



PLANNING COMMITTEE

Tuesday 14 February 2017 at 6.00 pm (Following the Licensing Committee)

Council Chamber, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes of meeting held on 17 January 2017** (Pages 3 - 7)
- 3 **Urgent Business**
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**
Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Schedule of items to be determined by Committee** (Pages 8 - 9)
- 6 **16/01881/MFUL - Spaniel Farm, Main Road, Weaverthorpe** (Pages 10 - 18)
- 7 **16/01950/MFUL - Common Farm, Upper Helmsley** (Pages 19 - 33)
- 8 **16/01870/FUL - Land Adj To Dhekelia, Moor Lane, Broughton** (Pages 34 - 46)

- 9 **16/01887/73A - Land At Corner Of Chapel Road And Forkers Lane, Settrington**
(Pages 47 - 65)
- 10 **16/01839/MFUL - Canadian Fields, Gale Lane, Nawton** (Pages 66 - 93)
- 11 **14/00949/FUL - Canadian Fields, Gale Lane, Nawton** (Pages 94 - 109)
- 12 **16/01931/CLEUD - Whey Carr Farm, Main Street, Sand Hutton** (Pages 110 - 122)
- 13 **Any other business that the Chairman decides is urgent.**
- 14 **List of Applications determined under delegated Powers.** (Pages 123 - 129)

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 17 January 2017

Present

Councillors Paul Andrews (Substitute), Cleary, Farnell, Frank (Vice-Chairman), Goodrick, Hope, Maud, Elizabeth Shields, Thornton and Windress (Chairman)

Substitutes: Councillor P J Andrews

In Attendance

Samantha Burnett, Gary Housden, Ellis Mortimer and Anthony Winship

Minutes

120 **Apologies for absence**

Apologies were received from Councillor Burr.

121 **Minutes**

Minutes of meeting held on 20 December 2016

Decision

That the minutes of the Planning Committee held on 20 December 2016 be approved and signed as a correct record

[For 7

Against 1

Abstain 2]

122 **Urgent Business**

There was no urgent business.

123 **Declarations of Interest**

Councillor	Item
Thornton	11
Elizabeth Shields	11
P Andrews	11
Farnell	6, 8
Frank	6
Hope	8
Windress	6

124 **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.

125 **16/01839/MFUL - Canadian Fields, Gale Lane, Nawton**

16/01839/MFUL - 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

Decision		
SITE VISIT		
[For 10	Against 0	Abstain 0]

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

126 **16/01250/MREM - Land South of Westgate, Old Malton, Malton**

16/01250/MREM - 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)

Decision

PERMISSION GRANTED - As recommended.

[For 9

Against 0

Abstain 1]

127 **16/01659/MFUL - York Meadows, Sheriff Hutton**

16/01659/MFUL - 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)

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 10

Against 0

Abstain 0]

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

128 **16/00072/OUT - Land At Golden Square, Low Marishes**

16/00072/OUT - Erection of a rural workers dwelling

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 10

Against 0

Abstain 0]

129 **16/01242/73A - Longhouse, Pottergate, Helmsley**

16/01242/73A - 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).

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 10

Against 0

Abstain 0]

130 **Unauthorised Encampment at Kirby Misperton North Yorkshire**

Members were updated on the unauthorised encampment at Kirby Misperton.

In December 2016 opponents of fracking established a camp near Third Energy's fracking site at Kirby Misperton in North Yorkshire.

The land occupied by the protesters is believed to be the property of Mr Gordon Gibb, the owner of the nearby Flamingoland complex and is beside a main road that would be used by Third Energy to access the drill site.

The Head of Planning & Housing advised the Planning Committee that the site would be monitored.

In accordance with the Members Code of Conduct Councillors Thornton, Elizabeth Shields and P Andrews declared a personal non pecuniary but not prejudicial interest.

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

Proposed permanent exemptions to a 7.5 tonne weight limit at Malton and Norton level crossing.

The Head of Planning & Housing reported the receipt of a consultation letter from North Yorkshire County Council dated 6 January 2017 which was received by the District Council on 10 January 2017. The consultation deadline was 27 January 2017.

The letter outlined that a temporary weight restriction on the Malton/Norton level crossing would include exemptions to a 7.5 tonne weight restriction operating a permit system to minimise any adverse effects on nearby local business.

Decision

DELEGATED TO HEAD OF PLANNING & HOUSING - Delegated authority to finalise the consultation response was granted to the Head of Planning & Housing in consultation with Members of Planning Committee and Malton and Norton Ward District Councillors.

[For 10

Against 0

Abstain 0]

132 **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.

133 **Update on Appeal Decisions**

Members were advised of the following appeal decisions:

Appeal ref: APP/Y2736/C/16/3146548 - Land at Partings Farm Eberston Scarborough North Yorkshire YO13 9PA

Meeting Closed at 8:25pm

Agenda Item 5

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 14/02/17

6

Application No: 16/01881/MFUL

Application Site: Spaniel Farm Main Road Weaverthorpe Malton North Yorkshire YO17 8HE

Proposal: Erection of a general purpose agricultural storage building

7

Application No: 16/01950/MFUL

Application Site: Common Farm Upper Helmsley Malton YO41 1JX

Proposal: Erection of an equestrian building to include 40no. stables and indoor exercise track

8

Application No: 16/01870/FUL

Application Site: Land Adj To Dhekelia Moor Lane Broughton Malton YO17 6QJ

Proposal: Erection of detached two-bedroom dwelling with garden shed and formation of vehicular access (revised details to refusal 16/00973/FUL dated 13.09.2016)

9

Application No: 16/01887/73A

Application Site: Land At Corner Of Chapel Road And Forkers Lane Settrington Malton North Yorkshire

Proposal: Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be "619/21K Site Layout, 619/20D House Type Design, 619/22B Window Details Eaves Details and 619/23 Additional Door Details"

10

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

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 14/02/17

11

Application No: 14/00949/FUL

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

Proposal: Erection of pre-fabricated building for use as camp kitchen to serve camp cafe (retrospective application).

12

Application No: 16/01931/CLEUD

Application Site: Whey Carr Farm Main Street Sand Hutton Malton YO41 1LB

Proposal: Certificate of Lawfulness in respect of the use, building works or activity in breach of Condition 10 of approval 3/111/19C/FA dated 16.03.1993 began more than 10 years before the date of this application

Agenda Item 6

RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 16/01881/MFUL
Parish: Weaverthorpe Parish Council
Appn. Type: Full Application Major
Applicant: Mr Stephen Bannister
Proposal: Erection of a general purpose agricultural storage building
Location: Spaniel Farm Main Road Weaverthorpe Malton North Yorkshire YO17 8HE

Registration Date: 22 November 2016
8/13 Wk Expiry Date: 21 February 2017
Overall Expiry Date: 22 December 2016
Case Officer: Charlotte Comforth **Ext:** 325

CONSULTATIONS:

Highways North Yorkshire	No objection
Archaeology Section	No objection
Parish Council	No objection

Neighbour responses: None

SITE:

The application site comprises of a farmstead, which is located between Weaverthorpe and Butterwick on the C356 road. The farmstead is located approximately 700m to the south of the classified road. There are two dwellings and a range of agricultural buildings at the farmstead together with a wind turbine on the eastern side. The surrounding landscape is designated as an Area of High Landscape Value, being the Yorkshire Wolds.

PROPOSAL:

Erection of a general purpose agricultural storage building.

The application is to be determined by Planning Committee as the floor area of the building exceeds 1000 square metres (1563 square metres).

Members should note that a revised scheme has been submitted following comments that were made by Officer's regarding the siting of the proposed building. It was considered that the original siting of the proposed agricultural building would be sited outside of what is currently considered to be the main farmstead. It was originally proposed be positioned to the east of the existing track, in close proximity to the wind turbine. By virtue of the landform and the scale of the proposed building, it would be readily visible from outside the site, particularly when viewed from the C356 road.

PLANNING COMMITTEE

An alternative siting for the proposed building was suggested to the south of the existing agricultural buildings within the farmstead. This siting would ensure that the proposed building would be read in the context of existing group of buildings within the site.

The agent has therefore submitted a revised scheme, positioning the building to the south of the existing agricultural buildings, adjoining the westernmost existing building. The building has also been reduced in scale (previously 2009.34 square metres to 1563 square metres).

The proposed building will measure 42.7 metres in width, 36.6 metres in depth, 7 metres to the eaves and 13 metres to the ridge. It will be constructed of Juniper Green cladding to the walls and roofs. A galvanised steel door with a width of 7 metres and a height of 7 metres is proposed on the eastern elevation.

HISTORY:

The site has an extensive planning history, including:

- 08/00698/MFUL - Planning permission granted 29.09.2008 - Erection of a general-purpose agricultural storage building.
- 11/00744/FUL - Planning permission granted 31.10.2011 - Erection of a 37.18m high (overall tip height 53.88m) 330kw wind turbine to generate electricity for on farm use, together with associated access track, crane platform and sub-station.
- 14/00251/FUL - Planning permission granted 29.04.2014 - Erection of an agricultural potato/grain store.
- 15/01502/MFUL - Planning permission granted 22.02.2016 - Erection of a general purpose agricultural storage building.

POLICY:

Ryedale Plan - Local Plan Strategy

Policy SP9 - Land Based Rural Economy

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

APPRAISAL:

The main considerations in relation to this application are

- i. The Principle of Development
- ii. Size, scale and design of the proposed building
- iii. Impact upon the Wolds Area of High Landscape Value
- iv. Highway safety

- v. Impact upon neighbour amenity
- vi. Archaeology
- vii. Other matters
- viii. Conclusion

i. The Principle of Development

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

The applicants operate a potato growing business, alongside straw and grain storage. The proposed building will allow for additional general purpose storage that facilitates the agricultural business. It is considered that the principle of an agricultural storage building in this location and within the farmstead is considered acceptable.

ii. Size, scale and design of the proposed building

This siting of the proposed building would be read in the context of existing group of buildings within the site, as it adjoins the westernmost existing building within the farmstead. It is of a similar scale to the existing buildings within the farmstead.

The design of the building is typical of a modern agricultural building, comprising enclosed sides under a pitched roof. The metal sheeting proposed to be used on this building is considered to be representative of other modern agricultural buildings in Ryedale. The dark green colour will also ensure that the building will be better integrated into the surrounding landscape and relate to the existing buildings on the site. In view of the site of the proposed building being within close relationship to the existing farm buildings, along with its proposed dark green colouration, the development is considered to be acceptable in this location.

iii. Impact upon the Wolds Area of High Landscape Value

Policy SP13 (Landscapes) of the Ryedale Plan - Local Plan Strategy seeks to protect the scenic qualities of the Yorkshire Wolds Area of High Landscape Value. There will be limited views of the proposal from the C356 and some views from the unclassified public highway to the west, which are the main public vantage points. However, these views of the building will be within the context of an established group of buildings. The landscaping on, and around the site, will also help to screen the impact of this building.

iv. Highway safety

The Highway Authority considers the existing enlarged access onto the C356 to be acceptable, and has no objection to the proposal.

v. Impact upon neighbour amenity

The residential properties on the site are in the applicants ownership and this proposal is relatively isolated from any other properties. The proposal is not considered to have a material adverse effect upon the amenity of any residential properties which is considered to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

vi. Archaeology

The County Principal Archaeologist has no objection to the application.

vii. Other matters

Weaverthorpe Parish Council has raised no objection to the proposal.

viii. Conclusion

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

RECOMMENDATION: Approval

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

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

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

REVISED SITE LAYOUT PLAN - date stamped 30.01.2017.

REVISED PLAN - Drawing No 2016/10/1 date stamped 30.01.2017.

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

Mount Spaniel Farm
Weaverthorpe

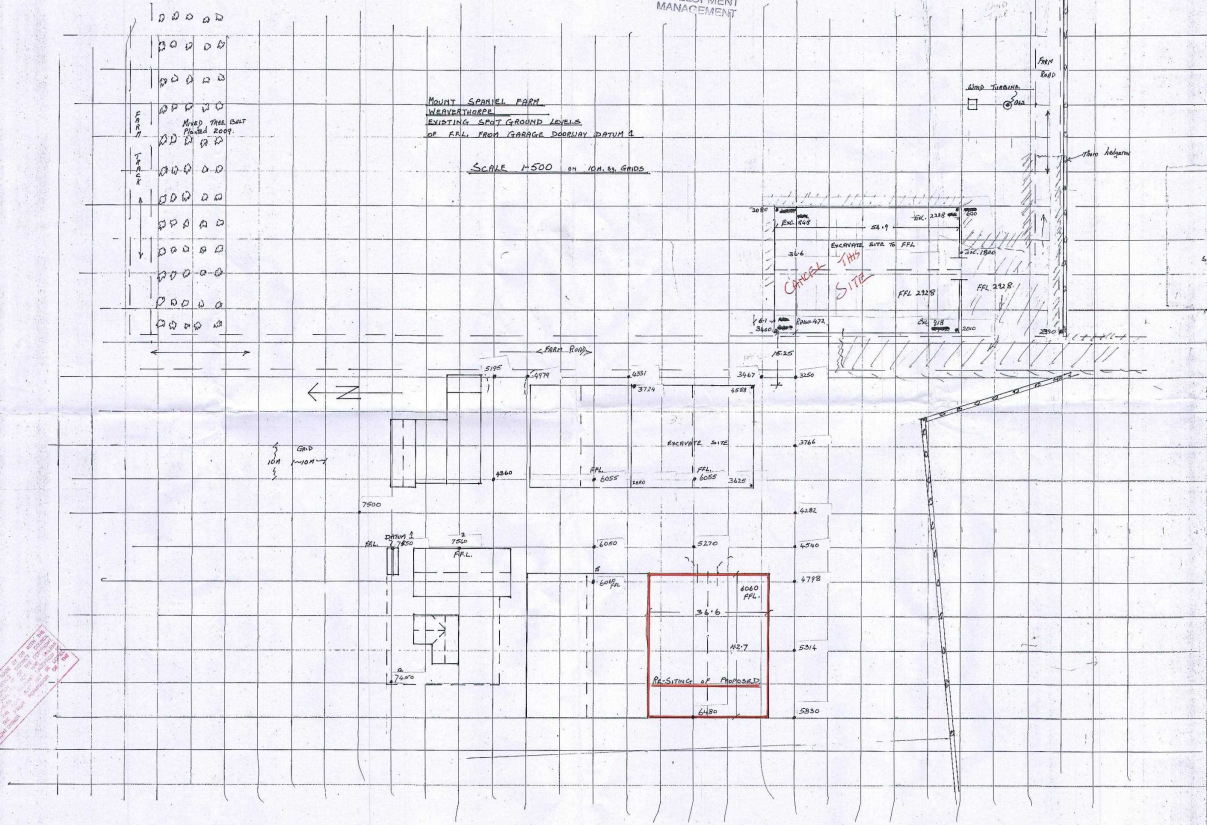


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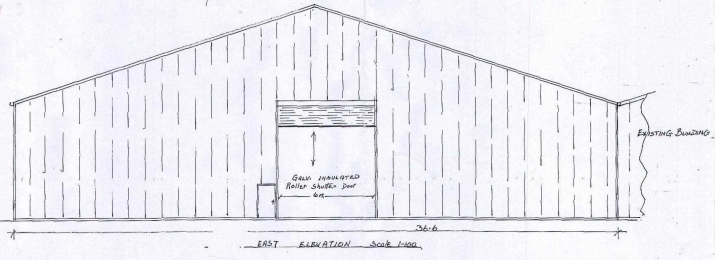
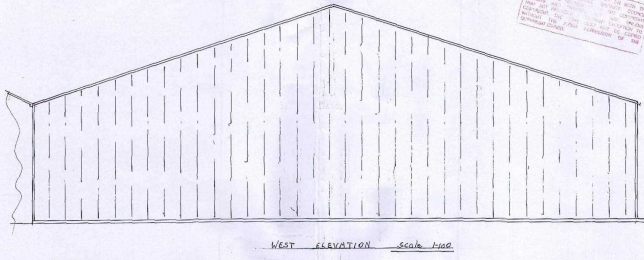
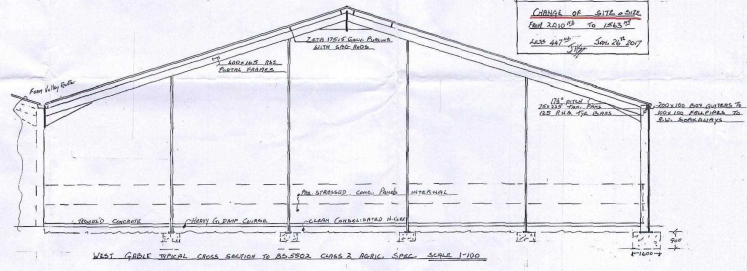
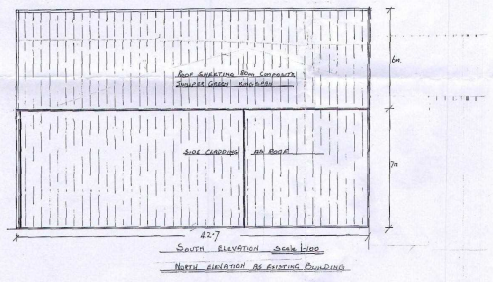
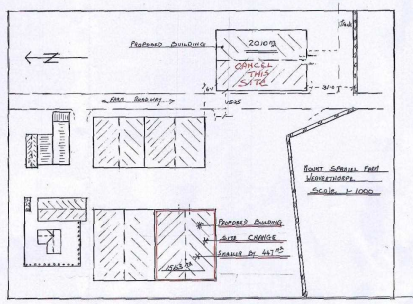
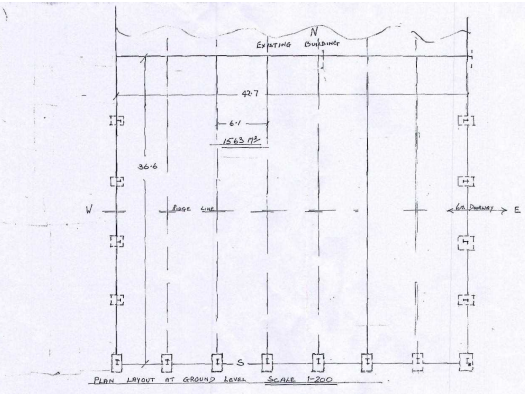
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REVISED



REVISED RYEDALE DM
30 JAN 2012
DEVELOPMENT
MANAGEMENT

PROPOSAL
GENERAL PURPOSE
AGRICULTURAL BUILDING
FUE -
M. S. BARRISTER
Scale: 1:200 / 1:200 / 1:200
DRAWING NO.
2011/011
DATE
NOVEMBER 2011
DRAWING BY
JOHN H. SKELTON
01944 710591
~~CHANGE OF SITE - 2011~~
~~REV 2011/011 TO 2011/011~~
~~REV 2011/011 TO 2011/011~~



RYEDALE DISTRICT COUNCIL
RYEDALE HOUSE
MALTON

14-11-16

DESIGN + ACCESS STATEMENT
FOR. MOUNT SPANIEL FARM
WEAVERTHORPE
MALTON
YO17 8HE.

REF. Policy SP9/

NEW AGRICULTURAL BUILDINGS

The Bannister Family Farms a very large & ever growing Potato Enterprise with large Bales straw & Grain Storage, which needs to be shedded Potatoes have to be stored for a year in some cases.

Currently stored at 4 different locations which means 'Spaniel Farm' is in close proximity to their main distribution & sorting area.

Potatoes are stored in 1 ton box units & the cubic capacity of current storage is way below what is required, also the height of the proposed building is very important to accommodate the Fork Lifts used upto 11m high.

Policy SP20/

The Proposed Building has been designed to fit in with existing units etc. to enable unloading & loading on the existing hard standing area's.

The existing access to 'Mount Spaniel Farm' was widened to accommodate larger vehicles etc. in 2008 from the Butterwick to Weaverthorpe Road.

2 Tree Belts have also been planted one to the West side & one to the North/East side which in time will give grand shelter etc.

I feel the above statement covers the relevant policies required as shown

- Louis Faithfull

No objection

CC

DATE
13/12/16

Subject: 16/01881/MFUL Spaniel Farm, Weaverthorpe

From: Weaverthorpe Parish Council
Sent: 12 December 2016 16:11
To: Development Management
Subject: Planning application no. 16/01881/MFUL

Weaverthorpe Parish Council have considered the above application and have no objections to the proposal.

Regards

Jeff House
Clerk to Weaverthorpe Parish Council
Tel: 01944 738841
Mobile: 07901 661508
email: weaverthorpeparishcouncil@gmail.com

Item Number: 7
Application No: 16/01950/MFUL
Parish: Upper Helmsley Parish Council
Appn. Type: Full Application Major
Applicant: Helmsley Horse Racing Limited (Mr David O'Meara)
Proposal: Erection of an equestrian building to include 40no. stables and indoor exercise track
Location: Common Farm Upper Helmsley Malton YO41 1JX

Registration Date:
8/13 Wk Expiry Date: 20 March 2017
Overall Expiry Date: 19 January 2017
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Parish Council	No objection
Highways North Yorkshire	No objection
Environmental Health Officer	No views received to date
Land Use Planning	No views received to date
Highways North Yorkshire	Recommend conditions following amendment

Neighbour responses: None

SITE:

The application site lies outside of a defined settlement limits of Upper Helmsley, to the west of the village. The site contains an existing farm with associated buildings and an existing horse gallop. Vehicular access is from the east of the site onto to the Gate Helmsley to Upper Helmsley road. The site is also located within the York Green Belt.

PROPOSAL:

Erection of an equestrian building to include 40no. stables and indoor exercise track.

The total number of stables at the yard will therefore be 163no.

The building has a total footprint of 1728 square metres, with a width of 54m and a depth of 32m. It will measure 4.75m to the eaves and 9.564m to the ridge. The building will be constructed of painted block work, with Yorkshire Boarding above to the eaves. The roof material is likely to be dark grey fibre cement or a metal roof with translucent roof lights. The exact materials of the building will be agreed as part of discharge of conditions application, should the application be approved.

POLICY:

Ryedale Plan - Local Plan Strategy (2013)

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP6 - Delivery and Distribution of Employment Land and Premises
Policy SP9 - Land Based and Rural Economy
Policy SP13 - Landscapes
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development

Retained Policies of the revoked Yorkshire and Humber Regional Spatial Strategy (RSS)

Policy Y1 - York sub area policy
Policy YH9 - Green Belts

National Planning Policy Framework (NPPF) (2012)

Chapter 3. Supporting a prosperous rural economy

National Planning Practice Guidance (NPPG) (2014)

HISTORY:

The relevant planning history includes:

- 3/141/4/PA - Refused - Outline application for the construction of a detached bungalow and garage at Common Farm, Upper Helmsley.
- 3/141/8/PA - Permitted - Change of use of disused farm buildings to 9 self contained holiday cottages at Common Farm, Upper Helmsley.
- 3/141/8A/FA - Permitted - Erection of two storey accommodation block to form six family dwellings and a 10 bedroom stablemans dwelling together with parking for 20 cars.
- 16/00238/MFUL - Planning permission granted 11.05.2016 - Erection of replacement horse barn, block of 24no. loose boxes, 3no.horse walkers, roofing over of existing horse walker, provision of a horse wash down area and a horse warm up area, resurfacing of tracks and yard area, provision of an all weather gallop, horse walks, gallops access lay-by, widening of access road and siting of temporary office/rest room building (part retrospective application).

APPRAISAL:

The main considerations are:

- i. The Principle of Development within the York Green Belt
- ii. Character and Form
- iii. Highway safety
- iv. Other matters
- v. Conclusion

i. The Principle of Development within the York Green Belt

Policy SP1 (General Location of Development and Settlement Hierarchy) states that proposals for development within the Green Belt will be assessed against national policy. The National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt should be regarded as inappropriate. Exceptions to this are:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Policy SP9 (The Land-Based and Rural Economy) supports Ryedale's land-based economy and a working countryside through supporting new buildings if they are necessary to support land-based activity, including for equine purposes. In conjunction with Policy SP9, the small scale conversion of existing buildings or provision of new buildings to support appropriate rural economic activity is supported in the wider open countryside.

The equine use of the site and its relatively isolated location mean that the development is not considered to be inappropriate in the Green Belt and it accords with the NPPF and Policy SP1. The equine use of the site and the provision of 25 -40 full and part time employees is considered to be in accordance with Policies SP6 and SP9 of the Ryedale Plan - Local Plan Strategy.

ii. Character and Form

Policy SP13 (Landscapes) seek to protect the quality, character and value of Ryedale's diverse landscapes by encouraging new development and land management practices which reinforce the distinctive elements of landscape character within Ryedale's broad character landscape areas including the Vale of York. To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail. As such, the design of the building, with a pitched roof and the use of Yorkshire Boarding is considered to be appropriate for the location.

There will be views of the proposed building from the bend in the road travelling from Upper Helmsley and heading towards Sand Hutton. However, the building will be read in conjunction with the existing buildings on the site. The building will not be able to be seen from the Upper Helmsley to Gate Helmsley Road due to the landform. Common Farm is sited on lower in ground level compared to the Upper Helmsley to Gate Helmsley Road.

The proposal is considered to be appropriate in this rural setting and is considered to comply with the criteria set out in Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

iii. Highway safety

The Local Highway Authority has raised no objection to the proposal. The existing vehicular access will be utilised onto to the Gate Helmsley to Upper Helmsley Road. They have advised that a condition is attached to the Decision Notice is planning permission is granted regarding precautions to prevent mud, grit and dirt onto the highway, including wheel wash facilities.

iv. Other matters

Gate and Upper Helmsley Parish Council has raised no objection to the proposal. However, they have stated the following:

When the gallops were being development, the lorries made such a mess of the roads and verges and the Parish Council would wish to get assurances that there will not be a repeat of this.

The agent has been made aware of this and the condition recommended by the Local Highway Authority will prevent such occurrences happening again.

v. Conclusion

In light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP1, SP6, SP9, SP13 SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval, subject to the following conditions.

RECOMMENDATION: Approval

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

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

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

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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

OS Site Location Plan - Drawing Number PD213-09 dated 19/12/2016.

As Proposed Site Block Plan - Drawing Number PD213-06 dated 19/12/2016.

New Stabling and Covered Warm Up Track as Proposed Elevations - PD213-08 dated 19/12/2016.

New Stabling and Covered Warm Up Track as Proposed Floor Plan - PD213-07 dated 19/12/2016.

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

Background Papers:

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



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OS SITE LOCATION PLAN

(Scale 1:1250)

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Notes
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This drawing is for Planning purposes only and is not to be considered a construction or setting out drawing.

North Point shown approximately.

The proposed layouts are subject to the following, although not exhaustive:

1. Structural Engineers Requirements.
2. Mechanical and Electrical Engineers Requirements.
3. Drainage Requirements.
4. Planning Approval.
5. Building Regulations approval.

This drawing is for Planning purposes only and is not to be considered a construction or setting out drawing.

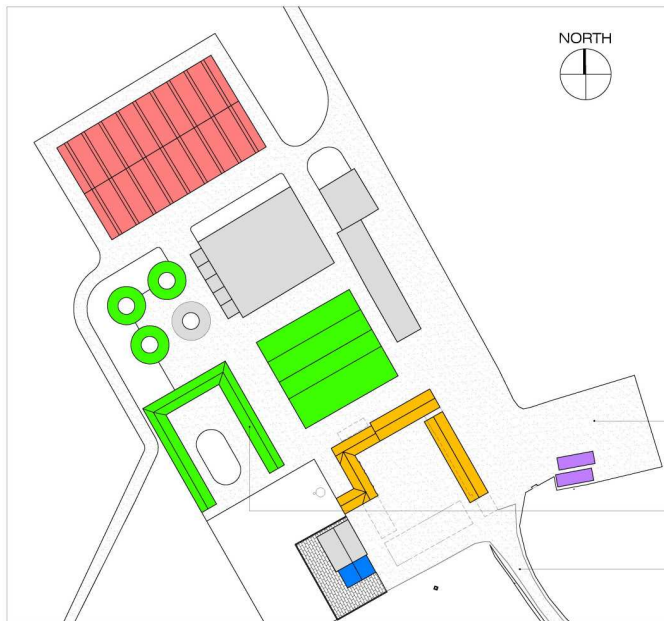
REV	AMENDMENT	DATE	BY

PROSPECT DESIGN
Architectural Services
94 Newnham, Malton, N Yorks, YO17 7JF
Tel: 01653 692272 Mob: 07790700005
www: info@prospectdesign.co.uk web: www.prospectdesign.co.uk

Client:
MR O'MEARA
COMMON FARM
UPPER HELMSLEY
YORK, YO41 1JX

Job Title:
ERECTION OF NEW STABLE BLOCK
HOUSING 40 STABLES TOGETHER WITH
AN INDOOR EXERCISE TRACK.

Drawing Title: OS SITE LOCATION PLAN	
Scale: 1:1250@A1	Drawn: R.W.
Date: 06.12.2016	Checked:
Drawing Number: PD213-09	



KEY

Existing buildings	Grey
Buildings approved under application 16/00238/MFUL	Green
Extension approved under application 16/00376/HOUSE	Blue
Temporary buildings	Purple
Alterations proposed under this application	Orange
Alterations planned under a future application	Yellow
Demolished	Dashed lines

Existing parking area

Existing timber stable block

Existing access road

AS PROPOSED SITE BLOCK PLAN
(Scale 1:500)

Notes

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2. Mechanical and Electrical Engineers Requirements.
3. Drainage Requirements.
4. Planning Approvals.
5. Building Regulations approval.

Redacted text block

REV	AMENDMENT	DATE	BY

PROSPECT DESIGN
Architectural Services

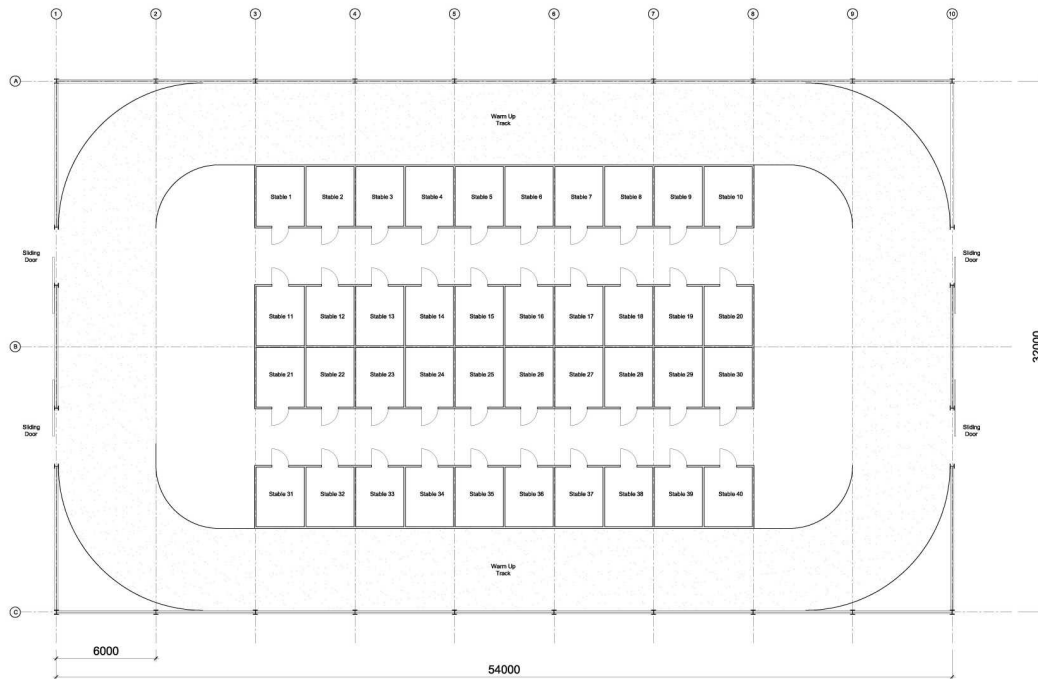
94 Newnham, Malton, N Yorks, YO17 7JF
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Client:
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COMMON FARM
UPPER HELMSLEY
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Job Title:
ERECTION OF NEW STABLE BLOCK
HOUSING 40 STABLES TOGETHER WITH
AN INDOOR EXERCISE TRACK.

Drawing Title: AS PROPOSED SITE BLOCK PLAN		DATE VALID 19/12/16
Scale: 1:500@A1	Drawn: R.W.	
Date: 17.11.2016	Checked:	

Drawing Number: PD213-06



AS PROPOSED GROUND FLOOR PLAN
(Scale 1:100)

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North Point shown approximately.
The proposed layouts are subject to the following, although not exhaustive:
1. Structural Engineers Requirements.
2. Mechanical and Electrical Engineers Requirements.
3. Drainage Requirements.
4. Planning Approvals.
5. Building Regulations approval.

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REV	AMENDMENT	DATE	SHEET

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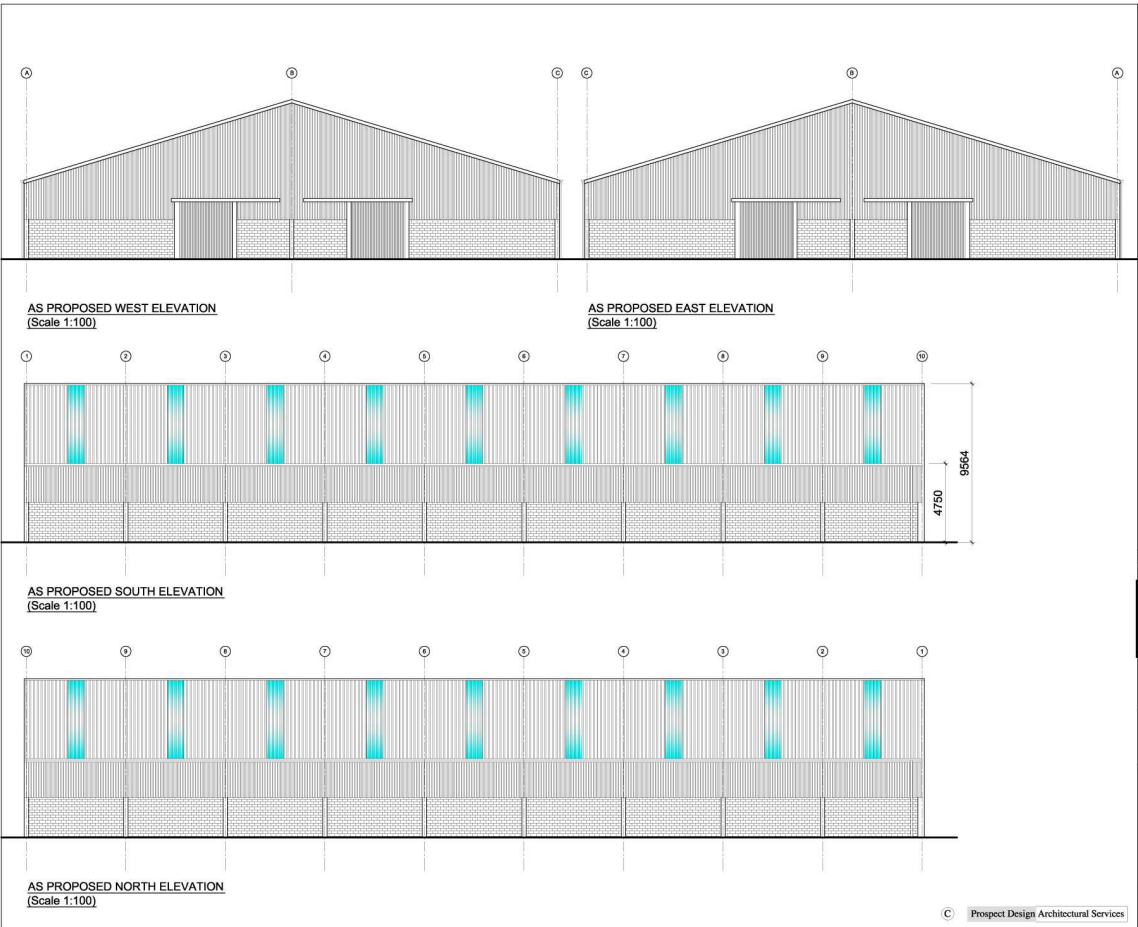
DATE VALID
15/12/16

Job Title:
ERECTION OF NEW STABLE BLOCK
HOUSING 40 STABLES TOGETHER WITH
AN INDOOR EXERCISE TRACK.

Drawing Title:
NEW STABLING & COVERED
WARM UP TRACK AS
PROPOSED FLOOR PLAN

Scale: 1:100 @ A1	Drawn: R.W.
Date: 23.11.2016	Checked:

Drawing Number: PD213-07



Notes

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In the event of any discrepancy being found, these should be brought to the attention of the Prospect Design for further instruction.

This drawing is for Planning purposes only and is not to be considered a construction or setting out drawing.

North Point shown approximately.

The proposed layouts are subject to the following, although not exhaustive:

1. Structural Engineers Requirements.
2. Mechanical and Electrical Engineers Requirements.
3. Drainage Requirements.
4. Planning Approvals.
5. Building Regulations approval.

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REV	AMENDMENT	DATE	BY

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email: info@prospectdesign.co.uk web: www.prospectdesign.co.uk

Client: **MR OMEARA**
COMMON FARM
LIPPER HELMSLEY
YORK, YO41 1JX

Job Title: **ERECTION OF NEW STABLE BLOCK**
HOUSING 40 STABLES TOGETHER WITH
AN INDOOR EXERCISE TRACK.

Drawing Title:
NEW STABLING & COVERED
WARM UP TRACK AS
PROPOSED ELEVATIONS

Scale: 1:100@A1	Drawn: R.W.
Date: 23.11.2016	Checked:

Drawing Number: **PD213-08**

C Prospect Design Architectural Services

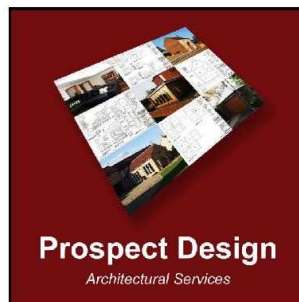
DESIGN AND ACCESS STATEMENT

Erection of a new stable block housing 40 stables together with an indoor exercise track

For

Mr David O'Meara
Common Farm
Upper Helmsley
York
YO41 1JX

By Richard Webster of



64 Newbiggin
Malton
N Yorks
YO17 7JF

Project number	Project title
PD213	Erection of a new stable block housing 40 stables together with an indoor exercise track

Assessment carried out by	Date
Richard Webster	06 th December 2016

DESIGN AND ACCESS STATEMENT

1 SITE ANALYSIS

- 1.1 Common Farm is an established racehorse training yard situated to the West of Upper Helmsley. The yard has been operated as such from the 1990's. The farm consists of a farmhouse, two purpose built stable blocks, a timber stable block, various brick built barns, which have fallen into disrepair and a horse walkers all set within the yards gallops and paddocks.
- 1.2 The site is accessed via an existing drive to the main road that runs between Upper and Gate Helmsley (refer to OS site location plan).
- 1.3 The proposed developments lies within the site boundary as identified on both the site block plan and site location plan.
- 1.4 The site is relatively level.

2.0 SITE HISTORY

- 2.1 As stated Common Farm has been run as a racehorse training yard from the 1990's. Earlier this year Mr O'Meara purchased the yard and proceeded to move his successful racing operations from Nawton to Common Farm.
- 2.2 The applicant then submitted application 16/00238/MFUL in February to upgrade the facilities at the yard which was approved.
- 2.3 A further application 16/00376/HOUSE was submitted and approved, to extend the existing farmhouse

3.0 PROPOSAL AND RATIONAL

- 3.1 Mr O'Meara set up his racehorse training business in 2009 operating from a yard in Nawton, Helmsley. The yard has grown to be one of the most successful in the country with 122 winners in 2015. As stated Mr O'Meara purchased Common Farm in early 2016 with the aim upgrading his operation and facilities whilst maintaining his existing trained staff and local suppliers / specialists.
- 3.2 Mr O'Meara was keen to upgrade and improve the existing facilities at Common Farm hence the previous applications listed above. This application seeks to further improve the facilities available at the yard by providing modern, clean and easily maintainable stables together with an indoor warm up track allowing horses to warm up or be exercised in inclement weather.
- 3.3 40 new stables will be created in the proposed development meaning the total number of stables at the yard will be 163. It isn't anticipated that 163 horses will

be in training at any one time indeed it is proposed to use the existing timber stable block as an isolation unit for sick / injured horses or horses that are new to the yard.

- 3.4 A further application is proposed within the next few months to include the existing, dilapidated, brick built barns and outbuildings to the South of the yard. This application will be submitted once a scheme has been developed (refer to Site Block Plans). The new stable block and covered exercise track is considered a priority, by the applicant, to develop the yard into one of the best facilities in the country.

4.0 PLANNING POLICY

- 4.1 The site is within the City of York Green belt. Section 9 of the NPPF places great importance on keeping the Green Belt open. Paragraph 89 states that the construction of new buildings within the Green Belt is considered to be inappropriate development. Exceptions are however made for the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it.
- 4.2 The proposed development falls under the exemption as horse racing is clearly an outdoor sport and the building proposed provides an "appropriate facility".
- 4.3 Paragraph 89 continues to state that limited or partial redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, is not considered inappropriate development.
- 4.4 The development seeks to improve and extend a previously developed site for the existing use of racehorse training. The position of the proposed building close to the existing buildings forming a natural grouping is not considered to conflict with the Paragraph 89.
- 4.5 Paragraph 28 of the NPPF also states; 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; and Promote the development and diversification of agricultural and other land-based rural businesses;
- 4.6 The proposed development will support economic growth within the local horseracing industry which is stated as important in the Ryedale Plan been one of the major employers and economic drivers of the area.
- 4.7 The development will be sustainable in that it continues the upgrading of an existing racehorse yard with underused potential into a yard of national importance cementing Ryedale as one of the premier racehorse training centres of in the country.
- 4.8 Mr O'Meara currently employs between 25-40 full and part time staff depending on the time of year at the Common Farm yard. The yard also supports the local racing industry using local feed and straw suppliers together with local vets, farriers and other specialists. The applicant predicts that the proposed development will lead to a further 6 positions been created at the yard.
- 4.9 The following planning policies have being considered while developing this

scheme;

Ryedale Plan – Local Plan Strategy

SP6 – Delivering & Distribution of Employment

SP9 – The Land Based & Rural Economy

SP13 - Landscapes

SP16 – Design

SP19 – Presumption in Favour of Sustainable Development

SP20 – Generic Management Issues

SP13 – Landscapes

National Planning Policy Framework

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Supporting a prosperous rural economy

Chapter 7 - Requiring good design

Chapter 9 - Protecting Green Belt land

Chapter 11 - Conserving and enhancing the natural environment

5.0 DESIGN PRINCIPLES

- 5.1 The proposed development has been designed to house 40 modern, clean and easily maintainable stables together with an indoor exercise / warm up track running around the perimeter. The development will have the external appearance of a modern agricultural barn matching the existing, adjacent stable blocks.
- 5.2 The elevations will be made up of painted blockwork at low level with Yorkshire boarding above to the eaves. The roof will be finished with either a dark grey fibre cement or metal roof with translucent rooflights as shown on the proposed drawings.
- 5.3 Limited views of the site can be seen from a distance via public roads. The proposed building retains the agricultural character of the site and is typical of such buildings in this area. It is suggested that the proposed development will have no greater visual impact on the yard due to the agricultural design and the limited views available of the site.

6.0 DESIGN SOLUTIONS

- 6.1 The following drawings show the Design Solution and form the basis of the Planning Application:

1	PD213-05	Existing Site Block Plan
2	PD213-06	Proposed Site Block Plan
3	PD213-07	Proposed Floor Plans.
4	PD213-08	Proposed Elevations.
5	PD197-09	OS Location Plan

7.0 SITE ACCESS / CAR PARKING

- 7.1 The proposed development will result in a very limited increase in the number of daily vehicular movements. As stated above the development will create further employment at the yard, as a whole, depending on the time of year. Due to the remote location of the site staff drive to and from the yard from local towns and villages. Staff are encouraged to car share so the number of daily vehicular movements may increase by 2 or 3.
- 7.2 The proposed development may result in a further small increase in other related vehicular movements. Single weekly deliveries such as bedding and feed will continue as before just in larger quantities. Horsebox movements will also remain the same or have a negligible increase. Horsebox transport will continue to go to the major race meetings as before however instead of going with say 2 or 3 horses the boxes will go with 3 or 4.
- 7.3 As stated above the vehicular access to the yard is via a privately maintained driveway from the main highway (refer to OS site location plan). This access road has been widened following the approval of application 16/00238/MFUL.
- 7.4 The parking and access roads were also rationalized under application 16/00238/MFUL (refer to OS site location plan).

8.0 FLOODING

- 8.1 The site is not subject to flooding and is not shown as been within a flood zone on the environment agency flood map.
- 8.2 The proposed surface water will be drained into new soakaways.

9.0 BUILDING ENTRANCES

- 9.1 All doors to the ground floor are to be wheelchair accessible and in accordance with current Building Regulations.

10.0 CONCLUSION

- 10.1 The proposed development is necessary for the development of an existing land based rural business, and as such requires a countryside location. The visual impact of the development will be minimal given the type and location of the building. The access to the site is as existing with a minimal increase in traffic movements predicted.
- 10.2 For the above reasons and to support an existing rural business and the local rural / horseracing economy as a whole, all supported in both national and local planning policies, it is hoped the application will be approved without delay.

No Objection

CC

DATE
09/01/17

Subject: 16/01950/MFUL Common Farm, Upper Helmsley
Importance: High

From: Parish Clerk
Sent: 09 January 2017 12:21
To: Development Management
Subject: 16/01950/MFUL
Importance: High

Dear Sir/Madam

The Parish Council has viewed this planning application and have "No Objections".

However, when the gallops were being developed, the lorries made such a mess of the roads and verges and the Parish Council would wish to we get assurances that there will not be a repeat of that.

Yours Faithfully

Fiona Hill, Parish Clerk, Gate & Upper Helmsley PC

Agenda Item 8

Item Number: 8
Application No: 16/01870/FUL
Parish: Broughton Parish Meeting
Appn. Type: Full Application
Applicant: Mr M Blakeley
Proposal: Erection of detached two-bedroom dwelling with garden shed and formation of vehicular access (revised details to refusal 16/00973/FUL dated 13.09.2016)
Location: Land Adj To Dhekelia Moor Lane Broughton Malton YO17 6QJ

Registration Date:
8/13 Wk Expiry Date: 12 January 2017
Overall Expiry Date: 24 January 2017
Case Officer: Charlotte Comforth **Ext:** 325

CONSULTATIONS:

Land Use Planning	No views received to date
Highways North Yorkshire	Recommend conditions
Parish Council	No views received to date
Parish Council	No views received to date

Neighbour responses: Ms Bunmi Lana, Miss J Robinson,

SITE:

The application site is located within the Development Limits of Broughton, a settlement located to the west of Malton that is classified as an 'Other Village' within the Ryedale Plan - Local Plan Strategy. The site is adjacent to Moor Lane and the land was formally the curtilage of the property to the north of the site, 'Dhekelia'.

PROPOSAL:

Erection of detached two-bedroom dwelling with garden shed and formation of vehicular access (revised details to refusal 16/00973/FUL dated 13.09.2016).

Members should note that a revised scheme has been submitted, showing an eave height of 2.4m.

The proposed detached two-bedroom dwelling will be single storey, ridge parallel to Moor Lane and have a footprint of approximately 79 square metres. It will measure 4.494m to the ridge and 2.4m to the eaves. There is a small rear offshoot with a pitched roof that will form the living/dining room space. A small garden shed is proposed in the south east corner of the plot. The vehicular access will run to the north of proposed dwelling, with a width of 2.745m. Turning space will be to the front of the dwelling, with private garden space to the rear.

HISTORY:

There is extensive planning history regarding the site, including:

- 13/01099/OUT - Planning permission granted 25.07.2014 - Erection of 1 no. dwelling (site area 0.0282 ha).

- 15/00358/FUL - Planning application withdrawn due to disparities regarding the site measurements - Erection of a 3 bedroom detached dwelling and detached 1 bay garage together with formation of vehicular access (revised details to outline approval 13/01099/OUT dated 25.07.2014).
- 16/00045/FUL - Planning application withdrawn due to Officer concerns regarding the siting and scale of the proposed dwelling in relation to the neighbouring property of Dhekelia. Furthermore, insufficient car parking spaces were shown - Erection of 1no. four bedroom detached dwelling with garden shed and formation of vehicular access.
- 16/00973/FUL - Planning permission refused 13.09.2016 due to Officer concerns regarding insufficient evidence to demonstrate that the proposed residential dwelling would be suitable and/or available for Local Needs Occupancy, the siting, scale, form and detailed design of the dwellings and the impact upon the neighbouring properties of Dhekelia and Westway.

POLICY:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New Housing

Policy SP4 Type and Mix of New Housing

Policy SP16 Design

Policy SP18 Renewable and Low Carbon Energy

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

Policy SP21 Occupancy Restrictions

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

National Planning Policy Framework (2012)

Chapter 6. Delivering a wide choice of high quality homes

Chapter 7. Requiring good design

National Planning Practice Guidance (2014)

APPRAISAL:

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

- i. The Principle of Development
- ii. Local Needs Occupancy
- iii. Siting, scale, form and detailed design of the proposed dwelling
- iv. Highway safety
- vi. Impact upon neighbouring amenities
- viii. Water supply and waste water
- ix. Land contamination
- x. The Community Infrastructure Levy
- xi. Other matters
- xii. Conclusions

i. The Principle of Development

The proposed dwelling is on a site located within the development limits of Broughton. In principle, such infill residential development within the built up frontage of the village, is supported by Policy SP2 of the Ryedale Plan - Local Plan Strategy.

ii. Local Needs Occupancy

The proposed dwelling is located in an 'Other Village' as identified in the Local Plan Strategy and if approved will be subject to a Local Needs Occupancy condition to satisfy Policies SP2 and SP21. It is proposed that the dwelling will be a single storey bungalow. This type of development would be supported by Policy SP4 of the Local Plan Strategy as there is a noticeable short fall of bungalows across the Ryedale District.

The applicants at this moment in time, do not meet the Local Needs Occupancy criteria. However, it is their intention to move from their current dwelling in Salton to a property within one of the qualifying Parishes or adjoining Parishes and live there until they meet the criteria of the Local Needs Occupancy. The applicants intends to build the bungalow and leave it water tight and sealed and finishing it off to completion level nearer the time when they can meet the Local Needs Occupancy. It is considered that on the basis of the information provided, the Local Needs Occupancy criteria can be met, albeit not at the present time by the applicants, but they will be able to in the future. The applicants may also choose to build the property and rent it out to people who do meet the Local Needs Occupancy. If this is the case, Policy SP4 states that there is a noticeable short fall of bungalows across the Ryedale District and this dwelling would meet this requirement.

iii. The siting, scale, form and detailed design of the proposed dwelling

The proposed detached two-bedroom dwelling will be single storey, run ridge parallel to Moor Lane and have a footprint of approximately 79 square metres. It will measure 4.494m to the ridge and 2.4m to the eaves. There is a small rear offshoot with a pitched roof that will form the living/dining room space. A small garden shed is proposed in the south east corner of the plot. The vehicular access will run to the north of proposed dwelling, with a width of 2.745m. Turning space will be to the front of the dwelling, with private garden space to the rear. It is considered that the reduction in eaves height has created a steeper roof pitch which is typical of the immediate locality. The dwelling will be constructed of brick, with stone quoins and double roman pantile roof. Windows and doors will be UPVC with black rainwater goods.

It is considered the new dwelling by virtue of its siting, scale, form and detailed design reinforces local distinctiveness of the immediate locality and complies with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

The property is considered to have sufficient private amenity space to the rear of the dwelling, commensurate to the size of dwelling.

iv. Highway safety

The Highway Authority has stated no objection to the proposal and has advised that conditions should be attached to any decision regarding verge crossings, visibility splays, the parking for the dwellings, precautions to prevent mud on the highway and onsite parking, storage and construction traffic during the development.

v. Impact upon neighbouring amenities

The proposed dwelling will be 1 metre from the southern boundary of the neighbouring property Westway at the closest point. The northern elevation of the proposed dwelling will be 6m from the dwelling of Dhekelia, with a driveway of 2.745 metres in width and a boundary wall between. The proposed dwelling is also set back by 5.85metres from Moor Lane. Dhekelia directly abuts Moor Lane. It should be noted that the main aspect for Dhekelia is southwards.

Due to the bungalow only being single storey and the positioning of the proposed openings, there will be not be a material adverse impact upon neighbouring amenities in terms of the bungalow being overbearing in presence or causing loss of sunlight and daylight. The proposal is considered to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy. A condition will be attached to the Decision Notice to ensure that the window on the north elevation that serves a bathroom is permanently obscure glazed.

vii. Water supply and waste water

As part of the 2013 outline approval, Yorkshire Water has stated that a water supply can be provided to the site and with regard to waste water, the information that was provided by the application means that no further observations were not required by them.

viii. Land contamination

A land contamination screening assessment has been submitted, along with the Landmark Historic Database. This does not identify any use or historic use which may have resulted in potential land contamination. Therefore, no further investigation is necessary.

ix. The Community Infrastructure Levy

The application is liable for the Community Infrastructure Levy. The charge has been calculated at £6205.

x. Other matters - Consultation comments

3 White Cottages

A lengthy letter of objection has been received from the occupier of 3 White Cottages, a property which is located approximately 33 metres to the immediate north of the application. The letter can be viewed in full on the Council's website. In summary, the objection states:

- The outline planning permission for a bungalow had a foot print of approximately 62.5 square metres and this one has increased to 79.58 square metres. This will be overbearing to neighbouring properties and detract from the street scene
- Dhekelia's front windows are south facing and face onto the plot and would face the gable end of the new build
- Many of the bungalows along Main Street are single storey with hipped roofs, with the external wall of one of these is 2.44 metres. This scale and design would be more in keeping with the street scene and less obtrusive to neighbouring properties.
- Disparities regarding the Local Needs Occupancy and the CIL self build exemption
- Stone quoins are not in keeping with surrounding properties
- The positioning of the proposed dwelling is too close to the boundary of Westways

Dhekelia

The occupier of Dhekelia has also made representations regarding the application. The full letter can be viewed on the Council's website. In summary, the letter states:

- My main concern has always been with the height of the proposed building and the potential loss of light
- The height has been slightly increased
- There is a plan that was approved in 2013 and the new design could be fitted to the scale and footprint of the approved plans

Comments regarding the consultation comments

Whilst it is noted that bungalows along Main Street have hipped roofs, there are also some with gables that run ridge parallel to the road, especially on the eastern side of Main Street. The proposed dwelling is single storey, with an eave height of 2.4m. The issues regarding Local Needs Occupancy have been explained within section ii of the appraisal and it can be confirmed that the applicant is not applying for the CIL self build exemption. The issues regarding neighbouring amenity have also been addressed within section iv of the appraisal. It is uncertain what height the occupier of Dhekelia is referring to that has increased. The previously refused scheme had a ridge height of 5.325 metres and an eave height of 2.72 metres, which is higher than that shown the current proposed dwelling.

Members should note that 2013 approval (Planning Reference 13/01099/OUT) only made reference to a site layout plan and did not have an approved ground floor layout plan or elevation plan. The layout plan as shown as simply 'indicative'. A condition on the 2013 approval states:

The outline permission hereby approved shall be single storey only as indicated on drawing number MP/2013/B/2/1A. additional accommodation may be accommodated in the roofspace subject to approval of the reserved matters required by condition no.02 above.

Reason:- In the interests of protecting the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP4 of the Ryedale Local Plan Strategy.

xi. Conclusions

In light of the above considerations, the proposal is considered to satisfy the relevant policy criteria outlined within the National Planning Policy Framework. Policies SP1, SP2, SP4, SP16, SP19, SP20, SP21 and SP22 of the Ryedale Plan - Local Plan Strategy are also satisfied. The proposal is therefore recommended for approval subject to the following conditions.

RECOMMENDATION: Approval

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

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

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

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 The ground floor window on the northern elevation of the proposed extension shall be permanently glazed with frosted or opaque glass.

Reason:- To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

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

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

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

- 5 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility through to and parallel along the application site fronting Moor Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

- 6 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number MB/2016/B/1A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 7 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 8 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

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

Site Location Plan dated 17.11.2016.
Revised Plan - Drawing Number MB/2016/B/1A.

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

INFORMATIVES:

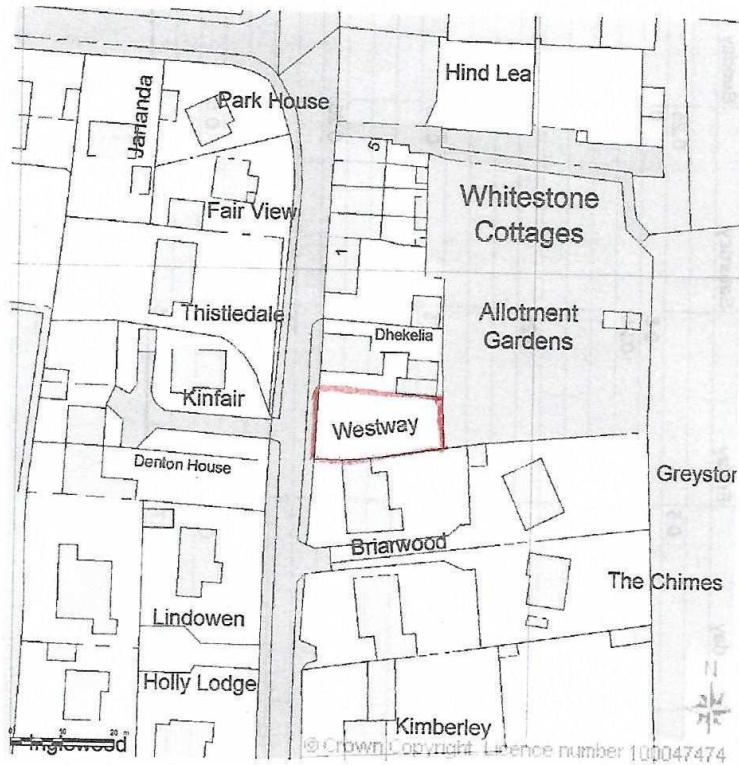
- 1 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 2 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

**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250**

CENTRE COORDINATES: 476769, 473378



Supplied by Streetwise Maps Ltd
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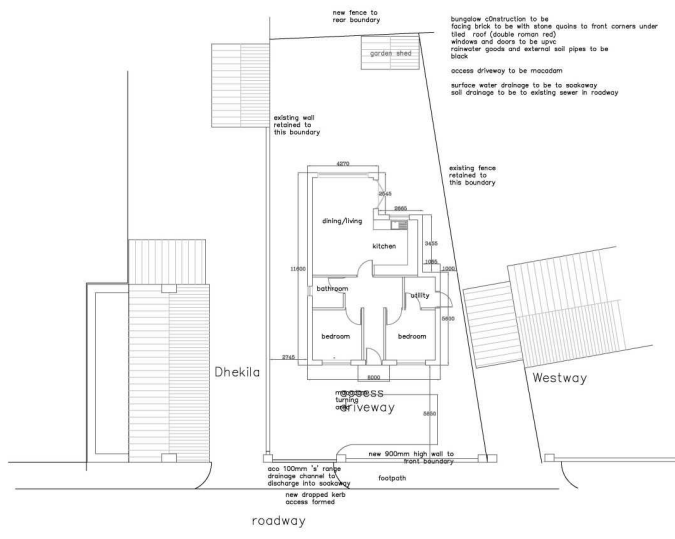
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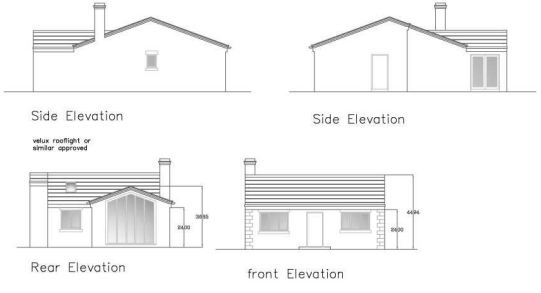
DATE VALID
17/11/16

REVISED PLAN

NB
Do not scale from this drawing, use written dimensions and to be used
any other dimension are to be checked prior to work commencing
Consent of each client does not indicate that no liability arising has
been accepted and reference should be made to the above for the
information prior to work commencing



SITE PLAN



THIS COPY HAS BEEN MADE BY US WITH THE AUTHORITY OF REVIEWS
SERIES ONE DESIGN ASSOCIATES ARCHITECTURAL DESIGN
BROUGHTON MALTON YO17 6QJ
TEL 01904328503 E-MAIL r1@seriesone.co.uk

Revisions	
No	Description

Rev A items retained to 24th Nov 2017
SERIES ONE DESIGN ASSOCIATES
Architectural Design
Broughton Malton
Tel 01904328503 E-mail r1@seriesone.co.uk

DRAWING TITLE
PROPOSED BUNGALOW
DHEKELIA
BROUGHTON
MALTON
YO17 6QJ

PLANS/ELEVATIONS AS PROPOSED
SITE PLAN AS PROPOSED

SCALE 1/100 DATE Jan 2017
DRAWING NUMBER MB/2016/B/1A

Design and Access
Supporting Statement
For
Land Adjacent to
Dhekelia Broughton
Malton

June 2016
Rev Nov 2016

Prepared by

R T Leathley
Series One Design Associates
7 The Orchard
Bishophthorpe
York
YO23 2RX

S.O.D.A

Page 1

Contents

Introduction

- 1) Introduction
- 2) The Site
- 3) Analysis/Design
- 4) Use
- 5) Layout/External works
- 6) Access

1) Introduction

The scheme under consideration is the construction of a single detached 2 bedroom bungalow on land adjacent to Dhekelia Main Street Broughton, this plot currently benefits from outline planning permission granted 25th July 2014 ref 13/01099/OUT and more recently the refused permission 16/ 00973/FUL

The bungalow design has been amended to reflect both the comments from the refused application and the original outline approval.

The position on the site closely adheres to the position indicated on the outline permission and the bungalow has now taken account of the officers comments regarding the proposal of a first floor and the orientation of the ridge

The Site

The site is located in the village of Broughton a rural settlement to the west of Malton. The site faces the main street main road through the village and is flat and currently derelict.

The adjacent properties consist of Dhekelia a two storey dwelling which is sited at right angles to the road with the gable facing mainstreet, the property to the South is Westways a single storey bungalow

The road boundary is currently open with a block wall to the rear boundary, a post and rail fence to the southern boundaries and a brick wall to the boundary with Dhekelia

The site falls within the village development area and utilises the concept of 'infill development' indicated within the local plan strategy

It also falls within the concept of 'limited small scale housing growth' and the 'strong demand for housing' for the area mentioned in Section 3 of the local plan strategy

2) Analysis/Design

The proposal is to construct a single detached bungalow with turning and parking area to front elevation. The bungalow is to be orientated with the ridge parallel to the road, suggested by the planning department as being more acceptable and in line with the original outline approval.

It is intended to construct the dwelling in facing brick with stone quoins to the front elevation under a double roman tile roof

The scale and appearance is similar to the adjacent properties in the village and in particular is similar in scale and orientation to the adjacent Westways

The site outside any flood zone area as indicated on the environment agency's flood plan maps

Access to Malton is available by public transport on the main road.

The proposal will adhere to:-

National Planning Policy Framework 2012 in particular

Section 3 supporting a prosperous rural economy

Section 6 delivering a wide choice of high quality homes in particular paragraphs 48 and 50

Section 7 requiring good design

Building Regulations Approved Document

4) Use

- a) The building is to be for domestic occupation and is self build

5) Layout

The proposed layout is shown on the accompanying drawings presented with this application.

6) Access

As indicated on the drawing vehicle access would be via a new dropped kerb access to the site. Pedestrian access would be via the main access from the roadway.

Item Number: 9
Application No: 16/01887/73A
Parish: Settrington Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mr S Benson
Proposal: Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be "619/21K Site Layout, 619/20D House Type Design, 619/22B Window Details Eaves Details and 619/23 Additional Door Details"
Location: Land At Corner Of Chapel Road And Forkers Lane Settrington Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 25 January 2017
Overall Expiry Date: 5 January 2017
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Building Conservation Officer No objection
Parish Council Object

Neighbour responses: Mr Richard Clark, Mrs Rosemary Mitchell, Keith & Sue Herdman, Mr Alan Mitchell,

SITE:

The application site lies at the junction of Chapel Road and Forkers Lane within the Settrington Conservation Area and also within the village's Development Limits. The site lies on a corner plot to the north of the village on the boundary of the Settrington Conservation Area. Twentieth century housing lies to the north and Grade II listed buildings neighbour the site to the west and south.

Land to the east across Forkers Lane falls within the wider Wolds Area of High Landscape Value. To the west of 17 - 19 Chapel Street is a designated VIUA, which follows the path of Settrington Beck southwards. The site falls outside the historic core of Settrington, which lies to the west and south of the application site.

PROPOSAL:

Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be "619/21K Site Layout, 619/20D House Type Design, 619/22B Window Details Eaves Details and 619/23 Additional Door Details"

Members should note that the principle of residential development on the site has already been established as part of the 09/01372/FUL planning permission and other more recent planning permissions. This application will therefore appraise the changes from planning permission reference 12/00809/73A to this application. Members should note that the proposal is still for 2.no two bedroom semi-detached dwellings.

The main timber frame structure has already been constructed at the site. It was brought to the attention of the Local Planning Authority that there was a breach of planning control in terms of the height and positioning of the proposed dwellings, which differed from the approved drawings as part of the 12/00809/73A planning application.

The applicant was therefore advised to cease work and submit an application to seek to vary the approved plans condition of the original approval 12/00809/73A.

The agent has submitted a letter explaining why the breaches of planning control have occurred. The full letter is attached to this report, but in summary the height of the dwellings has increased due to disparities in the ground and finished floor levels. The positioning of the dwellings is also different to that approved due to the rear boundary disparities and the squaring of the plot for a timber frame like construction. Furthermore, the agent has stated that the dwelling would have had to be sited at least 1 metre off the rear boundary due to the inclusion of windows in the rear elevation to allow for fire escape purposes.

The dwellings as approved under application 12/00809/73A had a ridge height of 7m based upon a ground floor finishing level of 37.31 AOD (above ordnance datum). The dwellings as now drawn and as constructed with the timber frame structure have a ridge height of 7.1m based upon a ground floor finished level of 37.71 AOD. The levels disparities has resulted in a 0.4m increase in height and the timber frame construction has resulted in a 0.1m increase in height, totally an overall 0.5 increase in height.

The dwellings as drawn as part of this application and as constructed with the timber frame structure are positioned 1.3m further south (forward) than approved.

Members should note that an additional street scene plan has been received showing the proposal in context of the Grade II listed buildings to the immediate west of the site and also showing how the dwellings are viewed from Forkers Lane. This plan is appended to the agenda.

Members should note that the application has been brought before them as the application has received a variety of consultation comments., including some objections.

Settrington Parish Council have objection to the proposal and 2 objections have been received from the occupiers of Brook Farm Barn, which is located approximately 290m to the south west of the application site along the Back Lane.

A letter of support has also been received from the occupier of Willowbeck Lodge, which is located immediately to the north west of the application site. Comments have also been received from Mr Richard Clark who was the applicant for a previous scheme that was refused. These comments will be elaborated upon within the appraisal section of the report.

LEGISLATION AND PLANNING POLICY:

Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP12 Heritage
Policy SP13 Landscapes
Policy SP16 Design

Policy SP18 Renewable and Low Carbon Energy
Policy SP19 Presumption in Favour of Sustainable Development
Policy SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

Chapter 7. Requiring good design
Chapter 12. Conserving and enhancing the historic environment

National Planning Practice Guidance (2014)

HISTORY:

The site has an extensive planning history, including:

- 08/00417/FUL - Planning application withdrawn - Erection of a four bedroom dwelling with detached double garage and formation of vehicular access.
- 09/01372/FUL - Planning permission granted 16.03.2010- Erection of 2 no. two bedroom semi-detached dwellings with associated parking/ amenity areas.
- 12/00809/73A - Planning permission granted 29.11.2012- Variation of Condition 21 of approval 09/01372/FUL dated 17.03.2010 to state "The development hereby permitted shall be carried out in accordance with the following approved plans: 858-GA10-01-A Site Layout Plan, 858/105A Proposed elevations, 858/106 Floor Plans proposed"
- 15/00738/73A - Planning permission refused 28.08.2015- Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state "The development hereby permitted shall be carried out in accordance with the following approved plans: 1411/14 - Location plan 1:1250, 1411/15 - Site Plan as Existing, 1411/16 - Site Plan as Proposed, 1411/17 - Ground Floor Plans as Proposed, 1411/18A - First Floor Plans as Proposed, 1411/19 - Elevations as Proposed 1, 1411/20A - Elevations as Proposed 2, 1411/21A - Aerial View"

This application was refused due to the siting, scale and detailed design of the proposed dwellings. The dwellings were positioned 5m further forward than the neighbouring listed buildings and proposed 2 storey cross wing gables to incorporate a third bedroom in each of the dwellings.

Members should note that all of the pre commencement conditions of 12/00809/73A have been agreed as part of the discharge of conditions application 15/01130/COND.

APPRAISAL:

The main considerations to be taken into account are:

- i. Impact upon the character of Settrington Conservation Area and impact upon the setting of the neighbouring Grade II Listed Buildings
 - ii. Impact upon neighbouring amenity
 - iii. Other matters - Consultation responses
 - iv. Conclusions
-
- i. **Impact upon the character of Settrington Conservation Area and impact upon the setting of the neighbouring Grade II Listed Buildings**

The Building Conservation Officer has stated the following with regard to the proposal:

No Objection

This application lies at the junction of Chapel Road and Forkers Lane within the Settrington Conservation Area. The site lies on a corner plot to the north of the village on the boundary of the conservation area. Twentieth century housing lies to the north, and Grade II listed buildings neighbour to the west and south. As set out in my consultation response of 4th July 2008, a strong aspect of part of the existing character of Settrington is the position on the plot of the buildings. They have a strong relationship to the streets and the beck either running parallel to the road with their roof ridges and long elevations running in tandem or they are gable end on. Either way, the relationship is a strong one of either parallel or perpendicular placing on their plots.'

The site is prominent being a corner plot. It is however, predominantly viewed at close distance only. Due to the topography, high hedges and street layout, the predominant experience of the site is at close quarters. When travelling from west-east, Chapel Road rises up to the bend.

The above application seeks a 'Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be 619/21K site layout 619/20D House Type Design 619/22B Window Details Eaves Details and 619/23 Additional Door details'

It is apparent from the submitted documents that the height of the building varies c. 500mm higher than the '12/00809/73A' approved application. c. 400mm of this can be accounted by a ground level difference and c. 100mm of this can be accounted for a construction detailing, resulting in a space between the first floor window lintels and the eaves. The position of the building on the plot is c. 1.3m further south of the approved scheme.

In my opinion the ridge height difference is regrettable but is however, relatively minor. The effect of the height difference is mitigated by the way the surroundings are experienced as Chapel Lane rises in height as it travels west-east. This natural topographic experience of the surrounding rising land mitigates the ridge increase of c. 300mm. The spacing distance of c. 12m between the neighbouring listed buildings to the west also mitigates the difference in ridge height as do the trees in between.

Careful consideration was given to the approved design in respect of the detailing. This included first floor windows set directly below eaves level. This application for consideration, seeks to vary that design detail and sets the eaves level. c 100mm above the window lintels. In my opinion this alteration is regrettable ,but is also relatively minor. The fact that the building is set back c. 25m from the footpath also helps to mitigate this effect.

In my opinion the alteration that has greatest impact is moving the building forward by c. 1.3m. The impact of this is most apparent when viewed travelling from west to east along Chapel Road. Due to screening and topography however, the most significant view of the impact is restricted to the immediate locality looking east from the western end of the listed buildings. Due to the rise in the land, set back position of the buildings, separation distance between the existing buildings and new buildings and the tree screening, the impact of the set forward is mitigated. The overall effect of the building and its relationship with its neighbour still retains the characteristic eaves and ridge parallel to the road and its predominantly set back from the roadside position being c. 25m away from the road.

In my opinion the alterations set out above do cause some harm to the character of the conservation area. In my opinion however the degree of harm is very much on the minor end of the scale and is so slight, as to cause very much less than less than substantial harm. The c.12m separation with the neighbouring building, localised topography, and the way views of the buildings are taken in, help to mitigate the very minor harmful effects.

ii. Impact upon neighbouring amenity

The dwellings as now drawn as part of this application and as constructed with the timber frame structure are positioned 1.3m further forward than previously approved. Whilst the height of the dwellings has increased, it is considered that due to the separation distance of the proposed dwellings to Fair View to the immediate north and 18 Chapel Road to the immediate west of the application site, there will not be a material adverse impact upon neighbouring occupiers. This is in terms of being overbearing in presence, causing loss of light or loss of privacy, complying with Policy SP20 of the Ryedale Plan - Local Plan Strategy. No comments have been received from the occupiers of either of these properties.

iii. Other matters - Consultation responses

Settrington Parish Council

Settrington Parish Council object to the proposal. Their full letter of objection is appended to the agenda. Members should also note that the Parish Council did not object to the 12/00809/73A application. A summary of the current objection is as follows:

- The approved buildings matched the height of the adjacent Grade II listed cottages on Chapel Road.
- The application has a detrimental impact on the character of the Settrington Conservation Area as the building have been brought forward of the building line by over 1.3m.
- The coming forward of 1.3m fails to respect the building lines of the adjacent listed buildings.
- The variation drawings do not show the adjacent buildings which are critical
- The chimney should be constructed in materials suitable for the Conservation Area.

Occupiers of Brook Farm Barn, Settrington

Two objections have been received from the occupiers of Brook Farm Barn which is located approximately 290m to the south west of the application site along the Back Lane. Their full letters of can be viewed on the Council's website. A summary of their letters are as follows:

- This application is some 1.3m forward of that building line and the building itself is about 400mm higher than the adjacent cottages. The building is partially constructed and the timber frame has been erected. It is described locally as 'sticking out like a sore thumb'.
- The application clearly does not maintain the building lines or ridge height. It is forward and higher than the adjacent terrace, giving the proposed building a greater prominence in comparison to the listed buildings, which is inappropriate and is not merited. Door details and window heights at eaves have been revised.
- Reducing this ground level by some 400mm is not technically difficult and is quite a common building process. Undermining of foundations of the adjacent, stone shed could be avoided either by some local underpinning (refer Party Wall Act) or by using an rc raft foundation.
- I see no technical reason why the building line has been brought forward.
- To approve this scheme would undermine the planning process, the value of Conservation Area status and the rigorous conditions applied.

Occupiers of Willowbeck Lodge

A letter of support has been received from the occupier of Willowbeck Lodge, which is located to the north west of the application site. The full letter can be viewed on the Council's website. A summary of the letter is as follows:

- If the proposed variations are not passed then the properties being built would have to be taken down and moved nearer the fence on the northern boundary which adjoins our property.
- If the proposed variations are not passed then the moving of the properties nearer the fence would have an adverse impact on the owners of Fairview which is a bungalow and would be even more overlooked and dominated by the new properties.

Richard Clark

A letter has been received from Richard Clark who was the applicant for a previous scheme that was refused (Reference 15/00738/73A). The letter makes reference to the comments made by Settrington Parish Council. The full letter can be viewed on the Council's website. A summary of the letter is as follows:

- The brief for 15/00738/73A scheme was to bring the building forward by 2m from the rear boundary as the proposed plans were unworkable and should never have been approved
- Mr Skinner from the Parish Council states that the application we submitted was refused for the same reason as the present. This is not at all the case as the only difference to our final plans which differed from the original application was that we wanted to bring the new cottages 2m forward from the rear boundary.
- Builders did not proceed with the scheme due to planning conditions. Does this mean that it was never intended that the site be developed and unrealistic conditions were imposed to prevent this?
- Why was the objection from Keith and Sue Herdman not taken on board at the original planning stage?

Comments regarding the consultation comments

The issues raised regarding the height and positioning of the dwellings in terms of their impact upon the Settrington Conservation Area and the Grade II listed buildings has been carefully considered and articulated by the Building Conservation Officer within section i of the appraisal. This is also the case regarding the window details at eaves level. It should be noted that the chimney details, showing brick and not stone slips have been agreed as part of the discharge of conditions application.

The occupiers of Willowbeck are correct in stating that if the proposed variations are not passed then the properties would be moved nearer to the rear fence. Members should note that planning permission has previously been granted for the dwellings to be positioned in close proximity to the rear fence. Members should also note that application 15/00738/73A was refused due to the siting, scale and detailed design of the proposed dwellings. The dwellings proposed in that application were positioned 5m further forward than the neighbouring listed buildings and also proposed 2 storey cross wing gables which were a significant change in terms of their design in order to accommodate a third bedroom in both units.

It should also be noted that the conditions attached the 12/00809/73A approval were imposed by the Local Planning Authority due to the specific issues regarding the site. Planning conditions can only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects in accordance within Paragraph 206 of the National Planning Policy Framework. It is considered that all conditions attached to the 12/00809/73A approval complied with these requirements. The objection from Mr and Mrs Hardman of Willowbeck was considered as part of the determination of the application 09/01372/FUL that was approved by Members of the Planning Committee on 16th March 2010. Their comments were also taken into consideration as part of the later 12/00809/73A approval.

iv. Conclusion

The application site is prominent being a corner plot within the Settrington Conservation Area and neighbouring Grade II listed buildings. It is however, predominantly viewed at close distance only. Due to the topography, high hedges and street layout, the predominant experience of the site is at close quarters. When travelling from west-east, Chapel Road rises up to the bend and close views of the site and there proposed dwellings can only be seen after crossing the beck.

It is therefore considered that on balance, the increase in height of 0.5m and the positioning of the dwelling further south on the plot by 1.3m, that the scheme as submitted is acceptable and satisfies the policy requirements of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval, subject to the following conditions.

RECOMMENDATION: Approval

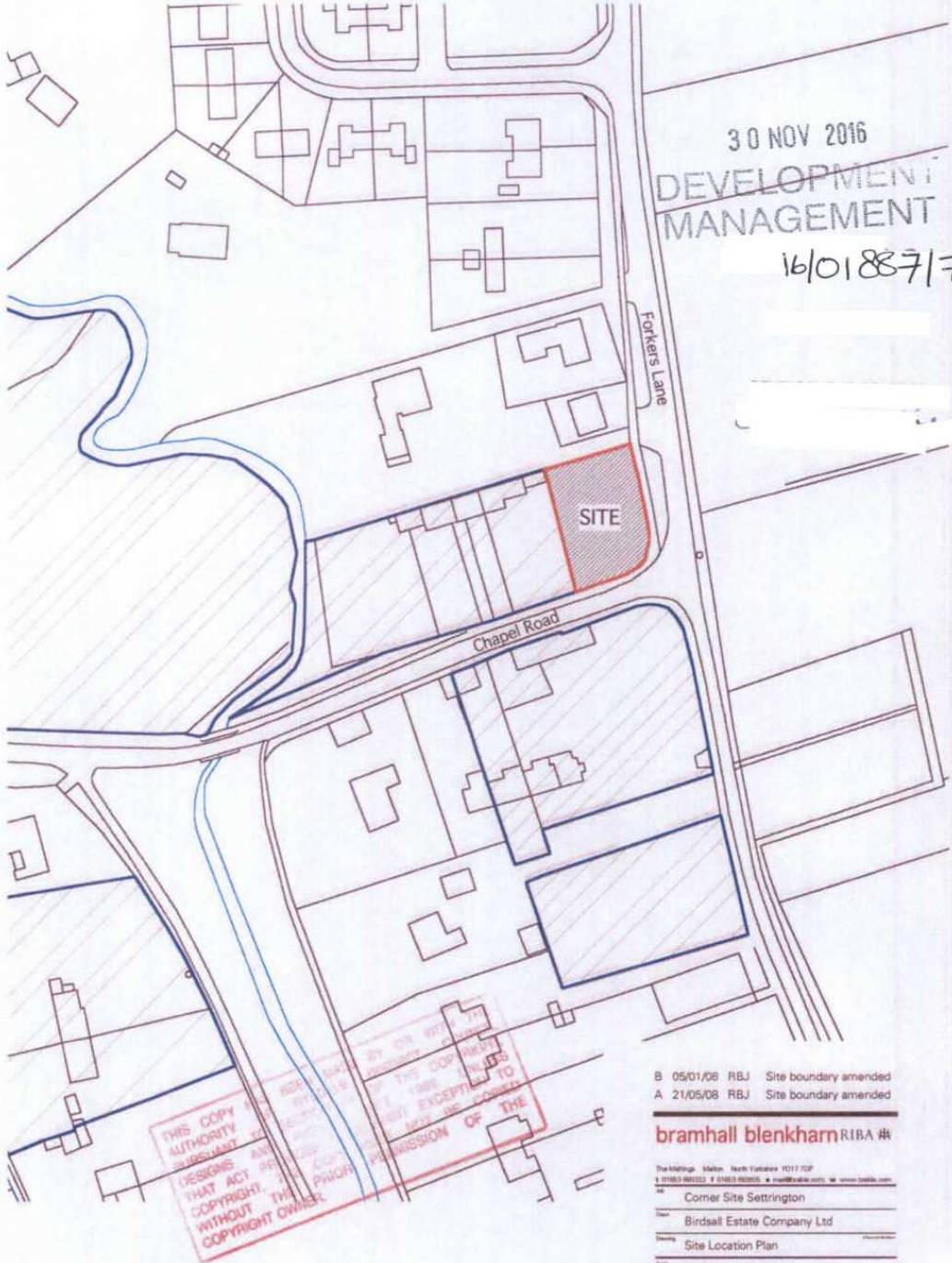
- 1 The development hereby approved shall be carried out in accordance with the submitted and agreed details as part of the discharge of conditions application 15/01130/COND regarding conditions 02, 03, 04, 05, 06, 09, 10, 11, 13, 15, 16 and 19.

Reason: To comply with Policies SP12, SP16, SP19 & SP20 of the Ryedale Plan - Local Plan Strategy.

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

Site Location Plan - date stamped 30.11.2016.
Site Layouts - 619/21K dated 30.11.2016.
House Type Design - 619/20D dated 30.11.2016.
Window Details Eaves Detail - 619/22B dated 30.11.2016.
External Door Details - 619/23 dated 30.11.2016.

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



30 NOV 2016
 DEVELOPMENT
 MANAGEMENT
 16/01887/73A

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B 05/01/08 RBJ Site boundary amended
 A 21/05/08 RBJ Site boundary amended

bramhall blenkham RIBA #

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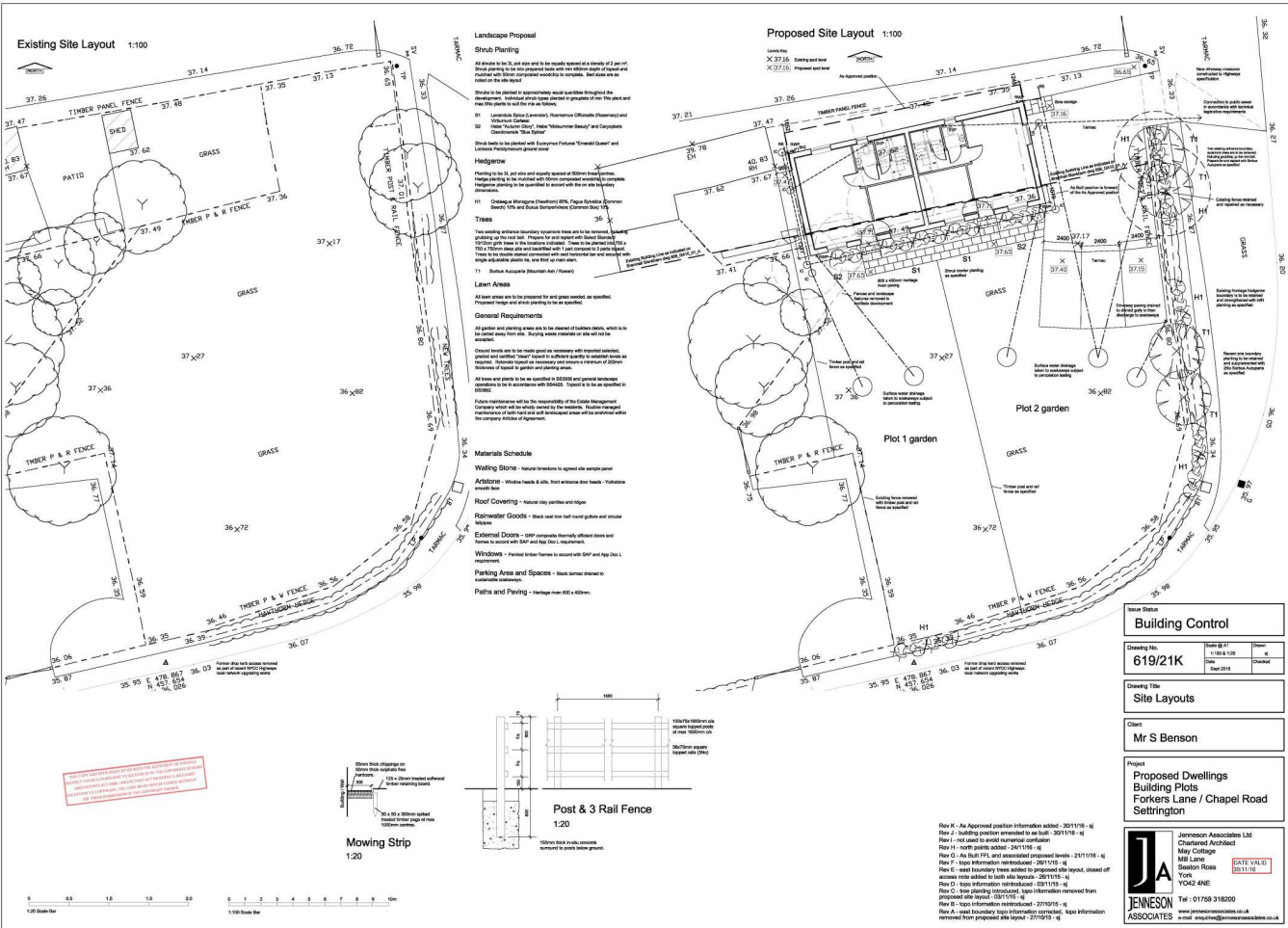
Corner Site Settrington

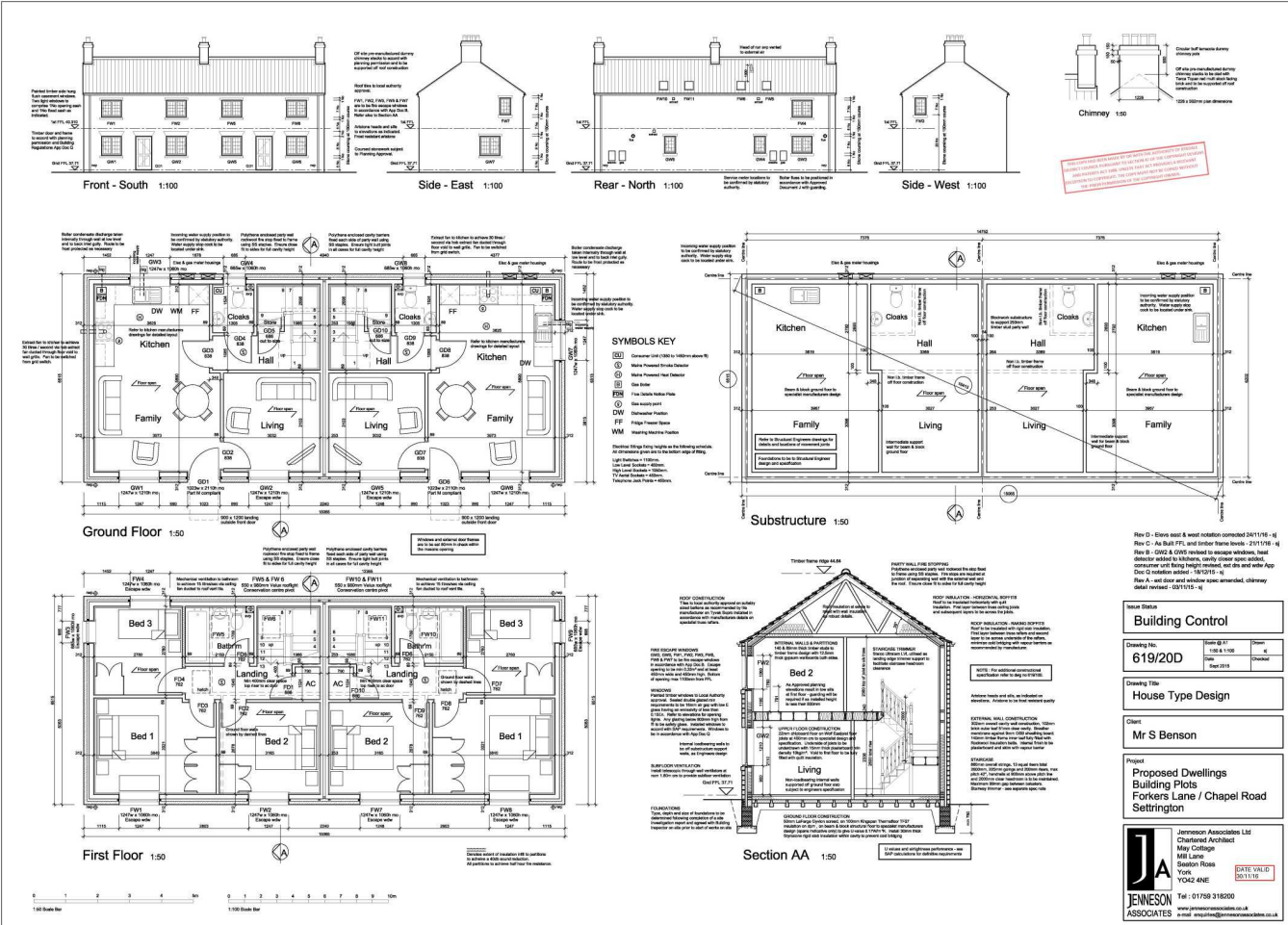
Birdsall Estate Company Ltd

Site Location Plan

Scale: 1:1250

RBJ 10.07.07	858	101	B
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ROOF CONSTRUCTION
 Tiles to local authority approval on suitably sized battens as recommended by the manufacturer on Tyvek Supro installed in accordance with manufacturers details on specialist truss rafters.

Tyvek Supro to be supported on rafters in strict accordance with manufacturers specification, ensure 25mm drupe between rafters and 150mm lap onto Tyvek eaves carrier.

Tyvek eaves carrier to lap with Tyvek Supro to provide support into gutter fixed in accordance with manufacturers details. Provide plywood support and fillets as appropriate.

Cast iron rainwater gutters to be supported on rise and fall brackets to downpipes.

Aristone heads and sills, as shown on elevations. Aristone to be frost resistant quality

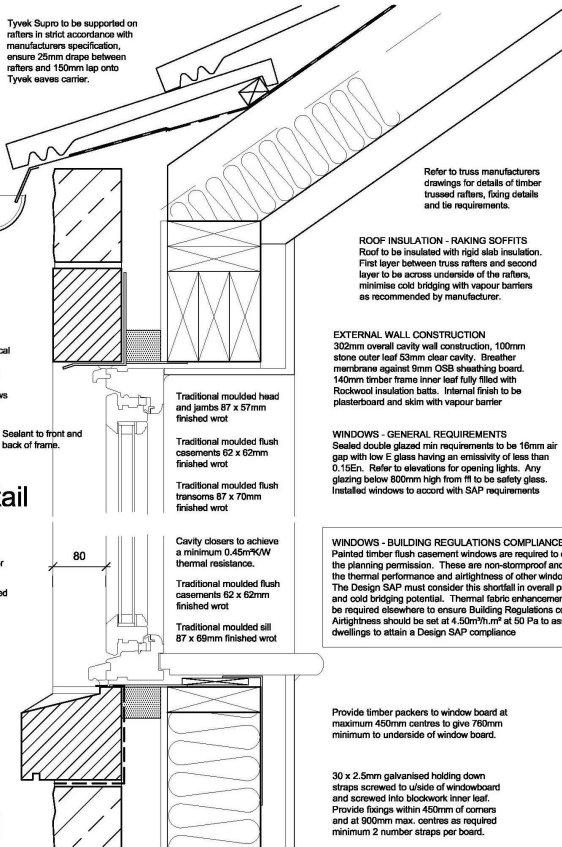
WINDOWS - PLANNING PERMISSION
 Painted timber flush casement windows to Local Authority approval. Refer to elevations for opening lights. Hood mould is to top of frame only to prevent water ingress due to non-stormproof nature of conservation windows

Eaves Detail Wdw Head Detail

Sealant to front and back of frame.
 Sealant to external frame and under window board internally.
 Dress dpc under aristone and lapped into sill of window. DPC to extend minimum 150mm past opening.

WINDOWS - PLANNING PERMISSION
 Painted timber flush casement windows to Local Authority approval. Sub sill throated extension is required to prevent water ingress and ensure frame is forward of the aristone sill weather fillet upstand, due to the required setback of the conservation windows.

Wdw Sill Detail



Refer to truss manufacturers drawings for details of timber trussed rafters, fixing details and tie requirements.

ROOF INSULATION - RAKING SOFFITS
 Roof to be insulated with rigid slabs insulation. First layer between truss rafters and second layer to be across underside of the rafters, minimise cold bridging with vapour barriers as recommended by manufacturer.

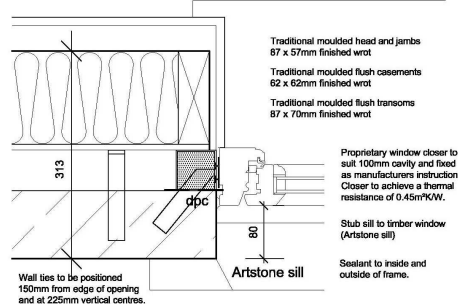
EXTERNAL WALL CONSTRUCTION
 302mm overall cavity wall construction, 100mm stone outer leaf 53mm clear cavity. Breather membrane against 9mm OSB sheathing board. 140mm timber frame inner leaf fully filled with Rockwool insulation batts. Internal finish to be plasterboard and skim with vapour barrier

WINDOWS - GENERAL REQUIREMENTS
 Sealed double glazed min requirements to be 10mm air gap with low E glass having an emissivity of less than 0.10E. Refer to elevations for opening lights. Any glazing below 800mm high from ft to be safety glass. Installed windows to accord with SAP requirements

WINDOWS - BUILDING REGULATIONS COMPLIANCE
 Painted timber flush casement windows are required to comply with the planning permission. These are non-stormproof and often lack the thermal performance and airtightness of other windows types. The Design SAP must consider this shortfall in overall performance and cold bridging potential. Thermal fabric enhancement is likely to be required elsewhere to ensure Building Regulations compliance. Airtightness should be set at 4.50m³/m² at 50 Pa to assist the dwellings to attain a Design SAP compliance

Provide timber packers to window board at maximum 450mm centres to give 780mm minimum to underside of window board.

30 x 2.5mm galvanised holding down straps screwed to outside of windowboard and screwed into blockwork inner leaf. Provide fixings within 450mm of corners and at 900mm max. centres as required minimum 2 number straps per board.



Wall ties to be positioned 150mm from edge of opening and at 225mm vertical centres.

Wdw Jamb Detail

Traditional moulded head and jamb
 87 x 57mm finished wrot
 Traditional moulded flush casements
 62 x 62mm finished wrot
 Traditional moulded flush transoms
 87 x 70mm finished wrot

Proprietary window closer to suit 100mm cavity and fixed as manufacturers instruction. Closer to achieve a thermal resistance of 0.45m²K/W.

Stub sill to timber window (Aristone sill)

Sealant to inside and outside of frame.

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Rev B - amended to flush fitting casements to accord with planning authority requirements - 03/11/15 - jg
 Rev A - drawing file details corrected - 29/09/15 - jg

Issue Status	
Planning	
Drawing No.	Rev
619/22B	1st
	2nd
	3rd
	4th
	5th
	6th
	7th
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	9th
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	100th

Drawing Title
 Window Details
 Eaves Detail

Client
 Birdsall Estate Co Ltd

Project
 Proposed Dwellings
 Building Plots
 Forkers Lane
 Settrington

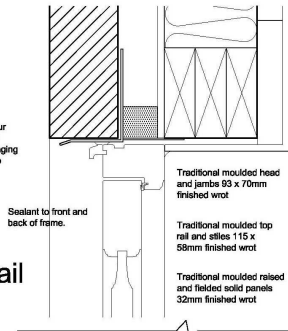
Jennison Associates Ltd
 Chartered Architect
 May Cottage
 Mill Lane
 Seaton Ross
 York
 YO42 4NE
 Tel: 01759 318200
 www.jennisonassociates.co.uk
 e-mail: enquiries@jennisonassociates.co.uk

DATE VALID
 30/11/16

Aristone heads and sills, as shown on elevations. Aristone to be frost resistant quality

DOORS - PLANNING PERMISSION
Painted timber traditional raised and fielded four panel doors flush within timber frames to Local Authority approval. Refer to elevations for hanging. Hood mould is to top of frame only to prevent water ingress due to non-stormproof nature of frames

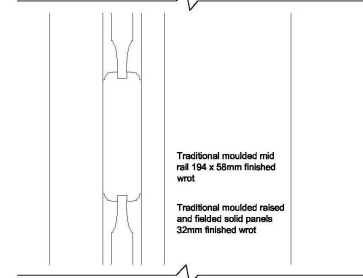
Door Head Detail



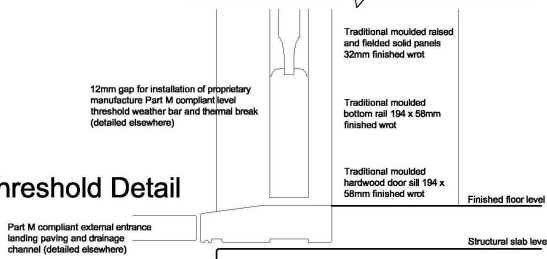
EXTERNAL DOORS - BUILDING REGULATIONS COMPLIANCE
Painted timber raised and fielded panel doors set flush within timber frames are required to comply with the planning permission. The Design SAP must consider this shortfall in overall thermal performance and cold bridging potential. Thermal fabric enhancement is likely to be required elsewhere to ensure Building Regulations compliance. Airtightness should be set at 4.50m³/h.m² at 50 Pa to assist the dwellings to attain a Design SAP compliance

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Mid Rail Detail



Threshold Detail



Issue Status		
Planning		

Drawing No. 619/23	Scale @ A3	Sheet
	1:10	16
	Date	Checked
	Nov 2016	

Drawing Title
External Door Details

Client
Birdsall Estate Co Ltd

Project
Proposed Dwellings Building Plots Forkers Lane Settrington

	Jennison Associates Ltd Chartered Architect Mey College Mill Lane Seaton Poles York YO42 4NE	DATE VALID 30/11/16
	Tel: 01759 316200	
	www.jennisonassociates.co.uk	
	e-mail: enquiries@jennisonassociates.co.uk	



CHAPEL ROAD STREETSCENE 1:100




FORKERS LANE STREETSCENE 1:100

Information Notes
 1. Storage locations (hedges) are omitted to all drawings clearly
 2. An approved dwelling position indicated by dashed outline

ADDITIONAL PLAN



Work Title		
Planning		
Drawing No.	Sheet # of #	Date
619/24	1 of 1	Jan-2017
Drawing Title		
Streetscene Elevations		
Client		
Mr S Benson		
Project		
Proposed Dwellings Building Plots Forkers Lane / Chapel Road Settrington		
 Jenkinson Associates Ltd Chartered Architect May Cottage Mill Lane Settrington Road York YO42 4NE Tel: 01759 318200 www.jenkinsonassociates.co.uk e-mail: enquiries@jenkinsonassociates.co.uk		
DATE		
17/01/17		

30 November 2016

Your ref: 16/01887/73A

Development Management
Ryedale District Council
Ryedale House
Malton
YO17 7HH

Dear Mr Housden,

VARIATION OF CONDITION 21 OF APPROVAL 12/00809/73A DATED 29.11.2012 TO STATE THAT THE APPROVED PLANS SHALL BE "619/21H SITE LAYOUT, 619/20D HOUSE TYPE DESIGN, 619/22B WINDOW DETAILS EAVES DETAILS AND 619/23 ADDITIONAL DOOR DETAILS" ON LAND AT CORNER OF CHAPEL ROAD AND FORKERS LANE SETTRINGTON MALTON NORTH YORKSHIRE

Following your advice in connection with the above proposal please find set out below an explanation as to the purpose of this application.

Increase in Height

As you know the Council's Enforcement Officer, Mr Tim Goodall, contacted the Applicant on 24 October 2016 by email. This email advised Mr Benson of the following:-

"Following complaints that the building was not being constructed in accordance with the approved plans, the site has been visited by Council officers. It was determined that the internal ground floor is higher than approved – there is a step up from ground floor to the front door that is not shown on the approved plans. As such the building is 0.2 metres – 0.3 metres higher than it should be.

In an attempt to remedy this breach of planning control, you should submit revised drawings to the Local Planning Authority for consideration. These plans should be a formal submission to vary condition 21 of planning permission 12/00809/73A."

Rather than relying upon anecdotal evidence that the "building is 0.2 metres – 0.3 metres" higher than it should, the Applicant undertook to have accurate levels taken of the development. A copy of the Timber Frame Construction Drawing has also been provided to the Architect and this has been utilised in the provision of Drawing Number 619/ 20D.

The Applicant has provided levels information as set out on Drawing Number 619/21H, which confirms that the Finished Floor Level of the dwelling as built is 37.71 AOD and the finished pathway level to the front entrances will be 37.65 AOD. The "as approved" drawing 619/21A provided for a Finished Floor Level of 37.31 AOD and finished pathway height of 37.25 AOD.

The following explanation sets out the circumstances that led up to the building being erected with a higher Finished Floor Level than the approved levels.

The approved FFL was low relative to the existing ground levels. There is a Building Regulation which states that the external wall DPC should be a minimum 150mm above

external ground level. So, a ground FFL of 37.31 would normally relate to external levels which are 37.16, or lower. An inspection of the topographic levels indicates this is not the case. There are external ground levels adjacent the neighbouring house which are 37.67 and 37.47. The proposed dwelling is set 1m to the east of these two levels.

There were considered to be three basic options to address this;

1. Locally reduce ground levels – which risks undermining the adjacent existing building and threatening its structural integrity;
2. Locally dig in against the existing building and along the north site boundary (until levels grade back sufficiently). This would involve localised retainment and tanking of the external wall; or
3. Raise the FFL which in the simplest option is $37.67 + 0.15 = 37.82$ FFL

With this in mind the Applicant decided upon an “all round compromise” of these three options:-

- FFL is 37.71 – which is 110mm lower than option 3 above; and
- The existing neighbouring levels are maintained with a sensible cross grade across the 1m separation gap of say 50 or 60mm will result in the external ground level against the new dwelling being set at approximately 37.56 to achieve the 150mm stepdown required by Building Regulations.

This is the Applicant's first new build development and, whilst ignorance is no excuse, he considered that he was doing the right thing by maintaining compliance with Building regulations and by the neighbours.

The above explanation accounts for 400 mm of the height increase. The addition 100 mm increase in height has resulted from the Timber Frame Construction. The Bramhall Blenkham approved design had a very minimal eaves zone above the window heads. This detail was replicated by Jenneson Associates for the Discharge of Condition Application in order to maintain the “as approved” external appearance. Jenneson Associates have now had sight of the plans for the timber frame design and have confirmed that it accords exactly with their technical design in respect of the ground and first floor head and sill heights, etc. It varies, however at the eaves detail, which, I am advised, has been “stiffened up” and as a consequence the whole roof construction is 100mm higher than the “as approved”. Timber beams within the timber frame run across the window heads to provide support for the roof trusses load which bear onto it. The “as approved” design provided insufficient structural height above the window head within the timber frame to bear the load associated with the roof construction and as a result the eaves detail has been modified.

Amended Siting

When we spoke on the 25th November you advised that complaints related not just to the height of the building but also that the building was in the wrong place and it had been suggested that the refused permission was being constructed. I would confirm that the refused scheme is not being constructed. The building being erected is that approved under reference 12/00809/73A and the Discharge of Conditions approval.

The Applicant was advised of the claims that the dwelling is in the wrong place and this morning I have been provided with accurate site measurements from the builder. These are confirmed as follows:-

**Drawing measurement from rear boundary is 1248mm, actual 1245mm, and 1811mm and actual 1852mm. The gable end measurement off the drawing is 1000mm actual is 965mm.*

These very small differences may have been caused by squaring the plot overall which is essential for a timber frame type construction."

Having checked the dimensions referred to on the approve drawing these are not actually taken from the rear boundary fence line, they were taken from the edge of the neighbour's driveway as it was seen as being the nearest permanent physical feature. This was an honest clerical error on the part of the Applicant and Builder; until you raised it with me last week I had taken these dimensions to be from the boundary as well. It was only upon closer inspection of the drawing and sight of a photograph showing scaffolding erected between the rear elevation and the boundary fence that I began to have doubts. Again, whilst ignorance is not defence, the Builder and Applicant would not have considered the siting to be wrong as to comply with Building Regulations the dwelling would have had to be sited at least a metre off the rear boundary due to the inclusion of windows in the rear elevation.

Perhaps the fact that the building is located further south than it should be would mitigate for the increase in overall height?

I have spoken with Architect this morning and he is in the process of amending the layout drawing to reflect the dimensions that we have been provided with. This will be sent on to you as soon as it is completed.

It is hoped that the above paragraphs provide you with sufficient explanation as to how the existing situation has occurred however should you have any queries in connection with the above please do not hesitate to contact me.

Yours sincerely

Melissa Madge
MRTPI, MA & Dip TP

Subject: 16/01887/73A Land at Corner of Chapel Road and Forkers Lane, Settrington
Attachments: Detailed Comments on New Build revised planning application.docx

From: Bruce Skinner
Sent: 19 December 2016 09:47
To: Development Management
Cc: Peter Smith Photography
Subject: Objection to Planning Application No. 16/01887/73A

Dear Sirs,

Re. Planning Application No. 16/01887/73A

Settrington Parish Council objects most strongly to this Application, which, by proposing that the as-partially-built height and position of the building are accepted, attempts to ride rough-shod over the conditions of the proposed and Approved, original Application.

The Parish Council approved the original Application (12/00809/73A) on the basis that, particularly with the development's prominent position in the village's Conservation Area, the building respected the principles of the Village Design Statement, especially with regard to maintaining the building line and height of its neighbouring row of vernacular properties, and, for instance, having traditional masonry, rather than 'dummy', chimneys.

Indeed, the subsequent alternative Application (15/00738/73A) was objected to, and not approved, because those principles were not met.

We are aware that a number of experience local builders had considered purchasing the site with its approved plans, but had however recognised the constraints inherent in the development and decided against it.

Given the date (September 2015) of the Jenneson Associates, 'Building Control' plans included in this latest Application, it appears that the current developer too had appreciated the demands of the site layout and the Approval conditions, and, un-announced, had produced a more convenient-to-build version of the plans, presumably assuming that a relaxed attitude would be taken in terms of compliance.

The Parish Council feels that, were this latest Application to be approved for the developer's convenience, it would make a mockery of Planning Approval, Control and Enforcement.

Given the magnitude and significance of this planning approval violation, the Parish Council also strongly objects to this Application's having been given 'Delegatable Decision' status.

In support of this Objection, **please find attached** the Parish Council's detailed comments on the Application.

In the event that this Application is discussed at Planning Committee, the Parish Council requests that its representative is invited to voice its Objection.

Yours faithfully,

Bruce Skinner
Parish Clerk pp Settrington Parish Council

Comments on planning application no. 16/01887/73A

Variation of Condition 21 for land at Chapel Road/Forkers Lane dated 30/11/16

1. The building being constructed, and that shown on applicant's architects' drawings, is higher than the building approved (12/00809/73A) by some 400mm, this is a critical dimension. The approved building matched the height of the adjacent Grade II listed cottages on Chapel Road. The plot of land sits within the Settrington Conservation Area and siting of buildings should blend sensitively into the area; this is stated in the Settrington Village Design statement and also the Francis Johnson report.
This application has a detrimental impact on the character of the Area. A previous application (15/00738/73A) was refused on grounds of scale, siting and details because it failed to preserve or enhance the character of the Conservation Area or preserve the setting of the listed buildings.
2. The building also has been brought forward of the building line by over 1.3m. This fails to respect the building lines of the adjacent listed buildings and thus has a detrimental impact on the Conservation Area for the reasons stated above.
3. The ground and first floor levels are some 400mm higher than the approved application, this indicates that the developer has failed to reduce the ground levels prior to commencing construction. The necessary change in ground level is shown on the approved plans (long front elevation drg 858-105-A.) The variation drawings submitted do not show the adjacent buildings which are critical.

Comments on the mmp planning justifications:

Increase in height:

The author suggests that the approved plans were not able to be constructed in accordance with the Building Regulations as drawn. It is considered that this may be an erroneous assertion; the architects may wish to respond to this criticism.

Para 1: It is suggested that actually lowering the ground levels would risk undermining the adjacent buildings. Has the applicant excavated any trial holes in order to confirm the foundation levels of the adjacent buildings? Also, it may be possible to avoid undermining the adjacent building by founding the building on a shallow, reinforced concrete raft. The nearest, adjacent wall is to an outbuilding/store, this could be underpinned, if necessary. Notwithstanding the above, the drainage details shown on the site layouts plans will undermine the adjacent building.

All of these issues are clearly covered in party wall legislation.

Para 2: *Locally digging in the building would entail retainment and tanking...* These are common construction requirements and the amount of digging-in of 400mm is not considered to be excessive.

Para 3: Raising the FFL - this should not even have been considered without an amended planning application.

It is not technically challenging to construct the building as shown on the approved application, although it is accepted that it is possibly a more expensive solution. The applicant appears to have tried to cut costs on the build by ignoring the important criteria of the approved Planning Application.

Again, it is suggested in the mmplanning document that there is some deficiency in the approved Bramhall Blenkharn approved design with respect to the roof eaves detail. This criticism is not warranted.

The applicant has chosen to use a timber frame construction presumably because it is a cheaper build method than traditional purlin and rafter roof.

It is not beyond the ability of a builder to replicate the details used in the adjacent cottages to give a corresponding shallow eaves detail.

Amended siting:

The building is constructed over 1.3m in front of the line of the adjacent buildings and the applicant's architect has even shown this line on his drawing. The front elevation of the approved scheme lines up with the front elevation of the adjacent cottages, the building being constructed obviously, and significantly, does not!

Dummy chimney:

The building should be constructed in materials suitable for this sensitive conservation area, a dummy chimney is not considered to be in keeping with the local vernacular.

It is felt that this application should be refused because it has a detrimental impact on the character of the Conservation Area, in that it fails to preserve or enhance the character of the conservation area or preserve the setting of the adjacent listed buildings.

Were RDC minded to approve this application then the previous applicant (15/00738/73A) may wish to lodge an appeal since his application was rejected on these very grounds.

Agenda Item 10

Item Number: 10
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 Week Expiry Date:** 14 February 2017
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

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

Neighbour responses: Mrs Ailsa Teasdale,

Overall Expiry Date: 9 February 2017

SITE:

The site is located approximately 1km south of the Service Village of Nawton within the open countryside. It is also in an area that is 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

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.

HISTORY:

The site has an extensive planning history, including:

- 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.
- 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).

POLICY :

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy
 Policy SP8 Tourism
 Policy SP13 Landscapes
 Policy SP14 Biodiversity
 Policy SP16 Design
 Policy SP17 Managing Air Quality, Land and Water Resources
 Policy SP18 Renewable and Low Carbon Energy
 Policy SP19 Presumption in Favour of Sustainable Development
 Policy SP20 Generic Development Management Issues
 Policy SP21 Occupancy Restrictions

National Planning Policy Framework (2012)

Chapter 3. Supporting a prosperous rural economy
 Chapter 7. Requiring good design
 Chapter 11. Conserving and enhancing the natural environment

National Planning Practice Guidance (2014)

APPRAISAL:

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

- i. The Principle of Development
- ii. The impact of the proposal upon the character and appearance of the landscape - the Fringe of the Moors Area of High Landscape Value
- iii. Highway safety
- iv. Flood risk and drainage
- v. Impact upon neighbouring amenity
- vi. Other matters
- vii. Conclusion

i. The Principle of Development

The National Planning Policy Framework 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 which currently comprises of 4no. 'glamping' style' safari tents, with planning permission already having been granted for a further 15no. safari tents on the site immediately to the east of this 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, the site is located to the south of a Service Village, Nawton Beadlam that is regarded as a sustainable settlement. There are facilities relatively nearby, such as a bus link along the A170 to the Market Towns of Helmsley, Kirkbymoorside and Pickering. The site is also well located for accessing the North Yorkshire Moors.

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

ii. The impact of the proposal upon the character and appearance of the landscape - the Fringe of the Moors Area of High Landscape Value

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 topography of the site is generally flat, following through from the adjacent glamping site. The site benefits from mature boundary planting of native species to all of the external boundaries. Therefore, the proposed 28no. holiday lodges are generally well screened by established planting. Additional tree and shrub planting will be added throughout the site to integrate the lodges into this rural setting. There will be grassland between the lodges, with mown amenity areas to allow children's play. Car parking will be in groups to serve a cluster of the lodges. The surfacing of these will be crushed stone as continuation of the existing roads.

The proposed lodges will have a width of 12.3 metres, a depth of 6.112 metres and a floor area of 75 square metres. Each lodge will have 3 bedrooms, with capacity to sleep up to 6 people.

Due to the relatively flat nature of the site, there will only be glimpsed views of the proposal. There will be views from slightly higher ground to the north. However, it is considered that due to the proposed lodges being of pitched roof design, with timber style cladding, the proposal is not considered to have a material additional adverse effect upon the Fringe of the Moors Area of High Landscape Value. A condition will be imposed to the Decision Notice if planning permission is granted regarding the external appearance of the proposed lodges.

iii. Highway safety

Access to the site is via the existing vehicular access off Gale Lane. The Local Highway Authority had originally objected to the original scheme, stating the following:

The proposed development would more than double the permitted accommodation at this site. You are aware that previous concerns were raised by the highway authority over the intensification of use that the then change of use application originally submitted would likely have on the public highway.

The proposed lodges would attract additional traffic to and from the site, and also a desire to visit local amenities in Beadlam/Nawton villages identified as 1km away. Gale Lane, along which such access would generally be gained, is of limited width (typically between 4.0 and 4.6 metres wide) along its length beyond the built-up area and already suffers from over-run and damage to adjacent verges due to vehicles trying to pass other traffic. Whilst some lengths of the lane benefit from wide, flat verges, in other places the verges are narrow, and being eroded still further.

Manual for Streets suggests a minimum carriageway width of 4.8 metres to enable a car to pass a larger vehicle within an urban environment. In rural areas, where speeds can be higher and road alignments varied, a width of 5.5 metres is considered more appropriate for the same purpose.

Given that there should be a strong thread towards encouraging travel modes other than the private car, such limitations of verge width and damage may actually discourage pedestrian trips by visitors to and from the site and the villages, and therefore possibly further increase vehicle trips which in turn leads to more instances of vehicles trying to pass each other along the route and cause yet more edge and verge damage and adding to an on-going maintenance obligation on the highway authority.

It is recommended that the application be refused for the following reason:

The Planning Authority considers that the roads leading to the site are by reason of their poor alignments/ poor junctions / insufficient widths / poor condition / unsuitable gradients and lack of footways/lighting/turning area considered unsuitable for the traffic which would be likely to be generated by this proposal.

Since receiving this advice, it is understood that discussions have taken place between the applicant and a representative of the Local Highway Authority regarding the upgrading of Gale Lane to the north of the site through the formation of 2no. passing places.

These passing places will be positioned on the eastern side of Gale Lane.

Following the submission of an additional plan showing these 2no. passing places, the Local Highway Authority has raised no objection to the proposal and have stated the following:

The proposal now includes 2 no. passing places along a section of Gale Lane towards Nawton village which will also afford some refuge for pedestrians, given the narrow and uneven verge in the vicinity.

Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted:

These conditions relating to the works to the passing places, the parking places on the site to remain available and precautions to prevent mud on the highway.

iv. Flood risk and Drainage

The Sustainable Urban Drainage System and Development Control Officer from NYCC has confirmed that as the change of use proposals involve using existing drainage and as stated in the Flood Risk Assessment (FRA) that no impermeable surfaces are proposed, they have no objection to the proposal.

Yorkshire Water have advised that a condition is attached to the decision notice if planning permission is granted regarding no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. They have also stated that the FRA is satisfactory. In terms of water supply, Yorkshire Water have stated that it is the applicant's responsibility to ensure that an adequate supply of water can be made available.

v. Impact upon neighbouring amenity

The site is located to the south west of Wrens Caravan Park. The application is an expansion to an existing tourist accommodation site that is closer to Wrens Caravan Park. The property of Kensa Park is located approximately 100 metres to the south of the site.

It is considered that this expansion of the existing tourist accommodation, there will not have a material adverse impact upon neighbouring occupiers. This is in terms of the proposal being overbearing in presence, causing loss of light or loss of privacy, causing noise, odour or light flicker, complying with Policy SP20 of the Ryedale Plan - Local Plan Strategy. There has been no response from any neighbouring occupiers to the current application.

vi. Other matters

The Environmental Health Officer has advised that an informative is attached to the decision notice if planning permission is granted indicating that the applicant needs to contact the Housing Services Department for a variation to their site license.

Nawton Parish Council supports the application as they consider it would bring some local employment and because tourism is a significant industry, it would be beneficial to other businesses.

A letter of support has been received from the occupiers of High Farm, Pockley stating that the proposal which will not be prominent in the landscape and will help to support a valuable local amenity both in terms of the facility it provides and also employment that it brings to the area.

vii. Conclusion

In light of the above considerations, the erection of a general purpose agricultural storage building is considered to satisfy the relevant policy criteria outlined within Policies SP 1, SP 8, SP 13, SP 16, SP 17, SP 18, SP 19, SP 20 and SP 21 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval subject to the following conditions.

RECOMMENDATION: Approval

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

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

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

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3 Unless otherwise agreed in writing by the Local Planning Authority, no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading and surface water not being discharged to the foul sewer network.

- 4 Prior to the commencement of the development hereby permitted, details of proposed planting shall be submitted to the Local Planning Authority for approval in writing. The submitted scheme shall consist of locally native species only specified in a planting schedule providing details of species, planting sizes and numbers of each species. The approved scheme shall be implemented within the first available planting season (Nov - March) following completion of the development. In the event of any plant material dying, or become seriously diseased or damaged within a 5 year period following planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Reason: To ensure that the development is properly integrated into its rural in accordance with Policy SP 13 of the Ryedale Plan - Local Plan Strategy.

- 5 The accommodation hereby permitted shall be occupied for holiday purposes only; and not as a person's sole or main place of residence.

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 6 The accommodation hereby permitted shall be available for commercial let for at least 140 days a year and no let must exceed a total of 31 days in any one calendar year.

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 7 The owners/operators of the accommodation hereby permitted shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request. The register shall include full details of the following:

- o the main address(es) of all the occupiers of the accommodation hereby permitted
- o the start date of every one of the letting/occupation of all the occupiers of the accommodation hereby permitted
- o supporting evidence of the main address(es) of all the occupiers of the accommodation hereby permitted

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 8 The permission hereby granted shall only authorise the use of this site for the stationing of a maximum of 28 holiday lodges, in the position shown on the Proposed Site Plan C date stamped 15.11.2016 and within the submitted red line as shown on the Site Location Plan date stamped 15.11.2016.

Reason: In the interest of visual amenity and flood risk, and to satisfy the requirements of Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

9 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, 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 2 no. vehicular passing places along Gale Lane, at locations and dimensions as generally indicated on Drawing Number 03 and in accordance with the specification of the highway authority as shown on Drawing Number dev 4959/2/spec.

(iii) 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.

10 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 number (9) above:

Provision of passing places as described in the condition.

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.

11 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number 02C for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

12 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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

Site Location Plan date stamped 15.11.2016.

Proposed Site Plan C date stamped 15.11.2016

Proposed Plans - Pinelogs Woodsman Cottage dated 15.11.2016.

Additional Plan - Proposed Passing Places on Gale Lane - Drawing 03 dated 25.01.2017.

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

INFORMATIVES:

- 1 The applicant should contact the Housing Services Department at the Council for a variation to their site license.
- 2 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Background Papers:

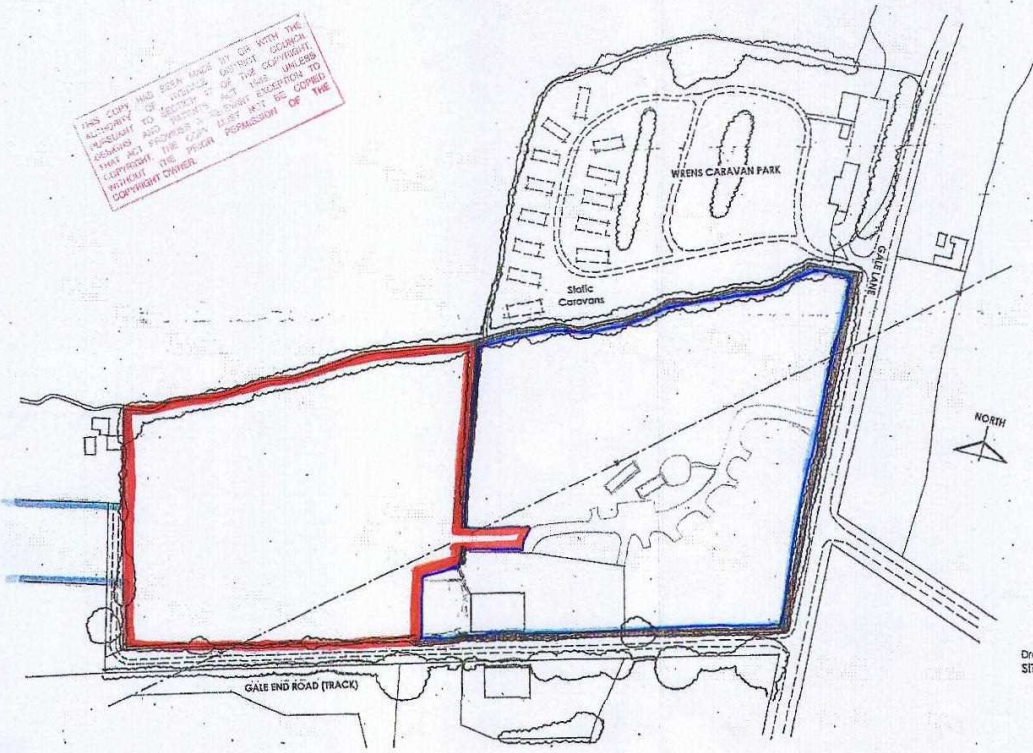
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

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RYEDALE DM

15 NOV 2016

DEVELOPMENT
MANAGEMENT

16/01839/mrc

1:1250

Drawing Title:
SITE LOCATION PLAN

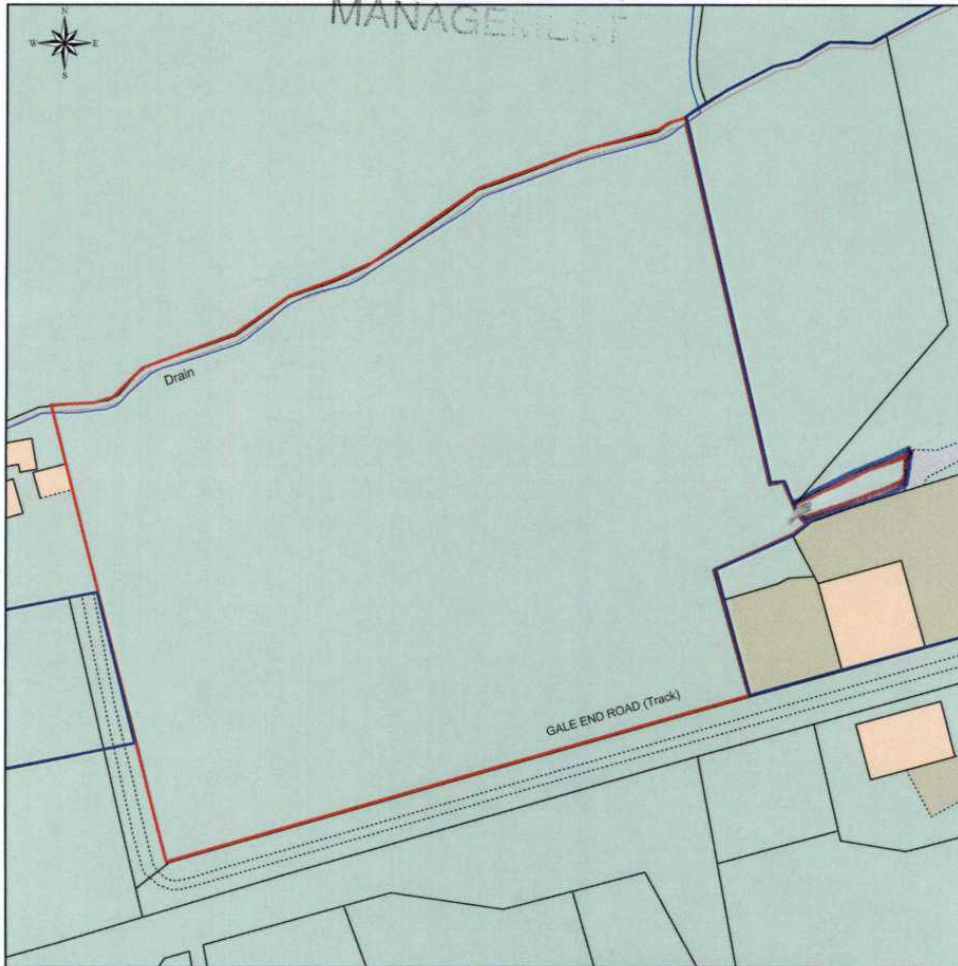
16/01839/mfcl

RYEDALE DMS

15 NOV 2016

DEVELOPMENT MANAGEMENT

CANADIAN FIELDS SITE PLAN



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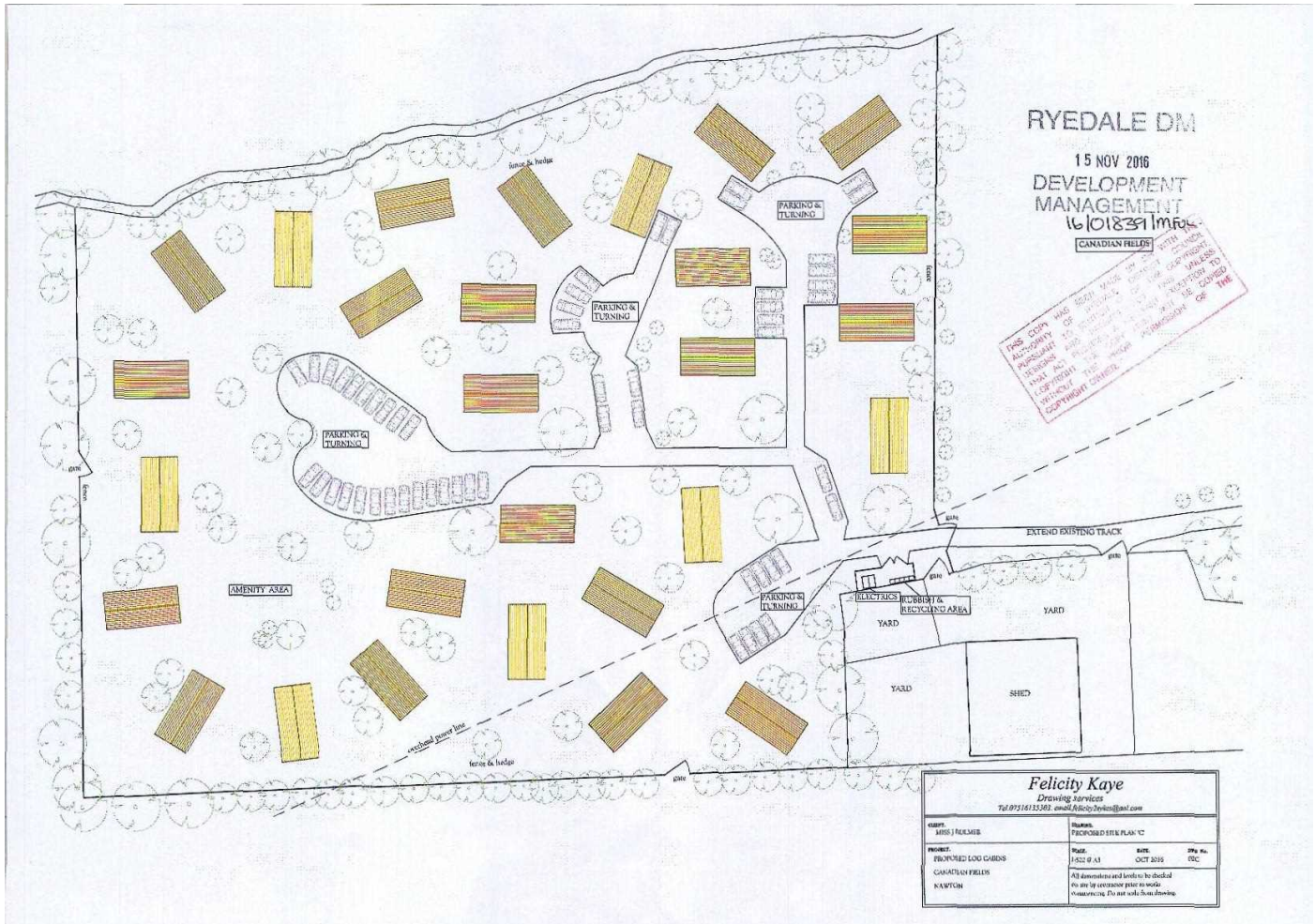
0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4

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Prepared by: felicity kaye, 11-10-2016



RYEDALE DM

15 NOV 2016
**DEVELOPMENT
 MANAGEMENT**
 1610183911m64

CANADIAN FIELDS

THIS COPY HAS BEEN MADE BY THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE DEVELOPER.

Felicity Kaye Drawing Services Tel: 8721613383 email: felicity.kaye@outlook.com	
CLIENT: MISS J. REECE	DATE: PROPOSED SITE PLAN 'C'
PROJECT: PROPOSED LOG CABINS CANADIAN FIELDS KAWTUN	SCALE: 1:200 DATE: OCT 2015 DRAWN BY: DKC
	All dimensions and levels to be checked on site by contractor prior to work commencing. Do not work from drawing.



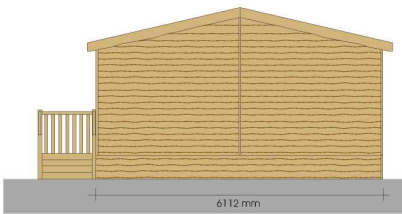
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Woodsmen Collection

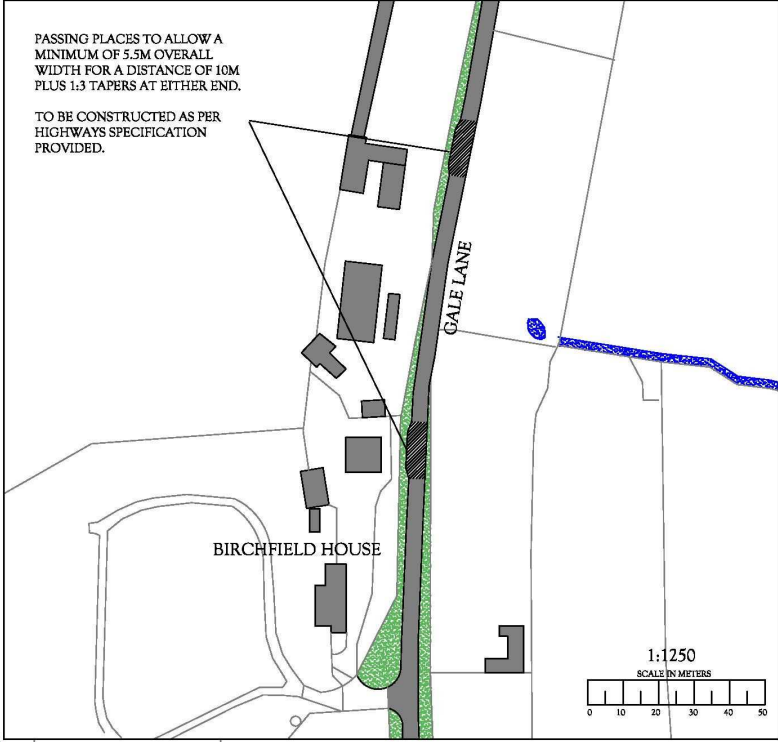
3 Bedroom, 2 Bathroom Lodge
40' x 20' (12300 x 6112mm)

Floor plan & Elevations
Scale 1:50 @ A2

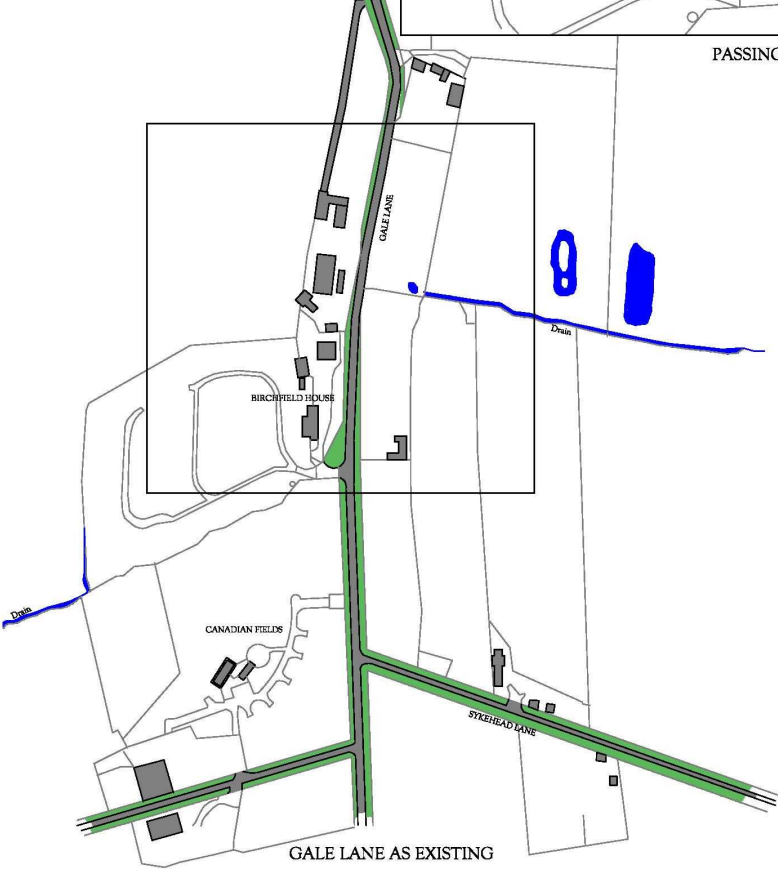


DATE VALID
15/11/16

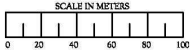
ADDITIONAL PLAN



PASSING PLACES AS PROPOSED



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Felicity Kaye <i>Drawing services</i> <small>Tel. 07516135303. email.felicity2cayke@aol.com</small>				
CLIENT: MISS J BULMER PROJECT: CANADIAN FIELDS NAWTON	DRAWING: PROPOSED PASSING PLACES ON GALE LANE <table style="width: 100%; border: none;"> <tr> <td style="border: none;">SCALE: 1:2500 @ A3</td> <td style="border: none;">DATE: OCT 2016</td> <td style="border: none;">REV. No.: 03</td> </tr> </table> <p style="font-size: x-x-small;">All dimensions and levels to be checked on site by contractor prior to works commencing. Do not scale from drawing.</p>	SCALE: 1:2500 @ A3	DATE: OCT 2016	REV. No.: 03
SCALE: 1:2500 @ A3	DATE: OCT 2016	REV. No.: 03		
DATE 25/01/17				

Design and Access Statement

Proposed Change of Use Application for the extension of the existing camping site to provide Lodge Accommodation.

Canadian Fields, Gale Lane, Nawton, Helmsley YO62 7SD

15/11/2016

Design and Access Statement

Proposed Change of Use Application for the extension of the existing camping site to provide Lodge Accommodation at Canadian Fields

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 - 3.6 Trees**
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- 4.0 Development Appraisal**
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 - 4.2 Use**
 - 4.3 Layout and Scale**
 - 4.4 Appearance and Materials**
 - 4.5 Landscaping**
- 5.0 Summary**

1.0 Introduction

The following Design and Access Statement describes the site, the applicant's aims, the background to the design process and the detailed proposals which are the subject of this change of use application.

The proposed Lodge proposal is being developed as part of the ongoing development of Canadian Fields Glamping Site, a former agricultural property which was granted a Change of Use for Camping in 2011. The Conditions imposed on the site grant permission for up to 19 Safari Style Glamping Tents for holiday accommodation use all year around and the associated facilities. There are currently 4 safari tents on site and the applicant continues to invest in more accommodation each year. The currently undeveloped areas of the site are used for traditional camping pitches which are under provided for in the area, resulting in high occupation levels of site for much of the summer months.

2.0 Local Plan Strategy

SP8 Tourism

Tourism in Ryedale will contribute to a sustainable and diverse economy. The Council will seek to encourage sustainable tourism which minimises its environmental impact on the District.

This will be achieved by supporting:

- The provision of a range and choice of quality tourist accommodation
- The business plans and operational requirements of existing tourist and visitor attractions, and event arenas where appropriate*
- Encouraging all year round tourism subject to the occupancy conditions set out in Policy SP21
- Tourism in areas where potential is significantly underdeveloped, in particular, Malton and Norton and the Wolds
- Cultural and creative businesses in Ryedale inspired by Ryedale's unique environment
- The role of Pickering, Helmsley and Thornton-le-Dale as key visitor destinations as well as gateways to tourism and recreational opportunities in northern Ryedale including the North York Moors National Park. The impact of tourism on these communities will be managed particularly in relation to car parking, traffic management, local facilities and services

And by maximising the opportunities to further develop tourism, outdoor education and recreation using the District's natural, cultural and historic assets as an economic driver, including the potential provided by:

- The archaeological landscapes of the Vale of Pickering and the Yorkshire Wolds
- The protected landscapes of the North York Moors National Park and Howardian Hills Area of Outstanding Natural Beauty
- Ryedale's religious and Medieval history
- Malton's Roman, Medieval and Georgian heritage
- Malton and Norton's longstanding association with horse racing
- Outdoor adventure in northern Ryedale including Dalby Forest – the Great Yorkshire Forest
- Local food production
- Farm and rural diversification
- Biodiversity and the development of nature tourism

New tourist attractions will be supported where they do not undermine the character of the area or prejudice the quality of the natural or built environment. Attractions that will attract large numbers of visitors should be accessible by a choice of means of transport.

The following types of tourist accommodation will be supported in the following locations:

Location	Type/ Source of Accommodation
Market Towns, Service Villages and other settlements	<ul style="list-style-type: none"> • New hotel, bed and breakfast, self-catering or other serviced accommodation within the towns through new building or the conversion of existing buildings • Refurbishment and extension of existing buildings • Touring caravan and camping sites and static caravan and chalet self-catering accommodation of an appropriate scale and in appropriate locations on the edges of the settlements
The wider open countryside	<ul style="list-style-type: none"> • Appropriate expansion of an existing hotel, guest house, public house, farm house, holiday cottage or similar establishment • Re-use of traditional rural buildings • New touring caravan and camping sites and 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

*Development Limits exist for the Flamingo Land Theme Park – see adopted Proposals Map

3.0 Site Assessment

3.1 Location

The application site is located approximately 1km south of Nawton and Beadlam villages, adjacent to Wren's of Ryedale Caravan Site. Canadian Fields is accessed from the A170 by Gale Lane which extends to the south of the A170. The proposed site is located to the west of the existing glamping site.

There are no residential properties adjacent to the boundaries of the proposal and the only neighbouring landuse (other than agriculture) is a static caravan site also used for holiday accommodation. The adjacent site, Wrens of Ryedale, does not benefit from the same level of mature screening that the proposed site does and therefore can be seen in the wider landscape. Recent additional planting between Canadian Fields and Wrens of Ryedale by the applicant has blocked the view from south into the site, however it can still be seen from the A170 to the north, unlike the proposed site.

3.2 Background

Canadian Fields is accessed directly off Gale Lane through a new access created as part of the original application which offers good visibility in both directions. The frontage of the site with Gale Lane is 140 metres long, however views into the site are very limited, even during winter months due to the existing landscaping and choice of materials of the existing glamping tents. In the Southwestern Corner of the existing site is a modern agricultural building.

This application seeks approval for an extension to the tourist accommodation on site to expand into lodge accommodation within the field to the west of the existing site. The overall size of the site is similar to the existing site being 1.33 Ha in total. "Caravan" style lodges are proposed to reduce the impact of the development on the surrounding landscape. (I.e. the proposed lodges comply to the 'Caravan Sites Act 1968' in that they arrive to the site in no more than two pieces and is physically capable of being moved once assembled).

3.3 Photographic Survey



Existing entrance to Canadian Fields
Glamping Site also to be used by
lodge users



View across the site from the
existing entrance to Canadian Fields
Glamping Site



Existing Glamping Tents viewed
from within the site

Proposed Lodge Development Site



View West across proposed Lodge Field



View South West across proposed Lodge Field



View South East from Drainage Connection Point back to existing Glamping Site

View of Proposed Lodge site from A170



View of Proposed Lodge site from A170 (zoomed in)



View of Proposed Lodge site from Gale Lane



3.4 Site Survey

The topography of the site is generally flat, following through from the adjacent glamping site. The proposed field to be developed benefits from mature boundary planting of native species to all the external edges making it even less obtrusive than the existing site, which is not especially prominent within the wider landscape.

An open field drain runs along the northern boundary of the site and an overhead electricity line runs along a south west/north east axis to the north of the existing cattle building and yard area. The mains sewer connection from the existing Glamping site runs from the proposed entrance to the northern boundary in a north westerly direction.

The area of land which is the subject of this application is located within an area of High Landscape Value.

The site is currently used as grazing land and shows no evidence of any other former use other than agriculture.

3.5 Access

Access to the lodge site will be as a continuation of the existing crushed stone road within the glamping site which exists onto Gale Lane through a Local Highway Authority approved access which was created especially for the tourism related venture on the site.

The access road and parking areas proposed within the site will be of crushed stone construction to match that of the existing glamping site and help to aid sustainable drainage of surface water.

3.6 Trees

There are no trees within the field proposed to be developed as part of this application. The site is surrounded by a mature native field boundary largely made up of hawthorn and blackthorn that has been allowed to grow up to provide stock within the field with shelter over the years. There are a number of mature native trees located within the boundary of the field which help to provide landscaping of the site and therefore these will be protected during the development of the site to ensure that the construction phase does not have an adverse impact on any roots which may be located within the field to be developed.

The trees have all been surveyed and although they will be maintained as they provide a good source of peripheral landscaping to the proposed site all were considered to be Category B (Medium Value) or Category C (Low Value) due to existing condition or defects shown. The surrounding trees are therefore not considered important enough to be a significant constraint on the development. The proposed development will have little impact on the root systems due to the limited amount of digging involved at the edges of the site, however their root protection area has been considered in siting the proposed lodges.

The root protection area equivalent to a circle with a radius of 12 times the stem diameter of the tree measured 1.5 metres above ground level has been applied to the edge of the site. There are no roads or services to be dug within these areas and the existing connection to the main drainage channel already exists. Due to the "caravan style" construction of the lodges no deep foundations are required. Top soil will be stripped to construct crushed stone pad upon which the lodge will be sited, however no further hardsurfacing or digging is proposed.



Category C -Oak and Ash Adjacent to each oth



Category C – Multi-stemmed Ash on the northern boundary



Category C -Ash, Field Maple, Hornbeam (with significant trunk damage) and Ash towards North Western corner of the lodge site



Cat B - Field Maple on Western Boundary



Cat B Oak towards South Western corner

3.7 Ecology

There are no potential protected wildlife habitats affect by the proposal. The field is currently grazed by cattle and horse. The existing trees and hedges along the site boundaries will be maintained.

Additional planting proposed within the site will provide habitat improvement as a result of this proposal.

4.0 Development Appraisal

4.1 Site Appraisal

The proposed lodge site is located to the west of the existing Canadian Fields Glamping site and will be accessed from within this site. The existing grass field is enclosed by existing mature hedging and trees which will be maintained as part of this application. The existing agricultural building and yard area to the south east of the application site will remain, but will be landscaped from view through additional planting.

The field is already serviced by water, electricity and the mains sewer connection to which the existing site is connected crosses through the application site.

4.2 Use

This application seeks approval for the proposed Change of Use of an existing agricultural field to be used as an extension of the existing camping site known as Canadian Fields to provide lodge accommodation. It is proposed that the lodges are conditioned in same manner as the existing safari tents on site which have approval as holiday accommodation use all year around.

The proposed lodge site will be managed from the existing warden accommodation on site located above the reception and toilet/shower block.

4.3 Layout and Scale

The applicant does not wish to create a uniform lodge style "estate" as can be seen on other developments. The vision for the site is of a rural retreat with landscaped areas of additional tree planting, shrubs and grassland between lodges with mown amenity areas of children to play between pitches. Parking will be groups together to serve each cluster of lodges therefore keeping formality and hardsurfacing to a minimum. Two Parking Spaces are proposed per unit. From the parking areas the lodges will be accessed by mown footpaths surfaced with bark chippings or crushed stone if required to improve conditions under foot.

4.4 Appearance and Materials

The general style of units proposed will be twin unit design with a dark pitched roof and brown timber style cladding. The gable end is predominantly glazed and each unit will have an area of decking on one or two sides depending upon its orientation.

Access roads and parking area within the site will be constructed from crushed stone as a continuation of the existing roads on the glamping development.

All aspects of the layout of the site will accord with the requirements of caravan site licence required for the development.

A communal bin area for the development will be sited in the south east corner of the site and will be enclosed by a close boarded timber fence. The Electrical substation will be positioned alongside this.

4.5 Landscaping

The site benefits from extensive mature planting around the periphery all of which will be maintained as part of this proposal as it is considered to be a key feature of the site. Additional tree and shrub planting is to be added throughout the site to add to the character of the proposal and natural feel of the proposed development. Due to the relatively flat nature of the site in the locality there are very few views into the site from the surrounding land. The main views in are from the slightly higher ground to the north. Glimpses of the existing site can be seen when traveling into Beadlam from the small rural road to the north of the village which only serves a handful of properties. Views from the A170 are significantly restricted by existing hedge rows along the road side and also other field boundaries between the road and the application site.

Views into the existing site are largely due to the neighbouring property thinning out their boundary planting. This is not the case around the proposed site which as detailed above benefits from a mature, high boundary capable of screening the proposed development which will be further bolstered through additional planting as part of this proposal.

5.0 Summary

This extension of the existing popular tourism activity at Canadian Fields will result in additional revenue for the locality as a result of job creation, tourist spending and investment within the Ryedale area.

The site is located within close proximity to the villages of Nawton and Beadlam and increased visitor numbers will undoubtedly help the existing village pub, Indian restaurant, fish and chip shop and farmshop, along with many other shops and services within the surrounding locality.

The proposal optimises the use of existing infrastructure investments on the site further developing the amount and range of accommodation currently on offer without having a detrimental impact on the surrounding Area of High Landscape Value.

12 January 2016

Dear Mr Housden,

Proposed Change of Use Application for the extension of the existing camping site to provide Lodge Accommodation at Canadian Fields

Additional Justification:

Business model

The aims of the current planning application is to seek approval for the next phase of development at Canadian Fields, Gale Lane, Nawton.

The proposed Lodge proposal is being developed as part of the ongoing development of Canadian Fields Glamping Site, a former agricultural property which was granted a Change of Use for Camping in 2011. The Conditions imposed on the site grant permission for up to 19 Safari Style Glamping Tents for holiday accommodation use all year around and the associated facilities. There are currently 4 safari tents on site and I continue to invest in more accommodation each year with work currently underway on the construction of the next new glamping unit. I am attempting to self-fund the project and therefore I have started with small numbers and put a new tent on each year as the site matures and becomes more popular, thereby generating income to be reinvested as the demand grows. The currently undeveloped areas of the site are used for traditional camping pitches which are under provided for in the area, resulting in high occupation levels of site for much of the summer months.

The undeveloped camping field is a significant income generator to the site which requires little additional investment and maintenance and therefore it is not in my interest to amend the current approval to swap tent pitches for lodge pitches. The plan is to continue to erect at least one glamping unit per year provided that the funds are available.

In November 2014 the planning Committee refused to issue a retrospective approval for the camp kitchen on site and stated that they would issue an enforcement notice to remove the building within 2 years. Two years have now passed and the decision has not even been issued yet, however nor have any complaints about the site or activity levels on it been received. This uncertainty has meant that I have not invested as much in new structures over the past couple of years as I had hoped, instead I have chosen to invest further in the first tents erected to improve the fittings, replace boilers, install log burners and address other teething issues to ensure that a high standard is maintained on site.

The initial investment in a glamping tent is much more of a commitment than a static caravan or lodge as it cannot be sold and towed away if the venture fails.

Due to the nature of the glamping tents, the initial set up is bespoke to the site and includes the construction of the decks upon which the glamping tents are sited, the construction of the toilet and shower cubical and the purchasing of the tents themselves, for which there is no second hand market. This is therefore not a commitment that the I can take lightly.

It would not make sense to move the camping site to the rear field (subject to this application) as all the toilet, shower and washing up facilities that the campers require are located around the reception building at the centre of the site. The warden accommodation is also located in this block which is well located to deal with any queries or nuisance behaviour quickly. If the camp site were to be relocated to the rear field a new facilities block would have to be created in the rear field which is considered to be unnecessary additional investment.

My business model is to have a variety of different types of accommodation on offer to gain a wider custom base at different price points to ensure that the business continues to thrive. Glamping continues to offer a new and alternative holiday for those wishing to holiday in the UK, I do not feel that the same atmosphere would be created if the glamping tents looked out into a field of static style lodges, and vice versa with the higher end accommodation offered in the lodges looking back onto the more rustic glamping tents, which is another reason for keeping them slightly separate and continue to develop the current proposal as approved.

Highways Issues

I have met with Stephen Boyne from Highways today with regard to his concerns with regard to the width of Gale Lane in two specific places. We have agreed the location and specification of two passing places, details of which will be forwarded to you shortly. This will overcome his concerns about traffic passing on the narrowest parts of Gale Lane and also allow an increased width of road to be used by pedestrians, thereby overcoming his concerns so that he can recommend a Conditional approval.

I hope this has helped to provide Officers and Members with the further information they require to recommend approval to this proposal however please feel free to contact me again should you have any further questions that I can help you with.

Kind Regards

Miss Jenny Bulmer

Canadian Fields

Subject: 16/01839/MFUL

From: Anne Twine
Sent: 22 November 2016 16:07
To: Development Management
Subject: 16/01839/MFUL

Dear Karen

Please find Nawton Parish Council's observations for the following planning application.

APPLICATION NO. 16/01839/MFUL

APPLICANT Miss Jenny Bulmer

DESCRIPTION Change of use of agricultural land to allow siting of 28 holiday lodges in association with Canadian Fields campsite together with formation of site roads, car parking and turning areas and landscaping.

LOCATION Canadian Fields Nawton YO627RF

The Clerk was asked to submit observations stating that The Council were in support of this application as it would bring some local employment and because tourism is a significant industry, it would be beneficial to other businesses

Agenda Item 11

Item Number: 11
Application No: 14/00949/FUL
Parish: Nawton Parish Council
Appn. Type: Full Application
Applicant: Miss Jennifer Bulmer
Proposal: Erection of pre-fabricated building for use as camp kitchen to serve camp cafe (retrospective application).
Location: Canadian Fields Gale Lane Nawton York YO62 7SD

Registration Date: 12 September 2014 **8/13 Week Expiry Date:** 7 November 2014
Case Officer: **Ext:**

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	No objection
Environmental Health Officer	No views received to date
Neighbouring Parish Council	No views received to date

Neighbour responses:

Mr Geoff Thurman, Mr Keith Pickering, Mrs Margaret Clancy, Tina Dougherty, Mrs Jacky Pickering, Mrs Marie Wilson, Mr Andrew And Mrs Fiona Farnell, Carol Farnell, Jacqui Cussins, Mrs Carol Thurman, Sarah Hayman, Amancay Argerich, Helen Otterburn, Miss Sarah Morris, Pat Spink, Mrs Sarah Kenderdine, Mrs Liz Turnbull, P. Thompson, Dianne Archibald, Maureen And Keith Ingleby, Mrs L Glover, Mr J Thompson, Mrs Mandy Hudson, Joshua Wood, Stephen Dodsworth, Clare Symonds, Robert Toone, John Wood, Mr B Hall, Mr Jonathan Pickard, Mr Paul Tate-Smith, Brenda And Bryan Wilson, Cate Tate-Smith, Alexandra Tate-Smith, E A Brown, Christine Pinder, C Sleightholme, Mr C J Braithwaite, Hayley Dargan, N L Heighton, Mr S E Phillips, Miss Katie Hayman, Mr Dan Thurman, Katie Turner, Miss Louise Smith, Mrs Sarah Coxon, Helen Sykes, Mrs Sheila Caine, Mr And Mrs Holmes, Mr Ian Oliver, D And J Coney, Mrs Ann Thompson, Mrs Emily Slingsby, Mrs Susan Masterman, Mrs Jo Riley, Mrs E Eaine Bramley, Mr Steven Ruscoe, Mrs Laura Palmer, Mr And Mrs Peter And Sarah Stark, Susie Mann, Miss Jo Ward, Pat Durrant, Emma Dodsworth, Cara Richardson, Mr James And Mrs Louise Gurling, Mr Bruce And Mrs Vanessa Allen, Mr Andy Prout, Mrs Angela Blizzard, Mrs Caroline Baum, Mrs Anita Cooper, Mr mike Smithson, Chris Winsor, Mr Simon Baum, Ruth Gordon, Mrs Emma Brackley, Mr David Hunt, Mrs Maggie Barraclough, Mr Antony Neal Cooper, Mrs Debbie Swift, Mr David Metcalfe, Mr David Taylor, Mrs Maria Taylor, Mr And Mrs IE Teasdale, Mr George Innes, Mrs Trudi Woodhead, Mrs Carol Welch,

Overall Expiry Date: 4 December 2014

Introduction

Members will recall that the matter of the formal decisions to take enforcement action in relation to the cessation of the restaurant use (A3 Use Class) and the removal of the prefabricated kitchen from the land at Canadian Fields, Gale Lane Nawton was authorised on 18th November 2014 with a two year period for compliance. The time period was a relatively long period and was agreed in order that the site operator would be able to expand the 'glamping' side of the business in the intervening period.

Members also resolved at the same meeting to grant a temporary two year planning permission for the retention of the prefabricated kitchen building (a retrospective application) to tie in with the compliance period of the enforcement action that had been authorised at the same committee meeting.

Although draft versions of both notices were produced for issue it has come to light that neither the temporary planning permission or the enforcement notice were formally served. Both matters remain unresolved and given the passage of time Members are advised that both matters should be reviewed in the light of any change of planning circumstances. Copies of the earlier planning and enforcement reports to the 18th November 2014 meeting are attached to this report for ease of reference together with a location plan and block plan showing the restaurant building.

Further information and Assessment

At the point in time that both planning application Ref. 14/00949/FUL and the Enforcement Report were considered the developer had not proposed any local improvements to Gale Lane.

Members will of course be aware that two passing spaces have been proposed in connection with Application Ref. 16/01839/MFUL (see earlier on these agenda papers). The formal views of NYCC Highways have therefore been sought in relation to planning application 14/00949/FUL and the associated enforcement that had been previously authorised. In particular NYCC have been requested to advise officers whether or not the localised highway improvements to be provided are sufficient to mitigate their previous concerns in relation to highway safety issues associated with the A3 use of the restaurant. Members will be updated on the Late Pages or at the meeting.

Members will also note from the earlier reports to the 18th November 2014 meeting that officers had also raised concerns in respect of both planning policy matters and amenity impacts grounds and notwithstanding the final views of NYCC Highways on highway safety matters these other concerns remain outstanding.

RECOMMENDATION:

To be reported

Final recommendation to follow in relation to the views of NYCC Highways in respect of Highway safety matters

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 18 NOVEMBER 2014

Report of the Development Manager

Canadian Fields, Gale Lane, Nawton

Purpose of the Report

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

1. INTRODUCTION

- 1.1 Members will recall that this matter was originally presented on the agenda for the Planning Committee meeting dated 23 September 2014. At that time, the item was deferred as planning application ref. 14/00949/FUL had been recently validated.
- 1.2 The public consultation period for the submitted planning application has expired therefore the matter is re-presented to Members for consideration. This report should be read in conjunction with the Planning Officer report for this planning application. Members will note that 88 letters of support and 7 letters of objection have been received to the application.

2. SITE LOCATION

- 2.1 As identified by the Ryedale Local Plan, the site is located approximately 1km to the south of Nawton village within the open countryside and the Edge of the Moors Area of High Landscape Value.
- 2.2 Planning permission was granted for change of use of agricultural land to form a campsite providing 'glamping' style accommodation for no. 19 safari type tents in 2011 (11/00686/MFUL). The permission also included the formation of a vehicular access, provision of a store for the tents and the erection of a toilet, reception block and a 'canteen' marquee.

3. ALLEGED BREACH OF PLANNING CONTROL

- 3.1 Change of use of campsite (Sui Generis Use) to a mixed use comprising a campsite (Sui Generis Use) and restaurant (A3 Use Class) named 'Gi Sukawaka Restaurant'. Details of the restaurant, including an advertisement in the 'Yorkshire Advertiser' and an example menu can be found in the Appendix of this report. In addition, Members are directed to the website for the campsite (<http://canadianfields.co.uk/>).
- 3.2 An additional 'kitchen unit' has been located on the site to provide for the restaurant which is considered as part of planning application ref. 14/00949/FUL.

4. WHEN ALLEGED BREACH FIRST OCCURRED

- 4.1 The Local Planning Authority was first made aware of the ‘Gi Sukawaka’ Restaurant on the 2 June 2014.

5. HISTORY AND EVIDENCE OF BREACH

- 5.1 On the 3 June 2014, a letter was sent to the site owner identifying the breach of planning control. A response was received on the 11 June 2014, which identified that a Planning Consultant had been instructed to submit a retrospective planning application.

- 5.2 On the 4 July 2014, further correspondence was sent to the property owner as no planning application had been submitted. On the 17 July 2014, Planning Application ref. 14/00777/FUL was validated. The application sought planning permission for:

Change of use from canteen tent ancillary to the campsite for customers staying on the campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite (retrospective application).

A copy of the public consultation responses received to this application can be found in the Appendix of this report.

- 5.3 On the 19 August 2014, planning application reference 14/00777/FUL was withdrawn. The Planning Consultant advised the Council that he had taken legal advice and he considered that the development did not require planning permission. A copy of the withdrawal letter received from the Planning Consultant can be found in the Appendix of this report.

6. REQUIRES PLANNING PERMISSION?

- 6.1 The canteen marquee, named the ‘Gi Sukawaka’ Restaurant, currently provides a range of different meals, drinks and events to both residents of the campsite and customers located from outside of the site. The view of Officers and the Council’s Solicitor is that the current operation of the ‘ancillary canteen marquee’ is that of a restaurant use falling within Class A3.

- 6.2 In considering the need for planning permission, and determining if a material change of use has occurred, it is important to refer to planning application reference 11/00686/MFUL. Planning permission, was granted pursuant to this application for:

“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.”

- 6.3 Members will note that as part planning application 11/00686/MFUL, a ‘canteen marquee’ was granted permission. The use classes order identifies that a canteen which is not ancillary to another use, is an A3 Use Class. Therefore, in determining the need for planning permission for the restaurant, the question is whether the permitted use of the canteen marquee is ancillary to the campsite use.

- 6.4 To demonstrate this, reference is made to the application form for planning application 11/00686/MFUL (see Appendix). Section 18 of the form identifies that the applicant did not apply for any distinct or separate A3 use within the site. It is clear, therefore, that canteen marquee was intended to be ancillary to the wider campsite use only. By virtue of the provisions of the use classes order, the permitted use of the canteen marquee is therefore sui generis, and a material change of use of the campsite (sui generis use) to a mixed use comprising a campsite (sui generis use) and a restaurant (use class A3) has therefore occurred.
- 6.5 At this point reference is also made to planning application 14/00949/FUL. As part of the public consultation process of the application a significant number of responses have been received. In total 88 letters of support have been received, however Members will note that only 2 of those letters were from residents who identified they live outside of Ryedale or the surrounding area. This is significant as it identifies that the vast majority of people who have written in support of the development live in the surrounding area therefore are more likely to use be using the facility as a restaurant rather than the permitted campsite use. The following examples of the comments received from local residents identify the use of the restaurant:

“We have visited the restaurant over 20 times during the summer”

“Friends and family visit the restaurant on a regular basis”

“My daughter organised a surprise party for me at Canadian Fields which was wonderful and nearly 50 of our friends and family joined us in an amazing three course meal”

“We held my daughters christening here”

“We visit the restaurant on weekly basis”

“I booked the whole venue for my retirement party”

- 6.6 With regards to the events held on the site, such as weddings and race days, Members are advised that these do require planning permission as Class B, Part 4 of the GDPO 1995 does not provide permitted development and temporary uses if the land in question is a building, or is within the curtilage of a building.

7. PLANNING POLICY CONTEXT

- 7.1 The relevant planning policy considerations are:

National Planning Policy Framework (NPPF)

Paragraph 14	–	Achieving Sustainable Development
Section 2	–	Ensuring the vitality of town centres
Section 3	–	Supporting a prosperous rural economy
Section 11	–	Conserving and enhancing the natural environment

Ryedale Plan - Local Plan Strategy

Policy SP7	–	Town Centres and Retailing
Policy SP8	–	Tourism
Policy SP13	–	Landscapes

- Policy SP16 – Design
- Policy SP19 – Presumption in Favour of Sustainable Development
- Policy SP20 – Generic Development Management Issues

8. APPRAISAL

8.1 The issues surrounding the breach of planning control are:

i) The Principle of the Development

8.2 As identified in the Ryedale Local Plan, the application site is situated within the open countryside and outside any of the Town Centre Commercial Limits of the District. To ensure the continued vitality and viability of Ryedale's Market Towns or Service Villages, the introduction of town centre uses outside of town centre locations is discouraged in both National and Local Planning Policy.

8.3 In terms of National Planning Policy, Section 2 (Ensuring the vitality of town centres) of the NPPF is relevant. Paragraph 24 seeks to protect the viability and vitality of town centres through the sequential test process. It states that *'Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out centre sites be considered...'*

8.4 The aims of the NPPF are reflected in the requirements of Policy SP7 of the Ryedale Plan - Local Plan Strategy which seeks to ensure that the town centres will be the focus for a diverse range of uses in the District.

8.5 In this case, the site owner has not provided a sequential test for the restaurant and as a result it has not been demonstrated that the development would not harm the vitality or viability of Ryedale's town or village centres. Paragraph 27 of the NPPF states *'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.'* In light of this, it is officers view that the development has failed to meet the requirements of NPPF and Policy SP7 the Ryedale Local Plan Strategy.

8.6 Members will note a letter of objection has been received to planning application 14/00949/FUL from a local business owner in Nawton. He identifies that since the opening of Canadian Fields his level of trade has fallen to such an extent that is detrimental to his business. Whilst direct competition is not in itself a material planning consideration, the aim of planning policy is to protect businesses which are located within more sustainable settlements and locations.

ii) Sustainability

8.7 A fundamental objective of current planning policy is the issue of sustainability. Paragraph 14 of the NPPF and Policy SP19 of the Ryedale Local Plan Strategy, seek to ensure a 'Presumption in Favour of Sustainable Development'. In this case, the introduction of an A3 restaurant use which is clearly in the open countryside would potentially detract and draw trade from the District's town / service village centres. It can also only be realistically accessed through private transport and it is considered to constitute an unsustainable form of development contrary to the requirements of the NPPF and Policy SP19 of the Ryedale Local Plan Strategy.

- 8.8 Paragraph 28 of the NPPF does provide support for the sustainable growth and expansion of all types of business and enterprise in rural areas; and support for sustainable rural tourism that benefit businesses in rural areas. In this case, the proposal is not considered to be a sustainable form of development and the development is considered to be contrary to the provisions of Paragraph 28 of the NPPF.

iii) Other Concerns

- 8.9 Policy SP13 of the Ryedale Local Plan Strategy seeks to protect Ryedale's landscapes. In considering landscape character Policy SP13 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 including the ambience of the area, including nocturnal character, level and type activity and tranquillity, sense of enclosure / exposure.'*
- 8.10 With regard to residential amenity Policy SP20 of the Ryedale Local Plan Strategy is relevant. This states *'New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.'* In this case Members will note that this site is located adjacent to 'Wrens Caravan Park'. The impact of the development on the neighbouring caravan park, its visitors, and the adjacent residential property also needs to be considered.
- 8.11 A key concern relating to both the landscape character and residential amenity is that of noise. By virtue of its construction the restaurant / canteen marquee provides little protection to the surrounding environment. When in use, or when events are held, this activity results in a level of noise being omitted. This will have a greater impact on the surrounding environment, and nearby residents, compared to a building of more permanent construction for example. It is clear from the objections received to planning application (14/00949/FUL) that the issue of noise is of great concern to nearby residents and visitors to the adjacent caravan park. It is also the view of officers that the levels of activity associated with the use, the comings and goings of customers to the restaurant, result in harm to the nocturnal character of this quiet country road and the overall tranquillity of this part of the Area of High Landscape Value. The development is therefore contrary to the requirements of Policy SP13 and SP20 of the Ryedale Local Plan Strategy.
- 8.12 In terms of highway safety, NYCC Highway Authority have verbally raised concerns with regards to the restaurant use on the site. In particular concerns are raised to the lack of on site parking available to serve the restaurant, and that the public highway would require improvements (passing spaces) to accommodate the additional traffic. The written comments of the Highway Authority are awaited and will be reported in the Committee late pages or at the Planning Committee Meeting.
- 8.13 Members will note that the Local Planning Authority has also received concerns that a Class A5 takeaway use is operating from the site. The full extent of this service has not been determined, however the use of the site for these purposes is likely to generate even higher and more frequent levels of activity that would impact further on the character of the surrounding area and the amenity of nearby residents.

9. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A NOTICE?

9.1 The harm created by this development, and the reasons why it is considered expedient to serve an enforcement notice are outline below:

1. The principle of siting the restaurant use in an open countryside location is unsustainable and therefore contrary to the requirements of the Paragraph 14 and 28 of the NPPF and Policy SP19 Ryedale Plan - Local Plan Strategy.
2. The site owner has not provided a sequential test argument or any persuasive evidence for the A3 restaurant use to be located on the site outside of a town centre. As a result, it has not been demonstrated that the development would not be materially harmful to the vitality or viability of Ryedale's town centres or Service Villages, in particular Nawton Beadlem. The development is therefore contrary to the requirements of Section 2 of the NPPF and Policy SP7 of the Ryedale Local Plan Strategy.
3. The restaurant use and associate events and activities result in harm to the overall ambience of the area impacting upon the nocturnal character and tranquillity of the open countryside. As a result, the landscape character of the surrounding area, and the amenity levels of nearby residential properties are materially harmed. As such, this proposal would be contrary to the requirements of Policy SP13 and Policy SP20 of the Ryedale Local Plan Strategy.
4. As a result of insufficient on-site car parking facilities and the impact on the unclassified road known as Gale Lane without necessary highway improvements, the restaurant use would result in conditions that are detrimental to highway safety contrary to the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

10. STEPS NECESSARY TO REMEDY THE BREACH

10.1 This report seeks authorisation to serve a formal enforcement notice for the cessation of the use of the canteen marquee as a restaurant and return it to that of campsite (sui generis) use. In order to ensure the use is ceased the following steps shall take place:

1. Discontinue the use of the land for any purpose related to the A3 and A5 use of the canteen marquee including temporary uses, including events such as weddings and race days.
2. Remove any operational development associated to the A3 use, including the kitchen unit, from the land.

11. RECOMMENDATION

11.1 In light of the above report, officers recommend that an enforcement notice is served to meet the steps identified in section 10 above

11.2 Members will note that because the restaurant use has been implement without receiving planning permission or the submission of a retrospective planning application, the level of control the Local Planning Authority can have on the development is limited. An enforcement notice should not provide for later approval of details.

Therefore it is important for Members to note that significant concerns are raised by officers that the necessary requirements in terms of highway safety could not be provided by virtue of an enforcement notice.

11.3 However, if Members were minded to allow the continued operation of the restaurant use, it is recommended that the following restrictions are applied to any enforcement notice that is issued:

- The A3 restaurant use / canteen marquee shall not operate for any use outside the hours of:
 - 07:00 – 22:00 Mondays – Thursdays.
 - 07:00 – 23:00 Fridays - Saturdays
 - 07:00 – 22:00 Sundays and Bank Holidays
- No person who is not a customer of the permitted campsite use (except for employees) shall be permitted to be on the premises outside the following times:
 - 07:00 – 22:00 Mondays – Thursdays.
 - 07:00 – 23:00 Fridays - Saturdays
 - 07:00 – 22:00 Sundays and Bank Holidays
- No music of any kind shall be played on the premises outside the following hours:
 - 07:00 – 22:00 Mondays – Thursdays.
 - 07:00 – 23:00 Fridays - Saturdays
 - 07:00 – 22:00 Sundays and Bank Holidays
- No A5 take-away use shall operate from the premises.

12. SUGGESTED PERIOD FOR COMPLIANCE WITH THE NOTICE

12.1 The suggested period for compliance is two months.

Recommendation

The Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue an enforcement notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring the cessation of the restaurant use (A3 use class) and the removal of the pre-fabricated kitchen building from the land.

**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: 9
Application No: 14/00949/FUL
Parish: Nawton Parish Council
Appn. Type: Full Application
Applicant: Miss Jennifer Bulmer
Proposal: Erection of pre-fabricated building for use as camp kitchen to serve camp cafe (retrospective application).
Location: Canadian Fields Gale Lane Nawton York YO62 7SD

Registration Date: 12 September 2014
8/13 Wk Expiry Date: 7 November 2014
Overall Expiry Date: 22 October 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	No objection
Environmental Health Officer	No views received to date
Neighbouring Parish Council	No views received to date

Neighbour responses: Mr Geoff Thurman, Mr Keith Pickering, Mrs Margaret Clancy, Tina Dougherty, Mrs Jacky Pickering, Mrs Marie Wilson, Mr Andrew And Mrs Fiona Farnell, Carol Farnell, Jacqui Cussins, Mrs Carol Thurman, Sarah Hayman, Amancay Argerich, Helen Otterburn, Miss Sarah Morris, Pat Spink, Mrs Sarah Kenderdine, Mrs Liz Turnbull, P. Thompson, Dianne Archibald, Maureen And Keith Ingleby, Mrs L Glover, Mr J Thompson, Mrs Mandy Hudson, Joshua Wood, Stephen Dodsworth, Clare Symonds, Robert Toone, John Wood, Mr B Hall, Mr Jonathan Pickard, Mr Paul Tate-Smith, Brenda And Bryan Wilson, Cate Tate-Smith, Alexandra Tate-Smith, E A Brown, Christine Pinder, C Sleightholme, Mr C J Braithwaite, Hayley Dargan, N L Heighton, Mr S E Phillips, Miss Katie Hayman, Mr Dan Thurman, Katie Turner, Miss Louise Smith, Mrs Sarah Coxon, Mrs Sheila Caine, Mr And Mrs Holmes, Mr Ian Oliver, D And J Coney, Mrs Ann Thompson, Mrs Emily Slingsby, Mrs Susan Masterman, Mrs Jo Riley, Mrs EEaine Bramley, Mr Steven Ruscoe, Mrs Laura Palmer, Mr And Mrs Peter And Sarah Stark, Susie Mann, Miss Jo Ward, Pat Durrant, Emma Dodsworth, Cara Richardson, Mr James And Mrs Louise Gurling, Mr Bruce And Mrs Vanessa Allen, Mr Andy Prout, Mrs Angela Blizzard, Mrs Caroline Baum, Mrs

PLANNING COMMITTEE

Anita Cooper, Mr Mike Smithson, Chris Winsor, Mr Simon Baum, Ruth Gordon, Mrs Emma Brackley, Mr David Hunt, Mrs Maggie Barraclough, Mr Antony Neal Cooper, Mrs Debbie Swift, Mr David Metcalfe, Mr David Taylor, Mrs Maria Taylor, Mr And Mrs IE Teasdale, Mr George Innes, Mrs Trudi Woodhead,

SITE:

As identified by the Ryedale Local Plan, the application site is located approximately 1km south of Nawton village within the open countryside and the Edge of the Moors Area of High Landscape Value.

The site operates as 'Canadian Fields' after planning permission was granted for change of use of agricultural land to a campsite providing 'glamping' style accommodation for no. 19 safari type tents in 2011.

PROPOSAL:

The proposal seeks erection of pre-fabricated building for use as camp kitchen to serve camp café (retrospective application).

The supporting statement to the application states *“The kitchen is essential to the operation of the canteen tent or café in order to meet food hygiene regulations. The appearance of the pre-fabricated building is in keeping with the adjacent reception and toilet block and is clad in the same western red cedar boards.”*

Members will also note that there is an enforcement report on the Planning Committee Agenda relating to this site.

HISTORY:

- | | |
|---------------|--|
| 11/00686/MFUL | 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 permission granted |
| 11/01280/73AM | Variation of condition 11 of approval 11/00686/MFUL dated 28.09.2011 to state "The development hereby permitted shall be carried out in accordance with the approved plans J14 04, J14 06, J14 08 and J14 07A" - J14 07A supersedes the originally approved plan J14 07 - Planning permission granted |
| 13/01122/73AM | 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 - Planning permission granted |
| 14/00777/FUL | Change of use from canteen tent ancillary to the campsite for customers staying on the campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite (retrospective application) - Application withdrawn |

14/00779/FUL 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) - **Planning permission granted**

POLICY:

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Practise Guidance (NPPG)

Ryedale Plan - Local Plan Strategy

Policy SP9 - The Land-Based and Rural Economy
Policy SP13 - Landscapes
Policy SP16 - Design
Policy SP19 - Presumption in favour of sustainable Development
Policy SP20 - Generic Development Management Issues

APPRAISAL:

Background Information

This proposal is presented to the Planning Committee because of the number of public consultations received to the application. In total 88 letters of support and 7 letters of objection have been received. A significant number of these letters seek to support or object to the restaurant located on the site. However, Members will note that the proposal is not for the retention of the restaurant use. The application seeks planning permission for the erection of pre-fabricated building for use as camp kitchen to serve the camp café.

The view of officers is that the site accommodates an A3 restaurant use which does not have planning permission, and that this proposal is required to support that use. The planning consultant acting on behalf of the applicant disputes the A3 use and suggests that any restaurant is operating ancillary to the wider campsite use of the site.

At this point, Members are referred to the public consultation responses received to the application. Whilst 88 letters of support have been received, only 2 of these are from residents who live outside of the district or the surrounding area. This demonstrates that the vast majority of visitors / customers to the site do so mainly for the restaurant facility. Many of these customers visit the site on a regular basis, and have held events at the site such as surprise birthday parties and retirement parties. The scale and nature of the use of the restaurant could not be considered ancillary to the permitted campsite use.

Development Appraisal

In terms of the principle of this proposal, Policy SP1 of the Ryedale Local Plan Strategy is relevant. This requires development in the open countryside to be restricted to that which is necessary to support a vibrant, and healthy rural economy and communities.

Policy SP8 (Tourism) of the Ryedale Local Plan Strategy does seek to support tourism in the District. In this case however, as the restaurant use is unauthorised, it is the view of officers that the proposed building is not necessary for the purposes of the permitted use of the site. The proposal is therefore considered to be an unjustified form of development located within the open countryside therefore is contrary to the requirements of Policy SP1.

As earlier identified within the report, the application site is located within the Edge of the Moors Area of High Landscape Value. This is a locally valued landscape for its natural beauty and scenic qualities. Further to representing an unjustified intrusion into the open countryside, the proposed building is not considered to be of suitable design or construction for this landscape. In light of this, the application is considered contrary to the requirements of Policy SP13, SP16, and SP20 of the Ryedale Local Plan Strategy.

In terms of highway safety, on the basis that the proposals are considered ancillary to the use of the site, no objections have been received from the highway authority. NYCC Highway Authority have verbally raised concerns with regards to the restaurant use on the site. In particular concerns are raised to the lack of on site parking available to serve the restaurant, and that the public highway would require improvements (passing spaces) to accommodate the additional traffic. The written comments of the Highway Authority are awaited, however, and will be reported in the Committee late pages or during the Planning Committee Meeting.

The application is therefore recommended for refusal.

Members will note that the above recommendation is made on the basis that the restaurant use on the site remains unauthorised. This development would be necessary for the continued operation of the restaurant. Therefore, if Members consider that it is not expedient to seek enforcement action on the restaurant and thereby in affect granting planning permission for the A3 use, the justification for the proposal will have been provided.

RECOMMENDATION: Refusal

- 1 It has not been demonstrated that the proposal in this open countryside location is necessary to support a sustainable, vibrant and healthy rural economy and/or community. The proposal is therefore contrary to the requirements of Policy SP1 of the Ryedale Plan - Local Plan Strategy.

- 2 The proposed building by virtue of its detailed design and method of construction is not considered to be appropriate in this open countryside location, and within the surrounding area which is designated as an Area of High Landscape Value. In addition, there has been no benefits demonstrated that would outweigh this harm. The proposal is therefore contrary to the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Background Papers:

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

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RYEDALE DM

12 SEP 2014

DEVELOPMENT MANAGEMENT

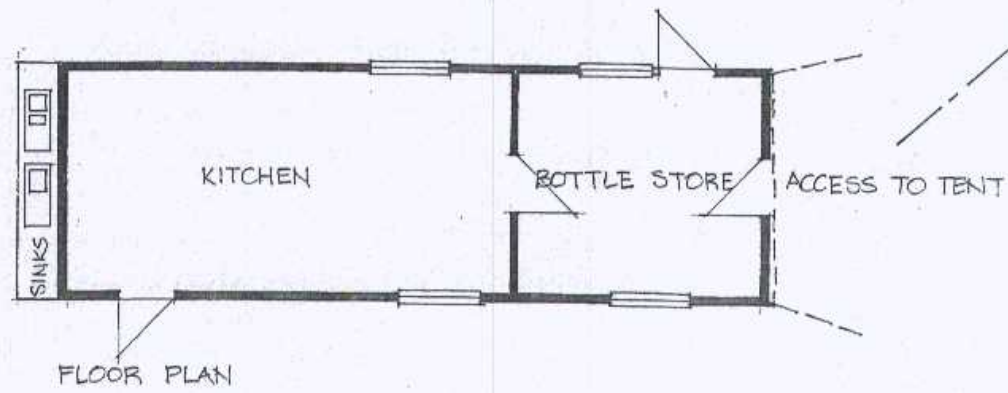
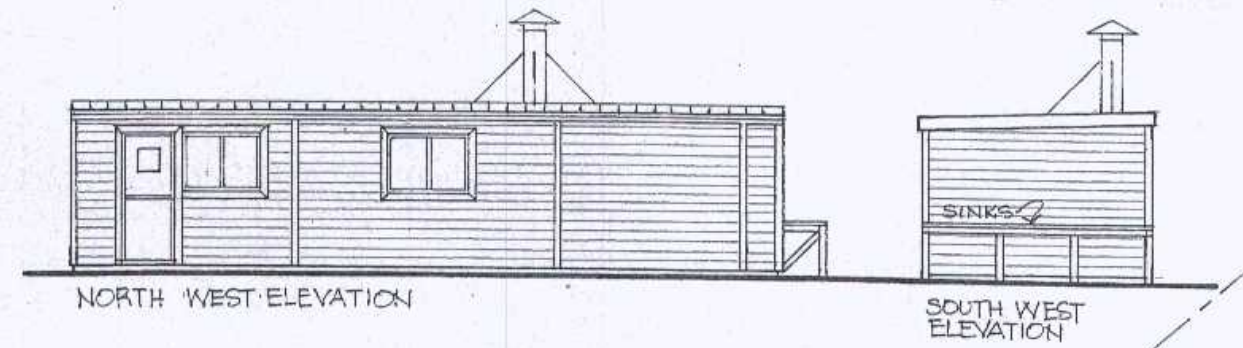
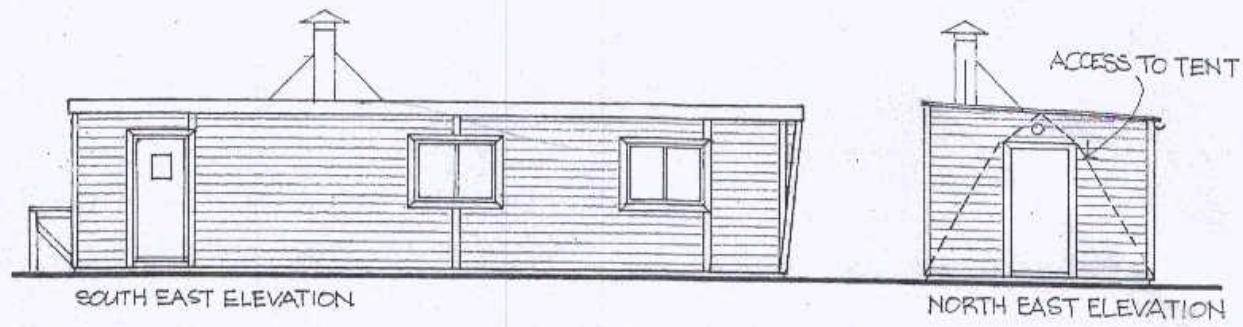
Drawing Title
SITE LOCATION PLAN

Project
PROPOSED CAMPING GROUND
GALE LANE BEADLAM YO62 7SD

Scale: 1:250 Date 02/2011
Job Ref. J14 Dwg. No.01

Planning and Landscape Associates Ltd
Town Planning Consultants and Landscape Architects
87, Cop Lane, Penwortham, Preston, Lancashire PR1 9AH
Tel & Fax 01772 743047 david.loft@homecall.co.uk





MATERIALS
 WALLS: WESTERN RED CEDAR BOARDS
 ROOF: PROFILED STEEL
 DOORS & WINDOWS: OAK EFFECT UPVC

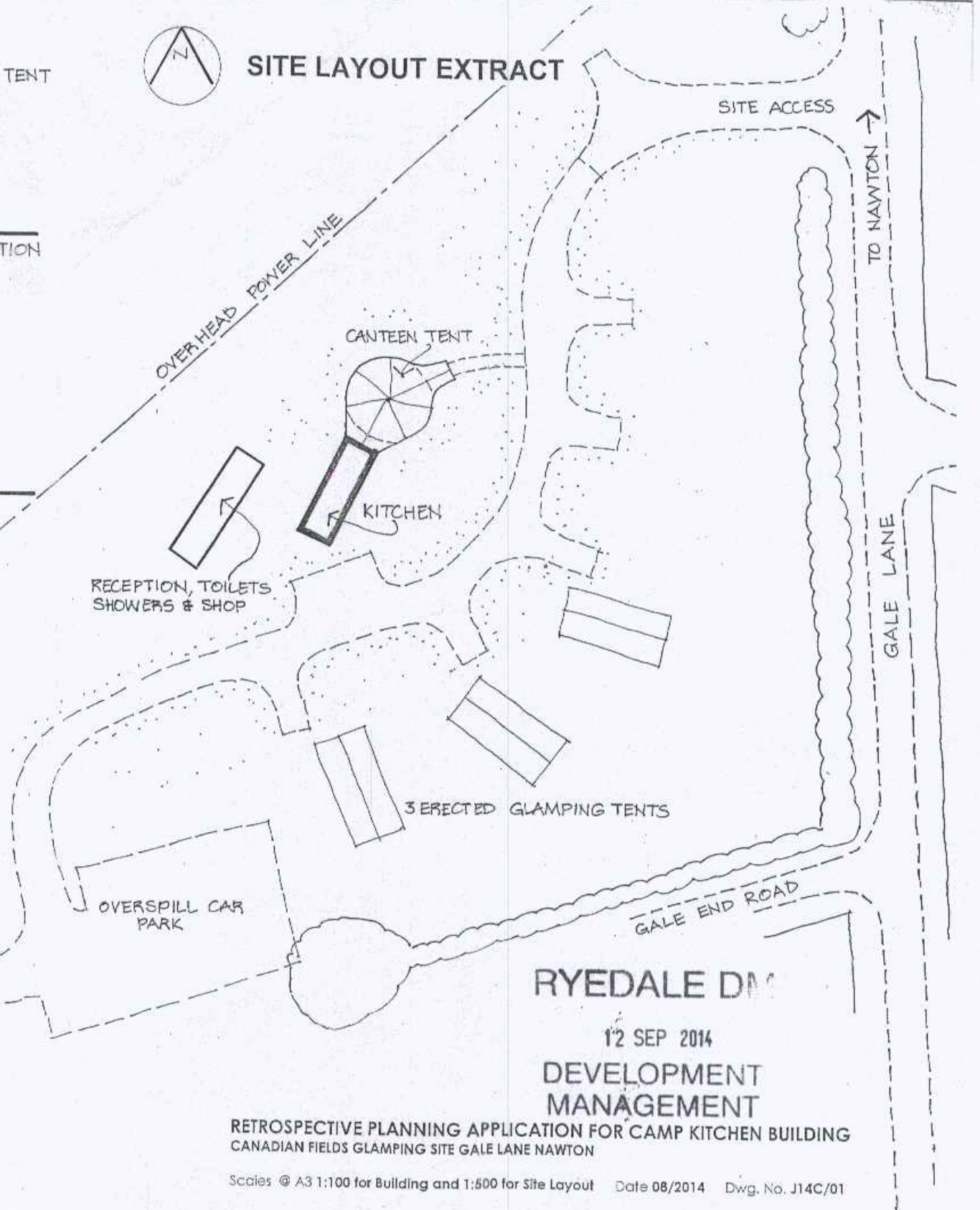
BUILDING DETAILS

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EXISTING BLDG.



SITE LAYOUT EXTRACT



RYEDALE D.M.C.

12 SEP 2014

DEVELOPMENT MANAGEMENT

RETROSPECTIVE PLANNING APPLICATION FOR CAMP KITCHEN BUILDING
 CANADIAN FIELDS GLAMPING SITE GALE LANE NAWTON

Scales @ A3 1:100 for Building and 1:500 for Site Layout Date 08/2014 Dwg. No. J14C/01

Planning and Landscape Associates Ltd Town Planning Consultants and Landscape Architects
 87, Cop Lane, Penwortham, Preston, Lancashire PR1 9AH Tel & Fax 01772 743047 a|t|a|t@virginmedia.com

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

122 **Enforcement Report - 14/00007/UD - Canadian Fields, Gale Lane, Nawton**

Decision		
(i) That the Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue an enforcement notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring the cessation of the restaurant use (A3 use class) and the removal of the pre-fabricated kitchen building from the land; and		
(ii) That the compliance period be two years.		
[For 6	Against 4	Abstain 0]

In accordance with the Members' Code of Conduct Councillors Hope, Mrs Sanderson, Richardson and Windress declared a personal non pecuniary but not prejudicial interest.

123 **14/00949/FUL - Canadian Fields, Gale Lane, Nawton**

Decision		
PERMISSION GRANTED – Temporary period of 2 years.		
[8 For	Against 0	Abstain 2]

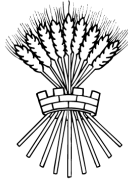
In accordance with the Members' Code of Conduct Councillors Hope, Mrs Sanderson, Mrs Frank, Mrs Burr, Richardson, Maud and Windress declared a personal non pecuniary but not prejudicial interest.

124 **14/00947/MFUL - ATS Euromaster, 25-27 Commercial Street, Norton**

Decision		
DEFERRED FOR SITE INSPECTION 2.12.14		
[For 6	Against 0	Abstain 3]

Agenda Item 12

RYEDALE
DISTRICT
COUNCIL



REPORT TO: PLANNING COMMITTEE

DATE: 14 FEBRUARY 2017

REPORT OF THE: COUNCIL SOLICITOR
ANTHONY WINSHIP

APPLICATION NO: 16/01931/CLEUD

APPLICANT'S NAME: JOHN GOODRICK EQUESTRIAN DEVELOPMENTS
LIMITED

TITLE OF REPORT: CERTIFICATE OF LAWFULNESS IN RESPECT OF WHEY
CARR FARM, MAIN STREET, SAND HUTTON, YORK,
YO41 1LB

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for a Certificate of Lawfulness for an existing use or development.

2.0 INTRODUCTION

- 2.1 Section 191 of the Town & Country Planning Act 1990 provides for anyone to apply to the Local Planning Authority for a Lawful Development Certificate (LDC). A Certificate is a statutory document certifying in the case of an application under Section 191, the lawfulness of existing operations on, or use of land which in this case is stated to be in breach of a condition.

Development or other activity on land is lawful for planning purposes if it is within one of a number of categories including:-

“the time for taking enforcement action has expired”

- 2.2 In this application for a Lawful Development Certificate, the applicants have provided the following description of the existing use on the land shown edged black on the attached plan for a period of more than ten years prior to 1 December 2016.

"Use of former farm outbuildings and associated yard for the storage and assembly of sectional timber buildings and components which has been operating continuously in breach of condition 10 of planning permission Ref: 3/111/19C/FA"

If the applicant proves that there has been a breach of the planning condition for a period of ten years the Certificate should be granted. This is purely a question of fact having regard to the available evidence and the planning merits of the use are irrelevant.

3.0 THE APPLICATION SITE AND ITS SURROUNDINGS

The application site is located to the north of Main Street (C176), Sand Hutton.

The application site is located within the Sand Hutton Conservation area and is adjacent to St Mary's Church and the remains of St Leonard's Church to the rear boundary of the site.

The applicants business operates from what has been called a redundant farm yard and farm outbuildings of Whey Carr Farm, Sand Hutton.

The planning unit also includes Whey Carr Farm and an adjacent bungalow. The application site is located within the Sand Hutton Conservation Area.

4.0 TIME LIMITATION PERIODS FOR TAKING ENFORCEMENT ACTION

4.1 The time limits for taking enforcement action in respect of a breach of planning control are:-

- (i) For operational development the period of four years from the operations were substantially completed; and
- (ii) For change of use, the period of ten years from the date of breach;
- (iii) In the case of any other breach of planning control, the period of ten years beginning with the date of breach. This is the relevant time period for a breach of condition.

5.0 PLANNING HISTORY

5.1 The relevant planning history for the application site can be summarised as follows:-

The planning unit also includes Whey Carr Farm and an adjacent bungalow. The application site is located within the Sand Hutton Conservation Area.

Planning permission (LPA Ref 3/111/19C/FA) was granted on 16 March 1993 for :-

"Change of use of farm outbuildings and yard for the storage and assembly of sectional timber buildings and components"

Condition 06 of that planning permission provides that:-

"The property known as Whey Carr Farm and the adjacent bungalow shall remain within the same planning unit as the use hereby approved."

The reason given for that condition was as follows:-

"The dwellings and the land and buildings, the subject of this permission, are

closely linked and are served by the same access. It is considered that if the bungalow or house were sold or let separately from the business, noise and associated activity may result in an unacceptable level of residential amenity and give rise to complaint"

6.0 THE ISSUE

6.1 Evidence has been submitted alleging that the application site has been used in breach of conditions 10 for more than ten years prior to 1 December 2016.

6.2 The planning condition that is the subject of this application is condition 10 which provides as follows:-

*"Noise from operations conducted on the premises shall not exceed 45 dBA 15 minutes Leq as measured at the boundaries of the application site.
(Reason: To ensure that noise from the premises does not adversely affect neighbouring residents)"*

6.3 The grounds under which the certificate is sought are that the use in breach of planning control began more than ten years before the date of this application.

7.0 THE EVIDENCE

7.1 The onus of proof in an application for a Lawful Development Certificate is firmly on the applicant. The standard of proof defines the degree of persuasiveness which the evidence in support of an application must attain before a Certificate can be granted. The relevant standard of proof in this application is "the balance of probability". This simply means that the applicant must prove that their case is more likely than not to be true.

7.2 The evidence in support of the application may be summarised as follows:-

- Three statutory declarations made formally before a solicitor and under the Statutory Declarations Act 1835 from:
 - (i) John Lawson Goodrick of Whey Carr Farm. (a Director for the applicant);
 - (ii) Andrew Binnington who has worked at the application site since 2002 (14 years);
 - (iii) Paula Sedman who has worked at the application site since March 2003 (13 years);

Statutory Declaration of Mr John Lawson Goodrick

The statutory declaration of Mr John Lawson Goodrick states that the applicant instructed an acoustic consultant YES consulting (Environmental Consultancy provided by City of York Council), to review the noise position of the company's operations in the context of condition 10 and the consultants have provided a noise survey.

The noise survey has monitored seven pieces of equipment used in the operation of the assembly of sectional timber buildings.

All seven pieces of equipment are located in the workshop on the application site.

The table setting out the recorded noise levels of the seven pieces of equipment for approximately a four day period from 20 September 2016 is below :

Each piece of equipment was monitored at the boundary for a five minute period; the level recorded are given in the table below .

Equipment	5 minute Leq at the site boundary
Single ended tenoning machine	51.4 dB
Main cross cut machine	52.4 dB
4-sided planing machine	57.7 dB
Surface planer	57.4 dB
Dimension bench	55.2 dB
Small morticing machine	43.8 dB
Main morticing machine	42.1 dB

Mr John Goodrick has also submitted confidential financial information which demonstrates that the level of sales of field shelters, stables and other timber items assembled on the application site by the use of machinery for cutting and working timber has been significant and stable for the ten year period prior to 1 December 2016.

Statutory declaration of Mr Andrew Binnington.

The evidence of Mr Binnington may be summarised as follows:-

- (i) He has worked at the application site continuously for the last 14 years. His hours of work are 8am-5pm Monday to Sunday although work often finishes at 3.30pm on a Friday. There has been no work at weekends or Bank Holidays.
- (ii) His work involves the manufacture of sections timber framed stables, field shelters, stable doors, stable windows and roof trusses.
- (iii) Work practices have not changed for the last 14 years using principally the same machinery.
- (iv) Work also includes loading and unloading.

Statutory declaration of Paula Sedman.

The evidence of Ms Paula Sedman may be summarised as follows:-

- (i) She has worked continuously at the application site for the last 13

years during the hours of 9am-4pm three days a week.

- (ii) Her role includes clerical and accounts work co-ordinating the delivery of manufactured stables, field shelters etc.
- (iii) Ms Sedman has confirmed that the level of business actively during the 13 years has been consistent.

In this case the evidence submitted on behalf of the applicants has been challenged by Mr Adam Griggs and Mrs Karen Griggs. They are neighbours living near the application site and are able to give eye witness evidence for a small part of the ten year period. Mr & Mrs Griggs have lived in neighbouring property since August 2013.

The key points made may be summarised as follow :-

- (a) Accounts of the applicants filed at Companies House show capital expenditure of more than £100,000 since 2006. This suggests a significant increase in activity at the site over the ten year period.
- (b) It is stated that the value of the company's sales over the ten year period has not been included in the application;
- (c) Mr Adam Griggs makes the following statement:-

The YES Consultancy report states that :

"there were 141 15 minute Leq periods monitored during the sites (sic) working hours, of these 74% of them exceeded the 45dB LAeq (15 minute)"

Response

This equates to noise exceeding the prescribed limits for 26 hours per week (141 x 15 minutes x 74%). this in turn indicates the cutting operations are not condensed into a single period to last as short a time as possible, or alternatively, that the nature of the business has in fact changed considerably from a mere assembly operation to significantly increased levels of cutting and raw material processing over the years."

ID Planning, the Planning Consultants acting form the applicants have made the following comments on the representations of Mr & Mrs Griggs:-

- (1) The capital expenditure of £100,000 after 2006 does not relate to the purchase of machinery and neither does it demonstrate that there has been an increase in activity.
- (2) ID Planning have responded as follows:-

"The correspondence refers to noise exceeding the prescribed limits for 26 hours per week, with the suggestion being made that this means the cutting operations are not condensed or that there are increased levels of cutting and raw material processing. The noise survey provides evidence that the daily business operations result in a breach of noise condition. Mr Goodrick's statement confirms that machines are not used continuously and work is undertaken efficiently. Condition 10 only relates to noise levels, and the regularity or intensity of use of individual equipment is only relevant insofar as

the noise that results from it to demonstrate the breach has occurred on a daily basis."

The case for the applicant may be summarised as follows:-

- (i) Mr Goodrick has confirmed in his statutory declaration when the main machines were purchased in a list of equipment. These were purchased more than ten years ago;
- (ii) The inclusion of the list of equipment, and the evidence about when purchased, demonstrates the machines that are used by the company have not changed over the last ten years, or been replaced by newer machinery which may have the potential to be quieter.
- (iii) The noise survey provides evidence that the daily business operations result in a breach of the noise condition.
- (v) In paragraph 10 of his statutory declaration, Mr Goodrick has stated that the annual sales figures show a level of business activity which has been consistent for the last 13 years.
- (vi) As the use of machinery contributes to the breach of permitted noise levels, this evidence demonstrates these machines have not changed and therefore as a result the associated noise levels have in all probability not changed over the ten year period prior to 1 December 2016.
- (vii) Accordingly, the applicant's case is that there has been a breach of the noise condition for more than ten years prior to 1 December 2016.

OTHER EVIDENCE

Members are advised that Mr Paul Hunt, an Environmental Protection Officer monitored the application site for noise on 29 September 2015 and produced a report. A copy of the report is attached.

His conclusion in the report includes the following text in relation to the sources of noise on the application site :

"The measurements and recordings show noise levels from activity at Whey Carr Farm did give rise to exceedance of the boundary noise limit of 45dB (LAeq 15min) set by Condition 10 of Planning Decision 3/111/19C/FA. This was primarily due to the noise of various (at least two) extraction systems which produced steady levels of ~47 dB in one case and ~ 55dB in the other."

It also adds the following text :

"It seems that on this occasion at least there was only one person using machine tools at the site and activities appeared to be undertaken serially as opposed to multiple tasks and activities going on at the same time. E.g when the forklift was in use there was no sawing and extraction plant operating."

"The main cause of breaches of the boundary noise limit is extraction equipment and the forklift.

Extraction equipment is likely to operate for periods of greater than 15 minutes at a time (as indeed it did during this visit)."

The response of the planning consultant for the applicant on the evidence of Mr Paul Hunt has been as follows :

- (i) Mr Paul Hunt for the District Council only visited the neighbouring property and did not set foot in Mr Goodrick's property so his knowledge of the operation of the business was limited and the time period of his noise monitoring was short ;
- (ii) Mr Goodrick has employed 2-3 people from the very outset of business operations in 1993;
- (iii) There is only one extraction system.

8. CONCLUSION

- 8.1 The evidence submitted in support of the application has been challenged by Mr & Mrs Griggs.
- 8.2 The key question is considered to be could the applicant and any predecessors on the balance of probabilities have operated the business of the assembly of sectional timber buildings using the machinery identified to cut and work timber at the levels in the last ten years without regularly breaching the noise condition ?
- 8.3 The above question has been discussed with Environmental Health Officers. The conclusion reached has been that on the balance of probabilities the operation of the business would involve breaching the noise condition on a regular basis over the ten year period.
- 8.4 Having reviewed and carefully considered all the available evidence, it is concluded on the balance of probabilities that there has been a breach of the planning condition for a period in excess of ten years.

9. LIMITATIONS

LIMITATIONS ON THE LAWFUL USE

Guidance in the contents of Lawful Development Certificate is included in the National Planning Practice Guidance as follows :

"Content of a certificate

What must a lawful development certificate include?

Details of what must be included in each type of lawful development certificate can be found in section 191(5) or 192(3) of the Act. The prescribed form can be found in Schedule 8 to the Town and Country Planning (Development Management Procedure) (England) Order 2015. Precision in

the terms of any certificate is vital, so there is no room for doubt about what was lawful at a particular date, as any subsequent change may be assessed against it. It is important to note that:

- *a certificate for existing use must include a description of the use, operations or other matter for which it is granted regardless of whether the matters fall within a use class. But where it is within a "use class", a certificate must also specify the relevant "class". In all cases, the description needs to be more than simply a title or label, if future problems interpreting it are to be avoided. The certificate needs to therefore spell out the characteristics of the matter so as to define it unambiguously and with precision. This is particularly important for uses which do not fall within any "use class" (ie "sui generis" use); and*
- *where a certificate is granted for one use on a "planning unit" which is in mixed or composite use, that situation may need to be carefully reflected in the certificate. Failure to do so may result in a loss of control over any subsequent intensification of the certificated use.*

Paragraph: 010 Reference ID: 17c-010-20140306

Revision date: 06 03 2014"

The limitations which may be considered relevant on the available evidence are as follows :

- (i) With one exception of the main morticing machine, which is located in the building to the rear of the yard on the application site the machinery was located and used in the workshop;
- (ii) There has been one side loader used on the application site for loading and unloading of vehicles.
- (iii) No machinery was operated and no process was carried out in breach of the hours of use condition attached to planning permission LPA Ref 3/111/19C/FA
- (iv) The planning unit is a mixed use and the Town and Country Planning (Use Classes) Order 1987 as amended will not apply. Planning permission will be needed for any material change of use.
- (v) The location of the machinery used in breach of condition identified in this report to be restricted to specific areas identified in the certificate with a plan.

10. RECOMMENDATION

10.1 Approval subject to the limitations identified above.

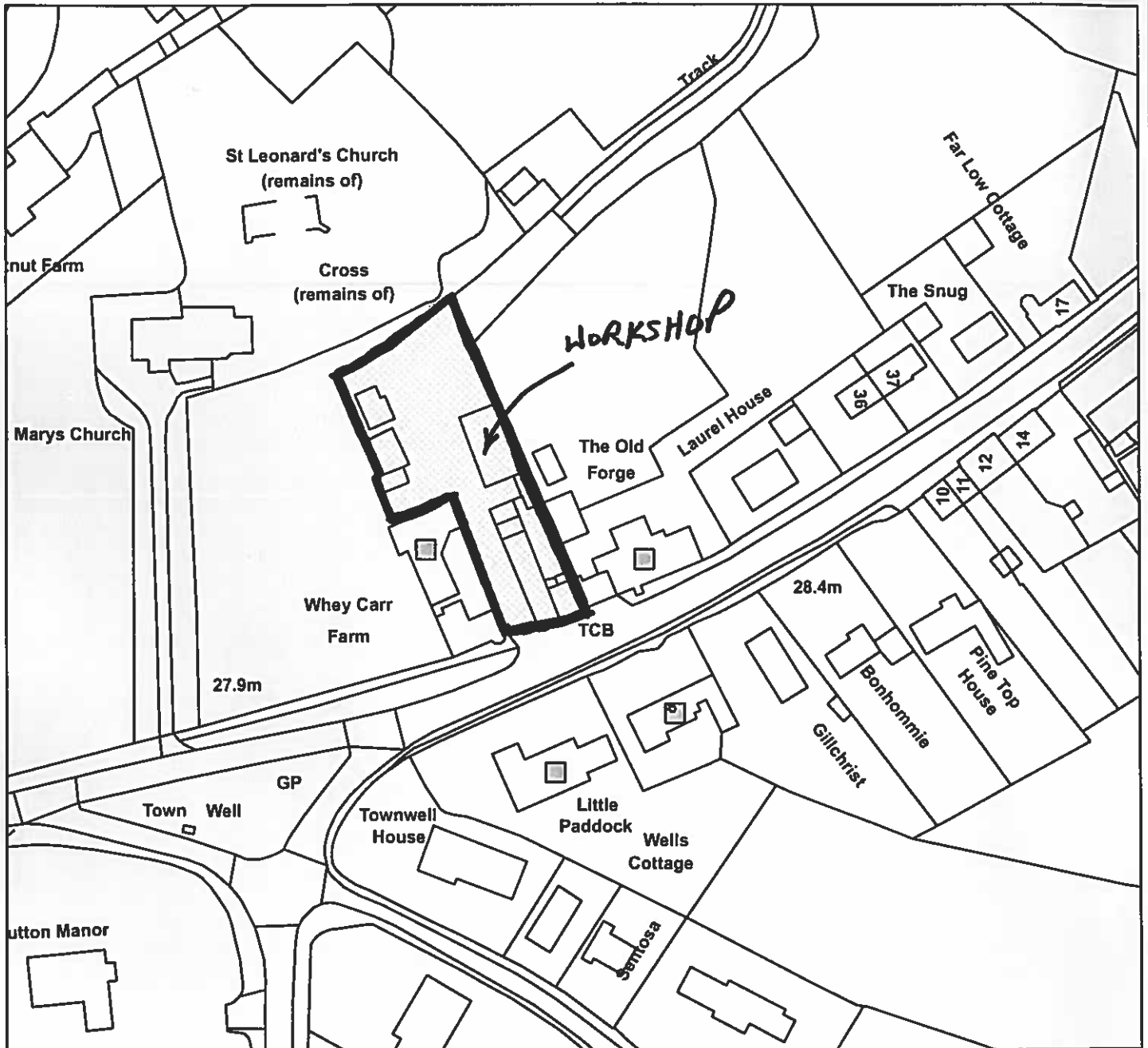
Anthony Winship Council Solicitor

Author: Anthony Winship, Council Solicitor
Telephone No: 01653 600666 ext: 267
E-Mail Address: anthony.winship@ryedale.gov.uk

Background Papers:

File for application 16/01931/CLEUD dated 1 December 2016 with supporting evidence

Not Set



Scale: 1:1,250

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Organisation	Not Set	NLS
Department	Not Set	
Comments	Not Set	
Date	13/12/16	
MSA Number	Not Set	

Visited The Old Forge, Sand Hutton on 29.09.15 to undertake noise measurements and recordings using the Norsonic 140.

Arrived at 0900h.

Weather conditions, warm, dry & sunny, calm/still – no discernible wind or breeze.

Set up the 140 in garden of the Old Forge near 'The Shed' which is a single storey cabin used to accommodate guests' approx 4m from boundary with Whey Carr Farm, adjacent to what appeared to be the main Timber Processing workshop. One side of this outbuilding runs parallel to the boundary ~2m beyond the boundary.



I calibrated the Norsonic, the instrument response was satisfactory and I made voice notes at the start of the measurement. The first measurement started at 0910h and took several one minute recordings during the measurement which continued for ~35 minutes until 0945h when there was a battery failure.

Noise from Whey Carr seemed to be the sound of an extractor operating continuously and an intermittent machine saw. Ambient soundscape consisted of birdsong and the occasional passing motor vehicle. The LAeq for the first 27 minutes of the measurement was 47dB. The extractor went off after ~ 27 mins (a recording was made with the extractor off) and this resulted in an SPL reduction of ~ 6dB to result in an LAeq of ~41dB. After a further 3 minutes a saw or plane started up (the extractor appeared to still be off) and operated continuously for ~ 3 mins increasing the LAeq to ~51dB. Just before the complainant left at ~0940h, she told me noise levels from Whey Carr had been relatively low so far this morning.

After replacing the batteries and carrying out a calibration check I commenced a second measurement at ~0947h. This measurement lasted for ~15 minutes and included several several one minute recordings.

An extractor was audible early in this measurement. Intermittent wood working machinery also audible, this increased the SPL by ~10dB to ~ > or =55dB. Saw tended to operate for a second or two every 30 seconds. At ~1000h a machine/extractor started up that increased the LAeq for the rest of (the final 2 minutes) of the measurement to ~55dB from a value of 48dB. The LAeq for the entire measurement was 50dB.

A third measurement was started at 1002h. The extractor that started up towards the end of the previous measurement was still operating and was presumably the extractor for the particular machine tool now in use. The extractor gave rise to a fairly steady noise level of ~55dBA which increased to ~ 57dB and up to 60dB when the saw was in use. Several recordings made during this measurement. The extractor noise was continuous for the first 16 mins of the measurement, the noise level was very steady with intermittent increases of ~2 to 3 dB associated with sawing. Overall this resulted in an LAeq of 56dB for the 16 minute period.. The noise from timber processing dominated the soundscape, passing traffic was not audible and there was no other discernible extraneous noise.

The extractor stopped at ~1019 and there was no noise audible from processing operations. The SPL dropped to below 45dBA.

A fourth measurement (duration 15 mins) was started at 1019. There was no extraction or processing activity audible at the start and for the first ~8 mins, LAeq = 39Db. Passing traffic now audible in the background. A radio playing music at Whey Carr was also just discernible now. Passing vehicles increased the SPL transiently to ~44dB typically. Processing machinery started again at ~1027 and LAeq increased to 47dB for the remainder of the measurement. The noise from Whey Carr consisted of an extractor (not the noisiest one) and intermittent machinery (saw).

A fifth measurement was started at 1035h. Noise from Whey Carr similar to the end of last measurement, extraction, intermittent saw (every ~30secs and occasional bang (not loud bangs)). This continued for 13 mins over which period the LAeq was 48dB. An engine then started up (forklift) mainly at low revs but occasional higher revs. This increased noise level with an LAeq of 57dB for the last minute of the measurement. The batteries then ran down and the Norsonic switched off. The overall LAeq for the 14 minute measurement was 50dB.

Conclusions

The measurements and recordings show noise levels from activity at Whey Carr Farm did give rise to exceedance of the boundary noise limit of 45dB (LAeq 15min) set by Condition 10 of Planning Decision 3/111/19C/FA. This was primarily due to the noise of various (at least two) extraction

systems which produced steady levels of ~47 dB in one case and ~ 55dB in the other. The noise from what is presumed to be a diesel engine forklift truck exceeded this (57dB).

It seems that on this occasion at least there was only one person using machine tools at the site and activities appeared to be undertaken serially as opposed to multiple tasks and activities going on at the same time. E.g when the forklift was in use there was no sawing and extraction plant operating.

I spoke to the complainants gardener who stated that the noise from activity undertaken during my visit was typical of what he had observed previously during weekday working hours.. He has been visiting to carry out gardening duties regularly for the last 18 months.

The main cause of breaches of the boundary noise limit is extraction equipment and the forklift. Extraction equipment is likely to operate for periods of greater than 15 minutes at a time (as indered it did during this visit). It is difficult to gauge forklift usage but it did give rise to significant noise levels.

Agenda Item 14

RYEDALE DISTRICT COUNCIL

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

PERIOD 09.01.2017 TO 03.02.2017

1.

Application No: 16/00364/FUL **Decision: Approval**
Parish: Foxholes Parish Council
Applicant: Ms Eleanor Hindby-Smith
Location: Foxholes Methodist Church Main Street Foxholes Driffield North Yorkshire YO25 3QF
Proposal: 0Change of use, alteration and extension of former chapel to form a four bedroom dwelling to include formation of a mezzanine floor, erection of a two storey extension to the south elevation and formation of vehicular access

2.

Application No: 16/00714/FUL **Decision: Refusal**
Parish: Pickering Town Council
Applicant: Mr Phillip Walker
Location: Land North Of Cemetery Whitby Road Pickering North Yorkshire
Proposal: Erection of a three bedroom dwelling with attached double garage to include formation of vehicular access

3.

Application No: 16/01664/OUT **Decision: Refusal**
Parish: Swinton Parish Council
Applicant: JF & TY Monkman (Mr J Monkman)
Location: Land Off Malton Road Swinton Malton North Yorkshire
Proposal: Erection of an agricultural workers dwelling (site area 0.063ha)

4.

Application No: 16/01688/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Brass Castle Brewery
Location: 10 Yorkersgate Malton North Yorkshire YO17 7AB
Proposal: Change of use and alterations from a retail unit (Use Class A1) to a drinking establishment (Use Class A4) to include rebuilding of single storey extension to rear elevation (part-retrospective)

5.

Application No: 16/01768/HOUSE **Decision: Approval**
Parish: Luttons Parish Council
Applicant: Ms K Lovell
Location: 3 Hillside Way West Lutton Malton North Yorkshire YO17 8TE
Proposal: Erection of single storey extension to south west elevation

6.

Application No: 16/01778/FUL **Decision: Approval**
Parish: Rillington Parish Council
Applicant: A & D Sturdy Ltd
Location: Land At Manor View Rillington Malton North Yorkshire

Proposal: Erection of a detached three-bedroom dwelling with attached double garage

7.

Application No: 16/01785/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr C Atkinson
Location: Yorkshire Laundry Service Ings Lane Kirkbymoorside YO62 6DN
Proposal: Erection of building to form an additional laundry processing facility

8.

Application No: 16/01787/HOUSE **Decision: Approval**
Parish: Howsham Parish Meeting
Applicant: Mr James Arkle
Location: The Old School Village Street Howsham Malton YO60 7PH
Proposal: Erection of a part two storey/part single storey rear extension with external terrace to rear to include removal of existing conservatory

9.

Application No: 16/01788/LBC **Decision: Approval**
Parish: Howsham Parish Meeting
Applicant: Mr James Arkle
Location: The Old School Village Street Howsham Malton YO60 7PH
Proposal: Erection of a part two storey/part single storey rear extension with external terrace to rear to include removal of existing conservatory and external and internal alterations to existing dwelling to include replacement windows to north and east elevations and replacement rainwater goods

10.

Application No: 16/01821/LBC **Decision: Refusal**
Parish: Malton Town Council
Applicant: Mrs Annabelle Hoste
Location: Howe Farm Old Malton Malton North Yorkshire YO17 6RG
Proposal: Replacement of 3no. first floor single glazed timber sliding sash windows with 3no. double glazed timber sliding sash windows

11.

Application No: 16/01843/FUL **Decision: Approval**
Parish: Allerston Parish Council
Applicant: Mr Gary Watson
Location: Bound Cliff Farm Buildings Back Lane Allerston Pickering North Yorkshire
Proposal: Erection of agricultural building for the housing of livestock following demolition of existing agricultural buildings

12.

Application No: 16/01851/TELN56 **Decision: Approval**
Parish: Rillington Parish Council
Applicant: Arqiva (Mr Raymond Adams)
Location: Telephone Exchange Scarborough Road Rillington Malton North Yorkshire YO17 8LH
Proposal: Erection of a 15m high telecommunications streetpole with associated 2no. dishes, 3no. shrouded antennas, 4no. cabinets and ancillary equipment fixed on a concrete foundation

13.

Application No: 16/01857/HOUSE **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Mr John Smyth
Location: Greystones Main Street Scagglethorpe Malton North Yorkshire YO17 8DT
Proposal: Erection of single storey rear extension

14.

Application No: 16/01866/TPO **Decision: Approval**
Parish: Staxton/Willerby Parish Council
Applicant: E M & B J Stonehouse (Mr B Stonehouse)
Location: May Farm Main Street Staxton Scarborough North Yorkshire YO12 4RZ
Proposal: To crown lift T5 and T7 (ash) to provide a clearance of 5.2m from ground level over the public highway and 2.3m over the adjacent footpath, all within TPO No. 252/199

15.

Application No: 16/01874/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Martin Redgard
Location: Methodist Chapel Potter Hill Pickering YO18 8AA
Proposal: External alterations to include installation of 3no. sets of double doors to replace the windows on the south elevation of the church hall, gated access to the side of the Chapel with erection of canopies over the gate and the rear east elevation doors to the church hall, replacement or refurbishment of the timber sash windows to the chapel east and west elevations, installation of lighting and replacement internally illuminated notice boards to the front elevation and window and door alterations to the church hall ancillary facilities

16.

Application No: 16/01876/HOUSE **Decision: Refusal**
Parish: Pickering Town Council
Applicant: Mr Adrian Ward
Location: 6 Herongate Pickering North Yorkshire YO18 8TH
Proposal: Erection of single storey extension to east elevation

17.

Application No: 16/01880/HOUSE **Decision: Approval**
Parish: Gilling East Parish Council
Applicant: Mr & Mrs B Hazell
Location: Grimston Grange Yearsley To Coulton Road Gilling East YO62 4HX
Proposal: Erection of single storey extension and garden wall to west elevation.

18.

Application No: 16/01886/ADV **Decision: Approval**
Parish: Pickering Town Council
Applicant: Food Programme Delivery Orchid Group Co Op Food
Location: 99 Eastgate Pickering North Yorkshire YO18 7DY
Proposal: Display of 1no. fascia sign with internally illuminated logo, 1no. externally illuminated pole mounted projecting sign, 3no. non-illuminated wall mounted aluminium panels and 1no. non-illuminated pole mounted aluminium panel

19.

Application No: 16/01898/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: Punch Taverns Ltd. **Mr Skane**

Location: Royal Oak 26 Market Place Malton YO17 7LX
Proposal: External signage, re-painting and lighting to include 1no. externally illuminated individual letter fascia name sign, 1no. externally illuminated hanging sign, 2no. non-illuminated removable amenity boards fixed to dummy shutters, 3no. LED floodlights and 1no. copper entrance lantern

20.

Application No: 16/01899/HOUSE **Decision: Approval**
Parish: Ampleforth Parish Council
Applicant: Mr & Mrs John Dobson
Location: The Magpies Station Road Ampleforth YO62 4DG
Proposal: Erection of a part two storey/part first floor extension to south and west elevations

21.

Application No: 16/01914/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Mrs A Young
Location: 4 West Lodge Gardens Malton North Yorkshire YO17 7YJ
Proposal: T2 - Cherry - Remove tree due to a very thin crown with large pieces of deadwood.

22.

Application No: 16/01920/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr Andrew Ferguson
Location: 5 Yorkersgate Malton YO17 7AA
Proposal: Change of use of retail unit (Use Class A1) to a mixed use of cycling products shop (A1) and cafe (A3)

23.

Application No: 16/01924/FUL **Decision: Approval**
Parish: Thixendale Parish Council
Applicant: Mr Burton
Location: Thixendale Gritts Thixendale Road Fridaythorpe Malton YO25 9SA
Proposal: Erection of a replacement agricultural storage building

24.

Application No: 16/01928/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: The Hon. Simon Howard
Location: Welham Hall Welham Road Norton Malton North Yorkshire YO17 9QF
Proposal: Erection of single storey extension to north elevation to form sun room

25.

Application No: 16/01929/HOUSE **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Dr Amy-Jane Beer
Location: Cragg Cottage Castle Howard Station Road Welburn Malton YO60 7EW
Proposal: Erection of a two storey side extension together with replacement of porch roof following demolition of existing attached storage building (revised details to refusal 15/01262/HOUSE dated 18.12.2015)

26.

Application No: 16/01934/73A **Decision: Approval**
Parish: Gilling East Parish Council

Applicant: Stirling Ventures Ltd (Mr Julian Pilling)
Location: Valley Farm Yearsley To Coulton Road Gilling East YO62 4HS
Proposal: Variation of Condition 17 of approval 15/01105/FUL dated 23.11.2015 to replace drawing nos AR20 01 C Site Plan Proposed, AR50 01 House Plans Proposed, AR50 02 Elevations Proposed and AR50 03 A Sections Proposed with corresponding amended drawings - revisions relating to design, layout and window arrangement

27.

Application No: 16/01935/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Pickering Town Council
Location: Land At Community Park The Nurseries Whitby Road Pickering North Yorkshire
Proposal: Erection of a timber garden shed (max floor area 4.5m2) on each of 20no. allotments at the Community Park

28.

Application No: 16/01938/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: North Yorkshire Moors Railway
Location: Mulberries Coffee Shop 5 Bridge Street Pickering North Yorkshire YO18 8DT
Proposal: Change of use of first floor retail premises (Use Class A1) to form an office in connection with North Yorkshire Moors Railway (Use Class B1)

29.

Application No: 16/01942/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mrs Reynolds
Location: 122 Eastgate Pickering North Yorkshire YO18 7DW
Proposal: Change of use of ground floor retail unit (Use Class A1) to additional domestic living space (Use Class C3)

30.

Application No: 16/01955/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mrs Reynolds
Location: 122 Eastgate Pickering North Yorkshire YO18 7DW
Proposal: External alterations to include installation of replacement timber door to front elevation

31.

Application No: 16/01959/HOUSE **Decision: Approval**
Parish: Helmsley Town Council
Applicant: Mr J Lindeman
Location: Corogan House 37 Pottergate Helmsley YO62 5BX
Proposal: Erection of two storey side extension following removal of existing single storey attached garage

32.

Application No: 16/01981/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Yorkshire Housing
Location: Flats At Sturdy Court Kirkbymoorside North Yorkshire
Proposal: Replacement of existing timber external entrance doors with aluminium entrance doors

33.
Application No: 16/01985/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr & Mrs Danny Morbey
Location: 4 Oldfield Court Kirkbymoorside YO62 6AE
Proposal: Erection of single storey rear extension with external decking and steps

34.
Application No: 16/01990/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Pickering Town Council (Mr Andrew Husband)
Location: 22 Market Place Pickering North Yorkshire YO18 7AE
Proposal: External alterations to include affixing of replacement notice board to front elevation

35.
Application No: 16/01993/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam Trust Corporation (Mr T Storrar)
Location: 18 Castle Howard Road Malton North Yorkshire YO17 7AY
Proposal: To carry out crown lift to provide a clearance of 8m from ground level to T5 Oak within TPO No. 4/1977

36.
Application No: 16/01995/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam (Malton) Estate (Mr Roddy Bushell)
Location: Land Adj 39 Yorkersgate Malton North Yorkshire
Proposal: Replacement of the existing tarmacadam surface at the site entrance with a central area of reclaimed Yorkshire cobbles with reclaimed Yorkstone flags to either side, regrading of part of this area to reduce the gradient off the public highway and tarmacadam resurfacing of the remainder of the site as indicated on Drawing 62-01B

37.
Application No: 16/01996/HOUSE **Decision: Approval**
Parish: Thornton-le-Dale Parish Council
Applicant: Mr Chester Bosomworth
Location: Willow Grange Hurrell Lane Thornton-Le-Dale Pickering North Yorkshire YO18 7QY
Proposal: Erection of two storey extension to north and east elevations and conservatory to south elevation following demolition of existing entrance lobby

38.
Application No: 16/02002/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr Donald Low
Location: Sandreith 37 Middlecave Road Malton North Yorkshire YO17 7NE
Proposal: To remove limb extending over rose bed, and reduce overall dimensions of the crown by a maximum of 2-3m of T7 (Beech), and reduce overall dimensions of T9 (Beech) and T10 (Purple leafed beech) by a maximum of 2-3m, all within TPO No. 319A/2009.

39.
Application No: 16/02003/FUL **Decision: Approval**
Parish: Scrayingham Parish Council

Applicant: Mr S Wood
Location: Poplar House Farm Leppington Lane Leppington YO17 9RL
Proposal: Erection of an open sided general purpose agricultural storage building for straw, feed and other farm produce

40.

Application No: 16/02007/FUL **Decision: Approval**
Parish: Heslerton Parish Council
Applicant: W Nutt & Son Ltd (Andrew & Tom)
Location: 1 And 2 Carr Farm Cottages Carr House Lane East Heslerton Malton North Yorkshire YO17 8RR
Proposal: Erection of two-storey side extensions to both 1 and 2 Carr Farm Cottages following demolition of existing side extensions

41.

Application No: 16/02028/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr & Mrs T Pallister
Location: 9 Greengage Close Malton YO17 7FP
Proposal: Erection of bay window to front elevation

42.

Application No: 17/00004/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Ms A Webb And Mr G McKay
Location: Baranaoil Swineherd Lane Kirkbymoorside YO62 6LR
Proposal: Erection of rear external steps and veranda with handrails
