



Please Contact: Ellis
Mortimer/Karen Hood
Extension: 310

21st August 2017

PLANNING COMMITTEE

Wednesday 30 August 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 **Report of TPO working party** (Pages 8 - 59)
- 6 **Schedule of items to be determined by the Committee** (Pages 60 - 61)
- 7 **17/00586/OUT - Land Adj 42 Vine Street Norton Malton** (Pages 62 - 77)
- 8 **17/00459/HOUSE - Cragside Crambeck Welburn Malton YO60 7EL**
(Pages 78 - 90)

- 9 **17/00567/FUL - Land Off Moorfields Lane Wombledon** (Pages 91 - 153)
- 10 **17/00689/73A - Low Meadow Church Lane Welburn Malton YO60 7EG**
(Pages 154 - 159)
- 11 **17/00703/HOUSE - Box Tree Cottage Church End Sheriff Hutton YO60 6SY**
(Pages 160 - 165)
- 12 **17/00719/FUL - Land Adjacent 8 Valley View Ampleforth** (Pages 166 - 175)
- 13 **17/00739/HOUSE - 18 The Mount Malton YO17 7ND** (Pages 176 - 190)
- 14 **17/00752/HOUSE - Montreal Grange Coulton Lane Coulton Helmsley YO62 4NQ**
(Pages 191 - 203)
- 15 **Minerals and Waste Joint Plan. Changes to publication draft** (Pages 204 - 208)
- 16 **Enforcement report - Land at Pasture Lane Hovingham North Yorkshire**
(Pages 209 - 231)
- 17 **List of applications determined under delegated powers** (Pages 232 - 236)
- 18 **Update on Appeal Decisions** (Pages 237 - 248)
- 19 **Any other business**

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 1 August 2017

Present

Councillors Joy Andrews, Burr MBE, Farnell (Chairman), Goodrick, Hope, Jainu-Deen, Maud, Sanderson (Substitute) and Elizabeth Shields

Substitutes: Councillor J E Sanderson

In Attendance

Samantha Burnett, Gary Housden and Ellis Mortimer

Minutes

36 **Apologies for absence**

Apologies were received from Councillors Cleary and Windress.

37 **Minutes**

Decision

That the minutes of the Planning Committee held on 4 July 2017 be approved and signed as a correct record.

[For 8

Abstain 1

Against 0]

38 **Urgent Business**

The Chairman agreed to accept the appointment of the Tree Preservation Order Working Group as an item of urgent business since an objection had been received to a tree preservation order and a report back to a future meeting of the Planning Committee was required to decide whether to confirm or not confirm the Tree Preservation Order.

Councillors Hope, Mrs Shields, Maud and Farnell were appointed to the Tree Preservation Order Working Group. A meeting of the Working Group was arranged for 15 August 2017 to consider a proposed Tree Preservation Order in Malton.

39 **Declarations of Interest**

Councillor

Item

Farnell	9
Goodrick	7
Maud	11
Sanderson	6
Hope	7

40 **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.

41 **16/01965/FUL Midsummer Cottage Thornton Lane High Marishes Malton North Yorkshire**

16/01965/FUL - Formation of 1no. vehicular access to dwelling and associated agricultural buildings

Decision		
PERMISSION GRANTED - Subject to conditions as recommended.		
[For 6	Against 0	Abstain 3]

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

42 **17/00676/MFUL Linton Wold Farm Wold Road West Lutton Malton YO17 8DG**

17/00676/MFUL - Erection of 2no. linked pig finishing buildings, with 2no. associated feed bins and hardstanding for parking/turning

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

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

43 **17/00518/HOUSE The Old House Main Street Ampleforth North Yorkshire YO62 4DA**

17/00518/HOUSE - Erection of a single storey extension to the front (east) elevation facing the driveway

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 9

Against 0

Abstain 0]

44 **17/00522/FUL Manor Farm Lang Hill Birdsall Malton North Yorkshire YO17 9NS**

17/00522/FUL - Erection of an agricultural building for storage and the housing of livestock

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 9

Against 0

Abstain 0]

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

45 **17/00586/OUT Land Adj 42 Vine Street Norton Malton North Yorkshire**

17/00586/OUT - Residential development of 3no terraced dwellings with vehicular access and alterations to domestic curtilages of existing terrace of 4 dwellings (site area 0.1ha)

Decision

SITE VISIT - 15 August 2017

[For 8

Against 0

Abstain 1]

46 **17/00720/FUL Rillington Village Hall 2-8 Scarborough Road Rillington Malton YO17 8LH**

17/00720/FUL - Erection of detached shed within existing walled area (retrospective application)

Decision

PERMISSION GRANTED - Subject to conditions as recommended and an additional condition requiring details of the paint colour for the walls of the shed to be submitted for approval.

[For 8

Against 0

Abstain 0]

In accordance with the Members Code of Conduct Councillor Maud declared a personal and prejudicial interest and left the meeting for the duration of the item.

47 Enforcement report - Land Off Welham Road Norton Malton North Yorkshire - Reference 17/00001/UD

Decision

That the Council Solicitor be authorised in consultation with the Head of Planning to issue an enforcement notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring:

1. Cease the use of the land off Welham Road Norton Malton North Yorkshire at Croft Farm for residential purposes
2. Remove from the land the three caravans and the timber shed
3. Restoration of the land to its former condition, through the removal of the additional car parking area

[For 9

Against 0

Abstain 0]

48 Any other business that the Chairman decides is urgent.

There was no other business.

49 List of Applications determined under delegated Powers.

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

50 Update on appeal decisions

Members were advised of the following appeal decisions:

Appeal ref: APP/Y2736/W/17/3167625 - Blacksmiths Arms Flaxton

Meeting Closed at 8.05pm

Agenda Item 5

RYEDALE
DISTRICT
COUNCIL



PART B: RECOMMENDATIONS TO PLANNING COMMITTEE

REPORT TO: TREE PRESERVATION ORDER WORKING PARTY

DATE: 15 AUGUST 2017

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

**TITLE OF REPORT: TREE PRESERVATION ORDER No: 346/2017 MALTON
WAR MEMORIAL**

WARDS AFFECTED: MALTON

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 For members of the working party to consider objections to the Tree Preservation Order (TPO) and to make a recommendation to the Planning Committee on whether the Order should be confirmed.

2.0 RECOMMENDATION

2.1 That the Planning Committee is recommended to:

- (i) Confirm Tree Preservation Order No: 346/2017

3.0 REASON FOR RECOMMENDATION

3.1 To protect the amenity value that this tree provides to the locality.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks associated with recommendation. However, the site includes Malton 's War Memorial and this is a sensitivity.

5.0 POLICY CONTEXT

5.1 Members are aware that Local Planning Authorities can make a Tree Preservation Order (TPO) if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. In this respect, 'expediency' means that there is a risk of a tree/s being felled. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.

- 5.2 Amenity, whilst not defined in law, is a matter of judgement for the Local Planning Authority. In terms of the purpose of TPOs, they should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. Matters to consider are:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

- 5.3 An Order comes into effect on the day that it is made, and once made, interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.
- 5.4 In Ryedale, the confirmation of TPO's is a matter for the Planning Committee, following advice of the Tree Preservation Order Working Party. The Working Party is established to allow the matter to be considered in detail.

6.0 REPORT

Background

- 6.1 The tree which is the subject of this provisional TPO 346/2017, is a single Sycamore tree, located in a small triangle of land at the junction of Horsemarket Road and

Yorkersgate and is in close proximity to the Malton War memorial (Annex1 tree location). This area falls within the Malton Conservation Area. There is an extant planning permission 15/01093/FUL which proposes changes to the war memorial and the triangular area in which the tree is situated. This permission does not include the removal of the tree, and the retention of the tree in the scheme was a key factor in planning permission being granted.

- 6.2 A s.212 notification (Conservation Area Tree Notice) was received on the 2nd May 2017 (17/00504/CAT (annexe 2) to fell the tree. The notice then referred to a series of reasons why the tree could not be retained, and proposed a replacement from a selection of three trees. The Local Planning Authority must consider the amenity impact on the Conservation Area as a result of the proposed loss of the tree. In response to this CAT Notification, a TPO was served on the 12th of June 2017 (see annexe 3).

Tree assessment

- 6.3 The Sycamore tree is highly prominent when approaching all directions from both the East and West along York Road, Horsemarket Road and Yorkersgate. This is a function of its elevated position on the triangular plot, its height and its crown spread. The site is an important junction in respect of key roads within Malton.
- 6.4 The tree has a balanced form and its vitality is fair. It is considered that its presence reinforces the other individual trees in the locality and provides a valuable amenity in its own right, in a location which would otherwise be dominated by hard landscaping and constructed surfaces. It is a mature specimen in an area of the Malton Conservation Area in which mature trees are a key element of the character and appearance of the Conservation Area.
- 6.5 An independent tree survey report included in the CAT application undertaken by Mr Mark Feather on behalf of Malton Town Council and dated 1st of October 2016 states the following :-
"...the tree.. appeared in a sound healthy condition. The tree has a good full crown and contains some minor dead wood but this is not a concern. The life expectancy of the tree is therefore long, in excess of 50 years".
Officers have also viewed and evaluated the tree in the site. This evidence demonstrates that in terms of its health and appearance there are no issues with the tree which would undermine the provisional, or confirmed, TPO.
- 6.5 As part of the TPO making procedure, the tree has been assessed using the nationally recognised 'TEMPO' system. This has been developed to provide a transparent and objective means of evaluating and considering the merits of a Tree (or Trees) and whether their amenity value is such that it warrants protection. It is split into different aspects of the amenity value, and identifies a scoring system. A minimum of 12 points is required. The Sycamore subject to this provision TPO was found to have an overall score of 18 based on condition, retention span and public visibility, over 6 marks more than the threshold that determines the viability of TPO orders. This TEMPO scoring sheet is appended in annexe 4.
- 6.6 Since the initial assessment further evidence has come to light in the form of several historic photographs (see attached in annexe 5) which indicate that since the mid 19th century the triangular area has always contained large trees and these were retained/present during the construction of the War memorial in the early part of the

20th century. The Sycamore in question could date from the 1920's but the photographs certainly show the intention to allow trees to exist on the site and could constitute a further factor that would support the TPO order that of cultural commemorative or historic importance (see (d) on the TEMPO sheet).

Representations

- 6.7 In the following paragraph the objections to the order have been summarised and the full copies of objections are included in annex 6
Objections have been received from the following:-

John Howard on behalf of Malton War Memorial Restoration Committee
Rosemary Mitchell - The Landscape Design Company
Colin Jennings - on behalf Malton War Memorial Restoration Committee

Colin Jennings and John Howard on behalf of - WMRC

1. Replacement with a smaller tree would allow the improved visibility of the Cross of Sacrifice. The War Memorial has significant amenity value of its own.
2. The tree will prevents wheelchair access to the altered layout of the memorial therefore consider that there is a diminished public benefit argument.
3. No intrinsic beauty, contribution to landscape or scarcity. The tree is a self seeded sycamore, a "weed of the tree world" that dominates the cross and is inappropriate for the setting. It is an existing or near future nuisance.
4. No wildlife benefit
5. The tree is c.15m and Sycamores are normally 30-35m growth has been inhibited by the hard standing and walls. The tree has a number of dead branches and is later to come into leaf than adjacent Sycamores. It is a poor specimen.
6. The absence of railings, removed in during World War II, mean there is a 3 feet drop on the south eastern corner, the TPO is inhibiting access and public safety
7. The tree is a nuisance to passing high sided vehicles, as it overhangs on either side. Yorkersgate is a main route into town.
8. Errors in the TPO Scoring:
Incorrectly assessed, should be
Suitability for TPO- 1
Retention span 0 (due to the nuisance aspect)
Public Visibility 4
Other factors -Not applicable
Expediency Assessment - Not applicable
9. Procedural concerns in respect of the CAT notification- consider it has not been duly processed, as it was not on the Register. The reasons for the CAT have not been considered. The TPO is a 'deplorable over-reaction'. The Tree

was already protected and it is inconceivable that Malton Town Council would authorise the felling of a tree in a Conservation Area without permission.

10. The application for Heritage Lottery Funding stands at £97K, and as the Centenary Anniversary of the Great War Approaches it is an opportunity to fund the refurbishment of the monument.

R. Mitchell

1. Lack of amenity- the existing tree is not of high amenity value as it is estimated to last only 50 years. The tree has a low amenity value as its not "a very large tree with some visibility or a large prominent tree "
2. Compromises inclusive access, as steps need to be retained.
3. Proposing a replacement tree with a longer lifespan.
4. Better specimens along Horsemarket Road, Yorkersgate, and Talbot Hotel grounds, certain trees would provide a better backdrop to the memorial.
5. Nuisance lifting paving forming a trip hazard, drops honey dew onto stonework which discolours it with dust and pollution, interferes with passing high-sided vehicles - and due to the nuisance score a 0 for retention.

Appraisal of Representations

- 6.8 The Local Planning Authority has considered these duly made representations and provides the following response:

Matters of Procedure

- 6.9 The Local Planning Authority is guided by the online Planning Practice Guidance (DCLG), as the publication: Tree Preservation Orders: A Guide to the Law and Good Practice was withdrawn by DCLG in 2015. The CAT notice was recorded on the Planning Register, and the standard CAT consultation process undertaken. There has been no error in statutory procedures. The TPO was also duly served within the 6 week notice period. The Local Planning Authority, not the Town Council as identified landowner, has the statutory responsibility in respect of considering works to Trees within a Conservation Area. The application is actually a Notice, whereby the Local Planning Authority have 6 weeks from the date of notice to consider whether the works are acceptable, and thereby allow the works. Inaction is deemed to be that the works are acceptable. As it is a notice, there is no ability to negotiate a different approach. If the Local Planning considers that the works are not acceptable, its next consideration is 'Is the tree of sufficient merit to warrant a TPO?'. Then it must consider the Tree through the TEMPO appraisal to establish whether the tree's amenity value is sufficient to warrant making the TPO. The Sycamore exceeded the minimum requirements. Therefore, the Local Planning Authority would have failed in its duties had it *not* made the provisional Order. The CAT notice is to 'fell the tree'-bringing an immediate threat. The reasons for the felling were set out in the Notice.

These reasons have also been re-iterated in the objections, and are considered below:

The Lack of Amenity Value

- 6.10 The Local Planning Authority must consider the amenity value of the tree in respect in making and confirming a Tree Preservation Order. It is considered that the Tree does not harm the integrity of the monument. The fact that the Sycamore is a non-native species is not a matter which would in itself result in the decision to not make a Tree Preservation Order. It is about the amenity value of the tree. Accordingly, the surrounding tree's ability to provide what has been suggested by the objectors as a more suitable setting to the monument, is also not material to the consideration of the amenity value of the Sycamore tree which is subject to this provisional TPO. The fact that the tree may be a 'self-sown' is also not material in considering amenity. That said, it is a remarkably well-positioned self-seeded tree, being centrally positioned in the triangular area of the site, and the Local Planning Authority is not aware of any evidence that the tree is self-seeded. As evidenced by the survey, and historic photographs, and which accompany this report, trees, and indeed this tree, have a long-standing connection to this important location. Officers consider that the tree has significant amenity value as set out in paragraph 6.2 and contributes to the character and appearance of the Conservation Area.
- 6.11 Comments have been made regarding the lack of habitat importance. The TPO has not be made for reasons of habitat significance.

Nuisance

- 6.12 The nuisance element has been attributed to the following matters:
- sap drop and impacts on stone work;
 - the longer term implications for paving; and
 - overhanging branches on the highway

These are not material nuisance matters which would warrant a 0-rated score on the retention span of the assessment. The sap is a product of aphids, and is a normal process, and with regular maintenance is not a reason give a 0 rating. The approved scheme has been designed to provide a more suitable surface treatment for both the tree and the wider site, with the retention of the tree in mind. The presence of the TPO does not preclude the consideration of appropriate tree management works which are considered both necessary for the benefit of the tree, and that ensure no adverse impact is experience to vehicles or the tree. It should be noted that the tree has been in existence for c.90 years, and within that time would have experienced countless passes by high-sided vehicles.

Compromises Inclusive Access and the Proposed Works to the Memorial Site

- 6.13 The importance of communities having a site of remembrance for the sacrifice's made in the field of battle is not underestimated by the Local Planning Authority. It is noted that much of the objections are focused around the inability of the War

Memorial scheme granted permission to be delivered. However, acknowledging the importance of the site for the local community, the planning application was approved in 2015 and shows the retention of the tree and includes a more suitable method of surfacing under the tree. The improved surface would be beneficial to the tree. No further changes to those originally proposed and approved in 2015 have been submitted. The fact that the railings were removed some 70 years ago leaving the identified 3ft drop is not a reason to have the tree removed. The approved application seeks to reinstate the railings, ensuring that this safety concern can be addressed.

Errors in the Scoring

- 6.14 The suitability of the tree to become subject of a Tree Preservation Order has been evaluated based on the information which has been provided as part of the CAT notification, and the objective, detailed evaluation of the merits of the tree.
- 6.10 As discussed above, a number of the objections relate to the perceived nuisance of the tree, and its anticipated lack of longevity. It is considered that none of those objections result in a level of nuisance from the Tree which would warrant a 0-rating in the TEMPO scoring.
- 6.11 The Tree is identified as being fair/satisfactory, and having a long life-span to warrant the making of the Order. In terms of visibility of the tree, the possibility that the tree's growth may have been impeded by the hard surfacing and walls has not diminished the contribution of the tree within the street scene and within the Conservation Area, it is still a large tree, and it has retained a balanced form, the tree stands in a 'purposeful' position within the site, and is very prominently situated. Indeed it is the very combination of the prominence and character of this tree which has prompted the Local Planning Authority to make a TPO, and which has then resulted in the objections to the tree's retention.
- 6.12 Since the serving of the provisional TPO, the 'other factors' score of 1 (section d of the Tempo sheet) could in light of further documentary evidence be increased to 3 due to the date and positioning of the tree in the site, and its potential commemorative associations.
- 6.13 The Expediency component of the assessment has also identified correctly that the tree was subject to an immediate threat, as discussed earlier in the procedural matters section, and that a s.211 Notice had been made to fell the tree. Therefore the scoring of 5 is correct.
- 6.14 In respect of the TEMPO evaluation, the Local Planning Authority considers that the evaluation was appropriate and justified and the evidence has been correctly considered.

The proposed works to the site- and the Heritage Lottery Funding

- 6.15 The Malton and Norton Rotary Club and Malton Town Council have plans for improvements to the site to mark the Centenary of the end of World War I. Permission has been granted in November 2015 for a scheme whereby the tree is retained, and utilises more suitable surface treatment. There is no subsequent application to consider a revised layout, nor has such an application been suggested

as part of this making of the Tree Preservation Order. The Heritage Lottery Funding is not a material consideration in respect of the merits of retaining the tree.

Conclusion

- 6.16 The significant amenity value that this tree provides to the locality is considered to justify the making, and confirming of a TPO, when weighed against the objections put forward. This is borne out by the high score the tree achieves in the Tree Evaluation Assessment attached at Annex 2.
- 6.17 The owners of the tree/interested parties have put forward a scheme for the War Memorial Area which was accepted by all parties at the time, and which retained the tree in situ and provided acceptable access improvement and resurfacing of the triangular area under the tree.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
No financial implications identified
 - b) Legal
A decision to confirm the Order must be made within six months of the Order being made.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
No other implications identified

8.0 NEXT STEPS

- 8.1 The Planning Committee will consider the recommendations of the Working Party at its next meeting. If the Committee resolves to confirm the Order all of the interested parties will be notified and the notice will provide details of the grounds on which an application can be made to the High Court. (The legislation provides no right of appeal to the Secretary of State against an authority either making or confirming an Order.)
- 8.2 The Council must make a formal note of its decision in relation to the Order. If the Order is confirmed it will be recorded in the Land Charges Register. If the Order is not confirmed, its operation will cease with immediate effect.

Gary Housden
Head of Planning

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Annexes:

Annexe 1 - Tree's Location

Annexe 2- CAT Notice

Annexe 3- The TPO

Annexe 4 - TEMPO Scoring

Annexe 5- Historic Photos

Annexe 6 - Representations

Background Papers:

Planning Application reference 12/00261/FUL

Planning Application reference 15/01093/FUL

Background Papers are available for inspection at:

<http://www.ryedale.gov.uk/residents/planning/view-a-planning-application.html>



Scale: 1:1250



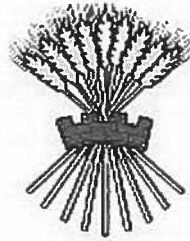
Ryedale District Council
 Ryedale House
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 YO17 7HH
 Tel: (01653) 600666
 Fax (01653) 696801
 Email: enquiries@ryedale.gov.uk
 Website: www.ryedale.gov.uk

Parish:	Malton Town Council
Application No:	17/00504/CAT
Applicants Name:	Malton Town Council
Applicants Address:	Community House Wentworth Street Malton North Yorkshire YO17 7BN
Proposal:	To fell 1x Sycamore
Location:	War Memorial Yorkersgate Malton North Yorkshire
Gridref:	Easting: 478371 Northings: 471572
Correspondence Address:	C/O Maltech (UK) Ltd (Mr A Mitchell) 1 Newgate Malton North Yorkshire YO17 7LF
Application Valid on:	2 May 2017
Initial Statutory Time Limit:	<u>13 June 2017</u>

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: 17/00504/CAT

Fee: —

Date Received: 2.5.2017

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.
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="Clerk to Malton Town Council"/>
Company name:	<input type="text" value="Malton Town Council"/>				
Street address:	<input type="text" value="Community House"/>				
	<input type="text" value="Wentworth Street"/>				
	<input type="text"/>				
Telephone number:	<input type="text"/>				
Town/City:	<input type="text" value="Malton"/>				
Country:	<input type="text"/>				
Mobile number:	<input type="text"/>				
Postcode:	<input type="text" value="YO17 7BN"/>				
	<input type="text"/>				
Fax number:	<input type="text"/>				
Email address:	<input type="text"/>				
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" value="Mr"/>	First Name:	<input type="text" value="Alan"/>	Surname:	<input type="text" value="Mitchell"/>
Company name:	<input type="text" value="Maltech (UK) Ltd"/>				
Street address:	<input type="text" value="1 Newgate"/>				
	<input type="text"/>				
Telephone number:	<input type="text" value="01653697092"/>				
Town/City:	<input type="text" value="Malton"/>				
Country:	<input type="text" value="United Kingdom"/>				
Mobile number:	<input type="text"/>				
Postcode:	<input type="text" value="YO17 7LF"/>				
	<input type="text"/>				
Fax number:	<input type="text"/>				
Email address:	<input type="text" value="mail@maltech.co.uk"/>				

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes). Please provide the following information below : tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.
 E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

Sycamore (T1) - fell. For reasons see attached document: Project 119- Reasons for applying to fell Sycamore at War Memorial.
 Suggested replacement: one number tree from list below. Planted as 25-30 cm girth tree
 Shortlist for Ryedale District Council consideration, drawn up after discussion with Wykeham Mature trees.
 Quercus palustris - Pin Oak. Memorial group's preferred choice.
 Pyrus calleryana 'Chanticleer' - ornamental pear
 Alnus cordata - Italian Alder

6. Tree Preservation Order Details

If you know which TPO protects the tree(s) enter its title or number below

N/A

5. What Are You Applying For?

Are you seeking consent for works to a tree(s) subject to a TPO? Yes No

Are you wishing to carry out works to tree(s) in a conservation area? Yes No

4. Trees Ownership

Is the applicant the owner of the tree(s)? Yes No

3. Trees Location

Please provide the address of the site where the tree(s) stands (full address if possible):

House: Suffix:

House name:

Street address:

Town/City:

Postcode:

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Eastings:

Northing:

Description:

8. Trees - Additional Information

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall:

If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

Yes No

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives.

If YES, you are required to provide for:

Yes No

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing additional information in support of your application?

Yes No

If Yes, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application:

Tree survey Malton War Memorial carried out by Mark S Feather BSc M Arb Rfs Tech Arbor A
Project 119- Reasons for applying to fell Sycamore at War Memorial, Malton
119.15 Sketch plan showing site and tree location

9. 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

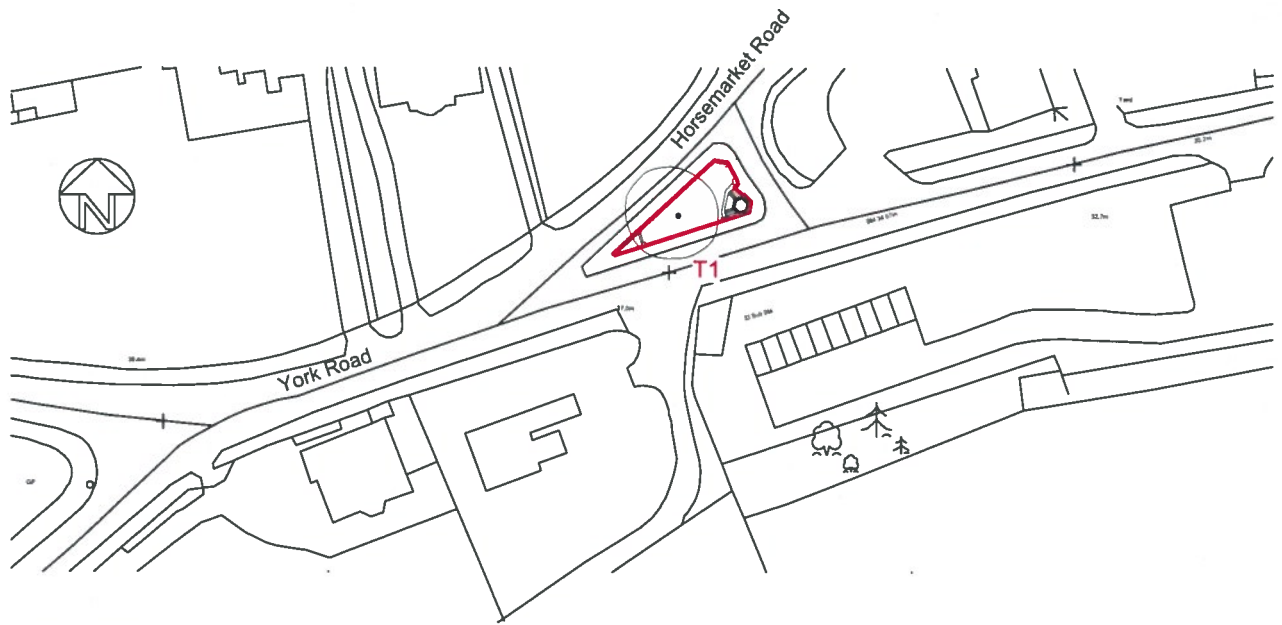
10. Trees - Declaration

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

28/04/2017



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Application site

T1

Sycamore tree subject of application

The Landscape Design Company

1 Newgate Malton North Yorkshire YO17 7LF
 tel 01653 692486 fax 01653 692486 email mail@landesco.co.uk

War Memorial & Memorial Square, Malton

Malton Town Council

Site & Tree Location Plan - Consent to Fell

Scale 1:1250 @A4

Drawn / date	RM 01.03.17
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Job no.	119	Drawing no.	15	Revision	
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Project 119: Reasons for applying to fell Sycamore at War Memorial, Malton

Prepared by R. Mitchell BA DipLa CMLI, Maltech (UK) Ltd, Consulting Civil and Structural Engineers for Malton Town Council.

- It is a large tree which dominates and overshadows the war memorial. Thought to be a self-sown tree, it is one of several trees originally on site. No specific commemorative value and low ecological value. Removal would place stronger emphasis on the memorial itself, in particular the memorial cross of sacrifice, which is lost to view when approaching town from the A64.
- A key objective of the War Memorial project is to open up the upper level, making it accessible to all and to provide increased safe space for services and personal contemplation. The scheme as approved has been designed to retain tree, but results in a scheme which is compromised as a result. Levels need to be kept high to avoid damage to tree roots, which means retention of one set of steps from Horsemarket Road and inclusion of steps within the site. This restricts the area intended for wheel chair use. Removal of the tree would allow for reduction in levels, which would further improve disabled access by giving level or ramped access from Horsemarket Road to all of the upper level.
- Previous trees have been removed from the site.
- It is not an appropriate species for the location which is effectively a contained site with limited water, nutrients and space and which is bordered on all sides by roads.
- The tree projects into and overhangs the road, interfering with high sided vehicles.
- Although making a positive contribution to the street scene there are other large trees in the nearby vicinity. It is proposed to fell and replace the tree with another large but more suitable, less spreading tree.
- Drops sticky 'honeydew' which is unpleasant for a seating area
- Crazy paving to the upper level has become uneven and untidy due to upward force of the tree roots and requires replacing to avoid being a trip hazard. It is proposed to replace the paving with porous resin bound paving which is smooth, flexibly laid and allows water and air to tree roots. Felling and replacement, now, would avoid damage and disruption of the new paving at a later date. See photo below.



- There is cracking to the retaining wall likely to be caused by water or soil pressure. See email from A. Mitchell, Chartered Structural Engineer below. Careful excavation to rear of wall to carry out suggested repairs may cause localised disturbance to tree roots, which could affect the tree's health. The proposal to remove the tree allowing for a reduction in ground levels and subsequent replacement of the tree would also help ameliorate soil pressure.

Dear Rosemary,

I note your concern regarding the cracking and movement to the retaining wall at the south-east edge of the paved area where it abuts the higher wall of the war memorial.

The sycamore tree in the middle of the paved area is some 7.5m away from this point. I agree that the large coping stone has moved slightly (>10mm) in the past few years, however, I doubt that this is due to pressure from tree roots at this distance. I feel that water or soil pressure behind may be a more dominant effect.

It would be wise, as part of the proposed works, for you to excavate the soil from behind the wall, re-bed the stone then repoint it and make good. You could install a frame cramp into the wall to strengthen the connection at this point and also cut weep holes near the base of the wall to relieve water pressure (say 50mm dia at 1200mm ctrs) There are a number of long cracks in this area of the retaining wall and these should also be raked out and repointed. All mortar should be of a suitable lime type.

Regards,

Alan Mitchell
For maltech (UK)Ltd

- The Arborist's report indicates a life of expectancy of 50 years plus. Although in good health, the tree contains minor dead wood. As the tree health declines, dieback will become more of an issue. It will become more expensive to maintain and a greater liability until eventually it will require costly and difficult removal, which the Town Council will have to meet. The proposals for the memorial are long term and are intended to last well beyond that date. Felling and replacement now, with a more suitable species, would avoid disruption at a later date and costs would be met by lottery funding (subject to a successful application.)
- In their leaflet 'Advice on maintenance of War Memorials', English Heritage do state not to plant trees too near a memorial.
- The Chair of the War Memorial Committee would like to stress that the key objectives to the proposed works are respect, remembrance and renewal.

Suggested replacement: one number tree from list below. Planted as 25-30cm girth tree.

Suggested shortlist for Council consideration, drawn up after discussion with Wykeham Mature trees.

Quercus palustris – Pin Oak. Memorial group's preferred choice.
Pyrus calleryana 'Chanticleer' – ornamental pear
Alnus cordata – Italian Alder

Mark S Feather BSc M Arb RIS Tech Arbor A

Arboricultural, Woodland and Landscape Consultant

10 Grosvenor Place, Beverley, East Yorkshire HU17 8LY (01482 871064)

Tree Survey
Malton War Memorial
Yorkersgate
Malton
North Yorkshire

Client Contact
Mr Mike Skehan
Clerk to Malton Town Council
maltontc@btinternet.com
01653 228699

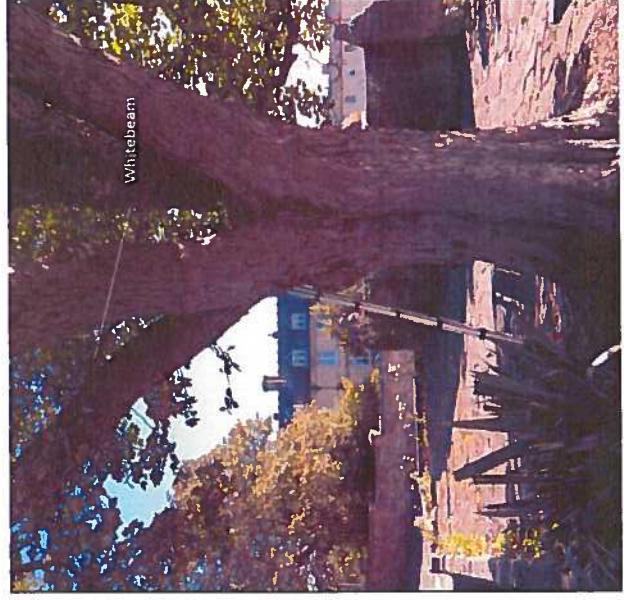
Inspection date 1st October 2016

1.0 Report Brief

Malton Town Council requested an inspection of the sycamore tree situated alongside the war memorial at Yorkersgate, Malton. Proposals are being made to enhance the area around the war memorial including new paving and seating. Concerns have been expressed about potential damage to the roots of the sycamore tree during the resurfacing works. Resin bonded gravel has been proposed as a flexible surfacing material to use around the base of the tree. This report considers the use of this material and other works and the potential impact on the health of the sycamore tree. The report also makes comments on the general landscape value of the tree should, as an alternative, it is proposed to remove the tree.

2.0 Survey Details

The tree was inspected on the 1st October 2016 when it appeared in a sound healthy condition. The tree has a good full crown and contains some minor deadwood but this is not a concern. The life expectancy of the tree is therefore long, in excess of 50 years. The main fork of the tree was also inspected with the aid of a ladder. Rather unusually a small whitebeam tree is growing out of a small bowl in the fork of the tree.



3.0 Work Proposals

The tree is approximately 15m in height with a wide crown spread of 7m. The trunk diameter is approximately 600mm which would mean that the majority of the paved area is within the root protection area of the tree. The work proposals are listed below.

a) Removal of Existing Crazy Paving

The proposal around the tree is to hand lift the existing crazy paving which are between 60mm and 70mm in thickness.

b) Base Material

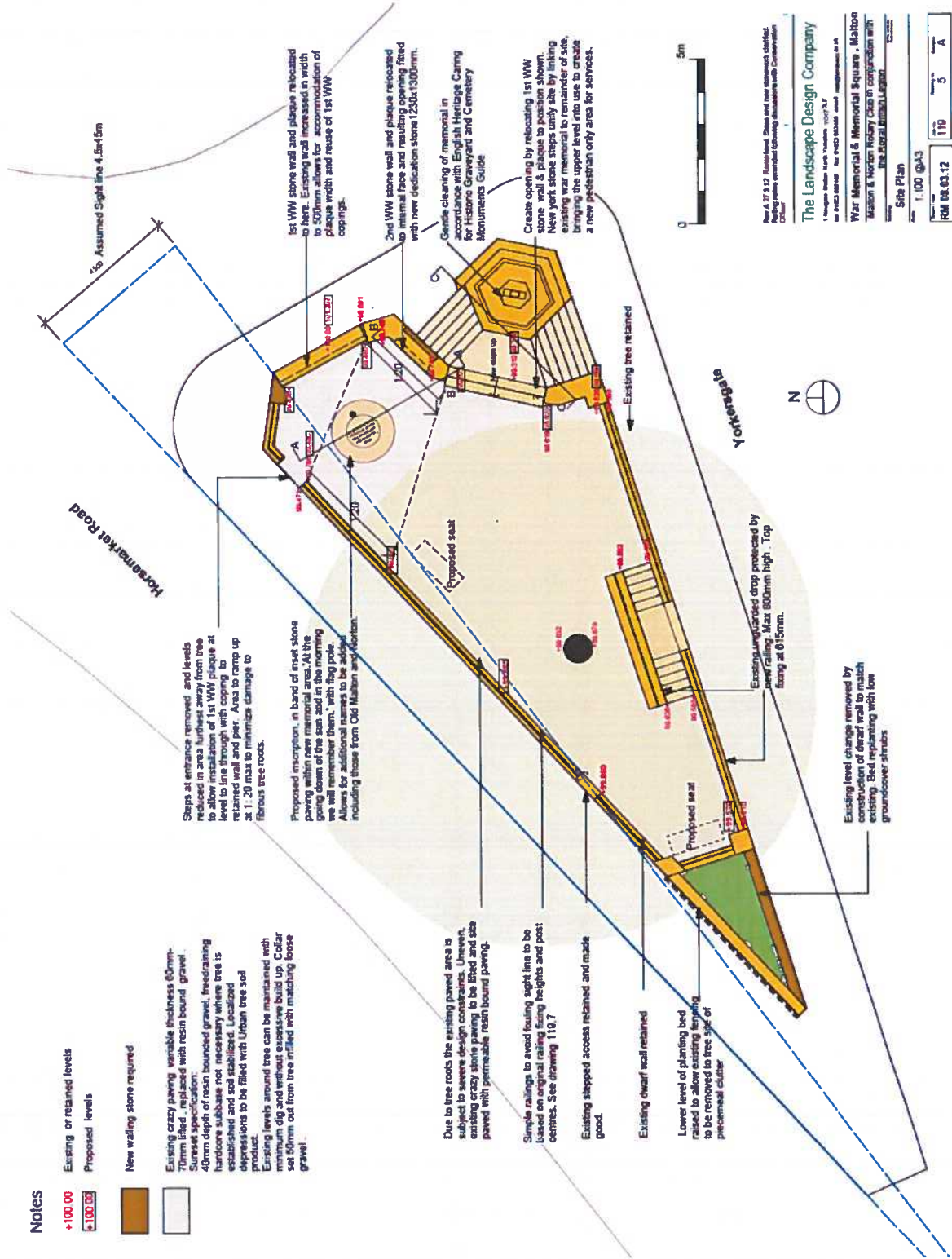
Any small depressions would then be filled with urban tree soil products.

c) Surface Material

A 40mm depth of permeable resin bonded gravel would then be laid. A collar would be placed 50mm out from the trunk to allow for growth. This would be infilled with matching loose gravel.

Sycamore trees are hardy trees and fairly tolerant to root disturbance. The work would need to be undertaken with hand tools and with care this would have no significant impact on the tree. A plan on page 4 shows an extract form the landscape proposals for the site.

Please note this drawing has been superseded by drawing 119.5 rev B following discussions with
 4.0 Site Plan RDC to minimise excavation within tree root zone



Notes

- +100.00 Existing or retained levels
- +100.00 Proposed levels

New walling stone required

Existing crazy paving variable thickness 60mm-70mm lifted, replaced with resin bound gravel. Sureset specification: 40mm depth of resin bounded gravel, free-draining hardcore subbase not necessary where tree is established and soil stabilized. Localized depressions to be filled with Urban tree soil product. Existing levels around tree can be maintained with minimum 100 and without excessive build up. Clear set 40mm out from tree milled with matching loose gravel.

Due to tree roots the existing paved area is subject to severe design constraints. Unlikely existing crazy stone paving to be lifted. Site paved with permeable resin bound paving.

Simple railings to avoid fouling sight line to be based on original railing facing heights and post centres. See drawing 110.7

Existing stepped access retained and made good.

Existing dwarf wall retained

Lower level of planting bed raised to allow existing kerfing to be removed to tree side of pre-memorial culter

Steps at entrance removed, and levels reduced in area furthest away from tree to allow installation of 1st WW plaque at level to line through with coping to retained wall and per. Area to ramp up at 1:20 max to minimise damage to fibrous tree roots.

Proposed interruption in band of inset stone paving within new memorial area. At the going down of the sun add in the morning we will remember them, with big pink. Advice for paving materials including those from Old Malton and Yorkton.

1st WW stone wall and plaque relocated to here. Existing wall increased in width to accommodate new stone wall and coping. Plaque width and reuse of 1st WW copings.

2nd WW stone wall and plaque relocated to minimal face and resulting opening fixed with new dedication stone 1230x1300mm.

Careful cleaning of memorial in accordance with English Heritage Caring for Historic Graveyard and Cemetery Monuments Guide

Create opening by relocating 1st WW stone wall & plaque to position shown. New York stone steps unify site by linking existing war memorial to remainder of site, bringing the upper level inside to create a new pedestrian only area for services.

Existing unenclosed drop protected by beer railing. Max 800mm high. Top facing at 0:15mm.

Existing level change removed by construction of dwarf wall to match existing. Bed reinstating with low groundcover shrubs.

Rev A 27.12 2020 - Final - Draw and level benchmark clarified. Refer to site plan for existing levels and benchmarks.

The Landscape Design Company
 119.5 rev B 2020 - Final - Draw and level benchmark clarified.
 119.5 rev B 2020 - Final - Draw and level benchmark clarified.
 War Memorial & Memorial Square - Malton
 Malton & Yorkton Railway Club in conjunction with
 The Local History League

Site Plan
 Scale: 1:100 @A3
 Date: 08.03.12
 No: 119
 Rev: 5
 Author: A

5.0 Alternative Proposals

An alternative proposal would be to remove and replant with a new tree. The tree is clearly fairly prominent in the street scene but the area does also have some other large significant trees alongside to maintain a well treed approach to the town.

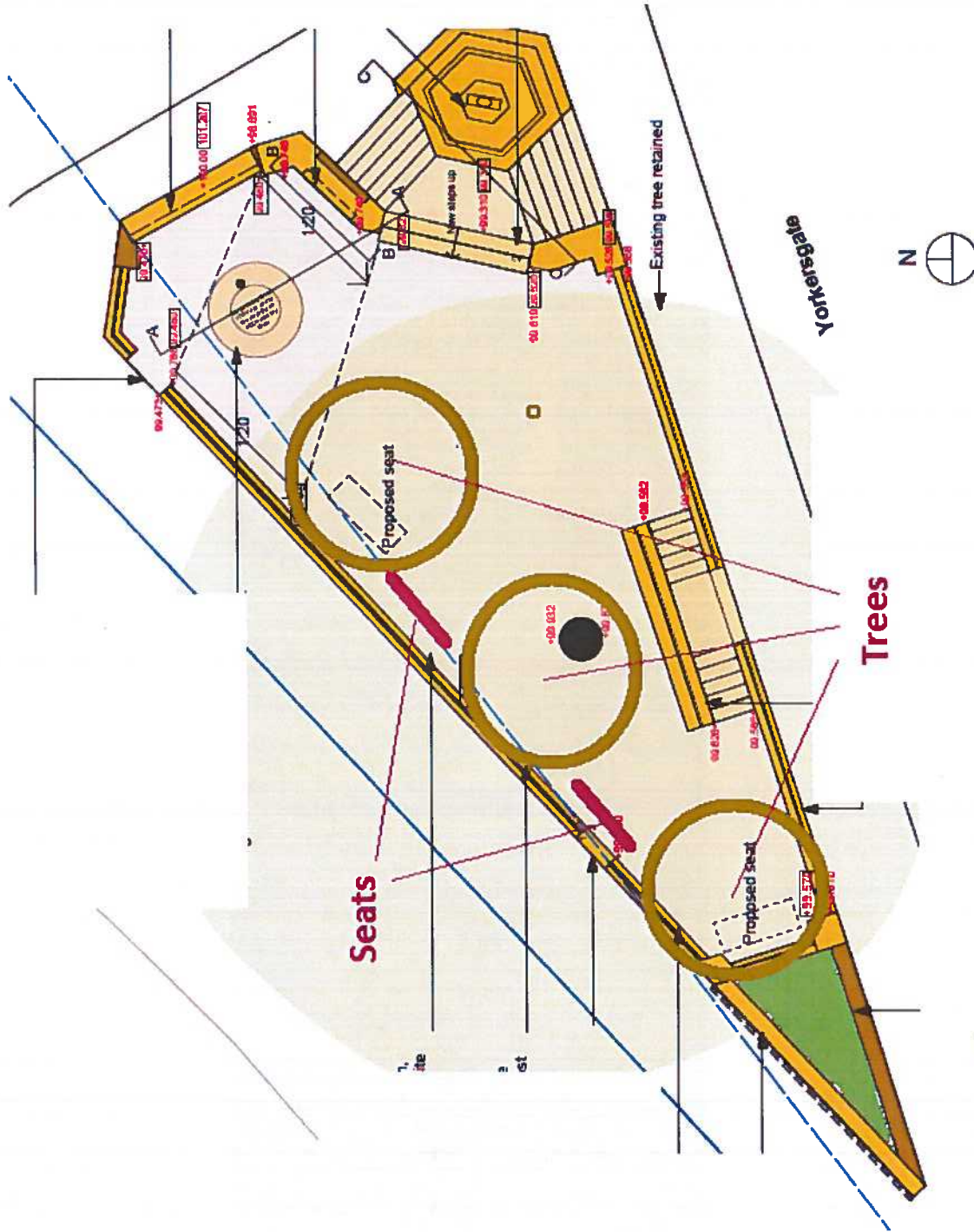
The tree does seem to dominate the space and the memorial may appear more significant without the tree overshadowing it which might be desirable. The removal of the sycamore may also provide a more attractive seating area especially if it was replaced with one or two new but perhaps smaller growing trees.

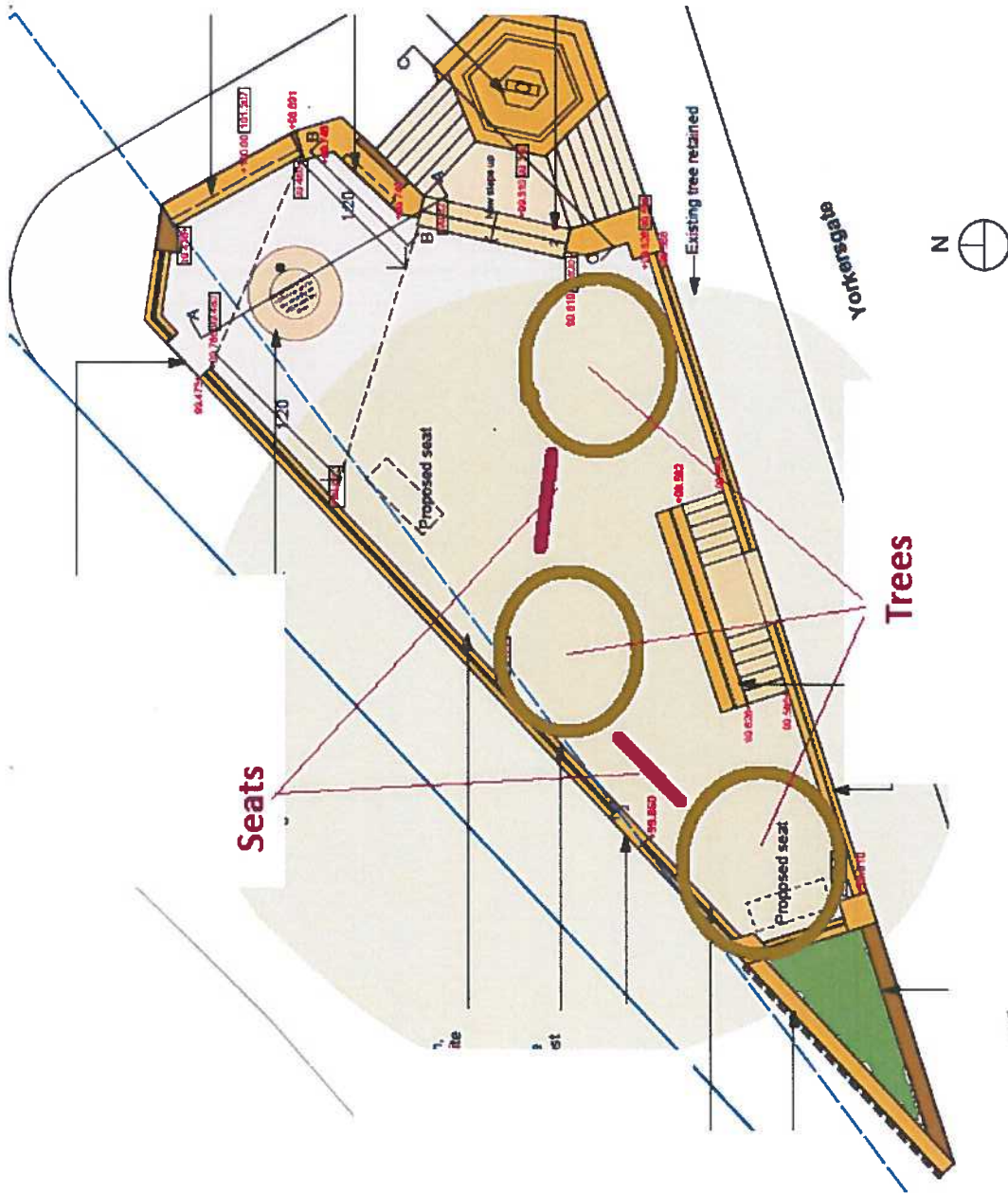


6.0 Replanting Suggestions

If the tree was removed, then space would exist for planting one tree or even two or three smaller growing trees which might fit better with the space available. The trees could be planted at a reasonable size to give some instant effect, (14-16cm girth @1m) and in suitable tree guards and grids linked to the paving scheme. Species selection is clearly wide but one consideration was the planting of autumn flowering cherry so that the trees were at their best around Remembrance Day. One suggestion would be the planting of 3 cherry – *Prunus subhirtella* 'Autumnalis Rosea'.

Sketch Planting Locations





DATED 12 JUNE 2017

TOWN AND COUNTRY PLANNING ACT 1990
RYEDALE DISTRICT COUNCIL
NO 346 TREE PRESERVATION ORDER 2017

K A WINSHIP
COUNCIL SOLICITOR
RYEDALE DISTRICT COUNCIL
MALTON

The Tree Preservation Order No 346 (2017) MALTON

The Ryedale District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1

This Order may be cited as Ryedale District Council Tree Preservation Order No 346 of 2017.

Interpretation

2

- (1) In this Order “the authority” means the Ryedale District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3

- (1) Subject to Article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4

In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree(s) is (are) planted.

Dated this 12 day of June 2017

Minute
934/12
Reg No.
6963
Initials *WJ*

**THE COMMON SEAL of THE
RYEDALE DISTRICT COUNCIL**
was affixed to this Order in the presence of—

[Redacted Signature]

Council Solicitor



CONFIRMATION OF ORDER

This Order was confirmed by the Ryedale District Council without modification on the day of

OR

This Order was confirmed by the Ryedale District Council subject to the modifications indicated by , on the day of

**THE COMMON SEAL of THE
RYEDALE DISTRICT COUNCIL**
was affixed to this Order in the presence of—

Council Solicitor

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Ryedale District Council on the day of

**THE COMMON SEAL of THE
RYEDALE DISTRICT COUNCIL**
was affixed to this Order in the presence of—

Council Solicitor

VARIATION OF ORDER

This Order was varied by the Ryedale District Council on the day of
 variation order under reference number a copy of
which is attached

**THE COMMON SEAL of THE
RYEDALE DISTRICT COUNCIL**
was affixed to this Order in the presence of—

Council Solicitor

REVOCATION OF ORDER

This Order was revoked by the Ryedale District Council on the day of

**THE COMMON SEAL of THE
RYEDALE DISTRICT COUNCIL**
was affixed to this Order in the presence of—

Council Solicitor



Scale: 1:1250



Ryedale District Council
 Ryedale House
 Malton
 North Yorkshire
 YO17 7HH
 Tel: (01653) 600666
 Fax (01653) 696801
 Email: enquiries@ryedale.gov.uk
 Website: www.ryedale.gov.uk

**SCHEDULE
SPECIFICATION OF TREES**

Article 3

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore (<i>Acer pseudoplatanus</i>)	A single tree located at the War Memorial at the junction of Yorkersgate and Horsemarket Road, Malton. Nat. Grid. Reference SE 783719 in the Ryedale District.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 07/06/17 Surveyor: Don Davies		
Tree details	Tree/Group No:	Species: Sycamore
TPO Ref (if applicable):	Location: Malton	
Owner (if known):		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes

3

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

4

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

5

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|--|
| 5) Principal components of formal arboricultural features, or veteran trees | |
| 4) Tree groups, or principal members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Score & Notes

1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--|
| 5) Immediate threat to tree inc. s.211 Notice | |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Score & Notes

5

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:

18

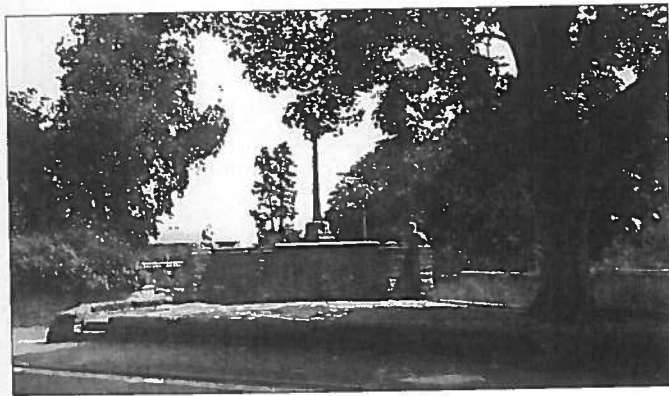
Decision:

Promote TPO



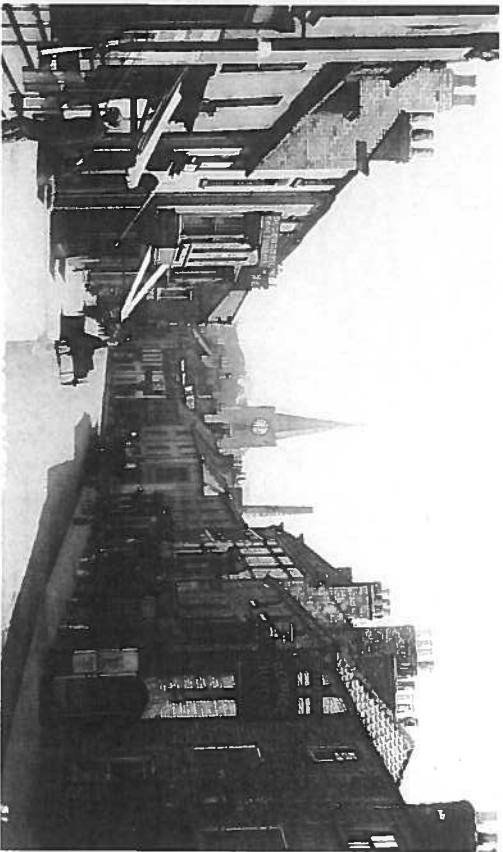
RUSSIAN CANNON MALTON

30



This Russian cannon was captured at Sebastopol in 1855. It originally stood outside the old town hall, but was moved here in 1883. Some time later a German gun joined it, but both of them, along with most of Malton's iron railings, were later removed for scrap, to be used in the Second World War.

The 'Urban Sanitary Authority' was abolished in 1894. therefore, photo taken between 1883 and 1894.



Yorkergate and The George Hotel with its archway. Opposite, the archway to Dodsworth's work shops. Timber came by boat, and was carried up Water Lane and across to the workshops. The building (left), with railings, is the Corn Exchange.

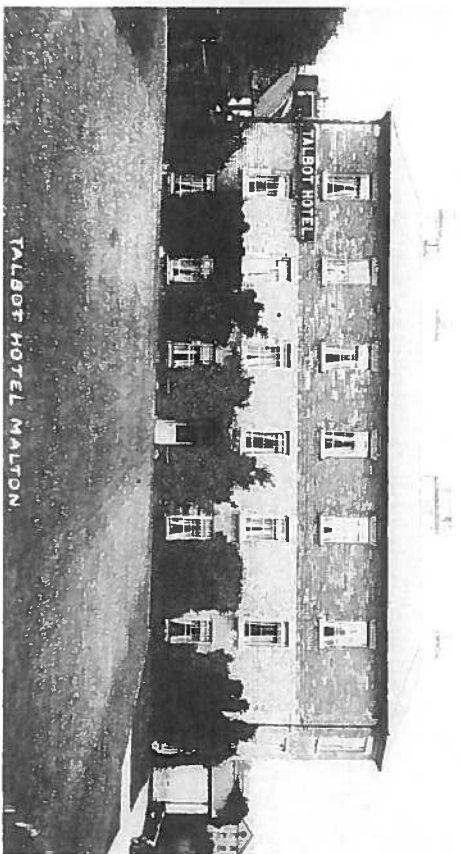


Yorkergate. On the right is the Post Office. It moved from Chancery Lane, to Post Office Corner (Butcher Corner) in 1888, and later moved to Wheelgate in 1911. The impressive building on the left is the Savings Bank.

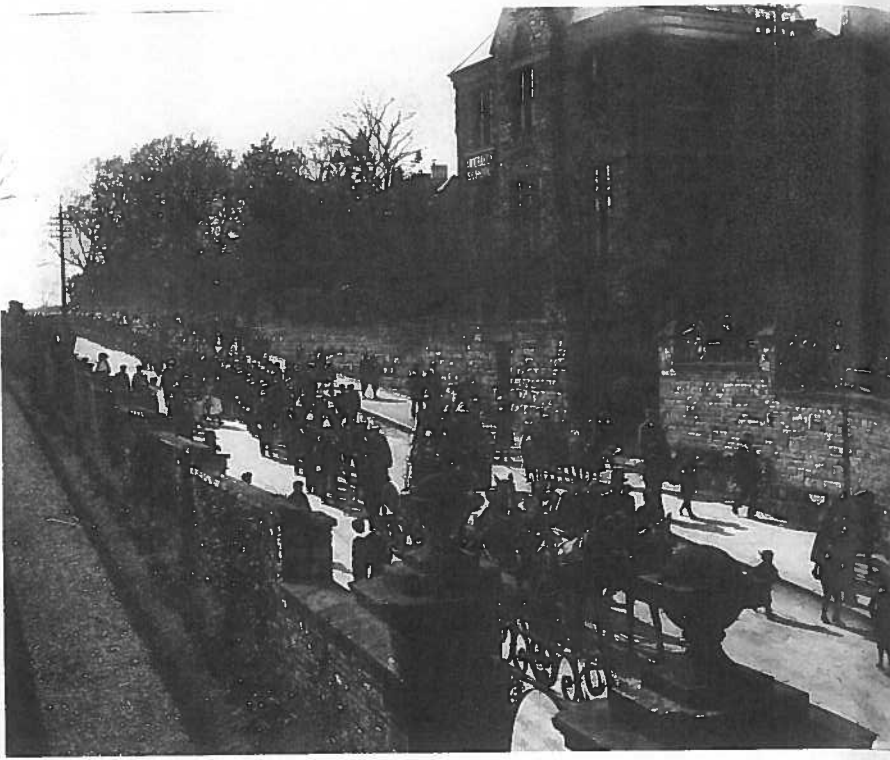


The War Memorial and Cannon. The Cannon was placed here in 1883, and was captured in 1855 at Sebastopol during the Crimean War.

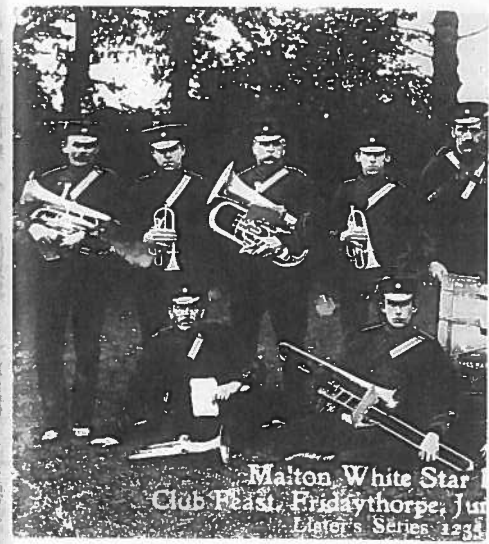
- Pre WW2 as canon in place.



The Talbot Hotel, converted from a Hunting Lodge (c. 1684) and owned by the Strickland family.



Fire Brigade parade, 6th May 1905. This was an annual event and in this year it was held at Malton.



Malton White Star Band, at The Club Feast, Fridaythorpe, June 1895. Lister's Series 1234

This Vocal Concert was held on Thursday 30th December 1813 and followed by a ball.

Malton War Memorial Restoration Committee

c/o Malton Town Council
Community House
Wentworth Street
Malton
YO17 7BN

Mr Don Davies
Tree & Countryside Officer
Ryedale District Council
Malton
YO17 7HH

25 June 2017

Felling Application No. 17/00504/CAT
Tree Preservation Order No. 346/2017

Dear Mr Davies

Tree Preservation Order at Malton War Memorial

We are in receipt of the above Tree Preservation Order dated 12th June 2017 and wish to make a formal objection. We note from your letter to Alan Mitchell that the order is based solely on *amenity* and we believe there are other considerations which should be taken into account:

1. The War Memorial unveiling ceremony took place on 13th March 1921. It was paid for by public subscription which included a sum invested on behalf of Malton Urban Council, as it then was, to maintain the monument in perpetuity. The Memorial belongs to the people of Malton and any decision relating to it must be taken by Councillors representing the wishes of their descendants.
2. Malton Town Council, as owners of the land, formally approved the felling of the tree at their meeting on 31st May 2017.
3. The Planning Application 15/01093/FUL for our proposed changes to the Memorial was revalidated by Ryedale District Council on 30th September 2015. The changes were prompted by safety considerations for those attending Remembrance Sunday and to provide wheelchair access to the monument for any disabled wishing to lay a wreath. Yorkersgate is now a very busy road and there is insufficient room in front of the Memorial to accommodate all those attending the Remembrance Ceremony without spilling out onto the road. Furthermore, the constant noise from the passing traffic detracts from the solemnity of the Ceremony. We remind you that the 11th November 2018 falls on a Sunday and we believe that the Council should be aware of the safety of the considerable number of people who are likely to attend at that poignant moment of national significance.
4. To provide disabled access we plan to lower the existing ground level by about two feet and repave with a suitable surface for wheelchairs with provision for the natural watering of a new tree or trees. We do not believe that is possible without disturbing the existing tree and the TPO leaves the future of the project in question.

5. The existing tree is a Sycamore, probably self-seeded; they are often referred to as *the weeds of the tree world*. It dominates the monument when the *Cross of Sacrifice* should be the dominant feature. The tree is already overhanging Yorkersgate and Horsemarket Road and may soon require lopping to prevent damage to passing high-sided vehicles. Furthermore, we do not believe it is appropriate to have a large tree in the centre of a sacred monument.

A considerable amount of time has been spent by many volunteers in putting together the application for the Heritage Lottery Grant funding. We have the support of; Malton Town Council, Rotary, Lions, The British Legion, Fitzwilliam Estate. We would be very disappointed if Ryedale District Council were not able to support our application.

Yours sincerely



Colin Jennings
Chairman War Memorial Restoration Committee

On behalf of:

Gail Cook	Malton Town Council Clerk
Rosemary Mitchell	Maltech (UK) Ltd
Kevin Chiltern	Chiltern Safety Solutions
Les Chapman	
Shaun Brosnan	British Legion
Paul Farndale	British Legion
Paul Emberley	Malton Town Councillor
John Howard	Local Historian

cc Councillor W R F H Oxley



Photographs courtesy Mark S Feather, Agricultural, Woodland & Landscape Consultant.

Malton War Memorial Restoration Committee

c/o Malton Town Council
Community House
Wentworth Street
Malton
YO17 7BN

Mr Don Davies
Tree & Countryside Officer
Ryedale District Council
Malton
YO17 7HH

7th July 2017

Felling Application No. 17/00504/CAT
Tree Preservation Order No. 346/2017
Planning Application 15/01093/FUL

Dear Mr Davies

Tree Preservation Order at Malton War Memorial

We are in receipt of e-mail 29/06/2017 17:11 from Gary Housden advising us the above Tree Preservation Order will be considered at the next planning meeting on 2nd August 2017. We note Mr Housden has listed five possible grounds for objections and, for the avoidance of doubt; we reconfirm our objections within the five suggested parameters:

1. Amenity

A definition of amenity is given in the Government Publication *Tree Preservation Orders: A Guide to the Law and Good Practice*. To discuss the criteria in turn:

We do not believe the removal of the tree would have a significant impact on the local environment and its enjoyment by the public. Indeed the removal of the tree and its replacement with a smaller tree would provide improved visibility of *The Cross of Sacrifice*, which we suggest should be the dominant feature on the Memorial.

We do not believe the LPA has shown that a reasonable degree of public benefit would accrue to justify a TPO. Particularly as the TPO is inhibiting proposed improvements to the Memorial with regards to disabled access and public safety.

We do not believe the tree is worthy of preservation because of its intrinsic beauty, its contribution to the landscape or its scarcity. The tree is a stunted sycamore obscuring views of the Memorial. Sycamores are not native trees and were introduced around the 16th century from Eastern Europe. They are considered invasive in Canada, New Zealand, Australia and Ireland.

There are other larger trees in the vicinity contributing to the landscape, including a Copper Beech.

We do not believe the tree has any importance as a wild life habitat.

2. Health of the Tree

A mature Sycamore tree normally grows to a height of 30 to 35 metres. The height of the tree in question is estimated at just 15 metres. The growth of the tree appears to have been inhibited by being pot-bound by the Memorial retaining walls. Furthermore, it is poorly irrigated with paving around the trunk and metalled roads surrounding the site on all sides.

The tree carries a number of dead branches, the canopy is thinner than adjacent Sycamore trees and it is later to come into leaf.

3. Damage to Property

The tree roots are lifting the paving slabs behind the Memorial leaving the area unsuitable for wheelchairs and a trip hazard. The railings were removed during World War II and there is a potential fall of about 3 feet at the south east corner.

The tree overhangs the road on either side and is a potential source of damage to high-sided vehicles on one of the main routes into the town.



Tree Overhanging Yorkersgate and Horsemarket Road

4. Errors in the TPO

The Tree Evaluation Method For Preservation Order-TEMPO, enclosed, was incorrectly assessed. With a zero rating at item b) there is insufficient cause to grant a TPO.

	LPA Score	Committee Score
a) Suitability for TPO	3	1
b) Retention Span	4	0.
c) Public Visibility	5	4
d) Other Factors	1	Not Applicable
Expediency Assessment	5	Not Applicable

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 07/06/17 Surveyor: Don Davies

Tree details	Tree/Group No:	Species: <u>Sycamore</u>
TPO Ref (if applicable):	Location: <u>Malton</u>	
Owner (if known):		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes

3

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

4

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

5

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

5

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

18

Decision:

Promote TPO

Our zero rating for item b) "includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality".

The tree is an existing nuisance for the reasons given in paragraph 3. There is the potential to replace the tree with a smaller species which will not interfere with passing traffic nor obscure the Memorial.

5. Procedural Requirements

We assume the TPO was made in response to Malton Town Council's Application for a felling order 17/00504/CAT. We note the Application is not listed in the on-line Planning Register and wonder why it has not been duly processed? Furthermore, the reasons for requesting permission to fell do not appear to have been considered in the TPO. We believe the TPO was an unnecessary reaction and the correct procedure was to fully consider the wider implications given in the Application for felling the tree and replacing it with a more appropriate species. The TPO was a deplorable over-reaction. The tree was already protected and it is inconceivable that Malton Town Council would authorise the felling of a tree in a conservation area without permission.

The application for Heritage Lottery Funding currently stands at £97k with a further £28k promised in cash or kind from supporters of the project. The majority of the money will be spent with local contractors. As the 100th anniversary of the end of the Great War approaches this is an opportunity to fund the refurbishment of the monument which is unlikely to be repeated.

Yours sincerely



John Howard
On Behalf Of War Memorial Restoration Committee
Sent by e-mail 7th July 2017.

cc Gary Housden
Ryedale Planning Committee
War Memorial Committee

Enclosures:

Tree Evaluation Method dated 7th June 2017
Project 119: Reasons for applying to fell Sycamore at War Memorial dated 28th April 2017.

The Landscape Design Company

1 Newgate
Malton
North Yorkshire
YO17 7LF
T: 01653 692486
E: mail@landesco.co.uk
www.landesco.co.uk

By email

Mr Don Davies,
Senior Specialist, Tree and Countryside Officer,
Ryedale District Council,
Ryedale House,
Malton Road,
Malton,
North Yorkshire, YO17 7HH.

07.07.17

Dear Mr Davis

Re: Tree Preservation Order No. 346/2017

As the Landscape Architect responsible for the design proposals for the Malton War Memorial Site and for putting together the consent to fell application on behalf of the agent, maltech (UK) Ltd, I am writing to object to the above order on the grounds of amenity and subjectivity of assessment.

(Based on the estimated life expectancy of 50+ years, Mark S Feather- Arboricultural report) the making of TPO on the Sycamore tree is a short sighted, **medium term amenity** solution, retaining and maintaining a tree which will deteriorate and eventually require felling, all at local public expense. Retention of the tree also compromises the original design objective of inclusive access and thereby reduces the amenity value of the site for disabled and the infirm. In order to maintain soil levels around the tree some existing steps have to be retained and additional steps included, which prevents access to the seating area for wheel chair users.

The War Memorial Committee, by proposing to replace the tree with a new one (estimated life expectancy of 150 years) and remodel the site, is looking at both the **immediate and long term amenity value** of the site and surrounding area. Removal of the tree now, and full implementation of an inclusive scheme funded by Heritage Lottery Grant, is the ideal practical solution rather than partial implementation of works or having to meet costs replacing damaged paving, upon felling at a later date.

There is a degree of subjectivity in the TEMPO sheet and formal notice which I do not agree with. The tree is described as 'substantial' and whilst it is a large tree it lacks the stature of far better specimens along Yorkersgate, Horsemarket Road and the grounds of

Tree Preservation Order No. 346/2017continued

the Talbot Hotel. Indeed if the tree was to be removed it would open up views of the Robinia, Copper Beech , Walnut and others that it currently obscures because of the angle of view. These trees would still provide a backdrop to the memorial without the dominating/ overshadowing effect the sycamore has.

The tree scores 4 in terms of retention span. However it cannot be denied that the tree is a nuisance and has outgrown its context since:

- it has lifted the surrounding paving so that it now presents a trip hazard
- it interferes with passing high sided vehicles including the Coast liner bus
- it is a species prone to drop sticky honeydew, which combined with dust and pollution can contribute to discolouration of adjacent stonework.

On the above grounds it would merit a 0 score, thereby giving the tree an overall score of 9 points which does not merit a TPO.

As a Landscape Architect, the proposal to fell a mature tree is not proposed lightly, as care and improvement of the landscape is the ethos of our profession. The Proposed War Memorial works are intended to improve the overall amenity for all users of the site, both in the short and long term. It is hoped that Council will support this (and the time and effort spent to date by organisations and representatives of the community) by allowing removal of the tree.

Yours sincerely

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'RM' or similar initials.

Rosemary Mitchell BA DipLA, CMLI

Agenda Item 6

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 30/08/17

7

Application No: 17/00586/OUT

Application Site: Land Adj 42 Vine Street Norton Malton North Yorkshire

Proposal: Residential development of 3no terraced dwellings with vehicular access and alterations to domestic curtilages of existing terrace of 4 dwellings (site area 0.1ha)

8

Application No: 17/00459/HOUSE

Application Site: Cragside Crambeck Welburn Malton YO60 77ELEL

Proposal: Erection of detached single storey garage

9

Application No: 17/00567/FUL

Application Site: Land Off Moorfields Lane Wombledon Kirkbymoorside

Proposal: Erection of 6no. three bedroom holiday lodges and 3no. two bedroom holiday lodges with associated driveway, parking, landscaping and formation of vehicular access

10

Application No: 17/00689/73A

Application Site: Low Meadow Church Lane Welburn Malton North Yorkshire YO60 7EG

Proposal: Variation of Condition 05 of approval 16/00053/HOUSE dated 21.03.2016 to replace Drawing No 15-1118-4 with Drawing No 15-118-4a

11

Application No: 17/00703/HOUSE

Application Site: Box Tree Cottage Church End Sheriff Hutton North Yorkshire YO60 6SY

Proposal: Erection of a two storey extension to rear elevation

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 30/08/17

12

Application No: 17/00719/FUL

Application Site: Land Adjacent 8 Valley View Ampleforth North Yorkshire

Proposal: Erection of a detached three-bedroom dwelling following demolition of existing attached outbuilding and detached garage

13

Application No: 17/00739/HOUSE

Application Site: 18 The Mount Malton YO17 7ND

Proposal: Erection of single storey side extension to replace existing lean-to extension, removal of 2no. chimney stacks, replacement of all windows with timber double glazed sash windows with enlargement of and addition of a window to the east elevation and alteration of an existing window to form French doors.

14

Application No: 17/00752/HOUSE

Application Site: Montreal Grange Coulton Lane Coulton Helmsley YO62 4NQ

Proposal: Erection of single storey extension to south elevation of 'east wing' and raising of roof height to include installation of rooflights to south elevation roofslope and dormer windows and rooflights to north elevation roofslope, together with installation of timber framed glazing to east gable.

Agenda Item 7

RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 7
Application No: 17/00586/OUT
Parish: Norton Town Council
Appn. Type: Outline Application
Applicant: Joanne Suddaby-Smith
Proposal: Residential development of 3no terraced dwellings with vehicular access and alterations to domestic curtilages of existing terrace of 4 dwellings (site area 0.1ha)
Location: Land Adj 42 Vine Street Norton Malton North Yorkshire

Registration Date: 24 May 2017 **8/13 Week Expiry Date:** 19 July 2017
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

North Yorkshire Fire & Rescue Service	Recommendations. (York Fire Station)
Parish Council	Recommend refusal
Highways North Yorkshire	Recommendations
Building Conservation Officer	No objection
Archaeology Section	Recommend conditions

Neighbour responses: Angela Gair
Overall Expiry Date: 7 August 2017

This application was deferred from the last meeting in order for a Committee Site Inspection. Members are asked to refer to the earlier officer report on the previous agenda.

Since the last Committee Report was prepared, Members were verbally advised that North Yorkshire Fire and Rescue Service's made a recommendation in their consultation response. They recommend that a fire suppression system be considered for the proposed development, because the parking situation on Vine Street may mean that dwellings could be located more than 45m from a Fire Appliance in the event of a fire. Their recommendation is made in accordance with requirement B5 of Section 11 of the Building Regulations Volume 1 2010. An informative to this effect is recommended as the matter will be addressed in detail at Building Regulations stage.

Members were also updated with the conditions recommended by the Local Highway Authority, which are included in the recommended conditions below.

RECOMMENDATION: Approval

1 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:

(i) the layout, scale and appearance of every building, including a schedule of external materials to be used

(ii) the access to the site

(iii) the landscaping of the site

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

2 Application for approval of reserved matters shall be made to the Local Planning Authority not later than.

The development hereby permitted shall be begun on or before whichever is the later of the following dates:

The expiration of two years from the final approval of the reserved matters or (in the case of approval on different dates) the final approval of the last such matters approved.

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

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

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

4 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 5 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 6 Prior to the commencement of the development hereby approved precise details of ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Local Plan Strategy.

- 7 Prior to the commencement of the development hereby approved precise details of existing spot ground levels and finished ground floor levels measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Local Plan Strategy.

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

APP; 11.11-01; proposed layouts;
Site location plan

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

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

(i) The access shall be formed with 2 metre radius kerbs, to give a minimum carriageway width of 4 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number DC/E9A.

(ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(iii) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted to and agreed with the local planning authority in consultation with the local highway authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.

(iv) Provision of tactile paving in accordance with the current Government guidance.

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

- 10 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing number 11.11.01 (as received by Ryedale DC on 20 July 2017) for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

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

- 11 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV & MGW construction and delivery vehicles (in excess of 7.5tonnes MGW) routing to include supervision by banksman whilst traversing Vine Street in either direction, including access onto and off Commercial Street

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

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

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Addition to the roof of a dwellinghouse

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

Class D: Erection or construction of a domestic external porch

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

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 13 There shall be no barrier or chain across the vehicular access point.
Reason: In order to ensure the access, parking and turning areas are permanently available and to satisfy Policy SP20 of the Local Plan Strategy and in the interests of highway safety.

Background Papers:

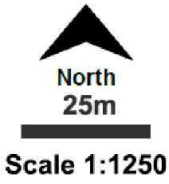
Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties

INFORMATIVE(S)

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

Reason: In accordance with policy SP20 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 2 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).
- 3 The applicant/developer is advised that North Yorkshire Fire and Rescue recommends a fire suppression system is installed for the proposed dwellings due to the access arrangements. Their recommendation is made in accordance with section 11 of the Building Regulations Volume 1 2010.



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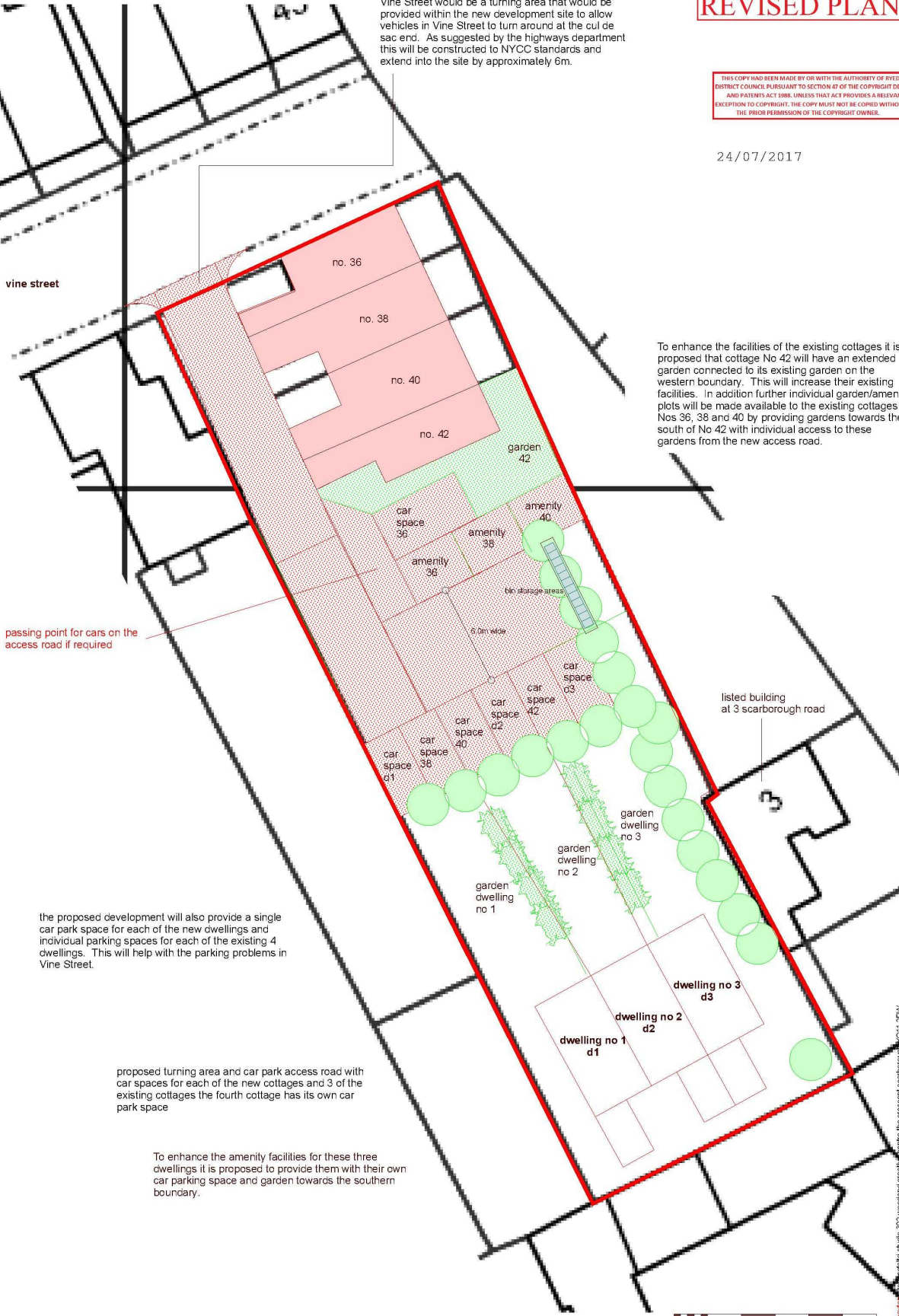
REVISED PLAN

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24/07/2017

a useful part of the development to the residents of Vine Street would be a turning area that would be provided within the new development site to allow vehicles in Vine Street to turn around at the cul de sac end. As suggested by the highways department this will be constructed to NYCC standards and extend into the site by approximately 6m.

To enhance the facilities of the existing cottages it is proposed that cottage No 42 will have an extended garden connected to its existing garden on the western boundary. This will increase their existing facilities. In addition further individual garden/amenity plots will be made available to the existing cottages Nos 36, 38 and 40 by providing gardens towards the south of No 42 with individual access to these gardens from the new access road.



passing point for cars on the access road if required

the proposed development will also provide a single car park space for each of the new dwellings and individual parking spaces for each of the existing 4 dwellings. This will help with the parking problems in Vine Street.

proposed turning area and car park access road with car spaces for each of the new cottages and 3 of the existing cottages the fourth cottage has its own car park space

To enhance the amenity facilities for these three dwellings it is proposed to provide them with their own car parking space and garden towards the southern boundary.

proposed layouts

proposed 3 new cottages with parking and landscaping adjoining 42 vine street norton mallon scale 1:200@A3 drawing no. 11.11-01

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 C:\Users\james\Documents\11.11.01-01.dwg
 james@nortonmallon.co.uk
 07548 821 848
 nortonmallonarchitect@gmail.com
 nortonmallonarchitect.co.uk

Design statement for proposed development at Vine Street Norton

Background information

I include below information regarding the conservation area and policies regarding the proposed development in the Malton and Norton area especially those considered with the Ryedale Plan – local plan strategy (LPS) as referred to in the pre app advice:

Malton and Norton

- *Housing Land Allocations in and adjacent to the built up area*
- *Conversion and redevelopment of Previously Developed Land and buildings within Development Limits*
- *Replacement dwellings*
- *Sub-division of existing dwellings*
- *Infill development (small open sites in an otherwise continually built up frontage)*
- *100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3*
- *Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate.*

Conservation area and listed buildings

3 Scarborough Road is a listed building adjoining the proposed site with its gable end containing a small window looking onto the site:

3, Scarborough Road, Norton-on-Derwent

DESCRIPTION: *3, Scarborough Road*

GRADE: *II*

DATE LISTED: *25 April 1986*

ENGLISH HERITAGE BUILDING ID: *329718*

OS GRID REFERENCE: *SE7973671530*

OS GRID COORDINATES: *479736, 471530*

LATITUDE/LONGITUDE: *54.1334, -0.7812*

LOCATION: *Scarborough Road, Norton, North Yorkshire YO17 9EZ*

LOCALITY: *Norton-on-Derwent*

LOCAL AUTHORITY: *Ryedale District Council*

COUNTY: *North Yorkshire*

COUNTRY: *England*

POSTCODE: *YO17 9EZ*

SE 7971 NORTON-ON-DERWENT SCARBOROUGH ROAD

(north-west side, off)

9/35 No 3

II

House. Mid - late C18 with C19 alteration and extension. Squared limestone with variegated brick dressings; pantile roof and brick stacks. Red brick extension in garden wall bond. 2-cell, direct-entry plan, with rear extension. 2-storey, 2-window front. Off-centre 4-panel door, with 16-pane sashes throughout. Segmental arches to all ground-floor openings and painted stone sills to all windows. End stacks.

Listing NGR: SE7973671530

This text is a legacy record and has not been updated since the building was originally listed. Details of the building may have changed in the intervening time. You should not rely on this listing as an accurate description of the building.

Source: English Heritage

This building will not be affected by the development as it is proposed to provide tree and shrub screening along this boundary which is on the east side of the proposed site.

There is a large wall on the eastern boundary which will protect 3 Scarborough Road from the development. Also after discussions with Ryedale Planning Department the proposed houses are some 6 metres away from the front of 3 Scarborough Road so there will be no overlooking onto this dwelling.

On the southern boundary the development of Athol Square which has access off Scarborough Road, has the rear of this development on the Southern boundary of the site, but there are no windows in this development that overlook the site. It is proposed that this end of the development will have private gardens for each of the new houses (dwellings 1, 2 and 3). Access to each of these gardens will be via the parking space provided for each dwelling 1, 2, and 3 from the new car park area which is approximately 25.0m from the rear wall of Athol Square.

On the western boundary it is intended to provide a timber fence of feather edged vertical boarding along with a narrow strip of hedging to soften this edge. The height of the fence will be 1.8 m.

These new dwellings will contribute to the supply of new homes across the District to enable the delivery of at least 3000 (net) new homes over the period 2012-2027 as noted in SP2 Delivery and Distribution of new housing. The site is adjacent to the existing built area and is an infill development on a small open site.

The proposed development has adhered to the guidance in SP16 by proposing cottages similar to the existing cottages on the site, and also by ensuring the scale, proportions and materials also reflect those of the adjoining cottages and original dwellings. The pattern of these structures is also reflective of existing structures. The new dwellings also follow the existing provision of accommodation and will add to it in a positive manner. The design of the new dwellings are therefore reflective of the good design within the area and will provide a sustainable development for this site, in line with SP16 Design Development proposals where new developments will be expected to create high quality durable places that are accessible, well integrated with their surroundings and sustainable.

Highways

As mentioned in the pre-application advice the view of NYCC highways department was sought and this is shown below:

Whilst I appreciate the existing cottages have no on-site parking, it will obviously help if any proposal removes a need to park on-street, as no doubt there is pressure on available spaces in the vicinity, given the existing housing mix.

I could support an arrangement that offers 1 car parking space per existing cottage, together with the initial part of the proposed shared access being available for all users of the street for turning. Whilst this would clearly not be suitable for all vehicles, it will be of some benefit, given the constraints available, as opposed to none whatsoever as currently exists now. In order for this to be achievable, some 'keep clear' advisory markings would be needed to either side, to ensure as much of the carriageway and shared access can be utilised. I would have thought the first 6 to 7 metres into the site would be needed for this shared purpose, which should be constructed to adoptable standards. Each car parking space should be a minimum 4.8 metres x 2.4 metres. It may assist the layout if each space was able to reverse out and turn, rather than introduce a communal turning area shown. A minimum of 6 metres would be needed for this, or alternatively each space should be made wider to compensate.

Their advice was that this could be a useful development to the residents of Vine Street in that a turning area could be provided within the new development site to allow vehicles in Vine Street to turn around at the cul de sac end. As suggested by the highways department this will be constructed to NYCC standards and extend into the site by approximately 6m.


In addition to this provision the proposed development will also provide a single car park space for each of the new dwellings and individual parking spaces for each of the existing 4 dwellings. This will help with the parking problems in Vine Street.

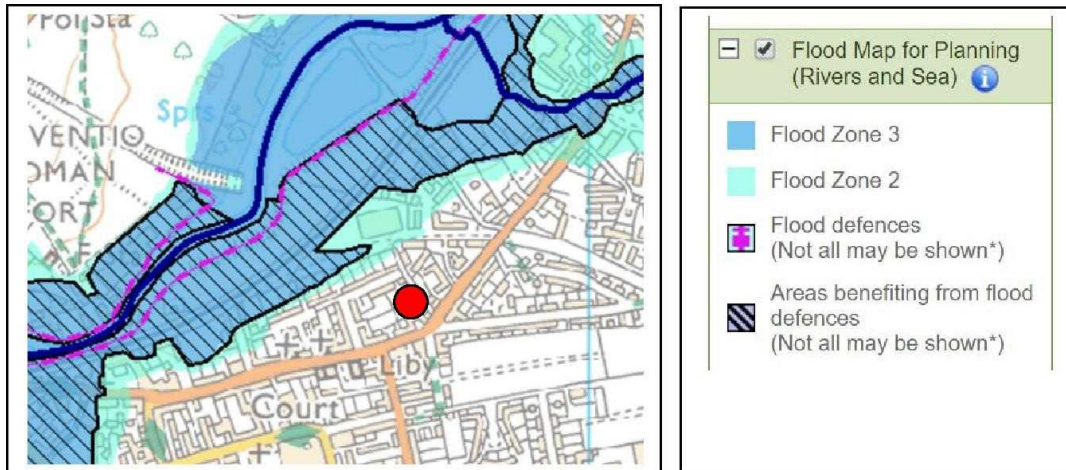
The car park area towards the southern boundary will have a strip in front of the car spaces to allow for turning.

The highway access from Vine Street will also allow for fire appliance access in case of emergency if required.

As recommended by the highways department and suggested by the planning department in the pre-application advice, the number of dwellings proposed is three.

Flood risk

As suggested in the pre-application advice that this site is adjacent to flood zone three and after inspecting the environment agency site their advice and flood map is attached for your assessment and shows that the site is outside the flood risk area 



Ecological

As suggested in the pre-application advice that although the site is within 250 m of the River Derwent SAC and SSSI it was not considered that development of this scale would need consultation with Natural England.

Layout and design

At the recommendation of the pre-application advice and subsequent discussions with Ryedale Planning Department the proposed development will have three cottages located at the southern end of the site.

It is proposed to ensure the typology of these cottages will follow those of the existing four cottages in both material finish – slate and brickwork – and to the same scale in that they will be small two storey cottage style with an extended out-building towards the west to be in keeping with the character of the area, which will have less impact on the neighbouring occupiers at Athol Square. It also reflects similar linear developments that are situated in Norton. This type of development is in line with the type of infill development that enhances the area and will add to the range of houses available in Norton. To enhance the amenity facilities for these three dwellings it is proposed to provide them with their own car parking space and garden extending to the proposed car parking area.

To further enhance the facilities of the existing cottages it is proposed that cottage No 42 will have an extended garden connected to its existing garden on the southern boundary to increase their existing amenity facilities. In addition further individual garden/amenity areas will be made available to the existing cottages Nos 36, 38 and 40 by providing gardens towards the south of No 42 with individual access to these gardens from the new access road and car park area.

In this development bin storage areas will be provided for existing and proposed houses in the new spaces adjoining the car park area.



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00164553
Job: 1137165

**York Fire Station
Kent Street
York
North Yorkshire
YO10 4AH**

When telephoning please ask for: Mr M Dunford

Tel: 01904 625272
Fax: 01904 620732
Email: Malcolm.Dunford@northyorksfire.gov.uk

28th July 2017

Dear Sir,

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Planning Application 17/00586/OUT
42 Vine Street, Norton, Malton, YO17 9JD

Your communication has been dealt with as follows:

At this stage in the planning process the fire authority offer the following observations on the proposed development on the following grounds:

The proposals do not appear to demonstrate compliance with the requirement B5 of Section 11 to the Building Regulations Volume 1 2010, access and facilities for the fire service. Access for a Pump is greater than 45m to all points within the dwelling house.

The developer should consider this deviation and determine what additional fire safety measures may be incorporated into the development as a compensation for the lack of access and facilities for the fire service.

In view of the life risk associated with the above type property and consequential losses, it is recommended that a Sprinkler system is installed in the premises and maintained in accordance with the requirements of British Standard BS 9251:2014 Fire sprinkler systems for domestic and residential occupancies - Code of practice

Fire safety Information

Provision of Fire Safety information to the Building Owner / Occupier

Ryedale District Council
Ryedale House Old Malton Road
Malton North Yorkshire

Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives
www.northyorksfire.gov.uk

Regulation 38 now requires that where building work involves the erection or extension of relevant building, or a relevant change of use of a building, fire safety information shall be given to the responsible person at the completion of the project or when the building or extension is first occupied.

Should you require further information please contact the officer who's name appears at the head of the letter.

Yours faithfully

M Dunford

Ai Business Safety York

From: Malcolm Dunford
Sent: 28 July 2017 12:41
To: Alan Hunter
Subject: 17?00586/OUT

Fire Authority Planning Consultation.

Dear Alan,

42 Vine Street, Norton, Malton, YO17 9JD

A consultation for the above property has been completed and I enclose my report.

I would confirm that unless Fire Pump access can be provided, into the development, the Fire Service would recommend the provision of domestic sprinklers.

Building Regulations apply only to the site concerned, and make no provision for other work. (ie: yellow lines)

Yours Sincerely
Malcolm Dunford
Fire Safety York
Assistant Inspector
Telephone: 01904 625272



NORTH YORKSHIRE
FIRE & RESCUE SERVICE

Please consider the environment before printing this email



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference: Premises: 00382877
Job: 1137335

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: J Butterfield

Tel: 01723 374433
Fax: 01723 500156

Email: jason.butterfield@northyorkshire.gov.uk

01 August 2017

Dear Sir or Madam

Adj to 42 Vine Street, Norton, Malton, YO17 9JD

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 24 July 2017
Plans No: 17/00586/OUT

Your communication has been dealt with as follows:

At this stage in the planning approval process the fire authority have no objection/observation to the proposed development. The fire authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the fire authority.

Should you require further information please contact the officer who's name appears at the head of the letter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Butterfield', written over a light blue horizontal line.

J Butterfield

Ryedale House
Old Malton Road
Malton
YO17 7ZG

Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives
www.northyorkshire.gov.uk

NORTON-ON-DERWENT TOWN COUNCIL

Town Clerk: Mrs R.Tierney

Tel/Fax: 01653 695348
Council Chamber and Office
The Old Courthouse
84B Commercial Street
Norton-on-Derwent
Malton
North Yorkshire YO17 9ES



20 June 2017

Head of Planning Services,
Ryedale District Council,
Ryedale House,
Malton,
YO17 7HH

Dear Sir,

PLANNING APPLICATIONS NORTON-ON-DERWENT

I have to inform you that at its meeting on Monday, 19 June 2017 the Town Council made the following recommendation in respect of the application listed below:-

- 17/00586/FUL** Residential development of 3 no terraced dwellings with vehicular access and alterations to domestic curtilages of existing terrace of 4 dwellings (site area 0.1ha)
Land adj 42 Vine Street, Norton, Malton
For: Joanne Suddaby-Smith
RESOLVED Recommend Refusal on the grounds that this is considered to be an overdevelopment of the site, and that there are many access concerns especially with regard to emergency services if the need ever arose.
- 17/00598/HOUSE Erection of a rear two storey extension to replace existing bathroom / conservatory extension
73 Mill Street, Norton, YO17 9JJ
For: Mr & Mrs C MacDonald
RESOLVED Recommend Approval.
- 17/00590/HOUSE Erection of detached single garage to replace existing garage, conservatory to south elevation and porch to north elevation
1 Ryedale Close, Norton, YO17 9DQ
For: Mrs Sue Goodchild
RESOLVED Recommend Approval.
- 17/00575/FUL Erection of a single storey assisted living bungalow with accommodation for the occupier and carer.
Land adjacent, 6 Lakeside Way, Norton
For: J Simpson
RESOLVED Recommend Approval subject to the application not being considered at risk of flooding.

E. Mail: norton.tc@btconnect.com

17/00639/HOUSE Erection of detached double garage to replace existing detached single garage with repositioned highway access and erection of section of 1.3m high fence.
1 The Avenue, Norton, YO17 9EF
For: Mr W Smith
RESOLVED Recommend Approval.

Yours sincerely,

Ros Tierney
Town Clerk

E. Mail: norton.tc@btconnect.com

Agenda Item 8

Item Number: 8
Application No: 17/00459/HOUSE
Parish: Welburn (Malton) Parish Council
Appn. Type: Householder Application
Applicant: Mr Russell Smalley
Proposal: Erection of detached single storey garage
Location: Cragside Crambeck Welburn Malton YO60 77ELEL

Registration Date: 2 May 2017
8/13 Wk Expiry Date: 27 June 2017
Overall Expiry Date: 11 July 2017
Case Officer: Joshua Murphy **Ext:** 329

CONSULTATIONS:

Paul Jackson AONB Manager	No objection in principle, but some concerns
Parish Council	Object
Highways North Yorkshire	Conditions
Paul Jackson AONB Manager	
Parish Council	Objection regarding materials is still a concern
Paul Jackson AONB Manager	concerns

Neighbour responses: Mrs Barbara Dunn,

SITE:

Cragside is a dwelling located within Crambeck. The site is also located within the Howardian Hill Area of Outstanding Natural Beauty (AONB)

PROPOSAL:

Erection of detached single storey garage

HISTORY:

06/01006/FUL - Erection of a two-storey and a single-storey extension

POLICY:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP13 Landscapes
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 in relation to the application are:

- i) Design
- ii) Impact on the AONB
- iii) Neighbouring Impact
- iv) Highway Safety

i) Design

The application is for the erection of a detached garage. The garage is to measure 4.2m in width by 7.4m in length, with an eaves height of 2.4m and ridge height of 3.9m. The walls will be constructed of white rendered stone with exposed stone quoins and a slate roof. The design of the proposal is common throughout the area and is considered to enhance the property's front elevation. It is considered that the proposal is in conformity with Policy SP16 of the Ryedale Plan - Local Plan Strategy.

ii) Impact on the AONB

The NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

The AONB manager has been consulted and although he does not object to the principle to the garage, has some concerns with the design having an impact onto the AONB. The Parish Council also raise the same concern, which is in regards to the render stone on the front elevation. Both consultees consider that the front elevation should be natural stone and not rendered. However, it is the officers opinion that the rendered finish and stone quoin detail reflects the local vernacular within the AONB, especially with examples of similar designs on Cragside itself and other properties in the locality. The extension to the east of the proposal, which features rendered white finish with exposed quoins, corresponds identically with the design of the proposed garage. There is also an example of a almost identical design at a neighbouring property. The other garages in the local proximity do not follow any design criteria and consist of other materials including wood. Although the materials used on the garage do not directly correspond with the front elevation of the host dwelling it is considered that this design is acceptable in this location within the AONB subject to careful consideration over the final colour of the render and the stone quoins.

It is considered thought that the principle and overall architectural design is in conformity with Policy SP13 of the Ryedale Plan - Local Plan Strategy

iii) Neighbouring Impact

There are no dwellings immediately adjacent to the western boundary where the garage is proposed to be sited. The proposal is well screened as the land rises to the west and it will be screened by the host dwelling to the east.

It is considered that this will be no material adverse impact upon neighbouring amenity. The proposal therefore complies with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

iv) Highway Safety

As originally submitted the garage was sited directly adjacent to the road. This issue was raised by numerous parties including NYCC - Highways and also the case officer. Amended plans have been received showing the garage set further back to the site and there is no highway objection to the revised siting.

It is considered that the proposal meets the relevant policy criteria outlined within Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

RECOMMENDATION:

Approval

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

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

2 Before the development hereby permitted is commenced, details and samples of the materials to be used on the exterior of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. No variation of the approved materials shall be undertaken without the express consent in writing of the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance.

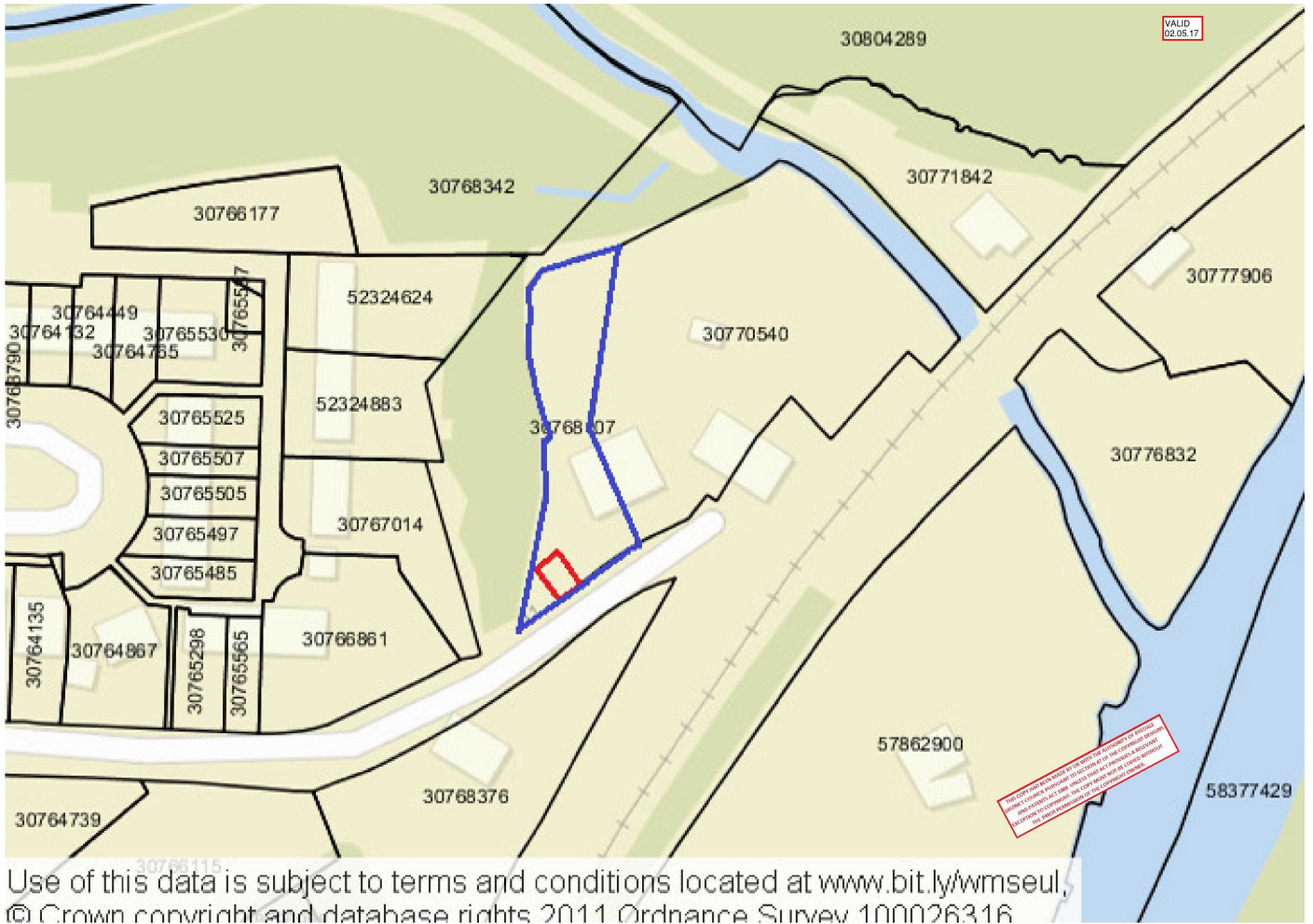
3 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site location plan
Garage Plans 1-3

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

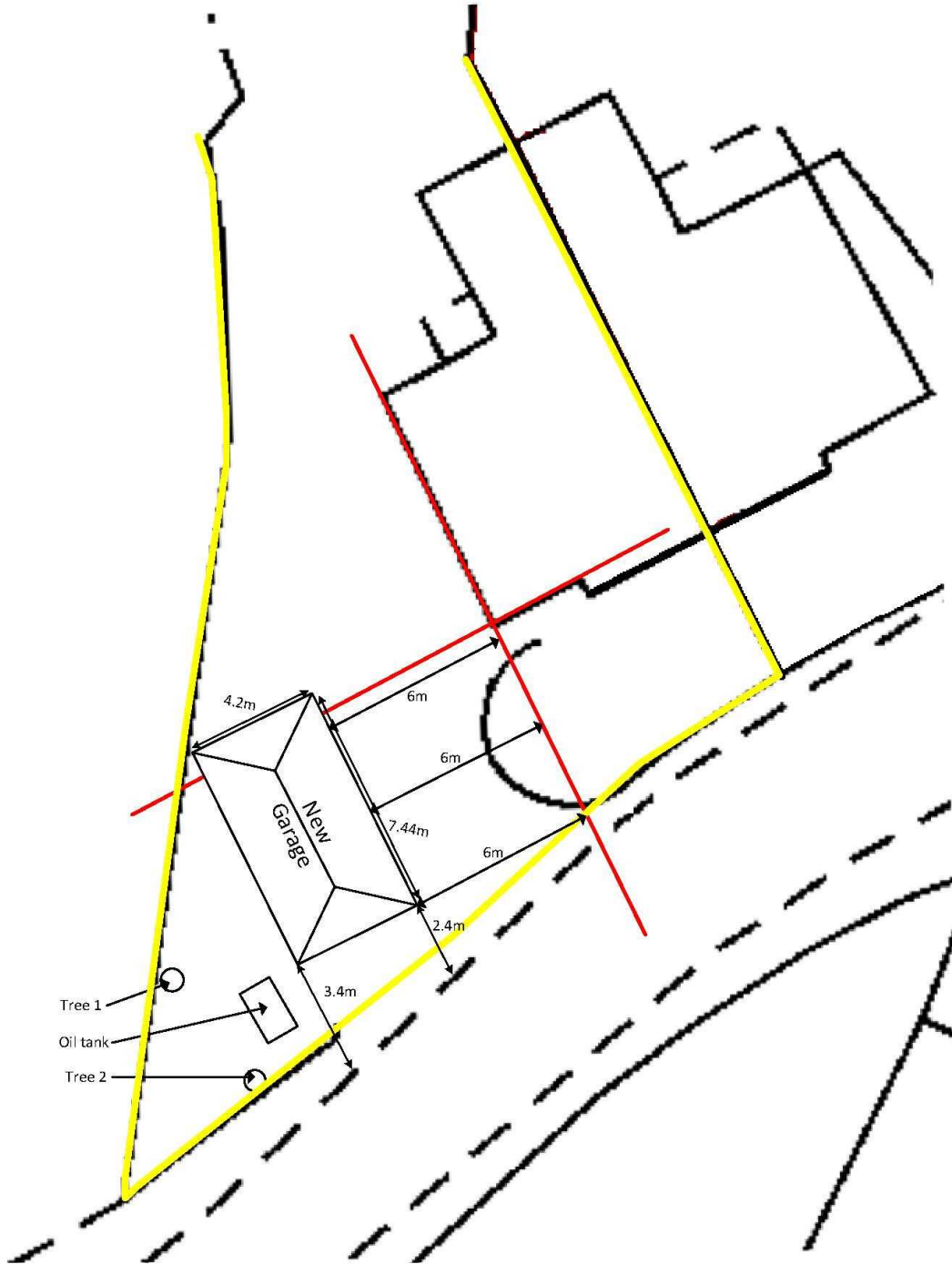
Background Papers:

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



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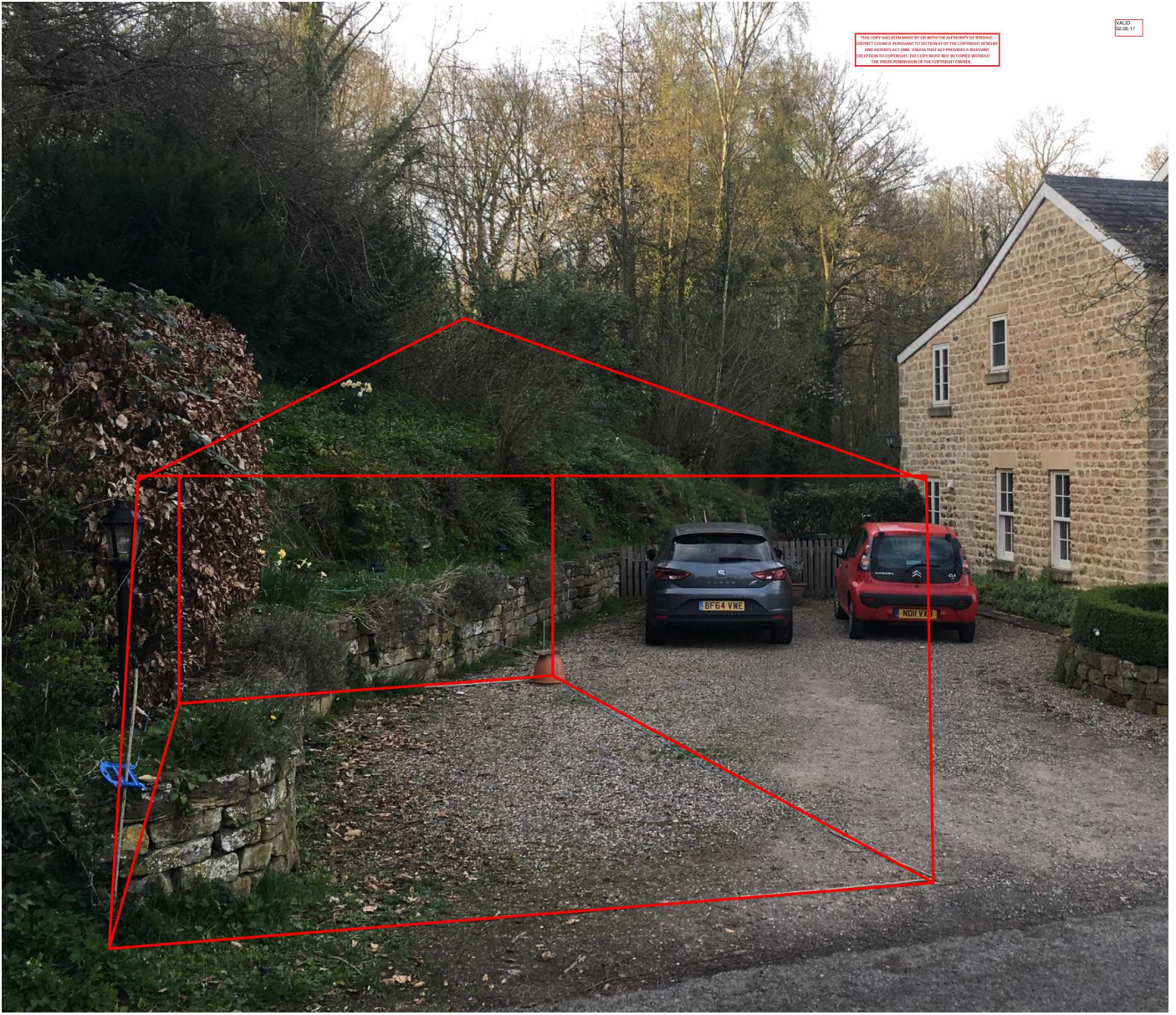
REVISED PLAN



4

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08.09.11



Ellis Mortimer

From: clerk.wpc@btinternet.com
Sent: 03 July 2017 21:21
To: Development Management
Subject: FW: Planning application 17/00459/HOUSE

FAO Joshua Murphy

Dear Joshua

See our previous objections below. The first objection has now been met, but the second object, regarding the materials used, is still a concern.

Kind regards
Mildred Reiniers
Clerk, Welburn Parish Council

Sent from [Mail](#) for Windows 10

From: clerk.wpc@btinternet.com
Sent: 20 May 2017 17:26
To: dm@ryedale.gov.uk
Subject: Planning application 17/00459/HOUSE

FAO Karen Hood

Dear Karen

WPC has objection to the above planning application.

The objection is two-fold:

- The front elevation of the garage is too close to the road, which means it's not safe to exit the garage as the view is limited
- The design does not reflect the adjacent building – should have a stone front.

Kind regards
Mildred Reiniers
Clerk, Welburn Parish Council

Sent from [Mail](#) for Windows 10

Object

JOM

DATE
22.05.17

Subject: 17/00459/HOUSE

From: clerk.wpc@btinternet.com

Sent: 20 May 2017 17:26

To: Development Management

Subject: Planning application 17/00459/HOUSE

FAO Karen Hood

Dear Karen

WPC has objection to the above planning application.

The objection is two-fold:

- The front elevation of the garage is too close to the road, which means it's not safe to exit the garage as the view is limited
- The design does not reflect the adjacent building – should have a stone front.

Kind regards

Mildred Reiniers
Clerk, Welburn Parish Council

Design and Access statement



Proposed new detached garage

Location:

Cragside

Crambeck

Welburn

York

YO60 7EL

Location – Site plan



Figure1– 1:500 Site plan

The applicant site is located at the bottom of Crambeck village and is edged in figure 1 & 2 in Yellow.

The north and west sides of the site are bound by surrounding woodland. The south side adjoins the highway and is a mixture of stone wall and drive way access. The eastern boundary adjoins the neighbouring property, Woodside cottage which is segregated with a mature hedgerow.

The dwelling is attached to Woodside cottage having originally been part of the main house. It occupies a plot of approximately 166m² which was formally part of the castle Howard Estate.

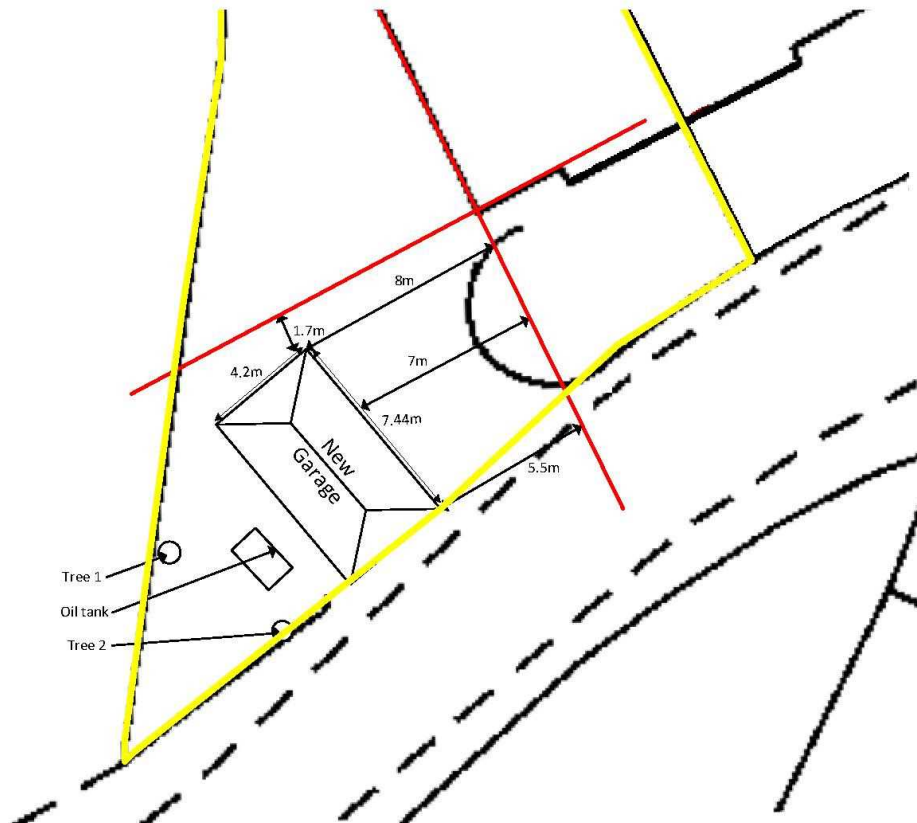


Figure 2- 1:200 Site Plan (Red cross for reference, Yellow line denotes site boundary)

The existing stone wall to the left of the proposed development will be finished to adjoin with the new garage. To the right of the garage will remain as access to the remaining driveway, with the existing garden wall in front of the main property.



Figure 3- Existing driveway (Garage foot print indicated with bamboo canes)

Access

The site is accessed via the adjoining highway.

Ample parking is currently available on the site for 5 cars.

The new garage will have vehicle access directly from the highway. This will replace part of the existing opening onto the driveway.

Proposed Design

Roof – The roof will be a hipped design with slate construction, to match the existing and surrounding buildings.

Walls – The walls will be constructed of rendered concrete blocks, the corners will have exposed stone to match the existing and surrounding buildings. The exterior will be rendered and painted with Weathershield York White to match the existing extension.



Figure 2- Existing extension

Pedestrian Door – Will be constructed of hardwood timber to match the existing stained timber front door.

Window – Will be constructed of hardwood timber to match the existing painted windows.

Garage door – Will be roller shutter type with a wood effect design to blend with the existing front door.

Item Number: 9
Application No: 17/00567/FUL
Parish: Wombledon Parish Council
Appn. Type: Full Application
Applicant: Herbert Pension Fund
Proposal: Erection of 6no. three bedroom holiday lodges and 3no. two bedroom holiday lodges with associated driveway, parking, landscaping and formation of vehicular access
Location: Land Off Moorfields Lane Wombledon Kirkbymoorside
Registration Date: 22 May 2017
8/13 Wk Expiry Date: 17 July 2017
Overall Expiry Date: 1 July 2017
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

**Caravan (Housing)
Countryside Officer
Yorkshire Water Land Use Planning
Parish Council
Highways North Yorkshire** No objection in principle
Recommend conditions

Neighbour responses: Mrs Rowena Robinson, Mr & Mrs RS Ham, Mr James Wiloughby, Mr Don Crabtree, Mrs Tracey Wheldon, Miss Anna Foster, Mr Jack Woodhead, Mr & Mrs Mercer, Mr & Mrs David & Brenda Willoughby, Mr Charlie Woodhead, Mr Tom Vertigans, Mr And Mrs W Foster, Mr Josh Weaver, Mr Adam Willoughby, Mr & Mrs RS Ham,

SITE:

The application site is located 1.2 kilometres to the south west of the village of Wombledon and is proposed to be accessed locally off Moorfields Lane. Moorfields Lane also is the access point to the airfield, an existing tourist site known as Wombledon Caravan Park and an existing dwelling known as The Bungalow is situated opposite the site entrance.

The application site forms part of a larger parcel of agricultural land which is bounded by Common Lane and Moorfields Lane. Wombledon Grange is located to the west of the site and a further parcel of land owned by the applicant is situated to the south of the site. The red line is slightly irregular in shape and measures approximately 45 metres in depth and 435 metres in length at its longest point. The site has an area of approximately 1 hectare and the outer periphery is well screened by established hedgerows. Some additional tree planting has already taken place along the site's inner boundaries and additional planting is proposed on the northern boundary of the red line.

The site and surrounding area are located within the fringe of The Moors Area of High Landscape Value

PROPOSAL:

The application is for the erection of 6 Number 3 bedroom holiday lodges, 3 Number 2 bedroom holiday lodges with driveway, parking, landscaping and formation of vehicular access. Plans showing the location of the site, the site layout, the details of the lodges and the timber clad bin store are

appended to this report for Members information.

The Type A (2 bed lodges) measure 12.3 metres by 6.3 metres with an apex height of 4.9 metres. The Type B (3 bed lodges) measure 14.5 metres by 6.5 metres with a 5 metre apex height. All of the lodges are proposed to have cedar weather boarded walls with a light weight grey coloured clad roof. All doors and windows are proposed to be grey coloured aluminium.

The application is accompanied by a Design and Access Statement which sets out the applicant's rationale in support of the application together with a detailed tree and hedgerow planting document and an ecological appraisal. All three documents are appended for Members information.

HISTORY:

There is no planning history that is directly relevant to the application site or the consideration of the current application

POLICY:

National Planning Policy Framework (2012) Particular reference is made in the applications DAS to paragraphs 14, 17, 19, 28, 56, 186 and 187. Officers are of opinion that these sections of the NPPF are relevant considerations to take into account in the determination of the application

Local Policy

Ryedale Plan Local Plan Strategy Adopted September 2013.

Policy SP8 Tourism
Policy SP13 Landscapes
Policy SP16 Design
Policy SP19 Sustainable Development
Policy SP20 Generic Development Management Issues
Policy SP21 Occupancy Restrictions

APPRAISAL:

The following matters are considered to be relevant to the consideration of this application:

Principle of development
Landscape impact
Traffic/Highway considerations
Ecological impacts
Other matters

Principle of development

The site is located in open countryside and within a local designated area of High Landscape Value is identified in the Local Plan Strategy. Policy SP8 however permits tourism related uses in principle in such locations where the nature and scale of the development proposed is considered to be capable of being accommodated without significant detriment to the character of the locality. Policy SP8 also acknowledges the potential benefits that well designed tourism facilities can make to the economic well being of the area. In this instance the proposed facility is relatively modest in scale. It does however, in the opinion of officers, seek to promote a proposal which has limited impact on the character of the locality whilst at the same time brings benefits to the locality in term software additional spend and improvements to existing infrastructure - which is discussed later in this report. There is considered to be no objection in principle to the application proposed.

Landscape impact

As mentioned earlier the site is located with an AHLV. Policy SP 13 seeks to ensure that the character of locally designated landscapes is retained and that careful consideration is given to development in such locations. This site is well screened by well established hedgerows and a significant amount of additional tree planting has already taken place on the sites outer boundaries. The application site is located towards the southern edge of the parcel of land in question . Locally the land slopes gentle from north to south from the junction of Moorfields Lane and Common Lane and this assist with the screening of the proposed lodges from most public vantage points. The existing hedgerows area complete and vary between 2 and 3 metres in height resulting in an effective screen for the proposed lodges. Additional planting is proposed by the applicants within the site. As proposed the development is considered to have little visual impact on the surrounding area of open countryside and as a result there is little impact on the area of High Landscape Value. The proposal is therefore considered to comply with Policy SP13 Landscapes.

Traffic/Highway Safety Issues

The application has been considered by officers at NYCC Highways who note the location of the application site in close proximity to a relatively large, well established caravan and lodge park off Moorfields Lane. The site is however located in open countryside and the NPPF encourages sustainable development. Highways officers are therefore of the opinion that the development should look as far as is possible to encourage a range of modes of transport. Public transport links in the form of a bus link is available at Wombleton but this is a little over 1.2 km away. Moorfields Lane and Common Lane have limited carriageway widths - Moorfields Lane is typically 4 metres wide and Common Lane varied between 5.5 metres and 4.6 metres.

Conditions are therefore recommended to require 2 placing spaces on the local highway network - 1 on Moorfields Lane and 1 on Common Lane between the pumping station and the position of the 30mph signs on the approach to the village. A Travel Plan is also recommended to promote the use of alternative modes of transport.

Subject to conditions however NYCC raise no objection on highway safety/ traffic grounds

Ecological Impacts

The Council's Countryside management officer has no objection to the application. The existing site is low value pasture and the provision of the new planting as part of this application has the potential for increasing the biodiversity value of the site in the long term.

There is estimated to be a low to negligible impact on Bats and breeding birds as no existing vegetation is to be removed and the design includes measures to reduce light pollution onto the existing trees and shrubs where bats may forage. I therefore recommend that the following condition be included in any permission granted:-

Condition- Existing and proposed landscaping

The proposed planting of new trees, hedges and shrubs on drawing No. W.WG.1.5 rev A, and accompanying specification, shall be implemented within the first available planting season (March-November) following completion of the development. In the event of any plant material dying or become seriously diseased or damaged within a 5 year period of planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Other Matters

The Councils Housing Manager has no objection in principle. The site will require a licence if planning permission is granted.

Third Party Responses

There have been xx third Party Responses objecting to the application and in addition three responses in support. All of the responses can be viewed on the Council's website.

However the responses raise a number of issues including:

In objection

Loss of a greenfield site/ Site not part of former airfield
Landscape impact/site located on high ground
Vehicular access and traffic/highway safety issues
Amenity impacts of new tree planting
Possible Light Pollution
Additional litter
Possible adverse wildlife impacts
Possible additional security issues
Market Saturation/ Too many similar holiday sites in the locality
Monitoring of occupancy conditions difficult

In support

This is a great place for holiday accommodation
The development will bring economic benefits and additional revenue to the locality and will help local businesses in particular

Most of the issue raised have already been addressed in this report above . However the applicants DAS does confirm that low level lighting is proposed for the development and if approved a condition is recommended to ensure that light pollution does not occur. There is nothing to suggest that this small scale development will give rise to additional litter or security issues and it is not possible to refuse the application on competition or 'market saturation ' grounds. The monitoring of holiday occupancy conditions is accepted as normal practice and the applicant has confirmed that they are content with the limitations required by Policy SP21 of the Local Plan Strategy.

It is also of note that this relatively modest proposal brings a requirement for localised improvements in Moorfields Lane and Common Lane which will is considered to be a significant benefit to all existing users of that part of the network as well as the proposed development.

There has been no formal response from Wombledon Parish Council . However it is understood that the application was considered at the Parish Meeting held on 2017 and that No Objection was raised to the application . Formal confirmation of this response is being sought by officers and will be reported to Members.

In conclusion the proposal is considered to satisfy the Councils adopted Local Plan and satisfy the guidance contained in the NPPF.

RECOMMENDATION: Approval

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

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

2 Before the development hereby permitted is commenced, details and samples of the materials to be used on the exterior of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. No variation of the approved materials shall be undertaken without the express consent in writing of the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance.

3 The proposed planting of new trees, hedges and shrubs on drawing No. W.WG.1.5 rev A, and accompanying specification, shall be implemented within the first available planting season (March-November) following completion of the development. In the event of any plant material dying or become seriously diseased or damaged within a 5 year period of planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

4 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road Moorfields Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

5 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

a. Provision of 2 no. vehicular passing places, one on Moorfields Lane approximately halfway between the site access and junction with Common Lane and one on Common Lane approximately halfway between the pumping station and bend in the road where the 30mph local speed limit signs are placed. Each passing place to be constructed to provide an overall carriageway width of 5.5 metres, for a minimum distance of 10 metres, plus 1:3 end tapers, and constructed in accordance with the Specification of the highway authority and as shown on Drawing Number dev 4959/2/spec.

(ii) Not Used

(iii) A programme for the completion of the proposed works has been submitted.

Reason:- In accordance with Policy SP20 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

6 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition (2) above.

Provision of passing places as described in the condition

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

7 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on W-WG-1.5 - Rev. A for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

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

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

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

- 9 Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- (i) the appointment of a travel co-ordinator
 - (ii) a partnership approach to influence travel behaviour
 - (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - (iv) provision of up-to-date details of public transport services
 - (v) continual appraisal of travel patterns and measures provided through the travel plan
 - (vi) improved safety for vulnerable road users
 - (vii) a reduction in all vehicle trips and mileage
 - (viii) a programme for the implementation of such measures and any proposed physical works
 - (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason:- In accordance with Policy SP20 and to establish measures to encourage more sustainable non-car modes of transport.

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

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

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

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

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

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

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

13 Details of external lighting to be agreed

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

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

Background Papers:

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

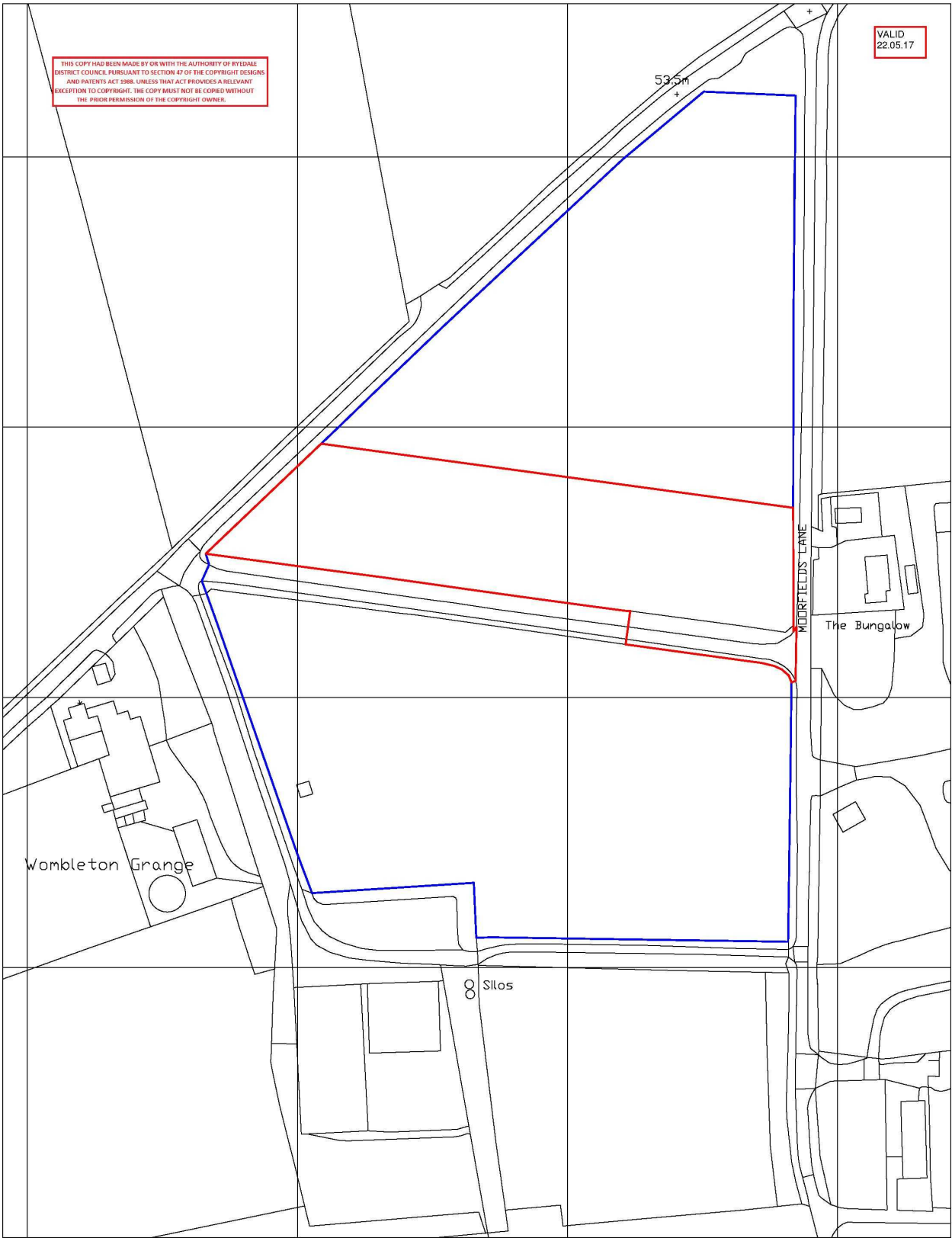
INFORMATIVE(S)

1 An explanation of terms used above is available from the Highway Authority.

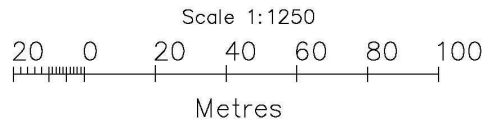
2 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority,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

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VALID
22.05.17



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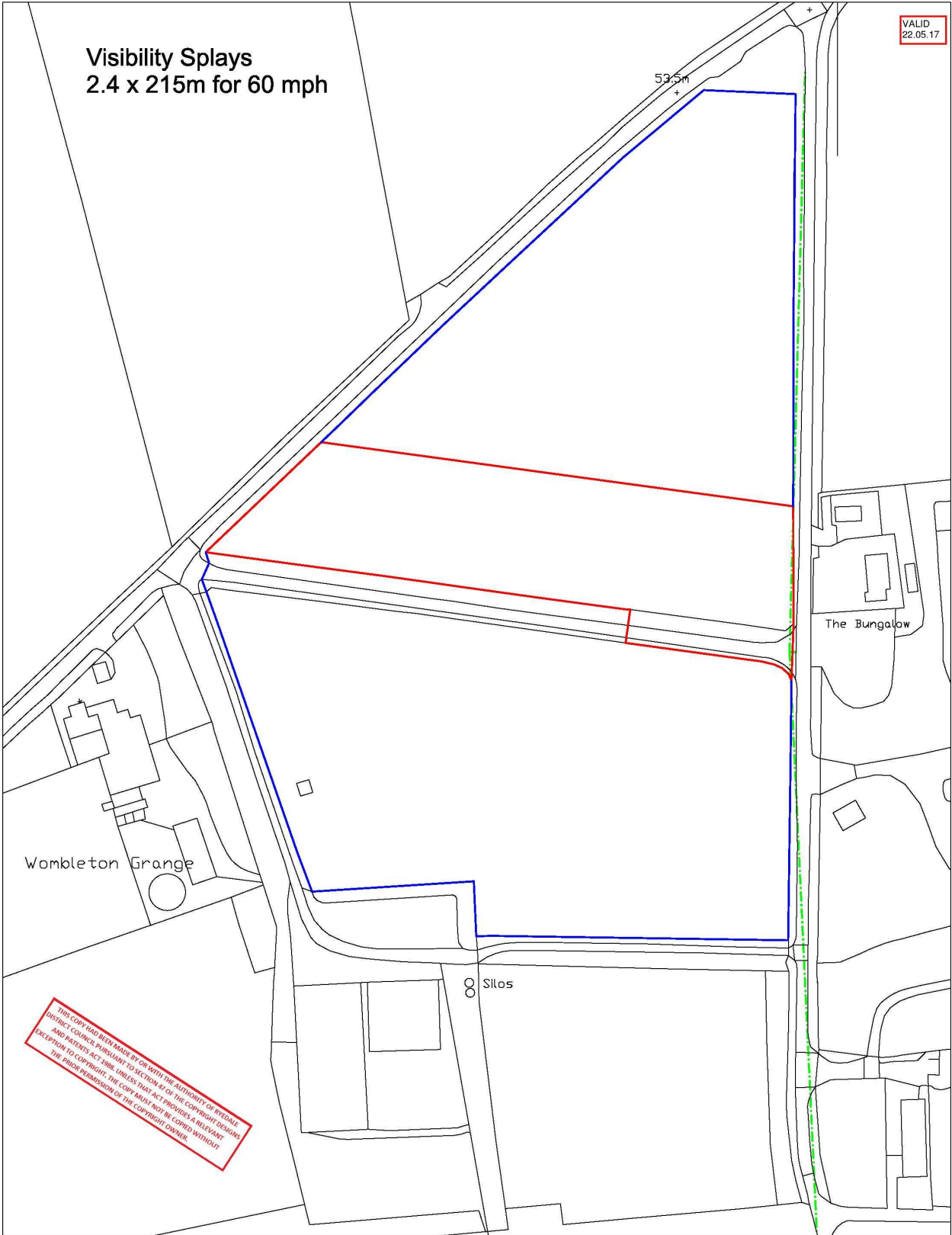


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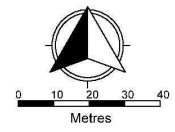
Visibility Splays 2.4 x 215m for 60 mph

59.5m



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Notes:
Visibility Splays 2.4m x 215m
both directions



Client: Herbert Pension Scheme

Title: Holiday Lodges - Land north-east of Wombleton Grange
The Airfield, Wombleton, YO62 7RY

Date: 5.4.17 Scale: 1:1250 @ A3 Drawing ref. W - WG - 1.0

Webster Associates
Chartered Town Planners
3 Spaldwick Road
Slow Longa
Huntingdon
Cams.
PE28 0TL Tel: 01480 860862

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<p>Notes:</p> <ul style="list-style-type: none">  Original tree planting  Existing expanded tree and hedgerow planting to supplement original tree planting  Proposed tree planting  Proposed native hedge 	 	<p>Client: Herbert Pension Scheme</p>	<p>Webster Associates Chartered Town Planners</p>	
		<p>Title: Holiday Lodges - Land north-east of Wombleton Grange The Airfield, Wombleton, YO62 7RY</p>	<p>3 Spaldwick Road Stow Longa Huntingdon Cambs. PE28 0TL</p>	
		<p>Date: 19.5.17</p>	<p>Scale: 1:500 @ A2</p>	<p>Drawing ref. W - WG - 1.1 - Rev A</p>
		<p>Tel: 01480 860862</p>		

Landscaping

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Proposed trees:

New tree planting of native species of local provenance will include a mixture of evergreen and deciduous trees and shrubs. The planting mix will include ferns, seeds and pollen-rich species to provide wildlife habitat and an important source of food.

A mixture of extra heavy standard and heavy standard trees and feathered whips will be planted, at spacings to suit the age and safety of use. The shrub under layer and mixed hedge will be planted at three number per meter square.

- pinus sylvestris Scots Pine
- betula pendula Silver Birch
- salix alba White Willow
- fraxinus excelsior Ash
- taxus baccata Common Yew
- chamaecyparis lawsoniana Lawsonian Cypress
- corvus avellana Hazel
- prunus serotina Blackthorn
- rosa canina Dog rose
- sambucus nigra Common Elder

New Screen planting:

Mixed species hedges of at least five different varieties as detailed below will be used throughout the site and these will also divide individual plots providing important infrastructure for the site and wildlife habitat as well as providing further screening of lodges:-

- crataegus monogyna Hawthorn
- prunus spinosa Blackthorn
- taxus baccata Yew
- corvus avellana Hazel
- ros canina Dog rose
- sambucus nigra Common Elder

The driveway to the lodges will be made of a porous surface using kerbside stone on concrete or similar approved. This will allow free drainage and help maintain the existing natural water table levels for the benefit of existing and newly planted trees. It will also minimise the visual impact of hard surfacing.

Parking bays will be sown with grass on Geotextile or similar approved on a consolidated base and will allow the occupants maximum flexibility to utilise the areas for their own needs.

Footpaths in the immediate area of the lodges will be constructed of natural sandstone paving flags.

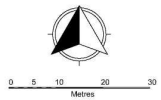
Existing intensive tree belt comprising of silver birch / white beam / sycamore and poplar trees (minimum of 6 metres wide). Former planting has occurred on site corners.

Screened brick store

Lighting:

External lighting will be in the form of low level bollard type lights located at the entrance of the guest drive. Low voltage lighting will also be attached to external faces of tree lodges.

- Notes:
- Original tree planting
 - Existing expanded tree and hedgerow planting to supplement original tree planting
 - Proposed tree planting
 - Proposed native hedge



Client: Herbert Pension Scheme

Title: Holiday Lodges - Land north-east of Wombleton Grange
The Airfield, Wombleton, YO62 7RY

Date: 19.5.17

Scale: 1:500 @ A2

Drawing ref. W - WG - 1.5 - Rev A

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Tel: 01480 860862

Type A: 2 bed single storey



Grand Floor

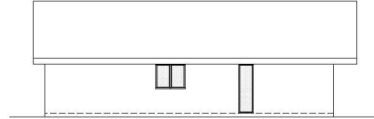


Roof Plan

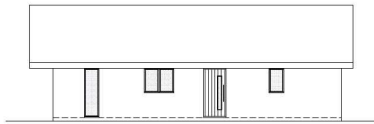
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Front Elevation



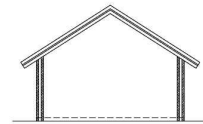
Side Elevation



Side Elevation



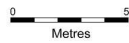
Rear Elevation



Section

Notes:

Wall: Cedar weatherboarding
Roof: Light weight roofing material e.g. Metrolite or Britmet - Grey coloured
Doors / Windows: Grey Aluminium



Client: Herbert Pension Scheme

Title: Holiday Lodges - Land north-east of Wombleton Grange
The Airfield, Wombleton, YO62 7RY

Date: 19.5.17

Scale: 1:100 @ A2

Drawing ref. W - WG - 1.2 - Rev A

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Type B: 3 bed single storey



Grand Floor

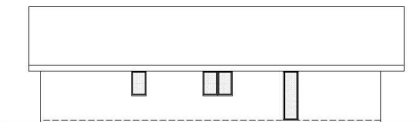
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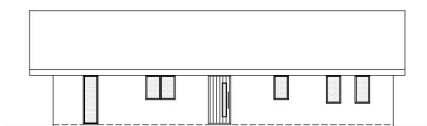
Roof Plan



Front Elevation



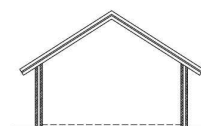
Side Elevation



Side Elevation



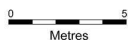
Rear Elevation



Section

Notes:

Wall: Cedar weatherboarding
 Roof: Light weight roofing material e.g. Metrotile or Britmet - Grey coloured
 Doors / Windows: Grey Aluminium



Client: Herbert Pension Scheme

Title: Holiday Lodges - Land north-east of Wombleton Grange
 The Airfield, Wombleton, YO62 7RY

Date: 19.5.17

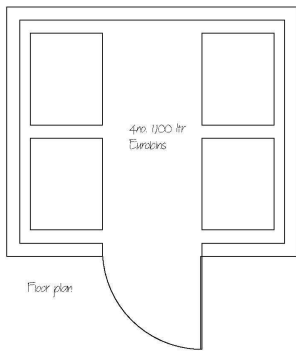
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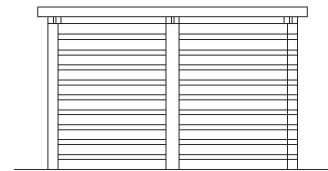
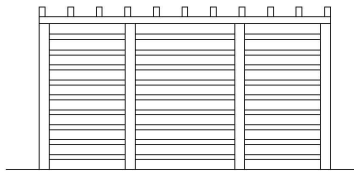
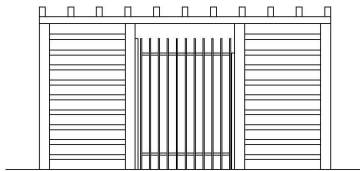
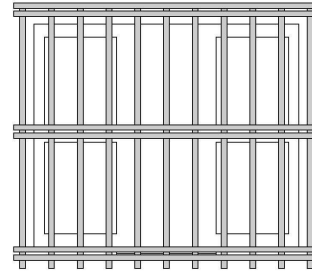
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Covered Wheelie Bin Store



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Notes:
Walls: Slatted timber cladding
Roof: Timber joists



Client: Herbert Pension Scheme

Title: Holiday Lodges - Land north-east of Wombledon Grange
The Airfield, Wombledon, YO62 7RY

Date: 5.4.17

Scale: 1:50 @ A3

Drawing ref: W - WG - 1.4

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Design, Access & Planning Statement

Planning Application for
the erection of 9 holiday
lodges, associated
parking facilities and
vehicular access

Land north-east of
Wombleton Grange
The Airfield
Wombleton
YO62 7RY

on behalf of the
Herbert Pension Scheme

Peter Webster BA (Hons) MRTPI
Webster Associates
3 Spaldwick Road
Stow Longa
Huntingdon, Cambs.
PE28 0TL

Tel: 01480 860862

1.0 Introduction

- 1.1 This Statement is submitted on behalf of the Herbert Pension Scheme, owners of the land in support of the planning application for the erection of 9 holiday lodges, associated parking facilities and vehicular access on the land.
- 1.2 The statement explores the site's development potential through the following topics to provide guidance principles on which to design the scheme:
 - Site context and analysis
 - Planning policy considerations
 - Constraints and Opportunities
 - The design solution
 - Sustainability issues

SITE CONTEXT AND ANALYSIS

2.0 The vision

- 2.1 The vision is to develop a small, yet high quality development of private holiday lodges to provide an ideal 'retreat' for those wishing to get away for a short or longer holiday break, in peaceful and attractive surroundings. The development will also provide for those seeking a greater degree of seclusion than that offered by other traditional caravan park developments and for those more interested in the attractions of the National Park and the nearby market towns and villages.
- 2.2 The development will also enhance the existing attractive rural setting, utilising existing and extensive new tree planting, to create a scenic and appealing woodland backdrop to the proposed development.
- 2.3 Research has confirmed that there is a growing trend for short breaks in rural locations as people seek to 'get away

from it all' for a few days. The proposed development will offer a sustainable and attractive rural holiday destination, whilst offering an opportunity to enable tourists from the UK and overseas to get closer to nature and contribute to the local economy.

3.0 The site and surroundings

- 3.1 The site is located 1.2km south of Wombelton village, 1.9km north-east of Harome village and is accessed by a private road leading from Moorfields Lane, which runs through to Common Lane the link road between the two villages. The larger settlements of Kirbymoorside, Helmsley and Pickering are 5.6km, 6.1km and 17km respectively from the site. The site is very near to the southern edge of the North York Moors National Park.



OS Map Extract showing Location of site

- 3.2 The application site lies immediately north-west of Wombelton Caravan Park, a long established holiday park.

Other residential properties are scattered in the locality, including Wombleton Grange farm and farmhouse to the southwest and The Bungalow to the east, along Moorfields Lane.

4.0 The application site

- 4.1 The application site is relatively flat and well screened from Common Lane (to the west) and Moorfields Lane (to the east) by mature trees and hedging, and has recently had an additional intensive tree belt planted around its entire periphery, comprising of silver birch / white beam / Scots pine and poplar trees, which will further screen the site. The new tree belt is 6 - 10 metres wide and is in addition to the existing hedge; denser planting has also occurred at the corners of the site.
- 4.2 The proposed area for development extends to circa 0.98ha, including the private access road.
- 4.3 The site was formerly part of the extensive WWII Royal Air Force Station Wombleton.



Aerial photograph with application site outlined in red
(Courtesy of Bing Maps)

5.0 The Proposal

- 5.1 Planning permission is sought for the use of the land for the siting of 9 luxury and environmentally friendly holiday lodges, based on a contemporary design and constructed from environmentally friendly materials.

Lodges:

- 5.2 Located in a loose circular cluster, each holiday lodge will be made available to rent or purchase, all of which will be restricted to holiday occupancy only - through the use of planning conditions. It is also proposed to encourage leasehold owners to rent their cabins out to other holidaymakers through a site rental scheme. The proposed timber clad lodges will be of the permanent structure type as opposed to those based on a caravan chassis.

Soft Landscaping:

- 5.3 One of the key aims of this development is to create a wooded environment for the enjoyment of visitors, neighbours and passersby and generally, to enhance the quality of the site within the local landscape. Therefore, the whole site including the existing and the recently established new boundary screening will be further enhanced with the addition of new soft landscaping works, plus new tree & shrub planting so as to mitigate any visual impact and maximise the natural attractiveness of the site. It is proposed to plant multiple new native trees (and it is estimated that these will be 4-5m tall when planted out, then 8-10m after 10 years and 12-15m after 30 years). On the basis that there are other wooded areas in the immediate vicinity, the act of encouraging new tree planting is not considered to be out of character with the local landscape.

Access:

- 5.4 The site is to be accessed using the existing private road entrance off Moorfields Lane. This currently provides access

to the site via a tarmac section of road and will continue to be used. A new internal site road constructed of permeable gravel will lead from the access road to individual lodges and their respective car parking spaces. Grass or natural stone paving access paths will be created from parking areas to the lodges.

Lighting:

- 5.5 External lighting will be in the form of low level bollard type lights located at the entrance of the gravel drive. Low voltage lighting will also be attached to external faces of the lodges. This ensures that the site retains a rural feel and minimises light pollution to neighbouring properties and the night sky. Restricting the amount of lighting also has benefits to the local wildlife that may otherwise be confused by new light sources.

Other Aspects:

- 5.6 Being a new development, there will also be opportunities for providing state of the art / best practice construction / site features including but not limited to the following:

- Disabled facilities (including ease of access to the lodges, parking spaces, path-finding & internal cabin accommodation layouts);
- Should the existing foul water sewer that runs along Common Lane not be accessible for any reason following further investigation, a mini packaged sewage treatment plant system will be installed on the site to provide for foul water drainage.
- Sustainable drainage schemes including the use of new water features to store excess surface water, such as rainwater tanks fitted to individual lodges to store and potentially reuse initial rainwater run-off;

• Sustainable construction methods (i.e. use of environmentally sustainable and/or recycled materials)

- On-site recycling.

6.0 Economic benefits

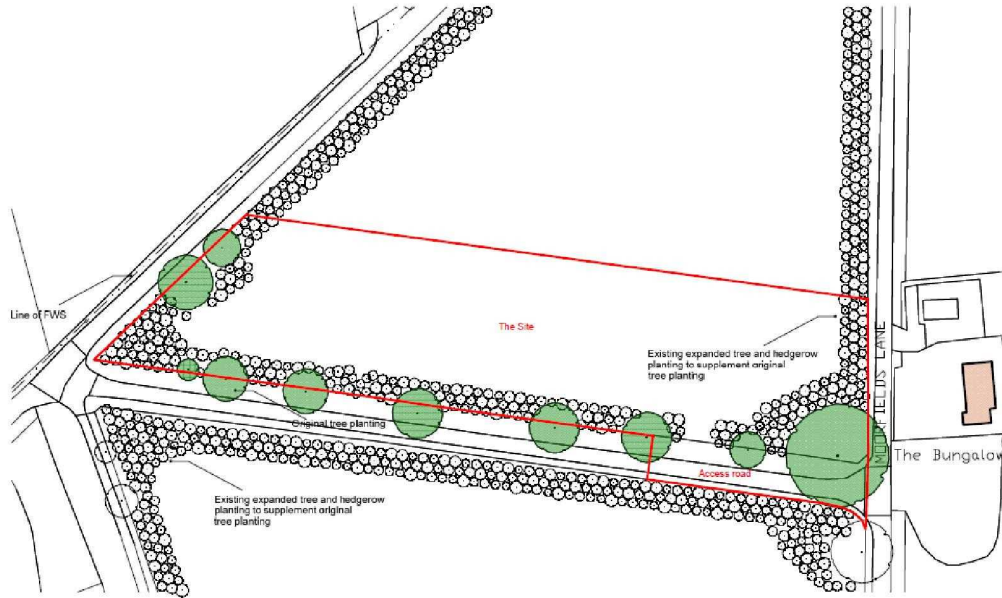
- 6.1 The development will generate additional visitor trips to the area, thereby injecting much needed business into the local economy. This is typically as a result of both direct spending on local goods and services by holiday makers and also through the provision of goods and services by the owners of accommodation in implementing and maintaining their property. This in turn may lead to the creation of jobs both directly and indirectly.

- 6.2 Jobs will be directly created during the construction phase with local labour being required for all types of trades associated with a construction project, from ground workers, through to builders, carpenters, roofers, plasterers and landscaping contractors, etc. Likewise, employees spending in local shops and with service providers enable another indirect stream of expenditure into the local economy.

7.0 Social benefits

- 7.1 A specialist development of holiday lodges will help to divert second home buyers from purchasing existing local housing stock, thereby easing housing pressures for local residents.

8.0 Site Analysis



9.0 Involvement

- 9.1 Given the small-scale nature of the proposal no initial discussions have been held regarding this proposal. Should it be necessary the applicant is willing to enter into discussions / consultation with interested third parties

10.0 Evaluation

- 10.1 Constraints and Opportunities - following the assessment of the site and its surroundings, as detailed above, a number of constraints and opportunities associated with the proposed development on the site have been identified. These are below:

Constraints

- Impact of development on the countryside
- Impact of development on nearby residential properties

Opportunities

- The responsible management of the countryside
- Creation of local jobs
- Provision of specialist tourism accommodation will divert second home buyers from purchasing existing local housing stock.
- Enhancements to existing landscape infrastructure
- Sustainability benefits of highly insulated cabins, sustainable drainage systems and potential for solar energy

11.0 Design Principles

- 11.1 The primary objective is to construct a development of holiday lodges, commensurate with the size of the site and its physical constraints, which will respect the character of the immediate surrounding area and wider countryside.

USE & AMOUNT

- 11.2 The proposed development seeks to create a small cluster of architecturally designed holiday lodges that provide accommodation for tourists and holiday makers visiting the area.
- 11.3 The intention is to construct 9 eco-friendly lodges with a mix of two and three bedroom units. These lodges can be purchased or rented by people looking to spend time in this rural setting.
- 11.4 All the units are for holiday purposes only. They shall not be occupied as a person's sole or main place of residence.
- 11.5 Occupancy levels will vary, depending on the number of holiday makers staying in each lodge and the number of units in use at any given time, but a theoretical maximum is in the order of 46 persons.

LAYOUT

- 11.6 The proposed siting of each of the holiday lodges is shown on the accompanying site layout plan. The units are located in a loose circular cluster north of the private access road, with extensive landscaping proposed between each lodge. A dense band of new tree and hedge planting will be located along the site's northern boundary, which will further enhance the screening of the site.
- 11.7 The layout is considered to make best use of the site, whilst at the same time respecting the physical constraints imposed on the site.

- 11.8 The separation distances between individual holiday lodges varies from 10 – 14 metres.

SCALE

- 11.9 The proposed lodges will be single storey only. Floor plans, elevations and sections of the proposed units are shown on the accompanying drawings. The 2 bedroom units will have a footprint of 12.3m x 6.3m and have a ridge height of 4.9m, whilst the 3 bedroom units have a footprint of 14.5m x 6.5m and have a ridge height of 5.0m. The overall height of the buildings has been kept as low as practically possible in order to keep any visual impact to a minimum.

APPEARANCE

- 11.10 The eco-lodges will resemble a traditional log cabin.
- 11.11 The new development has been designed to blend with the landscape and its setting. The walls will be clad with a natural timber finish (cedar) and the roofs covered with light weight roofing material e.g. Metrotile or Britmet. Windows will be double glazed aluminium (grey in colour) and doors will be timber framed with triple glazed panels. The choice of materials has been based on the need for both durability and sustainability.

LANDSCAPING

- 11.12 The landscaping of the site is vital to its success as a holiday destination. Changes to the existing physical landscape will be kept to a minimum.
- 11.13 As a rural retreat designed to provide a sense of peace and tranquillity, a strong planting scheme is to be incorporated. A mixture of tall trees to provide privacy and dense low level vegetation to soften the acoustic and visual context will be planted early on in the development. Planting comprising of native species will be established around each of the lodge units to screen each one from the neighbouring lodges.

Individual parking areas will be screened with hedging. Where required, hedging will also be established between the access track and other key areas.

- 11.14 The access track and parking areas will be constructed from locally sourced crushed limestone with a finish of fine granules and chippings. Grass margins will be maintained to the edges of the access track, as well as around the periphery of the site.

- 11.15 Landscaping details for the site are shown on the accompanying landscaping plan.

ACCESS

- 11.16 As described in preceding sections, the existing entrance to the site from the Moorfields Lane will be used for the vehicle and pedestrian access in and out of the site. No improvements to the junction are considered necessary. Visibility splays of 4.5m x 215m are achievable in both directions commensurate with a speed limit of 60 mph. The width of the tarmac private road varies between 4.5m – 5.5m.

- 11.17 The existing private road will be extended through the application site as appropriate. It will be constructed as detailed above to create a firm yet permeable route suitable for vehicles. The proposed holiday lodges will be accessible by vehicle, with parking provided in accordance with the relevant standards.

- 11.18 The route from the entrance through the site to the furthest extent has been design to allow emergency vehicles to reach all the key areas and buildings.

- 11.19 The proposed scheme will comply with Approved Document M (Access to and the Use of Buildings) of The Building Regulations 2000 as amended.

12.0 Planning Policy Considerations

12.1 The development plan for the area comprises of the policies of the Ryedale Plan Local Plan Strategy 2013. Additionally, the National Planning Policy Framework (NPPF) is an important material consideration in the determination of any applications.

Each of the relevant planning policies is considered below with a brief commentary on how the proposed schemes would comply with each.

12.2 *Policies of the Ryedale Plan Local Plan Strategy 2013:*

Policy SP8 Tourism
Requirements
The following types of tourist accommodation will be supported in the following locations: The wider open countryside: New touring caravan and camping sites and static caravan and chalet self-catering accommodation and extensions to existing facilities that can be accommodated without an unacceptable visual intrusion and impact on the character of the locality
Commentary
Holiday lodges fall within this definition and are therefore acceptable outside of defined settlement boundaries. The proposal is located near to an existing tourist attraction, Wombleton Caravan Park, and will help to provide needed tourist accommodation in the area. The development will provide both direct and indirect economic benefits to the wider area, as a result of spending on local goods and services by holiday makers and through the creation of employment opportunities during the construction phases, and also through the ongoing provision of services to the occupiers. The scheme is not considered to cause any significant detrimental harm to natural or community interests.

SP13 Landscapes
Requirements
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
Commentary
Care has been taken in the design, layout and landscaping proposals to avoid any significant impacts. The design of the single storey, timber clad lodges, screened by existing and proposed landscaping will not detract from the character of the area. Direct access to the site from Moorfields Lane already exists. Local services and infrastructure are readily available.

SP16 Design
Requirements
Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which: <ul style="list-style-type: none"> • 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
Commentary
Based on the accompanying site layout, it is considered that the proposed development will not have any significant adverse impact on its surroundings. The holiday lodges are of a scale and design that relates well to a rural setting. Existing and proposed landscaping and tree belts will screen the site from public places. Separation distances between the proposed lodges and existing nearby dwellings, together with the single storey design of the lodges, is sufficient so not to cause demonstrable overlooking, overshadowing, or noise related issues. As such the residential amenity of neighbouring properties is preserved. The site relates well to the local highway and public transport networks, which are found in Wombleton Village.

SP20 Generic Development Management Issues
Requirements
Character: New development will respect the character and context of the immediate locality.
Design: The design of new development will follow the principles established in Policy SP16.
Access, Parking and Servicing: Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists
Commentary
It is considered that due to the detailed site layout, together with the existing and proposed extensive landscaping that the proposal respects the character of this open countryside location. The design, scale and appearance of the single storey, timber lodges will enable them to blend with the landscape and the immediate setting. Safe access and parking for the proposed 9 lodges is attainable, without undue detriment to other road users.

SP21 Occupancy Restrictions
Requirements
Time-Limited Occupation: New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions:
<ul style="list-style-type: none"> The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and It shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days; and The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request
Commentary
The applicant is agreeable to such a condition being imposed.

12.3 *The National Planning Policy Framework (NPPF) is also a material consideration in planning decisions.*

Paragraph 14
Requirements
Indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.
Commentary

Paragraph 17
Requirements
Overarching role of the planning system sets out 12 principles of planning including sustainable economic development, high quality design, and making fullest use of public transport, cycling and walking.
Commentary
The relevant principles have been taken into account in the preparation of this scheme.

Paragraph 19
Requirements
Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth.
Commentary
The proposed development is considered to be sustainable in terms of location and transport options, design and ability to enhance biodiversity, economic benefits to local economy and wider community benefits arising from the scheme.

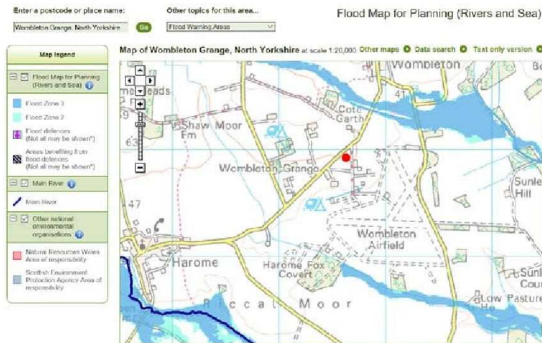
Paragraph 28
Requirements
Section 3 (paragraph 28) of the NPPF states that planning policies should support economic growth in rural areas, in order to create jobs and prosperity, by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas and communities provided that they 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.
Commentary

Paragraph 56
Requirements
Sets out the importance of good design and underlines how good design is indivisible from good planning and sustainable development.
Commentary
The design of the single storey holiday lodges and use of appropriate materials is consistent with the site's rural location and as such will not detract from the character of the area.

Paragraph 186 & 187
Requirements
In paragraphs 186 & 187 the Government encourages LPAs to be positive in decision taking to foster the delivery of sustainable development. They should seek to approve such applications where possible and look for solutions rather than problems. LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
Commentary

13.0 Flood Risk Assessment

- 13.1 The site is located in Flood Zone 1 and as it is less than 1ha in size as such no Flood Risk Statement will be submitted as part of the planning application, since the site is not considered to be at risk from fluvial flooding.



14.0 Foul Sewage & Utilities

- 14.1 A mains water supply currently runs through the site and can be extended into the application site during the construction phase to provide water to each of the holiday lodges.
- 14.2 Foul water will discharge into the existing sewer that runs along Common Lane. Following further investigation should this existing foul water sewer not be accessible for any reason a mini packaged sewage treatment plant system will be installed on the site to provide for foul water drainage.

- 14.3 Surface water will drain into soakaways. A water butt(s) will be provided to each holiday lodge to aid water conservation and reduce water consumption.
- 14.4 The overhead electricity transformer located on the southern section of the site will be used to supply the lodges.
- 14.5 All proposed drainage and utilities will be designed and installed to meet the latest Buildings Regulations.

15.0 Conclusion

- 15.1 In addition to the benefits discussed above, it is considered that this planning application for the siting of 9 holiday lodges is acceptable for the following reasons:

(1) The Promotion of Tourism

The provision of good quality tourist accommodation is a desirable objective and will foster and encourage tourism in this part of North Yorkshire.

(2) Assisting Local Businesses

A holiday scheme in this locality will inject much needed business into the local economy and bring additional trade to the shops and other businesses in and around local and wider area. This will be as a result of both direct spending on local goods and services by holiday makers, but also through the provision of goods and services by the owners of accommodation maintaining the properties; notwithstanding the expenditure incurred during the construction phase. All of which in turn may lead to the creation of jobs both directly and indirectly.

(3) Limited Visual Impact

The proposed holiday lodges are to be single storey in height and clad in timber. The development will be screened by both the existing and proposed peripheral tree planting to provide privacy and dense low level vegetation to soften the individual units. It is considered that the small scale nature of the proposal coupled with the screening proposed will not result in any detriment to the character of the local landscape or adjoining properties.

- 15.2 This planning application, together with the accompanying supporting documentation, sets out a comprehensive approach to the development of this site. An opportunity has been taken to provide a scheme which responds well to the site circumstances and suitably enhances the character and appearance of the surrounding area.
- 15.3 The development represents a design-led bespoke project, which deals sensitively in terms of its response to the constraints of the site. The approval of this application would accord with the policies of the development plan and with national planning policies.
- 15.4 Given all of the above it is considered that the proposed development will have no demonstrable harm to the amenity of any neighbouring occupiers or the wider surrounding area.

16.0 Conditions

- 16.1 Should this application be considered acceptable, then the applicant would be happy to discuss the wording of any planning conditions that the Local Planning authority may consider necessary, prior to the issuing of the decision notice or the consideration of the application at Planning Committee.
- 16.2 Notwithstanding the above, we feel that the following conditions are particularly relevant and should be imposed to control occupancy of these holiday homes.
1. the lodges shall be occupied for holiday purposes only;
 2. the lodges shall not be occupied as a person's sole, or main place of residence;
 3. no stay must exceed 31 days; and
 4. the operators of the lodges shall maintain an up-to date register of the names of all visiting occupiers of individual lodges on the site with their main home address and shall make this information available at all reasonable time to the local planning authority.
- 16.3 It is requested that no planning restrictions are placed on the length of the operating season.

Peter Webster BA (Hons) MRTPI

April 2017

WEBSTER ASSOCIATES

TOWN PLANNERS, DEVELOPMENT CONSULTANTS, LAND AGENTS

P.M. Webster BA (Hons) M.R.T.P.I. B.J. Webster

TREE / HEDGE PLANTING SPECIFICATION

Erection of 9 holiday lodges, associated parking facilities and vehicular access Land northeast of Wombleton Grange, The Airfield, Wombleton, YO62 7RY

The landscaping proposals are as defined on Drawing ref. W - WG - 1.5

Proposed trees:

New tree planting of native species of local provenance will include a mixture of evergreen and deciduous trees and shrubs; the planting mix will include berry, seed and pollen-rich species to provide wildlife habitat and an important source of food.

A mixture of extra heavy standard and heavy standard trees and feathered whips will be planted, at spacings to suit the size and variety of tree.

Tree plant schedule to include:

pinus sylvestris Scots Pine
betula pendula Silver Birch
sorbus aucuparia Rowan
prunus avium Wild Cherry
fraxinus excelsior Ash
ilex aquifolium Holly
crataegus monogyna Hawthorn
corylus avellana Hazel
prunus spinosa Blackthorn
rosa canina Dog rose
sambucus nigra Common Elder

New Hedge / Screen planting:

Mixed species hedges of at least five different varieties as detailed below will be used throughout the site and these will also divide individual plots providing important infrastructure for the site and wildlife habitat as well as providing further screening of lodges:-

40%	Hawthorn	Crataegus monogyna
20%	Blackthorn	Prunus spinosa
5%	Field Maple	Acer campestre
5%	Buckthorn	Rhamnus catharticus
5%	Guelder Rose	Viburnum opulus
5%	Dog Rose	Rosa canina
5%	Spindle	Euonymus europaeus
5%	Wild Privet	Ligustrum vulgare
5%	Hazel	Corylus avellana
5%	Dogwood	Cornus sanguinea

All plants used will be good quality bare-root stock (generally 2 year transplants or roottrainers), native to Britain. All plants will be protected by a 0.6 m green mesh shelter and stake, as appropriate to cope with rabbit damage.

Planting to be at 0.5m gaps between double staggered rows.

3 Spaldwick Road, Stow Longa, Huntingdon, Cambs, PE28 0TL

Tel / Fax: 01480 860862

VAT registration No. 638 5312 33

SPECIFICATION FOR SOFT LANDSCAPE

1.0 PRELIMINARIES

1.1 All materials and workmanship must comply with the relevant British Standards and recognised Codes of Practice for the landscape industry.

1.2 The contractor will be deemed to have visited the site and to have carried out any investigations necessary on all conditions affecting the work, as no claim on the grounds of lack of knowledge will be entertained.

1.3 Before commencing the works the contractor will inform the Landscape Architect of his timetable of operations, and shall continue to contact them to inform of variations.

1.4 The contractor will be held responsible for any damage to trees, shrubs or hedges caused by his negligence. In the case of minor superficial damage, the contractor shall arrange for any necessary surgery to be carried out by an approved tree surgeon. Should damage to any tree, shrub or hedge result in its death or serious disfigurement it shall be removed and replaced as the Landscape Architect may direct, to give the same density of cover as previously. All costs at contractors own expense.

1.5 The contractor shall protect all pipes, ducts, sewers, service mains etc, and make good at his own expense any damage caused by carrying out the works. Notwithstanding information which the Landscape Architect may make available to the contractor regarding the position of the existing services, it shall be the responsibility of the contractor to satisfy himself as to their accurate location and condition.

1.6 The contractor must take adequate precautions to ensure protection of streams and waterways from pollution caused by carrying out the works.

1.7 The contractor shall take all necessary measure to protect the work handed over on completion.

2.0 SPECIFICATION

2.1 GENERAL CLAUSES

2.1.1 All plants supplied by the contractor shall be obtained from a reputable nursery. Before stock is purchased the Landscape Architect reserves the right to inspect the nursery or to approve samples. All material supplied will be similar in size and quality to the approved samples and in accordance with the relevant parts of BS 3936.

2.1.2. The contractor is to ensure that all plant material is to be handled in accordance with the Plant Handling Code, from collection at the nursery to planting on site.

2.1.3. All areas to be grassed or planted will be roughly graded and topsoiled by the main contractor, with a minimum depth of soil of 600mm-1000mm to trees, 600mm for shrubs and 450mm for grass. Topsoil shall be supplied and handled in accordance with BS 3882.

2.1.4 The main contractor will also carry out ripping of subsoil to relieve compaction and allow free drainage. The existing ground levels within an area up to 3m beyond the branch spread of existing trees shall not be varied. The landscape contractor is to satisfy himself that the soil levels and quality are adequate before work commences.

2.1.5 Attention must be paid to watering, particularly to containerised material before, during and after planting and to grassed areas, notwithstanding any restrictions by the Statutory Authorities on the use of water for plants which may prevail at the time.

2.2 GRASSED AREAS

2.2.1 All topsoil areas including undisturbed ground to be grassed shall be cleared of weeds and rubbish then rotavated to a depth of 100mm, cross harrowed with a chain harrow to produce a fine tilth and consolidated lightly with a Cambridge roller and all stones removed from the surface. Do not carry out ploughing, ripping or tipping of soil within the branch spread of existing trees and hedges.

2.2.2 Unless otherwise stated, finished levels of grassed areas shall be 50mm above adjoining paving or

kerb levels, 150mm below the damp proof course of adjoining buildings and married in with previous soil levels adjoining existing trees and shrubs. Levels shall be arranged to give gentle falls for drainage and any hollows developing after completion of cultivation shall be made good. The finished surface shall have a smooth and even fall.

2.2.3 The contractor shall supply and spread a pre-germination fertiliser (for turfed areas only) at the manufacturers recommended rate and method. The Landscape Contractor reserves the right to inspect and approve cultivations before turfing is carried out, and the contractor is to supply a certificate of analysis if required.

2.2.4 If necessary, an approved herbicide shall be applied to the topsoiled areas in accordance with the manufacturer's instructions.

2.2.5 The contractor shall supply turf in accordance with BS 3969.

2.2.6 Turves from the stack should be wheeled to turf layers on planks laid closely side by side. Adequate planks should be provided to support workmen and barrows and provide access. Turves should be laid on the prepared soil bed and firmed into position in consecutive rows with broken joints closely butted and to the correct levels. The turves should be laid off planks working over previously laid turf. Where necessary the turves should be lightly and evenly firmed with wooden beaters. A dressing of fine sandy soil should be applied and brushed into the joints. Any inequalities in finished levels due to variations in turf thickness or uneven consolidation of soil should be adjusted by raking and packing fine soil under the turf. A roller should not be used. Turf edges and margins should be laid with whole turves. The Landscape Architect reserves the right to suspend turfing operations when weather conditions are considered unsuitable. If shrinkage occurs, fine sandy topsoil shall be brushed in the joints and well watered.

2.2.7 Banks exceeding 30 degree slope; lay turves diagonally or horizontally and secure with pointed softwood pegs, 25mm square and 200mm long. Remove pegs when turf is established.

2.2.8 The specified grass seed shall be applied in accordance with the manufacturer's instructions and when weather and soil conditions are suitable.

2.2.9 All necessary watering is to be carried out with oscillating sprays or sprinklers to avoid washing soil from joints.

2.2.10 The contractor is to carry out the first cut of turfed and grassed areas, not allowing for any future maintenance which may be agreed.

2.2.11 The contractor shall make good, at his own expense, all areas of grass which fail to establish, other than where failure is due to vandalism, and for making good depressions and sinkages which appear in the first twelve months.

2.3 PLANTING GENERALLY

2.3.1 Planting areas shall be pegged out in accordance with the planting plans, using figured dimensions if given, or otherwise scaled dimensions.

2.3.2 Where the shrub beds are weedy, the beds will be hand weeded and rubbish removed.

2.3.3 On newly topsoiled areas or undisturbed ground, beds shall be dug by hand or cultivated by machine to a depth of 300mm. Break down all lumps, fork and rake, collect and remove from site all weeds and debris to a cambered surface 50mm below surrounding levels. Well rotted farmyard manure or other approved organic material shall be spread at a rate of 1m³ per 20m² and thoroughly incorporated.

2.3.4 Any additional topsoil required for making up levels and backfilling shall be free from weeds, roots and stones over 50mm diameter, and shall conform to BS 3882.

2.3.5 Planting shall be carried out in the correct season and weather conditions as BS 4428, 8.2. The Landscape Architect reserves the right to suspend planting when the ground is frozen or waterlogged.

2.3.6 If specified the contractor shall supply and erect a 1.2m high cleft chestnut pale fence to BS 1722 part 4, to all exposed edges of shrub planting as indicated on the planting plans.

2.4 TREES

2.4.1 Tree stakes shall be set out on site according to the plan and approved by the agent to avoid damage to drainage and service runs. The Landscape Architect also reserves the right to adjust the exact position of the trees.

2.4.2 Tree pits shall be 600mm x 600mm square and 600mm deep for feathered or half-standard trees, and 1000mm x 1000mm square and 1000mm deep larger trees. The bottom of the pits shall be broken up to 150mm deep and backfilled with 50% Fisons Tree Planting Compost and 50% site topsoil. Planting shall be in accordance with BS 4428, 7.6 and 7.7.

2.4.3 Stakes shall be straight, pointed softwood stakes, 75mm diameter maximum.

- i) Feathered trees up to 1.5m shall be unstaked.
- ii) Feathered and ½ standard trees up to 1.8m high, shall have one stake 600mm below ground level and 300mm above ground.
- iii) Standard trees, girth 8-10cm, height 2.75-3m, shall have one stake 600mm below ground level and 300mm above ground.
- iv) Selected standard trees, girth 10-12cm, height 3-3.5m, shall have one stake 600mm below ground level and 102m above ground level.
- v) Heavy standard and Extra Heavy Standard trees shall have two stakes, 1.8m above ground level and 600mm below ground.

2.4.4 Toms rubber tree ties or other approved ties shall be fixed, 50mm down from the top of the stake, two ties to heavy standard trees, and one tie to others.

2.4.5 The contractor shall apply 100mg of Enmag around the base of each tree, immediately after planting.

2.4.6 Where trees are planted in grass they are to have an area of 500mm diameter around the base free of grass and weeds, and mulched as the shrub bed specification.

2.5 SHRUBS

2.5.1 Shrubs shall be set out in accordance with the planting drawing at uniform densities, and planted as detailed in BS 4428, 8.5.1.

2.5.2 Climbing plants shall be planted in pits 600x600x450mm deep and backfilled with topsoil. Self-clinging climbers should have the supporting cane removed. Climbers requiring support should have the cane retained or have shoots fanned out and tie to supports or wires with soft rot proof twine.

2.5.3 Herbaceous plants shall be set out in accordance with the planting plan, and planted with a hand trowel, carefully fuming the roots.

2.5.4 The contractor is to apply 25gm of Enmag around the base of each plant immediately after planting.

2.5.5 Shrub beds are to be covered with a minimum of 75mm mulch immediately after fertilising. Soil to be covered must be moist and if not, should be thoroughly saturated with water before mulching. The bark must have been stacked for an appropriate period to allow toxic tanins to break down. The mulch must not contain wood strips or peelings and must be of a uniform colour. A sample must be submitted for the approval of the Landscape Architect if requested, prior to delivery on site.

2.6 BULBS

2.6.1 Bulbs shall be thrown on the ground in loose drifts to ensure natural spacing and carefully planted where they fall with a hand trowel or bulb planter to a depth of at least twice their height and in accordance with BS 4428, 8.5.4.

3.0 AFTERCARE

3.1 The following schedule of maintenance operations shall be carried out during the establishment period:

- Weed control - 6 visits per growing season using hand and/or chemical weeding to keep weed free at all times.
- Check and re-firm plants each visit
- Selective pruning - 1 visit per year
- Hard cutting back - 1 visit per year
- Trimming- continuous.
- Check and adjust tree stakes and ties- 3 visits per year.
- Watering as necessary and where practicable.
- Selective treatment of any pests and diseases as necessary and appropriate.
- Reinstatement of all losses at the end of the first growing season.
- Apply 50mm depth of bark mulch to all tree pits, shrub beds and hedge trenches at end of first growing season.

3.2 Plant Replacements and Hand Over to Long Term Maintenance

3.3 Prior to the end of the Defects Liability Period all plant losses will be reinstated using stock of equal quality to that originally specified. Thereafter there will be an annual inspection of planting and beating up where required for a further 4 years.

3.4 At the end of the establishment maintenance period and prior to hand over to the factor who will be charged with on-going maintenance, all defects which have been made good and all soft and hard landscape areas will be in a neat and tidy condition. Trees, hedges and shrub beds will be free of all weeds and litter. Staked trees will have been inspected and ties adjusted as appropriate and any minor damage to branches neatly pruned. Grass areas will be neatly mown and edged and will have good even grass cover free from annual and perennial weeds.

ADDITIONAL SPECIFICATION FOR THE PLANTING OF HEAVY STANDARD AND EXTRA HEAVY STANDARD TREES

Plant handling, storage and transport

Lifting, packaging and transporting shall be to CPSE (Committee for Plant Supply and Establishment) 'Handling and establishing landscape plants' (obtainable from the Horticultural Trades Association) Part I, Part II, and part III, paragraphs 1.3.3 to 1.3.6., 3.0 & 4.0. with the following additional conditions.

- (i) Trees shall only be lifted from nursery lines between mid-October to mid-March.
- (ii) Trees shall be lifted in such a manner as to avoid damage to the roots, stem and shoot system.
- (vi) Standard material from 2.25 - 2.75 m. in height shall be protected and labelled, encased and labelled as in (iv).
- (vii) Standard material in excess of 2.65 m shall be individually packed and protected, encased and labelled as in (iv).

Planting pits

The preparation of planting pits is to be carried out only during periods of suitable weather. All trees and shrubs are to be planted in pits, the sizes of which are specified below.

	Diameter (mm)	Depth (mm)
Standard	600 x 600	600
Extra Heavy Standard	1000 x 1000	750

Tree pit sizes should be increased where necessary to ensure pits are at least 300mm wider and 75mm deeper than the tree root system when fully spread. Fork over the bottom of tree pits to a depth of 225mm and leave slightly domed to assist drainage. Roughen any smooth sides to pits. Topsoil excavated from planting pits is to be mixed with compost and used for backfilling. Any subsoil excavated is to be removed from site to an approved landfill site.

- (a) Standard and selected standard tree pits:

Excavate pit 1 m. x 1 m. x 0.66 m. deep below lowest adjacent site levels. Break up the soil forming the base of the pit to a depth of 150 mm. Refill pit with topsoil mixed with 80 litres of tree planting compost

to be provided by the Contractor, and lightly firm by treading. Sufficient topsoil/compost mixture shall be returned to the pit to raise the surface level to a minimum of 75 mm. and a maximum of 150 mm. above adjacent surface levels.

(b) Extra Heavy Standard tree pits

Over the area of each planting pit, remove all turf to one side for re-use. Excavate pit 1 m. x 1 m. x 1 m. deep below lowest adjacent site levels. Break up the soil forming the base of the pit to a depth of 150 mm. Refill pit with topsoil mixed with 100 litres of tree planting compost to be provided by the Contractor, and lightly firm by treading. Sufficient topsoil/compost mixture shall be returned to the pit to raise the surface level to a minimum of 75 mm. and a maximum of 150 mm. above adjacent surface levels.

Staking trees:

Standard trees shall be supplied with one tree stake. The overall length of the stake shall be sufficient to ensure that they are firm when driven into the soil and that the top of the stake extends above ground level to approximately one third of the tree's height. Stakes are to be hammered into the ground before the tree is positioned in the pit. Stakes shall be whole sections of softwood timber 50 mm. to 75 mm. top diameter, peeled and pressure treated in accordance with BS 4072. Ties shall be of a type approved by the Employer. One tree tie shall be positioned approximately 50 mm. from the top of the stake to hold the tree, ensuring that tree and stake do not touch in any place.

Heavy standard trees shall be provided with two tree stakes. The overall length of the stakes shall be sufficient to ensure that they are firm when driven into the soil and that the top of the stake extends above ground level to approximately one third of the tree's height. Stakes are to be hammered into the ground before the tree is positioned in the pit. Each stake shall be whole sections of softwood timber of 75 mm top diameter, peeled and pressure treated in accordance with BS 4072. A 100mm x 30mm section cross spar shall be fixed to the posts with galvanised nails. Ties shall be of a type approved by the Employer. One tree tie shall be a rubber strap overlapped and fixed to the timber cross spar by galvanised clout nails. A rubber collar shall ensure that tree and stake do not touch in any place.

**Whitcher Wildlife Ltd.
Ecological Consultants.**



COMMON LANE, WOMBLETON.

OS REF: SE 66584 82833.

EXTENDED PHASE I HABITAT SURVEY.

Ref No:- 170237.

Date:- 24th February 2017.

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1. INTRODUCTION.

1.1. There are proposed plans to develop two fields to the east of Common Lane at Wombleton north of York and to put a number of log cabins in each field.

1.2. Whitcher Wildlife Ltd has been commissioned to carry out an Extended Phase I Habitat Survey of the site to establish whether there are any issues that may affect the proposed works.

1.3. The site survey was carried out on 23rd February 2017 and this report outlines the findings of that survey and makes appropriate recommendations.

1.4. Appendices I to IV of this report provide additional information on specific species and are designed to assist the reader in understanding the contents of this report.

2. SURVEY METHODOLOGY.

2.1. Prior to visiting the site the survey area was cross referenced to maps and aerial photographs to give a general idea of the habitats and potential issues within the area and to identify potential access and walking routes.

2.2. The survey area was walked where access was agreed and public rights of way were used where no access was agreed. All habitats within and immediately around the survey area were documented and the dominant species within that habitat listed in line with the JNCC Handbook for Phase 1 Habitat surveys.

2.3. The survey area and immediate surrounding area was thoroughly searched for evidence of badger (*Meles meles*) activity by looking for the following signs in line with Harris S, Cresswell P and Jefferies D (1989). *Surveying Badgers*. Mammal Society:-

- * Badger setts.
- * Badger latrines or dung pits.
- * Badger snuffle holes and evidence of foraging.
- * Badger paths.
- * Badger prints in areas of soft mud.
- * Badger hairs caught on fencing.

2.4. The survey area was searched for watercourses and where found all watercourses within the survey area and for approximately 50m in each direction were thoroughly searched for evidence of water vole (*Arvicola amphibius*) activity by looking for the following signs, in line with Rob Strachan, Tom Moorhouse and Meryll Gelling (2011). *Water Vole Handbook: Third Edition*:-

- * Water vole burrows.
- * Water vole faeces and latrines.
- * Water vole feeding stations.
- * Water vole runs.
- * Water vole prints in areas of soft mud.
- * Water vole lawns.
- * Predator field signs.

2.5. The survey area was searched for watercourses and where found all watercourses within the survey area and for approximately 50m in each direction were thoroughly searched for evidence of otter (*Lutra lutra*) activity by looking for the following signs in line with the P Chanin (2003). *Monitoring the Otter and Conserving Natura 2000 Rivers: Monitoring Series No10 Guidelines:-*

- * Otter prints in soft mud.
- * Otter spraints.
- * Otter Holts.

2.6. The survey area was searched for watercourses and waterbodies. Where found, and where safe to enter the water, all were thoroughly searched for the presence of crayfish, for approximately 50m in each direction of the site, by searching under rocks and logs. Where stated, crayfish traps were also deployed into the watercourse. All survey work was carried out in accordance with the *Conserving Natural 2000 Rivers Monitoring Series No 1, Protocol for Monitoring the White Clawed Crayfish*.

2.7. The survey area was searched for mature trees and derelict buildings and where found these were checked for potential bat roosting sites in line with Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition)* by looking for the following signs:-

- * Holes, cracks or crevices.
- * Bat Droppings.

2.8. The land immediately adjacent to the survey area was assessed for bat roosting potential and bat foraging potential. Connective routes and flight lines were also assessed whilst on site and using maps of the area.

2.9. The area within 500m of the survey site was cross referenced to maps to highlight all ponds close to the site. Where possible, all ponds identified were accessed using agreed access or public rights of way to assess the potential for great crested newts (*Triturus cristatus*) to be present.

2.10. The survey area was assessed for the potential for reptiles and suitable reptile habitats. Where applicable the area was also searched for the presence of reptiles.

2.11. Where appropriate, the habitat within and surrounding the survey area was searched for species such as hazel, oak, honeysuckle, bramble and other species which may provide potential habitat for hazel dormice (*Muscardinus avellanarius*). Field signs such as feeding remains and nests were also searched for where possible,

in line with P Bright, P Morris and T Mitchell-Jones *The Dormouse Conservation Handbook 2nd Edition*.

2.12. Where appropriate, the area within and surrounding the survey area was assessed for its potential to house habitat for red squirrels. Field signs of red squirrels were searched for at least every 50m, looking for any dreys, feeding signs or sightings of red squirrels.

2.13. All surveys were carried out in line with the Chartered Institute of Ecological and Environmental Management (CIEEM) survey standards and advice.

2.14. This survey was carried out by Jenny Whitcher Roebuck MCIEEM. Since 2001 Jenny has had experience in a professional capacity as a Wildlife Consultant carrying out Ecology Surveys and Phase 1 Habitat surveys. Jenny holds Natural England Survey Licences in respect of bats, great crested newts, crayfish and barn owls, NRW and SNH Survey Licences in respect of bats and great crested newts. She has also successfully completed a number of courses run by the Chartered Institute of Ecology and Environmental Management (CIEEM), the Bat Conservation Trust (BCT) and the Field Studies Council (FSC) in the relative protected species, plant species and in carrying out Phase 1 Habitat Surveys. As a full member of CIEEM she is committed to continuous professional development, a continual process of learning and career development, a condition of CIEEM membership.

3. SURVEY RESULTS.

3.1. Data Search Results.

3.1.1. A desktop data search was requested from North and East Yorkshire Ecological Data Centre for records of protected species and designated sites within 2km of the survey area.

3.1.2. There are two record of barn owls from 2014 and 2015, both records are at Wombleton at the property to the east of the survey area. There is no information on this record, whether the owls were seen flying or are nesting on the property.

3.1.3. There are records of otter over 2km to the southwest of the site from 1997 and records of otters over 2km to the north from 2002.

3.1.4. There are two records of pipistrelle bats, one record from 2003 located 2km to the southwest of the site and one from between 1979 and 1989 with no specific location for the record.

3.1.5. There is one record of badgers from 2000 located 2km to the north of the site.

3.1.6. There are no records of protected species specific to the survey area.

3.1.7. There are no records of designated sites within or surrounding the survey area. The nearest site is the River Riccal Local Wildlife Site located 1.85km to the south of the survey area.

3.1.8. The full data search results are available on request.

3.2. The Surveyed Area.

3.2.1. The survey area is two fields on the east of Common Lane in Wombleton. Both fields have been grazing fields but there are no longer animals grazing these fields.



3.3. Description of Habitats.

3.3.1. Appendix V of this report contains annotated maps marked up with the varying habitats that are cross referenced to target notes in Appendix VI of this report. The habitats on and adjacent to the site are:-

- Improved grassland
- Woodland Plantation Mixed
- Hedgerow, Defunct, Species Poor
- Hedge and trees, Species Poor
- Standing Water
- Bare Ground
- Building
- Fence
- Other

3.3.2. Improved grassland

3.3.2.1. The main area of the site is two large fields separated by a concrete road and field boundaries. Both fields were grazing fields and have the same species of short vegetation growing. The fields are very wet due to recent heavy rainfall.

3.3.2.2. The main species present are perennial rye grass (*Lolium perenne*), Yorkshire fog (*Holcus lanatus*) and crested dogs tail (*Cynosurus cristatus*) with an abundance of creeping buttercup (*Ranunculus Repens*). Other species present are dock (*Rumex acetosella*), thistle (*Cirsium sp(p)*), clover (*Trifolium repens*), ribwort plantain (*Plantago lanceolata*), greater plantain (*Plantago major*) and hairy bittercress (*Cardamine hirsuta*).

3.3.2.3. Both fields have recently had a margin of young trees planted around the edges leaving one gap in each field for access.

3.3.2.4. Across the western side of the southern field, extending from north to south, there is a what appears to be a rubble filled drainage channel which has been in place for some time as there is soil and herbs growing in this channel.

3.3.2.5. Photograph looking north across the northern field, taken from the muddy field entrance.



3.3.2.6. Photograph looking east across the southern field.



3.3.3. Woodland Plantation Mixed

3.3.3.1. There is a wide margin of young trees that has been recently planted around the edges of each of the fields. These are mixed deciduous and coniferous trees, including silver birch (*Betula pendula*), white beam (*Sorbus aria*), hybrid poplar (*Polar 'Tricobelle'*) and oak (*Quercus sp(p)*). The conifers planted appear to be a spruce species but the trees are very young and newly planted and identification was difficult.

3.3.3.2. The two photographs below shows this margin of trees.



3.3.4. Hedgerow, Defunct, Species Poor

3.3.4.1. There are hedgerows around most of the boundaries of both fields. These hedgerows are defunct as on their own they are no stock proof. Hedgerows around the eastern boundary of the northern field and around the northern boundary of the southern field are included in this habitat. These hedgerows are dominated by hawthorn (*Crataegus monogyna*) with sapling ash (*Fraxinus excelsior*), occasional sapling oak (*Quercus sp(p)*) and some ivy (*Hedera helix*) present. There is little understory below these hedgerows.

3.3.4.2. Photograph showing the eastern boundary of the northern field.



3.3.4.3. Photograph showing the northern boundary of the southern field.



3.3.5. Hedge and trees, Species Poor

3.3.5.1. Hedgerows around the western and southern boundaries of the northern field and around the southern and eastern side boundaries of the southern field are included in this habitat. These hedgerows are dominated by hawthorn (*Crataegus monogyna*) with sapling ash (*Fraxinus excelsior*), occasional sapling oak (*Quercus sp(p)*) and some ivy present. There are semi-mature and mature trees with these hedgerows, mainly oak (*Quercus sp(p)*) and ash (*Fraxinus excelsior*).

3.3.5.2. Photograph showing the southern boundary of the northern field on the left of the photograph.



3.3.5.3. Photograph showing the eastern boundary of the southern field.



3.3.6. Standing Water

3.3.6.1. There is ditch along the western half of the southern boundary of the northern field (T2 on the annotated map) which has recently been cleaned out with no vegetation on the banks. At the time of this survey the ditch was full of water due to recent heavy rainfall.

3.3.6.2. Photograph looking east along this ditch.



3.3.7. Bare Ground

3.3.7.1. The entrances to both fields from the road in the center of the site are both bare ground as access in and out of the field has churned up the ground leaving bare earth.

3.3.7.2. There is also bare ground around the edges of each field where works have been carried out to plant the margin of young trees.

3.3.7.3. The verges along each side of the road in the center of the site are bare earth with no vegetation growing.

3.3.7.4. The photographs below show the entrance to the northern field (left) and bare ground where the margin of trees has been planted (right).



3.3.8. Building

3.3.8.1. There is one building present on the site and this is located on within the southern field at the western side (T6 on the annotated map). This is a single storey building constructed with single skin brick walls, rendered externally, with a sloping corrugated cement sheet roof. The windows and doorways are all covered with boards. There are some cracks in the walls of the building, mainly above doors. These cracks go through to the interior of the building as it is only single skin brick. There are some holes in the corrugated roof sheets.

3.3.8.2. The photographs below show the exterior and the interior of the building.



3.3.9. Fence

All boundaries of both fields have a stock proof fence either within or adjacent to a hedgerow or standing alone. These are mainly post and mesh with some areas of wooden post and rail.

3.3.10. Other

There is a concrete road which divide the northern and southern fields with a double gate at each end of the road. The photograph below looks east along this road.



3.4. Description of Fauna.

3.4.1. No badger setts or badger field signs were identified within the survey area.

3.4.2. A short section of ditch, 100m long, which has recently been cleaned out or created along the southern edge of the northern field has no vegetation and is unsuitable habitat for water voles, otters or white clawed crayfish. Therefore, there is no habitat for these species within the survey area. No other watercourses were identified within the survey area.

3.4.3. One pond was identified within 500m of the survey area on an Ordnance Survey Map of the area. This pond is located 150m to the north of the site in the large well-tended gardens of a private house. No access was available to this pond but google images show it to be a large ornamental pond. There are no other ponds within 500m of the site or of this pond making this an isolated pond. Therefore, this pond is

assessed as unsuitable habitat for great crested newts. The terrestrial habitat around the pond is poor as it is large well-tended gardens. The surrounding land is also poor value terrestrial habitat as it is large open grazing fields.

3.4.4. The building on the site has no bat roost potential as the construction of the building is unsuitable.

3.4.5. There are a number of mature trees within hedgerows along the field boundaries, some with ivy cover. Some of these trees are of a size and age that may provide features suitable for roosting bats, although no suitable features could be seen from the ground. These trees are assessed as having low potential for roosting bats.

3.4.6. The survey area provides moderate potential for foraging bats due to the hedgerow boundaries around the fields. There is also little connectivity to surrounding habitats as there are limited trees and hedgerow boundaries around adjacent fields. A thorough assessment of bat activity could not be made during a daytime survey of the site.

3.4.7. The vegetation within the field boundaries provides opportunities for nesting birds during the nesting season, which extends from March to September each year. However, no active nests were identified during this survey.

3.4.8. There are two records of barn owls at the property adjacent to the site. The site provides some foraging habitat for barn owls but the surrounding area is large areas of suitable foraging habitat for barn owls.

3.4.9. The site provides little potential habitat for reptiles as the main area is large grazing fields with no refugia. There may be some refugia along the hedgerow around these fields with other hedgerows adjacent to the site providing the same potential. No reptiles were identified during this survey.

3.4.10. No suitable dormouse habitat was identified during this survey.

3.4.11. No red squirrels or red squirrel field signs were identified during this survey and there is no suitable habitat within the survey area.

3.4.12. No invasive species of plant listed under Schedule 9 of The Wildlife and Countryside Act 1981 were identified within the survey area.

4. EVALUATION OF FINDINGS.

4.1. The main habitat on the site is two grazing fields which are of low ecological value. This is unlikely to increase in value in the peak season. The field boundaries are hedgerows and some mature trees which are of high ecological values. A wide margin of young trees has been planted around the edges of each field which, when established, will be of high ecological value. The areas of high ecological value on the site will remain unaffected by the proposed works as the works will be in the grassland only.

4.2. There are no designated sites within the survey area. Therefore, there will be no impact on designated sites.

4.3. No badger setts or badger field signs were identified within the survey area. Therefore, there will be no impact on badgers during the proposed works.

4.4. The small section of ditch on the site provides no suitable habitat for water voles, otters and white clawed crayfish. No other watercourses were identified within the survey area. Therefore, there will be no impact on water voles, otters or crayfish during the proposed works.

4.5. One pond was identified within 500m of the survey area on an Ordnance Survey Map of the area. This pond is a large ornamental pond in a large well-tended garden and the pond is isolated from other ponds. Therefore, the pond is assessed as unsuitable habitat for great crested newts and there will be no impact on the species during the proposed works.

4.6. The building on the site has no bat roost potential as the construction of the building is unsuitable. Works to this building will have no impact on roosting bats.

4.7. There are a number of mature trees within hedgerows along the field boundaries, some with ivy cover. Some of these trees are of a size and age that may provide features suitable for roosting bats. However, the proposed works will have no impact on these trees and no impact on any bats roosting in the trees as long as any lighting scheme on the site is not pointed at the trees and hedgerows.

4.8. The survey area provides some foraging potential for bats. The proposed works will have no impact on the field boundary hedgerows and trees. The newly planted

trees will also enhance the foraging and commuting routes along these boundaries. The proposed works will not fragment any foraging habitat and will therefore have no impact on foraging or commuting bats as long as any lighting scheme on the site is not pointed at the trees and hedgerows.

4.9. The vegetation within the field boundaries provides opportunities for nesting birds during the nesting season, which extends from March to September, inclusive, each year. Vegetation clearance within the nesting bird season will have an impact on any birds nesting within the work site.

4.10. There are two records of barn owls at the property adjacent to the site. The site provides some foraging habitat for barn owls but the surrounding area is large areas of suitable foraging habitat for barn owls so the loss of this small area of foraging habitat will have no impact on barn owls.

4.11. The site provides little potential habitat for reptiles as the main area is large grazing fields with no refugia. There may be some refugia along the hedgerow around these fields with other hedgerows adjacent to the site providing the same potential but these will remain unaffected. Therefore, the works will have no impact on any reptiles within the area.

4.12. No suitable dormouse habitat was identified during this survey. Therefore, there will be no impact on dormice during the proposed works.

4.13. No red squirrels or red squirrel field signs were identified during this survey and there is no suitable habitat within the survey area. Therefore, there will be no impact on red squirrels during the proposed works.

4.14. No invasive species of plant listed under Schedule 9 of The Wildlife and Countryside Act 1981 were identified within the survey area. Therefore, there will be no impact on the proposed works.

5. RECOMMENDATIONS.

5.1. No works are to be carried out to any of the mature trees within the field boundaries. However, if works change and there will be any impact on the mature trees further bat surveys must be carried out before the trees are affected to determine whether bats are roosting in the trees. These can be either an aerial inspection survey of a bat activity survey.

5.2. No works are to be carried out that will affect the hedgerow boundaries and mature trees. However, if works change and there will be an impact on this vegetation this should be carried out outside the nesting bird season, which extends from March to September each year.

5.3. It is recommended that any lighting scheme on the site is designed as down lighting and it must be designed so that light does not shine on the trees and hedgerow boundaries around the fields.

5.4. If this cannot be achieved a further assessment must be made on the impact of lighting on the hedgerows and mature trees will have on roosting, foraging and commuting bats.

5.5. If any works that will affect the boundaries are to be carried out during the nesting bird season a thorough nesting bird survey must be carried out by a suitably experienced person immediately prior to works commencing. If any active nests are found during this survey they must be left undisturbed until the young have fledged. This could put a considerable delay on proposed works.

5.6. As there are barn owls in the surrounding area a barn owl nest box could be erected on one of the large trees on the site boundaries to provide additional nesting habitat for the owls.

5.7. As a precaution, it is recommended that all personnel are briefed on the potential presence of reptiles and in the unlikely event that any reptiles are found during the works they must be left to safely move away of their own accord. If large numbers of reptiles (5+) are found works must stop and Whitcher Wildlife Ltd contacted for further advice. Appendix IX of this report contains a toolbox talk to assist with this briefing.

Prepared by:	
Jenny Whitcher Roebuck MCIEEM.	Date: 24 th February 2017.

Checked by:	
Steven Whitcher, MCIEEM.	Date: 24 th February 2017.

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Appendix I. BAT INFORMATION.

It is necessary to understand a little about bats, their basic nature, ecology and legal protection in order to evaluate the findings of this report.

18 species of bat currently reside in Britain, 17 of which are known to breed here. They are extremely difficult to identify in the hand and even more so in flight.

All appear to be diminishing in numbers, probably due to shortage of food, caused by pesticides, as insects are their sole diet, and habitat change.

As their diet consists solely of insects, bats hibernate during the winter when their food source is at its most scarce. They will spend the winter in hollow trees, caves, mines and the roofs of buildings.

Certain species, particularly the pipistrelle (the commonest and most widespread British bat) can quickly adapt to manmade structures and will readily use these to roost and to rear their young.

Bats are protected under the Wildlife and Countryside Act 1981, Regulation 41 of The Conservation of Habitats and Species Regulations 2010, and the Countryside & Rights of Way Act 2000.

It is an offence to intentionally or recklessly kill, injure or capture or disturb bats or to damage, destroy or obstruct access to any place used by bats for shelter or protection.

A breeding or resting site of any bat is known as a bat roost. A bat roost is therefore any structure a bat uses for shelter or protection. Because bats tend to use the same roosts each year, legal opinion is that the roost site is protected whether or not the bats are present at that time.

Bat roosts can be identified by looking for:-

- Suitable holes, cracks and crevices.
- Bat droppings.
- Prey remains.
- By carrying out night observations using a bat detector.

Where development proposals are likely to affect a bat roost site, a licence is required from Natural England.

The person applying for that licence has to be suitably qualified and experienced in bat matters. That person is then responsible for ensuring that the measures contained in the licence are carried out.

Appendix II. NESTING BIRD INFORMATION.

It is necessary to understand a little about the legal protection offered to nesting birds in order to evaluate the findings of this report.

Part 1.-(1) Of the Wildlife and Countryside Act 1981 states that:-

If any person intentionally:-

- (a) kills, injures or takes any wild bird;
- (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- (c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.

Part 1.-(5) of the Act states that:-

If any person intentionally:-

- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on, or near a nest containing eggs or young; or
- (b) disturbs dependant young of such a bird,

he shall be guilty of an offence and liable to a special penalty.

The Countryside and Rights of Way Act 2000 amends the above by inserting after “intentionally” the words “or recklessly”.

The nesting season will vary according to the weather each year but generally commences in March, peaks during May and June and continues until September.

It is also worth remembering that some birds nest in trees, scrub and buildings but others are ground nesting.

The best way to avoid this issue is to plan for vegetation clearance to be carried out outside the bird-nesting season.

Appendix III.

REPTILES - GRASS SNAKE AND ADDER INFORMATION.

The grass snake (*Natrix natrix*) and the adder (*Vipera berus*) are the two most common snakes to be found in the UK. Adders are found all over Britain while the grass snake becomes rarer towards the north and are rarely found in Scotland.

The grass snake is usually around 120cm long, live in a variety of rough habitats and lay their eggs in warm rotting vegetation. The background colour is dark green and the body is marked with vertical black bars and spots that run along its sides. There is generally a dark collar marking.

The adder is the only native species that is venomous but this is rarely harmful to humans. Adult adders are generally up to 66cm long. Background colouration is a light shade of grey or brown with a black zigzag marking along the length of the back. As with all reptiles, colouration varies and becomes duller as sloughing (skin shedding) approaches.

Both snakes hibernate, spending the winter in burrows or under logs protected from the cold and predators. Maintaining the right body temperature is vital to reptiles' survival. In the morning, they find a warm basking site to heat up their bodies, then later they may move back into the shade because they do not sweat and have to be careful not to overheat. During hot summers, adders will try to move to damper, cooler sites.

Both snakes are protected under schedule 5 of the Wildlife and Countryside Act 1981. They received greater protection following reviews of the schedules published in 1988 and 1991. This means they are protected against intentional or recklessly killing and injuring and against sale or transporting for sale.

Appendix IV. REPTILES - LIZARD INFORMATION.

The common or viviparous lizard (*Lacerta vivipara*) is one of three species of lizard that occur in the UK. They have a dry scaly skin and are variable in colour ranging from brown or yellow-brown to almost green with varying patterns of spots or stripes. The typical length of an adult is 150mm, including the tail.

Common lizards hibernate over the winter, emerging from February onwards depending upon the weather. They begin to mate in April and May and the young are born in late July or August. The lizard gives birth to live young, hence the term viviparous, meaning live bearing.

The lizards draw their body warmth from the sun and consequently spend long periods basking in the sun. They are commonly seen on road and railway embankments and on walls where they sit for long periods soaking up the heat of the sun before going to find food.

They occupy a wide range of habitats including woodland, marshes, heathland, moors, sand dunes, hedgerows and bogs.

Common lizards hunt insects, spiders, snails and earthworms. They stun their prey by shaking it and then swallow it whole.

At night, and when startled, they will shelter beneath logs or stones or under other refuges that may be available.

Common lizards are protected under schedule 5 of the Wildlife and Countryside Act 1981 (they received greater protection following reviews of the schedules published in 1988 and 1991) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended) making it a European Protected Species.

Common lizards should not be confused with the somewhat larger sand lizard (*Lacerta agilis*). These are typically 190mm long and stockier than the common lizard. Their marking are distinctly different being considerably more colourful. Sand lizards are confined to moorland and coastal sand dunes where they lay their eggs in the warm sand. The range of the sand lizard in the UK is therefore very limited. Sand lizards are a European protected species.

The third species of lizard is the slow worm (*Anguis fragilis*), which is frequently mis-identified as a snake. The firm body of the slow worm is distinctly cylindrical in shape and the tiny smooth scales result in a very smooth, shiny appearance. Colouration is typically a uniform grey to brown although there is a wide variation from straw coloured to almost black and some animals have very fine stripes or a zig-zag along the centre of the back. The typical length of an adult is 400mm.

Slow worms can be found in a wide variety of habitats throughout Britain and is the most likely reptile to be found in urban and suburban environments.

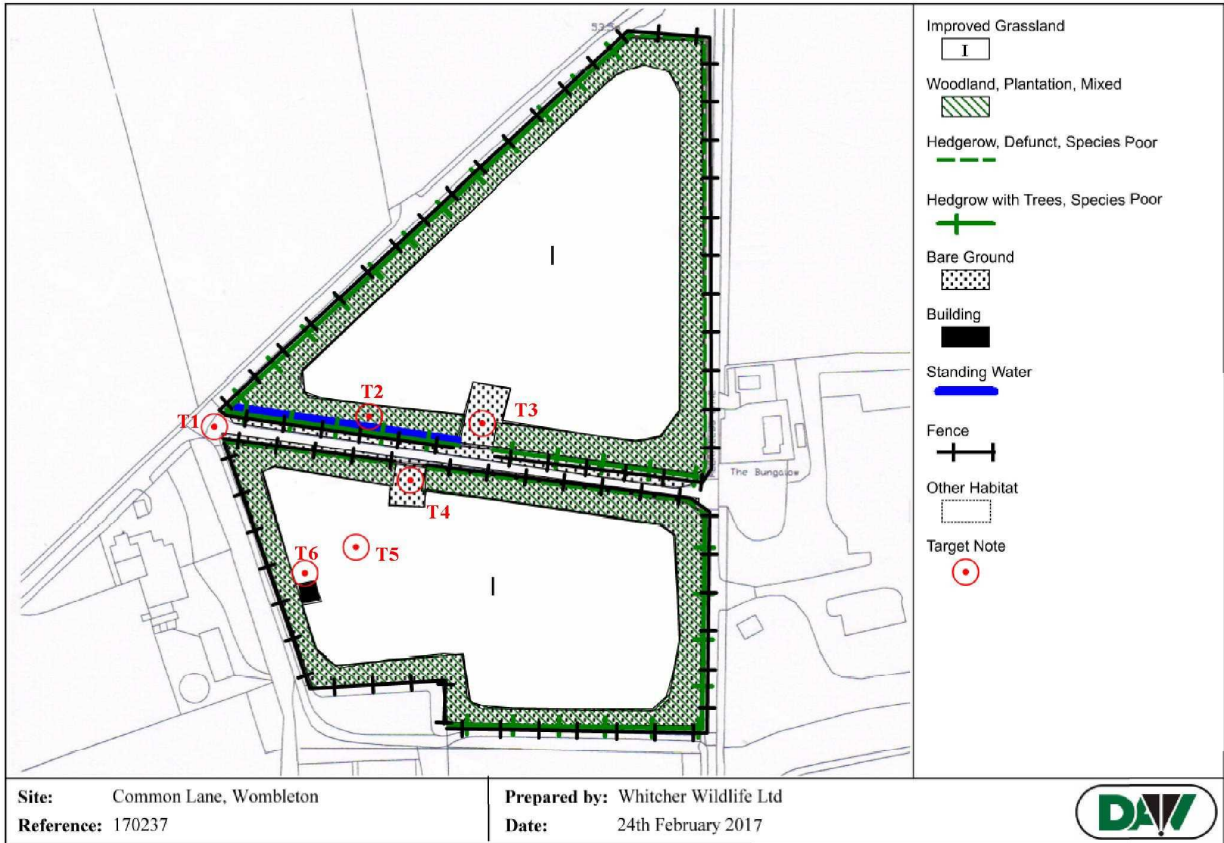
Slow worms hibernate over the winter, emerging from March onwards depending upon the weather. They begin to mate in April and May and six to twelve young are born in August or September.

Their favourite food is slugs but they will also eat insects and spiders.

Slow worms are hard to find. They will bask in the sun but they quickly and quietly move into cover when disturbed and do not generally attract attention as they retreat from a basking spot.

Slow worms are also protected under schedule 5 of the Wildlife and Countryside Act 1981. They received greater protection following reviews of the schedules published in 1988 and 1991. This means they are protected against intentional or recklessly killing and injuring and against sale or transporting for sale.

Appendix V. ANNOTATED MAP OF THE SURVEY AREA.



Appendix VI. TARGET NOTES.

T1 – is the gated concrete road which separates the two fields.

T2 – is the short section of ditch which contained standing water during this survey due to recent heavy rainfall.

T3 – is the muddy entrance to the northern field.

T4 – is the muddy entrance to the southern field.

T5 – is the drainage channel across the southern field.

T6 – is the small building within the southern field.

Appendix VII. SPECIES LISTS.

Improved grassland

Species.	DAFOR Assessment.
perennial rye grass (<i>Lolium perenne</i>)	D
Yorkshire fog (<i>Holcus lanatus</i>)	D
crested dogs tail (<i>Cynosurus cristatus</i>)	D
creeping buttercup (<i>Ranunculus Repens</i>)	A
dock (<i>Rumex acetosella</i>)	O
thistle (<i>Cirsium sp(p)</i>)	O
clover (<i>Trifolium repens</i>)	F
ribwort plantain (<i>Plantago lanceolata</i>)	F
greater plantain (<i>Plantago major</i>)	F
hairy bittercress (<i>Cardamine hirsuta</i>)	O

Woodland Plantation Mixed

Species.	DAFOR Assessment.
silver birch (<i>Betula pendula</i>)	A
hybrid poplar (<i>Polar 'Tricobelle'</i>)	D
oak (<i>Quercus sp(p)</i>)	F
white beam (<i>Sorbus aria</i>)	F

Hedgerow, Defunct, Species Poor

Species.	DAFOR Assessment.
hawthorn (<i>Crataegus monogyna</i>)	D
ash (<i>Fraxinus excelsior</i>)	A
oak (<i>Quercus sp(p)</i>)	F
ivy (<i>Hedera helix</i>)	F

Hedge and trees, Species Poor

Species.	DAFOR Assessment.
hawthorn (<i>Crataegus monogyna</i>)	D
ash (<i>Fraxinus excelsior</i>)	A
oak (<i>Quercus sp(p)</i>)	F
ivy (<i>Hedera helix</i>)	F

Appendix VIII. DEVELOPMENT PLAN.








Toolbox Talk : Reptiles

Whitcher Wildlife Ltd

Ecological Consultants



<p>Identification: Grass Snakes.</p> <p>The grass snake can be up to 120cm long. It is generally dark green in colour but may occasionally appear grey with vertical black bars and spots that run along its sides. There is usually a yellow marking around the neck.</p>		<p>Other Reptiles.</p> <p>In addition to the reptiles outlined on this document there are also two other reptile species in Great Britain, the smooth snakes and the sand lizard. These reptiles are a lot less common than the four species covered with the smooth snake being predominantly found on heathland in southern England and the sand lizard found throughout Great Britain in coastal dune areas.</p> <p>These species are also afforded a higher level of protection because they are European Protected Species.</p>
<p>Identification: Adders.</p> <p>The adder is the only native species that is venomous but it is rarely harmful to humans. Adult adders are generally up to 66cm long. Back ground colouration is a light shade of grey or brown with a back zig-zag marking along the length of the back. As with all reptiles, colouration varies and becomes duller as sloughing (skin shedding) approaches.</p>		<p>Habitat.</p> <p>Maintaining the right body temperature is vital to reptiles' survival. In the morning they find a warm basking site to heat up their bodies and then later they may move back into the shade so as not to overheat. Hence, reptiles require a habitat that provides a range of suitable refugia for shelter such as dense vegetation, rubble or log piles, or crevices and open areas for basking such as bare ground, rocks or railway ballast shoulders. During hot summers reptiles may be found in damper, cooler sites. Reptiles hibernate, spending the winter in burrows or under logs protected from the cold and predators.</p>
<p>Identification: Slow Worms.</p> <p>Slow worms grow to around 45cm in length. The males and females display a marked difference in colour when fully grown. In general the species displays colouring that varies from light brown, dark brown, grey, bronze or brick red with the females often displaying a dark vertebral stripe and both males and females displaying occasional markings on the flanks.</p>		
<p>Identification: Common Lizards.</p> <p>Common lizards grow to around 16cm. They are grey brown to dark brown, often with a darker streak that may run the entire length of the spine. A continuous dark band bordered by light yellow or white spots is often seen on either side of the body. The underside of the males is egg yolk yellow to orange spotted with black. Females are yellowish grey.</p>		<p>When disturbed in their natural habitat reptiles will usually move away quickly.</p> <p>Legislation.</p> <p>Reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981. They received greater protection following reviews of the schedules published in 1988 and 1991. This means they are protected against intentional or recklessly killing and injuring and against sale or transporting for sale.</p>
<p>If reptiles are identified during works, stop all works and contact Whitcher Wildlife Ltd directly on 01226 753271 or at info@whitcher-wildlife.co.uk</p>		

Agenda Item 10

Item Number: 10
Application No: 17/00689/73A
Parish: Welburn (Malton) Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mr & Mrs C Foster
Proposal: Variation of Condition 05 of approval 16/00053/HOUSE dated 21.03.2016 to replace Drawing No 15-1118-4 with Drawing No 15-118-4a
Location: Low Meadow Church Lane Welburn Malton North Yorkshire YO60 7EG

Registration Date: 6 June 2017
8/13 Wk Expiry Date: 1 August 2017
Overall Expiry Date: 10 July 2017
Case Officer: Joshua Murphy **Ext:** 329

CONSULTATIONS:

Parish Council No comment

Neighbour responses: Peter & Ella Brown, Mr & Mrs Allan & Maureen Hewitt,
Mr & Mrs Tildesley, Philip & Lesley Benham,

SITE:

Low Meadow is a detached bungalow located within the village of Welburn. The site is also located within an Area of Outstanding Natural Beauty but is outside of the designated Conservation Area.

PROPOSAL:

Variation of Condition 05 of approval 16/00053/HOUSE dated 21.03.2016 to replace Drawing No 15-1118-4 with Drawing No 15-118-4a

HISTORY:

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

POLICY:

The Ryedale Plan - Local Plan Strategy (2013)
Policy SP13 Landscapes
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 in relation to the application are:

- i) Design
- ii) Neighbouring Impact

The application proposes to vary condition number 05 of approval 16/00053/HOUSE, which would replace Drawing No 15-1118-4 with Drawing No 15-118-4a. The main difference is the roof space which was previously void, is now proposed to accommodate 2 bedrooms. The previously approved plan included a rooflight which was located on the western elevation/roofslope, which served the ground floor bathroom.

However the proposed plan now includes 2 velux windows to the west elevation, along with the relocation on the previously approved bathroom window. It is considered in terms of the overall design however that the proposal complies with relevant policies. It is considered thought that the proposal is in conformity with SP16 of the Ryedale Plan - Local Plan Strategy in terms of its design.

- ii) Neighbouring Impact

There have been responses from neighbouring occupiers regarding the application. The occupiers of Strathway which is the immediate neighbour to the west, has submitted an objection to the proposal. Concerns are raised regarding the retrospective nature of the application, however this is not a material condition.

Concerns have also been raised regarding adverse impact due to overlooking from the west facing velux windows. The rooflights are located approximately 13m away from the western boundary. The rooflights face the neighbouring dwelling. There are no windows in the neighbouring property which directly face the extension and there is a fence that screens the ground floor of the neighbouring bungalow. However, the private garden space to the rear of the property can be seen in part. This is because there is a gap along the boundary fence between the rear facing wall of the adjacent bungalow and the tall conifers which screen the remainder of the western site boundary. A condition has therefore been recommended in order to ensure that the top hung Velux window is obscure glazed.

The second Velux window is considered not to create impact as any outlook on the neighbouring property is obscured by the tall boundary hedgerow/trees. As such, subject to the additional condition, it is considered that the proposal would not have an adverse impact on the neighbour.

The development is considered to not create a material adverse impact upon neighbouring amenity and will comply with Policy SP20 if the Ryedale Plan - Local Plan Strategy subject to the obscure glaze condition. In the 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.

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):

Proposed Plans: Drawing No - 15-1118-4a

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

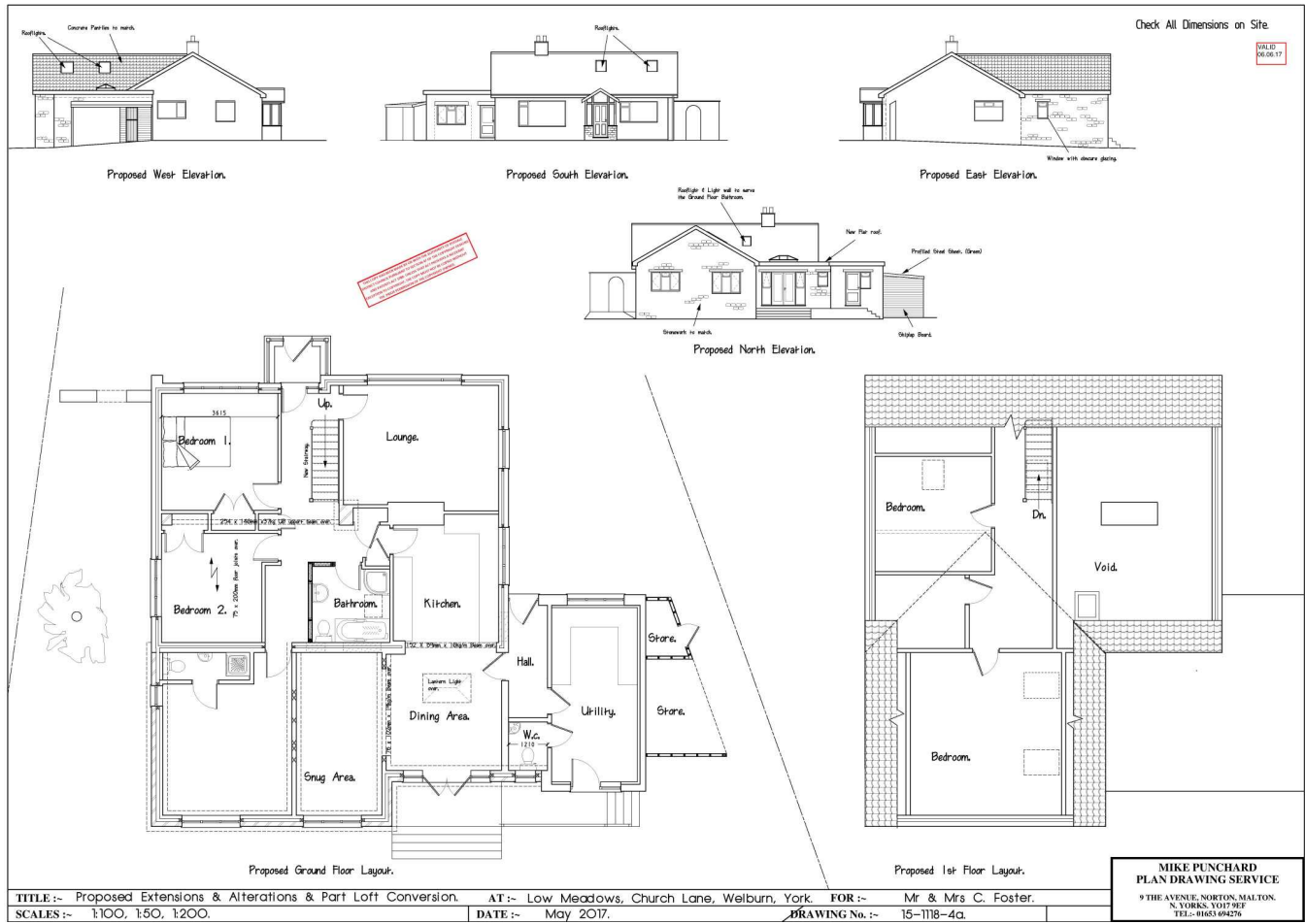
Background Papers:

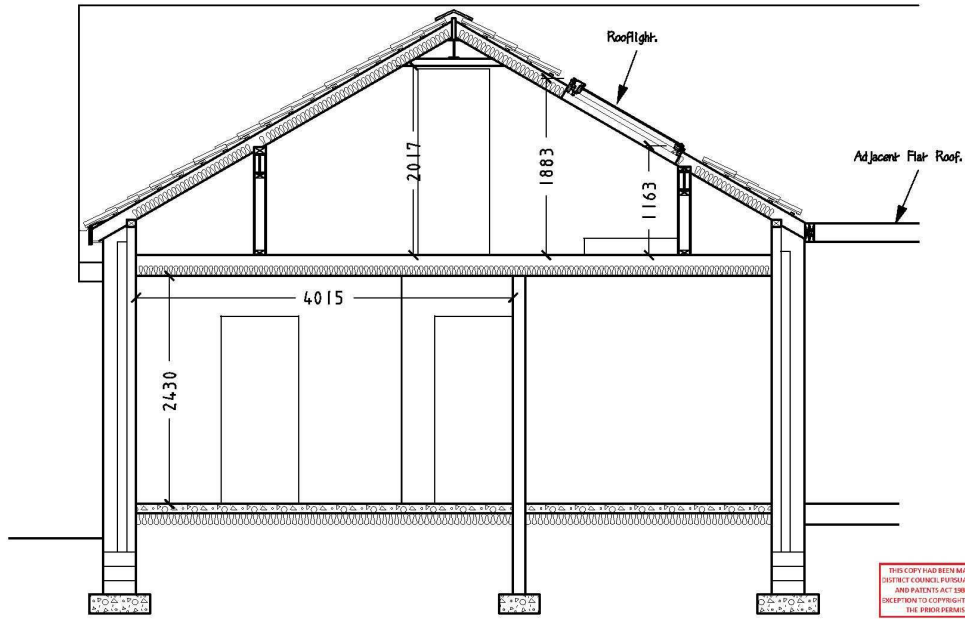
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties





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DATE:
14.07.2017

Section through Extension.

ADDITIONAL PLAN

Low Meadows, Church Lane, Welburn, York.

Scale:- 1:50.

DRG No 15-1118-6a.

JOM

No objection

06.07.2017

From: clerk.wpc@btinternet.com [<mailto:clerk.wpc@btinternet.com>]
Sent: 05 July 2017 17:00
To: Development Management
Subject: Planning application 17/00689/73A

FAO Karen Hood

Dear Karen

Welburn Parish Council has no objection to the above planning application.

Kind regards
Mildred Reiniers
Clerk, Welburn Parish Council

Sent from [Mail](#) for Windows 10

Agenda Item 11

Item Number: 11
Application No: 17/00703/HOUSE
Parish: Sheriff Hutton Parish Council
Appn. Type: Householder Application
Applicant: Mrs Linzi Ainley
Proposal: Erection of a two storey extension to rear elevation
Location: Box Tree Cottage Church End Sheriff Hutton North Yorkshire YO60 6SY

Registration Date: 7 June 2017
8/13 Wk Expiry Date: 2 August 2017
Overall Expiry Date: 20 July 2017
Case Officer: Joshua Murphy **Ext:** 329

CONSULTATIONS:

Parish Council No views received to date

Building Conservation Officer No Objection

Neighbour responses: Mr Stuart Stark

SITE:

Box Tree Cottage is a two storey dwelling house located within the village of Sheriff Hutton and within the development limits. The dwelling is also sited within the Sheriff Hutton Conservation Area.

PROPOSAL:

The proposal includes the erection of a two storey extension to rear elevation. The extension will measure 4.6m in length by 4.2m in width, with an eaves height of 4.4m and a ridge height of 6m.

HISTORY:

07/00240/FUL - Erection of two storey extension to the rear - Approval

POLICY:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP16 Design

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

Planning (Listed Buildings and Conservations Areas) Act 1990
Section 72

National Planning Policy Framework (2012)

Chapter 7. Requiring good design

Chapter 12. Conserving and enhancing the historic environment

APPRAISAL:

The main considerations to be taken into account are:

- i) Design
- ii) Impact upon the Sheriff Hutton Conservation Area
- iii) Impact upon neighbouring amenity

i) Design

The proposal is to erect a 2 storey extension on the rear elevation of the dwelling. The extension is to measure 4.6m in length by 4.2m in width, with an eaves height of 4.4m and a ridge height of 6m. The extension also features a small lean-to to the side elevation. All materials to be used are to correspond with the existing dwelling, which includes brickwork and clay pantiles. The roof pitch and scale of the extension relate well to the existing property.

As such, it is considered that the proposal is appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of material in accordance to SP16 Design.

ii) Impact upon the Sheriff Hutton Conservation Area

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

'In the exercise of planning functions in respect of Conservation Areas 'Special attention shall be paid to the desirability of preservation or enhancing the character or appearance of that area'

The proposal is sited at the rear of the dwelling and as such there are limited views of the proposal from the public realm. The site also benefits from a shrub lined boundary treatment which will also soften the impact of the extension from any potential views.

Overall the extension is of a typical design for this building and the area and is an appropriate design in the Conservation Area. The Building Conservation Officer has no objections to the proposal and it is therefore considered to be in conformity with Policy SP12 (Heritage).

iii) Impact upon neighbouring amenity

There has been an objection from the neighbour at Corner Cottage. This is the immediate neighbour site on the western boundary. The objection states although there is no objection to the principle of the proposal, it is believed that the extension will cause a loss of light to the neighbouring property.

However, officers consider that there is a sufficient amount of distance between the extension and the closest neighbouring property. The scale of the extension is also of a modest size. It is considered there would not be an unacceptable loss of light to the neighbouring property as a result of the proposal.

It should be noted that there was a previous approval for this site which featured an extension of a similar scale, (07/00240/FUL).

The objection also refers to construction traffic, however this is not a significant material consideration in relation to this application.

As such the development is considered not to create a material adverse impact upon neighbouring amenity, and it complies with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

In light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

RECOMMENDATION: Approval

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

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

2 Before the development hereby permitted is commenced, details and samples of the materials to be used on the exterior of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. No variation of the approved materials shall be undertaken without the express consent in writing of the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance.

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

Proposed Plans - Drawing No: LA201705-2

Site Location Plan - Drawing No: NYK 157001

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

NYK 157001

ORDNANCE SURVEY
PLAN REFERENCE

SE 6566

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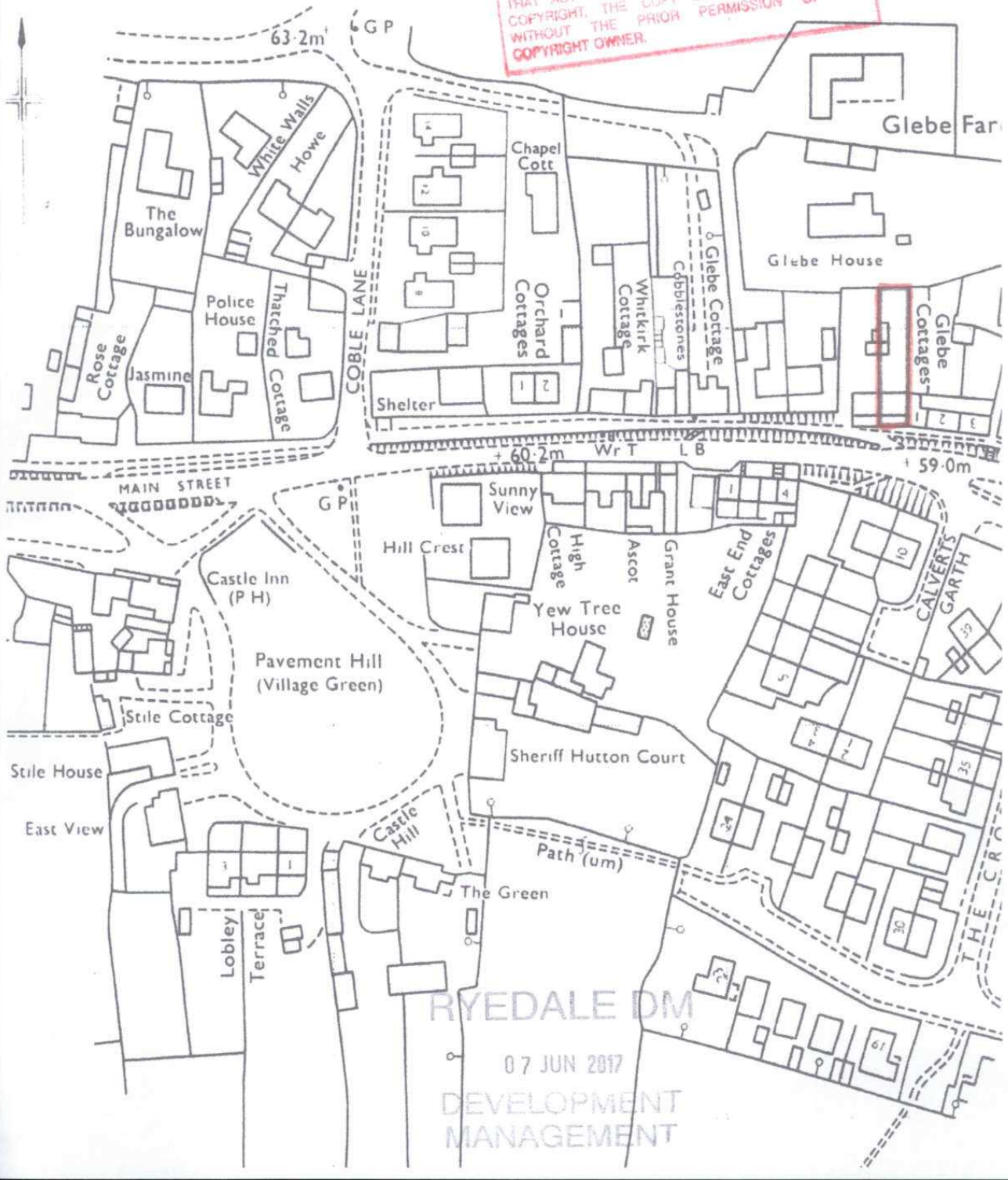
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COUNTY NORTH YORKSHIRE

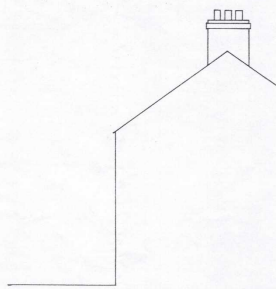
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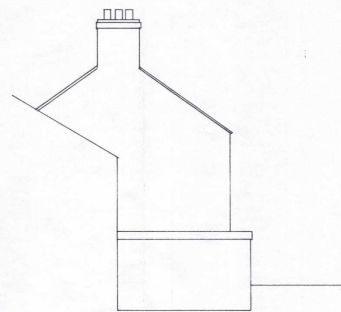




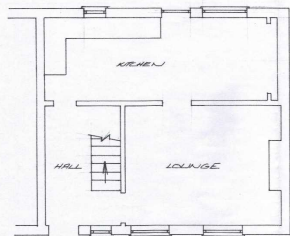
EXISTING NORTH ELEVATION



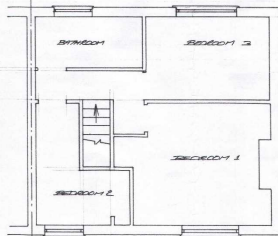
EXISTING WEST ELEVATION / SECTION



EXISTING EAST ELEVATION / SECTION



EXISTING GROUND FLOOR LAYOUT



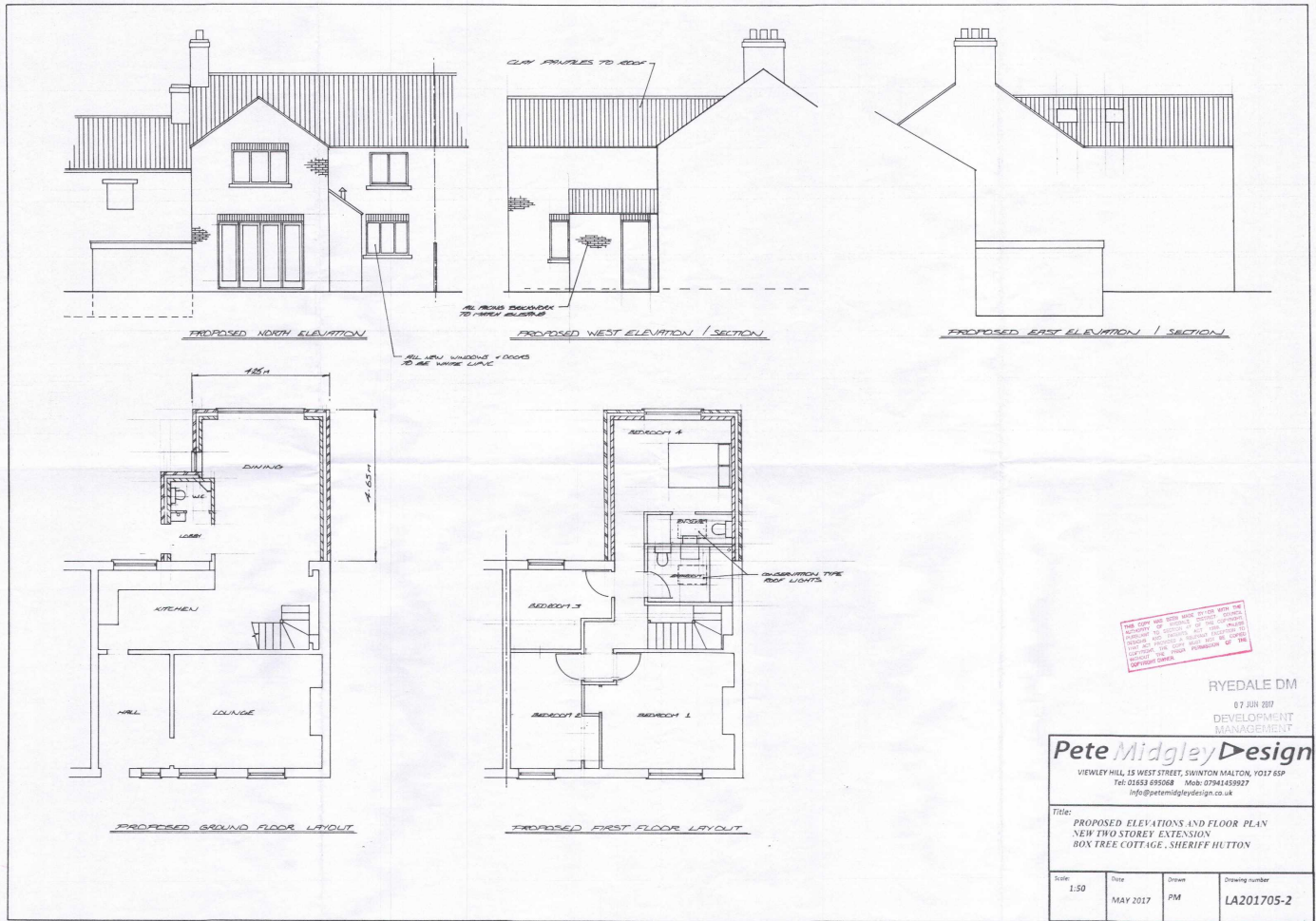
EXISTING FIRST FLOOR LAYOUT



RYEDALE DM
07 JUN 2017
DEVELOPMENT
MANAGEMENT

Pete Midgley Design
VIEWLEY HILL, 15 WEST STREET, SWINTON MALTON, YO17 6SP
Tel: 01653 659068 Mod: 0794245927
info@petemidgleydesign.co.uk

Title: EXISTING ELEVATIONS AND FLOOR PLAN NEW TWO STOREY EXTENSION BOX TREE COTTAGE, SHERIFF HUTTON			
Scale: 1:50	Date: MAY 2017	Drawn: PM	Drawing number: LA201705-1



Agenda Item 12

Item Number: 12
Application No: 17/00719/FUL
Parish: Ampleforth Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs G Benson
Proposal: Erection of a detached three-bedroom dwelling following demolition of existing attached outbuilding and detached garage
Location: Land Adjacent 8 Valley View Ampleforth North Yorkshire

Registration Date: 12 June 2017
8/13 Wk Expiry Date: 7 August 2017
Overall Expiry Date: 21 July 2017
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Yorkshire Water Land Use Planning	No views received to date
Paul Jackson AONB Manager	No comments
Parish Council	No views received to date
Highways North Yorkshire	Recommends conditions

Neighbour responses: Mr Andrew Russell, Mr & Mrs Watson, Mr & Mrs Nathan Venable,

SITE:

The application site comprises the side garden of 8 Valley View Ampleforth. It approximately measures 10m in width and 30m in depth at its greatest. The site is located within the development limits of Ampleforth. Valley View comprises an estate of mainly post-war semi-detached dwellings. Ampleforth is located within the Howardian Hills Area of Outstanding Natural Beauty.

PROPOSAL:

Planning permission is sought for the erection of a 3-bed detached dwelling that will have a footprint of 8.8m in width and 10m in depth (if the single storey elements are included) and be 4.5m to the eaves height and 8.8m to the ridge height. It is proposed to erect the dwelling of brick under a natural clay pantile with UPVc doors and windows.

HISTORY:

2017: Planning application withdrawn for the erection of a 3- bed dwelling.

POLICY:

National Policy NPPF 2012
National Policy NPPG 2014

SP1 - General Location of Development and Settlement Hierarchy
SP2 - Delivery and Distribution of New Housing
SP4 - Type and Mix of New Housing
SP16 - Design
SP19 - Presumption in favour of sustainable development
SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations in relation to this application are:

1. The principle of the proposed development;
2. The siting, scale and design of the proposed dwelling and its impact upon the character and appearance of the area;
3. Whether the proposal will have an adverse effect upon the amenity of the adjoining neighbours;
4. The level of residential amenity available for the proposed and retained dwelling;
5. Highway safety;
6. Drainage; and
7. CIL

The application site is located within the development limits of Ampleforth, a designated Service Village in accordance with the Local Plan Strategy. Policy SP2 permits infill development within a 'continually built frontage'. In this case it is considered that the site, can be considered an infill plot and there is no objection to the principle of residential development.

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 proposed dwelling is a detached dwelling, set back from the front of No. 8 by approximately 0.3m. Its eaves and ridge heights are the same as No. 8, and its depth and width are broadly comparable.*

There is a strong character along Valley View of post-war semi detached properties with spaces between the properties and single storey outhouses located to the sides of properties. The character of the area also includes the properties on Geldgate, which are also post-war housing that appear as terraced dwellings. The plot in question is located at the end of the properties on the southern side of Valley View. The side garden is large compared to the other properties in the area. Ampleforth is a Service Village and a focus for new growth. It is considered that a single dwelling could be

accommodated on this site without adversely affecting the character and appearance of the area. The majority of open spaces will be maintained, including the large open space to the western side.

The design proposed is consistent with the design and scale of the surrounding properties. It is therefore considered to comply with Policy SP16 and SP20 of the Local Plan Strategy.

Both the existing and proposed dwelling are considered to have a satisfactory level of residential amenity. There are existing properties located to the rear on Geldgate, and there is a back-to-back separation distance of approximately 27m between those and the proposed dwelling, together with a substantial hedge on the rear boundary. The proposed dwelling is not considered to have an adverse effect upon the amenity of the adjoining neighbours.

The proposed parking for the existing property is to the front, and for the proposed dwelling it is to be at the rear. Whilst parking areas to the rear are preferable there are other properties in the locality where cars are parked to the front and no planning permission would be required for this to take place in any event.

The local Highway Authority has no objections to the proposal subject to conditions

Foul and surface water is proposed to be drained via the mains, and there is no objection to this arrangement.

The development would be chargeable to CIL at £85m2.

Three objections have been received. These raise the issue of potential overlooking towards the properties on Geldgate, loss of view, the impact upon the proposal upon character and appearance of the area, off-street parking. It is not considered to be reasonable to object to the potential overlooking towards No. 12 Geldgate because of the separation distances and position of existing properties (which exceed development industry 'norms'). There is no right to a view and as a result this is not a material planning consideration. The impact upon the character of the area and parking provision has been addressed above and these matters are not considered to be grounds to refuse this application.

In view of the above, the recommendation is one of approval.

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP3 Affordable Housing

Local Plan Strategy - Policy SP4 Type and Mix of New Housing

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

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

RECOMMENDATION: Approval

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

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

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

approved in writing by the Local Planning Authority.

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

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

Drawing No. 03

Drawing No. 01

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

- 4 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

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

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Addition to the roof of a dwellinghouse

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

Class D: Erection or construction of a domestic external porch

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

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

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

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

h. The final surfacing of any private access within 1.0 metres of the public highway boundary shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 7 No dwelling shall be occupied until the related parking facilities have been constructed in

accordance with the approved drawing number 01 (Site Details - Revised). Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

- 8 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction work

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

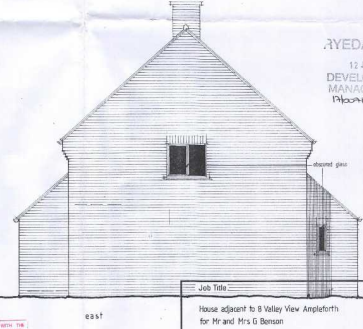
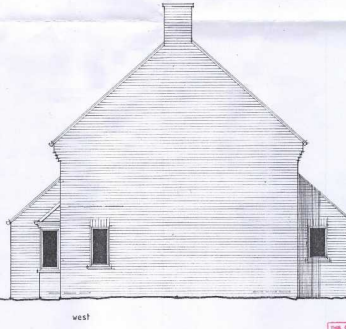
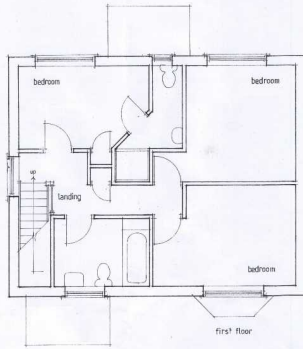
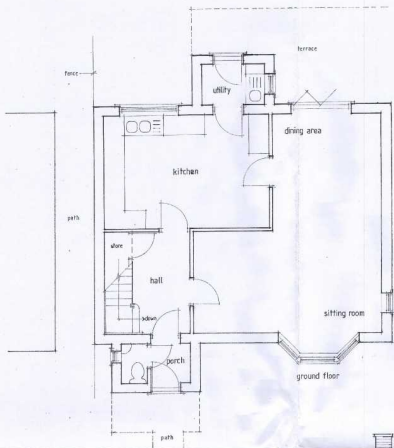
Background Papers:

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

INFORMATIVE:

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

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



RYEDALE DM
12 AIAA 117
DEVELOPMENT
MANAGEMENT
Ryedale

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Job Title	
House adjacent to 8 Valley View Ampleforth for Mr and Mrs G Benson	
Drawing Title	
Revised Details	
Scale: 1/100	Date: May 2011
Ref: R 2272	Disc No: 01
Revisions	
PAUL ELM DipTP MRTP Chartered Town Planner	

17/00719/FUL
RYEDALE DM

12 JUL 2017
DEVELOPMENT
17/00719/FUL

**Planning and
Design and Access Statement**

**Proposed house adjacent to
8 Valley View, Ampleforth**

**Revised scheme following
withdrawal of application
17/00256/FUL**

June 2017

**Paul Elm
Chartered Town Planner**

BACKGROUND

The Valley View/Geldgate development lies towards the southern edge of Ampleforth and dates from the mid 20th century. It is largely made up of terraced and semi-detached brick built two storey houses. A later development of bungalows, St Benedict's Close, has been built of the western end of Valley View. Many of the properties have been altered and extended and several have had forecourt parking areas created within their front gardens.

8 Valley View is a semi-detached house situated on a larger than average corner plot at the western end of the cul-de-sac. Immediately to the west is a block of four lock-up garages.

The house was originally built with a detached, concrete flat-roofed outbuilding incorporating a utility room, outside toilet and fuel store. A roof of corrugated sheeting has been added, attaching the outbuilding to the gable of the house. At some time a flat-roofed brick double garage has been built in the rear garden.

AMOUNT OF DEVELOPMENT

The scheme includes the demolition of the outbuilding and garage and the construction of a three bedroom house on the western half of the garden forming the curtilage of 8 Valley View.

The gardens of both the existing and proposed houses would remain in keeping with the general scale and character of others in the Valley View/Geldgate development.

LAYOUT

The new house would have the same orientation as its neighbour to minimise any overlooking/loss of amenity.

Following a site meeting, the original position for the house has been amended. It has been moved further forward, now being slightly set back from the front of the adjacent house. This will then line through with the frontages of numbers 5 and 6 Valley View which are set back similarly from the front elevations of numbers 3 and 4 to the east and 7 and 8 to the west.

It will therefore be wholly in keeping with the general layout of houses in the part of Valley View.

SCALE

From advice given at the site meeting the scale of the proposed house has been amended slightly. It will now have the same eaves height – including the brick corbelling detail – ridge height, and depth as its neighbour, 8 Valley View.

The architectural detailing of the building has been modified to reflect the underlying scale and character of the adjacent houses.

APPEARANCE

The design of the building has been amended slightly from the previously submitted scheme. Based on advice received at the site meeting, the new house will now more closely match the scale and detailing of the adjacent building.

It will be fitted with simple casement windows in white uPVC, and a composite panelled front door. A bay feature window has been incorporated into the design to match those in other houses. This will be roofed in clay plain tiles.

Roofs will be of natural clay pantiles finished with flush verges. There will be narrow white fascias and soffit boards fitted, again to match detailing of the adjacent houses. Gutters and pipework will be in black uPVC.

Brickwork will be matched as closely as is possible to that of the other houses in Valley View.

The existing brick perimeter garden wall will be retained except where directly affected by access and parking requirements.

A brick stack will be fitted at the western end of the roof ridge.

GENERAL

It has been agreed that in principle it is acceptable to build a two storey house on this site. The matters for consideration are the position of the new house, the formation of the off road parking space, and the scale and design of the building.

Following on from the site meeting last month, the original scheme has been amended as required.

The position of the house has been amended so that it follows more closely the general disposition of houses along this section of Valley View.

The off street parking area has been moved to the rear of the house.

The scale and design of the building has been modified so that it more closely resembles the character and appearance of the original houses in the development.

The proposal offers an opportunity to create an extra house on this good-sized plot of garden land. It has been positioned on site and designed so as not to have any detrimental impact on any neighbouring property.

The scheme is generally in line with both National and Local planning policies and guidance. There is currently a recognised national need for new housing.

R 2272

June 2017

Agenda Item 13

Item Number: 13
Application No: 17/00739/HOUSE
Parish: Malton Town Council
Appn. Type: Householder Application
Applicant: Mr & Mrs Hanagan
Proposal: Erection of single storey side extension to replace existing lean-to extension, removal of 2no. chimney stacks, replacement of all windows with timber double glazed sash windows with enlargement of and addition of a window to the east elevation and alteration of an existing window to form French doors.
Location: 18 The Mount Malton YO17 7ND
Registration Date: 4 July 2017
8/13 Wk Expiry Date: 29 August 2017
Overall Expiry Date: 29 August 2017
Case Officer: Joshua Murphy **Ext:** 329

CONSULTATIONS:

Parish Council Recommend approval
Building Conservation Officer

Neighbour responses: Tony & Rosanna Hartley & Klouda, Mr Barry Gillespie, Ian Abrahams, David And Marie McAfee, ,

SITE:

18 The Mount is a two storey dwellinghouse, The dwelling is also sited within the Malton Conservation Area and within the development limits of the town

PROPOSAL:

The proposal is for the erection of a single storey side extension to replace an existing lean-to extension. The extension will measure 6.3m in length by 2.9m in width. It has a height of 2.8m although there is a drop of 1m to ground level which the extension will fill.

The proposal also includes the removal of 2no. chimney stacks; the replacement of all windows with timber double glazed sash windows ; the enlargement of and addition of a window to the east elevation and, alteration of an existing window to form French doors on the south elevation.

HISTORY:

There is no relevant history for this site.

POLICY:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP12 Heritage

Policy SP16 Design

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

Planning (Listed Buildings and Conservations Areas) Act 1990

Section 72

National Planning Policy Framework (2012)

Chapter 7. Requiring good design

Chapter 12. Conserving and enhancing the historic environment

APPRAISAL:

The main considerations to be taken into account are:

- i) Design
- ii) Impact upon the Malton Conservation Area
- iii) Impact upon neighbouring amenity

i) Design

The proposal includes the erection of a single storey side extension to replace an existing lean-to extension. The extension will measure 6.3m in length by 2.9m in width and will be built up to the site boundary. It is a modern design and features, flat roof and is 2.8m in height. The external materials will be rendered walls coloured to match the existing stone and a slate grey coloured flat roof. The openings will be grey UPVC. It is considered that the extension is sympathetic and subservient to the host dwelling and it will not detract from the appearance of the host dwelling. With this in mind, it is considered that the proposal is in conformity with Policy SP16 of the Ryedale Plan - Local Plan Strategy.

ii) Impact upon the Malton Conservation Area

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

'In the exercise of planning functions in respect of Conservation Areas 'Special attention shall be paid to the desirability of preservation or enhancing the character or appearance of that area'

Although flat roof extensions are not a common feature in the Conservation Area, it is considered that the design of the proposal is sympathetic to the host dwelling. There are also very limited views of the extension due to its siting. Despite it being of a modern design it is not considered to detract from character or appearance of the conservation area.

The proposed replacement windows for the main dwelling will be a like - for - like replacement. The windows are being replaced due to the state of disrepair they are currently in. As such there would be no additional impact caused, and the replacements would overall improve the appearance of the dwelling.

There has also been no objection to the removal of the 2no chimney stacks.

The Council's Conservation Officer has no objections to the proposal and as such it is considered that the proposal is in conformity with Policy SP12 (Heritage).

iii) Impact upon neighbouring amenity

A number of objections have been made by neighbouring residents, mainly from Middlecave Road. The issues raised are considered below:

- *"The extension is not in keeping with the Conservation Area"*

It is considered that the proposal is in accordance with Policy SP16 (Design) and Policy SP12 (Heritage). It is considered the removal of the existing lean too and the addition of an extension of a modern design is appropriate in the Conservation Area. The fact that the property is located within the

Conservation Area does not exclude a modern design approach. Indeed this can often be an appropriate and sympathetic way to extend traditional buildings within the Conservation Area. This has reflected in fact the Conservation Officer has not objected to the scheme. It should also be noted that the site is also well screened from the public realm.

- *"The addition and alterations of the new windows on the eastern elevation will impact on the neighbouring amenity in a way of overlooking."*

As originally proposed the scheme showed of 2no 4 pane windows proposed to the eastern elevation which serve the kitchen. There is an existing small opening on this elevation which one of the proposed windows replacement. Following negotiation the applicant has reduced the size of these two proposed windows to reflect the design and scale of the window that currently exists in this elevation. The windows are also high compared to the floor level of the proposed kitchen area and are being installed with the purpose of allowing light rather than to take advantage of the outlook or for any other design purpose. The objections take the view that the windows will overlook their private garages and will also allow partial views of the rear amenity spaces of the dwellings situated on Middlecave road. The private amenity space associated with the dwellings on Middlecave Road are located at some distance from the property and a range of garages and outbuildings are situated on the intervening land. With this in mind its considered that the proposal would not result in the overlooking of the private amenity space with the dwellings on Middlecave Road that is feared by the objectors.

- *" If the additional windows were granted approval, this would then set a precedent of other similar developments in the area"*

All applications are considered on their own merits and as such this application can not be judged against potential future developments.

The development is considered to not create a material adverse impact upon neighbouring amenity it complies with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

In the light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

RECOMMENDATION: Approval

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

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

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

Proposed Floor Plans - Drawing No: PD230-05 PD230-04-B

Proposed Elevations - Drawing No: PD230-06-D

Site Location Plan - Drawing No: PD230-07

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

3 Before the development hereby permitted is commenced, details and samples of the materials to be used on the exterior of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. No variation of the approved materials shall be undertaken without the express consent in writing of the Local Planning Authority.

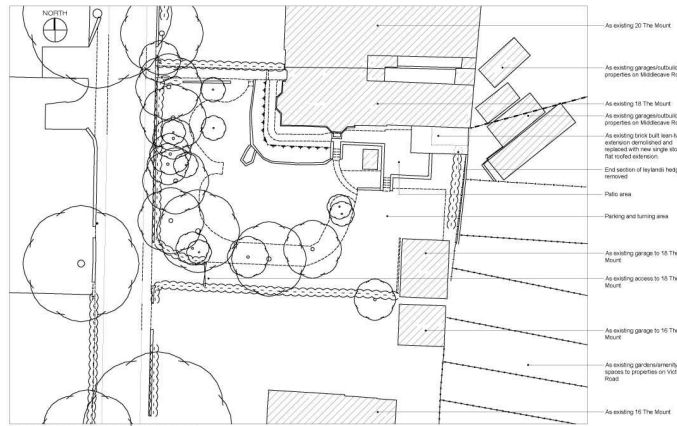
Reason:- To ensure a satisfactory external appearance.

Background Papers:

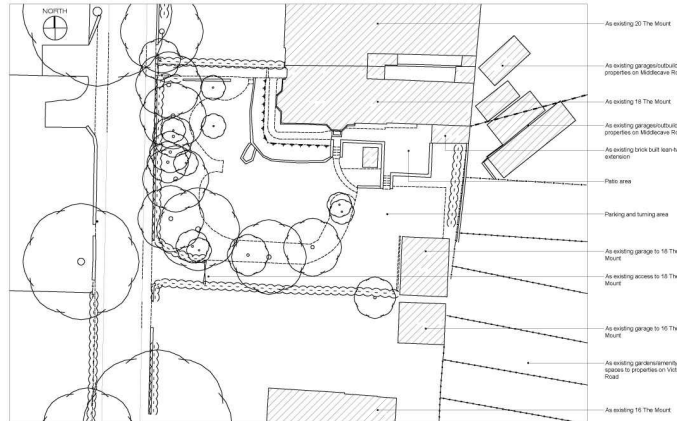
Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties



OS SITE LOCATION PLAN
(Scale 1:1250)



AS PROPOSED SITE BLOCK PLAN
(Scale 1:200)



AS EXISTING SITE BLOCK PLAN
(Scale 1:200)

VALID DATE 04/07/2017

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North Point shown approximately.

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

B	Chimney stacks removed	R.W.	04.04.2017
A	Window removed & double door added	R.W.	03.08.2017
REV	AMENDMENT	DATE	DATE

CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS

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Client: **MR & MRS HANAGAN**
18 THE MOUNT
MALTON
YO17 7ND

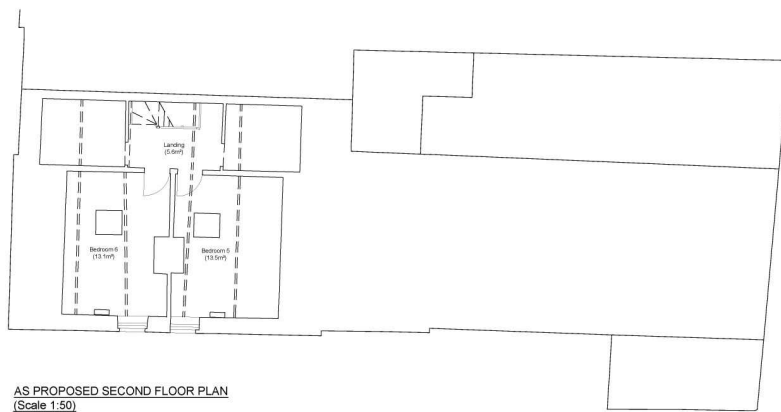
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MALTON

Drawing Title: **OS SITE LOCATION PLAN**
AND AS EXISTING & AS
PROPOSED SITE BLOCK
PLANS

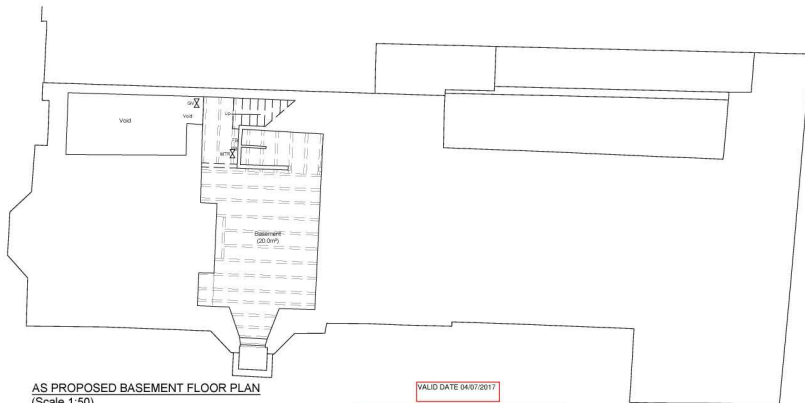
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3. Drainage Requirements.
4. Planning Approval.
5. Building Regulations approval.

REV	AMENDMENT	DATE

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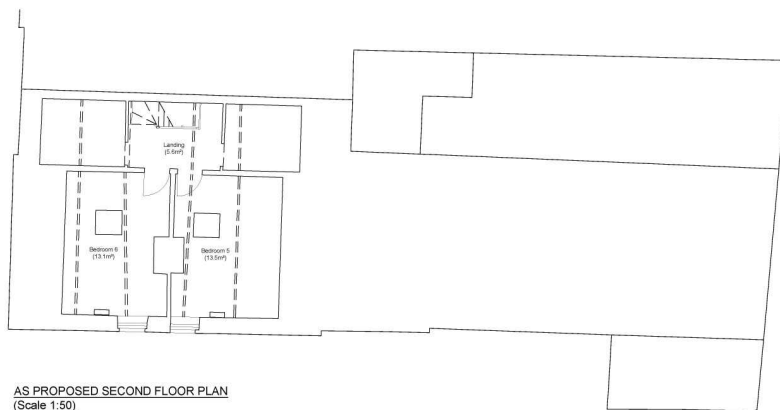
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Job Title:
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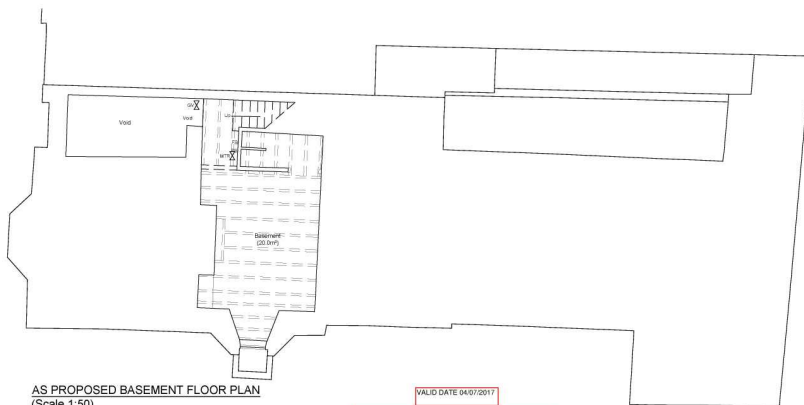
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AND SECOND FLOOR PLANS

Scale:	1:50 @ A1	Drawn:	R.W.
Date:	13.06.2017	Checked:	...

Drawing Number: PD230-02



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3. Drainage Requirements.
4. Planning Approvals.
5. Building Regulations approval.

REV	AMENDMENT	DATE

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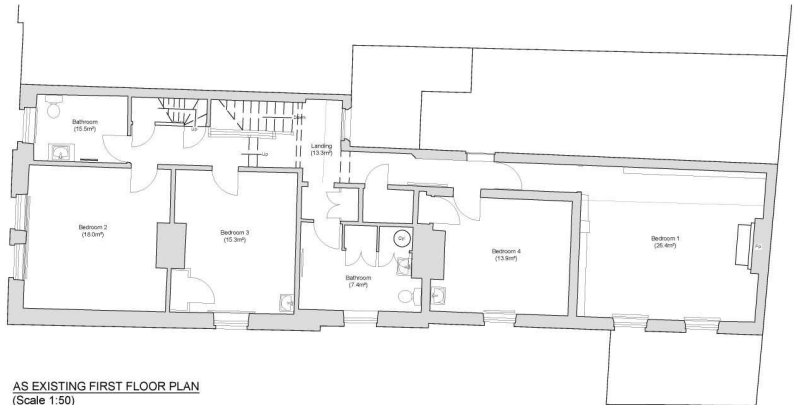
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YO17 7ND

Job Title:
ALTERATIONS TO 18 THE MOUNT,
MALTON

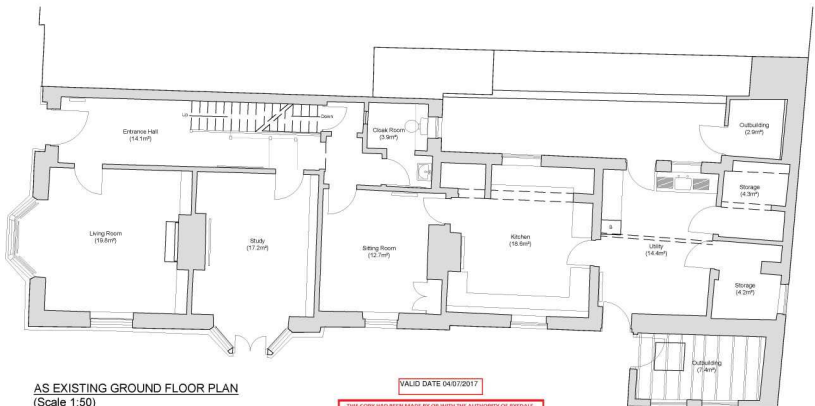
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Drawing Number: PD230-05



AS EXISTING FIRST FLOOR PLAN
(Scale 1:50)



AS EXISTING GROUND FLOOR PLAN
(Scale 1:50)

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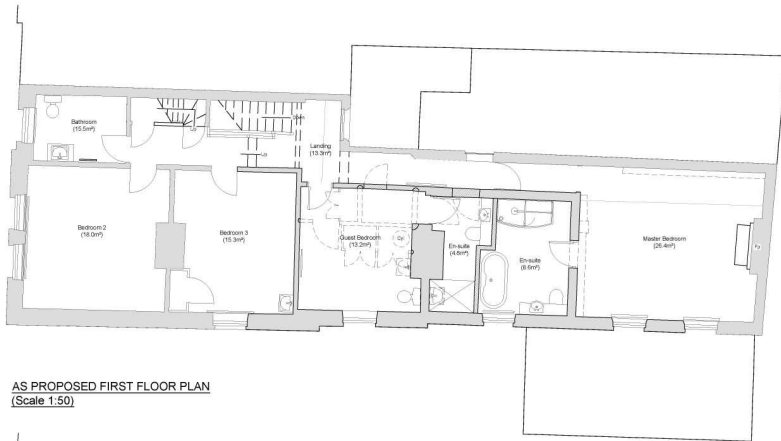
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Job Title:
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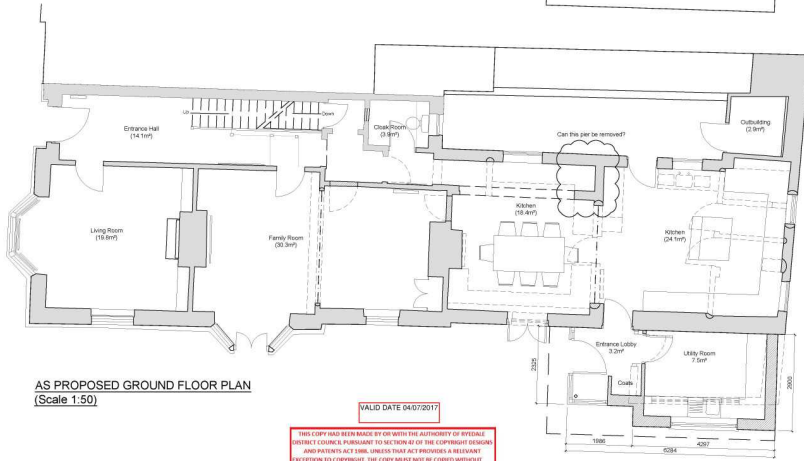
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 AS EXISTING GROUND AND
 FIRST FLOOR PLANS

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AS PROPOSED FIRST FLOOR PLAN
(Scale 1:50)



AS PROPOSED GROUND FLOOR PLAN
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3. Drainage Requirements.
4. Planning Approvals.
5. Building Regulations approval.

B	Michaels/Blindings wrapped double door added	R.W.	15.08.2017
A	Re-walls extended following client comments	R.W.	15.08.2017
REV	AMENDMENT	DATE	DATE

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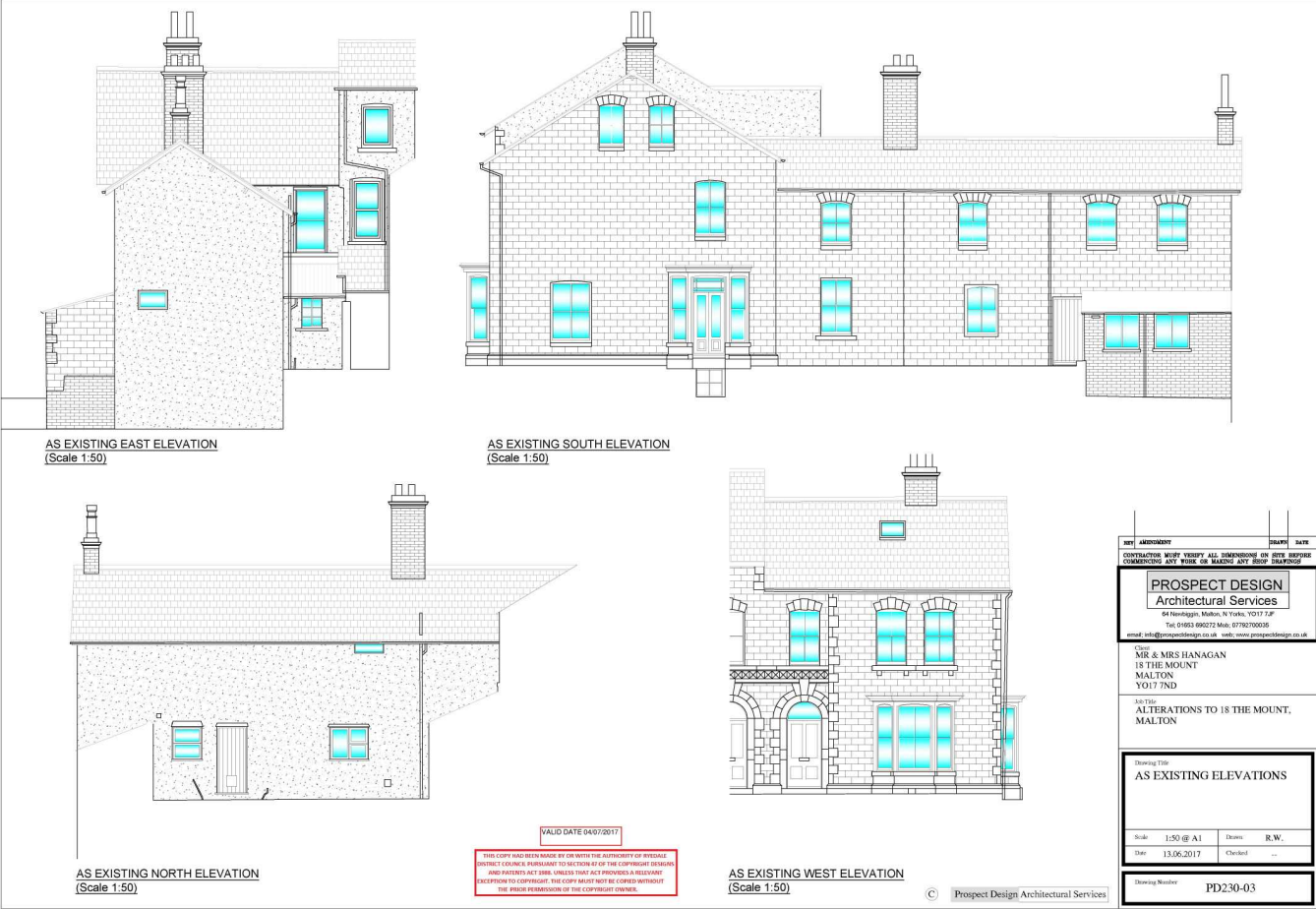
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Job Title: ALTERATIONS TO 18 THE MOUNT,
MALTON

Drawing Title: AS PROPOSED GROUND AND
FIRST FLOOR PLANS

Scale:	1:50 @ A1	Drawn:	R.W.
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Drawing Number: PD230-04-B



AS EXISTING EAST ELEVATION
(Scale 1:50)

AS EXISTING SOUTH ELEVATION
(Scale 1:50)

AS EXISTING NORTH ELEVATION
(Scale 1:50)

AS EXISTING WEST ELEVATION
(Scale 1:50)

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Job Title:
ALTERATIONS TO 18 THE MOUNT,
MALTON

Drawing Title:
AS EXISTING ELEVATIONS

Scale:	1:50 @ A1	Drawn:	R.W.
Date:	13.06.2017	Checked:	...

Drawing Number: PD230-03



AS PROPOSED EAST ELEVATION
(Scale 1:50)

AS PROPOSED SOUTH ELEVATION
(Scale 1:50)

AS PROPOSED NORTH ELEVATION
(Scale 1:50)

AS PROPOSED WEST ELEVATION
(Scale 1:50)

B	Proposed front elevation windows amended	R.W.	11.08.2017
C	Windows amended	R.W.	04.07.2017
D	Clintway stone removed	R.W.	01.08.2017
A	Window removed & double door added	R.W.	18.08.2017

NOT AMENDMENT
DATE

CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS

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YO17 7ND

Job Title:
ALTERATIONS TO 18 THE MOUNT,
MALTON

Drawing Title:
AS PROPOSED ELEVATIONS

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Date:	13.06.2017	Checked:	...

Drawing Number: PD230-06-D

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Project number Project title

PD231	Renovation of 18 The Mount, Malton to include demolition of existing lean-two extension to the side and construction of replacement extension, enlargement of existing window and inclusion of new window to the East elevation, removal of window to the South elevation and replacement with French doors and the removal of 2No. chimney stacks.
-------	---

Assessment carried out by

Date

Richard Webster	20 th June 2017
-----------------	----------------------------

DESIGN, ACCESS & HERITAGE ASSET STATEMENTS

1.0 SITE ANALYSIS

- 1.1 18 The Mount, Malton is a two and three storey, stone built, semi-detached property off The Mount in the conservation area of Malton (refer to OS Site Location Plan). The original three storey property is thought to date back to the late 1800's with a two-storey extension added at a later date.
- 1.2 The proposed development lies within the site boundary as indicated on both the site block plans and site location plan.
- 1.3 No works are proposed to the roads and accesses outside of the site boundary. (Refer to the site block plan)
- 1.5 The existing footprint of the site is 231m².

2.0 PROPOSAL AND RATIONAL

- 2.1 Having recently purchased the property the applicants are keen to sympathetically renovate the property to make it fit for modern, family, living.

3.0 SIGNIFICANCE OF HERITAGE ASSET

- 3.1 As stated above the property falls within the Malton conservation area. It's my belief that the heritage asset is the relationship of the property within the streetscene of the conservation area. Both the applicants and agent believe the proposed renovation and alterations are sympathetic to the existing building (heritage asset) and the conservation area as a whole.

4.0 DESIGN PRINCIPLES

- 4.1 As stated above the proposal is to sympathetically renovate the property to provide a family home that's fit for twenty-first century living and for the applicants and their young family.

- 4.2 Externally the main alteration is the demolition of the existing single storey, brick built, lean-two extension to the side (South) of the dwelling. A single storey, flat roofed, extension on a slightly increased footprint is proposed as a replacement. The proposed extension is designed using finishes that will complement the existing property and the wider conservation area. As with any new extension it is impossible to match the existing stonework and pointing details so the proposed external walls are to be rendered with a finished colour to match the existing stonework. New windows and doors will be powder coated aluminium frames (slate grey), double glazed units. The roof will be finished with a GRP or membrane material hidden behind a powder coated aluminium gutter / fascia (slate grey). With this in mind it is the agents and applicants view that the proposed extension is sympathetic to the character and appearance of the original property and its neighbours in terms of siting, scale, character, materials and design.
- 4.3 The other main external alterations are the enlargement of an existing window and the inclusion of a new window at ground floor level on the Eastern elevation. Both the new and the enlarged windows will be in a style and colour to match the existing windows. An existing window opening on the ground floor of the South elevation will be enlarged to form French doors into the proposed dining area.
- 4.4 The existing sash windows are in various states of repair with many having already been repaired or refurbished previously. Upon specialist advice, the applicant proposes to replace all the windows with new timber framed, double glazed, sash windows in a style and colour to match the existing.
- 4.5 Similarly the two chimney stacks to the extended part of the dwelling at the rear are in a poor state of repair, showing structural cracks and leaning. It's proposed to carefully remove the existing projecting chimney stacks to below roof level and to make good the roof coverings over.
- 4.6 Localised stone repairs to friable and eroded stonework is also proposed. This work will be completed by a competent contractor familiar with working on historic buildings. At this stage, it is envisaged that this work will include for careful defrassing of loose and friable stone prior to repointing. Localised replacement of stone will also be necessary to excessively eroded stone. Again the exact scope of stone replacement will be confirmed on site in due course following erection of safe access.
- 4.7 Internal alterations include removing the internal walls between the existing kitchen, utility and storage rooms forming an open plan kitchen / dinning room. Part of the existing WC is removed to form an access through from the proposed dinning room to the entrance hall with the existing door between the kitchen and sitting rooms blocked up. The wall between the existing sitting room and study is also removed to form a new family room.
- 4.8 It's the applicants and agents opinion that there's no inherent loss of private amenity space about the dwelling with the addition of the proposed extension. The property sits in adequate grounds to accommodate the new development. It isn't thought the proposed alterations adversely affect the private amenity of neighbouring properties. Whilst new windows are proposed to the Eastern elevation at ground floor level they aren't considered to overlook any private amenity space with garages and outbuildings been directly to the East. The properties and private amenity areas to Middlecave Road are set further back some 16m to 23m away.

4.9 It's understood that many of the above alterations don't require planning approval as they fall under the properties permitted development rights but are included in this statement so the works to the property can be understood and viewed as a whole.

5.0 DESIGN SOLUTIONS

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

- | | | |
|---|----------|--|
| 1 | PD230-01 | Existing Ground & First Floor Plans |
| 2 | PD230-02 | Existing Basement & Second Floor Plans |
| 3 | PD230-03 | Existing Elevations |
| 4 | PD230-04 | Proposed Ground & First Floor Plans |
| 5 | PD230-05 | Proposed Basement & Second Floor Plans |
| 6 | PD230-06 | Proposed Elevations |
| 7 | PD230-07 | Existing & Proposed Block Plans & OS Site Block Plan |

6.0 SITE ACCESS / CAR PARKING

6.1 Vehicular and pedestrian access to the property remains as existing.

7.0 BUILDING ENTRANCES

7.1 Building entrances to conform to current building regulations.

8.0 PLANNING POLICY

The following planning policies have been considered, above, while developing this scheme

Ryedale Plan- Local Plan Strategy;
Policy SP12 Heritage
Policy SP16 Design

National Planning Policy Framework (NPPF)

From: Clerk - MTC [<mailto:clerk@malton-tc.gov.uk>]
Sent: 27 July 2017 12:20
To: Development Management
Cc: clerk@malton-tc.gov.uk
Subject: Malton Town Council Recommendations

Hi Karen

Malton Town Council considered the planning applications below at the Council meeting held on 26th July 2017. Members recommended **approval**

Application No	Applicant/Address	Proposal
17/00739/HOUSE JM	Mr & Mrs Hanagan 18 The Mount, Malton	Erection of single storey side extension to replace existing lean-to extension, removal of 2 no. chimney stacks, replacement of all windows with timber double glazed sash windows with enlargement of and addition of a window to the east elevation and alteration of an existing window to form French doors.

--

Many thanks

Gail Cook
Clerk to Malton Town Council

Tel: 01653 228699
Email: clerk@malton-tc.gov.uk
Website: www.malton-tc.gov.uk
Address: Community House, Wentworth Street, Malton, North Yorkshire, YO17 7BN

Please note the office is closed on a Friday

Item Number: 14
Application No: 17/00752/HOUSE
Parish: Coulton Parish Council
Appn. Type: Householder Application
Applicant: Ian Mosey Ltd (Mr Ian Mosey)
Proposal: Erection of single storey extension to south elevation of 'east wing' and raising of roof height to include installation of rooflights to south elevation roofslope and dormer windows and rooflights to north elevation roofslope, together with installation of timber framed glazing to east gable.
Location: Montreal Grange Coulton Lane Coulton Helmsley YO62 4NQ

Registration Date: 27 June 2017
8/13 Wk Expiry Date: 22 August 2017
Overall Expiry Date: 29 August 2017
Case Officer: Joshua Murphy **Ext:** 329

CONSULTATIONS:

Parish Council Supports.
Paul Jackson AONB Manager No objection, although details some observations.

Neighbour responses:

SITE:

Montreal Grange is located in Coulton, adjacent to Coulton Lane. The dwelling is also sited within the Howardian Hills Area of Outstanding Natural Beauty.

PROPOSAL:

The application is for the erection of a single storey extension to the south elevation of the 'east wing' together with installation of timber framed glazing.

It also includes the raising of the roof height by 1.4m which will include installation of rooflights to south elevation roofslope and rooflights to north elevation roofslope, in order to provide additional accommodation at the first floor level.

HISTORY:

03/01243/FUL - Change of use of agricultural buildings to single 4-bedroom dwelling with associated garage block and revised vehicular access.

POLICY:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP13 Landscapes
Policy SP16 Design
Policy SP19 Presumption in Favour of Sustainable Development
Policy SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

APPRAISAL:

The main considerations to be taken into account are:

- i) Design
- ii) Impact upon the AONB
- iii) Impact upon neighbouring amenity

i) Design

The first part of the proposal features the erection of the extension to the east wing of the dwelling. This is to measure 6m in width by 8.4m in length, with an corresponding ridge height of 6.9m. Officers had concerns regarding the design of this element including the type of windows proposed. The gable end and lean too extension featured a large amount of glazing. As such the previously top hung windows were considered to be too domestic in design and did not correspond well with the converted barn. Revised plans were submitted and although the large areas of glazing remains, the single pane windows surrounded with the oak timber frame are commonly seen in contemporary approaches to in modern barn conversions.

The other part of the application features the raising of the roof height in order to provide liveable 1st floor accommodation on east wing of the dwelling. The main visible external difference would be that both the first floor ridge and eaves are set below that of the existing two storey element of the converted barn. The dormer windows have been deleted and replaced with Velux windows and the overall appearance is considered to be more in keeping with the exiting barn.

It is considered therefore that the proposal is appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of material and the proposal accords with Policy SP16 Design.

ii) Impact upon the AONB

Policy SP12 - Landscapes states that, The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the AONB and its setting will be carefully considered.

The site is located within the AONB. The AONB Manager at North Yorkshire Country Council has been consulted and raised some observations to the initial scheme but did not have any objection in principle. The observation is in relation to the glazing on the east wing and the glare or reflections caused. However, this elevation faces upon open fields and there are no public views of the end gable. It is considered that the design has no wider adverse impact on the AONB and there the proposal is in conformity with Policy SP13 of the Ryedale Plane - Local Plan Strategy.

iii) Impact upon neighbouring amenity

An objection was raised to the initial scheme from the immediate neighbour at Montreal Farm. The objection related to the potential dominance that the raising of the roof, erection of the extension and new windows may cause. However, revised plans have been submitted. These plans included the reduction of the ridge height, which is now in line with the east wing, as stated above. There are already 2no rooflights on the existing south elevation, with 3no to be proposed. It is considered due to the scale of the proposed rooflights these would not have a adverse impact. The extension on the south elevation will also not be seen from the neighbouring dwelling as a result of the large brick wall which divides the properties.

The revised plans are the subject of reconsultation, with no response received to this date. it is officers opinion that the revised scheme does not have material adverse impact on the neighbouring dwelling. Any further comments received will be added to the late pages or at the meeting. The Parish Council do

not object to the proposal.

In the light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP13, SP16 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 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 of the Ryedale Plan - Local Plan Strategy.

3 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of the building. The panel so constructed shall be retained only until the development has been completed.

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

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

Proposed Plans - Drawing No: 1050760/04 B
Site Location Plan - Drawing No: YESRU1050760/02
Site Layout Plan - Drawing No: YESRU1050760/01

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

Background Papers:

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

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DATE VALID:
27.06.2017



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REVISIONS

REV	NOTE / DRAWN BY	DATE



CITY BOUNDARY ———
 OTHER LAND OWNED BY APPLICANT ———



PROJECT TITLE
 MONTREAL GRANGE
 COULTON
 Y062 4NQ

CLIENT
 IAN MOSEY LTD

DRAWING TITLE
 LOCATION PLAN

SCALE @ A3	PROJECT / DWG / REV NO.
1:1250	YSRU1050760/02

DRAWING STATUS
 PLANNING

DRAWN BY	CHECKED BY	DATE
PSB	PNH	JUNE 14





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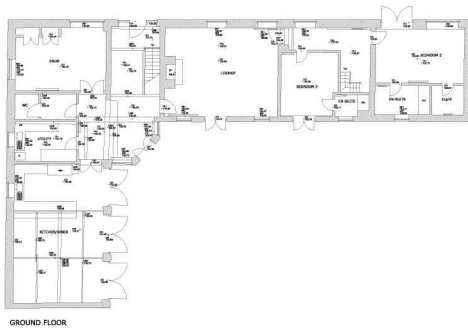
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MONTRIAL GRANGE
 COLTON
 YOX2 4NJ
 DRAWN BY
 JAM HOSEY LTD

DRAWING TITLE
 SITE PLAN
 SCALE 1:100
 PROJECT / DRAW / REV NO.
 YSRU1050756/01
 DRAWING NUMBER
 PLANNING
 DRAWN BY
 PSH
 CHECKED BY
 PNH
 DATE
 JUNE 17

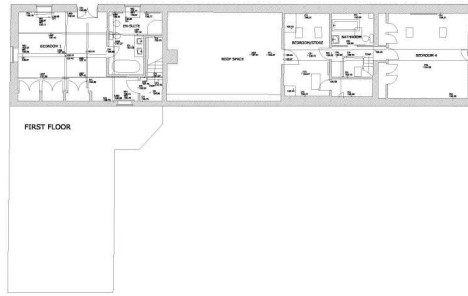
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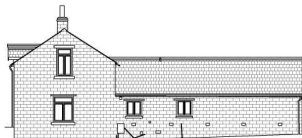


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 1. All work shall be in accordance with the Building Regulations, England and Wales and any other applicable regulations. All dimensions shall be checked on site to the centimetre and any discrepancies shall be reported to the architect immediately.
 2. The contractor shall be responsible for the completion of the drawings and shall ensure that all work is carried out in accordance with the approved drawings. The architect shall not be responsible for any errors or omissions in the drawings or for any consequences arising therefrom.
 3. The contractor shall be responsible for the completion of the drawings and shall ensure that all work is carried out in accordance with the approved drawings. The architect shall not be responsible for any errors or omissions in the drawings or for any consequences arising therefrom.

REVISIONS

NO.	REVISION	DATE



WEST ELEVATION



EAST ELEVATION

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27.06.2017



NORTH ELEVATION



SOUTH ELEVATION



PROJECT TITLE
MONTREAL GRANGE
 COLTON
 Y062 4NQ
 CLIENT

PREPARED BY
IAN MOSLEY LTD

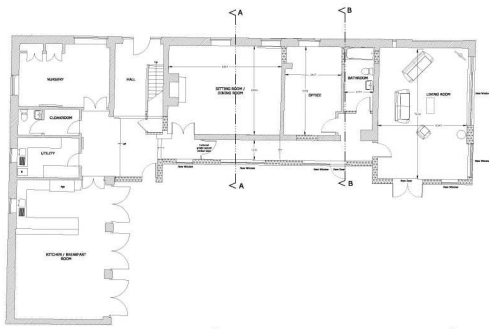
DATE OF ISSUE
EXISTING PLANS AND ELEVATIONS

SCALE	DATE	ISSUED BY	REVISION
1:100	04/17	YSRU1050760/03	
PLANNING			
ISSUED BY	CHECKED BY	DATE	
PSS	PNH	JUNE 17	

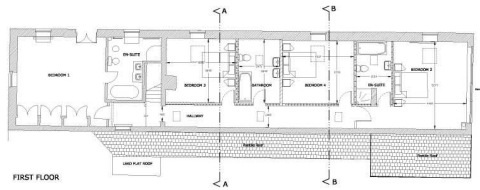
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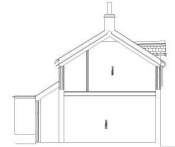
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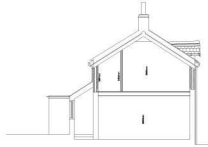
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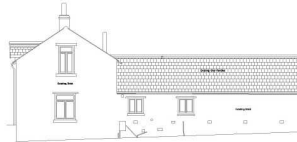
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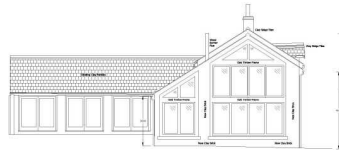
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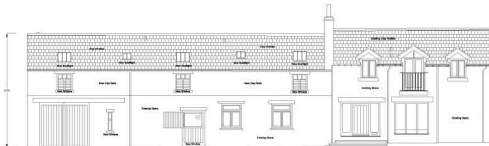
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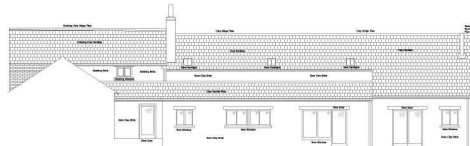
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

NOTES

1. All work shall be in accordance with the Building Regulations. All work shall be carried out in accordance with the Building Regulations. All work shall be carried out in accordance with the Building Regulations. All work shall be carried out in accordance with the Building Regulations.

REVISIONS

REV	NOV / DRAWN BY	DATE
1	Initial Submission P&E	04/08/17
2	Alterations to reduce ridge height P&E	11/08/17



PROJECT TITLE
MONTREAL GRANGE
COLTON
YO62 4NQ
CLIENT
IAN MOSSEY LTD

SCALE	PAPER SIZE	DRAWING NUMBER	REVISION
1:100	BAL	1050765/04	B
DRAWING CONTENTS			
PLANNING	CHECKED BY	DATE	
PNB	PNH	JUNE 16	

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11.08.17



Proposed Alteration/Extension
Montreal Grange
Coulton
Hovingham
York YO62 4NQ
Ref: YSRU1050760



DESIGN & ACCESS STATEMENT

Proposed Alteration & Extension

Montreal Grange

Coulton

Hovingham

York

YO62 4NQ

On behalf of Ian Mosey Limited



Proposed Alteration/Extension
Montreal Grange
Coulton
Hovingham
York YO62 4NQ
Ref: YSRU1050760



Location

Montreal Grange is located in a rural area immediately adjacent to/off Coulton Lane. The hamlet of Coulton is located approximately .5km to the south with the settlements/villages of Gilling East and Hovingham approximately 3km and 4km to the north and east respectively. Situated in a rural area and within the Howardian Hills Area of Outstanding Natural Beauty (AONB), the surrounding land includes pasture and arable farmland with significant areas of woodland nearby. There is a neighbouring property, Montreal Farm, located to the immediate south of Montreal Grange, however, this is well separated by a high level wall and there are no overlooking/privacy issues. The feed production mill of Ian Mosey (Feed) Limited is located nearby at Black Dale Farm, Coulton Lane.

Use

The property comprises a single residential dwelling, converted from a range of traditional farm buildings in/around 2004. It is constructed with both stone and brick faced walls beneath pitched clay pantile covered roofs. The accommodation currently comprises:

Ground Floor: Entrance Hall, Living Room, Dining Room, Kitchen/Breakfast Room, Utility, Cloakroom/W.C., Inner Hall (inc stairs), Two Bedrooms with En-suites.

First Floor: Landing, Principal Bedroom with En-suite, Two further Bedrooms, Bathroom and storage.

Externally: Entrance/driveway from Coulton Lane with parking and 4 bay open garage, front garden to north, enclosed garden and patio to rear/south with external store. Field to the west, to other side of Coulton Lane.

The proposal is to retain the same residential use but to extend the house and increase it in height in parts to improve the layout and circulation that is currently compromised. Upon completion, as shown on the drawings, the accommodation will comprise:

Ground Floor: Entrance Hall, Living Room, Sitting Room/Dining Room, Kitchen/Breakfast Room, Utility, Cloakroom/W.C., Nursery, Office, Bathroom/W.C.

First Floor: Landing, 4 Bedrooms, Two En-suites and Family bathroom.

Externally: Unchanged, as above.

The proposed alterations are of particular importance to the owners/occupiers due to the existing compromised layout and circulation challenges. Stephen Mosey who lives in the house with his wife

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Proposed Alteration/Extension
Montreal Grange
Coulton
Hovingham
York YO62 4NQ
Ref: YSRU1050760



and children has a growing family and the space/layout needs to be improved to accommodate modern family living and to ensure there is good connection between the internal spaces.

Stephen Mosey is the manager of the feed mill and living in very close proximity to the mill is a requirement of the position. Accordingly, with very limited local housing stock available within immediate proximity of the mill, these proposed improvements to Montreal Grange are very important.

Scale

The existing Gross External Floor Area (GEFA) is c 379m² (Gross Internal Floor Area (GIFA) of c315m²). Upon completion of the proposed works, the GEFA will be c457m² (GIFA of c390m²). The existing footprint is c249m² and upon completion, this will increase to c285m², a difference between the existing and proposed of c36m² or a 14% increase.

It can be seen from the proposal that to accommodate the changes, the building in part is being extended and heightened. This is required as currently both the ground and first floor layouts and circulation is heavily compromised with restricted/ poor access between the west and east sections of the house.

To accommodate the required changes, the proposal is to add a single storey lean-to link to the south elevation that will only be visible from within the rear enclosed courtyard garden. There is also the need to lift part of the house, as shown/indicated on the drawings.

Accepting that the external ground levels slope slightly, the current eaves height and ridge height of the part of the house to be lifted is c3.2m and 5.5m respectively. The proposal is to lift the eaves by c1.4m to c4.6m and ridge by 1.4m to 6.9m and 1.6m to 7.1m, the step uplift required to accommodate internal ceiling height requirements. The proposed lifts to the eaves and ridges have been kept to a minimum and are either at or below the existing main part of the house.

Design and Appearance

The changes are required for the reasons stated above. Care has been taken in the design to respect the size, scale and character of the existing building and all materials proposed are to compliment what is there. The works will include a combination of brick and stone faced walls with an oak frame proposed for the east facing glazed gable. The main roof covering will be clay pantile, as exists at present and the small section of flat roof to the rear, above part of the hall, will have a lead covering.

To the north elevation, rather than attempt to match the existing stone and coursing, it is proposed that there will be a change in materials from the existing stone facing with the raised/lifted wall to be traditional clay brick faced such as that available from York Handmade Brick Co Ltd, Alne. This will respect the original single storey part of the building with the brick section identifying a required change in the building, the change necessary as part of building progression through occupancy

Proposed Alteration/Extension
Montreal Grange
Coulton
Hovingham
York YO62 4NQ
Ref: YSRU1050760



need. It will also enable a clean connection in construction at the corner joint from the brick that surrounds the oak frame to the east elevation.

The north elevation extension incorporates dormers to match in size/appearance those in the west section of the north elevation providing light and views to the three bedrooms, these windows do not overlook any property. There are two small conservation rooflights to this north roof elevation providing light and natural ventilation to the bathrooms.

The south elevation facing into the courtyard garden, now includes a single storey brick and clay pantile projection, this required to improve the connection between the west and east parts of the house. This will not be visible having no impact on the neighbouring Montreal Farm. Similarly, the design of the lifted section of the house, with the first floor landing to the south side of the house, means that the neighbour will not be overlooked at all with the three small conservation rooflights included to provide light rather than views.

It is expected that with the existing high wall between the subject and neighbour that this proposal, involving lifting the ridge of part of the house by only/between 1.4 and 1.6m, the impact on the neighbour will be minimal and is unlikely to be noticed. With the subject property/Montreal Grange located to the north of the neighbour/Montreal Farm and considering the existing boundary wall, it is expected that the extension and increase in height will have no impact on the neighbour in relation to shadowing or loss of view.

An opportunity has been taken with the east facing gable to incorporate large modern/contemporary designed oak framed windows providing good levels of light and excellent uninterrupted views of the surrounding countryside benefitting the new Living Room and Bedroom above. This design is considered to compliment the more traditional remaining parts of the property and will be of a high quality specification. This part of the property is not overlooked and will not impact on any immediate neighbouring property/dwelling, with the nearest neighbour located on the outskirts of Coulton some c400 distance.

Landscape

Beyond localised landscaping that may be undertaken as part of the proposed extension/alteration to the building, which would be small in scale and likely be confined to the enclosed courtyard area to include repositioning of fencing and gates within the curtilage, plus paving and soft landscaping works, no extensive landscape intervention is planned.

Access

The proposed extension/alteration works will not, upon completion, affect any existing highway or right of way or increase access/egress flow of traffic to and from the highway/Coulton Lane. The proposal is merely an extension of an existing single dwelling.

Proposed Alteration/Extension
Montreal Grange
Coulton
Hovingham
York YO62 4NQ
Ref: YSRU1050760



The proposal will include the improvement of access to the rear from the enclosed courtyard area, to include if/where possible some level access provision to the dwelling via changes to the external paved areas to include gentle slopes in the paving in part replacement of steps.

From: Idalia Farley
Sent: 26 July 2017 16:49
To: Development Management
Subject: Planning response

Gilling East Parish Council supports the following planning application.
17/00752/HOUSE for Ian Mosey
Montreal Grange, Coulton lane, Coulton

Regards

Dinah Farley

Agenda Item 15

**RYEDALE
DISTRICT
COUNCIL**



PART A: MATTERS DEALT WITH UNDER DELEGATED POWERS

REPORT TO: PLANNING COMMITTEE

DATE: 30 AUGUST 2017

REPORT OF THE: HEAD OF PLANNING

TITLE OF REPORT: MINERALS AND WASTE JOINT PLAN. CHANGES TO PUBLICATION DRAFT

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To consider proposed changes to the Publication Draft of the Minerals and Waste Plan.

2.0 RECOMMENDATION

2.1 It is recommended that:

- (i) This Council supports the proposed changes to para 5.130 (Proposed Change number 68) and to Appendix 2 (Proposed Change number 113) as outlined in paragraphs 6.4 and 6.5 below.

3.0 REASON FOR RECOMMENDATION

3.1 To ensure that the Minerals and Waste Authorities are aware of the views of this Council.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks associated with the recommendation. The representations on the Publication Draft of the Plan that were made by this Council will be taken forward to the examination in public.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 Members are aware that the joint Minerals and Waste Plan is being prepared by North Yorkshire County Council, the City of York Council and the North York Moors National Park Authority. Once adopted the Plan will be the Development Plan for the area.

PLANNING COMMITTEE

30 AUGUST 2017

- 5.2 The Plan was formally published for a six week consultation in November 2016. Following an assessment of the representations that were received, a number of amendments to the Plan are proposed. These have been made available for consultation until 6th September 2017. Representations on the proposed changes will be considered by the planning inspector when the plan is examined.
- 5.3 Information on the County Council's web-site indicates that the Plan will be submitted for examination in November 2017 and that the examination will begin in January 2018.

6.0 REPORT

- 6.1 In general, the proposed changes do not alter the overall policy approach of the plan. The majority reflect factual and typographical changes or provide additional clarity to policies.
- 6.2 A summary of the proposed changes is as follows:

Minerals Policies

- Change to policy on landbanks for crushed rock to provide clarity on the time period that the policy applies for the magnesian limestone bank to correct a factual error

Hydrocarbons

- Changes to correct typographical errors
- Changes to the background text to refer to exploratory 'activity' rather than drilling to clarify that it is other aspects of the development which may mean that development activity takes place over longer periods
- Changes to the regulatory regime text to clarify the roles and responsibilities for different bodies
- Changes to the definitions section to more accurately reflect the distinctions between the development activity associated with conventional and non conventional hydrocarbon resources
- Changes to the supporting text of Policy M16 to reflect the latest Government position. The implications of this are that additional restrictions will be applied to operations using more than 1,000 cubic metres of fluid
- Additional text to highlight that the minerals planning authorities are not seeking to unreasonably restrict activity typically associated with the production of conventional resources
- Change to Policy M17 to replace 'planned' with 'permitted' in the context of well pads to clarify their status
- Inclusion of text to recognise the potential impact on air quality as a result of increased vehicle movements in relation to hydrocarbon developments
- Changes to supporting text to Policy M17 to better reflect the direction of national policy and available evidence
- Change to Policy M18 to clarify that wells will be decommissioned following the completion of the operational phase
- Change to supporting text of Policy M18 to clarify that water arising on site may not always constitute waste
- The consultation material also includes a reference to a proposed change to the Plan to (to the supporting text of Policy DO6) to reflect the presence of other potentially relevant designations in District Local Plans and to ensure appropriate links are made. However, there is an inconsistency within the material as this change is

included in the schedule of proposed changes as a change to the supporting text of Policy M16 which relates specifically to hydrocarbons.

Potash and Salt

- Changes to policy headings to refer to potash and rock salt (rather than polyhalite) as there are other forms of potash
- Amendments to the supporting text to define the different forms of potash which is necessary as there are different policy and infrastructure requirements depending on the form and national need for the mineral

Waste

- Proposed change to Policy W11 to recognise that it will be acceptable in principle to site new waste management facilities next to existing waste management sites where it can be demonstrated that co-locational benefits would arise.

Transport and Infrastructure

- Clarification of policy I02 to make it clear that the whole of the policy relates to the City of York

Safeguarding Policies

- Proposed changes to Policy SO1 and the supporting text to clarify the status of the potash and polyhalite areas as a 'permitted' rather than licensed area
- Additional supporting text recognising the need for a pragmatic approach needs to be taken when implementing safeguarding requirements where an overlap with other types of development occurs
- Additional supporting text emphasising that minerals and waste transport infrastructure is also safeguarded in the plan

Development Management Policies

- Changes to the supporting text to Policy DO3 to reflect the potential for vehicle movements to impact on air quality
- changes to the supporting text of Policy DO4 to further clarify the purposes of the AONB designation
- Changes to text of Policy D12 to recognise that all soils could make some contribution to ecological connectivity or carbon storage

Site Allocations

- Some changes to the key sensitivities for sites that are proposed for allocation to reflect the potential significance of a constraint that has been identified through the site assessment process
- Some changes to development management requirements and site area to reduce potential harm to an identified asset

Safeguarded Sites

- Changes in the appendix of safeguarded sites to correct typographical errors, provide updated information and an additional site - Showfield Lane, Malton (safeguarded as a waste transfer (non Hazardous site)).

Policies Map

- Changes to correct an omission and to make the text consistent with the text in the plan

- 6.3 Members will recall that this Council has made a number of representations when the Plan was published for consultation. The vast majority of the proposed changes provide additional clarity to the Plan and do not specifically relate to or effect the specific representations that this Council has made. In this respect, it is considered that it is not necessary to make further representations in response to all of the proposed changes.
- 6.4 The Minerals and Waste Authorities have proposed changes to the Plan (PC68) to include a reference that recognises local landscape designations in Local Plans. This is linked to representations this Council has made in relation to the proposed hydrocarbon policies. It is considered that it would be appropriate to support the proposed change but to also make the point that in doing so, this does not alter representations this Council has previously made in respect of the hydrocarbon policies.
- 6.5 Additionally, a further change (PC113) is to include Showfield Lane as a safeguarded waste transfer site. This is in response to representations made by this Council. On that basis, it is considered appropriate that this Council should support the proposed change.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
No direct implications for Ryedale District Council
 - b) Legal
No direct implications for Ryedale District Council
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
No direct implications for Ryedale District Council

8.0 NEXT STEPS

- 8.1 The Joint Plan will be submitted for examination in November 2017. Representations on the Plan and the proposed changes to the Plan will be considered as part of the examination process.

Gary Housden
Head of Planning

Author: Jill Thompson, Principal Specialist Place
Telephone No: 01653 600666 ext: 327
E-Mail Address: jill.thompson@ryedale.gov.uk

Background Papers:

Minerals and Waste Joint Plan. Addendum of Proposed Changes to Publication Draft. July 2017

Background Papers are available for inspection at:

<https://www.northyorks.gov.uk/minerals-and-waste-joint-plan>



Ryedale District Council

REPORT TO: PLANNING COMMITTEE

DATE: 30 August 2017

REPORTING OFFICER: Gary Housden – Head of Planning

TITLE OF REPORT: Land at Pasture Lane Hovingham North Yorkshire

1 PURPOSE OF REPORT

1.1 The purpose of this report is to bring to Members' attention the requirement to consider taking direct planning enforcement action as a way of carrying out works in default to remedy a breach of planning control and a failure to comply with an Enforcement Notice.

2 OFFICER RECOMMENDATION

2.1 To delegate to the Head of Planning the authority to take direct planning enforcement action under section 178 of the Town and Country Planning Act 1990 as amended and all relevant regulations and to make arrangements for the laying of a wearing course to secure compliance with the requirements which are set out in the Enforcement Notice dated 18 August 2016 and that a legal charge be placed on the property to recover the Council's expenses.

2.2 To authorise legal action for the recovery of expenses and overheads incurred in taking direct action to secure compliance with the requirements which are set out in the Enforcement Notice dated 18 August 2016 from the land owner and any other liable person .

3 BACKGROUND

3.1 This has been an ongoing enforcement case since 2015 for the breach of condition. The Enforcement Notice relates to a breach of a planning condition.

3.2 Under section 179 of the Town and Country Planning Act 1990 as amended it is an offence for a person who is the owner, or has control of or an interest in the land to which an enforcement notice relates to fail to comply with the enforcement notice.

3.3 Prosecution proceedings have been considered because the notice has not been complied with. However, this in itself would not remedy the breach of planning control.

4 THE BREACH OF PLANNING CONTROL

4.1 Planning permission was granted on 25th April 2008 (ref: 07/00607/MFUL) for the following development:

Erection of 5 five-bed dwellings, 4 four-bed dwellings, 9 three-bed dwellings, 2 two-bed dwellings and four two-bed apartments together with associated garages, parking and amenity areas, access road and landscaping

4.2 This permission was granted a time extension on 20th February 2012 (ref: 11/00107/EXTM) under the following description:

" Extension of time limit to application 07/00607/MFUL for Erection of 5 five-bed dwellings, 4 four-bed dwellings, 9 three-bed dwellings, 2 two-bed dwellings and four two-bed apartments together with associated garages, parking and amenity areas, access road and landscaping."

4.3 The breach of planning control relates to the non compliance with the following condition :

Condition 14:

No dwelling to which this planning permission relates shall be occupied unless or until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerb and connected to the existing highway network with street lighting installed and in operation.

The carriageway and footway/footpath wearing courses (and street lighting) shall be completed within three months of the date of commencement of construction of the penultimate dwelling of the development or within two years of the laying of the basecourse whichever is sooner, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure safe and appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

4.4 The carriageway and footway/footpath wearing courses have not been completed within three months of the date of commencement of construction of the penultimate dwelling of the development or within two years of the laying of the basecourse.

5 ENFORCEMENT NOTICE

5.1 An enforcement notice was issued on 18 August 2016 . No appeal was lodged before the enforcement notice took effect on 26 September 2016 . The notice therefore has taken effect. A copy of the enforcement notice is attached to this report.

5.2 The enforcement notice required the following steps to be taken within 30 days of the notice taking effect:

"Completion of the carriageway and footpath/footway wearing courses as required by condition 14 of planning permission 07/00607/MFUL (duplicated as Condition 14 of Planning Permission 11/00107/EXTM)"

5.3 The freehold of the land is currently owned by an offshore Guernsey registered company called Stirling Mortimer No 8 Fund UK Land Limited.

6.0 OPTIONS FOR REMEDYING THE BREACH OF PLANNING CONTROL

6.1 Option 1 – Prosecution

6.2 Section 179 of the 1990 Act provides that if any owner or occupier of land on whom a notice was served fails to take steps required by the notice within the period specified in it for compliance with it, she shall be guilty of an offence.

6.3 A person guilty of an offence under section 179 shall be liable –

-On summary conviction, to a fine not exceeding £20,000; and

-On conviction on indictment, to an unlimited fine Section 179(8)

6.4 On the basis of the information currently held, it is considered that pursuing a prosecution against an offshore Guernsey registered company is a challenging option. The Magistrates court has no power to order compliance with the terms of the notice. The proposal to pursue direct action is without prejudice to the option of pursuing a prosecution in the future .

6.5 Option 2 – Injunction

6.6 Section 187B(1) of the 1990 Act provides that where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the high court or the county court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under Part VII (Enforcement) of the 1990 Act.

6.7 Whilst an application may be made to the court in respect of the above breach of planning control, the court would need to be satisfied that the granting of an order to force compliance will achieve the required aim and that intervention is as a last resort. This is because the court would also need to be satisfied that if the owner fails to obey the order they would be prepared to commit the owner to prison for contempt of court.

6.8 On the basis of the information currently held, it is considered that pursuing an injunction against an offshore Guernsey registered company is a challenging option. The proposal to pursue direct action is without prejudice to the option of pursuing an injunction in the future .

6.9 Option 3 – Direct Action (Section 178 of the 1990 TCPA)

6.10 Section 178(1) of the Act provides that where any steps required by an enforcement notice required by the notice to be taken have not been taken within the period for compliance , the local planning authority who served the notice may:

- (a) enter the land and take those steps, and
- (b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

6.11 Enforcement action taken must be proportionate, necessary, reasonable, appropriate and justifiable, and commensurate to the breach of planning control. Some incidents or breaches of regulatory requirements have the potential to cause serious risks to the public, environmental damage or loss of public or residential amenity. One of the Council's responsibilities is to protect the public and prevent harm to the environment from occurring or continuing.

6.12 In this particular case, it is considered that direct action pursuant to Section 219 of the Act is justifiably, reasonable, appropriate, proportionate and necessary and the

best option open to Members to remedy the breach of planning control, to ensure safe and appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

6.13 Option 4 – Take No Further Action

6.14 The Enforcement Notice will remain extant indefinitely and therefore a decision to take formal enforcement action could be reconsidered at a later date. However Members must consider that whilst the Local Planning Authority has a general discretion to take enforcement action, the continued failure to resolve the breach of planning control may affect public perception and confidence in the planning system. In addition, owners of other parts of the estate have access to an adoptable highway, and there is an issue of fairness and equality in dealing with the case. Therefore, in this particular case, taking no further action is not considered the most appropriate and proportionate response to the continued breach of planning control.

7 CONSIDERATIONS

7.1 The taking of steps specified in the enforcement notice to secure the laying down of the wearing course on the road at Pasture Lane Hovingham would resolve an outstanding issue should Members agree to take direct action.

7.2 Should Members agree not to take action then the road would remain as it is.

8 FINANCIAL IMPLICATIONS

8.1 Members should note that the costs of taking direct action, including the establishment costs are recoverable. Court action is usually taken in the County Court or High Court on these circumstances. Therefore the costs associated with the taking of direct action must be reasonable and justifiable. In this respect, direct action will be carried out in accordance with the law, best practice and guidance, and the Council's own procedures.

8.2 It is anticipated that the likely cost would be approximately £28,000 to secure the laying down of the wearing course on the road at Pasture Lane Hovingham. This estimate does not include the District Council's overheads such as legal and other establishment costs which would be recoverable section 36 of the Local Government Act 1972.

8.3 North Yorkshire County Council have agreed to share the initial cost of laying the wearing course.

9 ACTION

9.1 It is requested of Members to note the contents of this report and approve the Officer recommendation as set out in section 2 above.

Gary Housden
Head of Planning

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

Background Papers:

Enforcement File : 15/00078/BC



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

See Distribution List

Our Ref: BS / ENF-16-0002

Please ask for: Anthony Winship

Ext: 267

18 August 2016

E-mail: anthony.winship@ryedale.gov.uk

Dear Sir/Madam

Enforcement Notice:

LPA Reference : 15/00078/BC

Land to the South of Pasture Lane, Hovingham, York

This Local Planning Authority, Ryedale District Council, has issued an Enforcement Notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 26 September 2016 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the Annex to the Enforcement Notice which tells you how to make an appeal.

You may wish to take advice from your Solicitor, Surveyor or other adviser. Please note that if the required steps are not taken as required by the Enforcement Notice, then you personally may be held responsible if the Ryedale District Council decide to take further proceedings. If the Enforcement Notice comes into force and is not complied with the Council can take proceedings in the Magistrates' Court and you might, if prosecuted, have to pay a fine.

Yours faithfully

K A Winship
Council Solicitor

Encs



Distribution List

List of Parties on whom the Enforcement Notice has been served:

Company Secretary
Stirling Mortimer No. 8 Fund UK Land Limited
Heritage Hall
1 Le Marchant Street
St Peter Port
Guernsey
GY1 4HY

Company Secretary
Trilandium LLP
Boston House
212-214 High Street
Boston Spa
West Yorkshire
LS23 6AD

Hovingham Homes LLP
Boston House
212-214 High Street
Boston Spa
West Yorkshire
LS23 6AD

Company Secretary
Stirling Mortimer Ltd
The Coach House, Badgeworth,
Cheltenham, GL51 4UL

cc Managing Development – (Karen Hood)
Development Control -
Planning Enforcement (x 2) (for file and enforcement register)
Local Land Charges Registry (1)

ENFORCEMENT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

RYEDALE DISTRICT COUNCIL

LAND TO THE SOUTH OF PASTURE LANE, HOVINGHAM, YORK

1 ENFORCEMENT NOTICE

This notice is issued by the Council because it appears to it that there has been a breach of planning control, within paragraph (b) of section 171A(1) of the Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2 THE LAND TO WHICH THE NOTICE RELATES

Land to the South of Pasture Lane, Hovingham, York shown edged black on the attached plan

3 THE ALLEGED BREACH OF PLANNING CONTROL

Planning permission was granted on 25th April 2008 (ref: 07/00607/MFUL) for the following development:

Erection of 5 five-bed dwellings, 4 four-bed dwellings, 9 three-bed dwellings, 2 two-bed dwellings and four two-bed apartments together with associated garages, parking and amenity areas, access road and landscaping

This permission was granted a time extension on 20th February 2012 (ref: 11/00107/EXTM) under the following description:

Extension of time limit to application 07/00607/MFUL for Erection of 5 five-bed dwellings, 4 four-bed dwellings, 9 three-bed dwellings, 2 two-bed dwellings and four two-bed apartments together with associated garages, parking and amenity areas, access road and landscaping

The breach of planning control relates to the non compliance with the following condition :

Condition 14:

No dwelling to which this planning permission relates shall be occupied unless or until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerb and connected to the existing highway network with street lighting installed and in operation.

The carriageway and footway/footpath wearing courses (and street lighting) shall be completed within three months of the date of commencement of construction of the penultimate dwelling of the development or within two years of the laying of the basecourse whichever is sooner, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure safe and appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

Condition 14 has not been complied with as the carriageway and footway/footpath wearing courses have not been completed within the necessary timescales and remain uncompleted even though all dwellings on the development have been completed.

NB : There is also a breach of a landscaping condition which relates to land outside the land the subject of this enforcement notice which will be the subject of a separate enforcement notice.

4 REASONS FOR ISSUING THIS NOTICE

The unauthorised breach of planning control is contrary to Policy SP16 (Design) of the Ryedale Plan - Local Plan Strategy which requires that development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which: provide a well-connected public realm which is accessible and usable by all, safe and easily navigated. Local distinctiveness should be reinforced, with the detailed design of new development respecting the context provided by its surroundings including the type, texture and colour of materials, quality and type of building techniques. The National Planning Policy Framework Paragraph 17 seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. As is evident from complaints received and what officers observed from visiting the site the breach of planning condition with respect to the highway, and footways have resulted in a failure to secure high quality design that is accessible and usable by all, safe and easily navigated.

5 WHAT YOU ARE REQUIRED TO DO

Completion of the carriageway and footpath/footway wearing courses as required by condition 14 of planning permission 07/00607/MFUL (duplicated as Condition 14 of Planning Permission 11/00107/EXTM)

6 TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5 is 30 days after this notice takes effect.

7 WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26 September 2016, unless an appeal is made against it beforehand.

Dated: 18 August 2016

Signed: *K.A. Winship*

K.A. Winship
Council Solicitor
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

ANNEX

Ryedale District Council has issued an enforcement notice relating to land to the South of Pasture Lane, Hovingham, York and you are served with a copy of that notice as you have an interest in the Land. copies of the notices have also been served on the parties listed at the end of this Annex.

YOUR RIGHT TO APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 4445000 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

In exceptional circumstances you may give notice of appeal by letter. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate

CST Room 3/05

Temple Quay House

2 The Square

BRISTOL BS1 6PN

Direct line: 0303 4445000

Email – enquiries@pins.gsi.gov.uk

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £390.00 You should pay the fee to Development Management, Ryedale District Council, Ryedale House, Malton, North Yorkshire, YO17 7HH.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution or remedial action by the Council or both.

Person served with a copy of this enforcement notice are as follows:

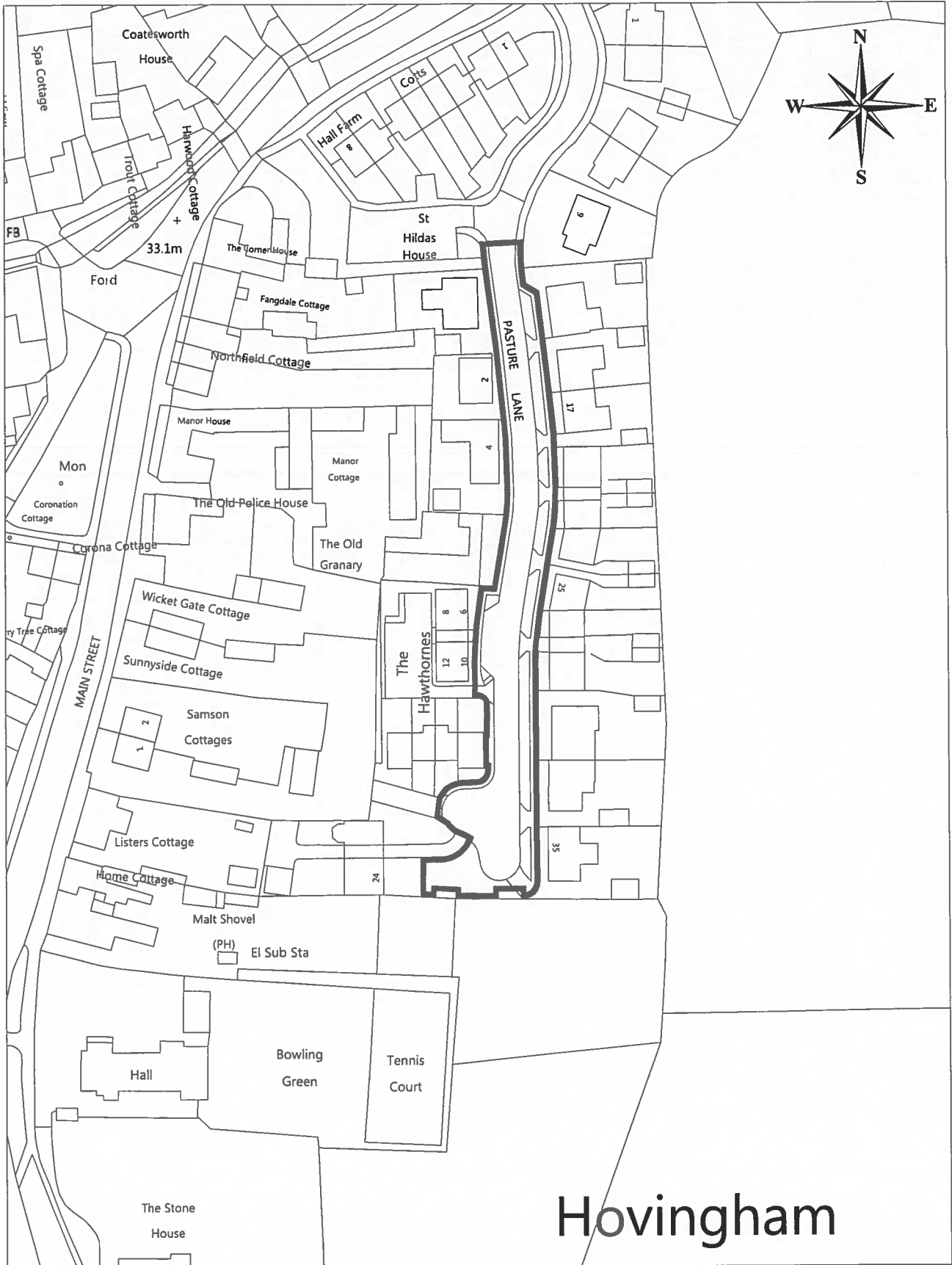
Company Secretary
Stirling Mortimer No. 8 Fund UK Land Limited
Heritage Hall
1 Le Marchant Street
St Peter Port
Guernsey
GY1 4HY

Company Secretary
Trilandium LLP Boston House
212-214 High Street
Boston Spa
West Yorkshire
LS23 6AD

Hovingham Homes LLP
Boston House
212-214 High Street
Boston Spa
West Yorkshire
LS23 6AD

Company Secretary
Stirling Mortimer Ltd
The Coach House, Badgeworth,
Cheltenham, GL51 4UL

Pasture Lane Hovingham



Scale 1 : 1250

Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH
Tel: (01653) 600666
Fax (01653) 696801
Email: enquiries@ryedale.gov.uk
Website: www.ryedale.gov.uk



Town and Country Planning Act 1990 c. 8
Part VII ENFORCEMENT

Introductory

This version in force from: **March 16, 2016 to present**
(version 2 of 2)

171A.— Expressions used in connection with enforcement.

(1) For the purposes of this Act—

- (a) carrying out development without the required planning permission; or
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.

(2) For the purposes of this Act—

(a) the issue of an enforcement notice (defined in section 172); or

(aa) the issue of an enforcement warning notice (defined in section 173ZA);

(b) the service of a breach of condition notice (defined in section 187A),
Constitutes taking enforcement action.

(3) In this Part "*planning permission*" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

Town and Country Planning Act 1990 c. 8
Part VII ENFORCEMENT

Introductory

This version in force from: **October 1, 2013 to present**
(version 2 of 2)

171B.— Time limits.

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

- (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
- (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.”

Town and Country Planning Act 1990 c. 8
Part VII ENFORCEMENT

Enforcement notices

This version in force from: **November 25, 1991 to present**
(version 2 of 2)

172.— Issue of enforcement notice.

(1) The local planning authority may issue a notice (in this Act referred to as an “*enforcement notice*”) where it appears to them—

- (a) that there has been a breach of planning control; and
- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

(2) A copy of an enforcement notice shall be served—

- (a) on the owner and on the occupier of the land to which it relates; and
- (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place—

- (a) not more than twenty-eight days after its date of issue; and
- (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

Town and Country Planning Act 1990 c. 8
Part VII ENFORCEMENT

Enforcement notices

This version in force from: **April 6, 2012 to present**
(version 1 of 1)

172A Assurance as regards prosecution for person served with notice

(1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—

- (a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
- (b) giving the person one of the following assurances—
 - (i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
 - (ii) that, in the circumstances as they appear to the authority, the person is not at risk of being

prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,

(c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and

(d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.

(3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.

(5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.

Town and Country Planning Act 1990 c. 8 **Part VII ENFORCEMENT**

Enforcement notices

This version in force from: **November 25, 1991 to present**
(version 2 of 2)

173.— Contents and effect of notice.

(1) An enforcement notice shall state—

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are—

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require—
(a) the alteration or removal of any buildings or works;
(b) the carrying out of any building or other operations;
(c) any activity on the land not to be carried on except to the extent specified in the notice; or
(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “*replacement building*”) which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building—

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;
(b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
(c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where—

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
(b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

(a) an enforcement notice requires the construction of a replacement building; and
(b) all the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

Town and Country Planning Act 1990 c. 8
Part VII ENFORCEMENT

Enforcement notices

This version in force from: **November 25, 1991 to present**
(version 1 of 1)

173A.— Variation and withdrawal of enforcement notices.

(1) The local planning authority may—

- (a) withdraw an enforcement notice issued by them; or
- (b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

Town and Country Planning Act 1990 c. 8
Part VII ENFORCEMENT

Enforcement notices

This version in force from: **March 16, 2016 to present**
(version 7 of 7)

174.— Appeal against enforcement notice.

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any of the following grounds—

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

[

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time—

(i) after the making of a related application for planning permission, but

(ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—

(a) the relevant demolition was urgently necessary in the interests of safety or health;

(b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and

(c) the relevant demolition was the minimum measure necessary.

(2D) An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—

(a) the land to which the enforcement notice relates is in Wales, and

(b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

(2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—

(a) the land to which the enforcement notice relates is in Wales, and

(b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.

(2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—

(a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;

(b) an appeal has been dismissed under section 79(6A).

(3) An appeal under this section shall be made [...]

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date [; or]

(c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—

- (a) specifying the grounds on which he is appealing against the enforcement notice; and
- (b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section "*relevant occupier*" means a person who—

(a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence [...]

; and

(b) continues so to occupy the land when the appeal is brought

Town and Country Planning Act 1990 c. 8 Part VII ENFORCEMENT

Enforcement notices

This version partially in force from: **March 1, 2016**

(version 5 of 5)

175.— Appeals: supplementary provisions.

(1)

The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—

- (a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
- (b) specify the matters to be included in such a statement;
- (c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
- (d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)]

be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

**Town and Country Planning Act 1990 c. 8
Part VII ENFORCEMENT**

Enforcement notices

This version in force from: **April 6, 2009 to present**
(version 3 of 3)

176.— General provisions relating to determination of appeals.

(1) On an appeal under section 174 the Secretary of State may—

(a) correct any defect, error or misdescription in the enforcement notice; or

(b) vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.

(3) The Secretary of State—

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.

(4) If [section 175(3) would otherwise apply and] the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) [of this section]

or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).

(5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

Town and Country Planning Act 1990 c. 8

Part VII ENFORCEMENT

Enforcement notices

This version in force from: **March 16, 2016 to present**
(version 5 of 5)

177.— Grant or modification of planning permission on appeals against enforcement notices.

(1) On the determination of an appeal under section 174, the Secretary of State may—

(a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;

(b) discharge any condition or limitation subject to which planning permission was granted;

(c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—

(a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and

(b) references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194.

]
(1C) [Subsection]

(1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

[
(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(5)

[Where—]

(a) an appeal against an enforcement notice is brought under section 174, and

(b) the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant shall be deemed to have made an application for planning permission in

respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where—

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Agenda Item 17

RYEDALE DISTRICT COUNCIL

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

Period 24/7/17 - 18/8/17

1.

Application No: 16/00264/REM **Decision: Approval**
Parish: Luttons Parish Council
Applicant: Mr M Piercy
Location: Land At Hillside Way West Lutton Malton North Yorkshire
Proposal: Erection of 3 no. two bedroom dwellings with detached single garages and individual vehicular accesses (Outline approval 12/01227/OUT dated 21.02.2013 refers)

2.

Application No: 17/00526/FUL **Decision: Approval**
Parish: Gate Helmsley Parish Council
Applicant: Rosti Automotives (Bell)
Location: Rosti Automotive Stamford Bridge York Road Stamford Bridge North Yorkshire YO41 1AL
Proposal: Erection of extension to existing factory building

3.

Application No: 17/00582/HOUSE **Decision: Approval**
Parish: Oswaldkirk Parish Meeting
Applicant: Mr Daniel Breslin
Location: 3 The Barns Station Road Gilling East Helmsley North Yorkshire YO62 4JW
Proposal: Installation of UPVC casement windows and front elevation french doors to replace existing timber casement windows and french doors

4.

Application No: 17/00589/HOUSE **Decision: Approval**
Parish: Gilling East Parish Council
Applicant: Mr M Dewhurst
Location: Highwood House Moor Lane Grimston Gilling East Helmsley YO62 4HR
Proposal: Erection of two storey building for leisure activities with attached single storey swimming pool building and linking extension to existing dwelling, raising of roof height of part of existing dwelling and garages to allow formation of a first floor to provide additional domestic accommodation and erection of attached garden pavilion

5.

Application No: 17/00593/FUL **Decision: Approval**
Parish: Thornton-le-Clay Parish Council
Applicant: Mr Gary Sanderson
Location: Land And Buildings East Of Moor Lane Thornton Le Clay North Yorkshire
Proposal: Change of use of agricultural buildings to an equestrian use, to be used in connection with the training of horses.

6.

Application No: 17/00628/HOUSE **Decision: Approval**
Parish: Warhill Parish Council
Applicant: Mr Henry Whitten
Location: Hill Farm House Common Lane Warhill Sand Hutton North Yorkshire YO19 5XW

Proposal: Partial demolition and rebuilding of existing dwelling to include erection of a two storey extension to the rear elevation, single storey extension to the north elevation including a double garage and single storey conservatory to the south elevation

7.

Application No: 17/00638/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr W Smith
Location: 1 The Avenue Norton Malton North Yorkshire YO17 9EF
Proposal: Erection of detached double garage to replace existing detached single garage with repositioned highway access and erection of section of 1.3m high fence

8.

Application No: 17/00650/FUL **Decision: Approval**
Parish: Harton Parish Meeting
Applicant: Sandburn York Limited
Location: Black Averham Farm Scotchman Lane Flaxton North Yorkshire YO60 7RB
Proposal: Change of use, alteration (including demolition) and extension of agricultural buildings to form 9 letting rooms with communal facilities, parking and access.

9.

Application No: 17/00652/FUL **Decision: Approval**
Parish: Burythorpe Parish Council
Applicant: Mrs Joyce Abbott
Location: Grange Farm Langton North Yorkshire YO17 9QS
Proposal: Demolition of existing agricultural building and erection of a building for storage of both domestic and agricultural vehicles and equipment

10.

Application No: 17/00653/TELN56 **Decision: DETERMINED**
Parish: Terrington Parish Council
Applicant: Shared Access Ltd
Location: Land South Of Terrington Village Hall Mowthorpe Lane Terrington North Yorkshire
Proposal: Erection of 15 metre high monopole to support 3no. telecommunications antennae for shared use by Vodafone and Telefonica, 3no. RRUs and 2no. dishes, one positioned at the top of the mast at 16m height, together with associated equipment cabinets

11.

Application No: 17/00661/FUL **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr C Wilson
Location: Cornborough Grange Cornborough Road Sheriff Hutton North Yorkshire YO60 6QL
Proposal: Change of use of agricultural land to form a 40m x 20m all weather equestrian arena for private use of the applicant

12.

Application No: 17/00666/FUL **Decision: Approval**
Parish: Yedingham Parish Council
Applicant: Punch Taverns (Mr Paul Pringle)
Location: Providence Inn Main Street Yedingham Malton YO17 8SL
Proposal: Alterations to existing outbuildings and erection of timber pergola.

13.

Application No: 17/00678/HOUSE **Decision: Approval**
Parish: Flaxton Parish Council
Applicant: Mr & Mrs Mark Newby
Location: Hill Dene Rice Lane Flaxton North Yorkshire YO60 7RN
Proposal: Erection of porch with canopy over bay windows to front elevation

14.

Application No: 17/00682/LBC **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Mrs Helen Newby
Location: Coatesworth House Main Street Hovingham North Yorkshire YO62 4LF
Proposal: Erection of replacement rear conservatory type entrance porch. (Revised details of approval 16/01308/LBC dated 16.09.2016)

15.

Application No: 17/00693/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: The Hon Simon Howard
Location: Welham Hall Welham Road Norton Malton North Yorkshire YO17 9QF
Proposal: Alterations to existing stables and outbuildings to form additional domestic accommodation and erection of single storey extension with link corridor following the demolition of existing outbuildings.

16.

Application No: 17/00695/OUT **Decision: Approval**
Parish: Wombledon Parish Council
Applicant: Ms Winifred Revis
Location: Land To Rear Of Ivy Cottage Page Lane Wombledon Kirkbymoorside
Proposal: Erection of a dwelling (site area 0.032ha) - approval sought for access, layout and scale

17.

Application No: 17/00704/HOUSE **Decision: Refusal**
Parish: Pickering Town Council
Applicant: Mr Julian Dyson
Location: 6 Willowgate Pickering YO18 7BE
Proposal: Erection of detached garage

18.

Application No: 17/00706/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr B Atkinson
Location: 24 Ashfield Avenue Malton North Yorkshire YO17 7LE
Proposal: Erection of attached single storey utility room and covered area following demolition of existing garage and covered area.

19.

Application No: 17/00709/HOUSE **Decision: Approval**
Parish: Marishes Parish Meeting
Applicant: Mr Mick Lofthouse
Location: Grove Lodge Howe Bridge To Bellerbyburn Road Low Marishes Malton North Yorkshire YO17 6RQ
Proposal: Erection of detached double garage.

20.

Application No: 17/00712/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr C Cooper
Location: Becksides Crafts Bridge Street Pickering North Yorkshire YO18 8DT
Proposal: Installation of replacement windows to first floor

21.

Application No: 17/00714/HOUSE **Decision: Approval**
Parish: Normanby Parish Meeting
Applicant: Mr Paul Dunce
Location: Redhouse Main Street Normanby Kirkbymoorside YO62 6RH
Proposal: Erection of first floor side extension

22.

Application No: 17/00716/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam (Malton) Estate
Location: 1 & 2 Talbot Yard Yorkersgate Malton North Yorkshire YO17 7AB
Proposal: Change of use and alterations to parts of 1 and 2 Talbot Yard to form an additional unit as a bakery (Use Class B1) to include retail area (Use Class A1).

23.

Application No: 17/00722/HOUSE **Decision: Approval**
Parish: Foxholes Parish Council
Applicant: Mr Wayne & Mrs Haley Fawcett
Location: Manor Farm Cottage Main Street Foxholes Driffield North Yorkshire YO25 3QL
Proposal: Erection of a two storey rear extension with attached lobby and external chimney stack, excavation of part of garden area with installation of brickwork faced garden retaining wall with metal balustrade above and access steps together with erection of adjacent single garage

24.

Application No: 17/00723/TELN56 **Decision: Approval**
Parish: Kirby Grindalythe Parish Council
Applicant: Cornerstone Telecommunication Infrastructure Limited
Location: Land North Of Home Farm High Street Duggleby Malton North Yorkshire
Proposal: Erection of a 15m high monopole mast, 3no antenna, 2no 300mm diameter transmission link dishes and 2no equipment cabinets all within a 1.2m high fenced compound

25.

Application No: 17/00724/TELN56 **Decision: Approval**
Parish: Appleton-le-Street Parish Meeting
Applicant: Cornerstone Telecommunication Infrastructure Limited
Location: Land Off Appleton Lane Appleton Le Street Malton North Yorkshire
Proposal: Erection of a 15m high lattice mast, 3no antenna, 2no 600mm dishes, 1no 300mm dish and 2no equipment cabinets all within a 1.2m high fenced compound

26.

Application No: 17/00725/FUL **Decision: Approval**
Parish: Luttons Parish Council
Applicant: Mr Andrew Thornton
Location: Outbuildings East of Cromwell Lane East Lutton Malton North Yorkshire

Proposal: Formation of an area of approximately 200 sqm of concrete hardstanding within existing farmyard

27.

Application No: 17/00730/FUL **Decision: Approval**
Parish: Amotherby Parish Council
Applicant: Mrs Barbara Borrett
Location: Land At 2 Meadowfield Amotherby Malton North Yorkshire
Proposal: Erection of a two bedroom dwelling with attached garage

28.

Application No: 17/00729/FUL **Decision: Approval**
Parish: Swinton Parish Council
Applicant: Mr James Crabtree
Location: Trigger Castle Braygate Street Swinton Malton North Yorkshire YO17 6QT
Proposal: Demolition of existing redundant agricultural buildings and erection of single storey offices and ancillary facilities for an equine veterinary practice

29.

Application No: 17/00736/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mrs Ellen Colquhoun
Location: 11 The Mount Malton YO17 7ND
Proposal: Erection of a single storey extension located at the rear of the property following demolition of existing wall and roof to enable a kitchen extension

30.

Application No: 17/00738/FUL **Decision: Approval**
Parish: Amotherby Parish Council
Applicant: Mr Lawrence Knowles
Location: Malton Grange Country Park Amotherby Lane Amotherby Malton North Yorkshire YO17 6UP
Proposal: Change of use of land to allow the siting of 10no. timber clad cabin style holiday caravans to form an extension to Malton Grange Country Park with associated crushed stone access track and landscaping together with addition of 4no. timber clad cabin style holiday caravans within the existing Park area

31.

Application No: 17/00743/HOUSE **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Mr Andrew Thompson
Location: Iris Cottage Main Street Scagglethorpe Malton North Yorkshire YO17 8DT
Proposal: Replacement of flat roof with pitched roof to existing garage together with erection of single storey extension to form additional domestic living space.



Appeal Decision

Site visit made on 11 July 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 9 August 2017

Appeal Ref: APP/Y2736/W/17/3172848

Site adjacent to The Paddocks, Weaverthorpe, Malton, North Yorkshire YO17 8EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Christopher Boyes against the decision of Ryedale District Council.
 - The application Ref 16/01085/FUL, dated 22 June 2016, was approved on 11 October 2016 and planning permission was granted subject to conditions.
 - The development permitted is erection of a three-bedroom detached dwelling with attached double garage.
 - The conditions in dispute are Nos 4, 5 and 14 which state that: (4) The dwelling hereby approved shall only be occupied by a person(s) who: have permanently resided in the Parish, or adjoining parish, 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 or 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 in 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. (5) Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the local planning authority following a specific application in that respect: Class A: Enlargement, improvement or alteration of a dwelling house, Class B: Roof alteration to enlarge a dwelling house, Class C: Any other alteration to the roof of a dwelling house, Class D: Erection or construction of a domestic external porch, Class E: Provision within the curtilage of a dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house or the maintenance, improvement or other alteration of such a building or enclosure. (14) Construction works shall not take place outside 08:00 hours to 17:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.
 - The reasons given for the conditions are: (4) To meet the requirements of Policies SP2 and SP21 of the Ryedale Plan – Local Plan Strategy. (5) To ensure that the character of the area is not prejudiced by the introduction of unacceptable materials and/or structures to protect the amenities of neighbouring occupiers and to satisfy the requirements of the NPPF. (14) In the interests of protecting the amenities of neighbouring occupiers and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal follows the granting of planning permission Ref: 16/01085/FUL, dated 22 June 2016 and relates to Condition Nos. 4, 5 and 14 concerning a local needs occupancy requirement on the approved dwelling, the removal of permitted development rights and the restriction of construction working hours during the construction phase of the development, respectively. The appellant argues that these conditions are unfair, unreasonable and unnecessary and do not meet the six tests for conditions as set out in the Planning Practice Guidance (the Guidance). As a result, the appellant has made the appeal seeking to have the disputed conditions varied or removed.
3. The Council's reasons for imposing the disputed conditions are to meet the requirements of relevant policies in the Ryedale Plan – Local Plan Strategy (LPS) and the National Planning Policy Framework, to ensure that the character of the area is not adversely affected and that the living conditions of neighbouring occupiers are protected.
4. Taking the above into account, I consider the main issues to be:
 - whether the disputed conditions are necessary and reasonable, having regard to national and local planning policy; and
 - the effect that removing the disputed conditions would have on the character and appearance of the area and the living conditions of neighbouring occupiers with regard to noise and disturbance.

Reasons

Condition 4

5. Condition 4 places restrictions on the future occupiers of the proposed dwelling and identifies criteria which must be met by prospective occupiers in order to be acceptable. The key consideration is whether the condition meets the tests set out in the PPG and also has regard to the locational strategy in the Ryedale plan – Local Plan Strategy (LPS).
6. The locational strategy directs most new development to the market towns in the district and the ten service villages, as identified within the LPS. The service villages are identified for their range of services and facilities which would meet every day needs and their ability to accommodate new development without increasing dependency on the car. I note that Weavertorpe is not identified as a service village and has very limited services and facilities. Notwithstanding this, the locational strategy recognises that there may be circumstances where residential development would be permitted in such locations in order to meet a particular need. Policy SP21 of the LPS clearly sets out the criteria for such development, including the requirement for local need occupancy.
7. The Council argues that removing Condition 4 would result in an unfettered market dwelling in an unsustainable location which would be contrary to Policies SP2 and SP21 of the LPS. From what I have seen and read, I agree with this view. Therefore, the removal of the condition would result in development that would be a departure from the development plan.

8. The appellant argues that since these policies have been in place, the Council has not applied them consistently to other developments within the village. As a result, it is argued that the appellant has been unfairly treated. However, from what I have seen and read, I note that the cases to which the appellant refers, 16/00207/REM and 15/00901/REM, were both for the approval of reserved matters following an earlier grant of outline planning permissions which predate the adoption of the development plan in September 2013. Furthermore, I note that the outline approvals were not subject to the local needs limitation which was introduced with the new plan.
9. Having had regard to the other cases referred to by the appellant, based on the evidence before me, I find that these applications were determined in accordance with policy. In addition, I note that where affordable housing contributions are sought from a proposal, local needs occupancy conditions are not imposed on any of the dwellings on the site. As a result, I find that the appeal proposal has been assessed correctly against the development plan as the starting point. I acknowledge that there are circumstances where development in Weaverthorpe may be acceptable and in this case I note that the proposal meets the criteria set out in Policy SP21. However, it is necessary, in accordance with policy, that such dwellings remain available to meet local needs in such locations.
10. The Council refers to the advice it provided to the appellant regarding the potential erection of a dwelling on the appeal site during the pre-application stage, Ref: 14/01352/PREAPP. From this, it is evident that there was extensive reference made by the Council to the policy requirements relating to Policies SP2 and SP21 and the need to comply with the local needs criteria from the early stages of the application. As a result, I find the appellant's argument that the matters were only briefly mentioned by the Council to have limited weight.
11. I appreciate the appellant's points relating to the potential impact of the condition with regard to local needs occupancy on the future value of the appeal property. Notwithstanding this, property value is not a material planning consideration and as such, I must give it limited weight in my determination of the appeal. Furthermore, I note that were the previous planning approvals on the appeal site implemented, then it may have been the case that such restrictions on occupancy would not have been implemented. Notwithstanding this, all proposals must be determined in the context of the current development plan policies at the time.
12. Having had regard to all of the above, I find that the imposition of Condition 4 is restrictive on the future occupancy of the dwelling. Nonetheless, I note that the principle and precise wording of the policy, and therefore the condition, have been subject to scrutiny on a number of occasions, including other appeals and the LPS examination in public. Furthermore, I find that the condition accords with the adopted policy within the LPS. As a result, I find the imposing of the condition to be necessary, reasonable and justified. Therefore, I conclude that Condition 4 should be retained as imposed for the reason stated by the Council.

Condition 5

13. Condition 5 relates to the removal of certain permitted development rights. I note that the appeal site consists of a substantial area that reaches around and to the rear of a neighbouring property which fronts onto Main Street. The Council indicates that the appellant originally proposed a larger dwelling for the site. This was subsequently reduced in size and scale and the design was amended as a result of detailed negotiations in order to allow the development to be in keeping with the character and appearance of the streetscene and the wider area, including The Wolds Area of High Landscape Value.

14. In addition, the Council argues that the imposition of Condition 5 should not be seen as a way to prevent further development taking place. Rather, the condition has been imposed to ensure that the development of the appeal site has no significant adverse impact on the characteristics of the area in the future. Furthermore, I find that the condition is imposed to retain some control over small scale developments and alterations or additions to the dwelling itself and with regard to the erection of sizeable curtilage buildings which have the potential to dramatically alter the locality and significantly harm the character and appearance of the surrounding area.
15. Having had regard to these matters, given the extent of the curtilage of the appeal property and the fact that it goes beyond other neighbouring plots and further into the open countryside, I find that the Council is justified and has acted reasonably in removing permitted development rights for the reasons stated. I note the points made relating to the extent of the property along the frontage of the site. I also appreciate that the appellant considers the imposition of such a condition to be unfair with regard to the retention of PD rights at other nearby properties. Notwithstanding this, I find that the condition is necessary and reasonable for the above reasons. Furthermore, I am satisfied that the tests of conditions set out in the Guidance have been met. As a result, I conclude that the condition should be retained as imposed.

Condition 14

16. This condition relates to a restriction on construction working hours which I note was imposed by the Council due to concerns raised by a neighbour regarding potential noise and disturbance during the construction period. From what I have seen and read, I note that the nearest neighbouring property is around 6 metres from the appeal property with windows in its gable end.
17. During the site visit, I saw that the appeal property was substantially constructed in terms of external works. Furthermore, the Council confirms that the condition is not intended to include control over internal works such as plumbing, electrics joinery and decoration. I acknowledge the appellant's argument that other permissions for dwellings were not subject to such a condition. However, each proposal must be assessed on its own merits and circumstances. As a result, having considered the evidence before me in relation to this matter, I find that the Council has reasonably imposed this condition in order to protect the living conditions of neighbouring occupiers with regard to noise and disturbance, particularly those neighbours in relatively close proximity to the appeal property.
18. Notwithstanding that the appeal property is now largely constructed, I conclude that the condition should remain as imposed in order to protect the living conditions of neighbouring occupiers against any remaining construction work at the appeal site for the reasons stated by the Council.

Conclusion

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

Andrew McCormack

INSPECTOR



Appeal Decision

Hearing Held on 18 July 2017

Site visit made on 18 July 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 21st August 2017

Appeal Ref: APP/Y2736/W/17/3171618

Land East of Swinton Road, Swinton, Malton

- 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 Mr J Monkman against the decision of Ryedale District Council.
 - The application Ref 16/01664/OUT, dated 11 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is erection of an agricultural dwelling (resubmission of 16/01278/OUT).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration.

Main Issues

3. The main issues are:
 - (a) Whether there is an essential need for a new dwelling to accommodate a rural worker, and;
 - (b) The effect of the development on the character and appearance of the countryside.

Reasons

Essential need

4. The rural workers dwelling is proposed in connection with JF & TY Monkman, which is an agricultural enterprise involved in the rearing of sheep and cattle, and the cultivation of arable crops. It was stated at the hearing that the business operates a herd of 85 suckler cows and 200 ewes. Calving currently take place in rented buildings located along Broughton Road and lambing takes place outdoors.
5. The proposed dwelling would accommodate Mr P Monkman who is a partner in the business. It would be positioned close to 2 recently constructed farm buildings that are associated with the business. These comprise a grain store and a new livestock shed that is currently under construction. Once completed, the livestock shed will be used to calve the suckler cows. The ewes are

- currently lambled away from the appeal site, although it was stated that bringing them nearer would be considered if the dwelling were approved.
6. The suckler herd calve during autumn and winter and are split into 2 batches. These produce calves mainly during November-December and February-April, although some will calve outside of these periods. The appellant stated that between a quarter and a third of the cows require assistance during the calving process, and approximately one emergency situation arises per week during this period. Observation is required to assess whether a cow is likely to calve, or need assistance. In this regard, it was stated that the cows are checked between 22:00-23:00, again between 03:00-04:00, and also first thing in the morning, whenever calving occurs.
 7. The lambing process takes place between April and May. During this period, regular supervision is required to ensure the welfare of both ewes and new born lambs. This includes regular checks throughout the night. It was stated at the hearing that lambing is usually completed in around 4 weeks.
 8. A number of potential alternatives to a new dwelling were discussed during the hearing. In particular, it was noted that the village of Swinton is located close to the north of the appeal site, with Amotherby just beyond. Whilst it was asserted that the cost of nearby properties is prohibitive, limited evidence has been submitted to corroborate this. I have been supplied with details of a nearby 3-bedroom property for sale at £180,000, although no other local price or availability data has been provided. Whilst the appellant states that £180,000 is beyond the reach of an agricultural worker, I note that Mr P Monkman is a partner in the business. There is also no evidence before me regarding the comparative build cost of the proposed dwelling.
 9. Moreover, the need for a dwelling to be located onsite, as opposed to the nearby villages, is unclear. In this regard, there is no guarantee that a distressed cow would be heard at night time, particularly if house windows were closed. Furthermore, the appellant's fields are located between the appeal site and Swinton, and the proposed dwelling would therefore offer only a small proximity advantage in relation to the sheep flock, which lamb outdoors. In these circumstances, I am unable to conclude that the need for a localised presence cannot be met by an existing dwelling in the nearby area.
 10. The appellant asserted at the hearing that the Council has provided only limited evidence to support its first reason for refusal. However, in this case there is a clear policy imperative, both locally and nationally, to avoid isolated new homes in the countryside unless there are special circumstances. Accordingly, the onus is on an applicant to demonstrate that such circumstances exist.
 11. For the above reasons, I conclude that it has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. The development is therefore contrary to Policies SP1 and SP2 of the Ryedale Plan – Local Plan Strategy (2013). These policies seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and where an essential need can be justified. It would also be contrary to paragraph 55 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

Character and appearance of the countryside

12. The appeal site is located within the Howardian Hills Area of Outstanding Natural Beauty (AONB). It is set within a rolling landscape, with attractive views to the North Yorkshire National Park to the north. The proposed dwelling would be positioned a short distance from the existing grain store and livestock shed, which are larger structures. However, it would be on elevated land in relation to these buildings.
13. The appeal site would be visible in nearer views from a number of points to the north along Swinton Road, through gaps in the hedgerow. However, these views would be limited as the majority of the eastern side of Swinton Lane is occupied by a thick mature hedgerow. New planting could also be used to obscure views of the property from these vantage points.
14. The dwelling would also be clearly visible in longer views from the south and south east from along 2 public rights of way. In this regard, the dwelling would be relatively prominent in views from the footpath to the south that runs along a rough east-west axis, and it would stand clear of the associated agricultural buildings. However, the appellant proposed that its height could be restricted to a single storey in order to minimise its visual impact. It was agreed by the parties that this could be secured by condition if necessary. This would allow the height of the dwelling to be kept below that of the nearby agricultural buildings. It would also mean that only the roof profile would be visible above the existing hedgerow in longer views, and additional planting could be secured to provide further screening. In these circumstances, I am satisfied that with an appropriate design, and use of materials and landscaping, the dwelling would conserve the natural beauty of the AONB. These matters would be capable of being dealt with appropriately at reserved matters stage.
15. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the countryside in this location. It would therefore accord with Policy SP13 of the Ryedale Plan – Local Plan Strategy (2013). This policy seeks to ensure, amongst other things, that new development does not detract from the natural beauty and special qualities of nationally protected landscapes.

Other Matter

16. Accounts have been provided for the last 4 financial years, including those that were submitted on the day of the hearing. These show a steadily increasing level of profit, particularly from the livestock part of the business. They also show that the business owns significant tangible assets. Accordingly, I am satisfied it is an economically viable enterprise that could accommodate the costs associated with constructing the dwelling. This does not however outweigh the considerations that led to my conclusion on the first main issue.

Conclusion

17. For the reasons set out above, I conclude that it has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. Whilst the development would not significantly harm the character and appearance of the countryside, and would conserve the natural beauty of the AONB, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR



Appeal Decision

Site visit made on 11 July 2017

by **Andrew McCormack BSc (Hons) MRTPI**

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

Decision date: 9 August 2017

Appeal Ref: APP/Y2736/W/17/3173569

West View, Underbrow, Scagglethorpe, Malton, North Yorkshire YO17 8EA

- 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 Mr Michael Wigham against the decision of Ryedale District Council.
 - The application Ref 16/01140/OUT, dated 8 July 2016, was refused by notice dated 15 November 2016.
 - The development proposed is two detached houses on a site of an unused barn, stables and outbuildings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original planning application sought outline planning permission with all matters reserved. Accordingly, I have assessed the appeal on that basis.

Main Issues

3. The main issues are: 1) whether the proposed development would be appropriate development in the countryside and would constitute sustainable development; 2) the effect of the proposed development on the character and appearance of the surrounding area with particular regard to the Wolds Area of High Landscape Value (AHLV); and 3) the effect of the proposal on the living conditions of future occupiers with regard to noise and disturbance.

Reasons

4. The appeal site comprises several agricultural buildings and a field. The site has a frontage to the eastern side of the A64 which is a single carriageway trunk road which passes to the north west of the site. The area is predominantly agricultural in character. However, there are occasional dwellings located sporadically around the area, including a pair of cottages to the north of the site and a dwelling to the south. Furthermore, the appeal site lies within the Wolds Area of High Landscape Value (AHLV).

Development in the countryside

5. Policy SP1 of the Ryedale Plan – Local Plan Strategy (LPS) sets out the spatial strategy for development within the district and identifies the hierarchy of settlements where development is to be focused. Policy SP2 of the LPS identifies the delivery and distribution of new housing in the District for the period 2012 to 2027 and sets out the criteria for acceptable development within each level of the

- settlement hierarchy. The policy also identifies exceptions to the development restrictions set out for proposals in the wider open countryside.
6. The appeal site lies within the small settlement of Underbrow which is in the wider open countryside, as defined by the spatial strategy within the LPS. In such locations, development is restricted to the exceptions detailed in Policy SP2. Having had regard to this, I find that the proposed development does not accord with any of the identified exceptions.
 7. I appreciate that the change of use of redundant or disused traditional buildings is supported by Policy SP2, in principle. However, this is subject to a restriction for local needs occupancy and where it would lead to an enhancement of the immediate setting. Notwithstanding this, the outline proposal seeks the replacement of agricultural buildings, rather than their conversion. Furthermore, I note that approximately two-thirds of the appeal site is on greenfield land and not part of the area occupied by existing buildings.
 8. The appellant has submitted evidence relating to Underbrow having previously been an occupied settlement and shows that a number of families resided there in the past. In more recent times, I note that the site formed part of a racehorse training yard. Whilst I have had due regard to these matters and the related points made by the appellant, I find that such evidence does not carry significant weight as a material consideration. Furthermore, it does not warrant the approval of a proposal which does not accord with the development plan.
 9. I note the appellant's point regarding the relatively short distance from the appeal site to some services at Scagglethorpe. From the evidence before me, I note that such facilities include a public house, village hall, playing field and church. Whilst I appreciate that these facilities are important to residents in the countryside, other key services and facilities are located more distantly from the appeal site, such as in Malton. As a result, I find that the appeal site is in an unsustainable location where future occupiers of the proposed dwellings would likely have a significant reliance on the private car.
 10. The 'Coastliner' bus service operates along the A64 between Scarborough, York and Leeds. However, I note there are no bus stops in either direction located in the vicinity of the appeal site. In addition, I find that the difficulty and danger in walking along the A64, let alone crossing the carriageway, would make the use of transport modes other than the private car less likely for future occupiers.
 11. Notwithstanding that the proposal seeks outline approval, I note that the proposed dwellings would replace existing traditional buildings which have become disused and redundant. This may result in more local residents and assist in the vitality of the area. However, no exceptional circumstances have been shown to justify allowing the proposal which would be a departure from the development plan.
 12. Consequently, I conclude that the proposed development would be inappropriate development in the countryside and would not constitute sustainable development. It would, therefore, be contrary to Policies SP1 and SP2 of the LPS. Amongst other matters, these policies seek to ensure that residential development in the wider open countryside is not permitted unless it is essential to the needs of a rural worker, or where other exceptional circumstances apply.

Character and appearance

13. Policy SP13 of the LPS requires that development contributes to the protection and enhancement of distinctive elements of landscape that are the result of historical and cultural influences, natural features and aesthetic qualities. Policy SP16 states

that development will be expected to create high quality durable places which are accessible, well integrated with their surroundings and reinforce local distinctiveness. Furthermore, Policy SP20 states that development will respect the character and context of the immediate locality and the wider landscape.

14. The proposal would involve the demolition of a substantial mass of buildings close to the public boundary of the appeal site. The appellant argues that this would subsequently bring the benefit of opening up views to the Wolds AHLV. However, the proposal is for outline approval with all matters reserved. As such, there are no details regarding the siting, scale, form and materials of the proposed dwellings. As a result, it is not possible to fully assess the impact of the proposal on the character and appearance of the surrounding area at this outline stage.
15. Notwithstanding this, given the size of the appeal site and its extent beyond the footprint of existing buildings, I find that the development of the greenfield part of the site would significantly increase the built form. Not only would it reduce the visual gap between existing properties to the north and south of the site but it would also have a detrimental effect on the wider rural character of the area.
16. Therefore, in my view, the proposed development would have the potential to increase the urbanisation of the rural location and therefore would have a significant adverse impact on the character of the wider area, including the AHLV. Furthermore, due to its proximity to the A64, I find that the proposal would result in a development which would not be well-integrated into its surroundings.
17. Consequently, I conclude that the proposal would potentially have a significant detrimental effect on the character and appearance of the surrounding area, including the Wolds AHLV. It would therefore be contrary to Policies SP13, SP16 and SP20 of the LPS.

Living conditions of future occupiers: noise

18. The appellant has stated that the trees and shrubs referred to in the proposal would create an effective sound barrier to the noise from the nearby A64 route. However, due to the outline nature of the proposal, there are no details regarding the tree and shrub planting or any measures relating to noise attenuation. Furthermore, there is no assessment or other such evidence before me, to indicate what noise mitigation measures would be necessary to address the adverse impact on future residents. Notwithstanding this, given the proximity of the site to the main road, I find it unlikely that the trees and shrubs proposed would not provide a sufficient or appropriate barrier to the noise from the A64 for the future occupiers of the proposed dwellings.
19. Consequently, I conclude that the proposed development would have a significantly adverse effect on the living conditions of future occupiers with regard to noise and disturbance. Therefore, it would be contrary to Policy SP20 of the LPS. Amongst other matters, this policy seeks to ensure that development does not have a material adverse impact on the living conditions of future occupiers, including any impacts relating to noise and disturbance.

Conclusion

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

Andrew McCormack

INSPECTOR