



## **PLANNING COMMITTEE**

Tuesday 9 May 2017 at 6.00 pm

Council Chamber, Ryedale House, Malton

### **Agenda**

- 1 **Apologies for absence**
- 2 **Minutes** (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 the Committee** (Pages 8 - 9)
- 6 **17/00191/HOUSE - 55 Middlecave Road, Malton** (Pages 10 - 15)
- 7 **16/01658/OUT - North Yorkshire Highways Depot, Manor Vale Lane, Kirkbymoorside** (Pages 16 - 104)
- 8 **17/00146/MFUL - Swallows Barn, Church Lane, East Heslerton** (Pages 105 - 112)

- 9 **16/01108/FUL - Westfield Farm, Westfield Lane, Normanby** (Pages 113 - 149)
- 10 **17/00163/FUL - Land At Foxholes Manor, Ganton Road, Foxholes** (Pages 150 - 167)
- 11 **17/00203/HOUSE - Wind Hill, 4 Wapping Lane, Great Edstone** (Pages 168 - 183)
- 12 **Any other business that the Chairman decides is urgent.**
- 13 **List of Applications determined under delegated Powers.** (Pages 184 - 191)
- 14 **Update on Appeal Decisions**

## Planning Committee

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Held at Council Chamber, Ryedale House, Malton  
Tuesday 11 April 2017

### Present

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

Substitutes:

### In Attendance

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Samantha Burnett, Charlotte Cornforth, Gary Housden, Ellis Mortimer and Jill Thompson

### Minutes

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167 **Apologies for absence**

There were no apologies.

168 **Minutes**

**Minutes of the meeting held on 14 March 2017**

**Decision**

That the minutes of the Planning Committee held on 14 March 2017 be approved and signed as a correct record

[For 9

Against 0

Abstain 1]

169 **Urgent Business**

There was no urgent business.

170 **Declarations of Interest**

<b>Councillor</b>	<b>Item</b>
Thornton	10
Maud	11
Burr	10
Goodrick	10
Hope	8

171 **Part A Report - Fixing Our Broken Housing Market (Government White Paper)**

The Committee considered a report from the Head of Planning (previously circulated) in respect of the recently published 'Fixing the Housing Market' White Paper.

The White Paper had been published on 7 February 2017 and set out the Government's approach to 'fixing' the housing market by reshaping the approach to housebuilding and boosting the nation's housing supply.

In this regard, the Committee received a presentation on the White Paper from the Council's Head of Planning.

The Committee was advised that the Paper had been structured around four chapters, namely:

- Chapter 1: Planning for the right homes in the right places
- Chapter 2: Building homes faster
- Chapter 3: Diversifying the market
- Chapter 4: Helping people now

As one of the key issues facing Local Planning Authorities was the level of housing need that they had to try and meet, the Government was proposing to create a standard methodology for assessing housing needs and a consultation in this regard would be published in due course. Members noted that from April 2018, the level of needs resulting from the methodology would form the baseline for assessing 5-year housing land supply.

Consultation on the proposals runs from 7 February 2017 - 2 May 2017.

**Decision**

To give the Head of Planning delegated authority to respond to the consultation paper and circulate to Members

[For 10

Against 0

Abstain 0]

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

The Head of Planning submitted a list (previously circulated) of the applications for planning permission with recommendations thereon.

173 **16/01775/FUL - Land East of Longwood Farm, Highfield Lane, Nawton**

**16/01775/FUL** - Change of use of agricultural buildings and land to form camping site to include reception, office, farm shop, bike storage and the siting of 14no. timber holiday cabins together with formation of 16no. car parking spaces

**Decision**

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

[For 10

Against 0

Abstain 0]

174 **16/01947/MFUL - Easthill, Wilton Road, Thornton-le-Dale**

**16/01947/MFUL** - Erection of 9no. four bedroom dwellings, 13no. three bedroom dwellings and 4no. two bedroom dwellings with associated garaging, parking, amenity areas and formation of vehicular access to include demolition of existing dwelling and buildings

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and completion of a Section 106 Agreement in respect of affordable housing contributions.

[For 9

Against 0

Abstain 1]

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

175 **16/01773/FUL - Abattoir, Rectory Lane, Nunnington**

**16/01773/FUL** - Erection of 2no. two bedroom dwellings with parking and amenity areas following demolition of existing abattoir buildings

**Decision**

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

[For 10

Against 0

Abstain 0]

176 **17/00117/FUL - High Mill, Undercliffe, Pickering**

**17/00117/FUL** - Change of use and alterations to former mill to form 2no. two-bedroom residential units together with formation of vehicular access and crossing over Mill Leat/Race

**Decision**

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

[For 10

Against 0

Abstain 0]

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

177 **17/00191/HOUSE - 55 Middlecave Road, Malton**

**17/00191/HOUSE** - Erection of single storey rear extension

**Decision**

**SITE VISIT** - 25 April 2017

[For 8

Against 1

Abstain 1]

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

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

A site visit was arranged for the following application:

17/00191/HOUSE 25 April 10am

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

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

180 **Update on Appeal Decisions**

Members were advised of the following appeal decisions:

Appeal ref: APP/Y2736/W/16/3158779 - Land off High Street Sherburn

Members noted the decision and wished to record their appreciation for the input of Officers Mr S Richmond and Mr A Hunter. Both officers had attended the Informal Hearing and successfully defended the decision of the Local Planning Authority.

**Meeting closed at 7:40pm**

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

**PLANNING COMMITTEE - 09/05/17**

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**6**

**Application No:** 17/00191/HOUSE  
**Application Site:** 55 Middlecave Road Malton North Yorkshire YO17 7NQ  
**Proposal:** Erection of single storey rear extension

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**7**

**Application No:** 16/01658/OUT  
**Application Site:** North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG  
**Proposal:** Erection of 6no. three bedroom terraced dwellings (site area 0.21ha)

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**8**

**Application No:** 17/00146/MFUL  
**Application Site:** Swallows Barn Church Lane East Heselton Malton YO17 8RN  
**Proposal:** Change of use and alteration of barn and land to equestrian use with formation of 12no. stables within the building together with formation of a 603m length oval sand canter track within the adjacent field, all for the private use of the applicant (part retrospective).

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**9**

**Application No:** 16/01108/FUL  
**Application Site:** Westfield Farm Westfield Lane Normanby YO62 6RJ  
**Proposal:** Retention of existing dwelling for purpose of agricultural workers dwelling

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**10**

**Application No:** 17/00163/FUL  
**Application Site:** Land At Foxholes Manor Ganton Road Foxholes Driffield  
**Proposal:** Erection of a four-bedroom dwelling to include integral double garage and formation of vehicular access

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

**PLANNING COMMITTEE - 09/05/17**

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**11**

**Application No:** 17/00203/HOUSE

**Application Site:** Wind Hill 4 Wapping Lane Great Edstone Kirkbymoorside YO62 6PD

**Proposal:** Erection of single storey front and rear extensions, two storey side extension and detached garage to replace existing attached garage and shed

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**RYEDALE DISTRICT COUNCIL  
PLANNING COMMITTEE**

**SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE**

**PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING**

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**Item Number:** 6  
**Application No:** 17/00191/HOUSE  
**Parish:** Malton Town Council  
**Appn. Type:** Householder Application  
**Applicant:** Mrs Elizabeth Parlett Rhodes  
**Proposal:** Erection of single storey rear extension  
**Location:** 55 Middlecave Road Malton North Yorkshire YO17 7NQ

**Registration Date:** 17 February 2017      **8/13 Week Expiry Date:** 14 April 2017  
**Case Officer:** Charlotte Cornforth      **Ext:** 325

**CONSULTATIONS:**

**Parish Council**      No objection in principle but request neighbours concerns are taken into account

**Neighbour responses:**      Mrs J Brown, Mrs Wendy Rushton, Mr & Mrs Inez & Alan Pratt,

**Overall Expiry Date:**      3 April 2017

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Members will recall that this application was deferred at the meeting on the 11th April 2017 for a site visit. This site visit took place on the 25th April 2017.

Members should refer to the agenda pages from the 11th April 2017 meeting for the application documents, including the Officer Report.

The recommendation is one of approval.

**RECOMMENDATION:      Approval**

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

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

2      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.

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**PLANNING COMMITTEE**

9 May 2017

- 3 The proposed windows on the western and eastern 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 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan - NYK 140095 date stamped 17.02.2017.

Proposed Elevations and Floor Plan - Drawing Number ER201702-02 date stamped 17.02.2017.

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

**Background Papers:**

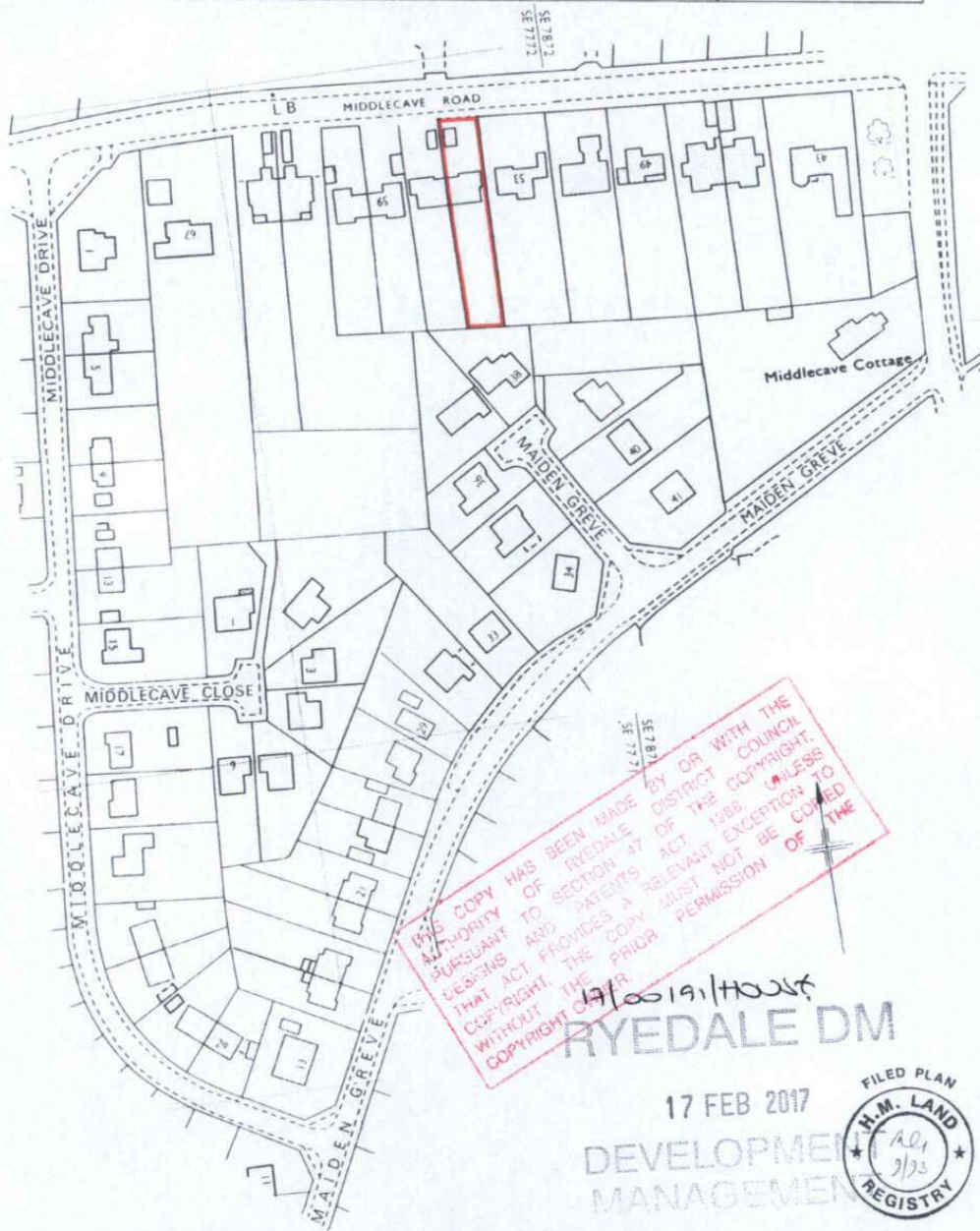
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

H.M. LAND REGISTRY		TITLE NUMBER	
		<b>NYK 14 0095</b>	
ORDNANCE SURVEY PLAN REFERENCE	SE 7771	SECTION C	Scale 1/1250 Enlarged from 1/2500
COUNTY NORTH YORKSHIRE	DISTRICT RYEDALE	© Crown copyright 1987	



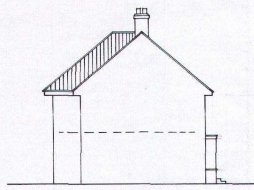
This is a copy of the title plan on 6 FEB 2017 at 09:58:45. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

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This title is dealt with by Land Registry, Durham Office.

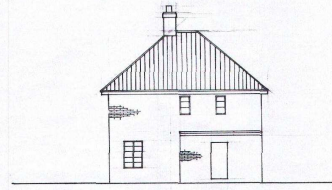
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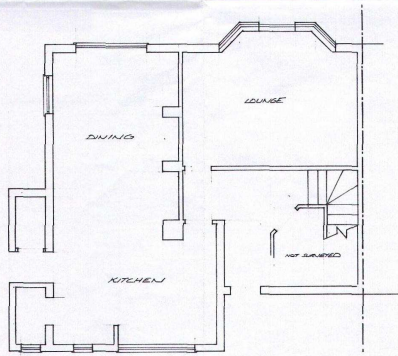
EXISTING WEST ELEVATION (SECTION)



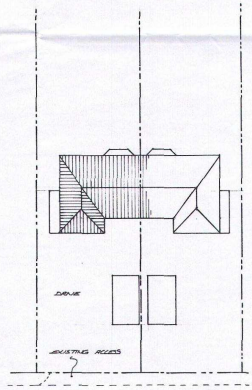
EXISTING SOUTH ELEVATION



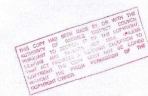
EXISTING EAST ELEVATION



EXISTING GROUND FLOOR LAYOUT



MIDDLECANE ROAD  
EXISTING BLOCK PLAN



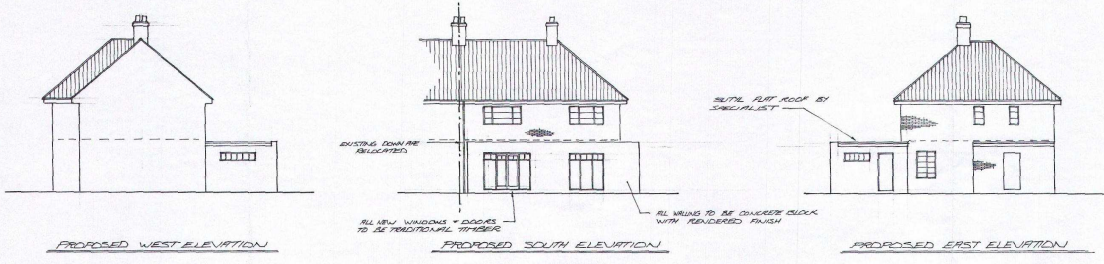
12/20/14/14/2014  
RYEDALE DM  
17 FEB 2017  
DEVELOPMENT  
MANAGEMENT

**Pete Magley Design**

VIEWLEY HILL, 25 WEST STREET, SWINTON MALTON, YO17 8SP  
TEL: 01553 896068 Mob: 07942 459337  
info@petemagleydesign.co.uk

Title:  
EXISTING ELEVATIONS AND FLOOR PLAN  
NEW SINGLE STORY EXTENSION TO REAR  
35 MIDDLECANE ROAD, MALTON  
MRS E PARLETT RHODES

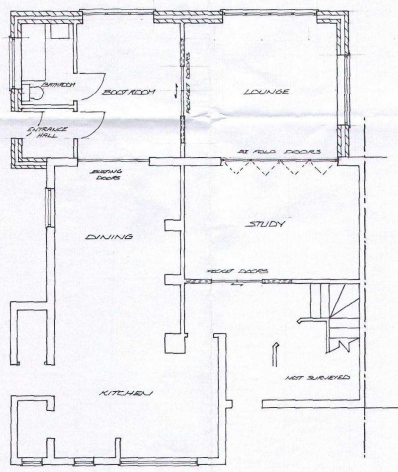
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1:200			



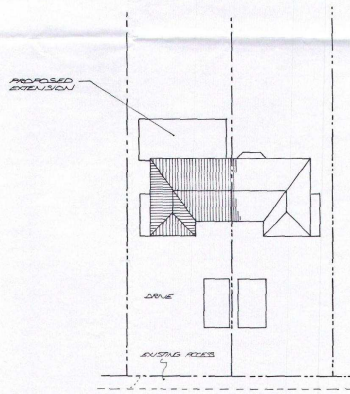
PROPOSED WEST ELEVATION

PROPOSED SOUTH ELEVATION

PROPOSED EAST ELEVATION



PROPOSED GROUND FLOOR LAYOUT



PROPOSED BLOCK PLAN

Mr. [Name] [Address] [Postcode]  
 Tel: [Number] [Number] [Number]  
 Fax: [Number] [Number] [Number]  
 Email: [Email Address]  
 Date: [Date] [Date] [Date]

RYEDALE DM  
 17 FEB 2017  
 DEVELOPER  
 19/0019/146014

**Pete Midgley Design**  
 VIEWLEY HILL, 15 WEST STREET, SWINTON MALTON, YO17 6SP  
 Tel: 01638 890088 Mob: 07942439927  
 info@petemidgleydesign.co.uk

Title: PROPOSED ELEVATIONS AND FLOOR PLAN  
 NEW SINGLE STOREY EXTENSION TO REAR  
 33 MIDDLECOVE ROAD, MALTON  
 WYKES, E RAILWATER BRIDGES

Scale	Date	Drawn	Drawing Number
1:100			
1:50	FEB 2017	PJM	ER201702-2
1:1000			

No objection in principle but request neighbours concerns are taken into account

CC

DATE  
28.04.17

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**Subject:** 17/00191/HOUSE

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**From:** Clerk - MTC [<mailto:clerk@malton-tc.gov.uk>]  
**Sent:** 27 April 2017 14:37  
**To:** Development Management  
**Cc:** [clerk@malton-tc.gov.uk](mailto:clerk@malton-tc.gov.uk)  
**Subject:** Malton Town Council

Hi Karen

The following planning applications were discussed at the Malton Town Council meeting held on 26th April 2017, please see comments below:-

16/01640/FUL No objection

17/00324/LBC No objection

17/00347/MFUL No objection

17/00351/FUL No objection

**17/00191/HOUSE** No objection to the application but Members requested that neighbours concerns where taken into account

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Regards

Gail Cook  
Clerk to Malton Town Council

Tel: 01653 228699  
Email: [clerk@malton-tc.gov.uk](mailto:clerk@malton-tc.gov.uk)

Community House, Wentworth Street, Malton, North Yorkshire, YO17 7BN

**Item Number:** 7  
**Application No:** 16/01658/OUT  
**Parish:** Kirkbymoorside Town Council  
**Appn. Type:** Outline Application  
**Applicant:** Thomas Crown Associates  
**Proposal:** Erection of 6no. three bedroom terraced dwellings (site area 0.21 ha)  
**Location:** North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

**Registration Date:** 13 October 2016                      **8/13 Week Expiry Date:** 8 December 2016  
**Case Officer:** Alan Hunter                                      **Ext:** Ext 276

## CONSULTATIONS:

<b>Housing Services</b>	Affordable Housing Contribution required
<b>Land Use Planning</b>	Recommend condition
<b>Sustainable Places Team (Yorkshire Area)</b>	No views received to date
<b>Historic England</b>	No comments to make
<b>Countryside Officer</b>	Recommend conditions
<b>Flood Risk</b>	As it not for major development no comments will be provided
<b>Tree &amp; Landscape Officer</b>	Recommend condition
<b>Property Management</b>	No views received to date
<b>Archaeology Section</b>	No views received to date
<b>Public Rights Of Way</b>	Adjacent to PROW applicants to contact the County Council's Access and Public Rights of team
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Environmental Health Officer</b>	Object
<b>North Yorkshire Fire &amp; Rescue Service</b>	No objection/observations to make at this stage
<b>Parish Council</b>	Support - comments made

**Neighbour responses:** Brian Bancroft, Mrs Elizabeth Banks, M J Bowsher, Mr John Wright, Mike & Andrea Cooper, Mr John Barrett, Mr Paul Birchall, Mr & Mrs Anji & Malcolm Dowson, Helen Beaumont, Norma Collins, Mr James Holt, Mr Brian Bancroft, Mr Joe Coughlan, Holt Farms, Ravenswick Estate, David And Judith Turnbull, Miss Polly A Baldwin, Liz And Paul Banks,

**Overall Expiry Date:** 30 March 2017

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## SITE:

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

The application site was previously used as North Yorkshire County Council offices associated with the Kirkbymoorside Area Highways depot operations. The site also comprises a former quarry. Various buildings and structures occupy the eastern part of the site which lies beneath a cliff face. These buildings consist of offices, stores and garaging, whilst to the north of the buildings is a hard-surfaced car park.



At present that site is derelict, and with the exception of the roadway, it has security fencing around its inner sides.

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

Residential development is located on top of the cliff to the west of the application site. To the east of the application site is further residential development. To the south, there are dwellings of varying styles located on Manor Vale Lane. These properties comprise the approach to the site from the town.

The site lies immediately within the development limit for the town but to the north of the Kirkbymoorside Conservation Area. The land immediately to the north is within the Area of High Landscape Value (Fringe of the North York Moors), and contains a designated Site of Importance for Nature Conservation and Ancient Woodland.

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

### **PROPOSAL:**

This is an Outline planning application which seeks outline planning permission for only the proposed Access, Layout, and Scale of the development. External Appearance and Landscaping are proposed to be Reserved Matters.

The proposal is for 6no. 3 bed dwellings, arranged as a pair of 3no. terraced dwellings. All of the dwellings are in the form of frontage development which runs along the eastern side of the roadway, with a central access to the Golf Club running through the application site.

The 6no. dwellings each measure 6.9m in width and 8m in depth and are 4.8m to the eaves and 8.3m to the ridge heights. As stated above, the external appearance of these proposed dwellings is not submitted for consideration at this stage.

The application is accompanied by the following reports:

- Planning Statement;
- Landscape and Visual Appraisal;
- Noise Assessment;
- Tree Survey;
- Asbestos Demolition Survey Report;
- Archaeology assessment;
- Contaminated Land Report - Phase 2 report;
- Drainage details;
- Flood Risk Assessment;
- Design & Access Statement; and
- Ecology surveys.

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

### **HISTORY:**

Recent planning history includes:

2015: Planning application for residential development withdrawn.

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

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

2014: Two planning applications for residential development withdrawn.

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

2008: Planning permission refused for residential development - dismissed on appeal. (**NOTE:** This was a larger site than is currently proposed)

## **POLICY:**

### National Policy

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance 2014 (NPPG)

### Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP3 - Affordable Housing

Policy SP4 - Type and Mix of New Housing

Policy SP11 - Community Facilities and Services

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

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

## **APPRAISAL:**

The main considerations in relation to this application are:-

- The principle of the proposed residential development;
- Flood Risk;
- The siting, scale and design of the proposed scheme;
- Whether the proposed dwellings will have a satisfactory level of residential amenity;
- The impact of the proposed development upon surrounding properties;
- Heritage impacts;
- Drainage;
- Archaeology;
- Highway safety;
- Affordable Housing;
- Contaminated land and ground stability;
- Ecology and the impact of the proposal upon protected species and the Manor Vale SINC;
- Tree and Landscape Impact;
- Other Issues; and
- CIL.

This application was deferred from the March Planning Committee meeting in order for a Committee Site Inspection. A detailed appraisal of the proposal is contained below.

### The principle of the proposed development

The proposed 6 no. dwellings are located within the development limits of Kirkbymoorside. In accordance with Policy SP2 of the Local Plan Strategy, it is considered that the development of the application site within development limits can be regarded as 'infill' development and acceptable in principle.

### Flooding risk

The site is located within Flood Zone 1, in terms of its risk of flooding from coastal and river flooding. The site was originally within Flood Zone 3 of the Strategic Flood Risk Assessment, however that was subsequently amended to Flood Zone 1, being the lowest risk of Flooding. That was because surface water flooding and coastal and river flooding were separated. A separate Surface Water Flood Map was developed and the advice from the Environment Agency was to consider all the maps and designated areas together. The Environment Agency Surface Water Flood Map identifies the application site within an area at high risk of flooding from surface water.

It is understood the surface water flows from higher land to the north, and at times of heavy rainfall flows through the application site and pools to the south of the application site. Photographs and videos of a serious flood event involving the flooding of the dwelling immediately to the south have been submitted in response to an earlier application for residential development on this site last year. There is strong concern locally regarding the flooding of this area. The agent has submitted photographs of the previous flood event, and these are appended to this report for Members information.

Para. 101 of NPPF states:

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

and para. 103 of NPPF states:

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

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

Para. 101 and para. 103 of NPPF and Policy SP17 of the Local Plan do not exclude surface water flood risk from the sequential test. In this case, the site does flood and surface water comes from the higher land to the north down through the steps at Manor Vale Wood (eastern side) and across the application site. The water is then known to pool to the south of the site in Manor Vale. A map provided to the Local Planning Authority in 2011 annotated the whole site as flooding at that time. The photographs annotated to this report clearly show the access road that runs through the application site to flood.

There has also been a Court decision that confirms even where part of the site is at risk of flooding the entire proposal has to be sequentially tested. It is considered that the applicant's Flood Risk Assessment clearly articulates the reasons why the site is at risk of flooding, when it states:

*'It is noted that the existing properties at Manor Vale Lane, including Little Orchard, are susceptible to surface water flooding. An analysis of Ordnance Survey mapping indicates that Manor Vale Lane is at the foot of a valley with a large catchment (over 200 ha). The greenfield runoff from a catchment of this size is significant, 250l/s->1000 l/s dependent upon ground conditions and rainfall. The southern extent of Manor Vale Lane sits in a depression and floodwater is unable to escape. The existing dwellings to the east of Manor Vale Lane including Little Orchard are at a lower level than the road, which is the main exceedance route. They are at risk from surface water flooding in extreme rainfall events due to their position at the low point of a large catchment. The catchment is predominantly greenfield. Flooding will occur both when the ground is already saturated following back to back storms or long periods of rainfall and during 'flash' high intensity rainfall events.'*

It is noted that the buildings on site are in a poor state of repair and this brownfield site would benefit from being developed. However, this is not considered to outweigh the requirements within national and Local Planning Policy to steer residential development away from sites that are at a higher risk of flooding. The agent has dismissed the requirement for the sequential test, and a mitigation strategy has been submitted to reduce the risk of flooding to the proposed properties. Officers do not consider this to be consistent with National and Local Planning Policy. Both National and Local Planning Policy require the application Sequential Test regarding the location of the development to be met, before considering the Exception Test (effectively how to mitigate flood risk as much as possible). Without meeting the Sequential test it is not possible to jump to the Exception Test. In this case, given that the Council does not have an Housing Allocations Document, the areas to be sequentially tested are not restricted to land within the development limits of Kirkbymoorside. Officers consider that there are other sites at Kirkbymoorside that are capable of providing 6 dwellings that are at a lower risk of flooding than this site. As such Officers consider the sequential test is not met, and residential development should not be developed where there are sites available at a lower risk of flooding.

Notwithstanding the above, the mitigation proposed by the agent to raise the floor levels between 0.2m to 1m above current levels (depending on which drawing is assessed) could serve to increase the risk of flooding elsewhere in the locality by displacing surface water and exacerbating flood risk to other dwellings.

In view of the above, it is not established that the Sequential Test is met. The principle of residential development on this site is not established. Furthermore, the mitigation proposals may increase the flood risk to existing properties.

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

The 2008 application that was dismissed on Appeal, proposed residential development along the western part of the site and opposite the Band Hall. The Inspector in 2008 stated:

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

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

Policy SP 16 of the adopted Local Plan Strategy requires:

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

- *Reinforce local distinctiveness*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
- *Protect amenity and promote well-being. To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:*
- *Topography and landform that shape the form and structure of settlements in the landscape*
- *The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale*
- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
- *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
- *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
- *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail'*

In this case, 2 pairs of 3 terraced properties are proposed, with parking areas to the northern and southern sides. It is noted that at this stage only Layout and Scale are to be considered. The indicative elevations submitted show 2 storey properties with 2 no. dormer windows on the front of each property and accommodation in the loft areas. There is concern at the number of dormer windows, and consequent number of down pipes required on the front elevation. The steep roof pitch is also a concern. That said, the exact details of the external appearance of the application would be the subject of a separate application should this proposal be granted planning permission.

There is some concern at the form and layout of the proposed development and its relationship with the traditional vernacular of Kirkbymoorside, a historic Market Town. The traditional character of the settlement comprises mainly terraced properties at the back edge of the footpath in an 'organic' form, with variation in heights and materials. As compared to the proposed scheme, which comprises a very regular and regimented arrangement of dwellings which appears suburban in its form and layout. Furthermore, it is not considered that this form of development would successfully relate to the industrial heritage on this site, a point made by the Inspector in 2008. However, given that this proposal only relates to the site within the development limits of the Town and is limited to 6 dwellings, and sufficient views would be retained elsewhere of the outer valley sides. It is considered, on balance, that the Layout and Scale proposed is acceptable.

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

Policy SP20 of the Local Plan Strategy states:

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

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

There are concerns in respect of the following issues:

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

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

Policy SP11 of the Local Plan Strategy states:

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

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

There is considered to be a significant an issue with the co-existence of housing adjacent to the Band Hall and the degree of noise that future occupiers will be subject to, and the likelihood that this will create complaints about the operations of the Band Hall. As noted above in Policy SP20 the Local Planning Authority requires the highest standards in relation to noise for new residential developments.

On the earlier Appeal Decision, the Inspector stated:

*'The appellant argues that the affected houses could be designed with measures to protect their occupants from the noise, although I am not persuaded that this is practical: even if double or triple glazing in the houses were to be effective in blocking out the music, the residents would be unable to have their windows open in warm weather and, in any case, they would not be able to enjoy their gardens on summer evenings without the disturbance of the band.'*

A Noise Assessment has been submitted. The Environmental Health Officer (EHO) has objected and considers the assessment to be inadequate. The EHO is particularly concerned at the inter-relationship of housing and the band hall. The Environmental Health Officer has stated:

*'An application for housing on this site has previously been to appeal and the inspector refused it. The inspector was not persuaded that if double or triple glazing were to be effective at blocking out the music, the residents would be unable to have their windows open in warm weather and, in any case they would not be able to enjoy their gardens in the summer evenings without disturbance of the band.'*

*The proposal as a block of houses provides better screening to the gardens than previous proposals, however despite the large size of the site, the proposal is for a block of houses directly opposite the existing band room. As the site is in a quarry there is the likelihood that any noise breakout will echo around the site.'*

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

There has also been a direct objection from the Band Hall and from third party objectors regarding the potential implications for the Band Hall. There is concern that the proposal could create complaints regarding nuisance which could curtail the Band's Operations. The objections raised consider the Noise Assessment to be inadequate and inconsistent with earlier readings. The Band are also keen to emphasise that they practice outside and with their doors open during warmer months. The Band Hall is 14.5m at its closest to the proposed dwellings.

In view of the above, it is considered that the proposed development will not have a satisfactory level of residential amenity by virtue of its close proximity to the existing Band Hall. To approve such a proposal is considered to be likely to generate complaints regarding the Band Hall, which is a protected Community use in accordance with Policy SP11 of the Local Plan Strategy.

In terms of the proximity to the outer sides of the valley. It is considered that the limited rear gardens and the outer cliff sides will not provide a satisfactory level of amenity for the proposed occupiers. The cliff side will reduce daylight and sun light and creating an over-dominating sense of enclosure to the rear of the proposed properties.

It is noted that the Inspector in the earlier decision stated the following:

*'The majority of the dwellings would be located in close proximity to the site's east quarry face. Given the height of the cliff and the dense line of trees on top of it, I envisage that the outlook from, and light in, the rear facing rooms of most of the properties would be so restricted as to provide unacceptable living conditions for the residents of the dwellings. I appreciate that the trees on the cliff top are deciduous, although their branches appear to be dense and I envisage that, together with the cliff face itself, they would restrict light to the properties even when not in leaf. I recognise that the positioning of windows does not form part of this outline application. However, given the shape of the properties and the presence of adjacent dwellings/garages to the side elevations of most of the houses (as shown on the layout plan), it appears to me that, despite them facing south west, it would not be possible to design the majority of the proposed properties such that all their main rooms would receive adequate light and provide a satisfactory outlook'*

It appears the very same issues remain with the current scheme to those previously addressed by the Inspector.

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

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

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

#### Impact upon the setting of Heritage assets

Kirkbymoorside Conservation Area boundary lies to the south of the application site. The Scheduled Ancient Monument of the former Neville Castle is to the north eastern side. There are also 7 grade 2 listed buildings in the locality. High Hall and Low Hall to the eastern and south eastern side (and accessed via Castlegate) and No. 10,12,14,18, and 20 Dale End. S66 of the Planning ( Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S72 of the Act also requires the Local Planning Authority has special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

In addition Policy SP12 of the Local Plan Strategy also seeks to protect the significance of heritage assets.

There is not considered to be an adverse effect upon the setting of these nearby listed buildings given the levels and separation distances. The character and appearance of the Conservation Area and views from the Conservation Area looking north along the road are considered to be preserved.

Heritage England do not object to the setting of the Scheduled Ancient Monument. It is not considered that the proposed development will have an adverse effect upon the setting of the Scheduled Ancient Monument given the site's location on substantially lower ground. It is therefore considered that the Local Planning Authority has fulfilled its obligations in relation to the aforementioned legislation and Policy SP12 of the Local Plan Strategy.

### Drainage

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

Yorkshire Water has accepted that the site is not suitable for soakaways and confirmed that there is no watercourse locally to accept surface water, also stated in the Phase 2 Report (Contaminated Land Report). As a result Yorkshire Water has accepted that surface water can drain into the public sewer. They have stated that:

*The calculation cover sheet (prepared by Dudleys - report 13139 dated 05/10/2016) confirms;*

*(i) Foul water will discharge to public combined sewer.*

*(ii) Sub-soil conditions do not support the use of soakaways.*

*(iii) A watercourse is remote from the site.*

*(iv) Therefore, surface water will discharge to public sewer, via storage, with a restricted discharge (of 10.8 litres/second).'*

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

The Lead Local Flood Authority has stated that as the site is below 10 dwellings they have no comment on the application. The Environment Agency has been consulted but no response has been received.

Based on the response by Yorkshire Water, a condition would need to be imposed to ensure a scheme of attenuation including the relevant climate change factors is developed on the site. Yorkshire Water also recommend a standard condition regarding surface water disposal. The maintenance and management of the surface water attenuation scheme will also need to be conditioned if not adopted by Yorkshire Water. The Council does not have its own in-house drainage engineers, but based on the response from Yorkshire Water there appears to be no grounds to object to the proposal in terms of surface water and foul water drainage, subject to the resolution of the location of the attenuation and the adoptable area of the proposed highway - see earlier comment.

### Archaeology

NYCC Heritage has not responded to the consultation on this application, however, they have raised no objections previously.

### Highway safety

It is noted that the adopted public highway does not currently extend through the application site, the proposal is to extend the adoptable highway further north into the application site. The Highway Authority has considered the application and responded with the following comments:



*'Given the previous use of the site, no highway authority objections are raised in principle. However, referring to the submitted Proposed block Plan (drawing No. KWL/093/03/09), the following points should be noted and taken on board when submitting engineering drawings for the road adoption scheme:*

- (i) The proposed turning head should be included as part of the adoptable area.*
- (ii) The new road should have a layout suitable for a 20mph design speed. Whilst a speed hump/rumble strip is proposed at the application site boundary, it is considered too close to the existing cottage, and the feature should be moved further north just beyond the vehicular access to the band hall, opposite plot 5.*
- (iii) The existing road appears to have drainage gullies, but the upgrade to an adoptable standard would mean that these should be connected into a dedicated pipe system for draining surface water off the adoptable highway, and not shared with any system taking non-highway surface water. Any surface water running onto the adoptable highway will require interception and draining independently.*
- (iv) It is not accepted practice to install private drainage under the adoptable road, so the foul and surface water drains as shown need to be re-routed unless the sewerage undertaker is prepared to adopt them.*
- (v) The submitted drawing refers to attenuation tanks under the parking areas. No part of these structures should be within 5 metres of the adoptable boundary.*
- (vi) This drawing also does not appear to represent the dimensions indicated for the road. The engineering drawings should, therefore, correctly indicate what is being offered for adoption as highway.'*

Consequently the Highway Authority recommend that planning conditions be imposed to address the above issues. The conditions recommended cover details of the layout of the roadway and footway; construction of roads and footways prior to occupation; discharge of surface water;; pedestrian visibility splays; approval for works in the highway; completion of works in the highway before occupation; details and provision of an access turning and parking area; and precautions to prevent mud on the highway.

In reaching this judgement the Highway Authority has considered the capacity of the road network to accommodate the additional traffic safely, and the required layout for adoption purposes. In the circumstances there are considered to be no grounds to object to the application in terms of highway safety. If the application were to be considered favourably, the applicants would need to ensure the proposed drainage works were re-located or agreement is reached for them to be located under the adopted highway.

#### Affordable Housing

On sites for between 6-10 dwellings in locations such as Kirkbymoorside, the Planning Committee agreed at its July 2016 meeting, a financial contribution should be provided in lieu of affordable housing provision. This followed a Court case and change to National Planning Policy. In accordance with National Policy Guidance, there should also be a credit for any vacant buildings on the site. The Council's Rural Housing Enabler has calculated the contribution on this site to be £37k. If this application were to be considered favourably, this contribution will need to be delivered via a S106 agreement.

#### Contamination and ground stability issues

The Environmental Health Manager recommends detailed planning conditions in regard to the Phase 2 Contaminated Land Report on this site and requires further detailed assessment of potential contaminants on the site. If this were to be considered favourably, it is recommended that appropriate conditions in this respect be imposed.

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

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

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

The Countryside Management Officer has recommended planning conditions, and he has stated:

*In principal I have no objection to this proposal provided the mitigation, method statements and enhancements described in section 7 of the badger report and sections 9 and 10 of the main report incorporated in any permission granted. (MAB Environment and Ecology 2013 and the Supplementary Badger Survey report 2014) A badger development license is required for this development.*

*Recent clear felling has been undertaken over the full extent of the ancient woodland areas to the East and West of the proposed housing. This habitat is a LBAP habitat and a UK habitat of biodiversity importance under the Habitat Regulations. It is therefore vital that provision is made to continue to manage these areas in a sustainable way in the future to ensure the habitat is not destroyed or degraded.*

The agent has since advised that a Licence has been issued in respect of Badgers. Therefore, subject to conditions there are no ecological/wildlife objections to the proposed development.

#### Trees and Landscape impact

It is noted that trees have been felled on the outer sides of the site. These trees were not protected. The Tree and Landscape Officer has been consulted and no objections have been raised. The Tree and Landscape Officer has stated that:

*These trees were not within the Kirkbymoorside Conservation Area boundary or the subject of a Tree Preservation Order. However, I understand that the Forestry Commission are investigating the felling to determine whether or not a felling license would have been required. Although the trees have been severed close to ground level their root systems have been retained which will promote extensive re-growth in the coming year, and contrary to belief by some objectors to the development the felling of the trees should not compromise the stability of the bank as the roots are retained.*

*Should this application be approved I would recommend a condition requesting the submission of a woodland management plan for the regeneration of the woodland along the eastern boundary of the site.'*

It is understood that a Felling Licence has since been issued. There are therefore, considered to be no objections subject to planning conditions to the proposal, in terms of trees and landscaping on the site.

Given the surrounding topography and the site's location within the Town's development limits there is considered to be no adverse effect upon the surrounding landscape. The proposal is considered to comply with Policy SP 13 of the Local Plan Strategy.

## Other issues

The Town Council are supportive of the application and consider the site would benefit greatly by the proposed development. The Town Council are, however, also concerned regarding surface water flooding and they have made reference to the previously submitted photographs and videos of the flooding events in Manor Vale that occurred in the winter of 2015-2016. The photographs have also been submitted by the agent and are appended to this report.

One letter of support has been received considering the proposal to represent a visual enhancement to the area, but this is tempered with objection to the location of a proposed speed bump. If the application were to be considered favourably the location of the speed bump could be conditioned in conjunction with the Highway Authority as mentioned earlier in the report. North Yorkshire Fire and Rescue has not objected to the application. There has also been 18 third party letters raising objections/concerns.

The issues raised in the objections relate to:

- The risk of surface water flooding and increased risk to existing properties;
- The ability of the existing drainage network to accommodate the proposed additional discharge;
- Whether if approved, another application would be submitted for more housing on the wider area;
- Implications for the Scout unit and Band Hall facilities;
- The principle of the proposed development;
- The layout and form of the development proposed;
- Drainage infrastructure;
- The loss of trees on the outer sides of the quarry and possible land stability problems;
- Access and highway safety related matters;
- That vehicular charging points are not catered for;
- The impact of the proposal upon the setting of heritage assets;
- Noise and implications relating to the Band Hall and whether complaints about statutory nuisance could be made about the Band Hall by future occupiers of the proposed dwellings;
- Inaccuracies and discrepancies with the Noise Assessment;
- The previous history relating the location of the Band Hall;
- That the Band does practice with windows/doors opened and also outdoors in the summer months; and
- The impact upon protected species.

The issue of noise, surface water flooding, the impact of the community facilities (Band Hall and Scout Hut), ecology, the layout and form of the proposed development, trees, the setting of heritage assets, the principle of development, and highway safety have been addressed earlier in this report. There is no policy requirement for new dwellings to have vehicular charging points. Any future applications for residential development on the wider site would be considered on its individual merits against the development plan at that point in time. The Tree and Landscape Officer has stated that the tree felling on the outer sides has not removed the root systems so the stability of the land should not be adversely affected.

All of the individual comments raised can be viewed online under the application reference number.

## Community Infrastructure Levy

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

## Conclusion

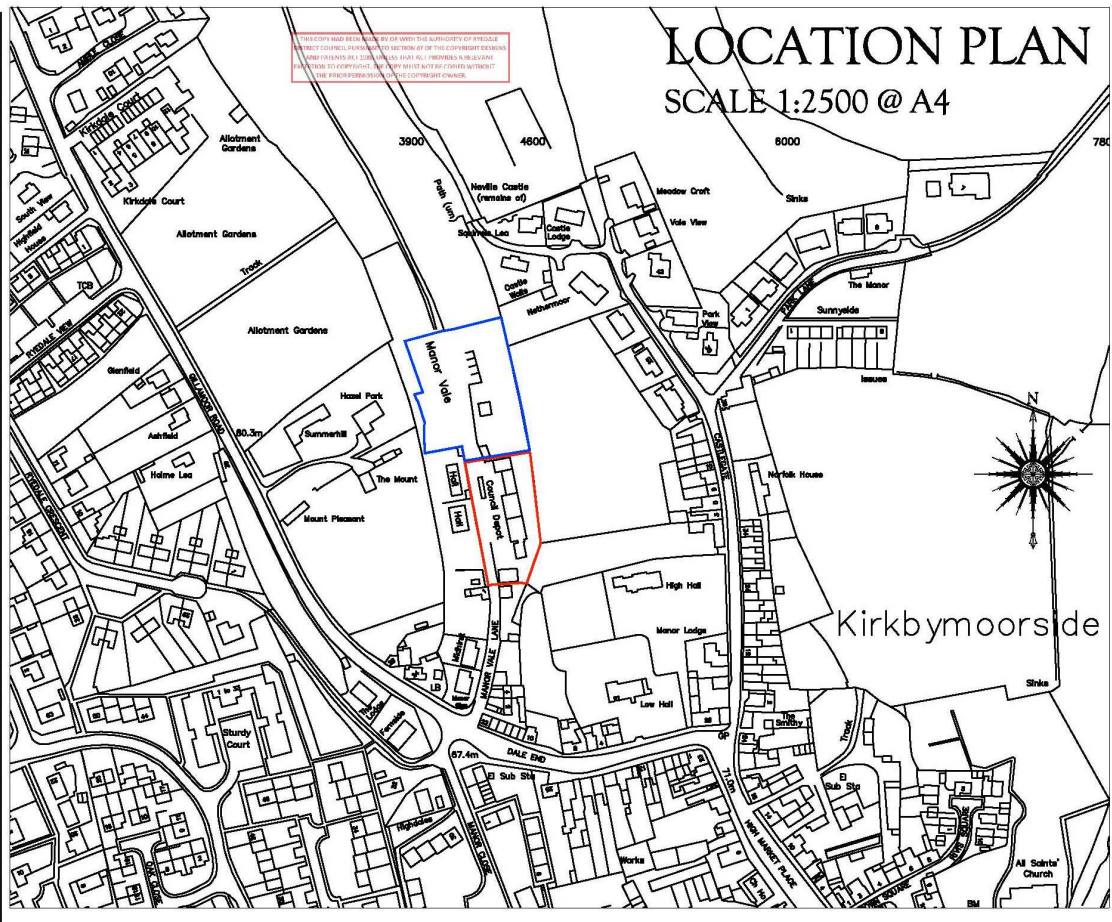
Whilst there are benefits associated with developing this brownfield site and improving the visual amenity of the area it is considered that the scheme cannot be supported. In view of the harm identified in the appraisal above in relation to the sequential test, residential amenity impacts and the potential implications for the existing community uses, the recommendation is one of refusal.

### **RECOMMENDATION: Refusal**

- 1 The site is identified as having a high risk of flooding from surface water as shown on the Environment Agency Surface Water Flood Maps, and the site has recently flooded. In this case the site does not pass the sequential test in terms of flood risk and there are considered to be other sites at Kirkbymoorside where housing could be located which are at a lower risk of flooding. The approval of this application could also put the occupiers of the proposed dwellings and existing properties at an unacceptable risk of flooding from surface water. The proposed development will therefore be contrary to the requirements of Policy SP17 of the Ryedale Plan - Local Plan Strategy and paragraphs 100 and 103 of NPPF.
- 2 The proposed residential accommodation is located in very close proximity to the Kirkbymoorside Band Hall, (which has planning permission for an extension), and is likely to create complaints regarding the noise and operations of the band hall. The Band Hall is an important community facility and a use protected in accordance with Policy SP11 of the Local Plan Strategy. Noise and activities from the Band Room will be likely to have an adverse effect upon the amenity of occupiers of the proposed residential accommodation which would be likely to generate complaints regarding the Bands' operations. The proposed development is thereby contrary to the requirements of Policies SP11 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 3 The proposed residential development by virtue of its close proximity to the outer valley side, and the inter-relationship with the Band Hall is not considered to ensure a satisfactory level of residential amenities for future occupiers of the proposed dwellings and be contrary to the requirements of Policies SP4 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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# LOCATION PLAN

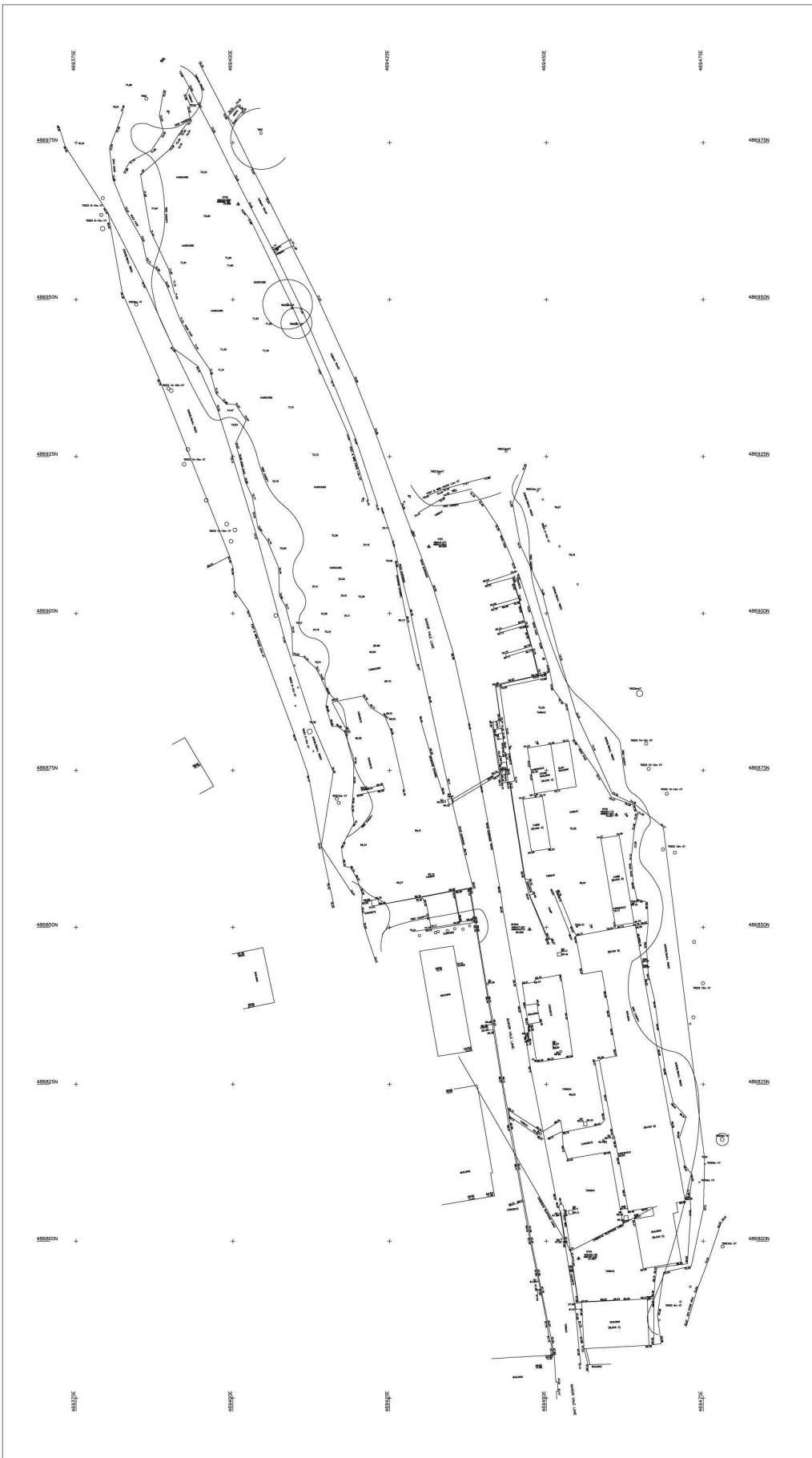
SCALE 1:2500 @ A4

**Disclaimer**  
 This plan is a location plan only and does not constitute a planning application. It is intended to provide a general overview of the site and its surroundings. It is not intended to be used as a basis for any legal proceedings. The plan is provided as a guide only and should not be relied upon for any specific purpose. The plan is provided as a guide only and should not be relied upon for any specific purpose.

**DATE VALID:**  
 13.10.2016

**The Planning & Design Partnership**  
 The Chantry Barn Studio,  
 The Old Brickyard, Moor Lane, Stanningley, Leeds, LS28 5LH.  
 Telephone: 0113 259 5256 Fax: 0113 259 5750  
 Email: info@pdp.co.uk  
 Website: www.pdp.co.uk

Page:	Outline Application for Housing Development of Moor Vale Lane, Kirkbymoorside		
Title:	Location Plan		
Date:	August 2016	Drawn:	PAW
Scale:	1:2500 @ A4	Site:	
Project:	Planning		
Ref No:	KML / 003 / 003 / 11		



**NOTES**

LEVEL DATUM.....OS ORTHOMETRIC HTS  
 GRID ORIENTATION.....OSGB36

**NORTH**

**KEY**

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

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DATE VALID:  
13.10.2016

All critical dimensions to be checked on site prior to fabrications. Please report any discrepancies. If in doubt, ask.

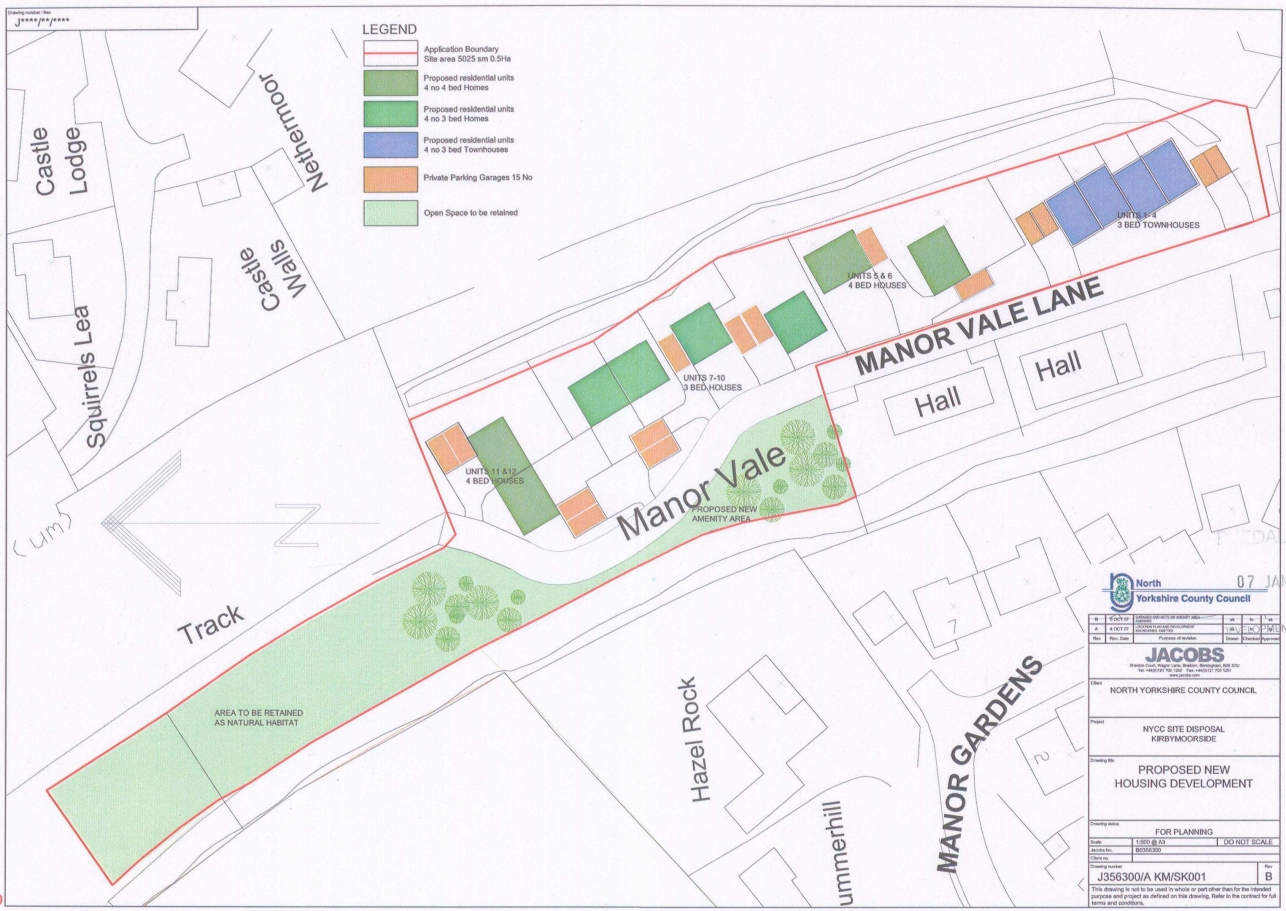
REVISIONS	
Date	Details

**Landmark Surveys  
(UK) Ltd**  
 148 ROYSTON ROAD  
 BOWWORTH  
 BARNETLEY  
 ST2 8BW  
 TEL: 01228 780070  
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 MOBILE TEL: 07801 857470  
 E-MAIL: mark.landmark@btinternet.com

Client: **PDP**

Site: **SITE ON MANOR VALE LANE  
KIEPWOODSIDE**

Scale: <b>1 : 200</b>	Date: <b>MARCH 2015</b>
Drawn by: <b>M.R.GILMORE</b>	Surveyed by: <b>M.R.G., W.B.</b>
Checked by:	Plan Ref.: <b>PEP069SP</b>

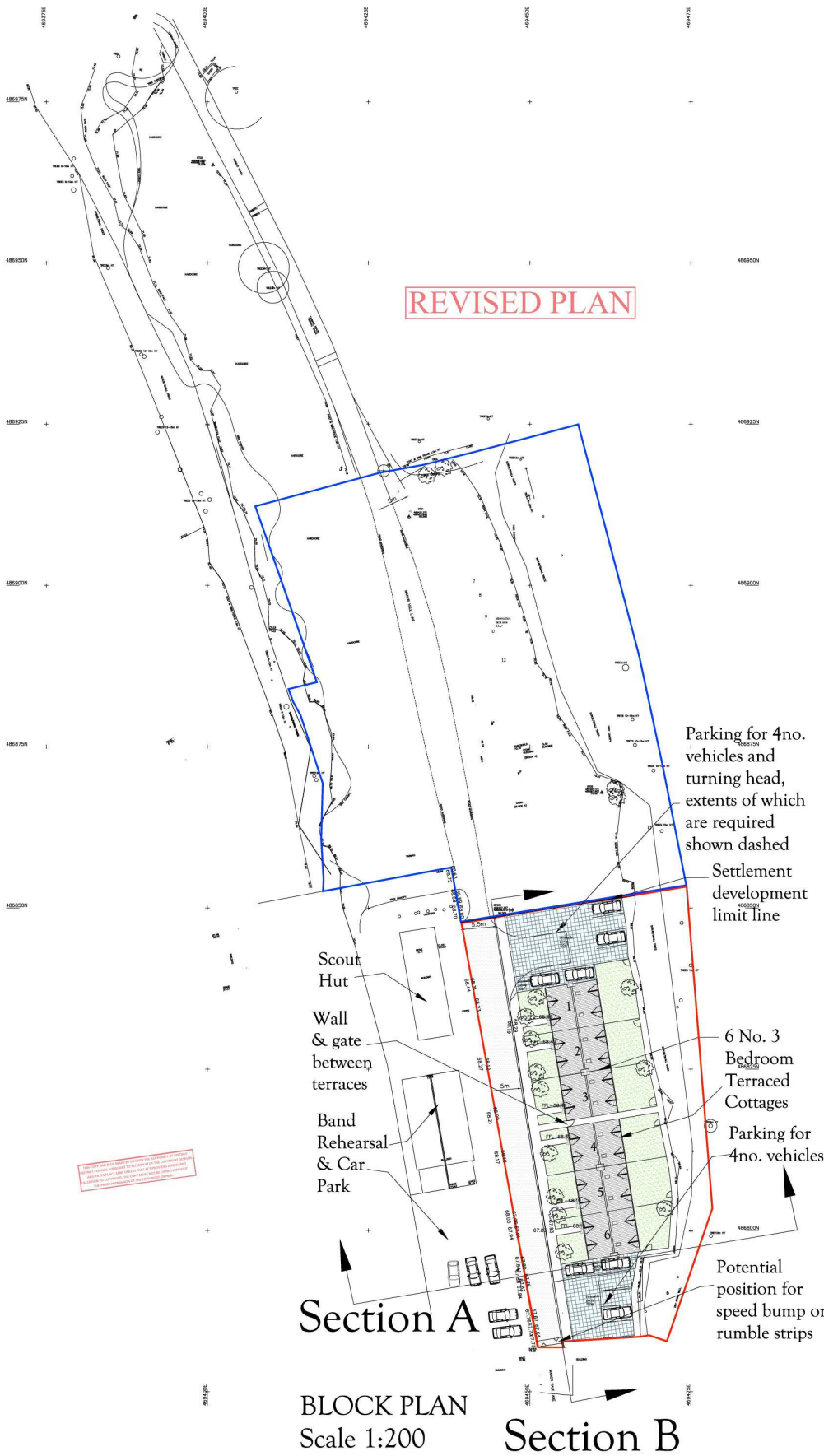


- LEGEND**
- Application Boundary
  - Site area 5025 sqm 0.51ha
  - Proposed residential units 4 no 4 bed Homes
  - Proposed residential units 4 no 3 bed Homes
  - Proposed residential units 4 no 3 bed Townhouses
  - Private Parking Garages 15 No
  - Open Space to be retained

North 07 JAN 2008  
 Yorkshire County Council

Drawn by	JACOBSON
Checked by	JACOBSON
Client	NORTH YORKSHIRE COUNTY COUNCIL
Project	NYCC SITE DISPOSAL KIRBYMOORSIDE
Drawing No.	PROPOSED NEW HOUSING DEVELOPMENT
Drawing Date	FOR PLANNING
Scale	1:500 @ A3 DO NOT SCALE
Author	JACOBSON
Project Reference	J356300/A KM/SK001
Revision	B

This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.



**REVISED PLAN**

**Section A**

**Section B**

**BLOCK PLAN**  
Scale 1:200

Parking for 4no. vehicles and turning head, extents of which are required shown dashed

Settlement development limit line

6 No. 3 Bedroom Terraced Cottages

Parking for 4no. vehicles

Potential position for speed bump or rumble strips

Scout Hut

Wall & gate between terraces

Band Rehearsal & Car Park

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

**TECHNICAL NOTES**

The site is shown on the Ordnance Survey map of 1:25,000 scale. All dimensions are given in metres unless otherwise stated. The site is shown on the Ordnance Survey map of 1:25,000 scale. All dimensions are given in metres unless otherwise stated. The site is shown on the Ordnance Survey map of 1:25,000 scale. All dimensions are given in metres unless otherwise stated.

**PLANNING NOTES**

The site is shown on the Ordnance Survey map of 1:25,000 scale. All dimensions are given in metres unless otherwise stated. The site is shown on the Ordnance Survey map of 1:25,000 scale. All dimensions are given in metres unless otherwise stated.

**SCHEDULE OF ACCOMMODATION**  
**6 UNITS**

PLOT 16  
3 BEDROOM SEMI-DETACHED COTTAGES  
114 m<sup>2</sup> / 1230 sq ft per unit

684 m<sup>2</sup> / 7,360 sq ft  
TOTAL ACCOMMODATION AREA

0.21 ha TOTAL SITE AREA

Rev 1 19/12/2016 - Levels for finished floor levels and paths indicated. Parking areas and driveways to be constructed with permeable paving. Drainage details omitted.

Rev 2 10/01/2016 - Pool and surface water drainage layout omitted.

Rev 3 28/09/2016 - Speed bump/rumble strip note added.

Rev 4 25/08/2016 - Location Plan and drainage omitted.

Rev 5 10/08/2016 - Revised layout scheme

Rev 6 08/08/2016 - Revised layout scheme

Rev 7 28/07/2016 - Revised layout scheme

Rev 8 21/03/2016 - Extent of Site shown edged in red.

Rev 9 09/12/2015 - Revised layout scheme

Rev 10 05/10/2015 - Revised layout scheme

**The Planning & Design Partnership**  
PLANNING, ARCHITECTURE, INTERIOR LANDSCAPE

The Chichey Barn Studio,  
The Old Brickyard, Manor Lane, Stamford Bridge,  
York, The East Riding Of Yorkshire, YO41 1HU.

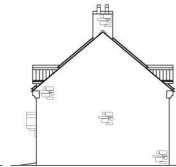
Telephone 01759 378656 Fax 01759 378180  
E-mail [chichey.barn@the-pdp.co.uk](mailto:chichey.barn@the-pdp.co.uk)  
website [www.the-pdp.co.uk](http://www.the-pdp.co.uk)

Client	<b>DATE VALID</b> 10/01/17
Project	Outline Application for Housing Development at Manor Vale Lane, Kirkbymoorside
Drawing	Proposed Block Plan
Date	Dec 2013
Scale	1:200 @ A0
Status	PLANNING
Drawn By	KW/093/03/09





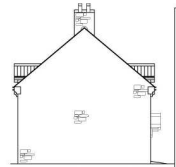
FRONT ELEVATION HOUSES 1-3



SIDE ELEVATION HOUSES 1-3



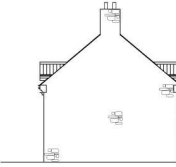
FRONT ELEVATION HOUSES 4-6



SIDE ELEVATION HOUSES 4-6



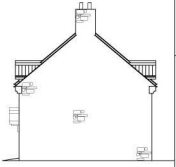
REAR ELEVATION HOUSES 1-3



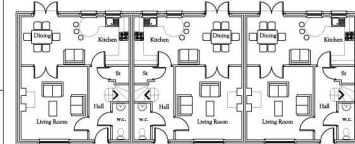
SIDE ELEVATION HOUSES 1-3



REAR ELEVATION HOUSES 4-6

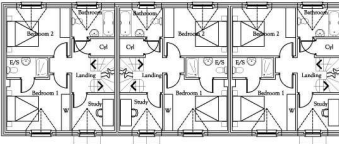


SIDE ELEVATION HOUSES 4-6

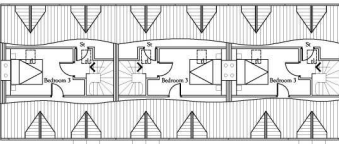


GROUND FLOOR PLAN

Dwelling Size  
118.29 sq m / 1276 sq ft

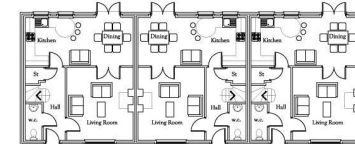


FIRST FLOOR PLAN



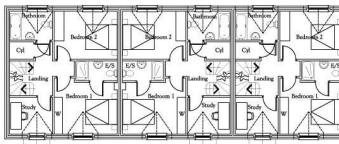
LOFT PLAN

Floor Plans Houses 1-3 1:100

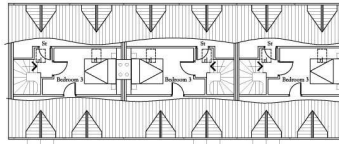


GROUND FLOOR PLAN

Dwelling Size  
118.29 sq m / 1276 sq ft



FIRST FLOOR PLAN



LOFT PLAN

Floor Plans Houses 4-6 1:100

**PLANNING NOTES:**  
Do not work on any improvements from the drawings for construction purposes. All drawings for construction and construction must be checked and approved by the Planning Department. All drawings for construction and construction must be checked and approved by the Planning Department. All drawings for construction and construction must be checked and approved by the Planning Department.

**WARNING TO HOMEOWNERS:**  
PROPERTY OWNERS MUST BE AWARE THAT THE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES. THE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES. THE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES.

**THE PLANNING ACT 1990:**  
The Planning Act 1990 is the primary legislation governing the planning system in the United Kingdom. It sets out the framework for the planning system, including the powers of the Secretary of State and the local planning authorities.

**DATE VALID:**  
13.10.2016

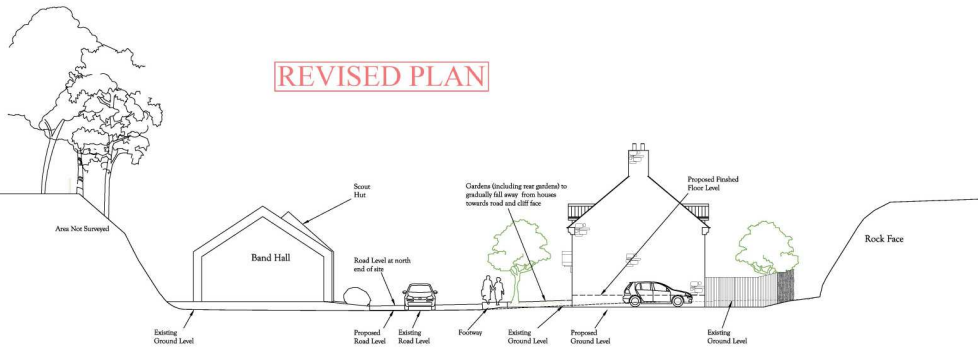
Rev B 25/08/2016 - Revised to suit new layout  
Rev A 08/08/2016 - House types revised

**The Planning & Design Partnership**  
PLANNING, ARCHITECTURAL, INTERIOR LANDSCAPE  
The Chicory Barn Studio,  
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York, The East Riding of Yorkshire, YO81 1HU.  
Telephone 01759 373656 Fax 01759 371810  
E-mail: chicory.barn@the-pdp.co.uk  
website: www.the-pdp.co.uk

Client:	
Project:	Outline Application for Housing Development at Manor Vale Lane, Kirbymoorside
Drawing:	Proposed Dwellings 1 to 6
Date:	August 2016
Scale:	1:100 @ A1
Drawn:	PAN
Checked:	B
Discipline:	PLANNING
Drawn by:	KW/093/03/12

All trees subject to appropriate works in accordance with arboricultural recommendations

## REVISED PLAN



## SECTION A

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## SECTION B

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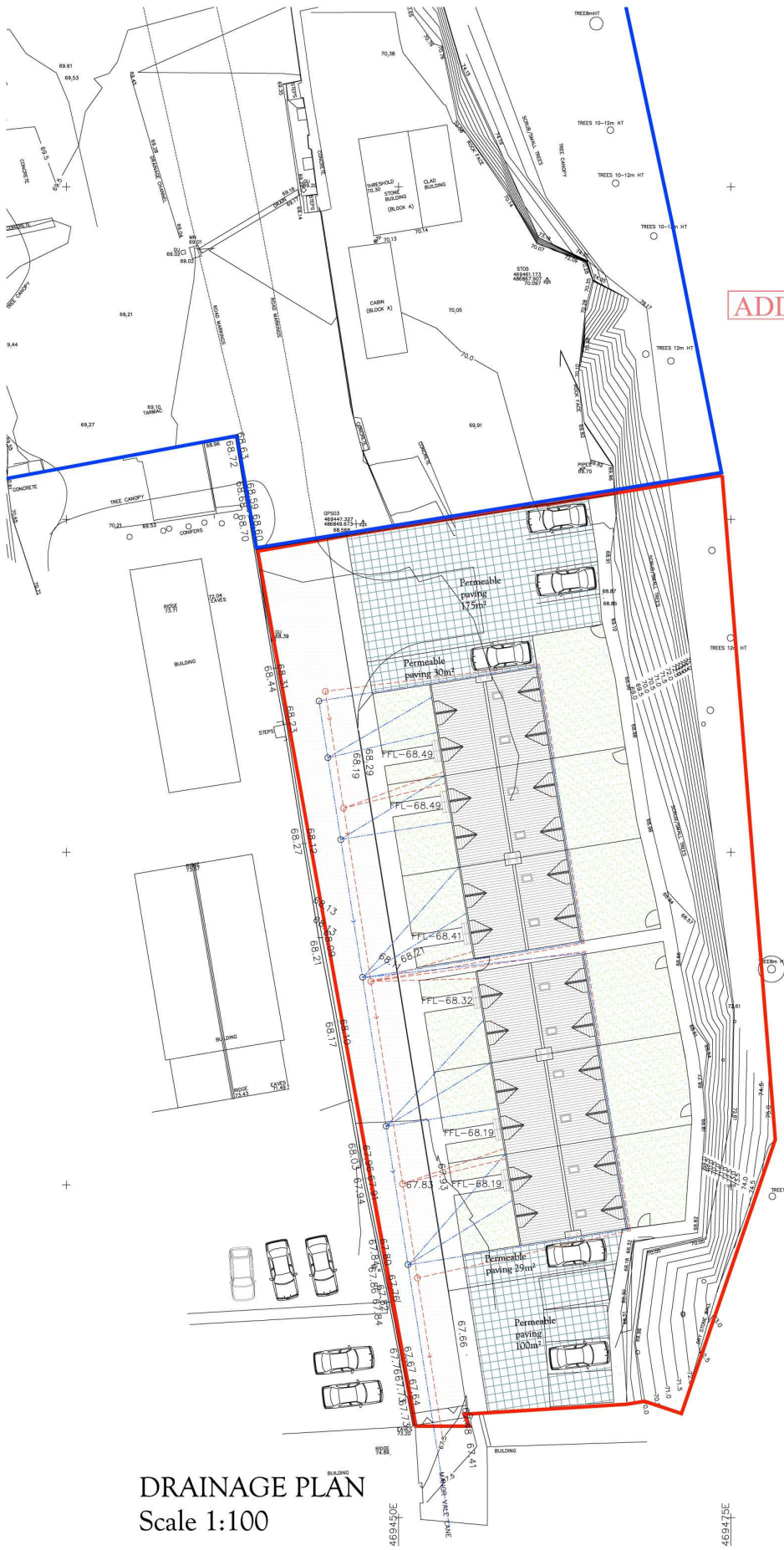
**WARNING TO ROCK DEVELOPERS:**  
 The Planning Department does not accept any responsibility for the safety of the rock face. It is the responsibility of the rock developer to ensure the safety of the rock face. The Planning Department does not accept any responsibility for the safety of the rock face. It is the responsibility of the rock developer to ensure the safety of the rock face.

**THE PLANNING DEPARTMENT:**  
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**Section B**  
 Rev E 19/12/2016 - Finished floor levels of dwellings raised to be minimum of 300mm above adjacent road level. Window and roof heights adjusted to suit.  
 Rev D 28/09/2016 - Revised in accordance with recommendations in Flood Risk Assessment.  
 Rev C 25/08/2016 - Elevations revised to suit new layout.  
 Rev B 08/08/2016 - Elevations revised to suit new layout.  
 Rev A 28/07/2016 - Elevations revised to suit new layout.

**The Planning & Design Partnership**  
 PLANNING ARCHITECTURAL INTERIOR LANDSCAPE  
 The Chicory Barn Studio,  
 The Old Brickyards, Moor Lane, Stamford Bridge,  
 York, The East Riding of Yorkshire, YO81 1HU.  
 Telephone 01759 373656 Fax 01759 373180  
 E-mail chicory.barn@the-pdp.co.uk  
 website: www.the-pdp.co.uk

Client:	
Project:	Outline Application for Housing Development at Manor Vale Lane, Kirbymoorside
Drawing:	Street Elevations and Sections DATE 10/01/17
Date:	December 2015 Drawn: PAN
Scale:	1:100 @ A1 Rec: E
Draft:	PLANNING
Drawn by:	KW_/093/03/14



486875N

**ADDITIONAL PLAN**

486850N

486825N

486800N

THIS DRAWING IS THE PROPERTY OF THE PLANNING & DESIGN PARTNERSHIP. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE PLANNING & DESIGN PARTNERSHIP.

**PLEASE NOTE:**  
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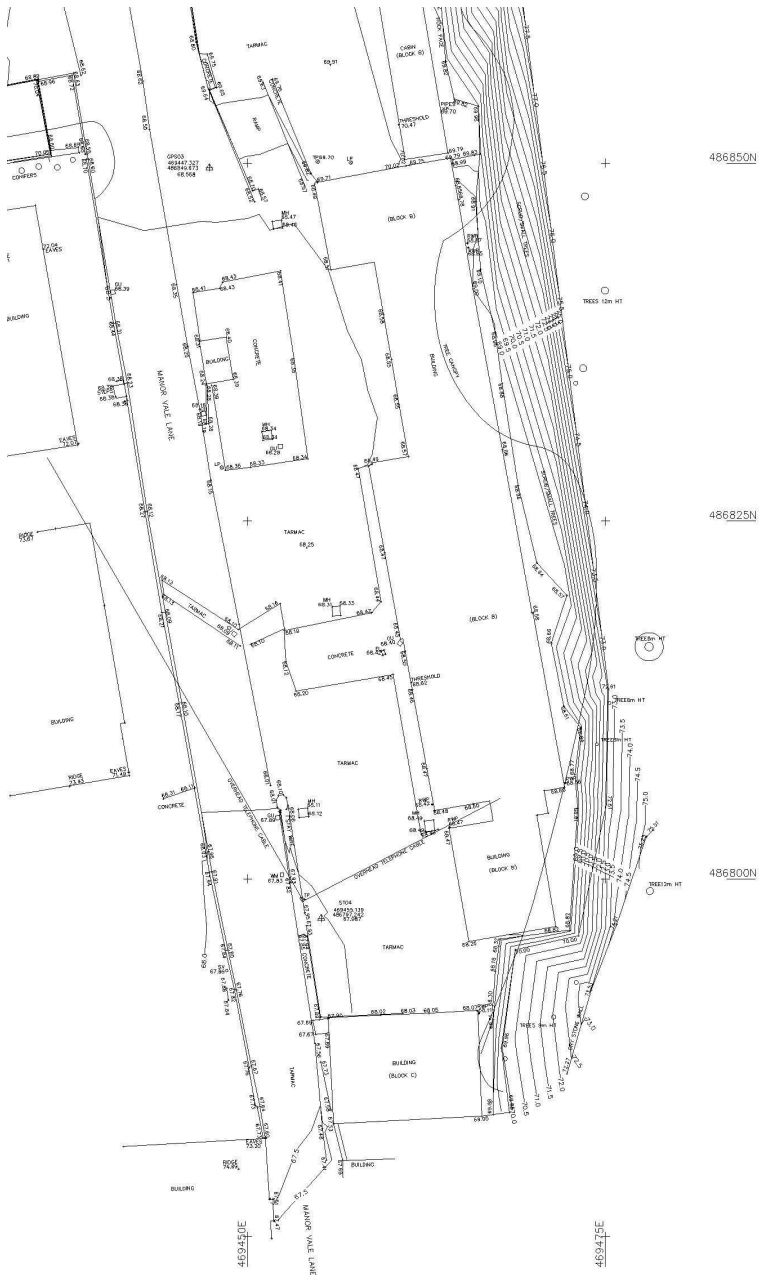
**NOTES TO BE OBSERVED:**  
 1. All dimensions are in millimetres unless otherwise stated.  
 2. All levels are in metres above sea level unless otherwise stated.  
 3. All levels are rounded up to the nearest millimetre.  
 4. All levels are rounded down to the nearest millimetre.  
 5. All levels are rounded to the nearest millimetre.  
 6. All levels are rounded to the nearest millimetre.  
 7. All levels are rounded to the nearest millimetre.  
 8. All levels are rounded to the nearest millimetre.  
 9. All levels are rounded to the nearest millimetre.  
 10. All levels are rounded to the nearest millimetre.

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 The Chocory Barn Studio,  
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 Telephone 01759 372656 Fax 01759 371810  
 E-mail: chocory.barn@the-pdp.co.uk  
 website: www.the-pdp.co.uk

Rev A 21/12/2016 - Scale changed to 1:100. Levels and permeable paving shown.


**DRAINAGE PLAN**  
 Scale 1:100

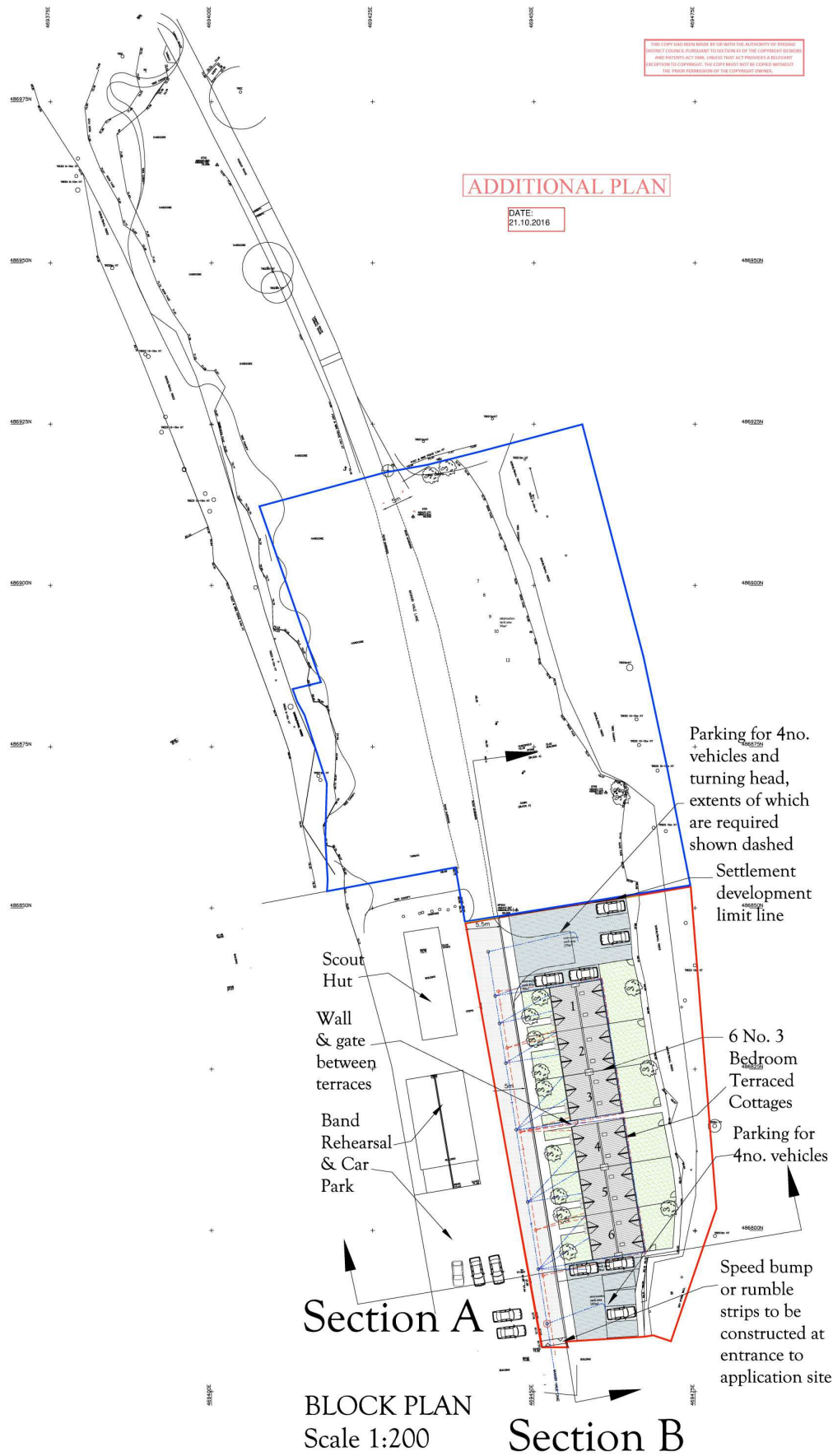
Client:	
Project:	Former Council Depot Manor Vale Lane, Kirbymoorside
Drawing:	Proposed Drainage Plan
Date:	Dec 2013
Scale:	1:100 @ AO
Status:	Preliminary
Drawn by:	PAN
Checked by:	A
Drawn by:	KWL/083/03/15



## ADDITIONAL PLAN

THIS COPY OF THE DRAWING IS VALID ONLY IN CONNECTION WITH THE ORIGINAL DRAWING. ANY REVISIONS TO THE ORIGINAL DRAWING MUST BE INDICATED BY A RED CIRCLE AND A NUMBER. ANY REVISIONS TO THE ORIGINAL DRAWING MUST BE INDICATED BY A RED CIRCLE AND A NUMBER. ANY REVISIONS TO THE ORIGINAL DRAWING MUST BE INDICATED BY A RED CIRCLE AND A NUMBER.

All critical dimensions to be checked on site prior to fabrications. Please report any discrepancies. If in doubt, ask.	
<b>REVISIONS</b>	
Date	Details
 <b>Landmark Surveys (UK) Ltd</b> 149 ROYSTON ROAD CUDWORTH BARNSELY S72 8BW TEL. 01226 780070 FAX. 01226 780070 MOBILE TEL. 07801 697470 E-MAIL mark.landmark@btinternet.com	
Client	
PDP	
Site	
SITE ON MANOR VALE LANE KIRBYMOORSIDE <span style="float: right; border: 1px solid red; padding: 2px;">DATE 10/03/17</span>	
Scale	1 : 200
Date	MARCH 2013
Drawn by:	M.R.GILMORE
Surveyed by:	M.R.G., W.B.
Checked by:	Plan Ref. PDP069SP



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**ADDITIONAL PLAN**

DATE  
 21.10.2016

Section A

BLOCK PLAN  
 Scale 1:200

Section B

Parking for 4no. vehicles and turning head, extents of which are required shown dashed

Settlement development limit line

6 No. 3 Bedroom Terraced Cottages

Parking for 4no. vehicles

Speed bump or rumble strips to be constructed at entrance to application site

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

**TECHNICAL NOTES**  
 The site is an unimproved farm site showing the existing contours. All ground level for the site is to be taken from the datum shown. The contours are shown at 1m intervals. The site is to be developed in accordance with the approved plans. The site is to be developed in accordance with the approved plans. The site is to be developed in accordance with the approved plans.

**SCHEDULE OF ACCOMMODATION 6 UNITS**

PLOT 1 & 6
3 BEDROOM SEMI-DETACHED COTTAGES
1.14 m <sup>2</sup> / 1230 sq ft per unit
684 m <sup>2</sup> / 7,360 sq ft
TOTAL ACCOMMODATION AREA
0.21 ha TOTAL SITE AREA

- Rev 1 20/10/2016 - Final and surface water drainage layout shown.
- Rev 2 28/09/2016 - Speed bump/rumble strip note added.
- Rev 3 25/08/2016 - Location Plan and drainage omitted.
- Rev 4 10/08/2016 - Revised layout scheme.
- Rev 5 08/08/2016 - Revised layout scheme.
- Rev 6 28/07/2016 - Revised layout scheme.
- Rev 7 21/03/2016 - Content of Site shown edged in red.
- Rev 8 09/12/2015 - Revised layout scheme.
- Rev 9 05/10/2015 - Revised layout scheme.

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 website [www.the-pdp.co.uk](http://www.the-pdp.co.uk)

Date	Drawn	Checked
Dec 2013	PAN	
1:200 @ A0		
PLANNING		
Drawn by	KW/093/03/09	

## Photographs



1 Northern section of development site viewed from Manor Vale Lane



2 Development site viewed from Manor Vale Lane



3 Southern section of development site viewed from Manor Vale Lane



4 Southern section of development site



5 Band Hall viewed from development site





6 View from development site south along Manor Vale Lane



7 View from development site north along Manor Vale Lane



## Appeal Decision

Hearing held on 19 August 2008

Site visit made on 19 August 2008

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

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

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

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

Decision date:  
4 September 2008

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

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

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

### Application for costs

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

### Procedural matters

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

### Decision

3. I dismiss the appeal.

### Main issues

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

**RYEDALE D.C.**

**- 8 SEP 2008**

DEVELOPMENT CONTROL

- the ecology of the site.

## **Reasons**

### *Character and Appearance*

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

### *Living Conditions*

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

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

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

BYEDALE D.C.

8 SEP 2008

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

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

#### *Affordable Housing*

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

#### *Ecology*

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

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

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

*Other matters*

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

RYEDALE D.C.

*Conclusion*

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

*Malcolm Rivett*

INSPECTOR

**APPEARANCES**

**FOR THE APPELLANT:**

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

**FOR THE LOCAL PLANNING AUTHORITY:**

Paul Simpson	Ryedale District Council
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**INTERESTED PERSONS:**

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

**DOCUMENTS**

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

RYEDALE D.C.

8 SEP 2008

DEVELOPMENT CONTROL



# PDP

## The Planning & Design Partnership

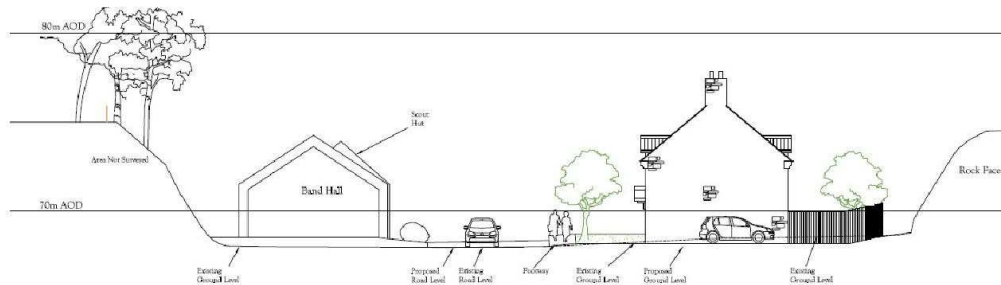
Planning.. Architecture.. Interiors.. Landscape

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

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

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

September 2016



SECTION A



SECTION B

## CONTENTS

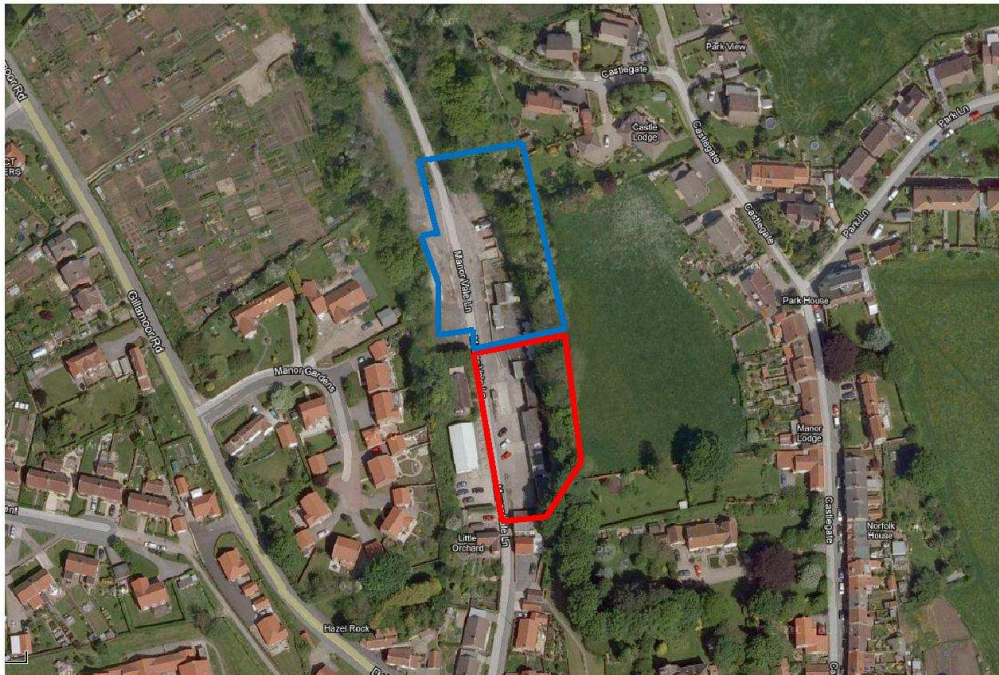
- 1 INTRODUCTION
- 2 THE PROPOSALS
- 3 HIGHWAYS
- 4 DAYLIGHT, SUNLIGHT AND PRIVACY
- 5 SUSTAINABILITY
- 6 DESIGNING OUT CRIME
- 7 CONCLUSIONS

# 1. INTRODUCTION

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

This is an outline planning application for a small housing development in the town of Kirkbymoorside. The site is located on the Northern edge of the town, accessed from Manor Vale Lane, & is currently occupied by a brownfield redundant NYCC highways depot buildings of no architectural merit with permission for demolition. The aim is to re-develop providing an appropriate residential use for the site to provide badly needed housing.

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



AERIAL VIEW OF EXISTING SITE



VIEW OF EXISTING SITE FROM THE SOUTH ON MANOR VALE LANE

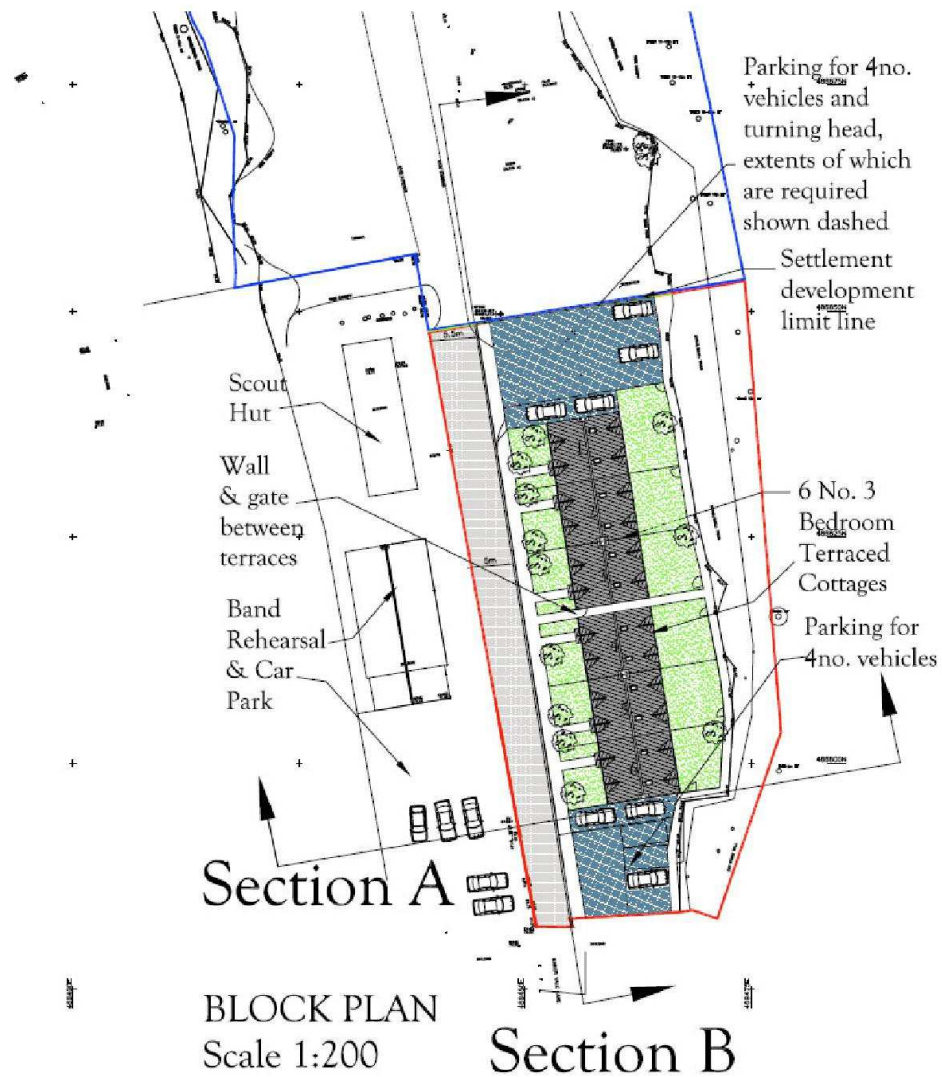
As can be seen from the aerial view, a modern residential development is located on the top of the cliff to the west of the site with open space to the eastern boundary. To the southwest of the site are two community halls, one of which is a Scout Hut & the second being the Headquarters of Kirkbymoorside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

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

The site lies partly within the Development Limit as shown on the Ryedale Local Plan Inset Plan for Kirkbymoorside (Fig 2). The application site is approximately 0.21Ha which gives a housing density of approx 28/29 dwellings per hectare with a 6 unit layout.

## **2. THE PROPOSALS**

The application is for 6 no. 3 Bedroomed Stone Terraced Cottages, split into 2 rows of 3. Each dwelling includes appropriate amenity & allocated parking spaces. The properties have been designed & sited taking note of the local distinctiveness and scale of existing houses, with landscaping potential to the fronts & larger gardens to the rear. The car parking has been sited at either end of the row of houses, with the 2 end houses having their own drives which can accommodate 2 cars and the other houses each have 2 allocated spaces within the parking areas. The layout attempts to retain a sense of openness allowing views of the cliffs as one traverses the site.



PROPOSED BLOCK PLAN

The dwellings have been sited away from the cliffs to ensure adequate sun & daylight enter the windows of the properties from above the tree canopy. Some of these trees have had a crown reduction already and there are other trees which will be felled or have a crown reduction, in order to allow further light, over, through and under the canopy. The properties have been designed to be sympathetic with the traditional style of the Market Town.



VIEW OF COTTAGES ON MANOR VALE LANE

Reference has been made to the Kirkbymoorside Conservation Area Appraisal document as the site is adjacent Area 3. The housing is to be built in stone to reflect the more characterful cottage designs found at the entrance of Manor Vale Lane, with pantile roofs & timber windows.

Please refer to additional documentation submitted entitled 'Landscape & Visual Impact Assessment' & 'Supporting Planning Statement'.

### **3. HIGHWAYS**

The principal vehicular access to the site is from Dale End then along Manor Vale Lane. There are designated parking areas for the dwellings, 2no spaces per dwelling, some of which are included in the curtilage of the dwelling. The lane is essentially a dead end currently but a regularised carriageway width is provided on the site with pedestrian areas & a turning head proposed. This section of road within the application site is to become an adopted highway.

Due to existing boundary & building positions at the Southern approach to the site there is currently no footpath. The proposed scheme includes for a footpath to the front of the houses and parking areas, which runs the length of the application site and stops at each end of the application site. Where the footpath ends at the Southern edge of the application site, a speed bump or rumble strip could be provided to slow vehicular traffic movement.

### **4. DAYLIGHT, SUNLIGHT AND PRIVACY**

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

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

The houses have been sited to achieve average garden lengths & distances from the variable cliff face heights.

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

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

## **5. SUSTAINABILITY**

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

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

## **6. DESIGNING OUT CRIME**

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

## **7. CONCLUSIONS**

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

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

The proposed new dwellings are intended to reflect the latter housing to sit sympathetically & unobtrusively within this setting & the town boundary to provide much sought after starter home & family accommodation in this rural location entirely in line with latest government policy.

We believe this design statement has set out a well-considered scheme & the principles behind the evolution of the design.

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

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



OUTLINE PLANNING APPLICATION  
DEMOLITION OF DEPOT BUILDINGS AND  
ERECTION OF 6 TERRACED HOUSES WITH  
ASSOCIATED ACCESS AND PARKING AREAS

FORMER NORTH YORKSHIRE HIGHWAYS DEPOT  
MANOR VALE LANE  
KIRKBYMOORSIDE  
YO62 6EG

**PLANNING STATEMENT**

October 2016



Chartered Town Planning Consultants

## CONTENTS

- 1.0 Introduction
- 2.0 Site and Surroundings
- 3.0 Planning History
- 4.0 Public Consultation
- 5.0 Proposals for Development
- 6.0 Planning Policy Context
- 7.0 Appraisal
- 8.0 Conclusion

## APPENDICES

- 1. Planning Application Forms
- 2. Plans and Drawings
- 3. Photographs
- 4. Pre-application Consultation Letter to Residents
- 5. Design and Access Statement
- 6. Flood Risk Assessment
- 7. Drainage Calculation and Drainage Survey Report
- 8. Noise Impact Assessment
- 9. Ecological Assessment
- 10. Landscape and Visual Impact Assessment
- 11. Tree Survey
- 12. Archaeological Desk Based Assessment
- 13. Phase 2 Ground Investigation Report
- 14. Asbestos Demolition Survey Report

Proposed Residential Development  
Manor Vale Lane, Kirkbymoorside  
Planning Statement, October 2016

## 1.0 INTRODUCTION

- 1.1 This planning statement is submitted in support of an outline application for the erection of six houses at the site of the former North Yorkshire Highways Depot on Manor Vale Lane, Kirkbymoorside. The application is submitted on behalf of Thomas Crown Associates Limited. The matters to be determined as part of this application are access, layout and massing.
- 1.2 The proposals are submitted in light of an application (ref 15/01156/MOUT) for 16 dwellings and 4 apartments on the site, which was withdrawn in April 2016. It is considered that the proposed scheme resolves the proposed objections to the previous application.
- 1.3 The planning statement sets out the background to the proposal, the relevant policy context, and the response to the various issues raised by the application.

## 2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located on Manor Vale Lane, within the northern edge of the development limits of Kirkbymoorside, approximately 300m from the town centre, which offers a range of shops and services. The site is shown edged in red and other land in the ownership of the applicants is edged in blue on the Location Plan (Appendix 2).
- 2.2 The site comprises 0.21 ha of brownfield land on the eastern side of Manor Vale Lane. It lies within a historic quarry between stone cliff faces to the east and west. The width of the valley between the cliff faces is approximately 40m. The application site is part of an area last used as a Highways Depot by the North Yorkshire County Council. As such, the entire site including the area in blue line is covered in hard-standing and features various poorly maintained and temporary buildings which were formerly used as offices, stores and garages. The site has an industrial appearance and is currently fenced off for safety purposes. Photographs of the site can be found in Appendix 3.
- 2.3 To the west of the site on the opposite side of Manor Vale Lane is a Scout Hut and Band Hall, which serves as a rehearsal space for the Kirkbymoorside Town Brass Band. A stone cliff face of approximately 6m lies directly behind these buildings, above which

is the residential development of Manor Gardens off Gillamoor Road, comprising houses and bungalows.

- 2.4 Immediately to the northeast of the site on top of a 3-4m cliff face is Manor Vale Wood, an ancient woodland designated as a Site of Importance for Nature Conservation. Neville Castle, a late medieval hunting lodge and Scheduled Ancient Monument, is situated approximately 110m to the northeast. To the east of the site is residential development in Castlegate, again houses and bungalows. A large open field lies directly to the east of the site at the top of the cliff. To the south of the site are several bungalows and houses along Manor Vale Lane.
- 2.5 The Kirkbymoorside development limit lies immediately to the north of the site and Kirkbymoorside Golf Club is approximately 500m north along Manor Vale Lane.

### 3.0 PLANNING HISTORY

- 3.1 The wider site within the red and blue edge, containing the current application site, has been subject to several planning applications and appeals over the past 10 years. An application for residential development lodged in 2008 was refused and appealed unsuccessfully. The reasons for refusal were related to layout, ecology, noise from the band hall, and impacts on the character and appearance of the Area of High Landscape Value. Consent was granted for the demolition of the former County Council buildings in 2013 but this has not yet been implemented. In 2014, prior approval was sought for an office to residential conversion but the application was refused and appealed unsuccessfully as the previous use of the site was determined to have been *sui generis*, not B1. A 2015 application for the erection of a replacement depot building was also refused and the ensuing appeal dismissed due to concerns over road safety and the amenity of nearby residents.
- 3.2 Of greatest relevance to this application is a 2015 application for residential development for 16 houses and 3 apartments which was withdrawn (15/01156/MOUT). The committee report indicated that application was recommended for refusal due to issues related to noise from the band hall, surface water flooding, affordable housing provision, layout and design, light and outlook, and the location partially outside the development limits. This proposal has been devised

with the express purpose of resolving each of these issues and putting forward a scheme which is appropriate for the location.

#### 4.0 PUBLIC CONSULTATION

- 4.1 A pre-application consultation with local residents was undertaken via a letter which was posted to 10 properties on Manor Vale Lane and 3 properties in Manor Gardens on 26 September 2016. Consultees were provided with a site layout plan and a covering letter outlining the location and scale of the proposed development. Information about the proposal including a site layout plan was sent by email to Members of Kirkbymoorside Town Council on 23 September 2016 (See Appendix 4).
- 4.2 During the 10-day consultation period one telephone call was received from a resident of Manor Vale Lane who raised concerns over the impact of the proposal on flooding in the area and requested that the sewer pipe be enlarged. The resident was informed of the findings of the Flood Risk Assessment and of the recent jetting of the pipe which had previously been blocked with sediment.
- 4.3 Members of the Kirkbymoorside Town Council notified of the proposal and provided with a site layout plan on 23 September 2016. No response has been received to date.

#### 5.0 PROPOSAL FOR DEVELOPMENT

##### **Layout and Scale**

- 5.1 At 0.21 hectares, the development site is significantly smaller than the previous application site and it lies entirely within the development limit of Kirkbymoorside. The site layout is provided at Appendix 2 and shows two terraces of three units each on a north-south orientation along the eastern side of Manor Vale Lane. The three-bedroom houses would be of a modest scale and have been designed to cater for local families. Each of the two-storey houses would have a front and rear garden.

### **Building Design**

- 5.2 The building design of the proposed dwellings reflects the simple traditional design and character of the dwellings located within the historic core of Kirkbymoorside. The houses would have pitched roofs with dormer windows and rooflights and would be constructed of materials from the local palette, such as stone. Details of the appearance and landscaping are a reserved matter and will be addressed in a separate application.

### **Access**

- 5.3 The site is accessed via Manor Vale Lane. The section of Manor Vale Lane extending from Dale End to the southern boundary of the application site is adopted highway.
- 5.4 As part of the proposed scheme, two two-vehicle drives would be located to the north and south of the scheme adjacent to Units 1 and 6. Two four-vehicle car parks with turning heads would be located at the northern and southern edges of the scheme for vehicles associated with Units 2-5. Pedestrian access would be facilitated by a paved footway on the eastern edge of Manor Vale Lane starting and ending at the northern and southern boundaries of the development site. A rumble strip or speed bump to slow vehicular movement would be provided at the southern edge of the application site.

## **6.0 PLANNING POLICY CONTEXT**

- 6.1 Determination of this application is to be made under Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, which requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The Ryedale Plan is the 'Development Plan' for Ryedale. The Plan is to be made up of two main parts: the Local Plan Strategy and the Local Plan Sites document. The Local Plan Strategy was adopted in September 2013. The Council is now preparing the Local Plan Sites Document. Therefore, this application is to be determined in accordance with the Local Plan Strategy, as well as relevant 'saved' policies of the Ryedale Local Plan (2002), including the adopted proposals map for the district.

- 6.3 The National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and is a material consideration in determining planning applications.

#### **Ryedale Local Plan (2002)**

- 6.4 The proposals map for the 2002 Local Plan shows the site as unallocated land located on the northern edge of Kirkbymoorside, within the development limits of the town.

#### **Ryedale Local Plan Strategy (2013)**

- 6.5 The Local Plan Strategy for Ryedale sets out the spatial vision for the District and outlines the policy objectives for the delivery and distribution of housing development over the next 15 years. Policy SPI identifies Kirkbymoorside, Pickering and Hemsley as Local Service Centres (Market Towns), which are designated as a Secondary Focus for Growth. In these locations, deliverable and developable brownfield land is prioritised for development and development will be guided to areas with lowest flood risk.

- 6.6 Guidance for development in Kirkbymoorside is set out in the 'Aspirations and Strategy' section of the Local Plan Strategy. It indicates that there are opportunities for residential sites as extensions to existing residential areas of the town and north of the A170 for medium density family housing and accommodation for the elderly. The protection and enhancement of Manor Vale as a key asset and area of strategic greenspace for the town is prioritised. Core principles for the development of Kirkbymoorside include:

- avoiding coalescence with Keldholme and Kirby Mills
- retaining the compact and accessible Market Town feel
- retaining the town's traditional north/south axis and form in the landscape

- 6.7 Paragraph 4.16 states that the redevelopment of Brownfield land and buildings will be prioritised although there are limited opportunities for brownfield residential development in appropriate locations.



- 6.8 Policy SP2 sets out the approach to the deliverability and distribution of new housing. The policy targets approximately 10% of all new housing development to be provided in Kirkbymoorside with new build housing taking place within development limits and on small to medium sites predominantly to the north of the A170.
- 6.9 Policy SP3 relates to affordable housing. It states that the Council will seek 35% of new dwellings as affordable housing on site (in settlements outside West and South West Ryedale) as part of developments of 5 dwellings or 0.2ha or more. For small sites below this threshold, pro-rated financial contributions will be sought where this is viable. This has been over-ridden by the order of the Court of Appeal dated May 13, 2016, which states that contributions should not be sought from developments of 10 units or less, as confirmed in National Planning Practice Guidance (Planning Obligations, Para 031).
- 6.10 Design is addressed in Policy SPI 6, which encourages the creation of high quality locally distinctive places which are accessible and offer a high level of amenity. New development should respect the context of its surroundings in terms of location, siting, form, layout, scale and detailed design. New development should incorporate appropriate landscaping features, contribute to a safe and well-protected public realm, provide active frontages and achieve a density of at least 30 dwellings/hectare.
- 6.11 Other Local Plan policies which are relevant to this application are SP4 (Type and Mix of New Housing), SPI 1 (Community Facilities and Services), SPI 2 (Heritage), SPI 3 (Landscapes), SPI 4 (Biodiversity), SPI 7 (Managing Air Quality, Land and Water Resources) and SP22 (Planning Obligations, Developer Contributions and the Community Infrastructure Levy).

#### **Local Plan Sites Document**

- 6.12 The Local Plan Sites Document Development is currently under preparation. Policy SPI in the Local Plan Strategy indicates that sites in Local Service Centres (Market Towns) will be assessed against several criteria, including:
- deliverability and developability of the site
  - accessibility on foot to local amenities

- compatibility with neighbouring land uses
- potential impact on character of the settlement and its setting
- highway capacity and safety

### National Planning Policy Framework

- 6.13 The National Planning Policy Framework (March 2012) is a material consideration in determining planning applications; it sets out the Government's planning policies for England and outlines how they are expected to be applied.
- 6.14 Paragraph 6 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 states that in order to be sustainable, development must perform an economic, social and environmental role. The first element includes contributing to a strong economy and ensuring sufficient land of the right type in the right places to support growth. The second includes supporting strong, vibrant and healthy communities and creating a high quality built environment with access to local services. The third includes protecting and enhancing the natural and historic environment.
- 6.15 Paragraph 14 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development and that local planning authorities should positively seek opportunities to meet the development needs of their area and approve without delay development proposals that accord with the development plan.
- 6.16 Paragraph 17 of the Framework advises that that the core land-use planning principles which Councils should adopt to underpin decision-taking include:
- identifying and meeting the housing, business and other development needs of an area, and responding positively to wider opportunities for growth
  - seeking high quality design and a good standard of amenity for existing and future occupants
  - conserving and enhancing the natural environment by allocating land of lesser environmental value for development
  - conserving heritage assets in a manner appropriate to their significance

- actively managing patterns of growth that make the fullest possible use of public transport, walking and cycling and focus significant development in sustainable locations
- encouraging the effective use of land by reusing brownfield land, provided that it is not of high environmental value

6.17 The Framework states that planning should operate to encourage and not act as an impediment to sustainable growth, and stresses that significant weight should be placed on the need to support economic growth through the planning system (Para. 19).

6.18 Paragraph 23 encourages authorities to support the competitiveness of town centre environments through a variety of measures, including recognising the role of residential development in ensuring the vitality of centres and encouraging residential development on appropriate sites.

6.19 Paragraph 32 advises of the need for safe and suitable access to developments to be secured for all people and for opportunities for sustainable transport modes to be taken up.

6.20 Paragraph 49 of the Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.21 Paragraph 58 of the Framework states that planning decisions should aim to ensure that developments;

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- respond to local character and history, and reflect the identity of local surroundings and materials

- create safe and accessible environments
- are visually attractive as a result of good architecture and appropriate landscaping

6.22 NPPF policies on flood risk are set out in Paragraphs 99 to 104. The policies seek to ensure that new development is directed away from areas at high risk of flooding. New development should not increase flood risk elsewhere and mitigation measures should be in place to reduce residual flood risk.

6.23 To encourage the effective use of land, Paragraph 111 encourages the re-use of brownfield land, so long as it is not of high environmental value. The Policy supports the use of local targets for the development of brownfield land.

6.24 Paragraph 187 of the Framework states that Local Planning Authorities should look for solutions rather than problems, and that decision-takers at every level should seek to approve applications for sustainable development where possible.

## 7.0 APPRAISAL

### Principle of Development

7.1 The proposals would provide 6 high quality family homes in a sustainable location within the settlement limits of Kirkbymoorside, which is identified as a Local Service Centre in Policy SPI of the Local Plan Strategy and is therefore a Secondary Focus for Growth. The Policy supports development in deliverable and developable brownfield locations within Local Service Centres and the Plan specifically encourages medium-density residential development to extend existing residential areas of Kirkbymoorside, especially north of the A170 (Aspirations and Strategy, p. 37).

7.2 Previous applications for residential development on land including the current application site were considered by the Council in 2008 and 2016 (08/00019/MOUT and 15/00156/MOUT). Although both applications were ultimately unsuccessful, they related to a larger site, part of which was outside the settlement limits. A Planning Inspector confirmed the suitability of the site for residential development in 2008,

noting that a proposal for 12 homes would 'make efficient use of previously developed land in a sustainable location' (APP/Y2736/A/08/2072443).

- 7.3 As a former Highways Depot, the application site comprises brownfield land. The re-use of brownfield land is supported by the NPPF (Para 111) and the Local Plan prioritises the redevelopment of brownfield sites although acknowledging that opportunities for residential schemes on brownfield land in appropriate locations are limited. It is therefore considered that this scheme is a rare opportunity for small-scale residential development on brownfield land in a sustainable location.
- 7.4 Local Plan Policy SP2 sets a housing target of 200 homes per annum throughout Ryedale, with 10% of new housing to be located in Kirkbymoorside. The Policy supports the use of infill sites in Kirkbymoorside to contribute to the housing supply. In the Committee Report for the previous withdrawn residential application (15/01156/MOUT, April 2016), the Officer states that the part of the site which corresponds with this application is regarded as an 'infill' site in accordance with Policy SP2 and is therefore 'acceptable in principle'.
- 7.5 As the site is located within 5 minutes' walk of the shops and services in the centre of Kirkbymoorside, the proposal would contribute to the vitality of the town centre. This is compatible with the aims of Paragraph 23 of the NPPF, which recognises the relationship between the competitiveness of town centres and the location of residential development. The proximity of the site to the town centre would also enable residents to rely on sustainable modes of transport, in line with Section 4 of the NPPF.
- 7.6 The presumption in favour of sustainable development underpinning the NPPF is supported in Policy SP19 of the Local Plan, which states that the Council will take a positive approach to development which improves the economic, social and environmental conditions in the area. In terms of sustainability, the proposal performs the economic social and environmental roles outlined in the NPPF as follows:
- **Economic** – The development will contribute to economic growth by supporting local businesses and creating jobs in construction.

- **Social** – The provision of new homes will meet the housing needs of present and future generations in Kirkbymoorside, supporting a strong, vibrant and healthy community.
- **Environmental** – The development will not have an adverse impact on the natural and historic environment and will redevelop a derelict brownfield site in close proximity to the town centre.

### Previously Proposed Development

- 7.7 In 2016, an application for 16no. 3-bed semi-detached dwellings and 3no. 1-bed apartments on land including the application site (15/01156/MOUT) was recommended for refusal on grounds relating to noise, flooding and drainage, affordable housing, site layout, amenity, and location. The proposal has since been amended significantly to resolve each of these issues, as outlined below.

### Development Limits

- 7.8 The previous application for residential development related to a larger site than that of the current application. The former iteration of the site extended beyond the northern edge of the Kirkbymoorside development limits, which was a factor in the Officer's recommendation for refusal. The site boundaries have been amended for the updated scheme and the site now lies entirely within the development limits of Kirkbymoorside. The site is therefore sustainably located within the settlement limits of a Local Service Centre where the principle of development is generally supported by local and national planning policy.

### Amenity

#### *Light and Outlook*

- 7.9 In the Committee Report, concerns were raised in relation to the proximity of the dwellings to the cliff faces and the resulting impact on the size of the rear gardens and the amount of sunlight which would reach them. It was noted that the trees on the outer cliff sides exacerbated the lack of sunlight and sense of enclosure and the Tree and Landscape Officer advised that the trees should be removed and replaced with appropriate planting. In order to increase the amount of sunlight which falls on

the site, the trees on the outer cliff side will be crown lifted or removed as appropriate.

- 7.10 While the size and topography of the site limit the size of rear gardens, the site layout has been designed to provide as much garden space as possible and to reduce the sense of enclosure. It is considered that the proposed scheme offers a reasonable standard of amenity in terms of light, outlook and garden space. Their own rear gardens which extend 5-6m to the rear of the houses and residents would have access to Manor Vale Wood, an ancient woodland with public footpaths adjacent to the application site.

#### *Noise*

- 7.11 The application site is directly opposite the Kirkbymoorside Brass Band Hall and consented Concert Hall. In the Committee Report for the previous application (15/01156/MOUT), concern was expressed over the degree of noise that future occupiers of the dwellings would be subject to and whether this would generate complaints for the Band Hall, which is considered an important community and recreational facility.
- 7.12 The Band Hall is used for brass band rehearsals on Tuesday, Thursday and Sunday evenings between the hours of 7:30 and 9:30pm and on Sunday mornings between 9 and 11am. A noise survey conducted in September 2016 assessed the internal and external noise levels of future dwellings within the proposed scheme at different times of day, including during band practice sessions.
- 7.13 The survey found that internal noise levels of the proposed houses would be below the Lowest Observed Adverse Effect Level at all times including band practice hours and would therefore meet the requirements of the NPPF and the Noise Policy Statement for England. These findings are valid for dwellings with a typical modern wall construction, sealed double glazing and suitable ventilators as proposed. (Appendix 8).
- 7.14 External noise levels on the southern end of the development site adjacent to the Band Hall were found to be below 55 dB at all times including band practice sessions.

The noise levels therefore fulfil the BS8233 criteria and no further mitigation will be required as indicated by the Noise Impact Assessment.

- 7.15 The scheme features a wall and gate between the two terraces which, together with the front elevation of the houses, will act as an acoustic barrier to the rear gardens.

### **Flooding and Drainage**

- 7.16 In the previous application (15/01156/MOUT) issues were highlighted in relation to surface water flooding. The NYCC Flood Risk Officer objected to the scheme, questioning the impact of reducing the impermeable area on surface water runoff. The officer concluded that more information concerning suitable surface water management proposals was required.
- 7.17 Since the previous application, a Flood Risk Assessment (Appendix 6) and a Drainage Calculation (Appendix 7) have been prepared by Dudleys Structural & Civil Consultants. The site is located within Flood Zone 1 for fluvial flooding and the risk of flooding to the proposed development from rivers, surface water, groundwater, sewers and reservoirs is considered to be low. Excess surface water flow is known to have occurred in periods of heavy rainfall along the line of the existing highway with the water flowing south, ponding in a depression in the road south of the development site.
- 7.18 The FRA states that surface water flow would not be adversely affected by the proposed development as there are no plans to alter the highway. The scheme would also reduce the impermeable area of the site through the conversion of some hardstanding areas to gardens, which would increase attenuation capacity, thus reducing the rate of surface water runoff from the site from the current situation. The proposal would therefore not exacerbate the flooding situation or have a negative impact on the resilience of nearby properties, as confirmed by a Planning Inspector in a 2008 appeal for a proposal for 12 dwellings on the same site (APP/Y2736/A/08/2072443).
- 7.19 The dwellings themselves would not be affected by surface water flooding as the finished floor levels would be set 150mm higher than the surrounding land and the ground would fall away from the houses. If ponding south of the site occurred, the



existing steps from Manor Vale Lane to Castlegate at the top of the cliffs to the east of the site could be used as a means of escape from the houses to higher ground.

- 7.20 The Committee Report for application 15/01156/MOUT indicated that there were other sites suitable for residential development in Kirkbymoorside with a lower risk of flooding and that the application was not considered to have passed the sequential test. However, the Flood Risk Assessment demonstrates that a Sequential Test is not required for this proposal as the development would not adversely affect the flooding situation, the dwellings would not be endangered by flooding, and an escape route for residents is in place.
- 7.21 The Drainage Calculation (Appendix 7) states that foul and surface water will be separated and that a new surface water sewer will be laid to connect into the Yorkshire Water Sewer in Manor Vale Lane. The new development will reduce the peak surface water run off by 42% from the present figure and therefore no attenuation storage is required.
- 7.22 A drainage survey conducted in April 2016 (Appendix 7) found that some sections of the sewer on Manor Vale Lane were blocked with silt. The sewers have since been cleaned out by jetting and will be able to drain surface water as originally intended.

#### **Layout and Design**

- 7.23 The previous residential scheme was for 16 no. identical 2-bed semi-detached properties spaced in a regular pattern 15/01156/MOUT. In the Committee Report, concerns were expressed over the form and layout of the proposal, which was deemed too suburban and poorly related to the industrial heritage of the site, concluding that the layout and form was not locally distinct.
- 7.24 The design of the current scheme references the local vernacular style and complements the nearby Kirkbymoorside Conservation Area, with its organic form and two and three-storey stone and brick terraced houses. Given the modest scale and small number of dwellings proposed, the scheme can no longer be characterised as 'suburban' and is more in keeping with the surrounding context than the previous proposal.

- 7.25 Whereas the previous scheme incorporated both sides of Manor Vale Lane, this proposal is limited to the area east of the Lane. The cliff faces and caves on the western side of Manor Vale Lane would therefore not be concealed by the proposed dwellings. The eastern cliffs are less prominent and are currently obscured by foliage and industrial buildings. While the dwellings would conceal a small section of the eastern cliffs, most views of the quarry face would be retained. It is considered that the proposed scheme would not have a negative impact on the natural form of the site or its industrial heritage as a former quarry.

#### **Heritage and Archaeology**

- 7.26 The site lies just north of the Kirkbymoorside Conservation Area and southeast of Neville Castle, a Scheduled Ancient Monument. An Archaeological Desk-Based Assessment of the site prepared by MAP Archaeological Practice Ltd. states that the scheme would not impact the setting or significance of Neville Castle and would have a negligible impact on non-designated heritage assets within the development area (Appendix 12). This was confirmed in the Officer's Report for the previous application, which stated that the proposed development would not harm the character or appearance of the Conservation Area or the setting of the Schedule Ancient Monument given the difference in levels and separation distance between the proposed scheme and the heritage assets (15/01156/MOUT).
- 7.27 The Assessment deems the potential for damage to archaeological remains to be low as the depot area was levelled in the past and concludes that there are no Cultural Heritage or Archaeological reasons to prevent development. No further archaeological work is recommended.

#### **Trees, Landscape and Visual Impact**

- 7.28 A tree survey of an area including the current development site was carried out in 2013 by Treesource Arboricultural Consultancy (Appendix 11). The survey assessed the trees growing on the limestone rocks to the east of the proposed site. The report indicates that most of these trees are Category 'C' trees, with the exception of one Sycamore on the southwest edge of the site which is Category 'B'. The report concludes that most of the trees would not be affected by demolition and

construction on the site and recommends that several of the trees are pruned or considered for removal.

- 7.29 The Trees and Landscape Officer did not raise any objections to the previous proposal but recommended that the trees on the outer sides of the cliff faces should be removed and replaced with more appropriate species. The trees on eastern cliff face will be crown lifted or removed as appropriate by a tree surgeon in October 2016.
- 7.30 Landscaping for the proposed scheme is shown on the Landscape Proposals Plan (Appendix 10). The terraces would feature turfed front and rear gardens, with hedges planted along the western edge of the front gardens to create a clear demarcation of private space. Alternating *Acer campestre* 'Streetwise' and *Sorbus aucuparia* 'Sheerwater Seedling' trees would be planted in the front gardens at suitable distances from the public footpath and highway. Four different types of high quality paving would be used for the public footpath, private footpaths, parking areas, and hard surfaced areas to the rear of the properties.
- 7.31 A Landscape and Visual Impact Assessment has been undertaken by PDP Landscape and Urban Design (Appendix 10). The Assessment indicates that views into the application site from public areas and residential properties would be extremely localised due to the enclosed nature of the landform.
- 7.32 In terms of impact on the character of the surrounding landscape, the Assessment states that the scheme would enhance the quality of the site by creating a townscape character in keeping with the more valued parts of Kirkbymoorside. The former use of the site as a Highways Depot is deemed to have created a 'landscape character of low quality and sensitivity' despite its proximity to an Area of High Landscape Value. This view was expressed in the Officer's Report (15/01156/MOUT), which described the site as a 'tired disused former highway depot containing utilitarian structures and buildings'. The Officer considered the previous scheme to be an 'opportunity to introduce development within the area that is capable of enhancing the current appearance of the site', concluding that the proposal would be unlikely to have an adverse effect on the special scenic qualities of the Area of High Landscape Value.

### **Contamination and Ground Stability**

- 7.33 A Ground Investigation Report has been produced by GeoEnvironmental Engineering Ltd (Appendix 13). The report addresses several issues including ground and groundwater conditions, future foundations and buried structures, ground and groundwater contamination and ground gas.
- 7.34 In the course of the Investigation, organic-type contamination was identified within the made ground materials. As the site was previously used as a highways depot, some evidence of fuel/oil type contamination was detected and there is a potential for undiscovered 'hot spots' of fuel oil type contamination.
- 7.35 No evidence of a water table within 3m of current ground levels was detected although deeper groundwater is likely to be present within solid geological deposits. Any groundwater encountered is likely to be contaminated and would require appropriate disposal during construction.
- 7.36 Elevated levels of generic and organic contamination were recorded in underlying shallow soils and groundwater. In addition, elevated levels of generic and organic contamination as well as fuel/oil type contamination have been recorded in soil samples taken at the site. This contamination poses a potential significant risk to residential end users and specialist removal of these materials is recommended, along with further risk assessment, remediation and protection measures.

### **Ecology, Protected Species and Manor Vale SINC**

- 7.37 An Ecological Assessment and Bat Survey has been completed by MAB Environment and Ecology Ltd (Appendix 9). The Assessment indicates that the Manor Vale SINC woodland, which is approximately 70m from the site, would not be directly affected by the housing. Emergence surveys has recently confirmed that bats are not roosting in the buildings or cliff crevices and the buildings to be demolished are suboptimal for bats.
- 7.38 A badger sett was found in a small cave in the cliff face to the east of the buildings to be demolished. The sett is an annex to the main sett, located 40m north of the development site. The North York Moors Caving Club has recently applied to

exclude the badger from the cave under an education and scientific licence so that they can continue to explore the cave.

### **Access and Road Safety**

- 7.39 Access to the proposed dwellings would be via Manor Vale Lane, which is mainly used by local residents, brass band participants, scouts and golfers from the Kirkbymoorside Golf Club at the end on the lane. In a 2015 appeal decision (APP/Y2736/W/15/3130202), the Inspector observed that 'since the access to the golf course passes through the middle of this area, vehicles already are, and will continue to be, a feature of this location.'
- 7.40 It is not envisioned that the proposed development would lead to a major increase in vehicle traffic along Manor Vale Lane or Dale End due to the low number of dwellings proposed. Based on a maximum figure of 2 vehicles for each of the 6 dwellings, it is predicted that the proposal would generate up to 7.2 additional vehicle movements per hour on Manor Vale Lane during peak times at most.
- 7.41 NYCC Highways did not have any highway-related objections to the previous application, which was for 20 units and would have generated a greater volume of traffic than the current proposal.

## **8.0 CONCLUSIONS**

- 8.1 The proposed scheme is a small-scale residential development that would deliver new family housing in a sustainable brownfield location within Kirkbymoorside. The redevelopment provides the opportunity to tidy up and enhance the appearance of the derelict site and represent a significant improvement to the Area of High Landscape Value.
- 8.2 It is considered that the recommended reasons for refusal of the previous application have been addressed and resolved, and that any further site issues have been addressed. The site now lies entirely within Kirkbymoorside development limits and the housing would contribute to meeting housing targets in the Local Plan without harming the amenity of nearby residents. The proposed development would not

exacerbate flooding issues and the dwellings themselves would not be threatened by flooding. The layout and design of the new housing is modest, uses traditional materials, would respect the character and setting of the adjacent Conservation Area and would comply with policy set out in the emerging Ryedale Local Plan and the National Planning Policy Framework.

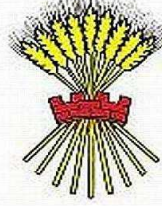
- 8.3 Overall the proposal satisfies local and national planning policy and it is hoped that officers and Members will feel able to support the scheme and grant outline planning permission.

# Appendix I

## Planning Application Forms

Development Management  
Ryedale District Council  
Ryedale House  
Malton  
YO17 7HH  
Tel: 01653 600666  
Email dm@ryedale.gov.uk

**RYEDALE  
DISTRICT  
COUNCIL**



For office use only  
App no:  
Fee:  
Date Received:

Application for Outline Planning Permission With Some Matters Reserved.  
Town and Country Planning Act 1990

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:	<input type="text"/>	First Name:	<input type="text"/>	Surname:	<input type="text" value="Thomas Crown Associates"/>
Company name:	<input type="text"/>				
Street address:	<input type="text" value="7 Victoria Avenue"/>				
	<input type="text"/>				
	<input type="text"/>				
Telephone number:	<input type="text"/>				
Mobile number:	<input type="text"/>				
Town/City:	<input type="text" value="Harrogate"/>				
Fax number:	<input type="text"/>				
Country:	<input type="text"/>				
Email address:	<input type="text"/>				
Postcode:	<input type="text" value="HG1 1EQ"/>				
Are you an agent acting on behalf of the applicant?					
<input checked="" type="radio"/> Yes <input type="radio"/> No					

**2. Agent Name, Address and Contact Details**

Title:	<input type="text"/>	First Name:	<input type="text" value="O'Neill"/>	Surname:	<input type="text" value="Associates"/>
Company name:	<input type="text" value="O'Neill Associates"/>				
Street address:	<input type="text" value="Lancaster House"/>				
	<input type="text" value="James Nicolson Link"/>				
	<input type="text" value="Glifton Moor"/>				
Telephone number:	<input type="text" value="01904692313"/>				
Mobile number:	<input type="text"/>				
Town/City:	<input type="text" value="York"/>				
Fax number:	<input type="text"/>				
Country:	<input type="text" value="United Kingdom"/>				
Email address:	<input type="text" value="n.heikal@oneill-associates.co.uk"/>				
Postcode:	<input type="text" value="YO30 4GR"/>				

**3. Description of the Proposal**

Please indicate all those reserved matters for which approval is being sought:

Access  Appearance  Landscaping  Layout  Scale

Please describe the proposal:

Demolition of depot buildings and erection of 6 terraced houses with associated access and parking areas

Has the building or works already been carried out?  Yes  No



#### 4. Site Address Details

Full postal address of the site (including full postcode where available)

House:  Suffix:

House name:

Street address:

Town/City:

Postcode:

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:

Northing:

Description:

#### 5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

#### 6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

Yes  No

Is a new or altered pedestrian access proposed to or from the public highway?

Yes  No

Are there any new public roads to be provided within the site?

Yes  No

Are there any new public rights of way to be provided within or adjacent to the site?

Yes  No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

Yes  No

#### 7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

Yes  No

If Yes, please provide details:

Have arrangements been made for the separate storage and collection of recyclable waste?

Yes  No

If Yes, please provide details:

#### 8. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes  No

## 9. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

### Roof - description:

Description of *existing* materials and finishes:

Description of *proposed* materials and finishes:

pantile

### Walls - description:

Description of *existing* materials and finishes:

Description of *proposed* materials and finishes:

stone

### Windows - description:

Description of *existing* materials and finishes:

Description of *proposed* materials and finishes:

timber framed

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?  Yes  No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

Design and Access Statement

## 10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	12	12

## 11. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer  Package treatment plant  Unknown   
Septic tank  Cess pit  Other

Are you proposing to connect to the existing drainage system?  Yes  No  Unknown

If Yes, please include the details of the existing system on the application drawings and state references for the plan(s)/drawing(s):

Refer to Proposed Site Plan Rev. E showing drainage connections

## 12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

Yes  No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

Yes  No

Will the proposal increase the flood risk elsewhere?

Yes  No

How will surface water be disposed of?

Sustainable drainage system  Main sewer  Pond/lake

## 12. Assessment of Flood Risk

How will surface water be disposed of?

- Soakaway  Existing watercourse

## 13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

- Yes, on the development site  Yes, on land adjacent to or near the proposed development  No

b) Designated sites, important habitats or other biodiversity features

- Yes, on the development site  Yes, on land adjacent to or near the proposed development  No

c) Features of geological conservation importance

- Yes, on the development site  Yes, on land adjacent to or near the proposed development  No

## 14. Existing Use

Please describe the current use of the site:

vacant

Is the site currently vacant?

- Yes  No

If Yes, please describe the last use of the site:

Council highways depot

When did this use end (if known) (DD/MM/YYYY)?

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated?

- Yes  No

Land where contamination is suspected for all or part of the site?

- Yes  No

A proposed use that would be particularly vulnerable to the presence of contamination?

- Yes  No

## 15. Trees and Hedges

Are there trees or hedges on the proposed development site?

- Yes  No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

- Yes  No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

## 16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste?

- Yes  No

## 17. Residential Units

Does your proposal include the gain or loss of residential units?

Yes  No

Market Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses	0	0	6	0	0
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Market Housing Total

Market Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Market Housing Total

Social Rented Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Social Housing Total

Social Rented Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Social Housing Total

Intermediate Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Intermediate Housing Total

Intermediate Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Intermediate Housing Total

Key Worker Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Key Worker Housing Total

Key Worker Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Key Worker Housing Total

Overall Residential Unit Totals	
Total proposed residential units	6
Total existing residential units	<input type="text"/>

### 18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

Yes  No

Use Class/type of use	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross new internal floorspace proposed (including changes of use) (square metres)	Net additional gross internal floorspace following development (square metres)
Other	638	638	0	-638
Total	638	638	0	-638

For hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms:

Use Class/types of use	Existing rooms to be lost by change of use or demolition	Total rooms proposed (including changes of use)	Net additional rooms
------------------------	--	---	----------------------

### 19. Employment

No Employment details were submitted for this application

### 20. Hours of Opening

No Hours of Opening details were submitted for this application

### 21. Site Area

What is the site area?

0.21

hectares

### 22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Is the proposal for a waste management development?

Yes  No

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

### 23. Hazardous Substances

Is any hazardous waste involved in the proposal?

Yes  No

#### A. Toxic substances

Amount held on site

Tonne(s)

#### B. Highly reactive/explosive substances

Amount held on site

Tonne(s)

#### C. Flammable substances (unless specifically named in parts A and B)

Amount held on site

Tonne(s)

## 24. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent  The applicant  Other person

## 25. Certificates (Certificate A)

### Certificate of Ownership - Certificate A Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding (*"agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act*).

Title:  First name:  Surname:

Person role:  Declaration date:   Declaration made

## 26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date

## Appendix 2

Plans and Drawings

Schedule of Application Drawings  
7 October 2016



Chartered Town Planning Consultants

**Outline planning application for demolition of depot buildings and erection of 6  
terraced houses with associated access and parking areas  
Former North Yorkshire Highways Depot, Manor Vale Lane, Kirkbymoorside**

Description	Scale	Drawing No.	Date
Location Plan	1:2500 @ A4	093/003/11	7 October 2016
Proposed Site Plan Rev. H	1:200 @ A0	093/03/09	5 October 2016
Street Elevations and Sections Rev. D	1:100 @ A1	093/03/14	28 September 2016
Floor Plans and Elevations Rev. B	1:100 @ A1	093/03/12	25 August 2016
Site Plan Showing Drainage Connections Rev. E	1:2500 @ A4	093/03/09	8 August 2016
Topographical Survey	1:200 @ A0	-	March 2013



## Appendix 3

Photographs

## Appendix 4

Pre-application Consultation Letter to Residents

## Appendix 5

### Design & Access Statement

## Appendix 6

### Flood Risk Assessment

## Appendix 7

### Drainage Calculation and Drainage Survey Report

## Appendix 8

### Noise Impact Assessment

## Appendix 9

### Ecological Assessment

## Appendix 10

### Landscape and Visual Impact Assessment



## Appendix II

### Tree Survey

## Appendix 12

### Archaeological Desk Based Assessment

## Appendix 13

Phase 2 Ground Investigation Report

## Appendix 14

Asbestos Demolition Survey Report

Schedule of Application Drawings  
7 October 2016



Chartered Town Planning Consultants

**Outline planning application for demolition of depot buildings and erection of 6  
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Former North Yorkshire Highways Depot, Manor Vale Lane, Kirkbymoorside**

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Street Elevations and Sections Rev. D	1:100 @ A1	093/03/14	28 September 2016
Floor Plans and Elevations Rev. B	1:100 @ A1	093/03/12	25 August 2016
Site Plan Showing Drainage Connections Rev. E	1:2500 @ A4	093/03/09	8 August 2016
Topographical Survey	1:200 @ A0	-	March 2013

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**Subject:** Planning Observations - Kirkbymoorside Town Council Planning Committee - STAT

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

**Sent:** 23 November 2016 13:01

**To:** Development Management; Cllr Elizabeth Shields; Cllr Brian Maud

**Subject:** Planning Observations - Kirkbymoorside Town Council Planning Committee

Please find below the observations of the Kirkbymoorside Town Council Planning Committee from the meeting dated 21st November 2016.

Thank you for extending the deadline for receipt of these observations and including them in your considerations.

Regards

Lisa Bolland

#### **P16036 PLANNING APPLICATIONS**

- a. 16/01654/HOUSE | Erection of a detached timber shed | 47 Piercy End Kirkbymoorside YO62 6DQ  
No Comment
- b. 16/01658/OUT | Erection of 6no. three bedroom terraced dwellings (site area 0.21ha) | North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside YO62 6EG

The proposal for residential development on part of the site of the former County Council depot on Manor Vale Lane, Kirkbymoorside was considered.

The Planning Committee agree that the proposal would greatly benefit the site on provision that measures are implemented to reflect the expert advice previously provided in detailed reports to address the inadequate drainage to the south of Manor Vale.

The Planning Committee would like to re-submit the observations submitted in respect of the previous applications 15/01156/OUT and 15/01156/MOUT, the comments remain valid for this application, as follows:

Attention must be drawn to the repeated incidences of surface water flooding in Kirkbymoorside and the impact on existing houses in Manor Vale. Video and photographic evidence of the floods previously submitted to Alan Hunter should be brought to the attention of the Planning Committee.

The introduction of additional impermeable surface areas, would exacerbate the ongoing issues of flooding in Manor Vale, and the detrimental impact that this would have to the existing properties. It is important that the developer addresses the matter of drainage in sufficient detail to allay any fears and a demonstration of suitable surface water management proposals should be provided.

The Planning committee confirmed its support of the plans for residential development.

- c. 16/01727/HOUSE | Installation of 2no. conservation rooflights to front elevation and 2no. dormer windows and 1no. conservation rooflight to rear elevation | 9 West End Kirkbymoorside YO62 6AD  
Councillor Ashworth has carried out a site visit and Councillors Cossins and Wells reside in close proximity to the property. It is the opinion of the Planning Committee that the proposed installations of dormer windows to the rear and conservation rooflights to the front and rear elevations is an effective way to maximise the interior space of the attic whilst also ensuring that the exterior of the property will be in keeping with the neighbouring properties. Historically there was a single large dormer which spanned the majority of the rear elevation. This was removed as recently as 5 years ago. The proposed installations to the rear of the property are considerably more favourable to the former dormer and will greatly enhance the aesthetic and functionality of the property.

The Planning committee fully supports the planning application and appreciates the reasons for the size of the proposed installations. The design is in keeping with dormer windows on neighbouring properties.

***It is requested that these observations are circulated to members of the Planning Committee for favourable consideration.***

- d. 16/01767/HOUSE | Erection of single storey extension to side elevation | 16 Oak Close Kirkbymoorside YO62 6PR  
No Comment
- e. 16/01785/FUL | Erection of building to form an additional laundry processing facility | Yorkshire Laundry Service Ings Lane Kirkbymoorside YO62 6DN  
The Planning Committee support this application. It is good to see expansion and progressive development of a local business.
- f. 16/01770/HOUSE | Erection of single storey extension to rear and side elevations and detached double garage following removal of existing conservatory | 41 Keld Head Orchard Kirkbymoorside YO62 6EF  
No Comment
- g. 16/01794/HOUSE | Erection of single storey extension and conservatory to side elevation. | 8 Ripley Close Kirkbymoorside YO62 6BS  
No Comment
- h. 16/01831/HOUSE | Erection of conservatory to rear elevation following demolition of existing conservatory (revised details to approval 16/01079/HOUSE dated 02.08.2016) | Dovecote Keldholme Priory Village Street Keldholme Kirkbymoorside YO62 6LZ  
No Comment

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**Subject:** 16/01658/OUT

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

**Sent:** 02 November 2016 13:20

**To:** Development Management

**Subject:** Extension to deadline for observations

Dear Sirs

16/01658/OUT - The proposed application was discussed at the October Planning Committee meeting as follows:

- a. The proposal for outline planning application for residential development on part of the site of the former County Council depot on Manor Vale Lane, Kirkbymoorside as submitted by O'Neil Associates on behalf of a development company named Thomas Crown Associates was considered.

The Planning Committee agree with comments raised by members of the public. The proposal would greatly benefit the site on provision that measures are implemented to reflect the expert advice previously provided in detailed reports.

The Planning Committee would like to re-submit the observations submitted in respect of the previous applications 15/01156/OUT and 15/01156/MOUT, the comments remain valid for this application, as follows:

Attention must be drawn to the repeated incidences of surface water flooding in Kirkbymoorside and the impact on existing houses in Manor Vale. Video and photographic evidence of the floods previously submitted to Alan Hunter should be brought to the attention of the Planning Committee.

The introduction of additional impermeable surface areas, would exacerbate the ongoing issues of flooding in Manor Vale, and the detrimental impact that this would have to the existing properties. It is important that the developer addresses the matter of drainage in sufficient detail to allay any fears and a demonstration of suitable surface water management proposals should be provided.

The Planning committee confirmed its support of the plans for residential development.

Regards

Lisa bolland



**Item Number:** 8  
**Application No:** 17/00146/MFUL  
**Parish:** Heslerton Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Mr Neville Ender  
**Proposal:** Change of use and alteration of barn and land to equestrian use with formation of 12no. stables within the building together with formation of a 603m length oval sand canter track within the adjacent field, all for the private use of the applicant (part retrospective).  
**Location:** Swallows Barn Church Lane East Heslerton Malton YO17 8RN

**Registration Date:**  
**8/13 Wk Expiry Date:** 17 May 2017  
**Overall Expiry Date:** 23 March 2017  
**Case Officer:** Charlotte Comforth **Ext:** 325

#### CONSULTATIONS:

**Archaeology Section** No objection  
**Parish Council** No views received to date  
**Highways North Yorkshire** No objection

**Neighbour responses:** None

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**SITE:**

The application site comprises of a residential dwelling know as Swallows Barn, with a detached garage and existing agricultural barn to the rear (west) of the dwelling. An adjoining field to the west of the dwelling, detached garage and agricultural barn is owned by the applicant and has an area of 5.448 hectares. The site is accessed off Church Lane that is located approximately 60 metres to the south of the A64 trunk road within the settlement of East Heslerton. The site is also located within the Wolds Area of High Landscape Value and within an archaeological sensitive area.

#### PROPOSAL:

Change of use and alteration of barn and land to equestrian use with formation of 12no. stables within the building together with formation of a 603m length oval sand canter track within the adjacent field, all for the private use of the applicant (part retrospective).

This is a 'major' application and is required to be determined by Planning Committee as the canter track is in a field which exceeds 1 hectare in area (5.448 hectares). The track will be 603 metres round, 3 metres wide and be constructed of 150mm of sand and artificial fibre with a membrane on 150mm of clean stone with drainage surrounded in gravel below. The track will be used for private use of the applicant who exercises the horses and resides in Swallows Barn. Members should note that some of the 12no. stables within the building have already been constructed.

#### HISTORY:

There is no relevant planning history regarding this application.

#### POLICY:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP9 - Land Based Rural Economy

Policy SP 12 - Heritage  
Policy SP 13 - Landscapes  
Policy SP 16 - Design  
Policy SP 19 - Presumption in favour of sustainable development  
Policy SP 20 - Generic Development Management Issues

National Planning Policy Framework (NPPF) (2012)

Chapter 3. Supporting a prosperous rural economy

National Planning Policy Guidance (NPPG)

**APPRAISAL:**

The main considerations in relation to this application are

- i. The Principle of Development
- ii. Impact upon the wider open countryside landscape - the Wolds Area of High Landscape Value
- iii. Highway safety
- iv. Impact upon neighbour amenity
- vi. Archaeology
- vii. Other matters
- viii. Conclusion

**i. The Principle of Development**

Whilst the development is not for a new building and for private use only, Policy SP9 (Land Based Rural Economy) is supportive of development that supports support land-based activity and a working countryside, including for farming, forestry and equine purposes. The applicant will exercise the horses on the canter track in an adjacent field and they will then be housed in the barn that is located approximately 70 metres to the east of the canter track. The change of use and alteration of an barn and land to equestrian use with formation of 12no. stables within the building together with formation of a 603m length oval sand canter track within the adjacent field is considered acceptable in this location.

**ii. Impact upon the wider open countryside landscape - the Wolds Area of High Landscape Value**

Policy SP 13 (Landscapes) of the Ryedale Plan - Local Plan Strategy states:

Landscape Character:

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

- *The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)*
- *Visually sensitive skylines, hill and valley sides*

*The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.*

There will be limited, distant views of the canter track from the A64 due to the low lying nature of the canter track on a relatively flat field. The surfacing of sand is considered acceptable. There will also be limited views of the frontage of the 12no. stables that are located within an existing barn building. The proposal is not considered to be detrimental to the character of the wider open countryside that is designated as the Wolds Area of High Landscape Value.

**iii. Highway safety**

The Highway Authority considers the existing vehicular access onto Church Lane to be acceptable and given that the proposal are for private use only, has no objection to the proposal. The proposal is therefore considered to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

**iv. Impact upon neighbour amenity**

The closest residential properties to the site are The Firs to the immediate north of field where the canter track is proposed and Bobtail Cottage to the east of the dwelling of Swallows Barn and approximately 45 metres to the east of the building where the stables are proposed. There is the potential for the horses to cause issues regarding noise and odour.

However, the existing building has a lawful agricultural use and could clearly be used to house more livestock than 12 horses. If there are any future complaints regarding noise and odour these would be dealt with by Environmental Health Officers. The applicant has advised that the manure from the horses is collected regularly by a local farmer and is spread on his land. This arrangement is considered to be appropriate in this instance.

In light of the above and given that the proposal is for private use only by the applicant, it is considered that the proposal will not be likely to have a material adverse effect upon the amenity of any residential properties. The proposal is considered to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

**vi. Archaeology**

The Principal Archaeologist at North Yorkshire County Council (NYCC) has stated the following with regard to the proposal:

*The development is within a sensitive archaeological landscape with a high concentration of prehistoric and later archaeological sites. The field in which the proposed canter track is proposed has been subject to geophysical survey by the Landscape Research Centre. The anomalies identified appear to be largely agricultural (i.e. plough furrows) or natural (i.e. former watercourses) and of a low archaeological potential. The conversion of the barn to a stable is unlikely to involve significant ground disturbance and the same is presumed for the canter track. I have no objection to the proposal and have no further comments make. It is not necessary to consult us again on this application.*

The proposal is therefore considered to comply with Policy SP12 of the Ryedale Plan - Local Plan Strategy.

**vii. Other matters**

There has been no response from the Parish Council with regard to the proposal.

**viii. Conclusion**

In light of the above considerations, the change of use and alteration of the existing barn and land to equestrian use with formation of 12no. stables within the building together with formation of a 603m length oval sand canter track within the adjacent field, all for the private use of the applicant is considered to satisfy the relevant policy criteria outlined within Policies SP9, SP12, 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):

Site Location Plan - Land Registry NYK388985 date stamped 15.02.2017.

Block Plan - Scale 1:2500 date stamped 15.02.2017.

Proposed Elevations - Scale 1:100 Swallows Barn date stamped 15.02.2017.

Proposed Floor Plan - Scale 1:100 Barn Conversion into 12 stables date stamped 15.02.2017.

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

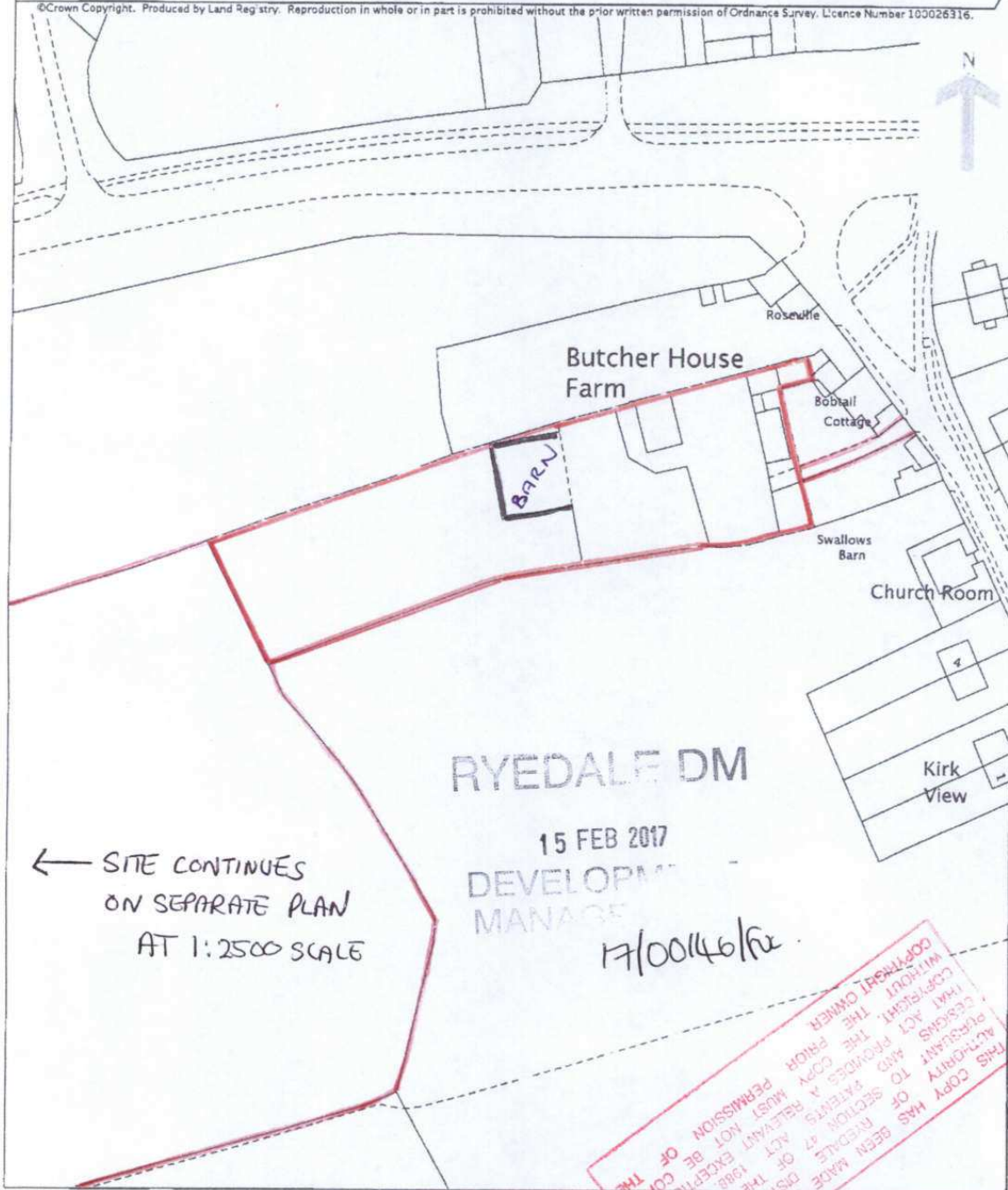
Responses from consultees and interested parties

Land Registry  
Official copy of  
title plan

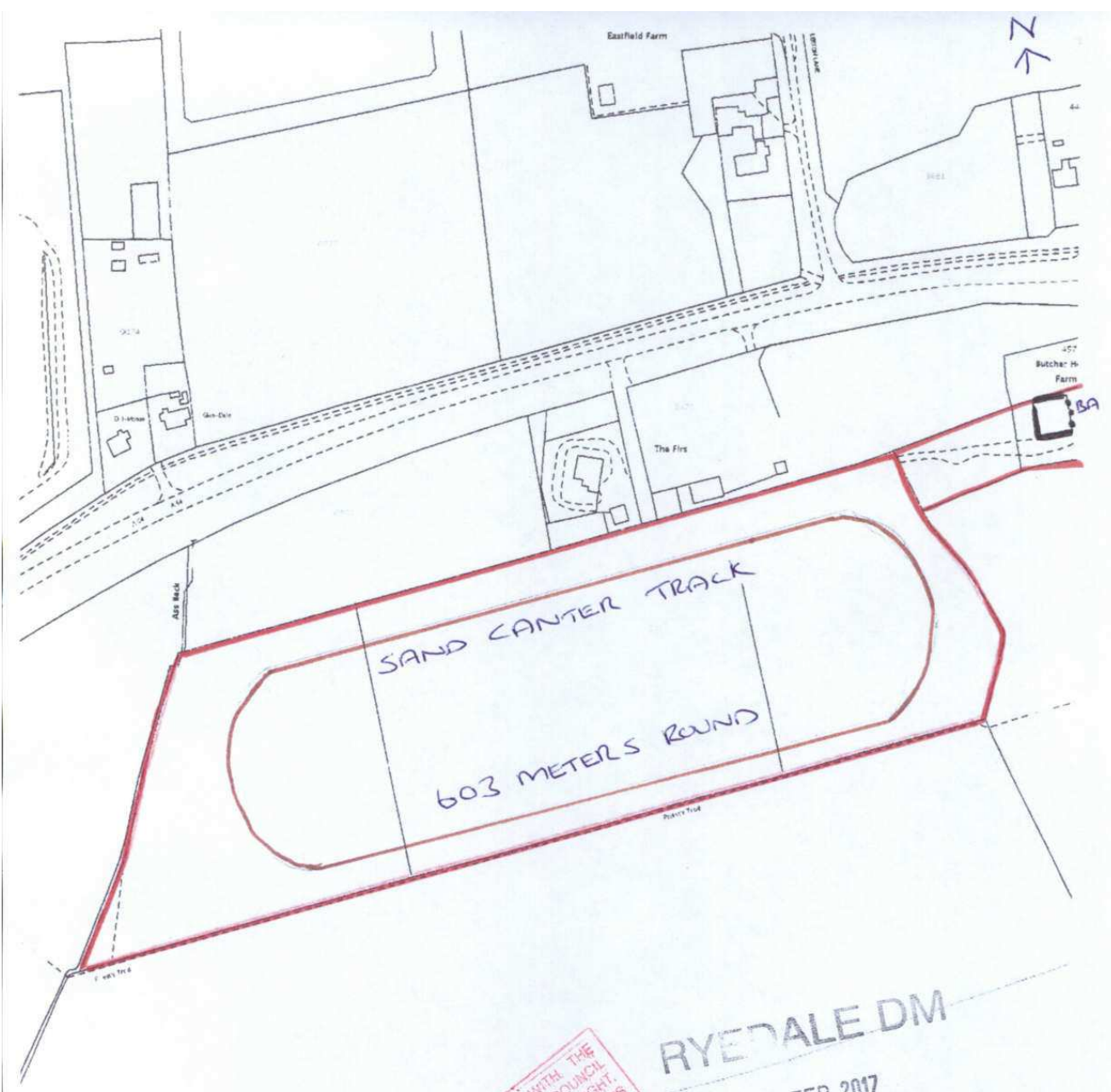
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Ordnance Survey map reference **SE9276NW**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **North Yorkshire : Ryedale**



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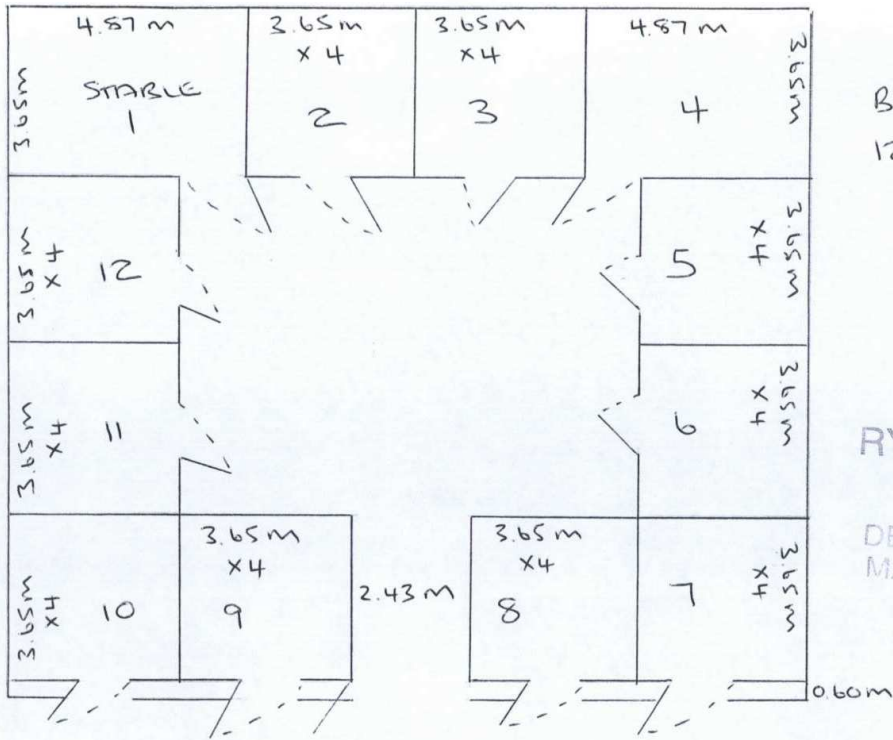
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RYEDALE DM

15 FEB 2017  
DEVELOPMENT  
MANAGEMENT

17/00146/RUC

SCALE 1:2500



BARN CONVERSION INTO  
12 STABLES

SCALE 1:100

17/00146702  
RYEDALE DM  
15 FEB 2017  
DEVELOPMENT  
MANAGEMENT

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EAST ELEVATION OF BARN FACING HOUSE  
 SCALE 1:100

SWALLOWS BARN REF: 17/00146/FUL

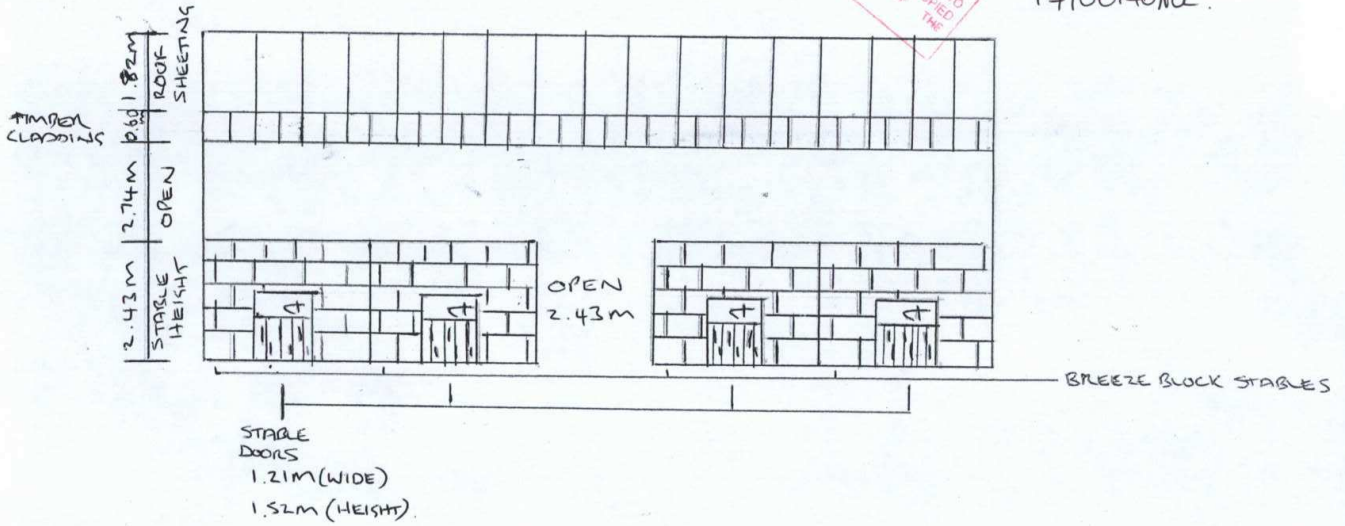
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15 FEB 2017

DEVELOPMENT MANAGEMENT

17/00146/r2



STABLES 10 — 9 — 8 — 7



**Item Number:** 9  
**Application No:** 16/01108/FUL  
**Parish:** Normanby Parish Meeting  
**Appn. Type:** Full Application  
**Applicant:** Mr Graham Bell  
**Proposal:** Retention of existing dwelling for purpose of agricultural workers dwelling  
**Location:** Westfield Farm Westfield Lane Normanby YO62 6RJ

**Registration Date:**  
**8/13 Wk Expiry Date:** 29 August 2016  
**Overall Expiry Date:** 6 August 2016  
**Case Officer:** Gary Housden **Ext:** 307

#### CONSULTATIONS:

**Highways North Yorkshire** No objection  
**Sustainable Places Team (Yorkshire Area)** No objections  
**Parish Council** No views received to date

**Neighbour responses:** Ms Val Kavanagh, Mr Philip Gospel, Mr D Walker, Mr Phillip Forsyth, Mr David Walker, Mr Paul Bell, Mr S R Marton, Mr William Sanders, Mr Paul Bell, Miss Harriet Sanders,

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**SITE:**

The application site is located at Westfield Farm, a farmstead situated approximately 500 metres to the south of the village of Normanby in open countryside. The farmstead extends to approximately 138 acres of arable and grassland with a herd of approximately 80 breeding cows with a further 120 calves and fattening cattle.

The farm is set back from the adjacent highway and is accessed via a narrow driveway which also serves Westfield Lodge (a single storey dwelling built in 1981) and Westfield House (a two storey dwelling built in 2014/15). Westfield farmhouse, the subject of this application, pre dates planning control and is estimated to date from the Victorian era.

The River Seven runs to the east of the farm complex and is separated from the group of farm buildings by the existing flood defence.

#### PROPOSAL:

This application seeks planning permission to retain the existing dwelling known as Westfield Farm for use as an agricultural workers dwelling. To accompany the application the applicant's agent has submitted a Planning Statement which was updated on 24<sup>th</sup> April 2017 to reflect the circumstances of the holding at the present time and to confirm up-to-date livestock numbers. The submitted Agricultural Justification Report and Appraisal has also been updated to reflect current stock numbers and concludes there is a need for two essential agricultural workers at the holding.

To assist Members a copy of both the Planning Statement and the Agricultural report are appended in full to this report. The Planning statement is of particular note because this sets out the background to this somewhat unusual application which is before the Local Planning Authority for determination.

## RELEVANT PLANNING HISTORY:

2009: Erection of agricultural building and storage of livestock - Approved

2009: Erection of extension to agricultural building - Approved

2012: Erection of replacement four bedroom farmhouse with attached store - Approved.

It is of note that this application for the erection of a replacement dwelling in the open countryside was granted planning permission on 5<sup>th</sup> October 2012 subject to conditions, (which included Condition No.6) - which required the demolition of the existing dwelling house known as Westfield Farm within 3 months of the occupation of the replacement dwelling.

The above mentioned application was determined in accordance with Policy H10 of the Former Ryedale Plan 2002 which for replacement dwellings in open countryside location required the removal of the existing dwelling in such circumstances. This approach is consistent with Policy SP2 contained in the Ryedale Plan - Local Plan Strategy, adopted 2013.

The current application arises from an enforcement investigation into the non-compliance with the above mentioned planning condition. In the intervening period of time since the grant of planning permission in 2012, the circumstances of the applicant have changed significantly and these are set out in the submitted Planning Statement in order to aid Members understanding of the current position.

## POLICY:

### National Policy

This is set out in the National Planning Policy Framework 2012

Paragraphs 28 & 55 are of particular relevance and these state:

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

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings*
- promote the development and diversification of agricultural and other land-based rural businesses*
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres*
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship*

*55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*
- *the exceptional quality or innovative nature of the design of the dwelling*

### Ryedale Plan - Local Plan Strategy

The Ryedale Plan Local Plan Strategy is the current development plan relevant to the consideration of this application. Policies SP1, SP2 and SP21 are of particular relevance.

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP21 - Occupancy Restrictions

### **APPRAISAL:**

#### Principle/Essential Need for the agricultural dwelling

The imposition of Condition No. 6 on planning permission Ref. 12/00467/FUL was entirely in accordance with the Council's adopted development planning in relation to replacement dwellings in the countryside. Indeed the same approach to replacement dwellings would continue if faced with the same type of application today under the requirements of the Ryedale Plan Local Plan Strategy.

However whilst the replacement dwelling has been constructed the existing farmhouse remains currently in breach of the imposed condition. The submitted information to accompany the application sets out the unfortunate background to this case but also goes on to set out the justification for a second agricultural workers dwelling at the holding. This justification is based on the overall agricultural needs of the holding which have evolved since the grant of permission in 2012 and which have continued to develop during the processing of the current application. The Agricultural appraisal identifies the functional need relating to the breeding herd, the fattening cattle, the arable enterprise and more recently a small flock of Suffock & Texel breeding ewes.

The report summarises that over 2 full-time workers are required at the farm to meet the labour requirements and that the location needs to be within sight and sound of the livestock buildings.

The concluding section of the appraisal states:

- The applicants have demonstrated the necessary ability and intent to sustain and develop the business of this sort on the holding and have a clear desire to expand further.
- The nature of the business and the plans for expansion clearly justify the need for two rural workers dwellings at Westfield Farm.
- There is a clear lack of available housing within the vicinity which could meet the functional requirement of the business and any further outside accommodation is not financially or physically viable in terms of calving responsibilities and livestock welfare.
- The business is well established, profitable and capable of providing a good income at present and It has been confirmed that farm business trading at Westfield Farm is based on a sound and financially viable foundation.
- The existing dwelling is located on an established site, adjacent to other existing buildings with good access, screening and in an un-isolated position.
- There is a clear existing functional need for two rural workers dwellings on the holding to within sight and sound of the buildings with a labour requirement of 2 full time workers required on the farm.

In the light of the above considerations, it is considered that there is a proven need for two agricultural workers to reside at the site and that the case for the retention of the dwellinghouse has been made. The proposal is therefore considered to comply with both National and Local Planning Policy.

#### Other matters

#### Flood risk

This application seeks the retention of an existing dwelling house. The environment agency have confirmed that they have no objection to the application

#### Highways

NYCC Highways have confirmed that they have no objection to the application.

#### Third Party Representations

#### Normanby Parish Meeting

No response has been received.

6 letters of support for the application have been received from local residents and their comments are set out below:

#### Resident of Rise Farm, Great Barugh

The applicant is in an unfortunate position of possibly being without a farmhouse. Please let him stay as he has nowhere else to go.

#### Resident of Hill Top Farm, Hill Top Farm Road, Normanby

Feels it is appropriate for Westfield Farm House to remain so that it can continue to run as a livestock farm.

#### Resident of The Sun Inn, Main Street, Normanby

Fully supports to retain the original farm house. Also thinks the welfare of the animals would be at risk if the applicant was not able to live on site.

#### Resident of Lance Butts Farm, Main Street, Normanby

Supports the application to retain the farmhouse as have own experience of working on a livestock farm and the importance of the farm itself.

#### Resident of 1 Barn Farm Cottages, Westfield Lane, Normanby

Supports the farmhouse remaining as the applicant has found himself in a position through no fault of his own.

#### Resident of Barn Farm Cottages, Westfield Lane, Normanby

Fully supports to retain the original farm house. Coming from a farming background, understands the importance of living on the farm itself.

In addition to the above mentioned letters of support 1 No. objection letter has been received from the Occupier of Westfield House, pointing out the requirement of the earlier planning permission condition, the sale of the property (Westfield House) built in 2014 and also the presence of the agricultural workers bungalow on site that is currently occupied by Mrs Bell (senior). Reference is also made to the location of the existing dwelling being on 'floodland'.

The appraisal section of this report is considered to have addressed the material planning considerations raised by third parties.

On balance (whilst the circumstances leading to the submission of this application are unusual) the arguments made for the retention of the existing farmhouse for an essential on site agricultural worker are considered to be reasonable. In the circumstances planning permission is recommended subject to the imposition of an agricultural occupancy condition to be imposed on Westfield Farm House.

**RECOMMENDATION:                      Approval**

- 1            The occupation of Westfield Farm, Westfield Lane, Normanby, YO62 6RJ shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 of the Town & Country Planning Act 1990) or in forestry, or by a widow of such a person, or to any resident dependants.

Reason:- To ensure that the dwelling is occupied by persons connected with agriculture or forestry as the site is located in open countryside where additional residential development would not normally be permitted.

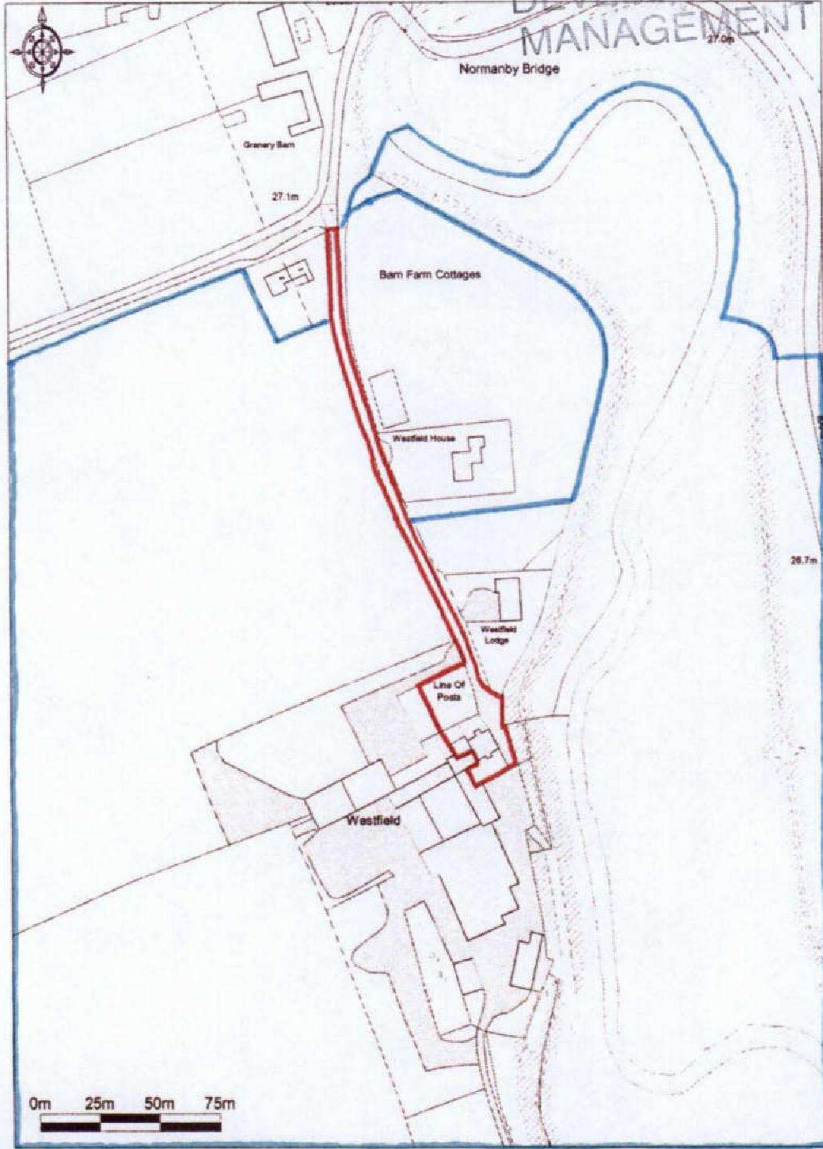
**Background Papers:**

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

Westfield Farm House  
Normanby

RYEDALE  
- 4 JUL  
DEVELOPMENT  
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16/01/2014



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**Cundalls**

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

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## **AGRICULTURAL JUSTIFICATION REPORT AND APPRAISAL**

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**FOR AN AGRICULTURAL WORKERS DWELLING  
TO SUPPORT THE EXISTING FARMING ENTERPRISE**

at

**WESTFIELD FARM**

Normanby

York

North Yorkshire

YO62 6RJ

**REVISED DOCUMENT**



Prepared for and on behalf of  
Mr G Bell

At April 2017

## CONTENTS

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- Summary of findings
- Justification report and appraisal
- Appendices
  1. Farmstead plan
  2. Holding plan
  3. Location plan
  4. Photographs of the property and farm business
  5. Letters of support



## EXECUTIVE SUMMARY

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*This report has been commissioned by the applicant Mr G Bell of Westfield Farm, Normanby, York in connection with a planning application to retain existing farmhouse as a rural workers dwelling.*

*Westfield Farm is a traditional mixed arable and livestock farming business situated between the market towns of Malton and Kirkbymoorside. The farm business has undergone several changes within the last few years mainly diversifying from dairy farming to producing fattening cattle as part of a large suckler cow farming business.*

*The applicant, Mr Graham Bell has lived at Westfield Farm all of his life and throughout that time has managed the farm on a day to day basis farming 138 acres of arable and grassland in addition to over 80 head of breeding cows with a further 120 young calves and fattening cattle.*

*After inspecting Westfield Farm with surrounding land and analysing the business as a whole it is adequately clear, there is a strong need and sufficient justification to retain Westfield farmhouse in its current location to not only meet the needs of local and national planning policy and the needs of the livestock business but to also secure a traditional Ryedale farming business which is expanding and has real opportunities of growth.*

*In relation to demonstrating sufficient justification and the essential need for a dwelling of this size and scale in its location, it is concluded that:*

- The nature of the business and the plans for expansion clearly justify the need for further two rural workers dwellings at Westfield Farm.*
- There is a clear lack of available housing within the vicinity which could meet the functional requirement of the business and any further outside accommodation is not financially or physically viable in terms of calving responsibilities and livestock welfare.*
- The business is well established, profitable and capable of providing a good income at present and It has been confirmed that farm business trading at Westfield Farm is based on a sound and financially viable foundation*
- The dwelling in question is located on an established site, adjacent to existing farm buildings with good access, screening and in an un-isolated position.*
- There is a clear existing functional need for two rural workers dwellings on the holding to within sight and sound of the buildings with a labour requirement of 2 full time workers required on the farm.*
- The applicants have demonstrated the necessary ability and intent to sustain and develop the business on the holding and have a clear desire to expand further.*

## **JUSTIFICATION STATEMENT**

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### **1.0 INTRODUCTION**

This report has been commissioned by the applicant Mr G Bell of Westfield Farm, Normanby, York in connection with a planning application to retain the existing farmhouse as a rural workers dwelling.

The purpose of this report is to provide an objective appraisal of the business operating at Westfield Farm and the report has been prepared from guidance of the National Planning Policy Framework and Ryedale District Council local planning strategy, whilst in addition to having regard to PPS7 Sustainable Development in rural areas and particular reference has been made to annex A.

The justification report and appraisal have been prepared by William Tyson BSc (Hons), MRICS, FAAV of Cundalls, a company specialising in rural planning and agricultural matters. William also holds a Bachelor of Science honours degree in Rural Enterprise and Land Management and is a fellow of the agricultural valuers association, professional member of the Royal Institute of Chartered Surveyors and an RICS registered valuer.

### **1.1 LOCATION**

Westfield Farm is located to the Southern side of the small rural village of Normanby. The farm is located off a privately owned access road on the Malton side of Normanby village. Normanby village lies approximately 9 miles from the large market town of Malton which offers a wide range of facilities and local shops.

### **1.2 INFORMATION**

It is assumed that the information supplied by Mr Graham Bell is correct at the date of this appraisal and there matters disclosed that would materially affect comments or opinions in the report. The information used in this appraisal has been based a farm inspection of the holding on 18<sup>th</sup> February 2016 and 5<sup>th</sup> April 2017.

### **2.0 PURPOSE OF THE JUSTIFICATION REPORT**

The justification report sets out justification as to why the dwelling is fully justified within the context of National Planning Policy Guidance and Local Planning Policy, and provides an appraisal for the need for a dwelling addressing the following points:

- Background history to the existing farming business
- Assessment of the business as a whole
- A description of the business operating at Westfield Farm
- An appraisal of the need for additional residential accommodation on site
- The National and Local Planning Policy relating to agricultural dwellings
- An analysis of the functional requirements in the context of Planning Policy
- Conclusions and summary of findings.

### **3.0 THE FARM BUSINESS AND HISTORY**

Westfield Farm is a traditional mixed livestock and arable farming business situated in a rural position between the market towns of Malton and Kirkbymoorside. The farm business operating at Westfield Farm has undergone several changes within the last few years mainly diversifying from dairy farming to producing fattening cattle as part of a large suckler cow farming business bought about by a declining dairy industry within the UK.

The farm business is managed on a day to day basis by Mr Graham Bell with his family and partner, Shirley. The family have farmed at Westfield Farm since the early 1950's with Graham born and bred on the farm since his birth in 1960. Over that time the family have invested considerably in the business and farmstead in terms of livestock numbers, arable land and grass acreage.

### **3.1 BRIEF DESCRIPTION OF THE FARMING ENTERPRISE**

The farm extends to approximately 138 acres of arable and grassland comprising 73 acres of owned land with an additional 65 acres of rented land which directly adjoins the farm taken on a long-term tenancy from the applicants' cousin.

The agricultural land forming a main part of the business is all utilised as part of the suckler cow farming enterprise growing winter barley for feed and bedding straw with the additional land used as grazing and improved grassland for silage.

In addition to the arable and grass land the farm business now operates a suckler herd extending to 80 suckler cows with all followers fattened and finished on the farm. All livestock are managed on the main farmstead at Westfield Farm with all feeding responsibilities, calving and general day to day work managed and completed by Graham Bell.

### **3.2 THE APPLICANTS**

Mr Graham Bell is aged 57 and he currently occupies Westfield farmhouse with his partner. Mr Bells' two children Abigail and Nicholas have both grown up on the farm with Nicholas now living away from home and Abigail living in Malton. The applicant's mother Dorothy May Bell aged 83 currently resides in the second dwelling at Westfield Farm known as Westfield Lodge.

It is noted that there are currently two dwellings at Westfield Farm, one occupied by the applicants mother Dorothy May Bell known as Westfield Lodge and the second main farmhouse occupied by Graham and his family.

This application seeks full planning approval for the retention of the main Westfield Farmhouse and this report aims to justify the need for two rural workers dwellings for the applicant and his family.

#### **4.0 AGRICULTURAL BUSINESS DESCRIPTION**

Westfield Farm yard is made up of an extensive range of modern and traditional farm buildings extending to 24,000 square feet of livestock housing, feed storage and general farm produce storage. Further information about the extensive range of farm buildings is as follows:

##### **Milking Parlour Building**

52ft × 30ft

Traditional red brick and pantile farm building utilised as milking parlour and milk tank room.

##### **Large Livestock Feeding and Housing Shed**

90ft × 72ft

Steel portal frame construction consisting of main building with lean-to. Building utilised as cattle housing.

##### **Steel Portal Frame Building**

60ft × 30ft

A steel portal framed building utilised as cattle housing and feed storage to the South of the farmstead.

##### **Traditional Timber Frame Building**

28ft × 12ft

Traditional timber pole building utilised as machinery and produce storage.

##### **Lean-to/Meal House**

30ft × 72ft

Large lean-to building used for store cattle housing and feed storage.

##### **Fold Yard**

70ft × 70ft

Steel portal frame building utilised as calving shed and livestock housing.

##### **Large Cattle Shed**

45ft × 120ft

Extensive livestock building used to house in calf cows.

##### **Traditional Fold Yard Building**

15ft × 90ft

Traditional red brick and pantile building adjacent to the farmhouse utilised as storage and cattle housing.

##### **Yard area**

An extensive concrete yard area adjacent to the farm buildings utilised as silage clamp and muck storage where cattle feed and straw is stored.

## **4.1 ARABLE LAND**

The arable farming aspect of the applicants' business farms a modest arable acreage which is mainly utilised to grow winter barley for feeding to livestock. Yields range from 3.5 to 4 tonnes per acre with a newly seeded grass mixes used as a break crop.

In addition to growing arable crops the applicant also grows new seeds every year on arable land which are used to make three cuts of silage on an annual basis which is an essential feed source for the business. The remaining land owned and farmed by the applicant is used as summer grazing for livestock.

All manure produced by livestock is spread on the applicants' own land which is used to boost arable yields and replenish soil structures each year.

All feed and straw produced from the arable and grassland is stored at Westfield Farm and used as part of the larger livestock business throughout the year.

## **4.2 FARM MACHINERY & PRODUCE**

### **4.2.1 Machinery**

The applicant owns and maintains an extensive range of agricultural machinery details are as follows:

- JCB Telehandler Forklift with additional muck grab, gain bucket, bale spike, shear grab, pallet tines
- John Deere 6340 4WD Tractor with loader which includes bucket and bale spike and pallet tine
- Traditional vintage Dexter Tractor
- Hitachi 4 tonne mini digger with attachments
- Easterby 12 tonne corn trailer with hydraulic door
- 30ft Straw trailer
- Fertiliser spreader
- Slurry tanker
- Traditional slurry tanker
- Straw bedding machine for the agricultural forklift
- Large grass roller
- Grass harrows
- Traditional cultivation drag
- Chisel plough
- Suzuki quad bike
- Quad trailer
- Ifor Williams livestock trailer
- Farm pick up
- Various small cultivation tools and equipment
- Range of workshop tools including compressor, welding materials and small tools

#### **4.2.2 Farm Produce**

- Approximately 1000 tonnes of clamp silage
- Approximately 700 5ft large round bales of barley straw
- Approximately 120 tonnes of feed barley
- Approximately 20 tonnes of Nitrogen and compound fertiliser
- Various range of chemicals and herbicides
- 5-10 tonnes of cattle minerals and concentrates

#### **4.3 LIVESTOCK**

##### **4.3.1 Fattening Cattle**

At any one time throughout the calendar year the applicant will house approximately 160 - 220 head of Belgian Blue, Limousin and Friesian x suckler cows and fattening cattle all at Westfield Farm.

All cattle now form part of a large closed herd with all replacements bred on the farm to improve the health status. Fattening cattle such as steers and heifers not suitable for breeding are fattened from calving to an age of 30 months on farm then to be sold for slaughter.

Fattening cattle are housed 365 days a year at Westfield Farm and are fed a mixed ration of cereals, minerals and grass silage with an aim of achieving over 650kgs liveweight (400kg deadweight) before slaughter. The Bell family have finished cattle in this way for several years and more recently in larger numbers however even during dairy farming over the years they have always finished their own stock to a good standard. The family can now achieve a good rate of conversion and liveweight gain is between 1.5 – 2.0kgs per day.

The applicants will finish approximately 100 head of fat cattle per annum at an average value of £1300-£1400 per head. Cattle are sold for slaughter off the farm on a monthly basis to rotate stock numbers and provide an excellent cash flow system for reinvestment.

#### **4.3.2 Suckler Cow Herd**

The applicant has now built up an extensive suckler cattle herd of approximately 80 in calf and suckling cows made up of Limousin, British Blue and Holstein Friesian x cows and heifers.

The applicant artificially inseminates his breeding cows throughout the year with calving taking place mid-February right through until November. The applicant calves year round to provide his fattening cattle business with a constant supply of replenished stock numbers for improved cash flow and stock rotation.

The applicant chooses to use artificial insemination to help improve livestock hybrid vigour without the use of expensive breeding bulls, which need replacing on a frequent basis. In addition it also allows the applicant to control breeding patterns and pregnancy cycles for improved welfare, stock management and building cleaning.

#### **5.0 FINANCIAL VIABILITY**

The farm business operating at Westfield Farm has been trading for several decades on a sound and profitable basis.

The applicant produces farm business accounts which show a good profit each year which allows Mr Bell to take an income from the farm whilst still leaving an excess for investment and improvements not only at the farm but livestock breeding numbers and genetics.

I can confirm that any future investment for improvements to the on-site accommodation and any necessary damp improvement costs of Westfield Farmhouse can easily be met by the farm business and will have no adverse effects whatsoever on the trading status of G Bell.

It is therefore confirmed that farm business trading at Westfield Farm is based on a sound and financially viable foundation and due to the nature of this application not needing to invest heavily in the construction of this second dwelling and the fact that any damp improvement to Westfield Farm house will be minimal the financial implications of an approval to this applicant will be considerably minimal.

#### **6.0 LABOUR REQUIREMENTS**

Mr Graham Bell works on a full time basis on the farm with all livestock and land work completed in hand.

National and Regional planning policy states that it is required that the need for a dwelling relates to full time workers or one who is primarily or previously employed in agriculture therefore as the labour requirements for the business are met solely by Mr Graham Bell the labour requirements for the business are assessed in the context of standard industry figures.

With regards to the labour requirements and the second dwelling known as Westfield Lodge which is occupied by the applicants mother, a retired farmers wife. Mrs Bell still has an active role in the ongoing business with valuable experience and farming knowledge to assist her son and the business on a day to day basis.

The standard figures available to assess the labour requirements are detailed within the farm management pocket book by John Nicks 47<sup>th</sup> Edition 2017 details are as follows:

<b>Enterprise</b>	<b>Number/Hectares</b>	<b>Standard Man Days (SMD)</b>	<b>Total</b>
Winter Barley	12	1.75	21.00
Grassland	44	2.80	123.00
Fattening Cattle	75	1.60	120.00
Store Cattle	22	1.90	42.00
Breeding Cows	80	1.35	108.00
Suckling calves	35	1.20	42.00
<b>TOTAL</b>			<b>456.00</b>
Maintenance 15%			68.00
Management 7.5%			34.00
<b>TOTAL</b>			<b>558.00</b>

Using the Standard Man Days figures as prepared by DEFRA it is assumed that 275 standard man days are provided annually by a man. Therefore based on the total figure of 558 man days for the applicants business it is estimated that the labour requirements for the holding is over 2.03 labour units and thus at least 2 full time workers are required.

This therefore proves that there is an essential need for not only one rural worker but two rural workers to be accommodated at the farm within the two rural workers dwellings.



## **7.0 ALTERNATIVE ACCOMMODATION**

Westfield Farm has the benefit of one farmhouse known as Westfield Farmhouse and an additional farm workers dwelling known as Westfield Lodge. Both farm houses are situated within the main farmstead with Westfield Farmhouse being directly adjacent to existing farm buildings and in close proximity to the calving shed.

The proposal for this application is for the retention of Westfield Farmhouse following planning condition number 6 of approval notice 12/00467/FUL and a demolition order of the farmhouse as stipulated as the condition. Westfield Farmhouse is currently occupied by Graham Bell and his family.

Given the fact that Westfield Farmhouse lies directly adjacent to the main farmstead and livestock buildings and in particular the calving shed it is imperative that Graham Bell resides on the farm from not only the maintenance and management of the farm but from a stock welfare aspect.

With regards to alternative accommodation for the applicant the next residential dwelling is located some distance from the main farmstead and the small rural village of Normanby lies approximately 0.25 miles to the North of Westfield farmstead.

The table below shows available properties within one mile of the applicants holding and associated prices as at April 2017.

<b>Agent</b>	<b>Property</b>	<b>Location</b>	<b>No of Beds</b>	<b>Price</b>
YOPA	3 Bed Detached house	Normanby	3 Bedroom	£325,000

As the above table demonstrates there is a clear lack of affordable housing within the surrounding area, with an average price of £325,000.

Therefore, as the proposed accommodation is in situ at present and adjacent to the agricultural buildings it is clearly evident that the accommodation already provided by Westfield Farm is most suitable and the only viable option to meet the needs of a rural worker.

## **8.0 THE PLANNING POLICY CONTEXT**

### **8.1 NATIONAL PLANNING POLICY**

In the last few years national planning policy with regard to new dwelling within the countryside has undergone several changes, the most important being the introduction of the National Planning Policy Framework which has replaced national planning policy statements and guidance. However given the detail of Planning Policy Statement 7 (PPS 7) Annex A with regards to development in the countryside it is envisaged that Ryedale District Council will use PPS 7 Annex A in conjunction with the newly published Ryedale Local Plan Strategy when determining proposals such as this one therefore the criteria outlined by PPS 7 Annex A has been considered in the context of this application.

Chapter 1 paragraph 7 of the National Planning Policy Framework aims to help build a strong, competitive economy via the support of existing business sectors that are expanding. Furthermore the facilitating of flexible working practices such as the integration of residential and commercial uses within the same unit is a key area for delivering sustainable development.

Chapter 6 paragraph 55 of the National Planning Policy Framework relates to the promotion of sustainable development in rural areas. It states that housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 55 also states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the **essential** need for a rural worker to live permanently at or near their place of work in the countryside. Specific guidance on 'Agricultural, Forestry and Other Occupational Dwellings' is Contained in Annex A of PPS7. This guidance stresses that there will be cases where it is essential for an agricultural worker to live at, or very close to, the site of their work. The guidance then provides two main tests to establish the need for a dwelling to be associated with a particular farming enterprise, namely a 'functional' test to establish a need for a dwelling and a 'financial' test to establish the viability of the farming enterprise in question.

Paragraph 4 clarifies the requirements for the functional test: 'A *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night.

- In case animals or agricultural processes require essential care at short notice.
- To deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.'

Paragraph 3 (ii) and (iv) contain the requirements that:

- 'The need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement'.
- 'The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned'.

As well as the requirements to show the functional need for a new dwelling, PPS7 Annex A states that there should also be evidence that the existing enterprise is financially sound. Paragraph 3 (iii) states that:

- ‘The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.’

This guidance is further expanded in paragraph 8, which states that:

- ‘New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

Although PPS 7 notes that agricultural will remain the major use of rural land, it identifies that due to considerable change in the countryside, the agricultural industry is now adapting and many farmers now need to look at diversification into other activities to supplement their income and the need for landowners to have the flexibility to consider a range of options. However whilst many farmers can diversify, many farmers are located in unsuitable locations for diversification and many tenant farmers are restricted due to their tenancy agreements preventing non-agricultural uses.

Therefore farmers have to look at making their business more efficient and this often involves the expansion of certain key areas in their business.

## **8.2 LOCAL PLANNING POLICY**

Westfield Farm is situated within the Ryedale District Council Local Plan Area. The policies within the adopted plan of March 2002 did represent the current local plan policy guidance for development within Ryedale District Council until the newly published Ryedale Local Plan Strategy came into effect in September 2013.

New policies such as SP 9 (land Based and Rural Economy) have replaced Policy AG7 which dealt with Agriculture workers dwellings. These new policies deal with sustained support for the land based economy including farming, forestry and equine. The policy is worded as follows:

Ryedale’s land based economy will be sustained and diversified with support for

- New buildings that are necessary to support land based activity and working countryside including farming, forestry and equine purposes.
- Replacement dwellings for land management activities
- Replacement of non-traditional general purpose storage buildings to support farming, forestry and equine related activities.

- Conversion of traditional buildings for tourism and residential uses (subject to the occupancy conditions set out in Policy TP21)
- Conversion of existing buildings and provision of new buildings to support appropriate small scale rural economic activity in line with Policy SP6
- Appropriate farm and rural diversification activities including innovative approaches.
- Appropriate new uses of land including flood management and energy production, related research and education in this field.

Policy SP 9 Section 5 Paragraph 5.34 of the Ryedale Local Plan Strategy details that land based economy activity is integral to the district economy, culture, heritage and identity. Farming has been a long standing traditional component of economic activity. Many of these activities have helped to ensure that Ryedale's valued landscape is carefully and sensitively managed.

Furthermore, Paragraph 5.35 indicates that this Local Plan Strategy is intended to support and be flexible to the needs of those that rely on the land based economy. It also supports new opportunities that may arise for future changes. These range from alternative cropping to renewable energy schemes. It is essential that new land uses and economic activity must support and encourage where appropriate if Ryedale's countryside is to continue as a living and working countryside that is intrinsic to Ryedale's cultural identity.

Policy SP21 and Section 8 of the Ryedale Local Plan Strategy indicates at Section C Agricultural, Forestry and Land based activity that proposals for new residential development in the open countryside (outside development limits) should support land based activity that demonstrates an essential need for a dwelling that cannot be met elsewhere.

In addition to the above Policies SP16 Design and Policy SP20, Generic Development Management Issues are also important criteria of the Local Plan Strategy which encourages development proposals that create high quality durable places that are accessible, well integrated and are in keeping with surroundings. In addition new developments will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses.

Aspects such as access, parking, servicing, design, amenity, safety and character are all major aspects of the Ryedale Local Plan Strategy of which must be considered. Other than for developments falling within the provisions of Policies SP9, SP16, SP20 or SP21 new dwellings in the countryside will only be permitted if a need for a dwelling to support existing agricultural, forestry or commercial equestrian activities on a well-established unit can be demonstrated.

## **9.0 ASSESSMENT OF FUNCTIONAL NEED**

Given the scale and management requirements of the applicant's farm business in the context of livestock numbers it is clear that there is a functional requirement for Mr Bell to reside and be present on the farm at all times. Therefore an assessment of each part of the applicants business is as follows.

### **9.1 FUNCTIONAL NEED – FATTENING CATTLE**

Given the fact that the farm accommodates approximately 160 - 220 fattening and breeding cattle at any one time throughout the calendar year there is a clear requirement for all stock to be fed, bedded up and checked on a daily basis. In particular the fattening cattle ranging from young calving age of a few weeks to 30 months there is a constant requirement for health checks, weighing and management completed solely by Graham Bell on a day to day basis. At present Mr Bell feeds all livestock first thing each morning with constant checks and management processes completed throughout the day between maintenance of machinery, arable and grassland operations and milking.

Mr Bell is constantly grading cattle and sending some for slaughter on a weekly basis which all need to be sorted, tagged and receive routine health checks and medication to ensure they are recorded and maintained to the correct standard before being sold.

The usual routine when sorting store cattle for sale is to assess identification tags and sort between finished and unfinished cattle in the bespoke cattle handling system, which has been specifically designed for sole management of cattle. However some operations do require assistance such as cattle hair clipping, some medical procedures and identification checks and this assistance is sought by his partner and daughter.

Like any livestock farm there is the frequent need to identify cattle in distress and identify pneumonia problems therefore the need for the applicant to constantly check cattle is paramount to maintain a healthy herd and a good profit margin.

Fattening cattle therefore require essential care at short notice to ensure emergencies such as illness or cattle stuck in feed and water troughs can be dealt with straightaway for improved stock welfare, reduced mortality and to prevent loss of income.

This essential need relates to a full time worker to be within sight and sound of the livestock buildings to identify stock in distress on a day and night basis.

## **9.2 FUNCTIONAL NEED – BREEDING HERD**

The applicants breeding herd of suckler cows is constantly being improved and has increased dramatically in the last few years following his declining dairy herd and change in business policy.

At present the applicant currently manages 80 in calf and suckling breeding females which are calving at present and due to continue calving until the end of November 2017. As and when cattle calve they will be observed for a week or two, tagged with identification tags and receive routine medical care before being turned out to grass if summer grazing is available.

Please note that all the applicants' cattle remain inside until they have calved to ensure Mr Bell can observe calving patterns correctly and make sure calving cattle are not in distress at any time.

Post calving cows are identified to be in season and are brought in for artificial insemination which is completed by the applicant in the bespoke cattle holding area.

In addition to the cattle being artificially inseminated the use of the covering stock bull is run with the cows when out at grazing and in buildings as a precaution and to serve any missed cattle.

Suckler calves are weaned at approximately 6 to 8 months depending on weight and condition with one suckler cow producing one calf per year. Once calves have been weaned from their mothers they are stored in separate buildings within the main farmstead and fed a mixed ration of fattening pellets and silage before being penned with fattening cattle.

To ensure the applicants cattle remain to a high health standard Mr Bell does not buy in any new stock to the farm therefore the need for one calf per year per cow is of the utmost importance.

The loss of a calf has massive implications on farm profitability and can result in a good suckler cow being unfit for future breeding purposes thus confirming the point further that constant supervision and management of the breeding stock is of the utmost importance to this business.

To prevent a loss of calf the applicant supervises heavily pregnant cows throughout the night at different intervals to ensure he can assist with calving if cows are struggling or in distress. Mr Bell has a lifetime of experience in calving cows however some younger / smaller females do require more calving assistance and a local vet is used for breached calves or caesareans.

Without onsite supervision day and night by a skilled rural worker this farming business would undoubtedly loss calves during birth or within the first few hours afterwards therefore there is a clear essential need for care at short notice at this farming business and this will be met by the applicant residing at Westfield Farmhouse, if approved.

### **9.3 FUNCTIONAL NEED – BREEDING SHEEP**

The applicants now farm a small flock of Suffolk and Texel breeding females which are all housed and lambed from Westfield farm. The family have plans to increase the breeding flock to 40 breeding females by 2018 to finish all lambs on farm and sell to local livestock markets and butchers.

### **9.4 FUNCTIONAL NEED – ARABLE ENTERPRISE**

All arable operations including cultivation work, fertiliser application and corn leading are completed in hand by the applicant. The use of third party contractors for drilling, spraying and combining is required given the relatively small scale arable unit of the applicant and the extensive machinery costs for a drill, sprayer and combine.

During the harvest months of July to September grain is transported from the fields to the farm and is sorted with the applicant's silage in a highly unique way. This allows grain to be stored with silage to provide excellent feed source for the cattle.

## **10.0 EVALUATION OF BUSINESS IN THE PLANNING POLICY CONTEXT**

It is noted that the planning legitimacy of Westfield farmhouse is in question. However, the needs of this existing farm business require suitable accommodation within the holding which has therefore brought about this application to retain Westfield Farmhouse in its current location.

Within the context of local planning policy Westfield Farm has demonstrated that the needs of the business cannot be met by just one dwelling. This is due to the fact that one of the existing dwellings is occupied by the applicant's mother and given the fact that the second dwelling (Westfield Farmhouse) does not currently have planning consent, there are no other legal dwellings to be used by the applicant for extensive working hours and management responsibilities of the cattle.

Local policy states the re-use of a suitable traditional buildings or extension or adaption of another dwellings will help support the rural economy and will therefore be more favourable. With regards to this application, the applicants are applying for the re-use of an existing dwelling being retained therefore no further redevelopment of the farmstead or Greenfield land is required and thus fully meeting the requirements of this aspect of local policy.

The size and specification of the existing farmhouse is already demonstrated to be commensurate with the functional requirements of the unit as it does provide on-site family accommodation for the applicant and this will allow the agricultural business as a whole to remain competitive and efficient going forward.

The use of this existing dwelling as the farmhouse and main accommodation will not only allow the applicant to continue to improve stock welfare, managing crops and maintain good feed conversion rates but will also result in no additional time travelling between the farm and a second offsite dwelling with all associated fuel costs etc.

The existing farmhouse does not cause any unacceptable harm to the character or appearance of the landscape, farmstead or its setting as the proposal is for the retention of an existing dwelling, which now currently sits comfortably within the landscape, farmstead and setting.

#### **10.1 ESSENTIAL NEED FOR A RURAL WORKER AT SITE**

The location of the existing dwelling is chosen above that of another location or new building on the site as it will provide additional security for the farmstead going forward, be within sight and sound of the livestock / calving buildings and mainly because it is the most suitable solution to meet the essential need for a rural worker on the farm.

The retention of this existing dwelling within the holding will not only provide everyday additional assistance for the farm business in the context of the fattening and calving livestock and the arable needs but also provide onsite security against theft or fire and provide assistance in the event of calving difficulties day or night.

#### **10.2 BUSINESS BASED ON A SOUND FINANCIAL BASIS**

In the context of PPS 7 Annex A paragraph 3 and 8 it is confirmed once again that the business trading at Westfield Farm by the applicant Mr Graham Bell has been trading for more than 3 years and has been profitable for at least one of those. The business is currently financially sound and has a clear prospect of remaining so for the future. The business overall is economically viable and can sustain the cost of maintaining a second dwelling on the holding.

The business has remained profitable throughout difficult times in the agricultural industry and throughout recent years with changing policy and a declining dairy industry and this has been achieved by the business' multi diverse thinking and good quality stock welfare grounds. The applicants spread their risk with having the benefit of fattening cattle in addition to breeding cattle and arable land and have also diversification opportunities going forward.

In the future the business has plans of improving and expanding suckler numbers to further increase livestock throughput at the farm which will only strengthen the applicant's financial situation further.

Due to the fact that the applicant breeds their own stock on an annual basis with breeding numbers improving each year they do not have the financial outlay for replacement fattening stock that some similar businesses have. Therefore, a calf is produced each year from the breeding stock which does not need to be bought thus with continued high health status, good breeding routines and management with low arable costs and feed produced on the farm the business has an excellent business model for producing a good profit.



### **10.3 SUPPORTING THE LAND BASED ECONOMY**

Due to the nature of the applicants business and the need for assistance during combing and silage operations the applicant always seeks local assistance from various contractors within the area thus allowing them to have an annual contract with the applicant and providing work for local businesses and contractors.

Furthermore the business trades with all local retailers and suppliers in the surrounding area and uses local livestock hauliers, local vets, local accountants, local advisors, local abattoirs and local markets in conjunction with their rural business and livestock.

This retained onsite accommodation will allow Graham Bell and his family to live on the farm permanently which will provide permanent long term accommodation and housing for someone who has been born, bred and grown up as a Ryedale farmer all his life.

This will therefore not only enhance the applicants farm business from the reasons already stated but also continue to support another rural Ryedale family on a permanent basis to support the local economy.

## **11.0 CONCLUSIONS**

The applicants business is a long established and forward thinking agricultural enterprise which has built its success on traditional farming methods and a high quality breeding and fat cattle enterprise.

The business operates an extensive livestock enterprise producing approximately 100 fat cattle per year in addition to breeding upwards of 80 suckler calves on an annual basis which is all supported by 138 acres of arable and grassland within a ring fence within the Normanby area.

After inspecting Westfield Farm with surrounding land and analysing the business as a whole it is adequately clear, there is a strong need and sufficient justification to retain Westfield farmhouse in its current location to not only meet the needs of local and national planning policy and the needs of the livestock business but to also secure a traditional Ryedale farming business which is expanding and has real opportunities of growth.

In relation to demonstrating sufficient justification and the essential need for a dwelling of this size and scale in its location, it is concluded that:

- The applicants have demonstrated the necessary ability and intent to sustain and develop the business of this sort on the holding and have a clear desire to expand further.
- The nature of the business and the plans for expansion clearly justify the need for two rural workers dwellings at Westfield Farm.
- There is a clear lack of available housing within the vicinity which could meet the functional requirement of the business and any further outside accommodation is not financially or physically viable in terms of calving responsibilities and livestock welfare.
- The business is well established, profitable and capable of providing a good income at present and It has been confirmed that farm business trading at Westfield Farm is based on a sound and financially viable foundation.
- The existing dwelling is located on an established site, adjacent to other existing buildings with good access, screening and in an un-isolated position.
- There is a clear existing functional need for two rural workers dwellings on the holding to within sight and sound of the buildings with a labour requirement of 2 full time workers required on the farm.

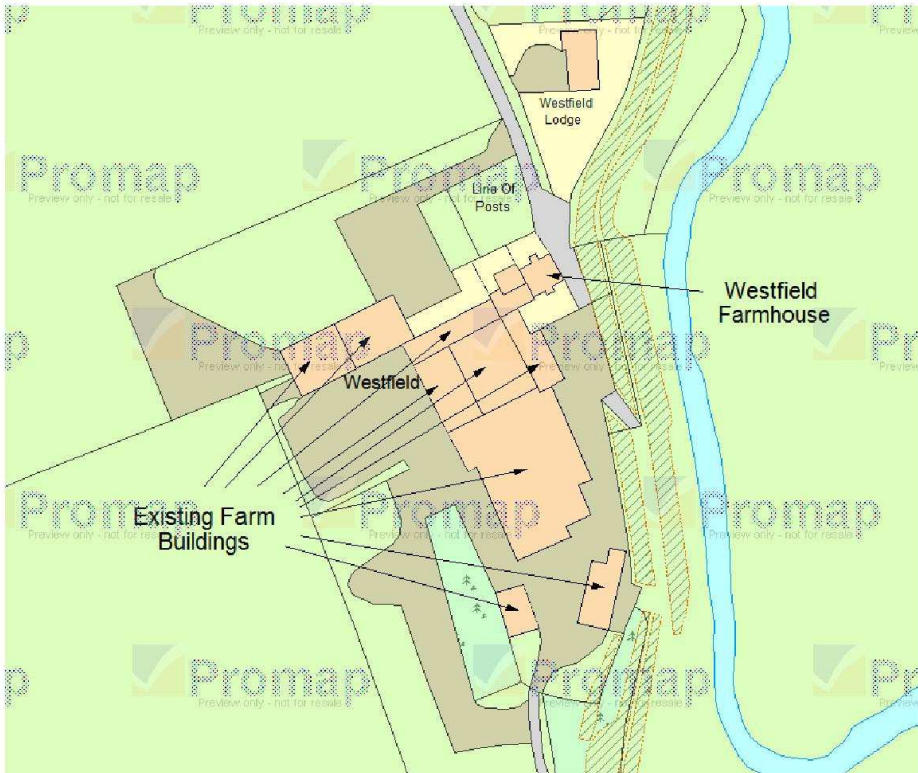
The development is therefore consistent with the approach identified within the Local and National Planning Policy and in the light of all of the above, it is hoped that the retention of Westfield Farmhouse in its current location will be determined and considered for approval.

Approval will ensure the applicants continue to improve their business and build on a local family farm that has identified a viable aspect of agriculture which is proving profitable and with the potential for significant growth.

**APPENDIX I**

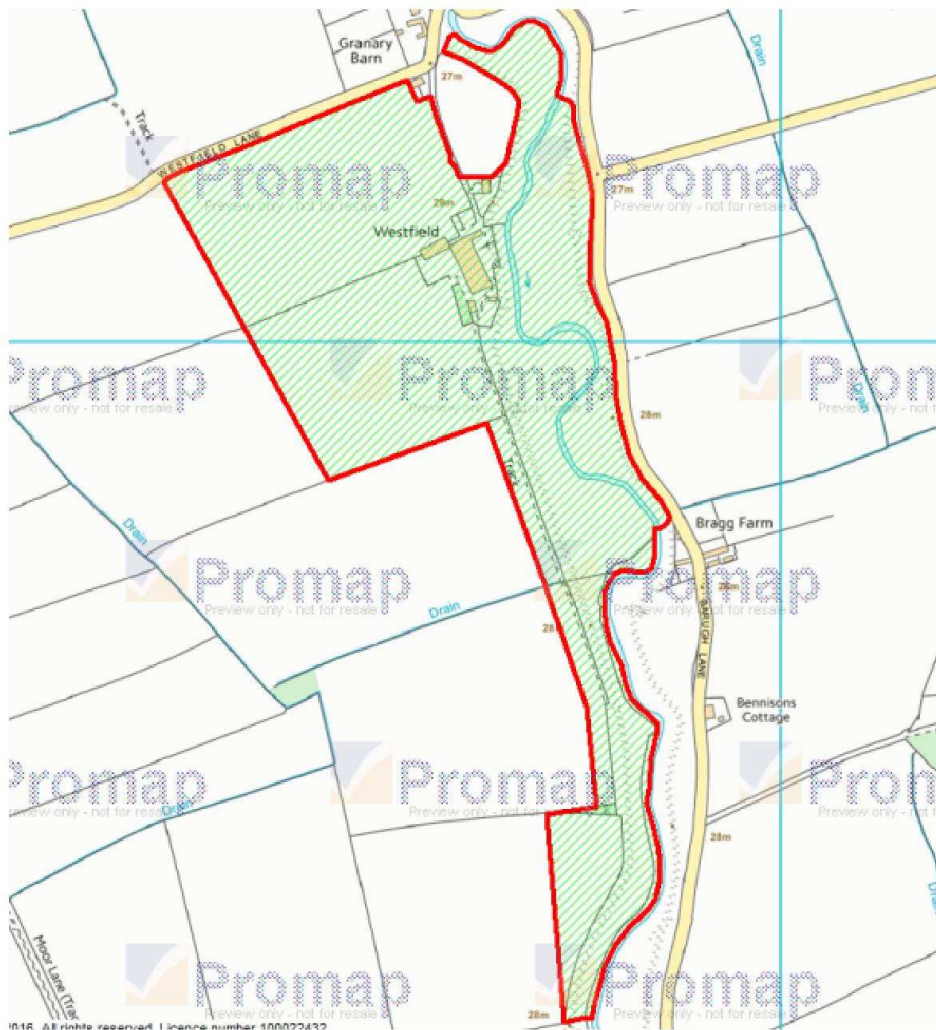
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**FARMSTEAD PLAN – for reference only (not to scale)**



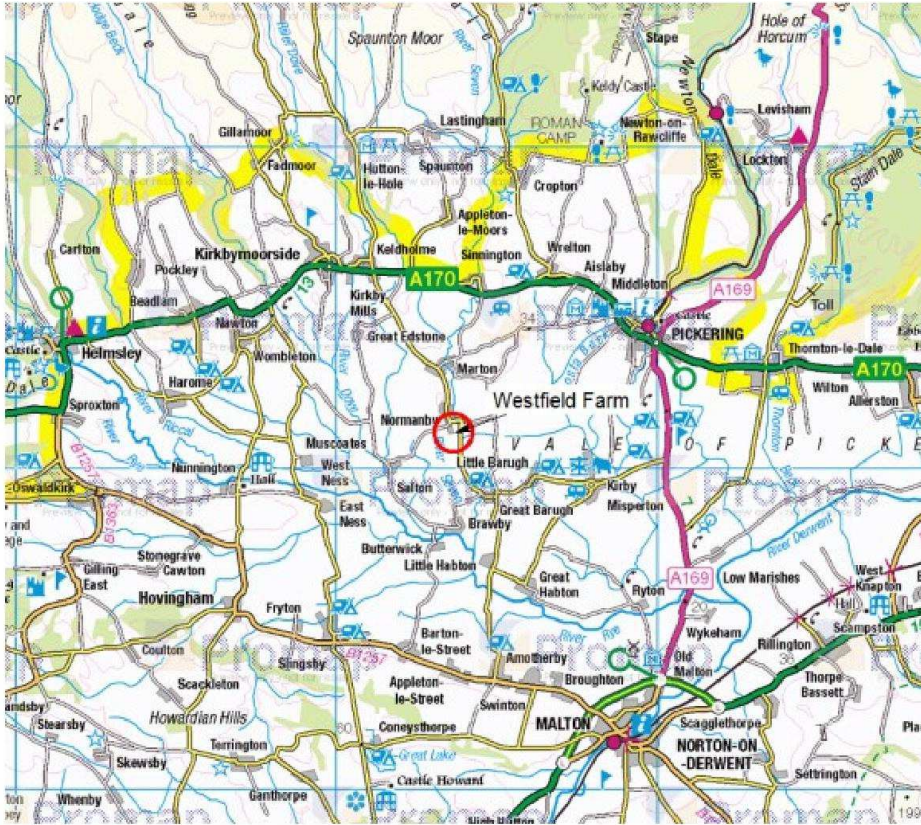
**APPENDIX 2**

**WESTFIELD FARM HOLDING PLAN – for reference only (not to scale)**



### APPENDIX 3

#### LOCATION PLAN – for reference only (not to scale)



**APPENDIX 4**

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**PHOTOGRAPHS OF THE FARM**



**Westfield Farmhouse**



**Westfield Farmhouse**



**Entrance to farm**



**Entrance to farm**



**Westfield Lodge**



**Farm yard**



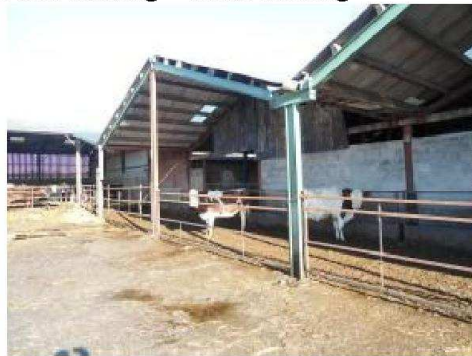
**Farm building – Cattle housing**



**Farm building – Cattle housing**



**Farm building – Cattle housing**



**Farm building – Cattle housing**



**Farm building – Cattle housing**



**Farm building – Cattle housing**



**Milking Parlour**



**Cattle handling system**



**Breeding cattle**



**Fattening and store cattle**



**Breeding cattle**



**Breeding cattle**



**Farm machinery**



**Farm machinery**



**Farm machinery**



**Farm machinery**





**Farm machinery**



**Farm machinery**



**Farm machinery**



**Farm machinery**



**Farm produce – bedding straw**



**Farm produce - Silage**



**Agricultural land**

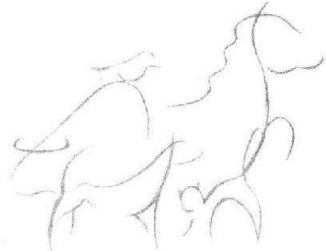


**Farm machinery**

## APPENDIX 5

### LETTERS OF SUPPORT

Stephen Hudson BVSc MRCVS, John Whitwell BVM&S MRCVS & Associates  
Grace Lane Veterinary Surgery  
Halfway Barn  
Hutton Le Hole  
York  
YO62 6UQ  
01751 432777  
office@gracelanevets.co.uk  
www.gracelanevets.com



22<sup>nd</sup> February 2016

To whom it may concern,

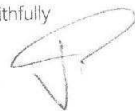
I write in support of the planning application of Mr Graham Bell's for a permanent dwelling at Westfields Farm, Normanby, North Yorkshire.

My Practice has provided veterinary care for the livestock at Westfields Farm since July 2010. During this time I have been impressed with the diligence and stockmanship of Mr Bell.

As there are 150 head of cattle currently at Westfields Farm, 100 of which are pregnant and due to calve during 2016, I feel that it is vital that Mr Bell is able to live at the farm, in order to supervise the cattle, and in particular to oversee the heifers as they calve.

In my opinion, the health and welfare of the Cattle at Westfields Farm would be severely compromised if Mr Bell was not able to live on-site.

Yours Faithfully



John J Whitwell

John Whitwell  
BVM&S MRCVS  
Grace Lane Veterinary Surgery  
YO62 6UQ

Planning Statement: Application at Westfield Farm, Normanby, for Mr Graham Bell

- 1 Westfield Farm is a long established family cattle farm just south of Normanby which has been in the Bell family for three generations. This planning application is to retain the original farmhouse, notwithstanding a requirement to demolish it, for occupation by Mr Graham Bell and family members to supervise the livestock. Submitted with the application are
  - Agricultural Appraisal and Justification Report by Cundalls of Malton and
  - A Flood Risk Assessment again by Cundalls.
- 2 **Background.** Planning permission was given for the erection of a replacement four bedroom farmhouse for Mr and Mrs G Bell on 5 October 2012 (12/00467/FUL). There is no restrictive agricultural occupancy condition. Condition 6 required the demolition of the existing dwelling within three months of the occupation of the replacement dwelling. I understand that the new house was first occupied on 1 December 2014. For reasons given later in this report the farm house has not been demolished.
- 3 The background for the 2012 planning application was that the original farmhouse suffered from severe damp, which had not been cured despite two major attempts to do so.
- 4 Background correspondence on the matter of Condition 6 are letters from the Council dated 14 December 2015 and 1 Feb 2016 (reference 15/0023/BC) and replies to them from Graham Bell and/or me. The second Council letter followed a full meeting at the Council Offices on 12 January 2016 attended by Graham Bell, me and Council officers.
- 5 The buildings at Westfield Farm are about 500 m south of the village of Normanby. The original house and farm buildings are probably Victorian. There are also modern farm buildings and two more houses. For clarity the three dwellings at Westfield Farm are referred to as follows
  - The Farmhouse: the original house at Westfield Farm subject of this application.
  - Westfield Lodge, a bungalow to the north built in 1981 for the Bell family.
  - Westfield House, the most recent, further north again, given permission in 2012 and described in 2 above.
- 6 This Planning Statement deals with the following matters, partly reflecting the Council's letter of 1 February
  - A. Personal Circumstances
  - B. Agricultural Need
  - C. Other Residential Accommodation at Westfield Farm
  - D. Damp
  - E. Flooding
  - F. Visual Considerations
  - G. Planning Gain Requirements
- 7 **A: Personal Circumstances.** Very unfortunately and unexpectedly Mr Graham and Mrs Elaine Bell have separated since the planning permission was given in 2012. They have now divorced and Elaine Bell is no longer a partner in the farming business. Graham Bell has a substantial herd of currently about 150 head of cattle and needs to live on site to supervise them. This is explained in detail in the submitted Agricultural Appraisal. Graham Bell and his family have to live somewhere of course but for agricultural reasons have to live on site. They wish to continue to remain in the farmhouse.

- 8 The farmhouse is occupied by Graham Bell and his immediate family including his daughter and a baby grandson born in April.
- 9 It is accepted that the planning application must be decided on planning criteria rather than personal circumstances. However I think it important to explain the background circumstances. Graham Bell has never intended deliberately to ignore the planning system which requires the demolition of the replaced dwelling. This is not a wilful breach of planning law.
- 10 **B: Agricultural Need.** The Council's letter of 1 February discusses the retention of the Farmhouse as an agricultural worker's dwelling. It sets out the functional and financial evidence required to demonstrate that a rural worker has to live permanently on site and therefore meet national and local planning policy.
- 11 The farm area is about 55.8 hectares (138 acres; 29.5 ha or 73 acres owned and 26.3 ha/65 acres rented). Currently there are about 150 cattle.
- 12 A full Agricultural Appraisal and Justification Report has been prepared for this planning application by Mr Will Tyson of Cundalls, Malton. It examines the functional and financial need for a dwelling. It looks at the existing scale of operations at Westfield Farm against nationally agreed guidelines. It concludes that the scale of activity requires 1.64 essential workers to live at or near the site. The report accords with current planning policy especially policies SP1 and 2 of the Ryedale Local Plan and paragraphs 28 and 55 of the National Planning Policy Framework (NPPF).
- 13 **C: Other Residential Accommodation at Westfield Farm.** Westfield Lodge is a single storey dwelling about 50 m north of the farmhouse. Mr T Bell was given outline planning permission in 1980 (3/94/14/PA). Reserved matters were subsequently approved. Condition 3 was an agricultural occupancy condition. The bungalow was built in 1981 and originally occupied by Graham and Elaine Bell. Graham was at that time the business partner at the farm with his father, Thomas. Thomas died in 1990 and Graham and Elaine moved into the Farmhouse while his mother, Mrs Dorothy Bell, occupied Westfield Lodge.
- 14 As a farmer's widow Dorothy Bell complies with occupancy condition number 3 on the planning permission. Westfield Lodge is not available to Graham Bell.
- 15 Westfield House built under planning permission 12/00467/FUL (see 2 above), is now occupied by Mrs Elaine Bell. It is therefore not available to Graham Bell. It is currently for sale for £680,000. Graham Bell could not buy it as the price is beyond his means.
- 16 **D: Damp.** As explained, the case for the replacement dwelling ultimately built as Westfield House was partly that the Farmhouse has a history of severe damp. There had been two attempts at injecting a damp proof course, the most recent in 1995. Both sets of work were very disruptive to residents and both were ultimately unsuccessful. The residents were very unwilling in 2012 to endure another similar attempt at combating it.
- 17 However the Farmhouse has continually been lived in. The effects of the dampness have been kept at bay by heating, especially a very efficient wood burning stove.
- 18 Graham Bell has consulted local builders. New techniques of tanking are more effective than the methods used in 1997. They are therefore less disruptive to install. It is therefore acceptable for continual habitation. This is explained in the letter of builders J

B Mitchell and Sons Ltd dated 19 February 2016 (attached).

- 19 He is therefore now confident that the dampness can be managed enough to let the house be lived in adequately.
- 20 **E: Flooding.** This was raised as an issue in the Council's letter of 1 February 2016. The house is close to the River Seven. A full flood risk assessment (FRA) was prepared in May 2013 by P W Fisher of Cundalls for a proposed caravan site at Westfield Farm (application 14/00312/MFUL). A further copy has been supplied. The FRA concluded that, subject to the recommendations in it being incorporated, there was no risk of flooding to the caravan site.
- 21 The Environment Agency by letter dated 7 April 2014 confirmed that it had no objections to those proposals, subject to the development being in line with the FRA.
- 22 Flooding was not an issue in the case made for the replacement dwelling in 2012. It is an existing dwelling. Graham Bell has added that there has been no flooding at the site for the fifty six years he has lived there.
- 23 **F: Visual Considerations.** Condition 6 of the 2012 planning permission was imposed to accord with policy H10 of the 2002 Ryedale Local Plan, which was in force when the planning application was determined. The formal reason for Condition 6, which required demolition of the Farmhouse, is "*in order to safeguard the general amenity of the immediate of the surrounding (sic) area.*"
- 24 Clearly this would be to prevent a proliferation of dwellings in the landscape. However, the Farmhouse is adjacent to the substantial range of existing farm buildings serving Westfield Farm, still in active use. Therefore removal of the Farmhouse would not have any discernible advantageous impact on the landscape.
- 25 **G: Planning Gain Requirements.** The Council's letter of 1 February says that it is likely that the development would be liable to Community Infrastructure Levy (CIL) and Public Open Space Contributions. We await more information from the Council on these.
- 26 **Conclusion.** The background events to this case are unfortunate and unexpected. The Agricultural Appraisal and Justification Report demonstrates that there is need for an agricultural worker's dwelling on site to supervise a substantial cattle herd. Other site-specific issues have been addressed. The proposal is acceptable in terms of policies SP1 and 2 of the Ryedale Local Plan and the NPPF paragraphs 28 and 55. We hope that the Council will support the application and approve it.

Patrick Sutor  
BA, Dip TP, MRTPI  
Planning Consultant for Mr Graham Bell  
11 May 2016

## ATTACHED

### 1. Letter from J B Mitchell and Sons Ltd

**Item Number:** 10  
**Application No:** 17/00163/FUL  
**Parish:** Foxholes Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs Stephenson  
**Proposal:** Erection of a four-bedroom dwelling to include integral double garage and formation of vehicular access  
**Location:** Land At Foxholes Manor Ganton Road Foxholes Driffield

**Registration Date:**  
**8/13 Wk Expiry Date:** 11 April 2017  
**Overall Expiry Date:** 21 March 2017  
**Case Officer:** Alan Hunter **Ext:** Ext 276

#### CONSULTATIONS:

<b>Parish Council</b>	No views received to date
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Archaeology Section</b>	Recommend conditions
<b>Land Use Planning</b>	No views received to date
<b>Environmental Health Officer</b>	Object
<b>Tree &amp; Landscape Officer</b>	Recommends Condition
<b>Countryside Officer</b>	No objection

**Neighbour responses:** Mr & Mrs J W Nicholls, D & L Mobbs, Joanne Scruton And Family,

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#### SITE:

The application site comprises part of the northern side garden of Foxholes Manor. It measures approximately 24m in width and 41m in depth. Foxholes Manor, a substantial detached property is located immediately to the south. There are a range of outbuildings located to the rear of the site, with a 3-4m high brick wall on the northern boundary. Beyond the northern brick wall are a range of agricultural buildings that are used to house pigs, understood to be on a bed and breakfast basis. The ground levels rise in a northerly direction, with the site being located on an elevated level to the Foxholes Manor. There is retaining wall to the south of the site and a brick wall along set back from the front boundary of the site. The application site is located within the development limits of Foxholes, and the wider area is designated as an Area of High Landscape Value; being the Yorkshire Wolds.

#### PROPOSAL:

Planning permission is sought for the erection of a four-bedroom detached dwelling to include an integral double garage and the formation of a vehicular access.

The proposed dwelling has a width of 19.6m and a maximum depth of 19.2m. It has a eaves height of 2.4m and a ridge height of 6m. It features an integral double garage on its northern side a single storey rear projecting part on the front elevation and a conservatory to the rear elevation. The accommodation includes rooms in the loft space and features 2no. dormer windows on the front elevation and a large dormer window on the rear elevation including a balcony.

It is proposed to erect the dwelling of brick under a slate roof with UPVc windows and doors.

## **HISTORY:**

There is no relevant planning history relating to the application site.

## **POLICY:**

### National Policy

NPPF 2012

NPPG2014

### Ryedale Plan - Local Plan Strategy

Policy SP 1 - General Location of Development and Settlement Hierarchy

Policy SP 2 - Delivery and Distribution of New Housing

Policy SP 4 - Type and Mix of New Housing

Policy SP 13 - Landscapes

Policy SP 16 - Design

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

Policy SP 19 - Presumption in favour of sustainable development

Policy SP 20 - Generic Development Management Issues

Policy SP 21 - Occupancy Restrictions

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

## **APPRAISAL:**

The main considerations in relation to this application are:

- The principle of the proposed dwelling;
- The siting, scale and design of the proposed dwelling;
- Whether Foxholes Manor is a non-designated heritage asset;
- Whether the proposal will provide a satisfactory level of residential amenity;
- Ecology;
- Impact upon trees;
- Highway safety;
- Developer contributions;
- Impact of the proposal upon the amenity of the adjoining neighbours; and
- Drainage.

### The principle of the proposed dwelling

The site is located within the development limits of Foxholes. Policy SP2 permits limited infill development in Foxholes, that forms part of a 'continually built-up frontage' and subject to being limited to Local Needs Occupancy. The site is considered to be a genuine infill site. The requirements of Local Needs Occupancy are set out in Policy SP21, which states:

#### *'a) Local Needs Occupancy*

*To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:*

- *Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or*

- *Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or*
- *Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or*
- *Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years'*

The applicant has stated the applicant's have lived in Foxholes for apparently 45 years, and it is understood from the pre-application enquiry that they are seeking to downsize from Foxholes Manor.

#### The siting, scale and design of the proposed dwelling

Policy SP16 of the Local Plan Strategy states:

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

- *Reinforce local distinctiveness*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
- *Protect amenity and promote well-being*
- *To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:*
- *Topography and landform that shape the form and structure of settlements in the landscape*
- *The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale*
- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
- *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
- *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
- *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail'.*

In this case, the proposal is for a building with a width of 19.6m, and a depth of 19.2m, it is proposed to appear as a bungalow with accommodation in the loft area. It features a large and expansive hipped roof, which is considered to be a dominating feature. The property has a strong horizontal emphasis and its design is not considered to be representative of the local vernacular in Foxholes, or in deed of Ryedale. Foxholes generally comprises two-storey dwellings of brick with a reduced footprint to be proposed in question and without integral garages. Notwithstanding that part of the proposed dwelling would be screened from public view, there would nevertheless be views of the proposed dwelling from Ganton Road, with the loss of the trees to the front of the site. These views would show the proposal in the context of Foxholes Manor, a large substantial dwelling with a strong vertical emphasis. It is considered that by virtue of the scale and design of the proposal, it will not relate well to the local vernacular and be contrary to the requirements of Policy SP16 of the Local Plan Strategy.



### Whether Foxholes Manor is a non-designated heritage asset

Following discussion with the Buildings Conservation Officer, it is considered that Foxholes Manor is a non-designated heritage asset. It is a large 3 storey dwelling of mid-to-late 19 century origin. It has its main access to the southern side, and a secondary access to the northern side. Its significant elevations are considered to be on its eastern and southern sides with views over its landscaped garden.

Para. 131 of the NPPF states:

*'131. In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.'*

Para. 135 states:

*'135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

In addition Policy SP12 of the Local Plan Strategy states:

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

The application site is to its northern side, on elevated land. The northern side is not considered to be one of its most significant elevations, and it is considered that some form of residential development may be acceptable in this side garden area. However, the proposed dwelling and its horizontal emphasis together with its scale and its suburban design is considered to adversely affect the significance of this non-designated heritage asset.

### Whether the proposal will provide a satisfactory level of residential amenity

Policy SP20 of the Local Plan Strategy states:

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

There are 3 no livestock buildings located directly to the north of the application site, and 1.5m from the proposed dwelling. There is a 3-4m high brick wall on the boundary between the application site and the agricultural buildings. The buildings are currently understood to house pigs on a bed and breakfast basis. The Council's Environmental Health Officers have been to the site, and they object to the application, they have stated:

*'Following a visit accompanied by Matthew Pawson it was noted that the siting of the proposed dwelling is in close proximity to existing agricultural buildings which could continue to be used for agricultural purposes. This could cause harm to the amenities of occupiers of the proposed dwellings by virtue of noise, odour and general disturbance. I therefore object to the above application and recommend refusal.'*

It is also understood that their objection also relates to the construction type of these buildings which feature Yorkshire Boarding and allow odour to easily spread. They are also concerned at the movements to and from the site for deliveries and collections of livestock and feed, and the associated potential disturbance to the proposed dwelling. As such it is considered that the proposed dwelling will not have a satisfactory level of residential amenity as a result of the close proximity of these livestock buildings.

The property is to extent overlooked by windows at first and second floor on the northern side of Foxholes Manor. However, these are largely service windows, such as corridors, and not main habitable rooms. It is therefore considered that the proposed dwelling will not be subject to an unacceptable level of potential overlooking.

### Ecology

The Council's Countryside Management Officer has confirmed there is no objection to the application.

### Impact upon trees

The proposal will result in the loss of trees. A Tree Survey has been submitted with the application. The Council's Specialist has considered the proposal and stated :

*"The Tree Report for Land North of Foxholes Manor ( Lawson Harper Oct 2016) finds that the proposed development will have a major effect on 2 horse chestnut trees where it is proposed that a new access will be situated. The trees are not under a TPO or in a conservation area. Both trees do have a visual significance in the local landscape but their loss would somewhat be balanced by the presence of a number of nearby protected tree very close by. It is proposed to remove both trees due to both having long term viability and stability issues, recently others in this group have fallen and there is observable decay and signs of distress.*

*It is also recommended that the trees are replaced as part of the development. A mature Yew tree adjacent to the retaining wall is to be retained'.*

The Tree and Landscape Officer recommends a condition known as an Arboricultural Method Statement.

### Highway safety

The Highway Authority has confirmed that the proposal meets the minimum visibility of 33m measured 2m back from the edge of the highway. As such no highway objections are raised, and standard conditions are recommended in regard to the access, parking provision, a construction Management Plan, and to prevent the garage being converted to habitable accommodation.

### Developer contributions

The proposed development is chargeable to CIL at £45m2.

### Impact of the proposal upon the amenity of the adjoining neighbours

The proposal is not considered to have an adverse effect upon the amenity of the adjoining neighbours in terms of potential overlooking, loss of sun lighting or day lighting or its proximity to existing properties.

### Drainage

The proposal is to drain foul water into the mains, and surface water via soakaways. There is no objection in principle to these methods of drainage.

### Other issues

There have been 3 third party letters supporting the application in response to the objection from Environmental Health Officers. The letters contest the views of the Environmental Health Officers and state that they, as nearby residents, do not unacceptably suffer from noise or disturbance from the agricultural buildings at Church Farm. It is also indicated that 2 dwellings were approved planning permission on the opposite side of Ganton Road in 2008, and again in 2010. On both occasions, the Council's Environmental Health Department were consulted but their views were restricted to land contamination issues. Nevertheless, the site in question is closer to, and directly adjoins the livestock buildings in question (1.5m from the nearest livestock building).

For the reasons outlined above, the recommendation is one of refusal.

### **RECOMMENDATION: Refusal**

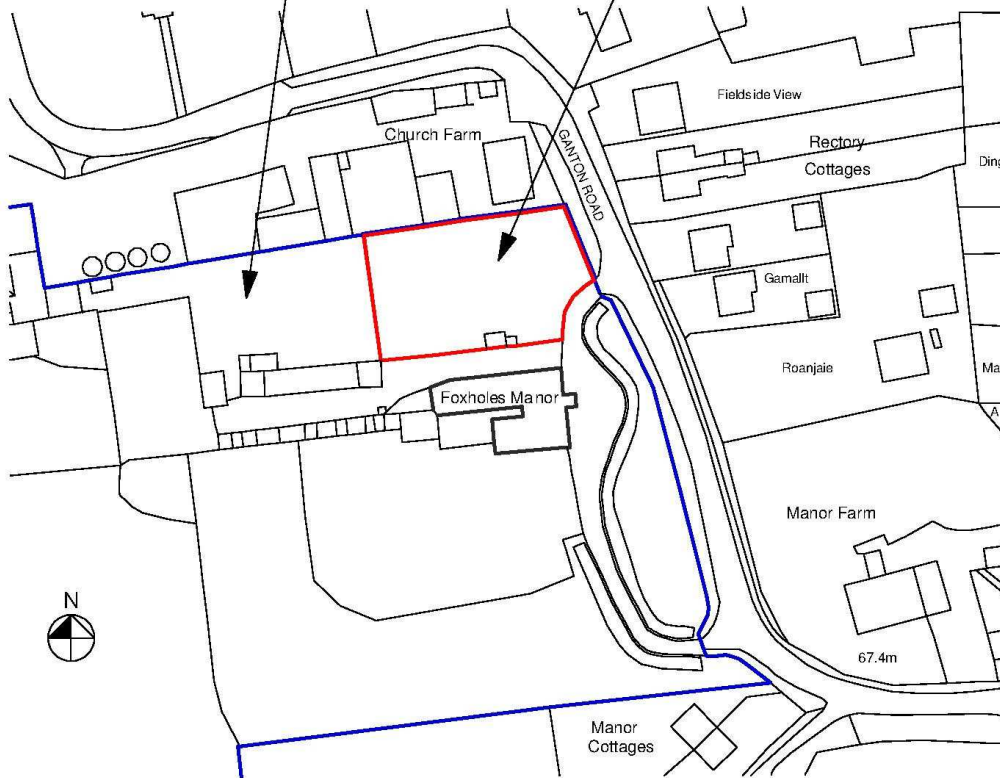
- 1 The proposed dwelling is not considered to have an adequate level of private amenity by virtue of the close proximity of adjoining livestock agricultural buildings, currently used to accommodate pigs and their associated operations. The proposal is thereby contrary to the requirements of Policy SP20 of the Local Plan Strategy.
- 2 The proposed development by virtue of its siting, scale, design, materials, together with the detail of design is not considered to be locally distinctive or to respect the character and appearance of the locality. The proposed development is therefore considered to be contrary to the requirements of NPPF and Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 3 The proposed dwelling by virtue of its scale and design will introduce a visually jarring element that will adversely effect the significance of the non-designated heritage asset. The proposal is therefore considered to be contrary to the requirements of para. 131 and 135 of NPPF and Policy SP12 of the Local Plan Strategy.

### **Background Papers:**

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

Area Edged In Blue In The Ownership  
of Mr & Mrs Stephenson

Site Referred To Edged In Red



# Location Plan

Scale 1:1250

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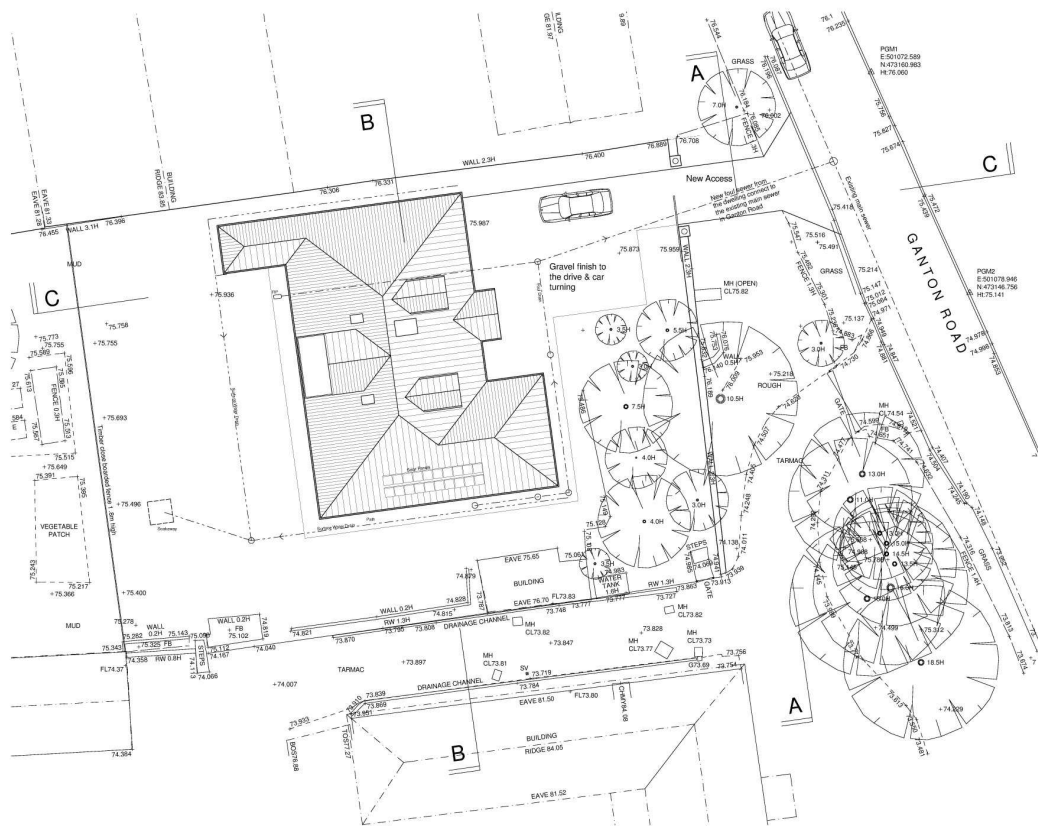
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Drawing Number	2016/086/1
Date Drawn	Feb 2017
Scale	1:1250
Client	Mr & Mrs Stephenson
Project	Proposed Dwelling @ Foxholes Manor, Foxholes YO25 3QL
Title	Location Plan

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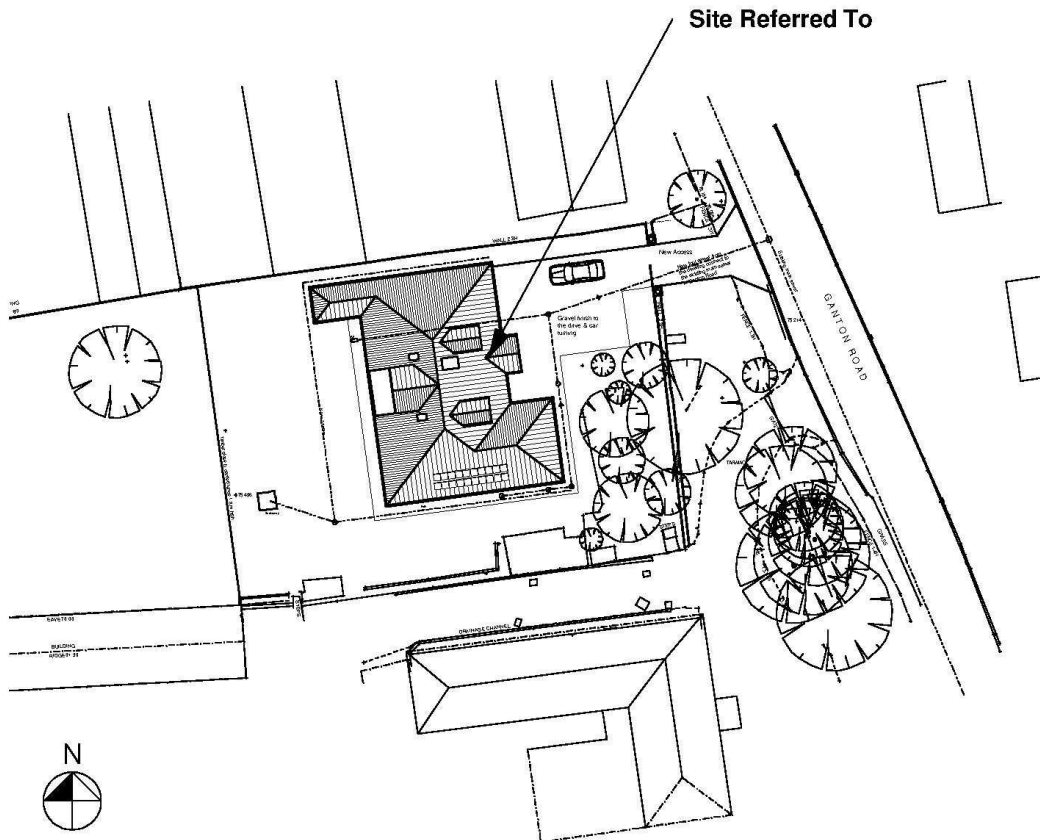




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Drawing Number:	2016-086-B
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Scale:	1:100
Client:	Mr & Mrs Stephenson
Project:	Proposed Dwelling @ Fawcotes Manor, Fawcotes VIC 3024
Title:	Proposed Site Plan

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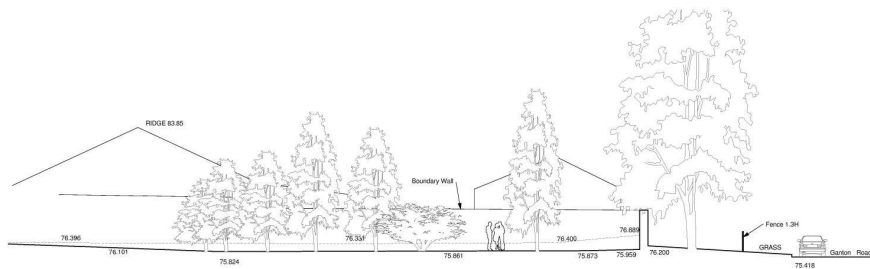
**Block Plan**  
Scale 1:500

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Drawing Number	2016/086/2
Date Drawn	Feb 2017
Scale	1:500
Client	Mr & Mrs Stephenson
Project	Proposed Dwelling @ Foxholes Manor, Foxholes YQ25 3QL
Title	Block Plan

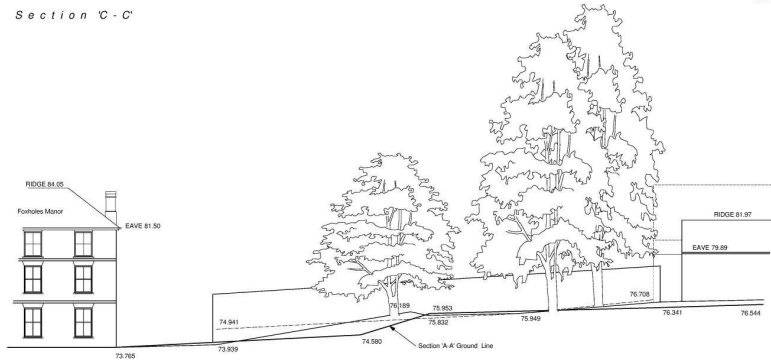
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Architectural Specialists in Domestic & Residential Design  
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1 Wellington Road  
Bridlington  
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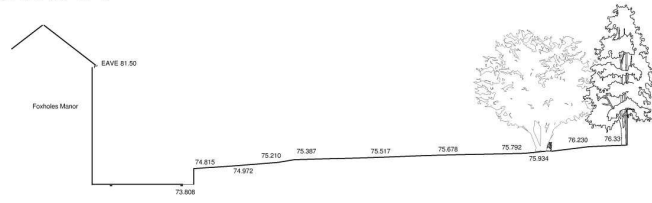


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Section A-A

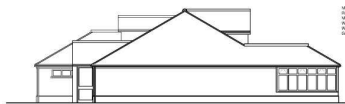


Section B-B

Revision:	A
Drawing Number:	2016-086-z
Date Drawn:	08/12/2016
Scale:	1:100
Client:	Mr & Mrs Stephenson
Project:	Proposed Dwelling @ Foilholes Manor, Foilholes VIC 3024
Title:	Existing Sections

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North Elevation



East Elevation



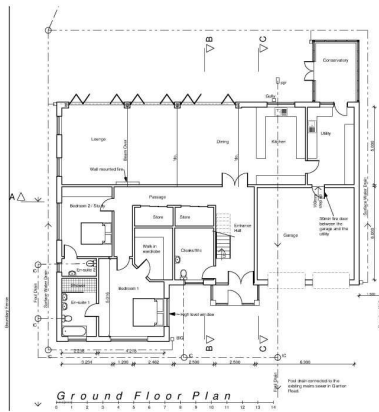
South Elevation



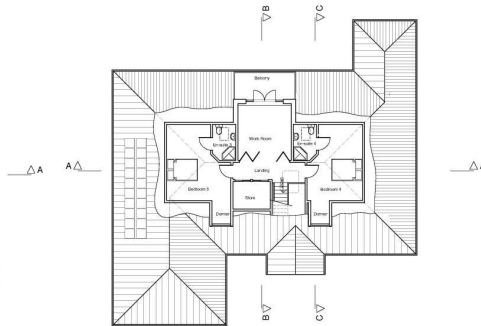
West Elevation

Materials:  
 Walls: Stone or render finished  
 Roof: Clay tiles  
 Windows & Doors: White UPVC  
 Ground floor: Stone or brick

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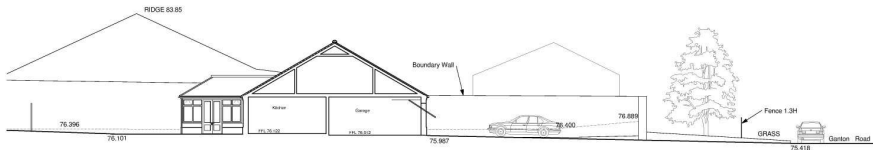
Ground Floor Plan



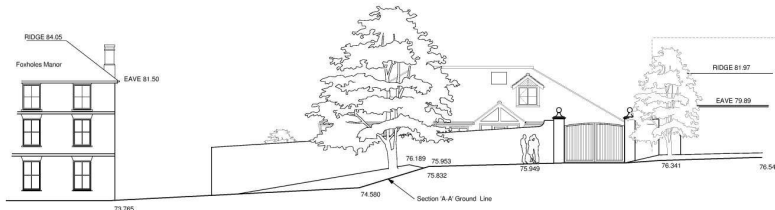
First Floor Plan

Revision:	A
Drawing Number:	2016-0865
Date Drawn:	08/12/2016
Scale:	1:100
Client:	Mr & Mrs Stephenson
Project:	Proposed Dwelling @ Fawcotes Manor, Fawcotes VIC30 302
Title:	Proposed Plans & Elevations

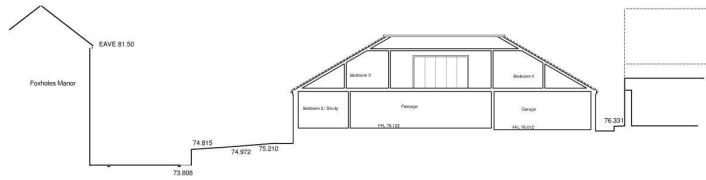
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Section 'A-A'



Section 'B-B'

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Revision:	1
Drawing Number:	2016-0867
Date Drawn:	08/12/2016
Scale:	1:100
Client:	Mr & Mrs Stephenson
Project:	Proposed Dwelling @ Footholes Manor, Footholes VIC 3024
Title:	Proposed Sections

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PLANNING, DESIGN AND ACCESS STATEMENT

FOR

NEW DETACHED DWELLING

AT

FOXHOLES MANOR  
GANTON ROAD  
FOXHOLES  
NORTH YORKSHIRE  
YO25 3QL

DATE: 20.01.2017

CONTENTS

Planning, Design & Access Statement

	Page
1. Introduction.....	3
2. Site, Surrounding Area.....	3
3. Proposed Development.....	4
4. Siting.....	4
5. Materials.....	4
6. Access.....	4
7. Landscaping.....	4
8. Conclusion.....	5

## **1. INTRODUCTION**

- 1.1. This Design and Access Statement has been prepared to support a Full Planning Application for a detached dwelling and new vehicular access within the existing garden of Foxholes Manor.
- 1.2. The applicants currently reside in the Manor and have been in occupation for some 45 years and are well acquainted with the majority of residents within the village and surrounding area.
- 1.3. The application is situated within the garden/orchard area to the north of the Manor and adjacent to an existing 2.3m high boundary wall. Access to the new dwelling is proposed from a position just north of the present northern entrance/exit to the Manor but through a tree belt which has seen recent decline of some trees which have fallen due to disease and wind damage.

## **2. SITE & SURROUNDING AREA**

- 2.1. The site is situated within the development limits of Foxholes village to the west of Ganton Road at the northern end of the village. Church Farm is situated just north of the application site behind the tall chalk wall and there are some existing and new two storey dwellings to the eastern side of Ganton Road facing the application site as frontage development.
- 2.2. There are a variety of house types in the village ranging from detached modern infills to traditional brick cottages with pantile roofs. There is the odd occurrence of chalk building materials which are now restricted to the older form buildings or boundary walls. There are a few buildings with slate roofs except for buildings such as the Manor and some farm buildings.
- 2.3. The only Listed Building in Foxholes is the Church of St. Mary designed by *G Fowler*, which is situated to the north of the application site and north of Ganton Road. Foxholes Manor the former Rectory. Largely rebuilt by the Rev, Richard Sykes c.1800. Red brick, five bays, three storeys. Hipped slate roof with overhanging eaves. Later central porch added.
- 2.4. The setting of Foxholes Manor as seen from the south is impressive with wooded gardens, gravel paths and driveways. The main driveway located to the south of the manor, has two entrances gates onto Ganton Road and shown on the location plan. Each entrance having wrought iron gates and wrought iron pillars.
- 2.5. The wooded gardens of Foxholes Manor are excluded by the Development Limits and the trees from these gardens extending up Ganton Road to the north side of the secondary entrance to the rear of the Manor.

### **3. PROPOSED DEVELOPMENT**

This application is to seek planning approval for a single four-bedroomed dormer bungalow with an integral double garage and a new vehicular access.  
Walls to the dwelling in red brickwork, Natural slates to the roof, both brickwork and roof covering to match Foxholes Manor. Windows and door in white UPVc, with gutters and fall pipes in black UPVc

### **4. Siting**

- 4.1 The siting of the proposed dwelling takes advantage of the rear garden to Foxholes Manor. This was historically a vegetable garden for the Manor but has reduced over the years to become a lawned garden to the western end.
- 4.2 The ground level is generally flat although raised slightly by approx. 1.2m in relation to the ground floor level of the manor house.
- 4.3 There are mature trees bounding the east and west boundaries of the site and an existing high chalk wall to the north. The southern boundary of the application site is more open to the manor house but would be separated by more planting and close boarded fencing.

### **5 Materials**

- 5.1 A mixture of materials can be found in the surround area of Foxholes Manor. Red bricks to walls, Natural slate, pantiles and concrete tiles to roofs. Windows and doors generally white UPVc with the exception of farm outbuildings in painted softwood.

### **6. Access**

- 6.1 We are proposing a new vehicular and pedestrian access to the new dwelling just north of the existing access to Foxholes Manor. This is situated in an area where trees have recently fallen and needed to be removed as they blocked Ganton Road. It is anticipated that some existing diseased trees will be removed and a new planting regime organized with the Local Authority Tree/Landscape Officer.
- 6.2 The existing brick wall fronting the site on the eastern side will be retained but an entrance for the new driveway will be cut through it. Solid timber electric gates will be installed to ensure that when closed the continuity of the screen wall will be maintained. A post box and access bell will be situated adjacent to the gates and built into the wall.
- 6.3 The driveway will be cut through the existing embankment and landscaped accordingly. It is anticipated that the access will be at least 3.7m wide to allow emergency vehicles through.
- 6.4 The driveway is expected to be set with pin curbs to each side and with a suitable hardcore base. This would then be covered with a groundforce mesh and topped with gravel. The mesh will prevent the gravel from creeping but a concrete/stone gravel bar will be situated on the boundary line with the highway to prevent creeping.

- 6.5 An access driveway of this type is permeable and allows roots of shrubs and trees to be both nourished and protected.

## **7. Landscaping**

- 7.1 As mentioned above a regime of trees and shrub planting will be instigated between the highway and existing garden wall and either side of the proposed new driveway.
- 7.2 The existing chalk wall to the north side of the application site is to be retained and protected.
- 7.3 Other boundaries to the site will be close boarded timber fencing to a height of 2.0 metres.
- 7.4 The remaining garden will retain the lawned effect with some borders and some ornamental and fruit trees.
- 7.5 The courtyard inside the old wall will be as the driveway in hardcore with a restraining grid and gravel topping to remain permeable.
- 7.6 Paving around the dwelling will be in sandstone effect pavers 600 x 900mm.

## **8. Conclusion**

- 8.1 As the development is within development limits and is not in an area where development is restricted we see no reason why such a dwelling should not be constructed on the brownfield/garden site.
- 8.2 The applicants own the site which is part of the site of Foxholes Manor and have been in occupation for 45 years.
- 8.3 The size, scale and appearance of the proposed dwelling retains some of the character of the Manor but has some modern features so as not to match it exactly.
- 8.4 The reduced size of the proposed dwelling will allow the applicants suitable accommodation in their retirement after spending so many years in the Manor.
- 8.5 We are open to discussion with the various officers of the Local Planning Authority to create an appropriate development within this site.

**Item Number:** 11  
**Application No:** 17/00203/HOUSE  
**Parish:** Edstone Parish Meeting  
**Appn. Type:** Householder Application  
**Applicant:** Mr Paul Sankey  
**Proposal:** Erection of single storey front and rear extensions, two storey side extension and detached garage to replace existing attached garage and shed  
**Location:** Wind Hill 4 Wapping Lane Great Edstone Kirkbymoorside YO62 6PD

**Registration Date:**  
**8/13 Wk Expiry Date:** 21 April 2017  
**Overall Expiry Date:** 19 April 2017  
**Case Officer:** Charlotte Comforth **Ext:** 325

#### CONSULTATIONS:

**Parish Council** Concerns  
**Parish Council** Object

**Neighbour responses:** S A Cooper, Mr I Beadham & Mrs F Carty,

-----  
**SITE:**

Wind Hill (4 Wapping Lane) is a semi-detached property located within the settlement of Great Edstone. The village is located within the Fringe of the Moors Area of High Landscape Value. Wind Mill is the penultimate property at the end of Wapping Lane, on the northern edge of the village.

#### PROPOSAL:

Erection of single storey front and rear extensions, two storey side extension and detached garage to replace existing attached garage and shed.

The initial scheme sought a further single storey extension to the east elevation (in front of the existing window). However, following concerns made by the Case Officer this element of the scheme has been omitted and the front elevation re-configured to have a lean to roof over the existing porch and garage to form a utility area.

#### HISTORY:

The relevant planning history includes:

- 00/01290/FUL - Planning permission granted - Erection of conservatory to rear.

#### POLICY :

The Ryedale Plan - Local Plan Strategy (2013)

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

National Planning Policy Framework (2012)

Chapter 7. Requiring good design



## **APPRAISAL:**

The main considerations to be taken into account are:

- i. Scale, form and detailed design
- ii. Impact upon the street scene
- iii. Impact upon neighbouring amenity
- iv. Other matters
- v. Conclusion

### **i. Scale, form and detailed design**

#### Two storey side extension

The two storey extension will run through at the same eave and ridge level of the existing dwelling. It is considered that due to this being the end semi-detached property on Wapping Lane, running the eave and ridge height is acceptable in this location. Its depth is the same as the existing dwellinghouse (6.35 metres) and it projects 3.4 metres beyond the existing gable wall. The extension will be constructed of brick and concrete pantiles to match the existing property. All windows will be UPVC to match the existing property. There are no windows proposed on the north elevation. There is an existing boundary fence and hedge that is proposed to be retained.

It is considered that the proposal is appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials, complying with Policies SP 16 and SP20 of the Ryedale Plan - Local Plan Strategy.

#### Single storey rear extension

There is an existing rear conservatory that measures 5.4 metres in width, 3.5 metres in depth, 2.5 metres to the eaves and 2.8 metres to the ridge. It is positioned 3.3 metres from the boundary of the adjoining property of 3 Wapping Lane.

The proposed single storey rear extension will have a hipped roof and measure 8.4 metres in width, 3.5 metres in depth, 2.5 metres to the eaves and 4 metres to the ridge. It will be positioned 0.15 metres from the boundary of the adjoining property of 3 Wapping Lane. The extension will be constructed of brick and concrete pantiles to match the existing property. All windows will be UPVC to match the existing property.

It is considered that the proposal is appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials, complying with Policies SP 16 and SP20 of the Ryedale Plan - Local Plan Strategy.

#### Configuration to front elevation

The front elevation is proposed to be re-configured to have a lean to roof over the existing porch and garage to form a utility, rather than the existing flat roof garage and porch. The lean-to will be constructed of brick and concrete pantiles to match the existing property. No windows are proposed on the south elevation, with the existing front door being retained and a further small window and door installed on the north elevation.

It is considered that the proposal is appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials, complying with Policies SP 16 and SP20 of the Ryedale Plan - Local Plan Strategy.

### Detached garage

The detached garage will have a pitched roof and have a depth of 4.5 metres, a width of 6.3 metres, a ridge height of 3.4 metres and an eave height of 2.2 metres. The entrance to the garage is on the south elevation and it is positioned up to the north east boundary of the site.

It is considered that the proposal is appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials, complying with Policies SP 16 and SP 20 of the Ryedale Plan - Local Plan Strategy.

#### **ii. Impact upon the street scene**

The proposals are also considered to not be detrimental to the street scene of Wapping Lane by virtue of their scale, form and use of materials.

#### **iii. Impact upon neighbouring amenity**

The extension to the rear is single storey, with a height of 4 metres to the ridge and 2.5 metres to the eaves with a hipped roof. The main openings are north facing, down the rear garden of the application site. It should also be noted that the depth of the proposed extension is a 0.5 metre increase beyond what can be built under permitted development at this height, within 2 metres of the boundary. The 'fall back' position is therefore a relevant consideration.

Based upon the above, it is considered that the proposal will not have a significant material adverse impact upon neighbouring occupiers of 3 Wapping Lane and High Meadows. This is in terms of being overbearing in presence, causing loss of light or loss of privacy. The proposal is therefore considered to comply with Policy SP 20 of the Ryedale Plan - Local Plan Strategy.

#### **iv. Other matters**

A letter of objection have been received from the occupier of 3 Wapping Lane. Their objection states:

*"We are objecting to the plans for front and rear as it will block out light to both our windows. As we sit in both rooms, we will be looking out onto brick walls, so will obscure our view".*

A letter was also received from the occupier of High Meadows regarding the initial scheme. Their objection states:

*The property is a semi-detached 2-storey house and I believe the scale of the development is too large for the site. It will seriously impinge on the next door property (the other half of the building) and will be visually intrusive in a row of modestly sized houses. I therefore suggest that the application be refused.*

The Parish Council stated the following with regard to the initial scheme:

*Concerns were raised by neighbouring properties about scale of the development and negative amenity impact (light, view). The particular complaint was that extensions were planned to both front and rear, which would unreasonably reduce the amount of light at both sides of the house for 3 Wapping Lane.*

Following the re-consultation, the Parish Council have continued to oppose the application and stated the following:

*The immediate neighbours of the subject property are still unhappy with the proposals as they consider the extension to the back of the property, where their living room is situated, will impact upon their amenity.*

## Comments regarding the consultation comments

Some of the matters raised above have been addressed throughout the report. There will be some loss of sunlight/daylight to 3 Wapping Lane. However, this is limited to a particular time of the day and due to the height of the proposed extension, there is not considered to be a material adverse impact upon neighbour amenity. Furthermore as stated previously, the depth of the proposed extension is a relatively modest increase beyond what can be built under 'permitted development' at this height, within 2 metres of the boundary. A loss of view is not a material planning consideration and cannot be considered as part of this planning application.

### **v. Conclusion**

In light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies 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 SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

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

Site Location Plan - Wind Hill dated 24.02.2017.  
REVISED PLAN - Proposed North Elevation dated 31.03.2017.  
REVISED PLAN - Proposed East Elevation dated 31.03.2017.  
REVISED PLAN - Proposed South Elevation dated 31.03.2017.  
REVISED PLAN - Proposed West Elevation dated 31.03.2017.  
REVISED PLAN - Proposed Ground Floor dated 31.03.2017.  
REVISED PLAN - Proposed First Floor dated 31.03.2017.

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

Wind Hill, 4 Wapping Lane, York, YO62 6PD



Site Plan shows area bounded by: 470480.0, 484002.0 470880.0, 484402.0 (at a scale of 1:2500), OSGridRef: SE70688420. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

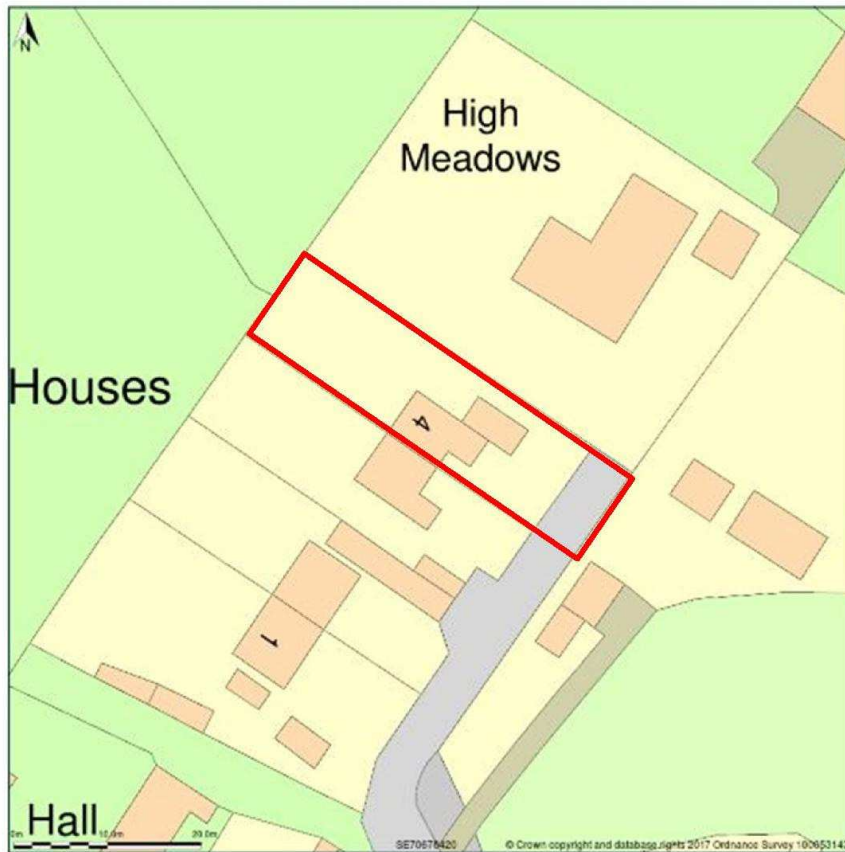
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Wind Hill, 4 Wapping Lane, York, YO62 6PD



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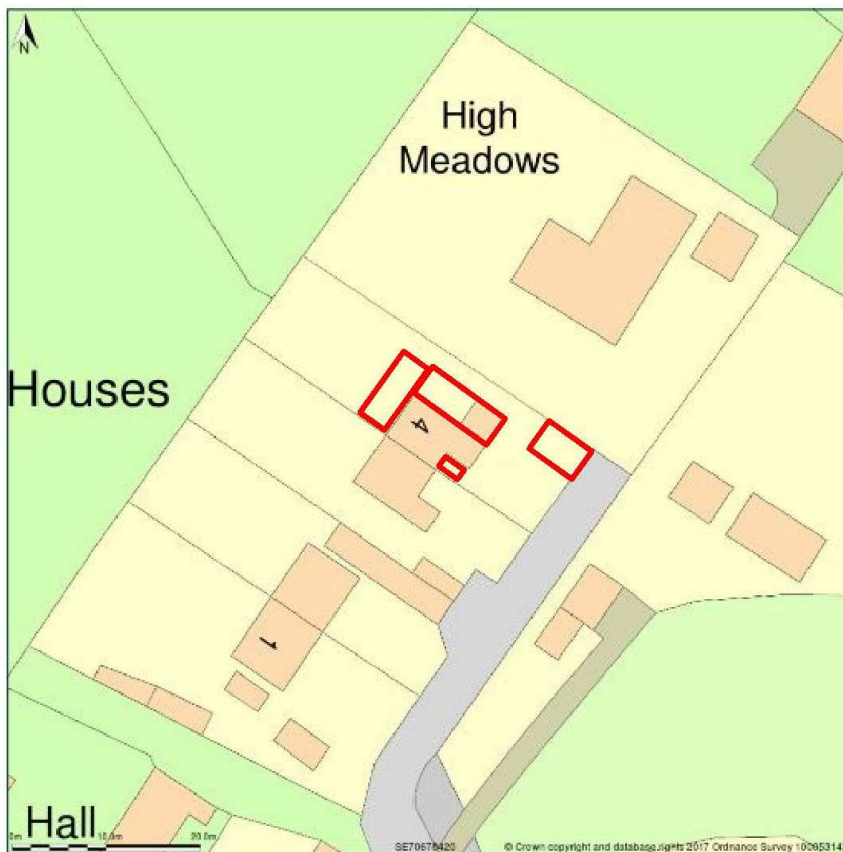
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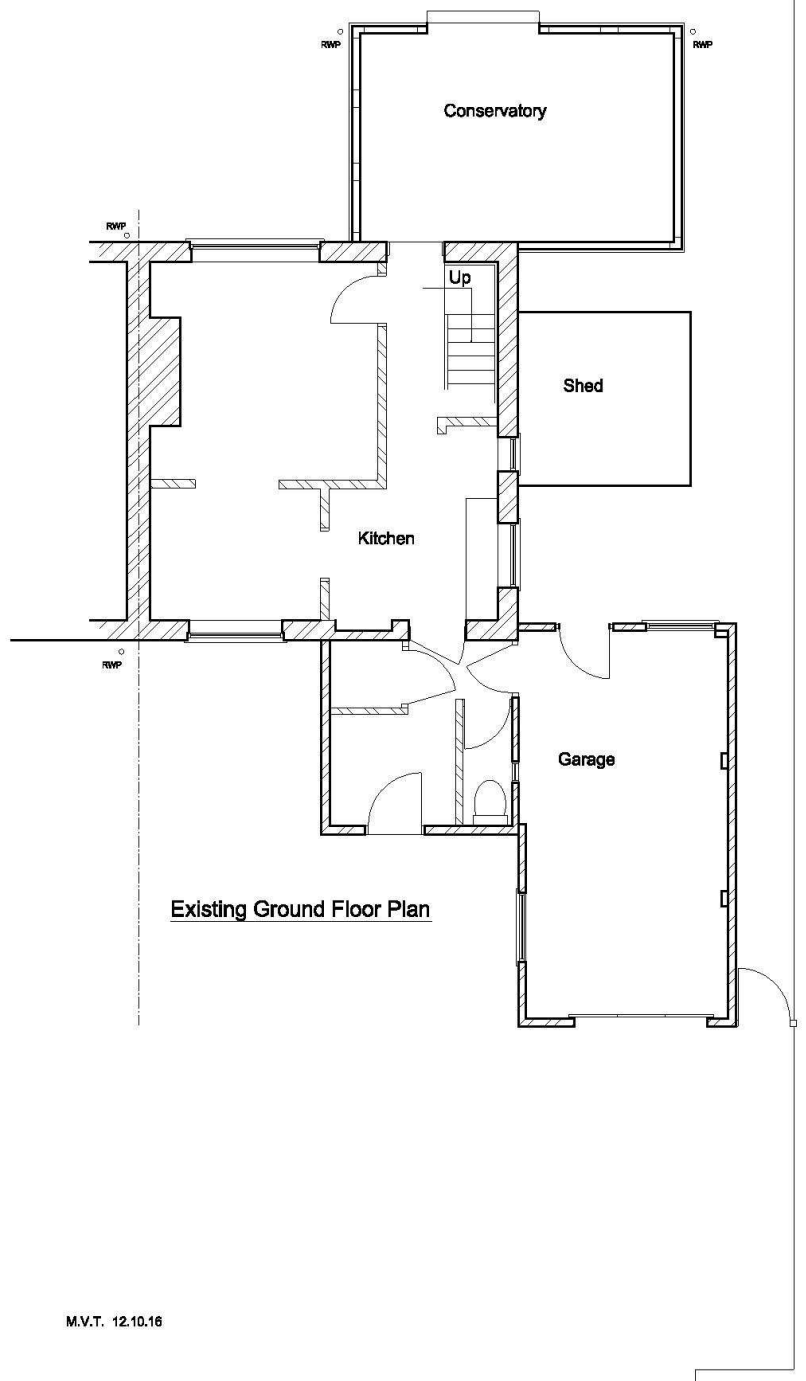
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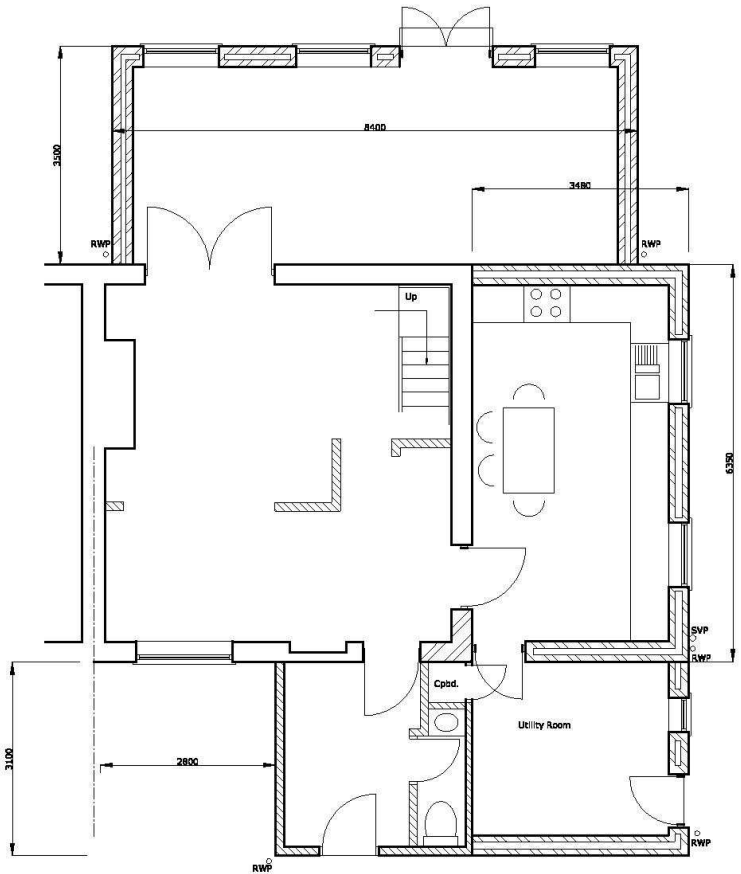
M.V.T. 12.10.16

Proposed Extensions & Garage  
at  
4 Windhill  
Great Edstone  
North Yorkshire  
Scale 1:100

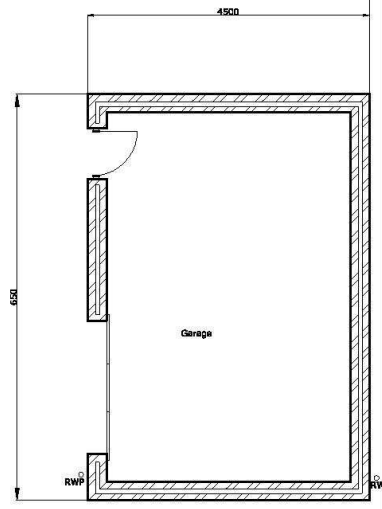
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REVISED  
31.03.17

# REVISED PLAN



Proposed Ground Floor Plan

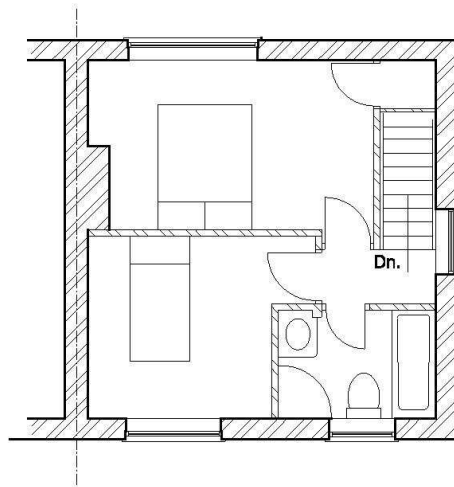


Proposed Extensions & Garage  
at  
4 Windhill  
Great Edstone  
North Yorkshire

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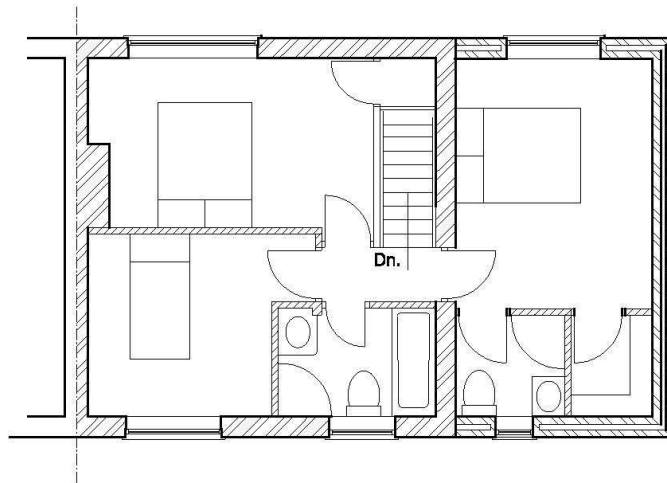


REVISED  
31.03.17



Existing First Floor Plan

## REVISED PLAN



Proposed First Floor Plan

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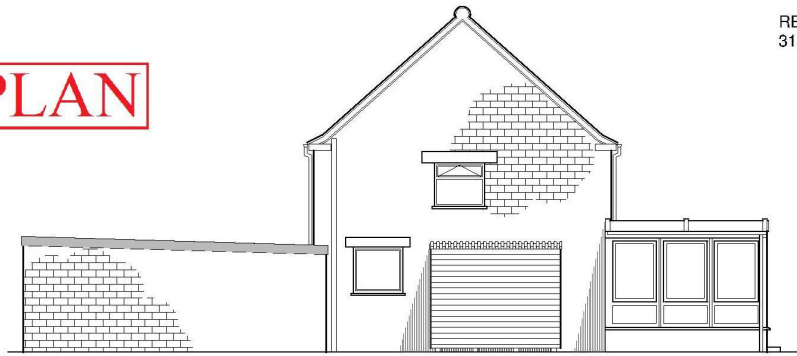
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Proposed Extensions  
Proposed Extensions & Garage  
at  
4 Windhill  
Great Edstone  
North Yorkshire

Scale 1:100

REVISED  
31.03.17

# REVISED PLAN



Existing North Elevation

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All new windows & doors to match existing



Proposed North Elevation

Proposed Extensions & Garage  
at  
4 Windhill  
Great Edstone  
North Yorkshire  
Scale 1:100

M.V.T. 05.02.17

# REVISED PLAN

REVISED  
31.03.17



Existing East Elevation



Proposed East Elevation

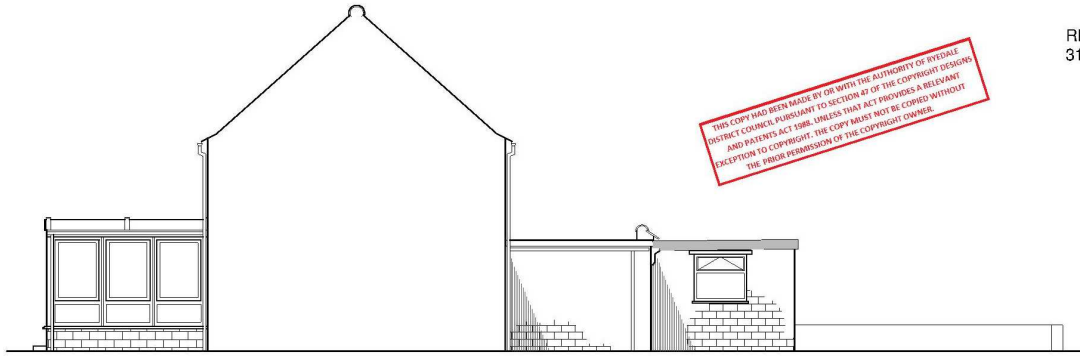
Proposed Extensions & Garage  
at  
4 Windhill  
Great Edstone  
North Yorkshire  
Scale 1:100

M.V.T. 05.02.17

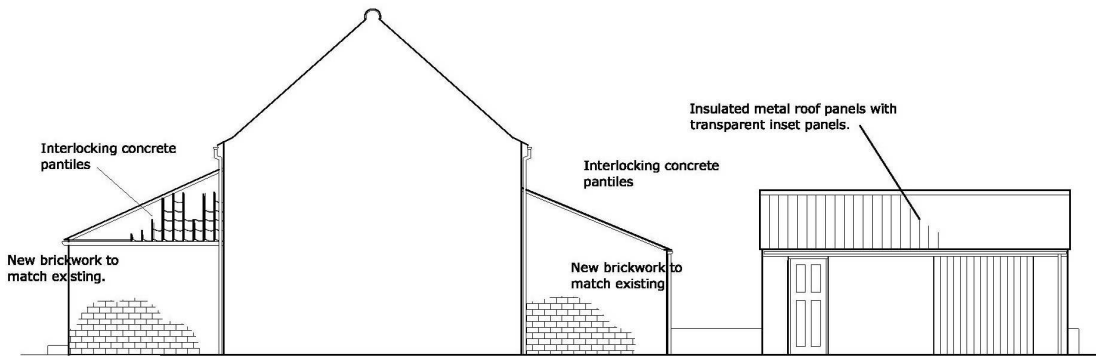
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REVISED  
31.03.17

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Existing South Elevation



Proposed South Elevation

M.V.T. 05.02.17

**REVISED PLAN**

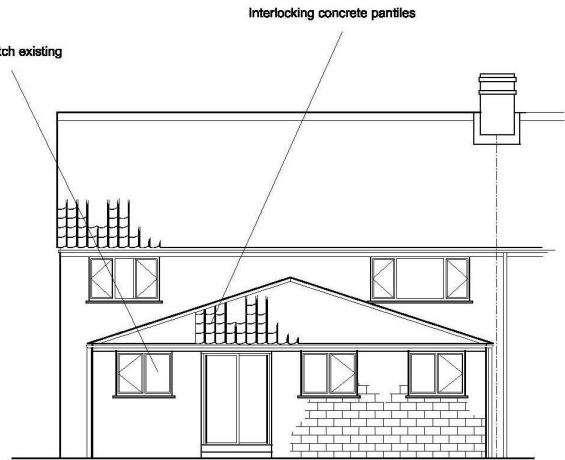
Proposed Extensions & Garage  
at  
4 Windhill  
Great Edstone  
North Yorkshire  
Scale 1:100

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Existing West Elevation

All new windows to match existing UPVC double glazed



Proposed West Elevation

Proposed Extensions & Garage  
at  
4 Windhill  
Great Edstone  
North Yorkshire  
Scale 1:100

M.V.T. 13.02.17

# REVISED PLAN

Object

CC

DATE  
20.04.17

---

**Subject:** FW: 17/00203/House Wind Hill 4 Wapping Lane

-----Original Message-----

From: Joanne White

Sent: 19 April 2017 15:10

To: Development Management

Subject: Re: 17/00203/House Wind Hill 4 Wapping Lane

Dear Ellis

For clarity - the position of the parish based on the information below is that it was opposed.

Regards

Jo

On 19 Apr 2017, at 15:08, Joanne White wrote:

> Dear Ellis

>

> The overall position was that more people objected to the proposal than were in favour - the rest abstained which meant they were neutral (neither supportive or objecting).

>

> I hope that clarifies the situation.

>

> Kind Regards

>

> Jo

---

**Subject:** FW: FAO Karen Hood re 17/00203/HOUSE, Wind Hill 4 Wapping Lane, Great Edstone

---

**From:** Steve White

**Sent:** 22 March 2017 09:38

**To:** Development Management

**Cc:** [edstoneparishcouncil@btinternet.com](mailto:edstoneparishcouncil@btinternet.com)

**Subject:** FAO Karen Hood re 17/00203/HOUSE, Wind Hill 4 Wapping Lane, Great Edstone

I'm writing on behalf of my wife Jo White – Edstone Parish Clerk – who has been taken ill.

Edstone Parish Meeting held a public meeting on Thursday 16<sup>th</sup> March to discuss planning application 17/00203/HOUSE for Wind Hill.

- Concerns were raised by neighbouring properties about scale of the development and negative amenity impact (light, view). The particular complaint was that extensions were planned to both front and rear, which would unreasonably reduce the amount of light at both sides of the house for 3 Wapping Lane
- Of the villagers present, not including the applicant, 2 voted against and 7 abstained. There was also a written submission against the application by another resident.

Regards

Steve White, on behalf of Edstone Parish Meeting

# RYEDALE DISTRICT COUNCIL

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

PERIOD 3 APRIL - 28 APRIL 2017

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1.

**Application No:** 16/01112/FUL **Decision: Approval**  
**Parish:** Weaverthorpe Parish Council  
**Applicant:** Mr Raymond Thwaites  
**Location:** Corner House Back Lane Weaverthorpe North Yorkshire YO17 8ES  
**Proposal:** Change of use and alterations to attached former blacksmiths workshop to form two-bedroom holiday cottage (part-retrospective)

---

2.

**Application No:** 16/01555/OUT **Decision: Refusal**  
**Parish:** Sinnington Parish Council  
**Applicant:** NP & GL Turnbull (Mr Nick Turnbull)  
**Location:** Land At Hillside Farm Gallowheads Lane Marton Kirkbymoorside  
**Proposal:** Erection of an agricultural workers dwelling (site area 0.1ha)

---

3.

**Application No:** 16/01848/FUL **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Wayne Butler  
**Location:** Leat House 71 Welham Road Norton Malton North Yorkshire YO17 9DS  
**Proposal:** Change of use and alterations to office building (Use Class B1) to form 4no. one-bedroom and 5no. two-bedroom residential apartments (Use Class C3) following demolition of existing conservatory and single storey extensions to front and east elevations

---

4.

**Application No:** 16/01849/LBC **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Wayne Butler  
**Location:** Leat House 71 Welham Road Norton Malton North Yorkshire YO17 9DS  
**Proposal:** External alterations to all elevations to include demolition of existing conservatory and single storey extensions, removal of fire escape, installation of 6no. timber windows and 2no. timber-framed double doors and re-rendering of east elevation wall together with alterations to internal layout to form 9no. residential apartments

---

5.

**Application No:** 16/01975/FUL **Decision: Approval**  
**Parish:** Terrington Parish Council  
**Applicant:** G & I Sparrow  
**Location:** West Moor Farm Terrington Bank Terrington YO60 6PD  
**Proposal:** Change of use and alterations to agricultural buildings to form 1no. four-bedroom permanent residential dwelling and 1no. three-bedroom holiday cottage together with the erection of single storey extension to north elevation, porch to west elevation and detached triple garage/workshop to replace existing pole barn

---



**6.**  
**Application No:** 17/00030/FUL **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Derek Jarvis  
**Location:** Land Adjacent 35 Scarborough Road Norton Malton North Yorkshire YO17 8AA  
**Proposal:** Erection of a detached three-bedroom dwelling with integral garage and a detached two-bedroom bungalow

---

**7.**  
**Application No:** 17/00061/FUL **Decision: Approval**  
**Parish:** Aislaby, Middleton & Wreton Parish  
**Applicant:** Miss Nicky Blyth  
**Location:** Methodist Chapel Wreton Pickering North Yorkshire  
**Proposal:** Change of use and alteration of former chapel to form a two bedroom dwelling with external amenity space and a separate vehicle parking area

---

**8.**  
**Application No:** 17/00062/LBC **Decision: Approval**  
**Parish:** Aislaby, Middleton & Wreton Parish  
**Applicant:** Miss Nicky Blyth  
**Location:** Methodist Chapel Wreton Pickering North Yorkshire  
**Proposal:** External and internal alterations to allow conversion to a two bedroom dwelling to include formation of opening in internal wall, division of the ground floor by timber stud partition walls and installation of replacement rear window and 1 no door to replace existing window

---

**9.**  
**Application No:** 17/00063/FUL **Decision: Approval**  
**Parish:** Huttons Ambo Parish Council  
**Applicant:** Mr & Mrs James Morris  
**Location:** Barn West Of The Green Low Hutton Malton  
**Proposal:** Erection of a four-bedroom detached dwelling following demolition of existing former agricultural buildings

---

**10.**  
**Application No:** 17/00116/HOUSE **Decision: Approval**  
**Parish:** Ebberston Parish Council  
**Applicant:** Mr John Preston  
**Location:** 11 Main Street Ebberston Scarborough North Yorkshire YO13 9NR  
**Proposal:** Erection of a 1.1m high timber boundary fence and gate (retrospective application)

---

**11.**  
**Application No:** 17/00118/OUT **Decision: Refusal**  
**Parish:** Norton Town Council  
**Applicant:** Thomas Crown Associates Ltd  
**Location:** Agricultural Contractors Welham Road Norton Malton North Yorkshire  
**Proposal:** Outline application for residential development of 8no dwellings following demolition of existing agricultural type buildings (site area 0.54ha) - approval sought for access and layout

---

**12.**  
**Application No:** 17/00127/HOUSE **Decision: Approval**  
**Parish:** Swinton Parish Council  
**Applicant:** Mr Terry Stephenson  
**Location:** Birch Cottage Middle Street Swinton Malton North Yorkshire YO17 6SR  
**Proposal:** Erection of part two storey/part single storey rear extension following demolition of existing single storey flat roofed extension

---

**13.**  
**Application No:** 17/00138/HOUSE **Decision: Approval**  
**Parish:** Slingsby Parish Council  
**Applicant:** Mr James Thackray  
**Location:** 2 The Bungalow The Green Slingsby Malton YO62 4AA  
**Proposal:** Erection of single storey extension to south elevation, installation of dormer window and 1no roof light to south elevation roof slope and 2no roof lights to north elevation roof slope

---

**14.**  
**Application No:** 17/00139/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr & Mrs D McManus  
**Location:** 9 Beechwood Road Norton Malton North Yorkshire YO17 9EJ  
**Proposal:** Erection of single storey extension to the west elevation with parking and turning area

---

**15.**  
**Application No:** 17/00143/FUL **Decision: Approval**  
**Parish:** Pockley Parish Council  
**Applicant:** Haxton Developments Ltd  
**Location:** Building At Low Farm Main Street Pockley Helmsley  
**Proposal:** Change of use of agricultural land to form additional domestic curtilage, erection of single storey extension and detached triple garage and store

---

**16.**  
**Application No:** 17/00148/HOUSE **Decision: Approval**  
**Parish:** Broughton Parish Meeting  
**Applicant:** Henny Clark  
**Location:** Hilltop House Broughton Road Broughton Malton North Yorkshire YO17 6QG  
**Proposal:** Erection of detached single garage and detached workshop for domestic purposes

---

**17.**  
**Application No:** 17/00149/LBC **Decision: Approval**  
**Parish:** Birdsall Parish Council  
**Applicant:** The Birdsall Estate Company Limited  
**Location:** Birdsall House Birdsall Malton North Yorkshire YO17 9NR  
**Proposal:** Internal alterations to the first floor of the South Wing to include removal of sections of structural wall to relieve current structural loading, formation of 5no. ensuite lettable rooms and external installation of 4no. rooflights

---

**18.**  
**Application No:** 17/00153/73A **Decision: Approval**  
**Parish:** Barton-le-Street Parish Meeting  
**Applicant:** Rory Kemp Ltd (Mr R Kemp)  
**Location:** Glebe Farm Butterwick Road Barton Le Street Malton YO17 6PP  
**Proposal:** Variation of Condition 02 of approval 16/01653/FUL dated 22.12.2016 to allow the external roof colour to be finished in either light grey or anthracite

---

**19.**  
**Application No:** 17/00158/OBL **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr John Lumley  
**Location:** Land West Of 80 Firthland Road Pickering North Yorkshire  
**Proposal:** Discharge of the planning obligation as specified within the Third Schedule of the Deed made on 14.10.2014 relating to approval 13/00844/FUL dated 14.10.2014 to allow non-payment of the Affordable Housing Commuted Sum due to changes in planning policy

---

**20.**  
**Application No:** 17/00164/FUL **Decision: Approval**  
**Parish:** Habton Parish Council  
**Applicant:** Mr & Mrs Jonathan Bulmer  
**Location:** Coultas Farm Habton Lane Great Habton Malton YO17 6TY  
**Proposal:** Erection of a replacement agricultural building for the housing of livestock following demolition of existing agricultural building

---

**21.**  
**Application No:** 17/00165/FUL **Decision: Approval**  
**Parish:** Nawton Parish Council  
**Applicant:** Lund Court Farm Ltd (Mrs Hannah Hubb)  
**Location:** Lund Court Farm Skiplam Road Skiplam Kirkbymoorside YO62 7UB  
**Proposal:** Erection of general agricultural building for storage of farm produce and as a farm workshop, following demolition of 2no. existing agricultural buildings

---

**22.**  
**Application No:** 17/00167/LBC **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Ian Woodward  
**Location:** 8 Burgate Pickering YO18 7AU  
**Proposal:** External alterations to include installation of 2no. timber-framed double-glazed sash windows to replace existing to front elevation

---

**23.**  
**Application No:** 17/00173/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Philip Allen  
**Location:** 35 Evergreen Way Norton Malton North Yorkshire YO17 8BY  
**Proposal:** Erection of single storey side extension

---

**24.**  
**Application No:** 17/00181/HOUSE **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr & Mrs J Langler  
**Location:** 15 West End Kirkbymoorside YO62 6AD  
**Proposal:** Erection of replacement rear single storey extension, installation of 2no dormer windows and 2no roof lights to south elevation roofslope, together with replacement of rear elevation existing UPVC windows with timber double glazed windows and replacement of front elevation bay windows on a like for like basis together with replacement of front elevation bay windows on a like for like basis

---

**25.**  
**Application No:** 17/00182/GPOTH **Decision: Prior Approval Granted**  
**Parish:** Norton Town Council  
**Applicant:** Mr Christopher Taylor  
**Location:** 29 Commercial Street Norton Malton North Yorkshire YO17 9HX  
**Proposal:** Change of Use from a shop (Use Class A1) to a milkshake and smoothie parlour (Use Class A3)

---

**26.**  
**Application No:** 17/00185/HOUSE **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Dr James Crabtree  
**Location:** 33 Westgate Old Malton Malton YO17 7HE  
**Proposal:** Erection of detached double garage with store

---

**27.**  
**Application No:** 17/00194/GPAGB **Decision: Prior Approval Granted**  
**Parish:** Brawby Parish Meeting  
**Applicant:** Mr Tim Easterby  
**Location:** Mount Sinai Cottage Brawby Lane Brawby Malton North Yorkshire YO17 6QA  
**Proposal:** Change of use of agricultural building to 2no. three-bedroom dwellings (Use Class C3)

---

**28.**  
**Application No:** 17/00197/ADV **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Forest And Vale Hotel (Mrs Connelly)  
**Location:** Forest And Vale Hotel Malton Road Pickering North Yorkshire YO18 7DL  
**Proposal:** Display of 1no. post mounted, single sided non-illuminated name sign (Sign 1) and 1no. post mounted, double sided internally illuminated name sign (Sign 2)

---

**29.**  
**Application No:** 17/00199/HOUSE **Decision: Approval**  
**Parish:** Scackleton Parish Council  
**Applicant:** Mr Anthony Palmer  
**Location:** Grange Cottage Grange Lane Scackleton YO62 4NB  
**Proposal:** Erection of a single storey extension to side elevation

---

**30.**  
**Application No:** 17/00205/HOUSE **Decision: Approval**  
**Parish:** Amotherby Parish Council  
**Applicant:** Mr Dan Chaplin  
**Location:** Spring Cottage Amotherby Lane Amotherby Malton North Yorkshire YO17 6UP  
**Proposal:** Erection of part two storey, part first floor extension to north east elevation, erection of porch to north west elevation, detached garage and replacement and alteration of existing doors and windows

---

**31.**  
**Application No:** 17/00208/HOUSE **Decision: Approval**  
**Parish:** Flaxton Parish Council  
**Applicant:** Mr & Mrs Alersley  
**Location:** Greenside Main Street Flaxton Malton YO60 7RJ  
**Proposal:** Erection of a detached three bay open fronted garage with attached wood shed following removal of existing open sided garage and adjoining timber shed and erection of detached domestic building for storage, workshop and garaging with attached oil tank housing

---

**32.**  
**Application No:** 17/00216/73A **Decision: Approval**  
**Parish:** Marishes Parish Meeting  
**Applicant:** Mr Andrew Watkinson  
**Location:** Hedera Marishes Low Road Low Marishes Malton North Yorkshire YO17 6RJ  
**Proposal:** Variation of Condition 13 of approval 14/00358/FUL dated 02.07.2014 to allow short term holiday letting in addition to residential use

---

**33.**  
**Application No:** 17/00219/HOUSE **Decision: Approval**  
**Parish:** Thixendale Parish Council  
**Applicant:** Mr & Mrs Gillingham  
**Location:** Brook House Main Street Thixendale Malton YO17 9TG  
**Proposal:** Erection of a single storey extension to side elevation and first floor extension to rear elevation together with infill extension to replace existing porch

---

**34.**  
**Application No:** 17/00223/FUL **Decision: Approval**  
**Parish:** Kirby Misperton Parish Council  
**Applicant:** Mr S Bulmer  
**Location:** The Corner Ashfield Caravan Park Main Street Kirby Misperton Malton North Yorkshire YO17 6UU  
**Proposal:** Erection of a detached three bedroom dwelling with associated vehicular access, parking and amenity area following demolition of existing 2no. bedroom dwelling (revised details to approval 16/01836/FUL dated 22.12.2016)

---

**35.**  
**Application No:** 17/00224/HOUSE **Decision: Approval**  
**Parish:** Normanby Parish Meeting  
**Applicant:** Mr Peter Ellison  
**Location:** Westfield House Westfield Lane Normanby North Yorkshire YO62 6RJ  
**Proposal:** Erection of detached double garage

---

- 36.**  
**Application No:** 17/00225/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Steven Adcock  
**Location:** 7 The Avenue Norton Malton YO17 9EF  
**Proposal:** Erection of two storey extension to side elevation to include replacement attached garage (Revised details of approval 16/01286/HOUSE dated 26.09.2016)
- 
- 37.**  
**Application No:** 17/00230/HOUSE **Decision: Approval**  
**Parish:** Barton-le-Willows Parish  
**Applicant:** Mr Andrew Craven  
**Location:** Aspen House Barton Hill To Barton Le Willows Barton Hill Malton YO60 7JZ  
**Proposal:** Erection of a two storey extension to rear elevation (revised details to approval 15/00600/HOUSE dated 05.08.2015)
- 
- 38.**  
**Application No:** 17/00233/TPO **Decision: Approval**  
**Parish:** Wharram Parish Council  
**Applicant:** Birdsall Estate Company Ltd  
**Location:** The Bungalow Station Road Wharram Le Street Malton North Yorkshire YO17 9TL  
**Proposal:** To remove three sycamore stems from group (G1) within TPO No. 317/2008
- 
- 39.**  
**Application No:** 17/00240/HOUSE **Decision: Approval**  
**Parish:** Barton-le-Willows Parish  
**Applicant:** Mr Ray Foster  
**Location:** 6 Station Cottages Barton Hill Malton YO60 7JZ  
**Proposal:** Erection of single storey extension to side elevation
- 
- 40.**  
**Application No:** 17/00242/73A **Decision: Approval**  
**Parish:**  
**Applicant:** Mr Brooksbank  
**Location:** Land And Barn At Menethorpe Hall Menethorpe Lane Menethorpe Malton YO17 9QX  
**Proposal:** Variation of Condition 08 of approval 16/01408/GPAGB dated 31.10.2016 to replace drawing numbers MSB P06 Rev E, MSB P04 Rev D and plans MSB P05 Rev C with corresponding amended drawings
- 
- 41.**  
**Application No:** 17/00250/FUL **Decision: Approval**  
**Parish:** Gilling East Parish Council  
**Applicant:** Ian Mosey (Feeds) Ltd (Mr Ian Mosey)  
**Location:** Blackdale Farm Coulton Lane Coulton Helmsley YO62 4NQ  
**Proposal:** Erection of 1 no. grain silo with associated gantry to north side of existing silos
-

**42.**

**Application No:** 17/00252/TELN56 **Decision: Approval**  
**Parish:** Terrington Parish Council  
**Applicant:** Shared Access Limited  
**Location:** Land South Of Terrington Village Hall Mowthorpe Lane Terrington  
**Proposal:** Erection of 15 metre-high monopole to include 3no. antennae, 3no. RRUs and 2no. dishes together with associated equipment cabinets

---

**43.**

**Application No:** 17/00260/HOUSE **Decision: Approval**  
**Parish:** Barton-le-Willows Parish  
**Applicant:** Mr Keith Ireland  
**Location:** Blacksmiths Arms Steelmoor Lane Barton Le Willows YO60 7PD  
**Proposal:** Erection of attached outbuilding to north elevation of existing workshop for storage of classic tractors

---