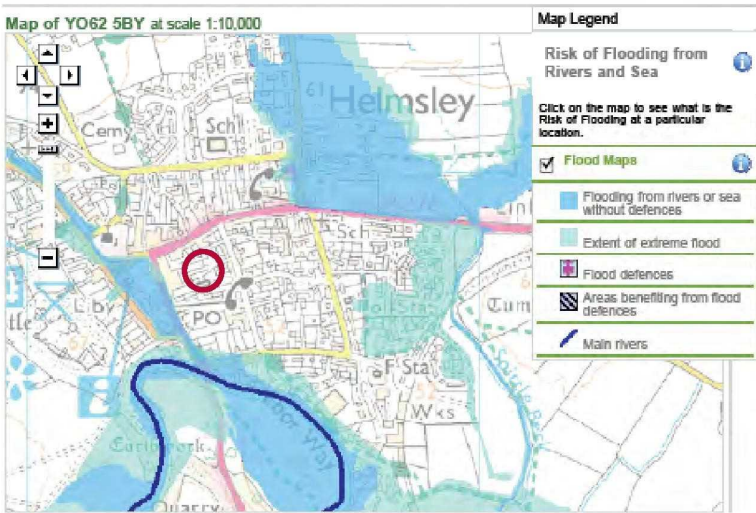
3.2 The proposal was to create a home that is capable of single level living. The building occupies the footprint of the original building c 1893, but with a central courtyard garden along the south side. The roof pitches are arranged with falls to the north and south to reflect surrounding forms and roof configurations. There is a living room at the eastern end separated from the rest of the accommodation by a courtyard garden and glazed link. The kitchen and bedrooms are to the western end of the building.

3.3 The accompanying drawings note the building in context with surrounding properties.

3.4 The building has been constructed in natural stone with a clay pantile roof covering. The windows are timber/aluminium composite recessed 100mm from the wall face. The enclosing garden wall is faced in stone facing on the southern [outward] elevation.

Flood Risk Assessment

- 1 Introduction
- 2 Site & Context
- 3 Form, Massing & Design
- 4 Flood Risk Assessment
- 5 Planning Policy
- 6 Conclusion
- 7 Scheme Drawings



○ Location of property

4.1 The extract above from the Environment Agency Map notes that the property is sited clear of any flood risk. The plan shown blue highlights the additional extent of an extreme flood from rivers or the sea. These outlying areas are likely to be affected by a major flood, with up to a 0.1 per cent (1 in 1000) chance of occurring each year.

1	Introduction
2	Site & Context
3	Form, Massing & Design
4	Flood Risk Assessment
5	Planning Policy
6	Conclusion
7	Scheme Drawings

5.1 Prior to making the initial application, informal discussions were held in the Spring and Summer of 2010 with Ryedale District Council in the form of e mails and a site meeting. [David Butt and Emma Woodland] The first scheme, whilst liked in principle, raised concerns regarding overshadowing to existing cottages to the northern side of the plot. A revised single storey scheme was submitted and approved Ref 12/00264/FUL. As the project developed on site part of the roofspace has been converted into a useful storage area accessed by a small single flight stair. This space has a single west facing window only. The rooflights serving the building all illuminate the ground floor areas only by way of direct light or through enclosed light shafts.

5.2 Ryedale confirmed that the site lies within the development limits and is inside the Helmsley Conservation Area. Relevant Policies are SP1, SP12, SP16 and SP 18.

5.3 Policy SP1 notes that the site is within a designated local service centre as the market town of Helmsley.

5.4 Policy SP12 Heritage. The building is within the conservation area of Helmsley and the granted consent of 12/00264/FUL accepted that the scheme was an improvement to the range of single storey lock up garages and separate brick built building.

5.5 Policy SP16 Design. As noted above, the original approved scheme was seen as a positive contribution to the area using natural stone and natural clay pantiles.

5.6 Policy SP18. The new house incorporates renewable energy facilities by way of an air source heat pump.

Conclusion

-
- 1 Introduction
 - 2 Site & Context
 - 3 Form, Massing & Design
 - 4 Flood Risk Assessment
 - 5 Planning Policy
 - 6 Conclusion
 - 7 Scheme Drawings

6.1 The development of the site was approved in principle by granted consent Ref 12/00264/FUL. This application clarifies a number of subsequent minor amendments to create a first floor storage area.

6.2 The change in use from lock up garages and a separate brick building to a single dwelling has significantly reduced traffic movements to and from the site and will be of wider benefit to the immediate surroundings.

6.3 It is suggested that the proposal accords with relevant policies and has been designed in sympathy with both setting and neighbouring properties.

Subject: 16/01242/73A Longhouse, Pottergate, Helmsley

From: Helmsley Town Council
Sent: 01 September 2016 09:04
To: Development Management
Subject: 16/01242/73A

Hi

Please see below the decisions made by Helmsley Town Council at its meeting on the 30th August.

a) Application No. 16/01242/73A Applicant Mrs Emmy Burdon

Proposal Variation of Condition 12 of approval 12/00264/FUL dated 26.06.2012 to state 'The development hereby permitted shall be carried out in accordance with the following approved plan(s). Drawing no. 968_AR50_06A' – replacement of plan 968_AR50_03 – increase in roof height to allow for additional domestic storage areas (retrospective application)

Location Longhouse, Pottergate, Helmsley YO62 5BY **Decision** No comment.

Best regards

Victoria

Ms Victoria Ellis

Clerk to Helmsley Town Council
Helmsley Town Council
The Old Vicarage
Bondgate
Helmsley
YO62 5BP

Office Hours Monday and Tuesday 9:30am-12:30pm. Emails are checked Monday to Thursday.

Tel: 01439 772572

Website: www.helmsleytowncouncil.co.uk

Subject: 16/01242/73A

From: Helmsley Town Council
Sent: 21 November 2016 15:45
To: Development Management
Subject: 16/01242/73A

Hi

Helmsley Town Council made the following decision at its meeting on the 21 November 2016.

Application No. 16/01242/73A (AMENDMENT) Applicant Mrs Emmy Burdon

Proposal Variation of Condition 12 of approval 12/00264/FUL dated 27.06.2012 to state 'The development hereby permitted shall be carried out in accordance with the following approved plan(s): Drawing no. 968_AR50_06A' - replacement of plan 968_AR50_03 - increase in roof height to allow for additional domestic storage areas (retrospective application). **Address** Longhouse, Pottergate, Helmsley.

Decision The council objects to the increase in roof height on the grounds that it contravenes the original planning permission. The council would also like to know why the building was allowed to be completed given its increase in height.

Best regards

Victoria

Ms Victoria Ellis

Clerk to Helmsley Town Council
Helmsley Town Council
The Old Vicarage
Bondgate
Helmsley
YO62 5BP

Office Hours Monday and Tuesday 9:30am-12:30pm. Emails are checked Monday to Thursday.

Tel: 01439 772572

Website: www.helmsleytowncouncil.co.uk

RYEDALE DISTRICT COUNCIL

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

PERIOD 12 DECEMBER 2016 - 6 JANUARY 2017

1.

Application No: 15/00410/FUL **Decision: Approval**
Parish: Gilling East Parish Council
Applicant: Autism Plus (Mr Craig Sutherland)
Location: Land At Gilling East Helmsley North Yorkshire
Proposal: Standing of steel container for horticultural storage use together with additional landscaping to east and west boundaries of the site

2.

Application No: 16/01138/ADV **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam (Malton) Estate
Location: Wall Attached To 50 Yorkersgate Malton North Yorkshire
Proposal: Display of 1 no. non-illuminated wall-mounted sign to south-facing wall of the Vanbrugh arch

3.

Application No: 16/01139/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam (Malton) Estate
Location: Wall Attached To 50 Yorkersgate Malton North Yorkshire
Proposal: External alterations to include display of 1 no. non-illuminated wall-mounted sign to south-facing wall of the Vanbrugh arch

4.

Application No: 16/01589/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Spectrum Solicitors (Mr Peter Rattray)
Location: 49 Wheelgate Malton North Yorkshire YO17 7HT
Proposal: Change of use of offices (Use Class B1) to solicitors (Use Class A2)

5.

Application No: 16/01598/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Ms Debbie Bryant
Location: 9 Castle Road Pickering YO18 7BA
Proposal: Installation of a balcony to rear elevation of lower floor

6.

Application No: 16/01601/HOUSE **Decision: Approval**
Parish: Acklam Parish Meeting
Applicant: Mr & Mrs Smith
Location: 1 Melton Cottages Main Street Acklam Malton YO17 9RG
Proposal: Erection of part two storey/part single storey extension to side and rear elevations and formation of vehicular access

7.

Application No: 16/01641/HOUSE **Decision: Refusal**
Parish: Westow Parish Council
Applicant: Mrs Sarah Jane Barker
Location: Westow Grange Gally Gap Westow YO60 7LU
Proposal: Erection of single storey side extension with raised patio area and relocation of existing LPG tank

8.

Application No: 16/01642/LBC **Decision: Refusal**
Parish: Westow Parish Council
Applicant: Mrs Sarah Jane Barker
Location: Westow Grange Gally Gap Westow YO60 7LU
Proposal: Erection of single storey side extension with raised patio area to include removal of existing outhouse

9.

Application No: 16/01653/FUL **Decision: Approval**
Parish: Barton-le-Street Parish Meeting
Applicant: Rory Kemp Ltd (Mr R Kemp)
Location: Glebe Farm Butterwick Road Barton Le Street Malton North Yorkshire YO17 6PP
Proposal: Erection of an agricultural building for the housing of livestock following removal of the existing agricultural building

10.

Application No: 16/01667/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Robert Smith
Location: Shepherds Hill Farm Whitby Road Pickering North Yorkshire YO18 7NE
Proposal: Erection of an American Barn style block of 5no. stables with bedding and feed area and first floor tack room with balcony following removal of existing steel framed building used as stables

11.

Application No: 16/01678/FUL **Decision: Approval**
Parish: Burythorpe Parish Council
Applicant: Mr Ricky Francis
Location: Farm Buildings At Aldmoor Farm Penhowe Lane Burythorpe Malton North Yorkshire
Proposal: Erection of an open sided agricultural barn for general purpose agricultural storage

12.

Application No: 16/01701/HOUSE **Decision: Approval**
Parish: Sherburn Parish Council
Applicant: Andrew Cobb
Location: 10 Springfield Terrace Sherburn Malton YO17 8QG
Proposal: Erection of part two storey/part single storey extension to side and rear elevations to include integral garage

13.
Application No: 16/01708/TELN56 **Decision: Approval**
Parish: Oswaldkirk Parish Meeting
Applicant: Everything Everywhere
Location: Land At Hall Farm Station Road Gilling East Helmsley
Proposal: Erection of a 15m high telecommunication mast and associated equipment cabinets within a 1.2m high fenced compound

14.
Application No: 16/01711/HOUSE **Decision: Approval**
Parish: Oswaldkirk Parish Meeting
Applicant: Mr And Mrs R Parker
Location: 4 The Bams Station Road Gilling East Helmsley YO62 4JW
Proposal: Erection of single storey extension with loft above to dwelling, single storey extension to garage to provide additional domestic accommodation and porch to dwelling

15.
Application No: 16/01727/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Andy Prout & Mrs Liz Prout
Location: 9 West End Kirkbymoorside YO62 6AD
Proposal: Installation of 2no. conservation rooflights to front elevation and 2no. dormer windows and 1no. conservation rooflight to rear elevation

16.
Application No: 16/01724/HOUSE **Decision: Approval**
Parish: Sherburn Parish Council
Applicant: Mr Gary Dolan
Location: 3 West Garth Sherburn Malton North Yorkshire YO17 8PN
Proposal: Erection of pitched roof above existing attached garage (retrospective)

17.
Application No: 16/01728/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr P France
Location: Cheesecake Hill House Beverley Road Norton Malton North Yorkshire YO17 9PJ
Proposal: Erection of part two storey/part single storey extension to front and side elevations to form covered parking area with additional domestic accommodation above and entrance lobby

18.
Application No: 16/01729/HOUSE **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Mrs Marian Hodgson
Location: Moorstones Main Street Scagglethorpe Malton North Yorkshire YO17 8DT
Proposal: Erection of flat roofed side extension to south elevation linking to existing detached double garage that is being partly converted to additional domestic accommodation

19.
Application No: 16/01731/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Martin Smith
Location: 44 Westgate Pickering YO18 8BA
Proposal: External alterations to include installation of replacement timber patio doors to rear elevation

20.
Application No: 16/01765/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr And Mrs Chris Wier
Location: Pasture House Outgang Road Malton North Yorkshire YO17 7BR
Proposal: Change of use and alterations of attached pool hall to form three-bedroom detached dwelling to include erection of first floor extension and single storey ground floor extension to side and rear elevations following removal of existing linking sun room and attached plant room

21.
Application No: 16/01774/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Entrust Professional Services Ltd
Location: Land North Of Pyramid Systems Showfield Lane Malton North Yorkshire
Proposal: Installation and operation of a series of purpose built battery energy storage units together with a transformer, underground cabling, security fencing, CCTV poles, cameras and other associated development, for the purpose of operating a battery energy storage facility

22.
Application No: 16/01779/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr & Mrs Dunnett
Location: Land Adjacent Beacon Cottage Middleton Road Pickering North Yorkshire
Proposal: Erection of a one-and-a-half storey 4no. bedroom dwelling and detached garage following demolition of existing outbuilding (revised details to approval 15/00953/FUL dated 28.04.2016)

23.
Application No: 16/01780/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr & Mrs Harrison
Location: The Old Rectory 23 Hallgarth Pickering North Yorkshire YO18 7AW
Proposal: Erection of orangery to west elevation following the demolition of existing greenhouse.

24.
Application No: 16/01781/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr & Mrs Harrison
Location: The Old Rectory 23 Hallgarth Pickering North Yorkshire YO18 7AW
Proposal: Erection of orangery to west elevation following the demolition of existing greenhouse.

25.
Application No: 16/01793/LBC **Decision: Partial Approve/Refuse**
Parish: Pickering Town Council
Applicant: Miss Jennifer Allanson
Location: 63 Westgate Pickering North Yorkshire YO18 8AZ
Proposal: Demolition of internal dividing wall between kitchen and dining room and installation of wood burning stove.

26.
Application No: 16/01805/HOUSE **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Mr RD Pridden
Location: Ford View Brookside Hovingham YO62 4LG
Proposal: Application of self-coloured render to rear and side walls of existing rear extension

27.
Application No: 16/01806/LBC **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Mr RD Pridden
Location: Ford View Brookside Hovingham YO62 4LG
Proposal: External and internal alterations to include installation of rear-facing external wall, replacement roof and self-coloured render to existing porch to form additional domestic living space together with refurbishment of existing outbuilding to include installation of recessed stone panel to existing doorway and replacement timber-framed window to side elevation and opening of internal wall

28.
Application No: 16/01815/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Stephen Hanson
Location: Beckside Lendales Lane Pickering North Yorkshire YO18 8EE
Proposal: Erection of a 1.2 metre high post and rail fence along west facing boundary

29.
Application No: 16/01826/FUL **Decision: Approval**
Parish: Ebberston Parish Council
Applicant: Admiral Taverns Ltd
Location: Grapes Inn High Street Ebberston Scarborough YO13 9PA
Proposal: Erection of detached single garage following removal of detached double garage and erection of single storey extension to south elevation of attached outbuilding

30.
Application No: 16/01827/LBC **Decision: Approval**
Parish: Ebberston Parish Council
Applicant: Admiral Taverns Ltd
Location: Grapes Inn High Street Ebberston Scarborough YO13 9PA
Proposal: External alterations to include erection of detached single garage following removal of detached double garage and erection of single storey extension to south elevation of attached outbuilding

31.
Application No: 16/01831/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Alan Robinson
Location: Dovecote Keldholme Priory Village Street Keldholme Kirkbymoorside YO62 6LZ
Proposal: Erection of conservatory to rear elevation following demolition of existing conservatory (revised details to approval 16/01079/HOUSE dated 02.08.2016)

32.
Application No: 16/01835/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr James Shaw
Location: Dorlin House Comborough Road Sheriff Hutton YO60 6QJ
Proposal: Formation of vehicular access to serve land to rear of Dorlin House

33.
Application No: 16/01836/FUL **Decision: Approval**
Parish: Kirby Misperton Parish Council
Applicant: Mr S Bulmer
Location: The Corner Ashfield Caravan Park Main Street Kirby Misperton Malton North Yorkshire YO17 6UU
Proposal: Erection of detached 2no. bedroom dwelling with associated vehicular access and parking following demolition of existing 2no. bedroom dwelling

34.
Application No: 16/01845/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr & Mrs Coulson
Location: 41 Castle Howard Drive Malton YO17 7BA
Proposal: Erection of attached car port to east elevation

35.
Application No: 16/01856/HOUSE **Decision: Approval**
Parish: Westow Parish Council
Applicant: Mr Ricky Francis
Location: Manor Rise Chapel Lane Westow Malton YO60 7ND
Proposal: Erection of two storey extension and dormer window to east elevation

36.
Application No: 16/01859/FUL **Decision: Approval**
Parish: Edstone Parish Meeting
Applicant: Mr A P And Mrs A Moody
Location: Innisfree Marton YO62 6NY
Proposal: Change of use of dwelling and garden to a mixed use of dwelling (Use Class C3) and venue for wedding ceremonies (Use Class B1)

37.
Application No: 16/01861/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mrs Sharon Hodgson
Location: 17 Maudon Avenue Pickering YO18 7EJ
Proposal: Erection of conservatory to rear elevation

38.

Application No: 16/01883/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr And Mrs Jon Hill
Location: Oak Lea Village Street Keldholme Kirkbymoorside YO62 6ND
Proposal: Erection of single storey side extension (revised details to part of approval 16/00859/HOUSE dated 05.07.2016)

39.

Application No: 16/01884/HOUSE **Decision: Approval**
Parish: Aislaby, Middleton & Wreton Parish
Applicant: Mr Anthony Dobson
Location: Rowan Croft Middleton Carr Lane Middleton Pickering North Yorkshire YO18 8PU
Proposal: Erection of front entrance porch

40.

Application No: 16/01891/CLEUD **Decision: Approval**
Parish: Heslerton Parish Council
Applicant: Mr David Munro
Location: Ashdale Farm Carr Lane East Heslerton Malton YO17 8RP
Proposal: Certificate of Lawfulness in respect of the occupation of the dwelling known as Ashdale Farm in breach of the agricultural occupancy condition of approval 3/60/11C/PA dated 18.05.1989 for a period greater than 10 years before the date of this application

Appeal Decision

Site visit made on 25 November 2016

by Susan Wraith DipURP MRTPI

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

Decision date: 6 January 2017

Appeal Ref: APP/Y2736/C/16/3146548

Land at Partings Farm, Eberston, Scarborough, North Yorkshire, YO13 9PA

- The appeal is made under s174 of the Town and Country Planning Act 1990 [hereafter "the Act"] as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Albert Craggs against an enforcement notice issued by Ryedale District Council.
 - The notice was issued on 11 February 2016.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land known as Partings Farm, to a mixed use for purposes of agriculture and motorcycle riding, including trials of skill, motorcycle racing, including trials of speed, and practising for such activities, together with the construction of a permanent track and car park including the formation of jumps, man-made hollows, berms, corner banking, all to facilitate some or all of those activities.
 - The requirements of the notice are:
 - i. Cease the use of the Land for the riding of motorcycles or motor sports activities;
 - ii. Permanently remove from the Land the track, including the jumps, man made hollows, berms, corner banking and obstacles created by mounds of soil within the track, reinstating the ground to its original ground levels;
 - iii. Permanently remove from the Land all items that are supporting or associated with the unauthorised motor sports including the lengths of fencing, individual timber posts, lengths or rope between timber posts, sign boards, banner signs and staging/pallets.
 - iv. Permanently remove the stonechips/hardcore access track and car park on the part of the Land shown hatched on the attached plan;
 - v. On completion of steps i-iv, grade the Land so that the contours of the Land are restored to their former natural levels, and cultivate the Land leaving it in a condition suitable for agricultural use;
 - vi. Remove the static caravan from the Land.
 - The period for compliance with the requirements is 30 days.
 - The appeal is proceeding on the grounds set out in s174(2)(b) and (f) of the Act.
-

Decision

1. It is directed that the enforcement notice be corrected by:
 - (a) In paragraph 2., deletion of "edged red" and substitution of "hatched red";
 - (b) In paragraph 3., deletion of "the land known as Partings Farm" and substitution of "the Land";
 - (c) In paragraph 3., deletion of "car park" and addition of "and the formation of a parking area" at the end of the sentence;
 - (d) In paragraph 5.i., deletion of "or" and substitution of "and"; and

- (e) In paragraph 5.iii., deletion of "lengths or rope" and substitution of "lengths of rope".

It is directed that the enforcement notice (as corrected) be varied, in paragraph 5., by:

- (a) Deletion of steps iv. and vi.;
- (b) Re-numbering of step "v." to "iv."; and
- (c) Within re-numbered step iv., deletion of "steps i-iv" and substitution of "steps i.-iii.".

Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Preliminary matter

2. Interested parties have commented on (amongst other things) noise, visual effects and highway safety. However, there is no appeal made on ground (a)¹ and, thus, no deemed planning application arises. These matters, which concern the planning merits of the development, are not ones which I can take into account in my consideration of the grounds of appeal that are before me.

Matters concerning the enforcement notice

3. Before proceeding to consider the appeal under grounds (b) and (f) and the merits of the arguments I must, first of all, be sure that the notice is in good order. The allegation is framed as a "mixed use". In mixed use cases the allegation should refer to all the components of a mixed use. At my site visit I saw that there was a farmhouse and a second caravan within the land edged red on the enforcement notice plan. It appears that "residential use" should also have been a component of the mixed use, together with agriculture and the motorcycle sport use referred to in the notice.
4. I have considered correcting the notice to add "residential use". However, I cannot be sure (from the evidence before me) of the lawful status of such use and both parties may have wished to develop further arguments had the notice been framed in that way. I would not be able to make the notice more onerous by adding additional requirements. I am also mindful of the provisions of s173(11)² of the Act which would result in any component not enforced against gaining deemed planning permission. I have concluded, therefore, that I would not be able to correct the notice in this way without causing injustice to both the appellants and the Council.
5. Another way in which I can consider correcting the notice is to limit its effect to the area hatched red, that being a smaller area within the wider land and being the land on which the motorcycle activities actually took place. In identifying the wider area the Council may have wished to guard against the spread of the unauthorised activity. However, it would not be precluded from taking further

¹ An appeal brought under s174(2)(a) of the Act is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

² S173(11) of the Act provides that where an enforcement notice in respect of any breach of planning control could have required buildings or works to be removed, or an activity to cease, but has stipulated some lesser requirement, (under enforcement), which has been complied with, then, so far as the notice did not so require, planning permission shall be deemed to be granted under s73A for that operation or use.

enforcement action in that eventuality. The corrected notice, albeit covering a smaller area, would still serve a useful purpose.

6. As the unauthorised use was seasonal and undertaken at weekends (albeit its physical changes remained throughout), and the land was within an existing working farm, I cannot rule out the possibility of some agricultural use also taking place on the hatched land at other times. I shall, therefore, leave the allegation framed as a mixed use with "agriculture" as a component together with the motorcycle sports activities.
7. There is a further matter at paragraph 5.i. of the notice. To make clear that the notice requires cessation of both the riding of motorcycles and motor sports activities (rather than requiring one or the other) I shall delete "or" and substitute "and". When reading the notice as a whole a recipient would understand that this is what was intended. The correction will add clarity.
8. Additionally there is a typographical error at paragraph 5.iii. in that there is an erroneous "or" in the phrase that should read "lengths of rope".
9. I shall correct all the abovementioned errors under the available powers of s176(1)(a) of the Act. I am satisfied that no injustice will arise to either party in me so doing.

The appeal on ground (b)

10. An appeal on ground (b) is that the matter alleged has not occurred as a matter of fact. My consideration of the appeal on ground (b) is made taking into account the corrections which I have identified in the above paragraphs.
11. Ground (b) is argued only in respect of the alleged "car park" and "stonechips/hardcore access track". An appeal on ground (b) is mainly concerned with the wording of the allegation. The access track is not expressly included within the allegation at paragraph 3. of the notice although its removal is required under paragraph 5.. This is a matter more appropriately considered under ground (f).
12. With regard to the "car park", the allegation (when read literally) suggests that a car park has been "constructed" on the land as an integral part of the material change of use. The appellant disputes that any such car park has been constructed.
13. The main parking area (within a field to the rear of the farm buildings) was pointed out to me at my visit. However, there is no suggestion in the evidence, or within the notice itself, that specific works had been carried out to that area to construct a car park. It appears that vehicles simply parked on the field. This area has now been returned to agricultural use. It cannot be deduced that the small amount of hardcore which I saw at my visit, sparsely spread around the entrance to the field (as is typically seen elsewhere on the farm) amounts to works for the construction of a car park.
14. The Council's "car park" evidence focuses upon a relatively level area to the front and side of the caravan (positioned towards the northern boundary of the hatched land) which, the appellant says, was pre-existing and has not been altered. However, undated photographs supplied by the Council (said to have been taken

at an initial site visit) show deposited material (possibly soil) around the banking of the area and a scattering of hardcore across parts of its surface. The photographs show a van and a couple of other vehicles parked within this area together with picnic tables to the front of the caravan and a portable toilet to the side.

15. I note that the caravan was used as an office, shop, tuck shop and first aid room in connection with the motorcycle use. It is likely the minor works, which appear to be evidenced in the photographs, were undertaken to facilitate the use of this area for parking and other activities associated with this use of the caravan. However, to describe the works as the construction of a car park is (from the evidence) to overstate the extent of works which were carried out. These relatively limited works, to bring into use for parking this existing level area, can be more appropriately described as works for the formation of a parking area.
16. I shall deal with this matter as a correction to paragraph 3 of the notice which I can make under the available powers without injustice to either party.
17. There is no dispute that the change of use alleged at paragraph 3 of the notice has occurred as a matter of fact. It is agreed that the works to facilitate the use, which are listed in the allegation, took place. That is with the exception of the alleged car park, a matter which I intend to deal with as a correction to the notice. The appeal on ground (b) succeeds only to that limited extent.

The appeal on ground (f)

18. I shall consider the appeal on ground (f) as though the notice now includes all of the intended corrections.
19. An appeal on ground (f) is that the steps required by the notice exceed what is necessary to remedy the breach or, as the case may be, to remedy any injury to amenity that has been caused by the breach³. The words "as the case may be" indicate that the main purpose of the notice should fall within one or the other category.
20. Unlike an appeal on ground (a), where the full planning merits of a development can be considered, an appeal on ground (f) is constrained by the Council's purpose in issuing the notice. In this case, the notice requires cessation of the use and complete removal of the works which facilitated it and restoration of the land to its former condition. The purpose of the notice is to "remedy the breach". The appeal is limited to the consideration of the steps necessary to achieve that purpose.
21. Ground (f) is argued only in respect of steps iv. and vi. which I shall consider in turn.
22. Step iv. concerns, firstly, the removal of the stonechip/hardcore access track. However, there is no apparent "access track" within the land covered by the notice. There is a farm track bordering the eastern boundary but this track was pre-existing and is outside of the land covered by the notice in any event. The motorcycle track, which is within the land covered by the notice, is not an "access" track and its removal is already covered by steps ii. and v.. The requirements of

³ These provisions are set out in s174(1)(f) of the Act. They reflect the purposes of an enforcement notice that are set out s173(4).

an enforcement notice should derive from the allegation but there is no reference to an "access track" within the allegation.

23. Step iv., secondly, requires removal of the car park although is unclear because it does not specify the works to achieve the removal of the car park. However, I have found that the formation of the parking area comprised only minor works to pre-existing relatively level ground. I consider step v., which requires the grading and cultivation of the land, would sufficiently deal with the works necessary to restore the land affected by the formation of the parking area to its former condition.
24. I therefore find that the requirements in step iv., to remove the access track and the car park, as well as lacking clarity, are excessive. I shall vary the notice by deleting step iv..
25. With regard to the requirement at step vi. (removal of the static caravan) the appellant has argued that the static caravan was brought to the land in or around 2011⁴ and was in use for human habitation during 2012 and 2013⁵. It was later used as a shop, office and first aid room in connection with the motorcycle use. However, a requirement for its removal (it is argued) is excessive as it was not brought onto the land for the purpose of the enforcement use.
26. The Council do not dispute that a caravan was once on the land but say that, in October 2013 (according to the Council Tax records) notification had been given that the caravan had been removed. The appellant says that he was not aware of such notification although comments that the previous occupiers would have liaised with the Council on Council Tax matters. According to the appellant the caravan remained on the land.
27. The appellant is well placed to know at first hand the history of the caravan. There is no evidence from the Council that it had visited the site to verify its removal. Neither is there any documentary evidence in the appeal submissions which throws doubt upon the appellant's version of events. On the balance of the evidence I consider it more likely than not that the caravan remained on the land and was already in situ at the time of the change of use, the subject of this appeal.
28. Under s173⁶ of the Act, in remedying the breach, an enforcement notice may specify steps to restore the land to its condition before the breach took place. However, the land before the breach took place included the pre-existing caravan. Additionally, there is no reference to the siting of a caravan in the allegation at paragraph 3 of the notice from which a requirement for its removal could derive.
29. Step 5.i. is sufficient to cover the cessation of use of the caravan as a shop, office and first aid room as it requires cessation in the use of the Land as a whole for the riding of motorcycles and motor sports activities and would cover all other incidental activities. The Council would not be precluded, outside of this appeal, from pursuing matters concerning the legitimacy of the caravan as it sees fit. However, its removal cannot be required through this enforcement notice.

⁴ There is an invoice for electrical connection dated 9/10/2011.

⁵ A Council Tax invoice indicates that the caravan was occupied between June 2012 and March 2013.

⁶ S173(4)(a) states that, where the purpose of a notice is to remedy the breach, steps shall be specified to achieve that purpose "by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place".

30. For all these reasons I conclude that the requirement for the removal of the caravan is excessive. I shall, therefore, delete requirement vi..
31. As a result of the deleted steps some re-numbering within paragraph 5. of the notice will be necessary.
32. There is no dispute about the remaining steps of the notice including the requirements to cease the use, remove the track and to restore the land. The appeal on ground (f) succeeds only to the limited extent of the deletion of steps iv. and vi..

Conclusion

33. Except to the limited extent identified under grounds (b) and (f), I conclude that the appeal should not succeed. I shall correct the notice and vary its requirements prior to upholding it.

Susan Wraith

Inspector