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Please Contact: Ellis  
Mortimer/Karen Hood  
Extension: 271

13<sup>th</sup> November 2017

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**PLANNING COMMITTEE**

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Tuesday 21 November 2017 after the Licensing Committee  
Council Chamber, Ryedale House, Malton

**Agenda**

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- 1 **Apologies for absence**  
The Chairman to inform Members of the Public of the emergency evacuation procedure.
- 2 **Declarations of interest**
- 3 **Minutes** (Pages 3 - 5)
- 4 **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.
- 5 **Schedule of items to be determined by the Committee** (Page 6)
- 6 **17/01064/MREM - Land At Rear Of 56 Low Moorgate Rillington** (Pages 7 - 33)
- 7 **17/00101/FUL - 6 Market Place Kirkbymoorside YO62 6DB** (Pages 34 - 50)
- 8 **17/00980/73 - Land To Rear Of The Forge North Back Lane Terrington** (Pages 51 - 60)
- 9 **17/00990/HOUSE - Manor House Farm Main Street East Lutton** (Pages 61 - 69)
- 10 **List of Applications determined under delegated Powers** (Pages 70 - 77)



## Planning Committee

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Held at Council Chamber, Ryedale House, Malton  
Tuesday 24 October 2017

### Present

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Councillors Joy Andrews, Burr MBE, Cleary (Vice-Chairman), Farnell (Chairman), Goodrick, Hope, Jainu-Deen, Maud, Elizabeth Shields and Windress

Substitutes:

### In Attendance

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Rachael Balmer, Gary Housden and Ellis Mortimer

### Minutes

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82     **Apologies for absence**

There were no apologies.

83     **Urgent Business**

There was no urgent business.

84     **Minutes to follow on late papers**

**Decision**

That the minutes of the Planning Committees held on 26 September and 11 October 2017 be approved and signed as a correct record.

[For 10

Against 0

Abstain 0]

85     **Declarations of Interest**

**Councillor**

Cleary

Jainu-Deen

**Item**

6

6

86     **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.

87 **17/00894/MOUT - Land Off Ruffa Lane Pickering North Yorkshire**

**17/00894/MOUT** - Residential development of up to 30no. dwellings with associated access (site area 1.08ha).

<b>Decision</b>		
<b>REFUSED</b> – As recommended (request for deferral declined).		
[For 9	Against 1	Abstain 0]

In accordance with the Members Code of Conduct Councillors Cleary and Jainu-Deen declared a personal, prejudicial but non-pecuniary interest.

88 **17/00885/MFUL - Home Farm Place Newton Wintringham Malton YO17 8HS**

**17/00885/MFUL** - Erection of an agricultural grain store.

<b>Decision</b>		
<b>PERMISSION GRANTED</b> – Approval delegated to Head of Planning subject to satisfactory resolution of flood risk issues and conditions as recommended.		
[For 10	Against 0	Abstain 0]

89 **17/00418/HOUSE - Chantry Cottage Main Street Terrington YO60 6PT**

**17/00418/HOUSE** - Installation of 3no roof lights to the inner roof slope of the main dwelling and the erection of a single storey rear extension incorporating 4no roof lights in the west facing roof slope and 3no sections of patent glazing to the east facing roof slope

<b>Decision</b>		
<b>PERMISSION GRANTED</b> – Subject to conditions as recommended.		
[For 10	Against 0	Abstain 0]

90 **17/00811/HOUSE - High Bank High Street Wombleton YO62 7RR**

**17/00811/HOUSE** - Erection of single storey extension to north elevation to form workshop and double garage, erection of covered porch area to west elevation, rebuilding and extension of existing garage to form summer room to include monopitch roof, and raising of roof pitches to north elevation following removal of dormer window (revised details to approval 15/01469/HOUSE dated 09.02.2016) - part retrospective application

**Decision**

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

[For 10

Against 0

Abstain 0]

91 **Local Plan Sites Document and VIUA Consultation**

**Decision**

The proposed summary responses in Appendices 1 and 2 of The Ryedale Plan Sites Document: Sites And VIUA Consultation (2015 and 2016) are agreed as recommended.

[For 10

Against 0

Abstain 0]

92 **Any other business that the Chairman decides is urgent**

There was no other business.

93 **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.

**Meeting closed at 18:55**

# Agenda Item 5

## APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 21/11/17

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6

**Application No:** 17/01064/MREM

**Application Site:** Land At Rear Of 56 Low Moorgate Rillington Malton YO17 8JW

**Proposal:** Erection of 9no. four bedroom detached dwellings, 4no. three bedroom semi-detached dwellings, 2no. two bedroom semi-detached dwellings and a terrace of 3no. one bedroom dwellings with associated garaging and parking/amenity areas (outline approval 16/00354/MOUT dated 08.11.2016 refers)

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7

**Application No:** 17/00101/FUL

**Application Site:** 6 Market Place Kirkbymoorside YO62 6DB

**Proposal:** Change of use and alterations to existing two-bedroom apartment, attached outbuilding and rear section of retail units to form a total of 3no. one-bedroom apartments, 2no. two-bedroom apartments and 1no. ground floor retail unit following demolition of existing extension to north-west elevation

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8

**Application No:** 17/00980/73

**Application Site:** Land To Rear Of The Forge North Back Lane Terrington North Yorkshire

**Proposal:** Variation of Condition 12 (Local Needs Occupancy) of approval 16/01227/OUT dated 15.03.2017 to add: If after a period of 12 weeks a qualifying household is not forthcoming then the area can be widened to the Ryedale District area. Following a further 12 week period the area is widened to the County of North Yorkshire. The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver provided always that a successor in title of such a person shall be bound by the obligations contained in this condition.

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9

**Application No:** 17/00990/HOUSE

**Application Site:** Manor House Farm Main Street East Lutton Malton North Yorkshire YO17 8TG

**Proposal:** Erection of tree house in rear garden.

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## RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

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

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**Item Number:** 6  
**Application No:** 17/01064/MREM  
**Parish:** Rillington Parish Council  
**Appn. Type:** Approval of Reserved Matters Major  
**Applicant:** Mr Iain Godfrey (Mulgrave Properties LLP)  
**Proposal:** Erection of 9no. four bedroom detached dwellings, 4no. three bedroom semi-detached dwellings, 2no. two bedroom semi-detached dwellings and a terrace of 3no. one bedroom dwellings with associated garaging and parking/amenity areas (outline approval 16/00354/MOUT dated 08.11.2016 refers)  
**Location:** Land At Rear Of 56 Low Moorgate Rillington Malton YO17 8JW  
**Registration Date:** 15 September 2017  
**8/13 Wk Expiry Date:** 15 December 2017  
**Overall Expiry Date:** 26 October 2017  
**Case Officer:** Alan Hunter **Ext:** Ext 276

#### CONSULTATIONS:

<b>Public Rights Of Way Highways North Yorkshire</b>	Recommends informative No objections, previously recommended conditions remain relevant
<b>Parish Council</b>	No objections
<b>Lead Local Flood Authority</b>	No comments
<b>Housing Services Countryside Officer</b>	The landscaping details set out in the submitted plans are acceptable
<b>Designing Out Crime Officer (DOCO)</b>	No comment to make. Refers to responses made by colleagues on 16/00354/MOUT
<b>Yorkshire Water Land Use Planning</b>	Comments - Contains no drainage proposal and therefore cannot provide a further response.
<b>Vale Of Pickering Internal Drainage Boards</b>	Further information required
<b>Neighbour responses:</b>	Daniel J. Clegg, Mr Christopher Coxon, Mr COLIN BEAN, Jill Maud, Stella Ketley,

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#### SITE:

The application site comprises approximately 0.69 hectares of land adjacent to, but outside of the development limits of Rillington. The site is the 2nd phase of 2 residential schemes and the red line for the site includes the approved access onto Low Moorgate. The site measures approximately 90m in width at its widest and 95m in depth at its greatest. The site is currently used for a combination of grazing land and includes land and buildings belonging to 70 Low Moorgate. The site is relatively flat and located to the east of Low Moorgate on the northern side of Rillington. There are areas of planting along the eastern boundary with open countryside on the northern and eastern boundaries. Part of an

existing orchard is located to the southern side of the application site. The site is also within an area of known archaeological significance and within Flood Zone 1, being at the lowest risk of flooding.

## **PROPOSAL:**

This Reserved Matters Application has been submitted following the earlier approval of an outline application has been submitted for residential development comprising 18 dwellings. This is the 2nd phase, following Reserved Matters approval earlier this year for 10 dwellings on the 1st phase. At this stage External Appearance and Landscaping are to be considered. Details of the proposed elevations are appended to this report.

## **HISTORY:**

Relevant planning history on the application site includes:

2017: Reserved Matters approval granted for 10 dwellings (Phase 1)

2016: Outline planning permission granted for the erection of 18 dwellings (Phase 2). The outline permission approved details of access and layout.

2016 : Planning permission granted for the erection of a detached double garage for 56 Low Moorgate

2014: Outline planning permission granted for the erection of 10 dwellings and a double garage for No. 56 Low Moorgate Rillington (Phase 1)

1991: Planning permission refused for residential development

## **POLICY:**

### National Policy Guidance

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

### Local Plan Strategy 2013

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP3 - Affordable Housing

Policy SP4 - Type and Mix of New Housing

Policy SP10 - Physical Infrastructure

Policy SP12 – Heritage

Policy SP13 – Landscapes

Policy SP14 – Biodiversity

Policy SP15 - Green Infrastructure Networks

Policy SP16 – Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP18 – Energy

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

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



## **APPRAISAL:**

The main considerations in relation to this application are:

- External Appearance; and,
- Landscaping;

This application is required to be determined by Planning Committee as it is a 'Major' reserved matters application.

### External Appearance

Amendments have been sought to the Type 'K' properties to provide a steeper roof pitch. The applicant had also been asked to consider changing the Type 'L' and Type 'M' properties in order to break up the front elevation, having one central first floor window and a nominal set-back for the garage and bedroom at first floor. The applicant has however requested that the Type 'L' and 'M' properties are determined as originally submitted. These properties appear substantial on their front elevation, and they are not particularly traditional. However, when considering the scheme as a whole it is considered to be difficult to substantiate an objection to these house types if challenged on approval. All of the other house types are considered to be acceptable and consistent with the requirements of Policy SP16 (Design) of the Local Plan Strategy.

### Landscaping

A Landscaping plan has been submitted, the Council's Specialist has confirmed that the details are considered to be acceptable.

### Third party responses

The Parish Council has confirmed that they have no comments on the submission.

A petition signed by 31 local residents objecting to the proposal for the following reasons has been received:

- Flooding and surface water drainage;
- The impact on the Doctors surgery;
- Highway safety and traffic movements; and,
- That the scheme is overcrowded.

There have also been 3 letters of objection. These letters of objection raise the following issues:

- Highway safety;
- Short-term disruption with construction;
- Lack of Infrastructure
- School places; and
- The design and appearance of the proposed dwellings;

With the exception of design, all of the objections raised are not considered to be material planning considerations in respect of this Reserved Matters application because outline planning permission has been approved and the principle of development accepted. This application can only consider the reserved matters relating to External Appearance and Landscaping. The design and appearance of the proposed dwellings has been appraised above, and as a whole the proposals are considered to be in conformity with the policies of the Local Plan Strategy in terms of their appearance.

The Internal Drainage Board has requested details of surface water attenuation. However this is not a Reserved Matter. Surface water attenuation was addressed at Outline Stage in consultation with the Lead Local Flood Authority (LLFA) and conditioned accordingly. The LLFA has no further comments on this reserved matters application. Yorkshire Water has no further comments on the submission and notes their original conditions imposed on the outline application still apply.

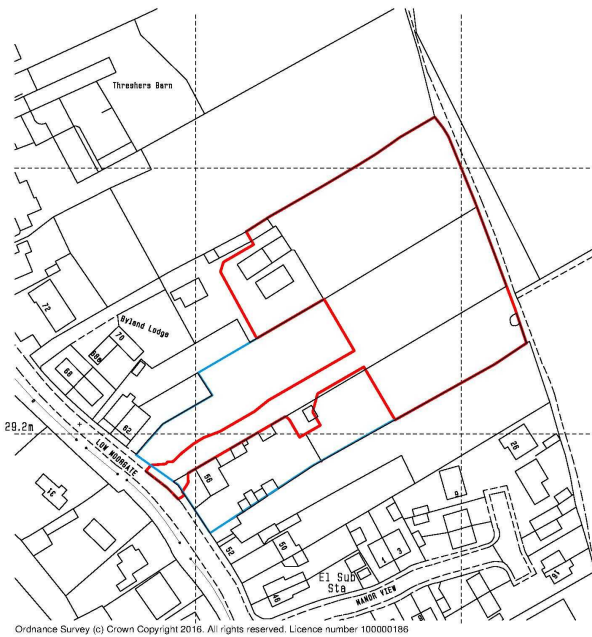
The Local Highway Authority has confirmed that there are no objections to the proposal and again the conditions imposed at outline stage remain valid. Members are advised that discussions are ongoing between the Local Highway Authority and the applicant regarding the technical details required to discharge those conditions. For the reasons outlined above in the appraisal these issues are not considered to be sustainable objections to the conditions of its reserved matters application.

**RECOMMENDATION:                      Approval**

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

R/1968/4;  
R/1968/3A  
3751/PD/16 Rev. A  
3751/PD/18 Rev. A  
3751/PD/19  
3751/PD/11 Rev. D  
3751/PD/13 Rev. A  
3751/PD/14 Rev. A  
3751/PD/01 Rev. B  
3751/PD/08 Rev. C  
3751/PD/04 Rev. B  
3751/PD/05 Rev. B  
3751/PD/15 Rev. A  
3751/PD/17 Rev. B  
3751/PD/20  
3751/PD/19  
3751/PD/11 Rev. D  
3751/PD/14 Rev. A  
3751/PD/05 Rev. B  
3751/PD/15 Rev. A  
3751/PD/18 Rev. A  
3751/PD/16 Rev. A  
3751/PD/17 Rev. B  
3751/PD/20  
3751/PD/12. Rev. C  
3751/PD/09 Rev. C  
3751/PD/21 Rev. A  
3751/PD/22 Rev. A

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



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	REV	DATE	AMENDMENT								
<p>DRAWING TITLE: Location Plan Planning Drawing: Phase 2</p>	<p>DRAWN: JW</p>	<p>CHECKED: -</p>	<p>DWG NO: 3751/PD/19</p>	<p>REV: -</p>							

ALL DIMENSIONS TO BE CHECKED ON SITE. DISCREPANCIES, AMBIGUITIES AND/OR OMISSIONS BETWEEN THIS DRAWING AND INFORMATION CONTAINED THEREIN MUST BE REPORTED TO THIS OFFICE AND CLARIFICATION SOUGHT BEFORE PROCEEDING.

**MATERIALS SCHEDULE**

Facing Brickwork walls with matching splayed heads  
 Plots 1, 2, 10, 12, 18, 20: Crest Krawasmina  
 Plots 3, 9, 13, 17 & 21-25: Crest Cavendish Antique

Roof finishes  
 Plots 1, 2, 3, 10, 13 & 17-20: Crest Platinum tile  
 colour anthracite grey  
 Plots 4-9, 14-18 & 21-25: Crest double panella  
 colour rustic

Garages in brick to match corresponding plot

Semi dry stone walls (quicks plot 1, 11 & 12 only)  
 colour Buff

Gas chimneys (clad in matching brick effect to plot)  
 incl day pots to plots 1-7, 10-12, 17 & 18

Pvc windows, colour cream rail 9001. Mix of casement and mock sash  
 (mock sash to 1, 3, 11-14 & 17-18), 75mm reveals

UPVC doors, cream rail 9001 to near pallo to match windows and composite front door  
 in Charwell Green, 75mm reveals

Detached garage doors: Novoflam Titanium, colour Charwell Green (up-cove)  
 Integral garage doors (plots 9, 9, 13-18 & 20): Novoflam Bewick  
 with glazing, colour Charwell Green (up-cove)

Rainwater goods: black upvc

White painted timber canopy to plots 4-7, 13-14 & 19-25  
 Painted timber door surround to plots 3, 10, 12, 17 & 18

Private Drives: black bitmac  
 Private Paths: asphalt conc paving flags  
 Adopted roads: paths - black bitmac with hard margins in charcoal gravel

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**ACCOMMODATION: PHASE 2**

REF	DESCRIPTION	AREA	No
A TYPE	3 bed 2 storey semi det house	80m <sup>2</sup>	4no
A2 TYPE	2 bed 2 storey semi det house	80m <sup>2</sup>	2no
C/G2 TYPE	4 bed 2 storey detached house	130m <sup>2</sup>	3no
F TYPE	4 bed 2 storey detached house	130m <sup>2</sup>	2no
G TYPE	4 bed 2 storey detached house	131m <sup>2</sup>	1no
H1 TYPE	1 bed 2 storey terraced house	63m <sup>2</sup>	3no
K TYPE	4 bed 2 storey detached house	182m <sup>2</sup>	1no
L TYPE	4 bed 2 storey detached house	183m <sup>2</sup>	1no
M TYPE	4 bed 2 storey detached house	183m <sup>2</sup>	1no
TOTAL			18no



**ACCOMMODATION: PHASE 1**

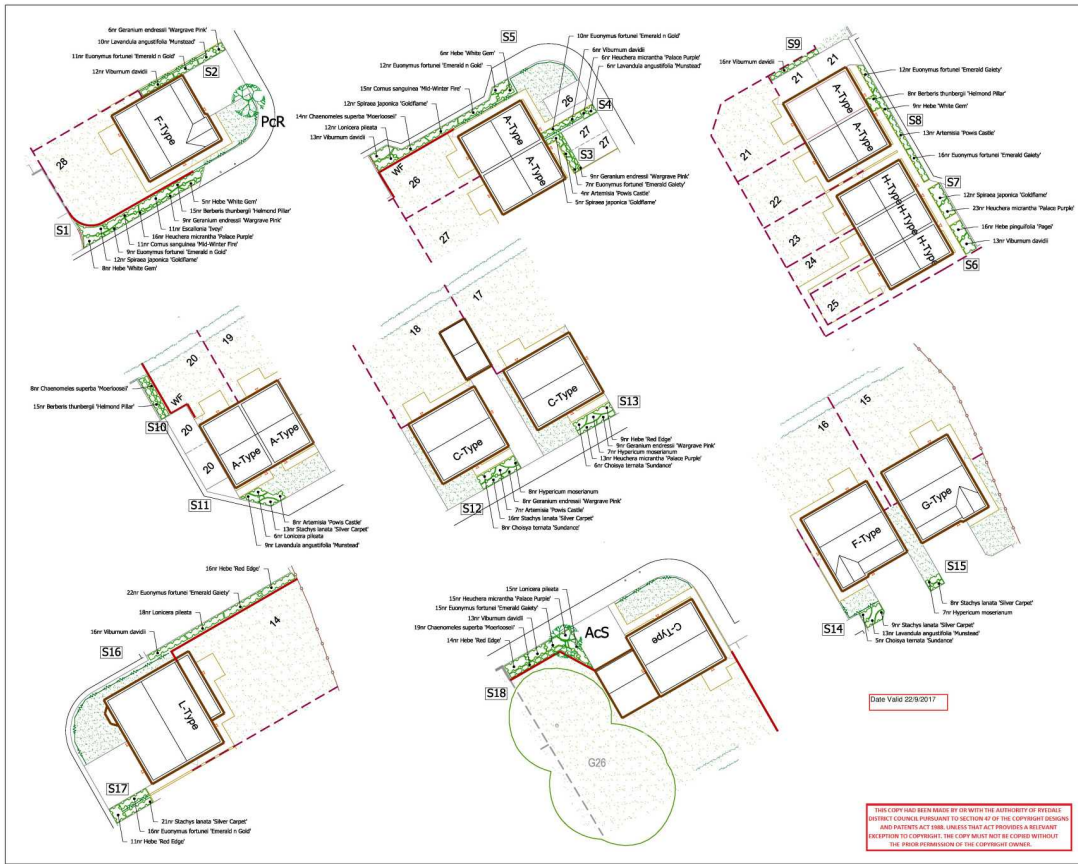
REF	DESCRIPTION	AREA	No
A TYPE	3 bed 2 storey terraced house	80m <sup>2</sup>	1no
B TYPE	3 bed 2 storey detached house	109m <sup>2</sup>	1no
C/G2 TYPE	4 bed 2 storey detached house	130m <sup>2</sup>	2no
E TYPE	3 bed 2 storey detached house	109m <sup>2</sup>	1no
F TYPE	4 bed 2 storey detached house	132m <sup>2</sup>	1no
G TYPE	4 bed 2 storey detached house	131m <sup>2</sup>	1no
H1 TYPE	2 bed 2 storey terraced house	63m <sup>2</sup>	2no
TOTAL			9no

**KEY**

- Existing trees, hedges and vegetation to be retained
- Existing trees, hedges and vegetation to be removed
- 300 wall with 800 panel & close board fence between
- 1800 close boarded timber fence
- 900 wall
- 450 high brick wall

CDM 2015 REGULATIONS APPLY  
 0 5 10 15 20 25m

<p>01845 324738                  info@dparchitects.co.uk                  www.dparchitects.co.uk</p> <p>CHARTERED ARCHITECTS                  25 Market Place, Birkb                  North Yorkshire YO7 1LW</p>	<p>MULGRAVE PROPERTIES</p>	<p>Development at Low Moorgate, Rillington</p> <p>Site Layout Plan: PHASE 1 &amp; 2</p>	<p>SCALE: 1:500 @ A3</p>	<p>DATE: JULY 2017</p>
			<p>DRAWN: JW</p>	<p>CHECKED: -</p>



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**PLANTING SCHEDULES**

ORNAMENTAL PLANTING SCHEDULE					
Horticulture No.	Name	Ht in cm	PLC(1)	PLC(2)	Density
41	Geranium androsa 'Wargrave Pink'				3
73	Heuchera micrantha 'Pinks Purple'				3
67	Saxifraga lobata 'Silver Carpet'				3
Break					
No.	Name	Ht in cm	PLC(1)	PLC(2)	Density
37	Antennaria 'Pinks Gold'	20-30cm			5.00
36	Saxifraga hibernica 'Pinks Purple'	20-40cm			3.30
41	Chamaemelum nobile 'Wargrave Pink'	40-60cm			4.00
19	Urtica dioica 'Saxifraga'	20-40cm			4.00
26	Cornus sanguinea 'Midwinter Pink'	40-60cm			4.00
11	Scabiosa 'Pink'	40-60cm			3.00
72	Eucalyptus fortunei 'Emerald Gold'	20-30cm (H)			6.00
98	Eucalyptus fortunei 'Emerald Gold'	20-30cm (H)			6.00
50	Hebe 'Red Edge'	20-30cm			5.00
29	Hebe 'White Gem'	20-30cm			6.00
30	Hebe 'Red Edge'	20-30cm			5.00
38	Lamellaria perfoliata 'Pinks Purple'	30-40cm			4.00
22	Hesperis matronalis	30-40cm			5.00
38	Lamellaria perfoliata 'Pinks Purple'	30-40cm			4.00
51	Loxene alata	30-40cm (H)			5.00
42	Saxifraga 'Silver Carpet'	30-40cm			4.00
89	Viburnum dentat	20-30cm			5.00

All shrub material shall be first quality, sturdy, well rooted non-refrigerated stock with well established heads and fibrous root systems. Shrubs shall be planted into 40cm deep quality fibrous topped incorporating organic compost and slow release fertiliser in accordance with all good horticultural practice. All plant material shall be a minimum of 3 years unless otherwise specified and conform to BS2323 Part 1 and BS 6842. Planted beds shall be lightly mulched over and dressed with 50mm coarse forest bark mulch.

**TREE SCHEDULE**

SPECIES	No in m	NUMBERS REQUIRED	
		2.5-4.2	12-14
Acer campestre 'Shadblow' (A2)	1		
Prunella laevis 'Prunella' (P2)	1		

All trees to have their stem diameter 150mm above ground level with well developed branching habits with a single central leader and healthy fibrous root systems. Trees shall be planted in pots of an appropriate size to accommodate the root system without restriction, backfilled with a 2:1 topsoil/compost mix and shall be secured to a machine supported stakes using 10mm rope tied with rubber bands. Finished height of stake shall not exceed 1.7 height of mature tree above ground. Pruning of trees shall be done in accordance with BS 6842:2015.

**TURFING TO FRONTAGES**

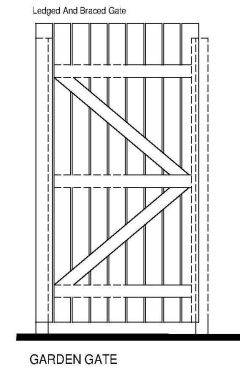
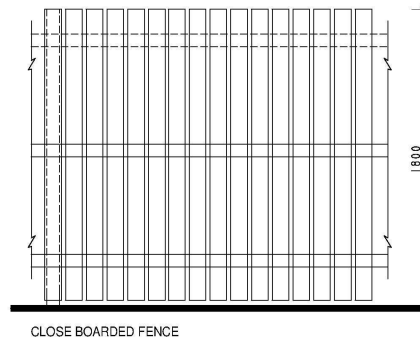
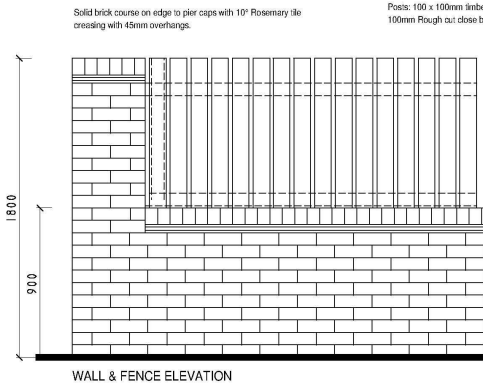
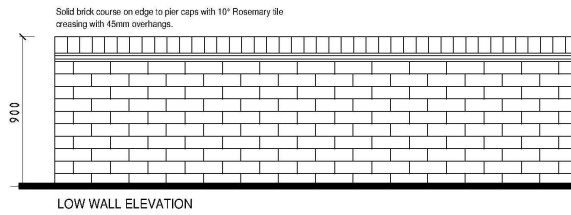
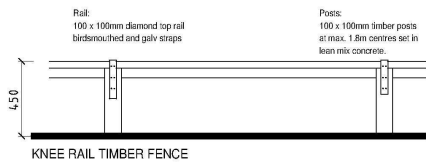
The specified areas to be turfed shall be graded and cross-graded to even running falls to allow the finished level of the turf to be 40mm above existing ground level. The surface shall be lightly and uniformly firmed by rolling or treading, and reduced to a fine finish up to 25mm in all sections, corners greater than 50mm diameter shall be rounded from the surface. Turf shall be applied in even applications of approved turfs at a rate of 100gms and shall be firmly and evenly packed to a depth of 100mm. Turf shall be laid in a stretch bond pattern, closely butted and firmed into position to be correct levels. The turfs shall be laid on a 50mm coarse forest bark mulch. A covering of fresh straw topped (complying with BS 2882) should be applied to the laid turf and braked well into the gaps. Water the turfs to prevent drying out before establishment.

**HEDGE SCHEDULE**

SPECIES	Age	Size in cm	No. per post
Eucalyptus 'Apple Blossom'	Instant	80-100	20/2

Hedges to be planted as instant hedges in 1m long lengths into prepared trenches 200x200mm back filled with 3:1 topsoil/compost mixture. Finished hedges to be mulched with 50mm coarse, amenity grade bark mulch.

<p>Site: Mulgrave Properties Project: Residential Development LOW MOORGATE, RILLINGTON Phase: PHASE 2 Drawing: LANDSCAPE DETAILS</p> <p>Scale: 1:200 Date: Aug 17 DW: R/1968/4</p>	<p>Site: Mulgrave Properties Project: Residential Development LOW MOORGATE, RILLINGTON Phase: PHASE 2 Drawing: LANDSCAPE DETAILS</p> <p>Scale: 1:200 Date: Aug 17 DW: R/1968/4</p>
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<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>AMENDMENT</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DATE	AMENDMENT				<p>01845 524758 info@dparchitects.co.uk www.dparchitects.co.uk</p> <p>CHARTERED ARCHITECTS 25 Market Place, Thirsk North Yorkshire YO7 1LW</p> <p><b>dparchitects</b> llingworth partnership ltd</p>	<p>CLIENT: <b>MULGRAVE PROPERTIES</b></p>	<p>PROJECT: Development at Low Moorgate, Rillington</p>	<p>SCALE: 1 : 20 @ A3</p>	<p>DATE: AUGUST 2017</p>
	REV	DATE	AMENDMENT								
<p>DRAWING TITLE: Boundary Details: Planning Drawing</p>	<p>DRAWN: JW</p>	<p>CHECKED: -</p>	<p>DWG NO: 3751/PD/20</p>	<p>REV: -</p>							

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**NOTES**  
**PROTECTION OF EXISTING VEGETATION**

Existing vegetation to be retained on site shall be protected where necessary during works to a tree protection barrier, erected to a scaffolded framework with minimum top to the top rail. Protective fencing shall be erected on the canopy drip line whenever possible. Longitudinal retention of all trees shall be fixed to the fence posts at 20m intervals leaving the words PROTECTED TREE ZONE - NO STORAGE OR OPERATIONS WITHIN FENCE AREA.

Tracking of machinery, storage of chemicals and building materials shall not be permitted within the protected area. Loads or piles should be removed immediately and the contaminated soil replaced. No drilling shall be to within 5m of the canopy spread. Any excavation work beneath the canopy spread shall be carried out by hand.

All works affecting trees within the development shall be subject to BS 5837:2015.

**TREE PLANTING**

Tree planting as far as possible within the gardens of selected plots will link up to the front lawn of the buildings and create focal points within the development. The tree species selected will maximize their root mass capacity for trees and improvements and complement the existing vegetation around the site. Trees will be planted as heavy and extra heavy standards to provide a degree of instant maturity to the development. Foundation design of new buildings shall accommodate proposed tree planting in accordance with BS 5837:2015.

**SHRUB PLANTING**

A mix of evergreen and deciduous shrubs will be planted in selected front gardens to soften the development and to provide a suitable food source for birds and invertebrates. A mix of medium to large shrubs will be planted to shrub back with medium/large varieties used for informal hedging.

Species to be selected from: (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) (154) (155) (156) (157) (158) (159) (160) (161) (162) (163) (164) (165) (166) (167) (168) (169) (170) (171) (172) (173) (174) (175) (176) (177) (178) (179) (180) 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Date: 22/9/2017

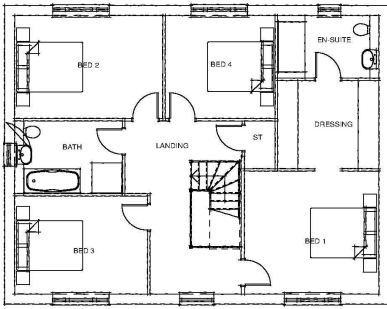
NVA: Shrub bed numbers and tree codes: (100) Aug 17

Site	Mulgrave Properties
Project	Residential Development LOW MOORGATE, RILLINGTON
Phase	PHASE 2
Document	LANDSCAPE MASTERPLAN
Issue	1
Date	Aug 17
Scale	1:2500
Drawn by	RJ/1968/3A

**REVISED PLAN**

THIS PLAN HAS BEEN REVISED TO REFLECT THE REVISIONS OF 27.10.17. THE CLIENT HAS AGREED TO THE REVISIONS AND THE CONTRACTOR HAS AGREED TO THE REVISIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REVISIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REVISIONS.

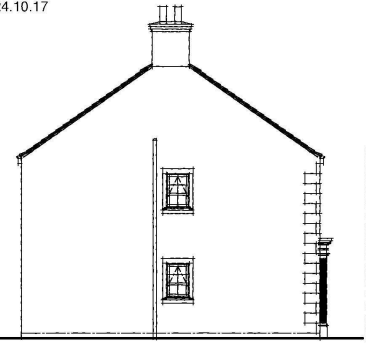
24.10.17



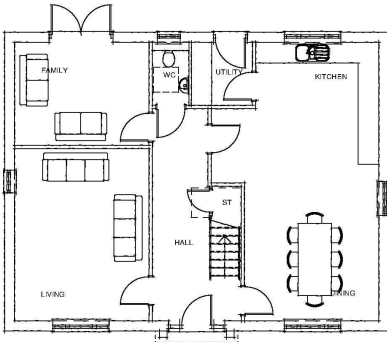
FIRST FLOOR PLAN



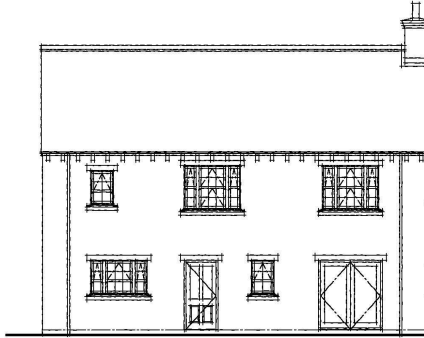
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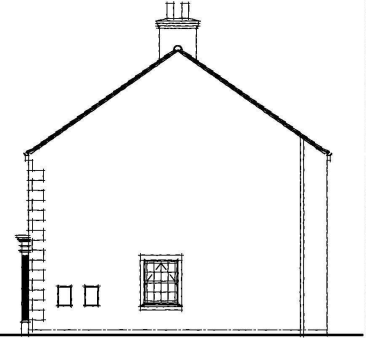
SIDE ELEVATION



GROUND FLOOR PLAN




REAR ELEVATION



SIDE ELEVATION



CDM 2015 REGULATIONS APPLY

C 06/01/17 B 23/08/17 A 14/06/17 REV DATE AMENDMENT	ROOFTOP CORR CHANGED TO 358MM MINOR ADJUSTMENTS FOLLOWING WORKING DRESS PRICING TOMMY CHENEY	01 845 5247 58 info@dparchitects.co.uk www.dparchitects.co.uk CHARTERED ARCHITECTS 25 Market Place, Thirk North Yorkshire YO7 1LW	 donex illingworth partnership ltd	CLIENT: <b>MULGRAVE PROPERTIES</b>	PROJECT: Development at Low Moorgate, Rillington	SCALE: <b>1 : 100 @ A3</b>	DATE: <b>MAY 2017</b>
				DRAWING TITLE: Type K Planning Drawing	DRAWN: JW	CHECKED: -	DWG NO: 3751/PD/12

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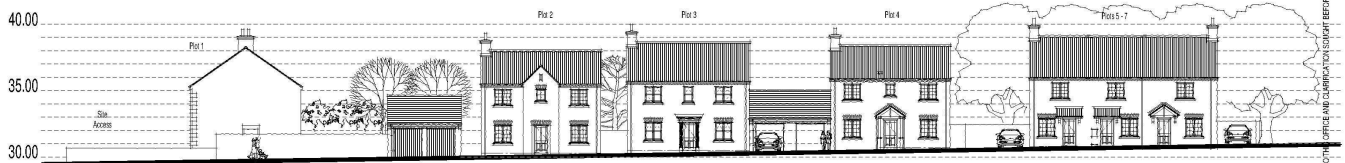
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**REVISED PLAN**

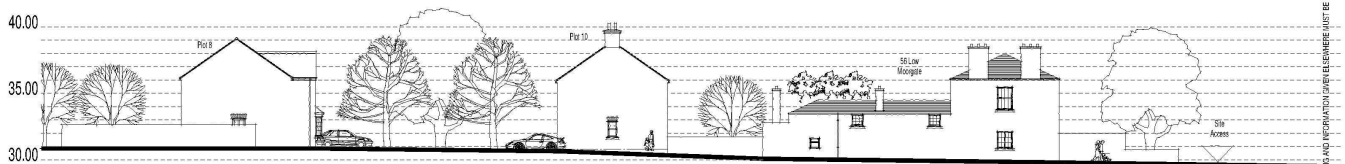
24.10.17



Streetscape Elevation 1 - Looking Towards New Site From Low Moorgate



Streetscape Elevation 2 - Looking Across New Site Towards Plots 1 - 7



Streetscape Elevation 3 - Looking Across New Site Towards Plots 8 - 10 & 56 Low Moorgate



Streetscape Elevation 4 - Looking Towards Plots 8 & 9

CDM 2015 REGULATIONS APPLY



C	18/09/17	LEVELS ADJUSTED TO BEHA DRG E17/6/96/01
B	19/09/17	AMENDED TO ACCORD WITH LATEST BRIDGE TYPE PLANNING DRGS
A	24/05/17	PLOT 1 & 5 - AMENDED
REV	DATE	AMENDMENT

01845 524738  
 info@dparchitects.co.uk  
 www.dparchitects.co.uk  
 CHARTERED ARCHITECTS  
 26 Market Place, Thirsk  
 North Yorkshire YO7 1LW

**MULGRAVE PROPERTIES**

PROJECT: Development at Low Moorgate, Rillington  
 DRAWING TITLE: Indicative Streetscenes Planning Drawing: Phase 1

SCALE:	DATE:
1 : 250 @ A3	MARCH 2017
DRAWN:	CHECKED:
JW	-
DRWG NO:	REV:
3700/PD/09	C

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# REVISED PLAN

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24.10.17



Streetscape Elevation 1 - Looking North West Towards Plots 15 - 21



Streetscape Elevation 2 - Looking North East Towards Plots 12 - 14



Streetscape Elevation 3 - Looking South West Towards Plots 26 - 28

CDM 2015 REGULATIONS APPLY

0 1 2 3 4 5m

A	18/10/17	R TYPE & LEVELS AMENDED
REV	DATE	AMENDMENT

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www.dparchitects.co.uk  
CHARTERED ARCHITECTS  
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North Yorkshire YO7 1LW



MULGRAVE PROPERTIES

PROJECT:  
Development at Low Moorgate, Rillington  
DRAWING TITLE:  
Indicative Streetscenes Planning Drawing: Phase 2

SCALE:	DATE:
1 : 250 @ A3	AUGUST 2017
DRAWN:	CHECKED:
JW	-
DRWG NO:	REV:
3700/PD/21	A

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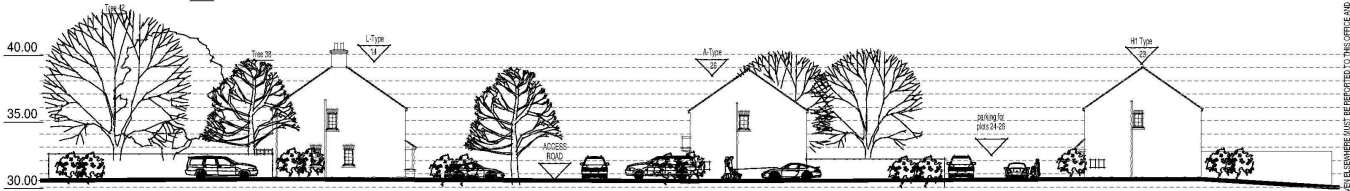
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**REVISED PLAN**

24.10.17



Streetscape Elevation 4 - Looking South West Towards Plots 21 - 25



Streetscape Elevation 5 - Looking South East Towards Plots 14, 26 & 23 (Gable Ends)



Streetscape Elevation 6 - Looking South East Towards Plot 11

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CDM 2015 REGULATIONS APPLY

REV	DATE	AMENDMENT
A	18/08/17	K-TYPE & LEVELS AMENDED

01845 524738  
 info@downesillingsworth.co.uk  
 www.downesillingsworth.co.uk  
 CHARTERED ARCHITECTS  
 25 Market Place, Thirsk  
 North Yorkshire YO7 1LW

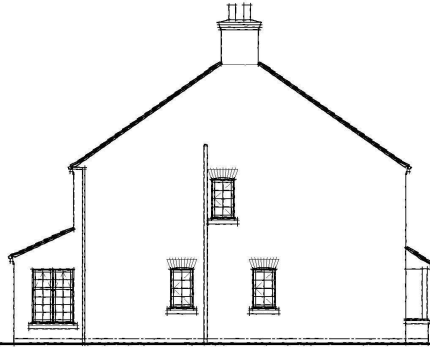
**MULGRAVE PROPERTIES**

PROJECT: Development at Low Moorgate, Rillington  
 DRAWING TITLE: Indicative Streetscenes Planning Drawing: Phase 2 (Sheet 2)

SCALE:	DATE:
1 : 250 @ A3	AUGUST 2017
DRAWN: JW	CHECKED: -
DRWG NO: 3700/PD/22	REV: A



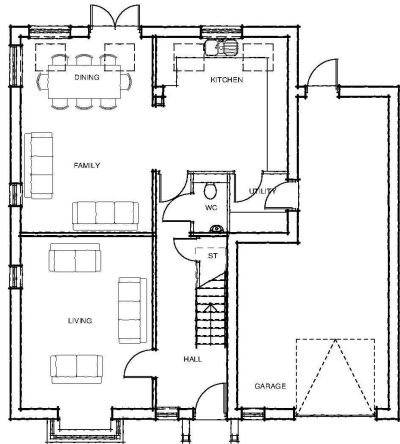
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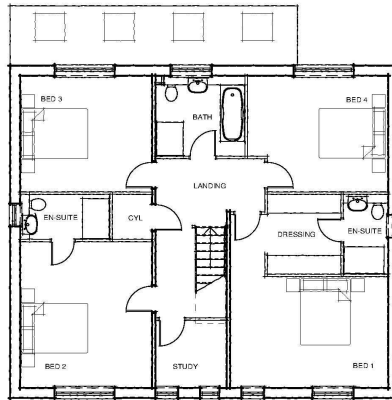
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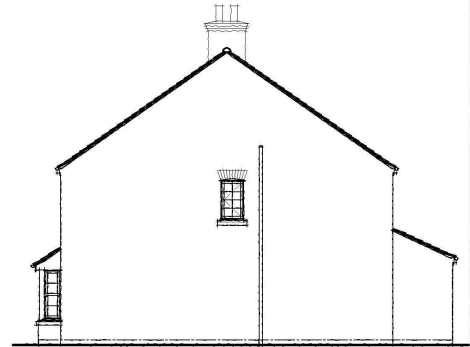
REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION

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Date Valid 22/9/2017



CDM 2015 REGULATIONS APPLY

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REV	DATE	AMENDMENT

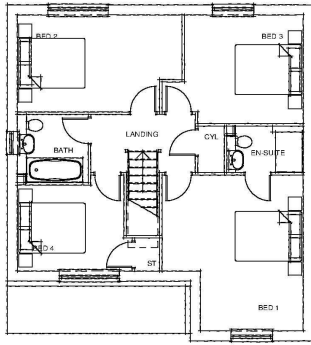
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www.dparchitects.co.uk  
CHARTERED ARCHITECTS  
25 Market Place, Thirsk  
North Yorkshire YO7 1LW

CLIENT:	MULGRAVE PROPERTIES
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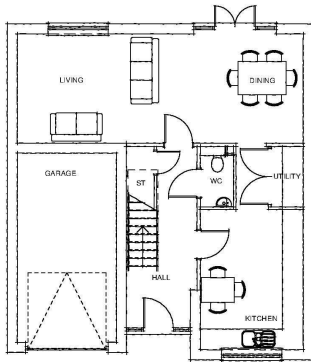
PROJECT:	Development at Low Moorgate, Rillington
DRAWING TITLE:	Type L Planning Drawing

SCALE:	DATE:		
1 : 100 @ A3	APRIL 2017		
DRAWN:	CHECKED:	DRWG NO.:	REV.:
JW	-	3751/PD/18	A

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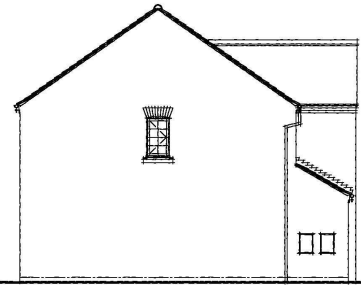
FIRST FLOOR PLAN



GROUND FLOOR PLAN



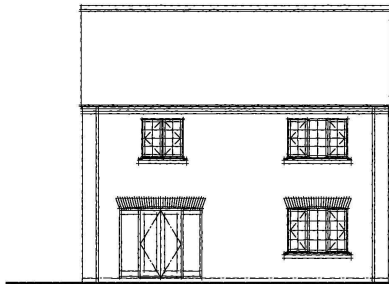
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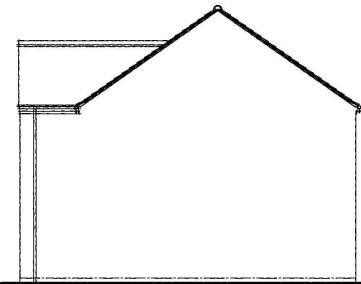
SIDE ELEVATION

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REAR ELEVATION



SIDE ELEVATION



CDM 2015 REGULATIONS APPLY

REV	DATE	AMENDMENT
B	23/06/17	MINOR ADJUSTMENTS FOLLOWING WORKING
A	16/06/17	DRG PREP & PRESENT TO CPD FOR ASSOCI
		BARGEBOARDS REMOVED

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25 Market Place, Thirsk  
North Yorkshire YO7 1LW

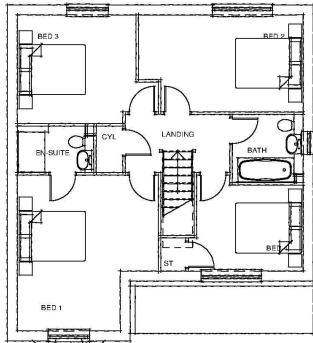
**donner**  
illingsworth  
partnership ltd

CLIENT: <b>MULGRAVE PROPERTIES</b>
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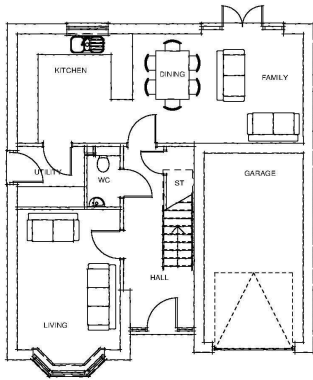
PROJECT: Development at Low Moorgate, Rillington
DRAWING TITLE: Type G Planning Drawing

SCALE: 1 : 100 @ A3	DATE: MARCH 2017
DRAWN: JW	CHECKED: -
DWG NO: 3751/PD/05	REV: B

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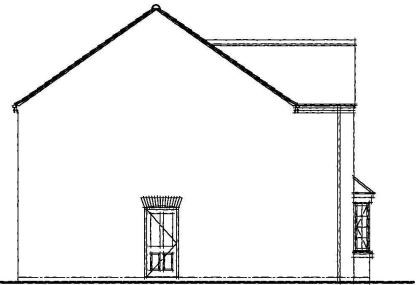
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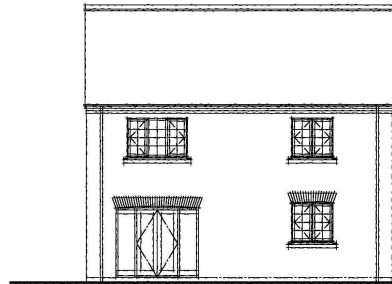
GROUND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

Date Valid 22/9/2017

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CDM 2015 REGULATIONS APPLY

REV	DATE	AMENDMENT
B	23/06/17	MINOR ADJUSTMENTS FOLLOWING WORKING DRAW PREP & PHASE 2 PLAT NOS ADDED
A	16/06/17	BARCERANDS REMOVED & GATES REVERT AMENDED

01845 524738  
 info@dparchitects.co.uk  
 www.dparchitects.co.uk  
 CHARTERED ARCHITECTS  
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 North Yorkshire YO7 1LW

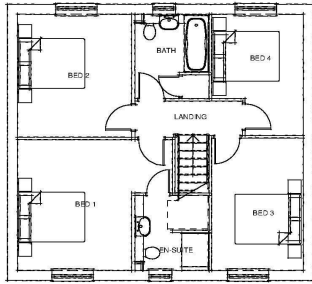
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**MULGRAVE PROPERTIES**

PROJECT:  
 Development at Low Moorgate, Rillington

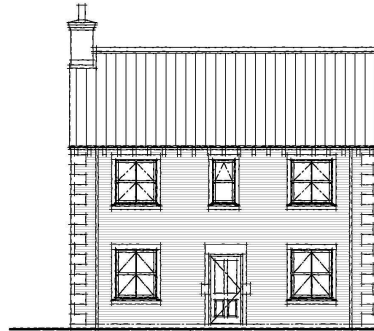
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 Type F Planning Drawing

SCALE:	DATE:
1 : 100 @ A3	MARCH 2017
DRAWN:	CHECKED:
JW	-
DWG NO:	REV:
3751/PD/04	B

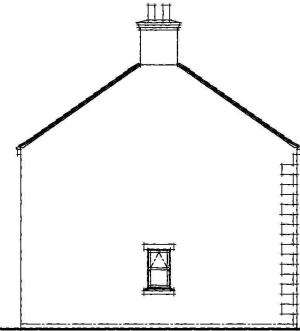
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FIRST FLOOR PLAN



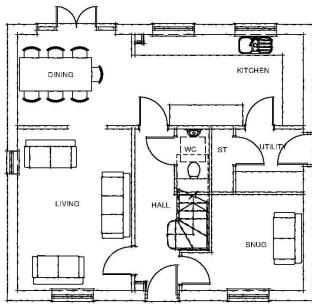
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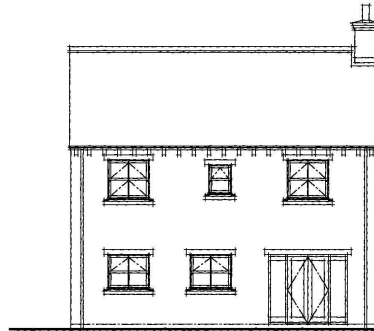
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Date Valid 22/9/2017

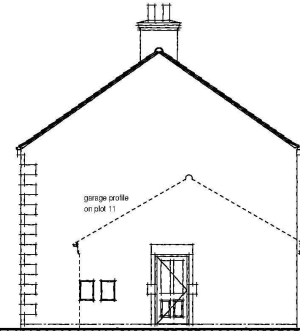
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GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION



CDM 2015 REGULATIONS APPLY

C	23/08/17	MINOR ADJUSTMENTS FOLLOWING WORKING DRAW PREP
B	11/03/17	RIP TO PLANS
A	24/05/17	REVISIONS TO FLOOR WINDOWS REDUCED TO STANDARD SIZES
REV	DATE	AMENDMENT

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info@dparchitects.co.uk  
www.dparchitects.co.uk

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25 Market Place, Thirsk  
North Yorkshire YO7 1LW

**donner**  
illingsworth  
partnership ltd

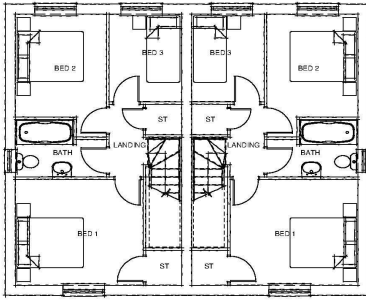
CLIENT:  
**MULGRAVE PROPERTIES**

PROJECT:  
Development at Low Moorgate, Rillington

DRAWING TITLE:  
Type C2 Planning Drawing

SCALE: 1 : 100 @ A3	DATE: MARCH 2017
DRAWN: JW	CHECKED: -
DWG NO: 3751/PD/08	REV: C

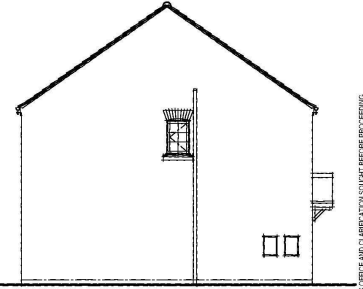
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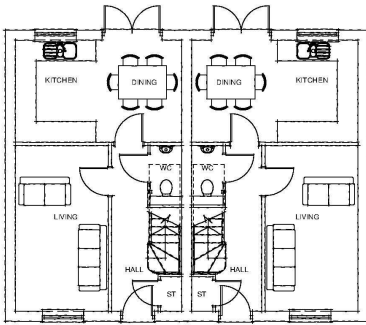
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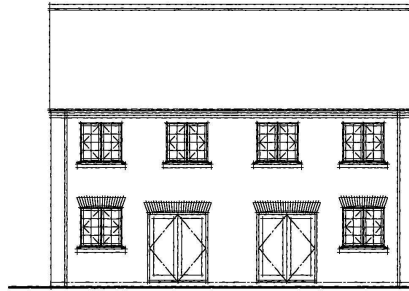
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Date Valid 22/9/2017

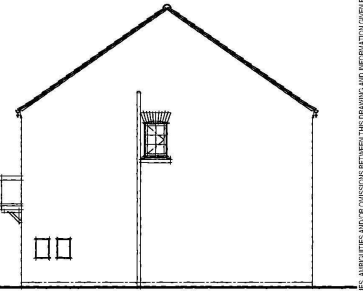
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GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION

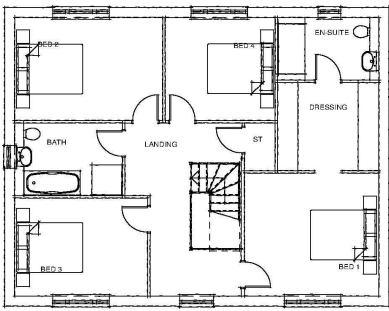


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A	22/06/17	MINOR ADJUSTMENTS FOLLOWING WORKING DRG PREP	01 845 5247 58 info@dparchitects.co.uk www.dparchitects.co.uk CHARTERED ARCHITECTS 25 Market Place, Thim North Yorkshire YO7 1LW		CLIENT:	PROJECT:	SCALE:	DATE:	
	REV	DATE			AMENDMENT	MULGRAVE PROPERTIES	Development at Low Moorgate, Rillington	1 : 100 @ A3	MAY 2017
					DRAWING TITLE:	DRAWN:	CHECKED:	DWG NO.:	REV:
					Type A Semi Planning Drawing	JW	-	3751/PD/13	A

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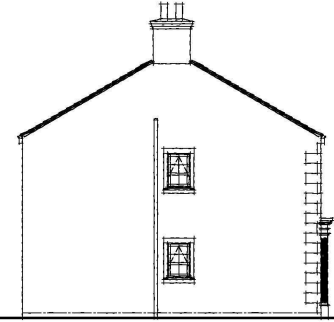




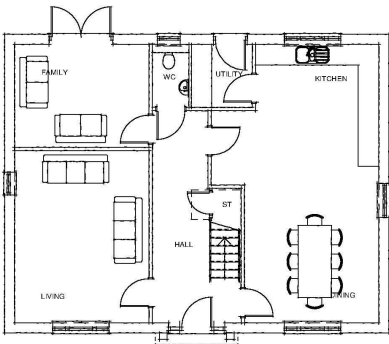
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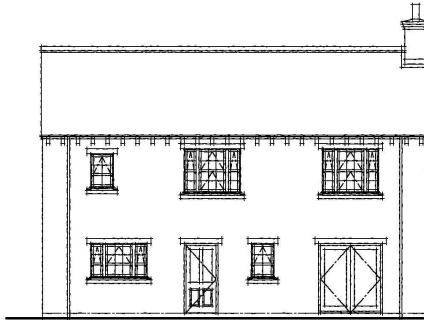
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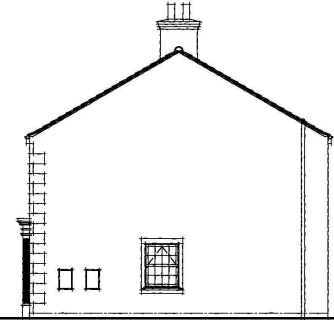
SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION

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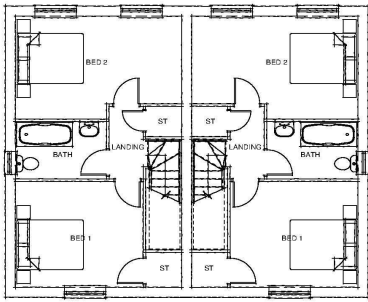
Date Valid 22/9/2017



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3 238817 X 148617 REV DATE AMENDMENT	MINOR ADJUSTMENTS FOLLOWING WORKING DRAUGHTS TOMMY CHERRY	01845 524758 info@dparchitects.co.uk www.dparchitects.co.uk CHARTERED ARCHITECTS 25 Market Place, Thirsk North Yorkshire YO7 1LW		CLIENT:	PROJECT:	SCALE:	DATE:	
				MULGRAVE PROPERTIES	Development at Low Moorgate, Rillington	1:100 @ A3	MAY 2017	
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				Type K Planning Drawing	JW	-	3751/PD/12	B

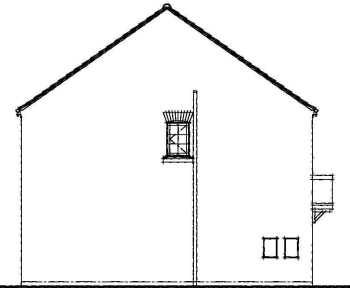
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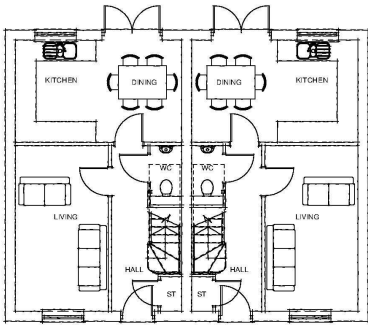
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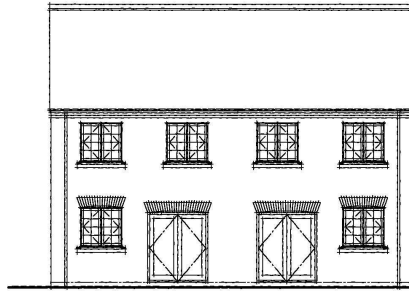
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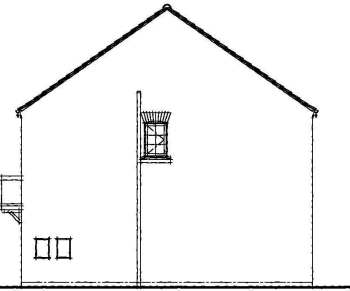
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GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION



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REV	DATE	AMENDMENT

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25 Market Place, Thirsk  
North Yorkshire YO7 1LW

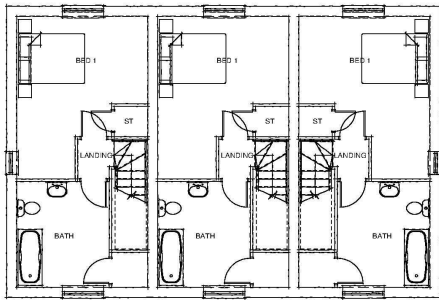


CLIENT:	MULGRAVE PROPERTIES
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PROJECT:	Development at Low Moorgate, Rillington
DRAWING TITLE:	Type A2 Semi Planning Drawing

SCALE:	DATE:
1 : 100 @ A3	MAY 2017
DRAWN:	CHECKED:
JW	-
DWG NO:	REV:
3751/PD/14	A

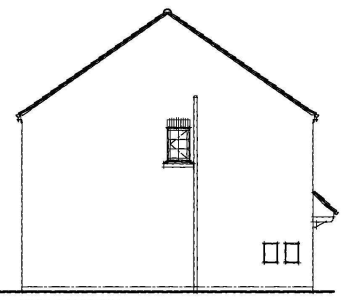
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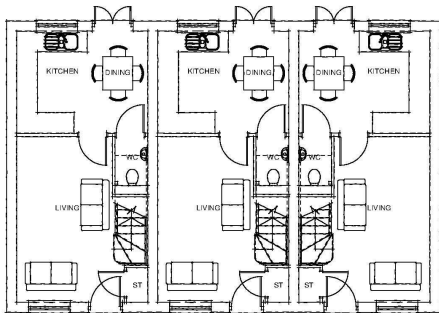
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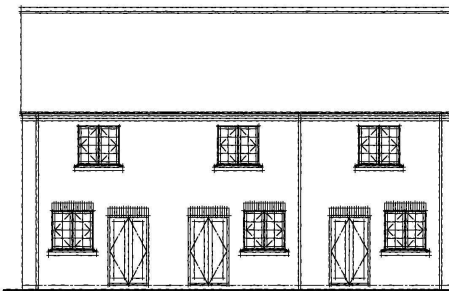
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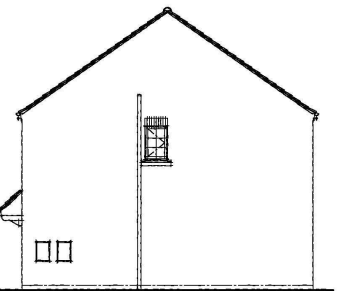
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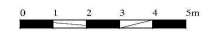
GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION



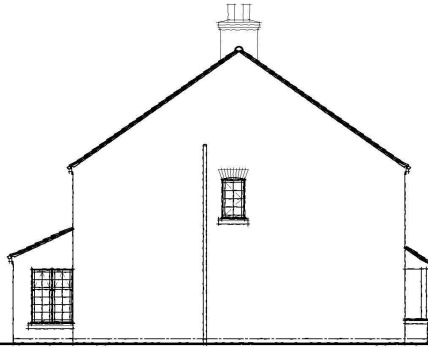
CDM 2015 REGULATIONS APPLY

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	REV	DATE	AMENDMENT								
A	22/08/17	MINOR ADJUSTMENTS FOLLOWING WORKING DRG PREP									
		DRAWING TITLE: Type H1 Terrace Planning Drawing	DRAWN: JW	CHECKED: -	DWG NO. 3751/PD/15	REV. A					

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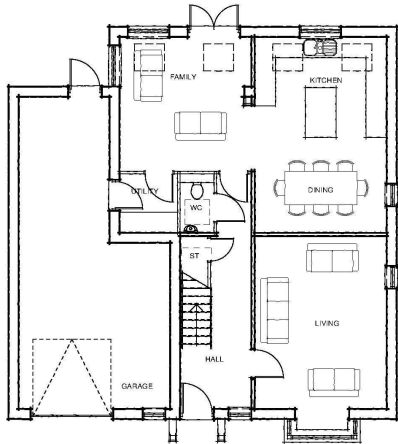
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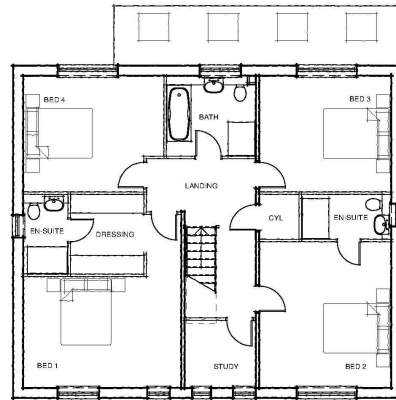
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION

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0 1 2 3 4 5m

CDM 2015 REGULATIONS APPLY

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REV	DATE	AMENDMENT

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CHARTERED ARCHITECTS  
25 Market Place, Thirsk  
North Yorkshire YO7 1LW

CLIENT:	MULGRAVE PROPERTIES
---------	---------------------

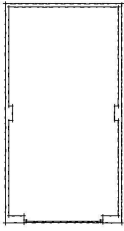
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DRAWING TITLE:	Type M Planning Drawing

SCALE:	1:100 @ A3	DATE:	APRIL 2017
DRAWN:	JW	CHECKED:	-
DWG NO.:	3751/PD/16	REV.:	A

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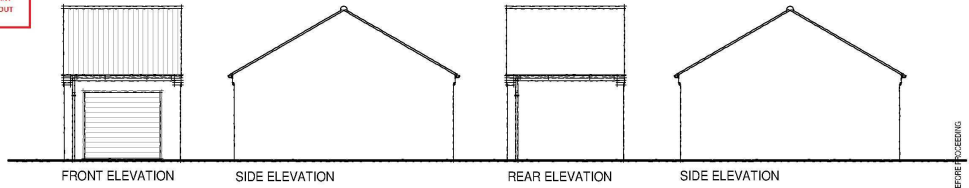
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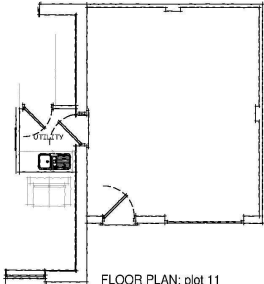


FLOOR PLAN: plot 17 & 18

PLOT 17 & 18

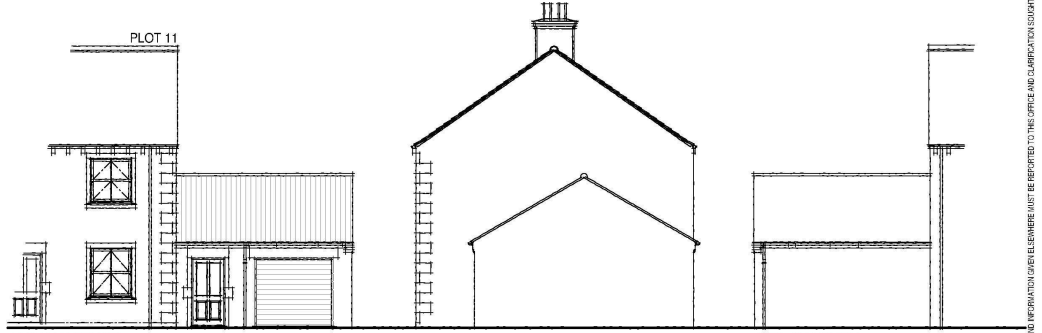


FRONT ELEVATION SIDE ELEVATION REAR ELEVATION SIDE ELEVATION

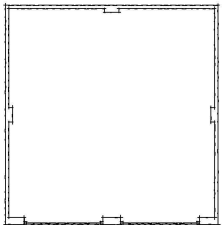


FLOOR PLAN: plot 11

PLOT 11

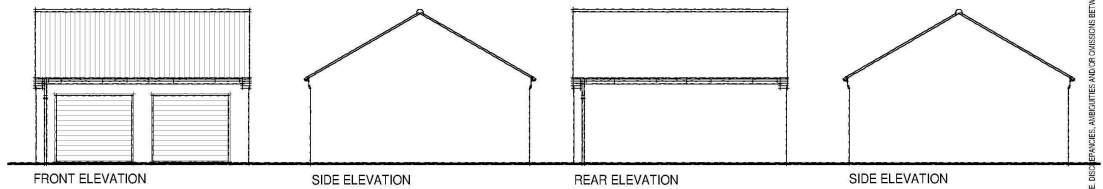


FRONT ELEVATION SIDE ELEVATION REAR ELEVATION



FLOOR PLAN: plot 12

PLOT 12



FRONT ELEVATION SIDE ELEVATION REAR ELEVATION SIDE ELEVATION

CDM 2015 REGULATIONS APPLY

0 1 2 3 4 5m

REV	DATE	AMENDMENT
A	15/06/17	FLOOR PLAN PLOT 11 REV CORRECTED
	23/08/2017	PLOT NO. ADJUSTED

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www.dparchitects.co.uk  
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25 Market Place, Thirsk  
North Yorkshire YO7 1LW

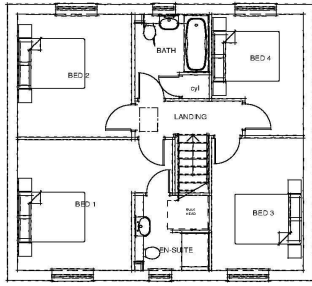


CLIENT:  
**MULGRAVE PROPERTIES**

PROJECT:  
Development at Low Moorgate, Rillington  
DRAWING TITLE:  
Detached Garages: Phase 2

SCALE:	DATE:
1:100 @ A3	JULY 2017
DRAWN:	CHECKED:
JW	-
DRWG NO:	REV:
3751/PD/17	B

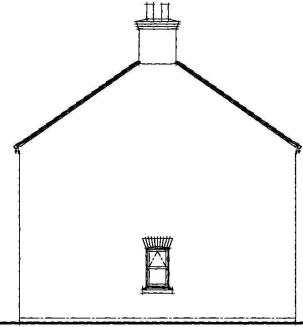
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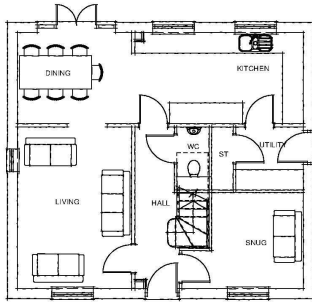
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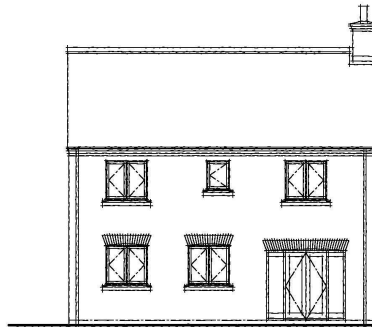
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Date Valid 22/9/2017

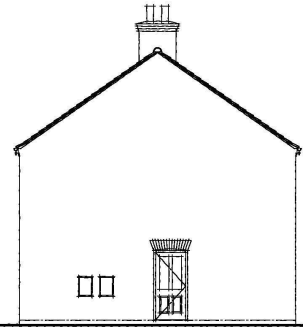
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GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION



CDM 2015 REGULATIONS APPLY

<table border="1"> <tr> <td>REV</td> <td>DATE</td> <td>AMENDMENT</td> </tr> <tr> <td>B</td> <td>23/08/17</td> <td>MINOR ADJUSTMENTS FOLLOWING WORKING DRUG PREP &amp; PHASE 2 PLANNING ACCESS</td> </tr> <tr> <td>A</td> <td>11/07/17</td> <td>FLOOR REFS AMENDED</td> </tr> </table>	REV	DATE	AMENDMENT	B	23/08/17	MINOR ADJUSTMENTS FOLLOWING WORKING DRUG PREP & PHASE 2 PLANNING ACCESS	A	11/07/17	FLOOR REFS AMENDED	<p>01 845 5247 58 info@dparchitects.co.uk www.dparchitects.co.uk</p> <p>CHARTERED ARCHITECTS 25 Market Place, Thirk North Yorkshire YO7 1LW</p>	<p>CLIENT: <b>MULGRAVE PROPERTIES</b></p>	<p>PROJECT: Development at Low Moorgate, Rillington</p> <p>DRAWING TITLE: Type C Planning Drawing (plot 3,17+18 as drawn; plot 10 opposite hand)</p>	<p>SCALE: 1 : 100 @ A3</p> <p>DRAWN: JW</p>	<p>DATE: MARCH 2017</p> <p>CHECKED: -</p> <p>DWG NO: 3751/PD/01</p> <p>REV: B</p>
	REV	DATE	AMENDMENT											
B	23/08/17	MINOR ADJUSTMENTS FOLLOWING WORKING DRUG PREP & PHASE 2 PLANNING ACCESS												
A	11/07/17	FLOOR REFS AMENDED												
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Date Valid 22/9/2017

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Streetscape Elevation 1 - Looking North West Towards Plots 15 - 21



Streetscape Elevation 2 - Looking North East Towards Plots 12 - 14



Streetscape Elevation 3 - Looking South West Towards Plots 26 - 28



CDM 2015 REGULATIONS APPLY

REV	DATE	AMENDMENT

01845 524738  
 info@dparchitects.co.uk  
 www.dparchitects.co.uk  
 CHARTERED ARCHITECTS  
 25 Market Place, Thirk  
 North Yorkshire YO7 1LW

**MULGRAVE PROPERTIES**

PROJECT:  
 Development at Low Moorgate, Rillington

DRAWING TITLE:  
 Indicative Streetscenes Planning Drawing: Phase 2

SCALE:	DATE:
1 : 250 @ A3	AUGUST 2017
DRAWN: JW	CHECKED: -
DWG NO: 3700/PD/21	REV: -

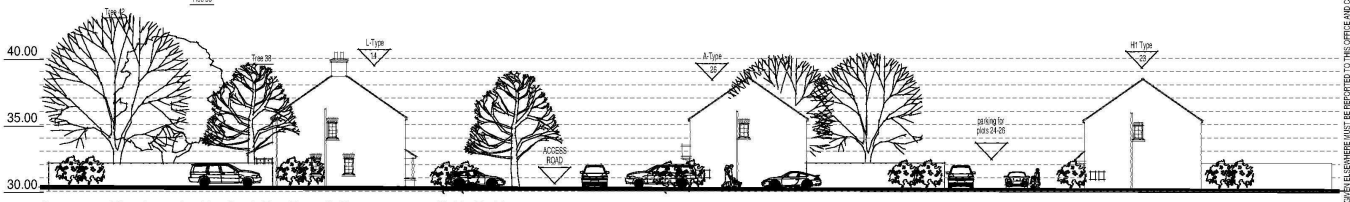
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Date Valid 22/9/2017



Streetscape Elevation 4 - Looking South West Towards Plots 21 - 25



Streetscape Elevation 5 - Looking South East Towards Plots 14, 26 & 23 (Gable Ends)



Streetscape Elevation 6 - Looking South East Towards Plot 11



CDM 2015 REGULATIONS APPLY

REV	DATE	AMENDMENT

01845 524758  
 info@dparchitects.co.uk  
 www.dparchitects.co.uk  
 CHARTERED ARCHITECTS  
 25 Market Place, Thirsk  
 North Yorkshire YO7 1LW

**MULGRAVE PROPERTIES**

PROJECT:  
 Development at Low Moorgate, Rillington

DRAWING TITLE:  
 Indicative Streetscenes Planning Drawing: Phase 2 (Sheet 2)

SCALE:	DATE:
1 : 250 @ A3	AUGUST 2017
DRAWN: JW	CHECKED: -
DRWG NO: 3700/PD/22	REV: -

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**From:** [rillingtonpc@outlook.com](mailto:rillingtonpc@outlook.com) [<mailto:rillingtonpc@outlook.com>]  
**Sent:** 11 October 2017 11:46  
**To:** Development Management <[development.management@ryedale.gov.uk](mailto:development.management@ryedale.gov.uk)>  
**Subject:** Planning Applications

Morning

Two planning application were discussed at a recent meeting of the parish council with the following outcome:-

17/01064/MREM – No objections were received.

Regards  
Chris Adnitt  
Clerk to Rillington Parish Council

# Agenda Item 7

**Item Number:** 7  
**Application No:** 17/00101/FUL  
**Parish:** Kirkbymoorside Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Peter Johnson  
**Proposal:** Change of use and alterations to existing two-bedroom apartment, attached outbuilding and rear section of retail units to form a total of 3no. one-bedroom apartments, 2no. two-bedroom apartments and 1no. ground floor retail unit following demolition of existing extension to north-west elevation  
**Location:** 6 Market Place Kirkbymoorside YO62 6DB  
**Registration Date:** 2 February 2017  
**8/13 Wk Expiry Date:** 30 March 2017  
**Overall Expiry Date:** 26 June 2017  
**Case Officer:** Charlotte Cornforth **Ext:** 325

## CONSULTATIONS:

### Yorkshire Water Land Use Planning

#### Building Control

#### Housing Services

#### Highways North Yorkshire

No objection

#### Parish Council

Support - concerns about parking

#### Parish Council

Support - Concerns about parking

#### Highways North Yorkshire

No objection

#### Building Conservation Officer

No objection

**Neighbour responses:** Lesley Temple, Mary Low, Mrs Jennifer Robinson, Jennifer & Peter Robinson,

-----

## SITE:

The application site is located to the western side of Market Place close to the junction with Howe End. The site is located within the town centre commercial limits and it is also within the designated conservation area. The property is not however a listed building.

The property is comprised of two ground floor retail units which front onto Market Place, shown as 6A and 6B on the submitted plans with existing flats set out in the remainder of the accommodation that extends over three floors. To the rear of the property is an annex building which is used for storage purposes.

## PROPOSAL:

The application was submitted for the change of use of the existing property to form a total of 4 No. one bed apartments and 2 No. two bed apartments with ground floor retail units retained as part of the proposals. During the consideration of the application the application has been revised to reduce the number of 1 bed units from 4 to 3. The application is accompanied by a planning statement and additional information has recently been submitted in respect of means of escape. The applicant has also responded to points raised by third parties in relation to the application. These documents are appended to this report for Members consideration.

## **RELEVANT HISTORY:**

Ref 15/00935/FUL. Change of use of attached outbuilding to two bed dwelling. Refused 4.11.2015

## **POLICY:**

### National Policy

NPPF

NPPG

### Local Development Plan Policy

Policy SP1

Policy SP2 Delivery and Distribution of New Housing

Policy SP4 Type and Mix of New Housing

Policy SP7 Retailing

Policy SP12 Heritage

Policy SP16 Design

Policy SP20 Generic Development Management Issues

## **APPRAISAL:**

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

Principle of residential development

Design and relationship with surrounding buildings

Heritage issues

Impact on Town centre

Amenity Considerations

Access/Parking issues

### Principle of development

Kirkbymoorside is identified as a local service centre and a secondary focus for growth in the adopted Local Plan Strategy. The plan identifies the use of town centre upper floors as an opportunity to add to the range and type of accommodation available to meet housing needs in the district. In principle the use of the upper floors of the building and the separate annex to the rear present an opportunity to make a beneficial use of the buildings which are currently not fully used and in part are in a poor state of repair. There is also considered to be a need for smaller units of accommodation as identified in the SHMA. National Policy also encourages this type of proposal with paragraph 51 of the NPPF stating:

*51. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty housing strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. Accordingly, the principle of its conversion to residential is acceptable.*

The proposal is considered to accord with the general principles in relation to residential development set out in policies SP1, SP2 and SP4 of the Local Plan Strategy

### Design and relationship with surrounding occupiers

The development is accommodated within the envelope of the existing buildings on site and seeks to retain the character and appearance of the existing buildings within the street scene. A section of the existing annex to the rear of the site is proposed to be demolished and a rear doorway opening is proposed to be blocked up. This ensures that there is no rear access towards the adjacent property Number 1A Howe End. It is of note that there are no direct public views of the rear of the premise from Market Place and limited views from Howe End as a result of the presence of very high boundary walls abutting the back edge of the footpath in this part of the town. The lean-to section of building that is proposed to be demolished is of no particular merit and the Councils Building Conservation Specialist has no objection to the proposal on heritage grounds. The proposal is therefore considered to be acceptable in terms of its approach to both heritage and design issues and these aspects of policies SP12 and SP16 of the adopted plan are considered to be satisfied.

### Impact on Town centre

The site is located in the built up area of the town and within the identified town centre limits. The scheme seeks to retain ground floor retail accommodation and there is therefore considered to be no detrimental impact on the vitality and viability of the town centre arising from the application proposals. The creation of an increase in the number of small town centre flats is considered to be a positive move which has the potential to assist town centre trade by enabling additional residents to live within the town centre. The application is therefore considered to comply with the aims of Policy SP7 of the Local Plan Strategy.

### Amenity considerations

The scheme was originally submitted for 4 one bedroom and 2 two bedroom flats. This was amended as described earlier in this report and bin storage provision was also identified on the submitted plans.

The scheme as amended shows accommodation for five flats which are all contained within the envelope of the existing buildings on site. The residential accommodation is located across several floors of the building and in response to access/fire safety concerns the views of the North Yorkshire Building Control Partnership were sought in respect of protected stairway provision and also access to the rear annex. In response the applicant has submitted further information from their own professional advisors on this matter indicating that they have assessed the scheme and that they consider safe access/escape to be obtainable/provided to all of the flats proposed. The final comments of NYBCP officers are awaited and will be reported on the Late Pages or at the meeting.

In other respects the amended scheme provides for a number of much needed small units of accommodation in a town centre location and provides for a beneficial use of an under used historic building within the designated conservation area. In terms of impacts on adjacent residents these are considered to be limited in nature. The applicant has confirmed that the rear doorway of the existing annex store is to be permanently blocked and has expressed the view that no overlooking would be possible from the proposed rear roof light because of its position in the roof space. Officers are seeking confirmation of the height of the roof light above floor level. However any potential for overlooking is capable of being addressed by obscure glazing if it is considered to be necessary.

### Access Parking Issues

The scheme provides for no off road parking. However the site is located in a town centre location where there are both off street and on street parking opportunities. It is of note that NYCC Highways have raised no objection to either the scheme as originally submitted or as subsequently amended on parking or highway safety grounds. The proposal is therefore considered to be acceptable in terms of this aspect of Policy SP20 of the Local Plan Strategy.

## Other Matters

The Town Council have been consulted in respect of both the original and amended plans making the following comments.

Original Plans – Support but concerns over demands on parking

Amended Plans – Comments as originally submitted

The matter of parking has been appraised by NYCC Highways who do not object given the site's location in the town centre and the availability of on and off street parking in the town.

During the consideration of this application response from three third parties were received to the original plans and one of the original responses has made further comments in respect of the amended plans.

Original Plans

Concerns over increased parking pressure, strain on local infrastructure, setting of listed buildings, small units not in character with the town, concerns over potential adverse impact on business, no legal rights of access over other property, concerns over rubbish storage and collection, concerns over means of escape, potential overlooking and possible flooding of the basement areas.

Amended Plans

Comments relating to Plan 'accuracy' and potential for overlooking from annex at the rear from roof light.

Matters relating to legal rights of access are not material to the consideration of the application. Issues relating to the principle of the development, heritage impacts, impacts on the town centre, possible overlooking/privacy issues and parking have been addressed in this report. Full copies of the third party responses received can be viewed on the Council's website.

In summary the application is considered to be acceptable in principle and comprises an acceptable re use of an underused building within the town centre conservation area.

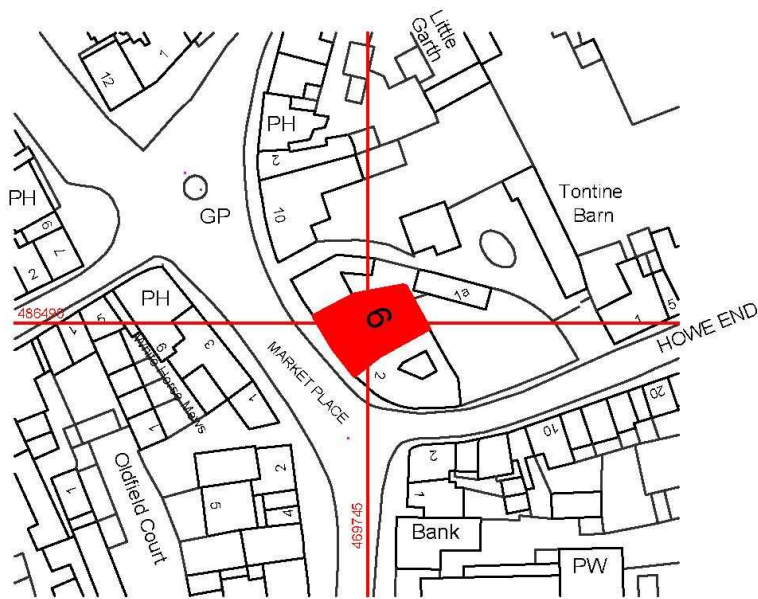
Detailed matters however remain to be confirmed as being acceptable in terms of access and escape from the small units of residential accommodation which are distributed over four floors within the buildings in question.

It is anticipated that the final views of NYBCP will be available prior to the meeting in order that a final recommendation can be made to Members.

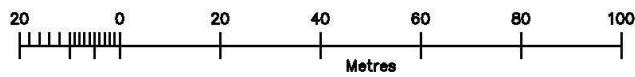
**RECOMMENDATION:**                      **Made at the Meeting**



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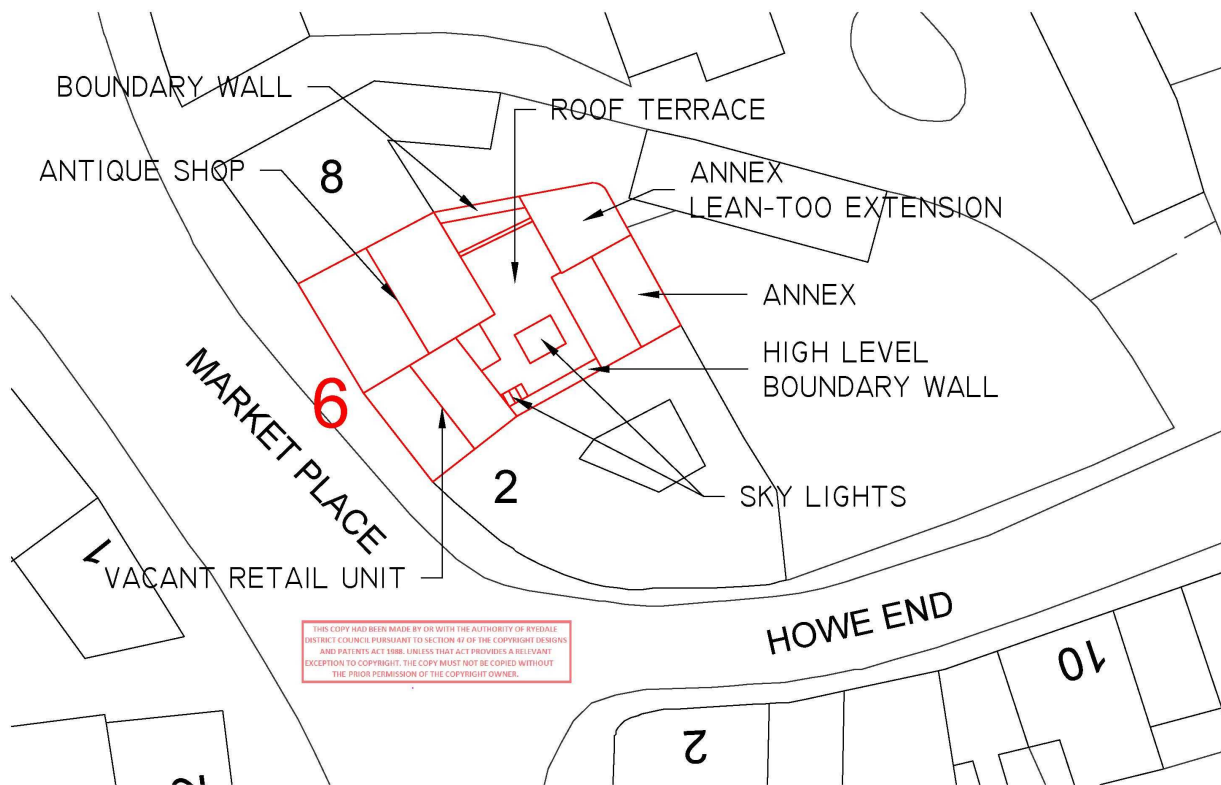


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<b>Northing</b> 486490	
<b>OS Reference</b> 100022432	

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6 MARKET PLACE – KIRKBYMOORSIDE  
LOCATION PLAN – 1:1250 @ A4

DATE VALID  
 02/02/17



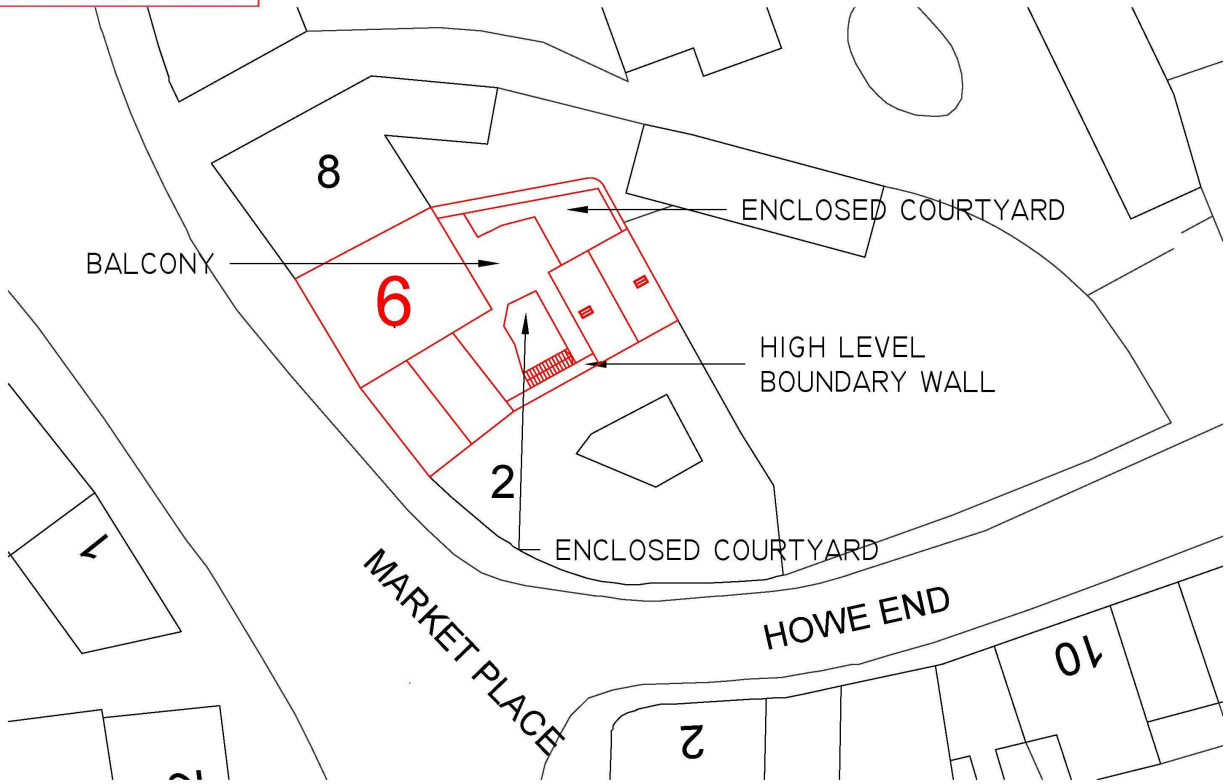
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6 MARKET PLACE — KIRKBYMOORSIDE  
 BLOCK PLAN — 1:200 @ A3

DATE VALID  
 02/02/17



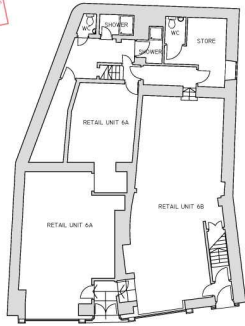
**REVISED PLAN**



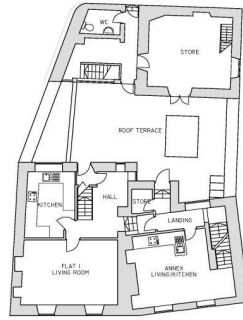
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6 MARKET PLACE – KIRKBYMOORSIDE  
PROPOSED BLOCK PLAN – 1:200 @ A3

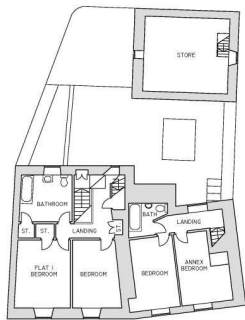
NOT TO SCALE  
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 ANY CHANGES TO THE PLAN SHOULD BE MADE IN CONSULTATION WITH THE ARCHITECT.



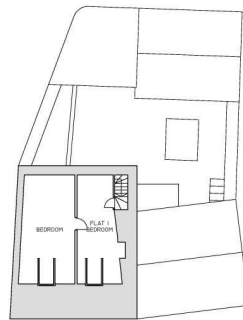
00 EXISTING PLAN  
GROUND FLOOR



01 EXISTING PLAN  
1ST FLOOR



02 EXISTING PLAN  
2ND FLOOR



03 EXISTING PLAN  
3RD FLOOR

DATE VALUED  
03/09/17

A 25/01/17 ISSUED FOR APPROVAL

APPROVAL



**MOLIORGREEN**  
 2 0 4 1 4 4 0 2 2 4

SUITE 2 21 THE OLD WINDSOR HOUSE POST OFFICE CORNWALL ROAD MAIN STREET HARRINGTON HARRINGTON NORTH DEVON EX11 2PW

01423 391258 07764 689647  
 enquiries@moliorgreen.co.uk  
 www.moliorgreen.co.uk

MR P JOHNSON

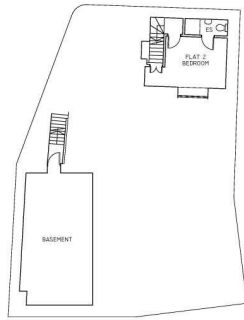
6 MARKET PLACE  
 KIRKBYMOORSIDE

EXISTING PLANS SHEET 1

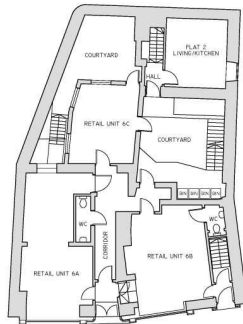
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SEP 16	1:100	AI
6961	F50	A

REVISED  
08.06.17

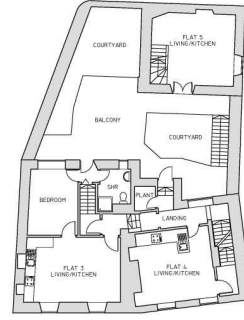
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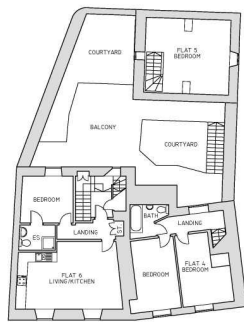
B1 PROPOSED PLAN  
BASEMENT



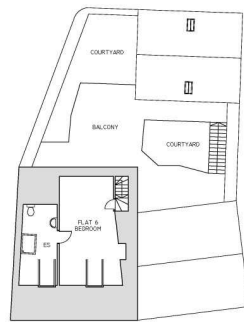
00 PROPOSED PLAN  
GROUND FLOOR



01 PROPOSED PLAN  
1ST FLOOR



02 PROPOSED PLAN  
2ND FLOOR



03 PROPOSED PLAN  
3RD FLOOR

**REVISED PLAN**

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APPROVAL		
MOLIORGREEN ARCHITECTURE		
7.21 WINDSOR HOUSE CORNWALL ROAD HARROGATE HG1 2PW		
01423-391256 enquiries@moliorgreen.co.uk		
PETER JOHNSON		
6 MARKET PLACE		
PROPOSED PLANS		
RHC	PGS	-
MAY 17	1:100	A1
6961_L12	PI0	A



01 EXISTING ELEVATION  
SOUTHWEST FRONT



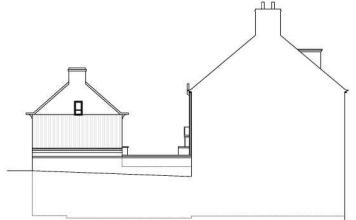
02 EXISTING ELEVATION  
SOUTHEAST SIDE



03 EXISTING ELEVATION  
NORTHEAST REAR OF FRONT BLOCK



04 EXISTING ELEVATION  
NORTHEAST REAR



05 EXISTING ELEVATION  
NORTHWEST SIDE



06 EXISTING ELEVATION  
SOUTHWEST FRONT OF REAR BLOCK

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A 25/01/17 ISSUED FOR APPROVAL

**APPROVAL**



**MOLIORGREEN**  
ARCHITECTS

SUITE 2.21 THE OLD  
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enquiries@moliorgreen.co.uk  
www.moliorgreen.co.uk

MR P. JOHNSON

6 MARKET PLACE  
KIRKBYMOORSIDE

EXISTING ELEVATIONS  
SHEET 1

MBP	PGS	-
SEP 16	1:100	A1
6961	F51	A

DATE VALID 02/08/17

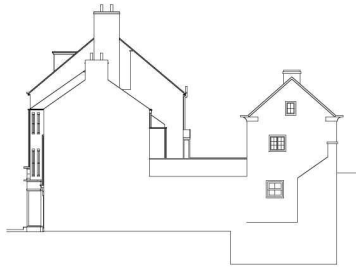
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# REVISED PLAN

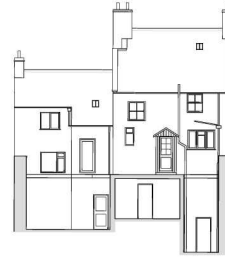
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08.06.17



01 PROPOSED ELEVATION  
SOUTHWEST (FRONT)



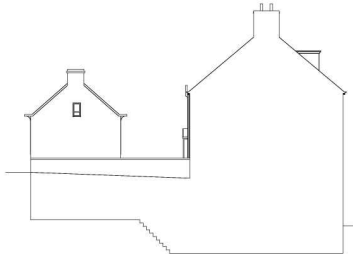
02 PROPOSED ELEVATION  
SOUTHEAST (SIDE)



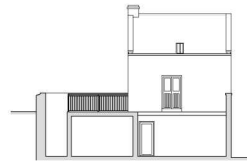
03 PROPOSED ELEVATION  
NORTHEAST (REAR OF FRONT BLOCK)



04 PROPOSED ELEVATION  
NORTHEAST (REAR)



05 PROPOSED ELEVATION  
NORTHWEST (SIDE)



06 PROPOSED ELEVATION  
SOUTHWEST (FRONT OF REAR BLOCK)

APPROVAL

**MOLIORGREEN ARCHITECTURE**

7.21 WINDSOR HOUSE  
CORNWALL ROAD  
HARROGATE  
HG1 2PW

01423-391256  
enquiries@moliorgreen.co.uk

PETER JOHNSON

6 MARKET PLACE

PROPOSED ELEVATIONS

RHC	PGS	-
MAY 17	1:100	A1
696L-12	P11	A

## **PLANNING STATEMENT**

### **1. Applicant**

Mr Peter Johnson, Little Edstone, Kirkbymoorside, North Yorkshire, YO62 6NY

### **2. Site Location**

6 Market Place, Kirkbymoorside, North Yorkshire, YO62 6DB

### **3. Description of Proposed Development:**

Change of use of the rear section of two retail units and an existing outbuilding to form three No. one bedroom apartments. Plus the sub-division of an existing first and second floor four bedroom duplex apartment to form one single bedroom apartment and a second two bedroom apartment. Creation of additional access via Market Place to a newly established communal courtyard with balconies and escape stairs.

### **4. Use**

At present the existing arrangement of buildings at 6 Market Place comprises of two large partially let retail units at ground floor level with two sizeable unlet apartments over. In addition, there is a disused semi derelict outbuilding at the rear with a roof terrace forming a connection between the properties.

It is worthy of note that in August of 2015 the applicant applied for change of use and extension of the existing outbuilding to the rear to form a three bedroom residential dwelling having previously applied for a similar scheme earlier that year which was withdrawn. The aforementioned application, number 15/00935/FUL was refused by delegated decision in October 2015 for the following key reasons: -

- Unacceptable residential environment
- Lack of access
- Inadequate amenity areas
- Adverse impact on neighbouring occupiers

The underlying issue which gave rise to these key objections stemmed from the creation of such a large individual dwelling. The newly proposed scheme seeks to address the inherent problems of the previous application by proposing a number of smaller affordable dwellings. At the same time, the existing retail units will be reduced to an affordable size with the aim of breathing life back into Kirkbymoorside High Street. The creation of a new access route between the two retail units arriving at a communal courtyard to the rear seeks to address the issues of both access and amenity. The applicant hopes to market the properties – both retail and residential – at affordable rents to local residents and businesses. At present, only one of the retail units is let to an Antique Dealer who intends to wind down in 2017. All other existing accommodation – both residential and retail currently stands unoccupied.

The burden of rates alone makes this position untenable for the applicant going forward and the proposed scheme seeks to rejuvenate this once charming collection of historic buildings.

## 5. Amount and Scale

The existing site which borders Market Place and is confined on the remaining sides by neighbouring property is entirely built up in nature. This combination of buildings sits on a footprint of 233 sqm which is the same as and equal to the area inside the location plan red line. The table below illustrates the total net internal areas of the existing retail units, apartments and outbuilding compared to that of the newly formed scheme.

UNIT	EXISTING	PROPOSED
Retail unit 6A	84.5 sqm	52 sqm
Retail unit 6B	80.5 sqm	30 sqm
Flat 1	140 sqm	39.5 sqm
Flat 2	N/A	40.5 sqm
Flat 3	N/A	41 sqm
Flat 4	55.5 (annex)	57 sqm
Flat 5	63 sqm (store/outbuilding)	45 sqm
Flat 6	N/A	86.5 sqm

The proposed alterations required in this change of use happen entirely within the existing collection of buildings. Moreover, the awkward and unsympathetic northern extension to the rear outbuilding is to be demolished as is the connecting roof terrace. The net result is a reduction in the overall size and scale of No. 6 Market Place reducing its impact on its neighbours' amenity. The applicant has been determined to deliver a fully designed scheme without the need to extend existing buildings or rely on the inclusion of controversial dormers whilst at the same time providing retail and residential space that complies with current building regulations and in particular addresses all concerns around access, egress and means of escape.

## 6. Heritage

6 Market Place falls within both the commercial limits and conservation area of Kirkbymoorside as set out by the Ryedale District Council Local Plan. The retail units and existing apartments over at the front of the building facing west are prominent and form a key part of the street scene. The proposed scheme renders this prominent elevation unchanged save that a hitherto lost access route from front to rear is to be reinstated via the original central door which sports above it its traditional fan light. As the eye is drawn up the principal elevation eight traditional sliding sash windows are on show topped by two timber glazed dormers at roof level. The entire façade including retail glazing, timber work and fenestration are unaffected by the proposed scheme. To the rear later additions such as the single ply membrane covered roof terrace and outbuilding extension pressed metal sheeting roof will be lost returning the buildings to their former glory. The applicant believes that the proposed scheme addresses the needs of property which falls within the

commercial limits whilst at the same time being empathetic to the heritage asset which is Kirkbymoorside's conservation area.

#### **7. Access**

The proposed scheme at 6 Market Place is unable to fully address issues surrounding access and egress for the entirety of the population specifically, the elderly, people with disabilities, pushchair and wheelchair users. That said the inclusion of an additional access and egress route which does not exclusively rely on a means of passage via a storey high staircase seeks to improve the situation. In addition, no existing access points will be lost under the proposed scheme. Whilst limited parking is available immediately outside the retail units there is no exclusive on or off street parking for 6 Market Place. For the avoidance of doubt no rights of way are affected by the planned scheme.

#### **8. Additional Comments**

The applicant wishes to stress the size and affordability of the planned residential units and hope that Ryedale District Council can support the application in line with Local Plan Policy SP3 Affordable Housing.



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**Subject:** 17/00101/FUL

Morning

Please see following the Planning Committee's observations in respect of planning applications considered at Monday's meeting:

- a. 17/00101/FUL | Change of use and alterations to existing two-bedroom apartment, attached outbuilding and rear section of retail units to form a total of 3 no. one-bedroom apartments, 2 no. two-bedroom apartments and 1 no. ground floor retail unit following demolition of existing extension to north-west elevation | 6 Market Place Kirkbymoorside YO62 6DB

The Planning Committee reiterate the observations made in response to the same application considered at the Planning Committee meeting dated 20<sup>th</sup> February wherein they support the application however, there are concerns with regards to the associated demand on parking taking into consideration the potential number of occupants.

Clr Wells suggested that data be provided from RDCAs to whether there is a condition in the planning criteria that specifies the requirement to allocate/provide parking per property.

- b. 17/00379/FUL | Erection of a single storey extension to the South West of existing tack room to provide WC and shower facilities and to re-roof existing tack room with a timber decked roof terrace / viewing platform | Deep Dale Farm House Village Street Keldholme Kirkbymoorside YO62 6LE

**No Comment**

- c. Notice to Fell Trees in a Conservation Area 17/00696/CAT | to fell 49 Leylandii | 26 Dale End Kirkbymoorside YO62 6EQ

**No Comment**

I look forward to hearing from you.

Many thanks

Lisa

--

Lisa Bolland  
Clerk to Kirkbymoorside Town Council  
Church House  
7 High Market Place  
Kirkbymoorside  
YO62 6AT  
Telephone: 01751 432 217  
[www.kirkbymoorsidetowncouncil.gov.uk](http://www.kirkbymoorsidetowncouncil.gov.uk)

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**Subject:** 17/00101/FUL

From: Town Clerk [<mailto:town.clerk@kirkbymoorsidetowncouncil.gov.uk>]  
Sent: 27 February 2017 15:12  
To: Karen Hood  
Subject: 17/00101/FUL

Please be advise dof the following observations provided by the Kirkbymoorside Town Council Planning Committee in respect of application 17/00101/FUL

The Planning Committee support the application however, there are concerns with regards to the associated demand on parking taking into consideration the potential number of occupants.

--

Lisa Bolland  
Town Clerk to Kirkbymoorside Town Council The Shambles, Kirkbymoorside, YO62 6AY  
01751 432217

**Item Number:** 8  
**Application No:** 17/00980/73  
**Parish:** Terrington Parish Council  
**Appn. Type:** Material Amendment  
**Applicant:** Mr Matthew Clarke  
**Proposal:** Variation of Condition 12 (Local Needs Occupancy) of approval 16/01227/OUT dated 15.03.2017 to add: If after a period of 12 weeks a qualifying household is not forthcoming then the area can be widened to the Ryedale District area. Following a further 12 week period the area is widened to the County of North Yorkshire. The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver provided always that a successor in title of such a person shall be bound by the obligations contained in this condition.  
**Location:** Land To Rear Of The Forge North Back Lane Terrington North Yorkshire  
**Registration Date:** 21 August 2017  
**8/13 Wk Expiry Date:** 16 October 2017  
**Overall Expiry Date:** 28 September 2017  
**Case Officer:** Rachael Balmer **Ext:** 357

## CONSULTATIONS:

**Paul Jackson AONB Manager** Raises several comments to take into consideration.  
**Parish Council** Agrees with the application, however raises several concerns to consider.

**Legal Services**

**Neighbour responses:** **Non received**

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## 1.0 SITE:

1.1 The site is subject to outline permission for the development of a single dwelling 16/001227/OUT granted in 15.03.2017. The site is within Terrington, a non-Service Village, and within Development Limits. The outline permission is subject to a number of planning conditions including the Local needs occupancy condition which was imposed to meet the requirements of policy SP21

## 2.0 PROPOSAL:

2.1 The proposal seeks to vary the wording of the Local Needs Occupancy condition (LNOc) as it is set out in Policy SP21 of the Adopted Local Plan Strategy, and applied to the original outline permission. The proposed amendments are that, in the first instance, a time-limited cascade of geographical eligibility is proposed:

*"If after 12 weeks a qualifying household is not forthcoming then the area can be widened to the Ryedale District area. Following a further 12 week period the area is widened to the County of North Yorkshire."*

2.2 The second component is the explicit provision for a clause which in the event of a default on the mortgage, a Mortgagee possession clause is then applied to the mortgagee/receiver/deriver of title until it is then sold on to the next buyer, when the LNOc 'kicks back in'.

*"The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver provided always that that a successor in title of such a person shall be bound by the obligations contained in this condition."*

2.3 The second element is the application of a mortgage in possession clause, which lenders have said (although again no documentary evidence has been provided) would allow them to sell the property unfettered, on the open market- so that they can dispose of the liability as soon as possible. However, the proposed wording of this variation to the LNOc seeks to lift and then reinstate the LNOc in the event of a default on the mortgage. The apparent rationale for this is so that a Lender feels unrestricted, but that the LNOc remains in place and accordingly the depreciation in the value of the property remains.

### **3.0 HISTORY:**

3.1 Planning permission was granted 15 March 2017 for the outline approval of a single dwelling on an infill site within Development Limits of Terrington- an Other Village. The permission applies the Local Needs Occupancy Condition, which is set out in Policy SP21 of the Adopted Local Plan Strategy.

### **4.0 POLICY:**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises:

The Ryedale Local Plan Strategy (2013)

The Proposals Map (2002) carried forward by the Local Plan Strategy

The 'saved' policies of the Ryedale Local Plan (2002)

The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

(The latter two components are not considered to be relevant as part of the determination of this proposal)

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

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New housing

Policy SP21 Occupancy Restrictions

#### Material Considerations:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance

### **5.0 CONSULTATIONS:**

5.1 A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public access webpage, and referred to in the report accordingly.

5.2 The Council's Solicitor and Legal Services Manager have discussed the implications of the application of such a variation to the condition with the Case Officer. They have concluded that the second element of the application relating to the mortgagee in possession clause is not workable due to the resulting 'kick back in'. This merely shifts the restriction along. Furthermore the use of a cascade is common in respect of affordable housing applications and is usually subject to a s.106 legal agreement. However Members are advised that new housing in other village locations as permitted is not 'affordable' housing but housing designed to meet a demonstrated local need. It is not considered

appropriate to change what is the policy wording in the adopted Development Plan to this proposed re-wording. The LNOc operates under very specific parameters- that is its policy purpose.

Terrington Parish Council are in agreement of the proposed re-wording of the condition. The PC state that whilst the Local Needs Occupancy condition is applied for local needs, it means that only cash buyers with local needs are able to buy such properties. The concept of the cascade, which they do not object to- they consider will not work for most high street lenders. They conclude that the sale of the land seems unlikely to happen without a relaxation of the LNOc. This is however not a view shared by officers and is not demonstrated on the basis of the evidence submitted.

The AONB Manager has advised that he is unable to support the current wording:

The policy is designed to meet local needs, on sites which might ordinarily not receive planning consent. It is to restrict speculative applications and building of market housing. The proposed wording would be moving away from local needs.

The AONB is not subject to any specific change in the operation of SP2/SP21 a relaxation to County level would not be appropriate for the AONB- North Yorkshire is the largest county in England.

The North York Moors National Park is a District-level authority, and therefore is not comparable to the County-level. Would support a relaxation to Ryedale District.

12 weeks for de-restriction is too short, six months is more suitable, but for a desirable village like Terrington, 12 months as a minimum to then the District of Ryedale would be suitable.

S.106 agreements between the LPA and applicant could be a potential means of securing the mortgage against the property and ensuring the LNOc as currently worded is complied with, and this should be explored before any de-restriction.

It should be noted that the revisions to time periods proposed to the condition are of serious concern to officers

## **6.0 APPRAISAL:**

6.1 The applicant, who seeks to buy the site and live in the resulting property with his family complies with the Local Needs Occupancy Condition. They already live in the village but have an expanding family and would like to live in a larger property. They have struggled to obtain a mortgage because the lenders they have applied to are not prepared to lend due to apparent rigidity and stringency of the LNOc applied by Ryedale. (No documentation is provided by any lenders per se as part of this application). The applicant is interested in the site because Terrington is where they want to stay, and the LNOc depreciates the value of the site, resulting in a property which is within their budget- and as they perceive it- makes it affordable.

6.2 The first element is the geographical scope of the LNOc. The applicant's discussions with the lenders (although no documentary evidence has been provided) revolve around the parish and adjacent parish being too narrow, particularly when compared to the National Park's (Yorkshire Dales and North York Moors) approaches, who's LNOcs cover the full area of the Park. As such, they propose a cascade, similar those applied to s.106 agreements in respect of the delivery of affordable housing. They have submitted, by way of justification, a document produced by the Chartered Institute of Housing and the Homes and Communities Agency entitled 'Promoting Mortgage Access for Affordable Housing'. It is described as a good practice note in respect of the operation of cascades used when drawing up s.106 agreements for the provision of affordable housing.

6.3 The main considerations to be taken into account are:

- i) The policy principle of the Local Needs Occupancy Condition;
- ii) The effects of the application of a time-limited geographical cascade on that Policy approach;

and

iii) The effects of the application of a mortgagee in possession clause

i) The Policy Principle of the Local Needs Occupancy Condition

6.4 Policy SP1 of the Ryedale Plan - Local Plan Strategy identifies the Settlement Hierarchy and General Location of Development and states that: In all other villages, hamlets and in the open countryside development will be restricted to, amongst other matters, *"that which is necessary to support a sustainable, vibrant and healthy rural economy and communities"*. Aligned to this, the Local Plan Strategy, in the Spatial Strategy, refers to: Other Villages- Housing to address local housing requirements and affordable housing needs and restricted by a Local Needs Occupancy Condition.

6.5 These policy aspirations are then set out in detail in Policy SP2 of the Local Plan Strategy, concerned with the Delivery and Distribution of New Housing as for a proposal such as that considered in the original outline planning permission 16/01227/OUT:

*"Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy"*

6.6 Policy SP21 of the Local Plan Strategy is concerned with Occupancy Restrictions, it states:

The following occupancy conditions will be used to ensure that developments are occupied for the purpose for which they are intended and justified. This policy will be applied in the following circumstances:

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

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

\* Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or

\* Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or

\* Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

6.7 The Lifting of Occupancy Conditions is also considered in part g of Policy SP21:

g) Lifting of Occupancy Restrictions

(i)The lifting of occupancy restrictions will be carefully considered on a case by case basis. The capability and suitability of the unit being occupied as a permanent residential unit together with any changes in circumstances which mean the occupancy restriction is no longer applicable, will be carefully considered.

6.8 On that basis, this is not a condition imposed as an after-thought, but an integral part of the operation the Development Plan in the provision of housing; as referred to by the AONB Manager. The role of the policy, in-conjunction with the other components of Policies SP1 and SP2 is to restrict

development out with the larger settlements. This is to ensure that development is focused on the larger towns and, to a lesser extent, the Service Villages. The LNO is applied to ensure that in such a large, relatively sparsely populated District, as Ryedale is, residential development in the small settlements is restricted to that which only meets locally-derived need.

6.9 Aligned to this, there have been a number of speculative applications for the development of dwellings subject to the LNO. Application 16/01227/OUT is one such application although it was indicated in writing during the processing of that application that local 'qualifying' buyers were available. Whilst the Local Plan Strategy does not preclude this, because landowners/applicants may have occupants in mind, it is a risk for those who make such applications without an identified occupier, or buyer, to meet with any of the conditions.

6.10 As outlined above, the Local Plan Strategy does already provide the policy means for the Local Planning Authority to lift such occupancy conditions. It is however, as set out in the Plan, to be considered *"on a case by case basis, and the capability and suitability of the unit being occupied as a permanent residential unit together with any changes in circumstance which mean the occupancy restriction is no longer applicable, will be carefully considered."* Members will be already aware that a series of appeals have been made for the lifting of the LNOc on sites which have no dwelling on them. To date, all those appeals have been dismissed by Inspectors on such sites, and the condition has remained in place. It is clear that in the operation of the Development Plan the application of such conditions has been tested, and is considered to be reasonable, as part of the implementation of the Ryedale Plan-Local Plan Strategy. The Inspectors have concluded that to lift the condition would be resulting in development which is counter to the general approach to development set out in the adopted Development Plan.

6.11 Returning to the lifting of occupancy conditions; occupancy conditions can be lifted/modified (through the s.73 application route), and there is already provision for this to take place, but only when the documentary evidence is provided that the property has been marketed at a price which reflects the LNO (usually a 15% reduction in value), for a reasonable period of time (12 months), without success, or there is some exceptional circumstances which warrant a departure from the Development Plan. It should also be noted that this is in respect of properties that already exist - not on-plan dwellings.

The applicant has provided some evidence to support the application. An email and an exchange with a mortgage advisor has been submitted however this does not provide compelling evidence that the applicants have been unable to secure mortgage finance or that the final decision of any lenders has been made. No letters have been received from mortgage lenders.

#### ii) The effects of the application of a time-limited geographical cascade on that Policy approach

6.12 The application of a cascade is a standard approach in Affordable housing schemes, and usually this forms part of the s.106 agreement- confirming the legal position regarding the eligibility of occupants/tenants. However, it does not extend to properties subject to the Local Needs Occupancy Condition, which is a different type of residential development, and subject to different policy considerations. Properties which are subject the LNOc are subject to a depreciation in the Market Value of c.15%, but they are still sold on the open market- and still attain much higher values than affordable dwellings as defined in the NPPF, and set out in the Development Plan. They may be perceived as being more 'affordable'- as a result of this depreciation, but they are not Affordable Housing in planning terms as defined in the NPPF.

6.13 The Applicant has compared the wording of the LNOcs between that of Ryedale District Council, and those applied by the National Parks (North York Moors and Yorkshire Dales). There are differences when compared at face-value. The NYMNP LNOc covers the entirety of the area of the National Park, and applies a timescale of 5 years for having a local connection (Ryedale DC being 3 years). In examining these difference, it is crucial to understand the very different demographic, settlement pattern and distribution and policy positions regarding these two Local Planning Authorities: There are markedly different of levels of development within our Development Plan's, different levels of housing need, and general population (Ryedale's are significantly higher), and tightly drawn Development Limits for new dwellings/ conversions within Development Limits, for which with

LNOc, the only way for development to come forward outside of Helmsley and the Service Villages. In reality, the National Parks offer no 'relaxed' LNOc, because of the greater restrictions already in place regarding opportunities for residential development.

6.14 Members will be aware that as part of the Examination of the Local Plan Strategy, the Inspector considered that the LNOc as written, was for Ryedale an acceptable approach to managing development in the smaller 'other' villages.

6.15 As also identified by the AONB Manager, the application of the cascade to North Yorkshire County would result in, after only six months of the marketing of the site, a property then being capable of being occupied by a household who could live many, many miles from the settlement. It would also create the somewhat perverse anomaly that adjacent City of York parishes (under the current LNOc, would be eligible for the LNOc), would under the proposed wording be no longer eligible. However a household could live on the edge of North Yorkshire, many miles away from the site and still comply. This would be perverse in its policy operation- and certainly not meeting locally-derived needs.

6.16 Whilst the AONB manager has supported the de-restriction to a Ryedale Level, it is not clear whether this is within the National Park area of Ryedale, or outside. Aside from this, the differences between the National Park and Ryedale in terms of their housing delivery profile, demography, and settlement profile have already been outlined a represent a very different housing demand profile to that of the National Park. Officers are concerned that a default position to the Ryedale Area, after even 6 months is not sufficient in stringency to the plan – led policy approach of Policies SP1, SP2 and SP21.

6.17 The AONB Manager has also raised concerns about the length of time for the operation of the proposed cascade, and Officers echo those concerns. A standard conveyance can easily take 3 months, many take much longer. The reduction in timescales would represent a significant relaxation in the operation of the LNOc, to the point where is in effect the duration is to the detriment of its purpose. The ability to lift such conditions on properties with the LNOc is already part of the adopted Development Plan, requiring them to be considered on a case-by -case basis, and with documentary evidence submitted to justify an exception to normal policy.

6.18 As such, it is considered that the use of such a cascade, is contrary to the adopted Development Plan, and to approve such an approach would constitute a significant departure from the Development.

### iii) The effects of the application of a mortgagee is possession clause

6.19 The ability to obtain a mortgage appears to be an issue with the application of the LNOc in some circumstances. It should be noted that the applicant actually complies with the LNOc. They are subject to the very circumstances which the LNO was brought in to provide: seeking the ability to secure a new dwelling in an area where there is a need which cannot be met by the existing stock. The applicants have stated that lenders are comfortable lending within the National Park using their LNO conditions, but not in Ryedale because they deem them too prescriptive, and because of the absence of any "Mortgagee in Possession" clause. However there is no detailed evidence from mortgage lenders that confirms this assertion. This is not provided in the form of any documentary evidence submitted as part of the planning application, nor is there documentary evidence provided to demonstrate that Mortgage Lenders are indeed happy with the remaining wording of the condition as proposed.

6.20 It is also important to remember that this particular clause as proposed has the proposed 'kick-back' of the LNOc in the sale after the disposal of the asset by the Lender. This is stated by the applicants to ensure that the LNOc is seen to exist- and depreciate the value of the site accordingly. However in the views of Officers, a Lender will be no happier with this approach than the imposition of the LNOc in the first place- as any subsequent purchaser will view it as a stymie to their sale capability- and would be likely to go on to fetter any future sale.

6.21 The policy framework to consider circumstances to lift the LNOc is already present (which could be a repossession situation). This is of course, on the basis that there is a property there, and not a speculative scheme for which only permission exists (and outline permission at that).



6.22 Officers have discussed the matter with the Planning Officers of the North York Moors National Park. The NYMNP do not apply a 'Mortgagee in Possession' clause by default, but only through a s.106 agreement in exceptional circumstances and on a case-by-case basis. They do find though that such an approach is resource intensive, but to apply a blanket approach would also come with potential unintended consequences. They are aware that much depends on the Lender's approach and their view concerning LNOs, as some lenders do not consider that it is a problem.

6.23 As such it is considered that this element of the proposed amended wording to the LNO is clearly not workable. The Local Planning Authority already has the policy provision to deal with the potential scenario of this occurring, which is hoped would be a very rare occurrence as set out in Policy SP21.

### Conclusions

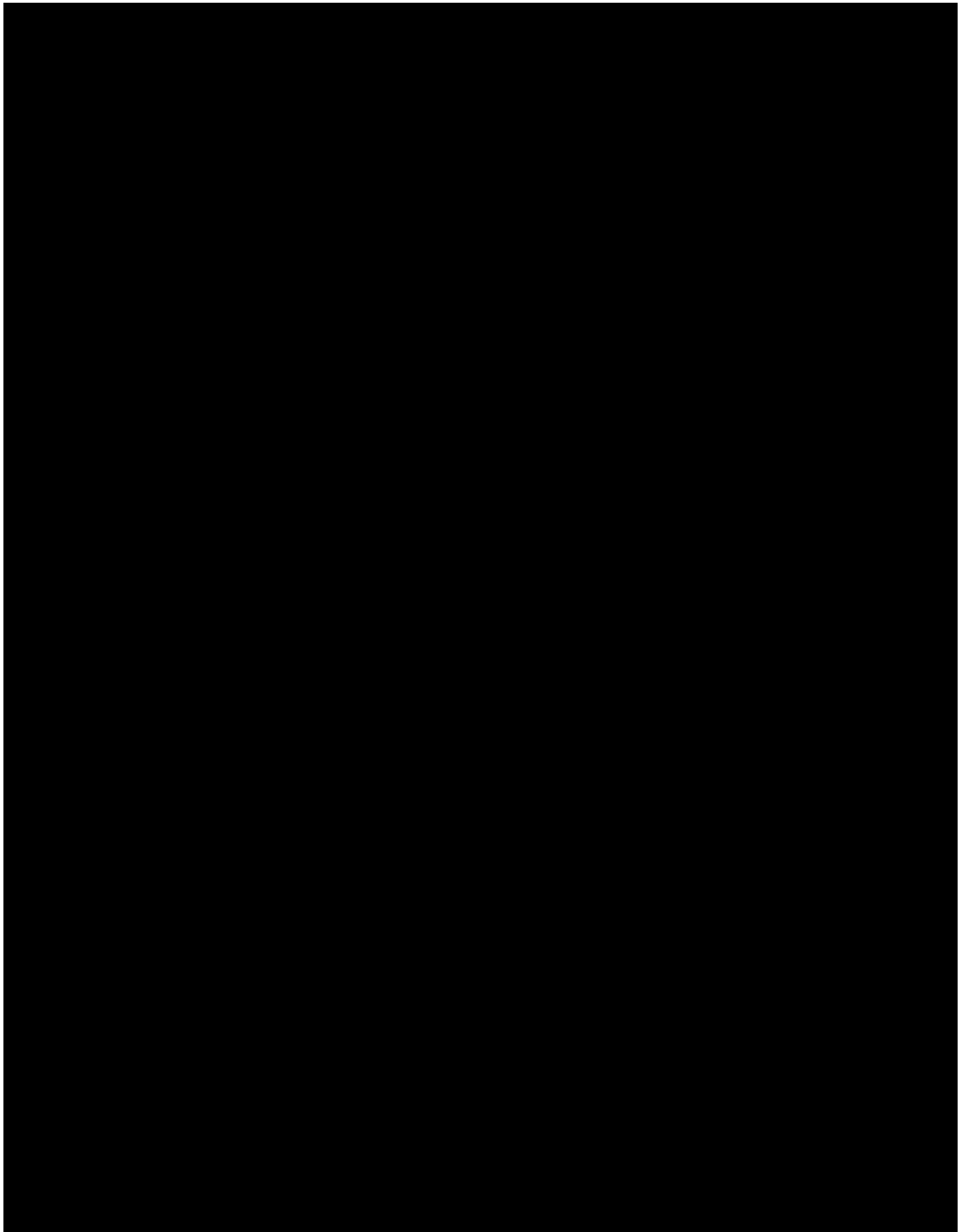
6.24 The applicant has sought, in summary, to achieve a situation whereby the LNO is deemed to be applied, and therefore depress the value, whilst giving a situation whereby very easily the LNO can be rescinded. Whilst it is firstly considered that the Mortgagee in Possession clause is unworkable- there is also the policy provision to consider these circumstances.

6.25 Members will be aware that the LNO is not a condition applied as an afterthought. It is the policy approach of the Development Plan in relation to new residential development in the lower tiers of the Settlement Hierarchy such as those at Other Village locations.

6.26 Having carefully considered the application officers consider that there is insufficient information submitted to justify the proposed changes to the LNO condition which, if approved, would be seriously detrimental to the Council's adopted development plan policy to the provision of housing in Ryedale.

### **RECOMMENDATION: Refusal**

- 1 Insufficient information has been submitted to justify the proposed amendments to Condition 12 of approval 16/01227/OUT. The propose rewording of the Local Needs Occupancy condition would undermine the Council's approach to the delivery of housing in Ryedale as set out in the Ryedale Plan - Local Plan Strategy with particular regard to policies SP1, SP2 and SP21. There are no material considerations of sufficient weight to warrant a decision other than in accordance with the provisions of the adopted development plan as required by Section 38(6) of The Planning and Compulsory Purchase Act 2004



RYEDALE DM

for info

21 AUG 2017  
DEVELOPMENT  
MANAGEMENT



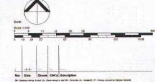
Site Layout 1:500



Location 1:1250  
North Back Lane Terrington  
240m x 400m

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY CONSENTS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES. THE CLIENT ACCEPTS THAT THE DESIGN IS SUBJECT TO CHANGE WITHOUT NOTICE AND THAT THE DESIGNER ACCEPTS NO LIABILITY FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN.

PLANNING APPLICATION



**bramhall blenkharn**

Chartered Practice

100 High Street, North Back Lane, Terrington, Norfolk PE33 9JG

North Back Lane Terrington

Mr & Mrs P Scalfing

Location and Site Plan

A1 1:500 and 1:1250

1222 01 2810 02

DATE VALID  
02/08/17

**Terrington with Wiganthorpe and Ganthorpe  
Parish Council**

Chairman  
Mr. W. Winning  
Plump House  
Terrington  
York YO60 6QB

Clerk  
Mrs. A. Hartas  
The Cherries  
237 Strensall Road  
Earswick  
York YO32 9SW

Planning Department  
Ryedale District Council  
Ryedale House  
Malton YO17 7HH

23<sup>rd</sup> September 2017

Dear Sir

Application 17/00980/73  
Applicant Mr M Clarke

The Parish Council are in full agreement with this application. The Local Occupancy Clause may be a 'solid' attempt to serve the local communities but the main effect of the way that the Council are imposing it, limits the buyers to not just local but to cash buyers. Even using the suggested 'cascade' idea of widening the market, whilst also a good idea to which we do not object, this will not work for most High Street lenders who have to be able to sell a property, if needed, at Market Value not restricted.

The sale of land for building seems unlikely to happen without a relaxation of the rules imposed by Ryedale District Council.

Yours sincerely

Ann Hartas

**Item Number:** 9  
**Application No:** 17/00990/HOUSE  
**Parish:** Luttons Parish Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr And Mrs Andrew Thornton  
**Proposal:** Erection of tree house in rear garden.  
**Location:** Manor House Farm Main Street East Lutton Malton North Yorkshire YO17 8TG

**Registration Date:** 18 August 2017  
**8/13 Wk Expiry Date:** 13 October 2017  
**Overall Expiry Date:** 30 November 2017  
**Case Officer:** Niamh Bonner **Ext:** Ext 325

## CONSULTATIONS:

<b>Parish Council</b>	No response received
<b>Conservation Officer</b>	No objection
<b>Countryside Officer</b>	No objection, informative recommended

**Neighbour responses:** Mrs Lynn Ozanne,

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## SITE:

This application site relates to a Grade II detached residential dwelling, Manor House Farm, situated along Main Street, East Lutton. The application site incorporates a large garden area with mature trees.

Other dwellings are located to the east and south of the application site, with the farm yard adjoining the residential dwelling to the north and west.

The application site is located within an Area of High Landscape Value and to the front of the site is a designated visually important undeveloped area.

## PROPOSAL:

This application seeks retrospective approval for the erection of tree house in rear garden

## HISTORY:

There are no planning applications considered relevant to the current proposal.

It is noted a Listed Building Consent application for the treehouse was withdrawn as being unnecessary following advice from the Council's Conservation Officer.

## APPRAISAL:

The main considerations associated with the determination of this application are:

- i. Character and Form
- ii. Impact upon neighbouring amenity
- iii. Other matters, including consultation responses.

#### i. Character and Form

The treehouse has been erected within trees to the rear of the residential curtilage of Manor Farm House and it is noted that the land levels in this section of garden rise up from the rear of the dwelling.

This tree house incorporates a raised platform, c1.1 metres above ground level and a pitched roof design with an overall height of c3.5 metres above ground level. There is a more enclosed section of treehouse adjoining an open sided decked area within the design. This incorporates an overall footprint of c10.50 square metres.

The tree house has been constructed of timber and a felted timber roof. Revised plans have been sought to address neighbour concerns in relation to loss of privacy which will be discussed below in Section ii and sections of trellis have been added to obscure direct views from the open sided platform towards the rear amenity space of the adjoining property to the east, Paddock House.

#### ii. Impact upon neighbouring amenity

As noted, concern was initially raised by Mrs Ozanne, of Paddock House, to the east of the application site.

This letter of objection related to concern that the trees were protected; the overlooking of their property from the treehouse; concerns over noise when the treehouse is in use and the loss of property value.

It is noted that whilst the trees are mature, they are not statutorily protected. However the specialist officer has been consulted in respect of this proposal.

Concerns regarding loss of property value is not a material planning consideration to which heavy weight can be attached.

In terms of the concerns of overlooking from the treehouse and noise concerns, it is noted that the raised platform is c1.1 metres above ground level. During the site visit the Case Officer entered the treehouse and noted that limited views could be realised from the windows along the southern elevation of the structure. However the windows are small and not constructed of standard glazing which further limited any views. It was also noted that no overlooking would be realised from the most easterly point of the treehouse.

It was however acknowledged that potentially some instances of overlooking from the projecting raised platform could be received by the occupiers of Paddock House. Given the distance of the tree house from the residential property (c40 metres) it is not considered that any hospitable rooms within the dwelling house would be impacted. However some views of the private rear amenity space of Paddock House could be realised. The Case Officer visited the neighbouring property to fully assess the potential impacts of the development.

It is the view of Officers that it is unlikely that the treehouse will be a regularly or intensively used structure. This example is clearly not a habitable structure. However the likely limited use of this treehouse does not entirely mitigate the potential harm that could be experienced by the neighbouring property in terms of overlooking. The agent was therefore contacted and advised that alterations were necessary. Revised plans have been submitted which incorporated the inclusion of full height trellis to the south and eastern sections of the projecting decked area. It is considered that trellis would aid in limiting the openness of the structure at this point and would help to enclose the decked area, limiting

direct views between the treehouse and the amenity space of the adjoining property, without rendering this section of the treehouse decking dark and enclosed.

It is not considered that significant weight should be attached to concerns over additional noise from this treehouse carrying towards Paddock House, given that the use of this structure is not likely to be significantly greater than noise which could otherwise be experienced activities from within the garden of a residential dwelling.

Reconsultation was undertaken on these revised plans and on the 26<sup>th</sup> October Mrs Ozanne stated that the original objection was maintained.

However, subject to a condition that the proposed trellis is erected within one month of the date of decision, it is not considered that this proposal would lead to significant impacts on neighbour amenity, by virtue of overlooking, overshadowing or additional noise generation.

iii. Other matters, including consultation responses.

As noted, the Council's Specialist Officer was consulted in respect of this application. It was confirmed that no objection was raised with the development, but ideally any screws and bolts should be removed from the trees and a non-penetrating method of fixing employed to potentially allow the tree to heal and reduce the potential risk of infection. Given that the trees are not statutorily protected and these works have already been undertaken, this recommendation will be added as an informative to any approval.

The Council's Conservation Specialist was consulted given the proximity of the tree house to a Listed Building. It has confirmed that there is no objection to this proposal.

In light of the above assessment. It is considered that the design of the tree house is appropriate in terms of scale and materials.

Subject to the condition in relation to the fixing of trellis, it is considered that there would be no significant negative impact upon neighbouring amenity by virtue of its positioning.

Therefore Officers consider that this proposal conforms with Policies SP12 Heritage, SP13 Landscapes, SP16 Design and SP20 Generic Development Management Issues of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework.

**RECOMMENDATION:                      Approval**

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

Site Location Plan

Tree House Floor Plans and Southern Elevation - As built details (Drawing 01A)

Tree House Western Northern and Eastern Elevations As built details (Drawing 02A)

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

2            Unless otherwise agreed in writing with the Local Planning Authority, within one month of the date of decision notice the trellis as indicated in revised plans (Drawings 01A and 02A)

shall be erected. This trellis shall be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity of neighbouring occupiers and to accord with the requirements of Policy SP20 of the Ryedale Plan, Local Plan Strategy.

#### **INFORMATIVE(S)**

- 1 The Council's Countryside Officer's consultation response dated 3rd October 2017 should be noted. Recommendations have been made in respect of the method of fixing of the treehouse to the trees, in the interests of tree health.

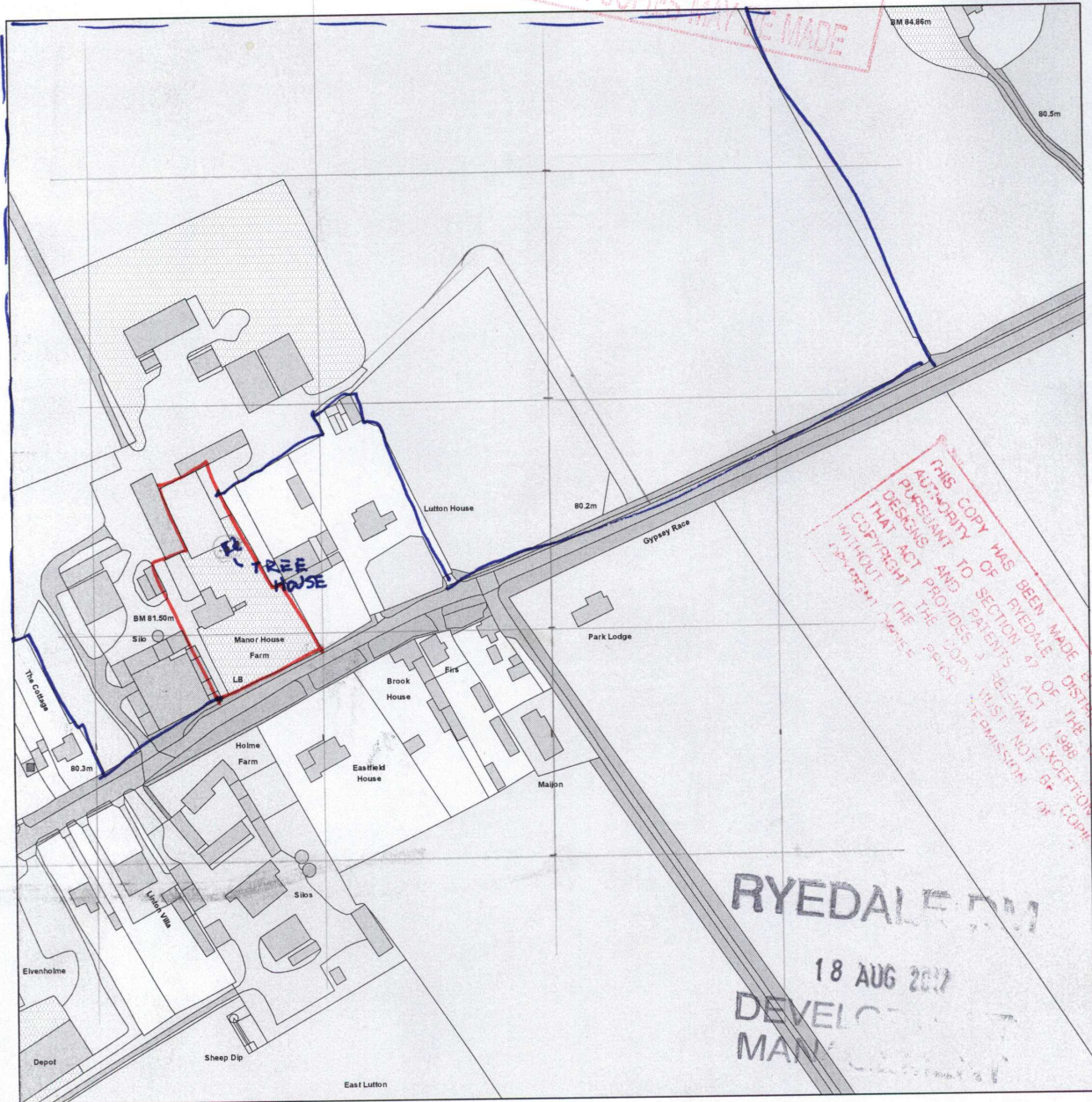


# East Lutton

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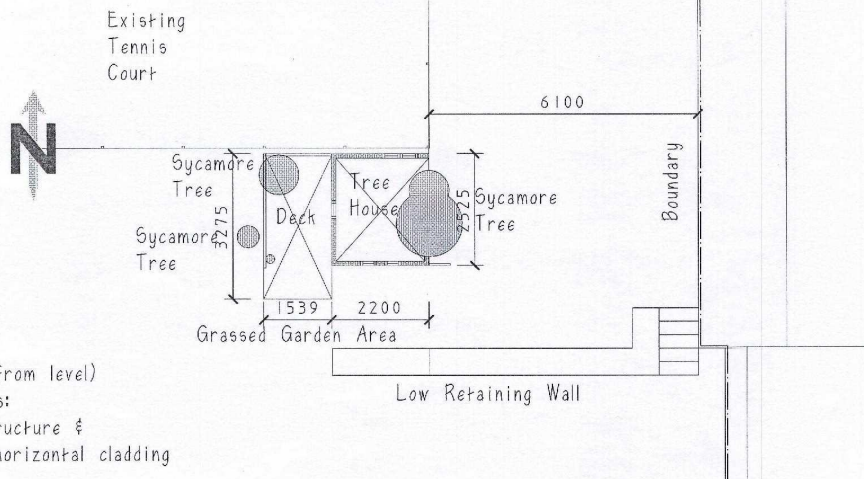
RYEDALE DM  
18 AUG 2017  
DEVELOPMENT  
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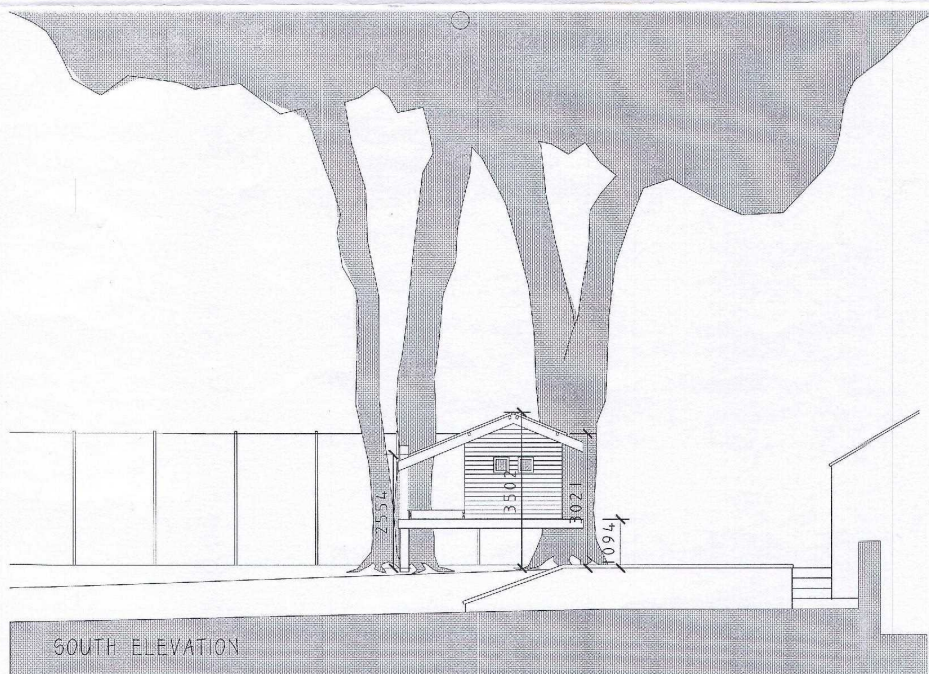
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Organisation	Not Set
Department	Not Set
Comments	
Date	25 November 2003
SI A Number	Not Set



PLAN  
 (at platform level)  
 Materials:  
 wood structure &  
 timber horizontal cladding

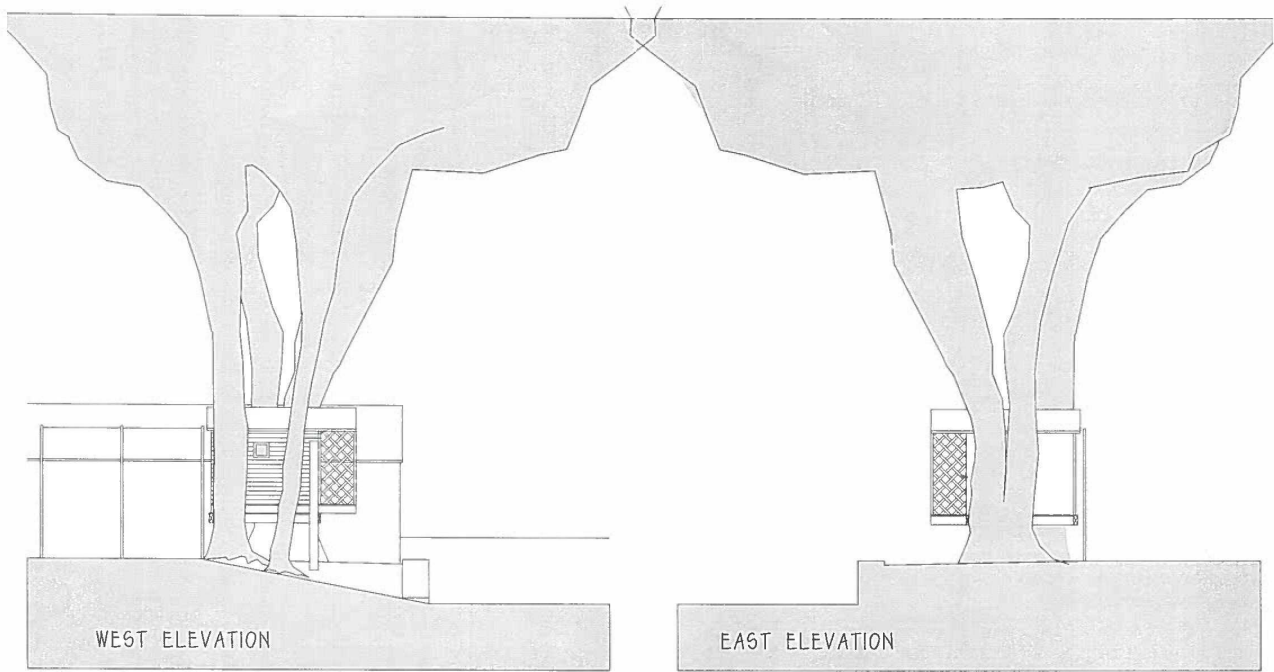


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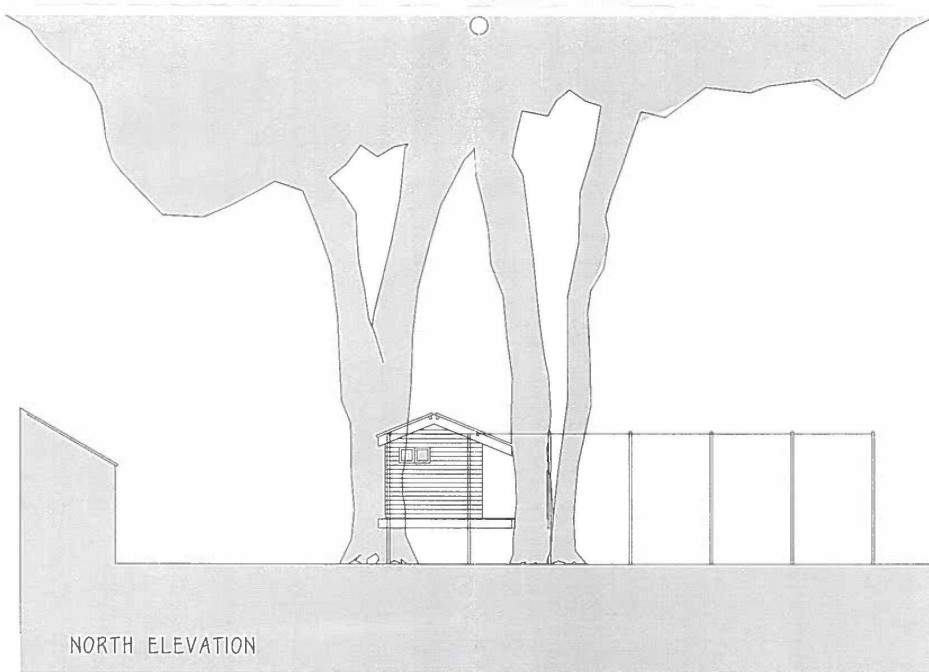
RETROSPECTIVE APPLICATION FOR TREE HOUSE IN THE GARDEN OF  
 MANOR FARM, EAST LUTON, MALTON YO17 8TG  
 FOR MR & MRS ANDREW THORNTON  
 DRAWING 01 AS BUILT DETAILS SCALE 1:100 @A3 AUG 17  
 David Ward Architectural davidward589@btinternet.com 01751 476 865

RYEDALE DM  
 18 AUG 2017  
 DEVELOPMENT  
 MANAGEMENT



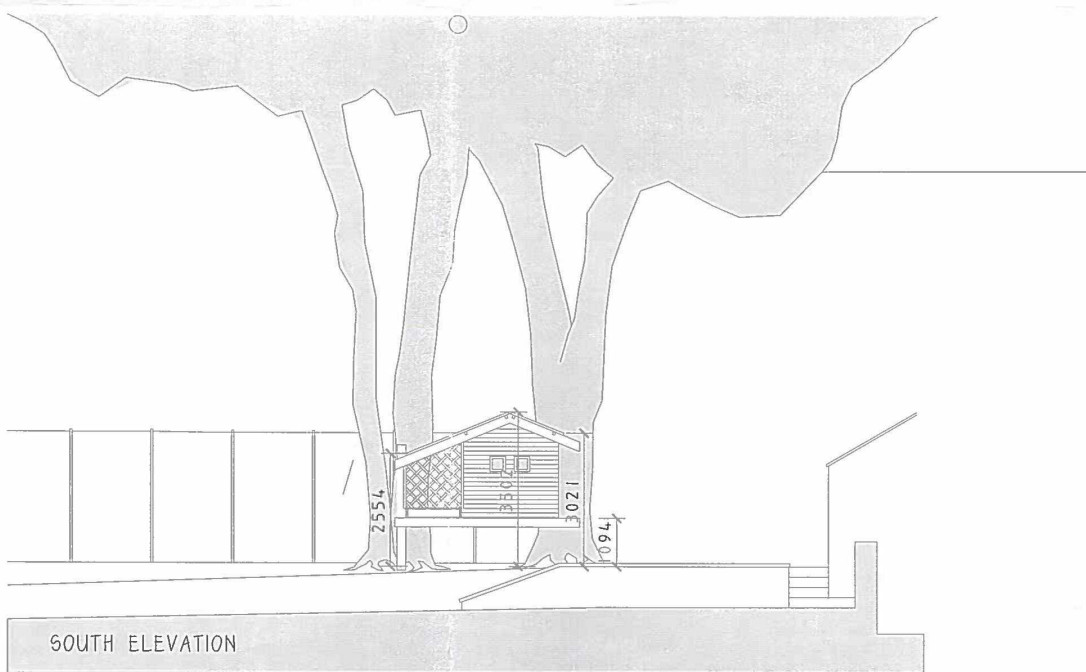
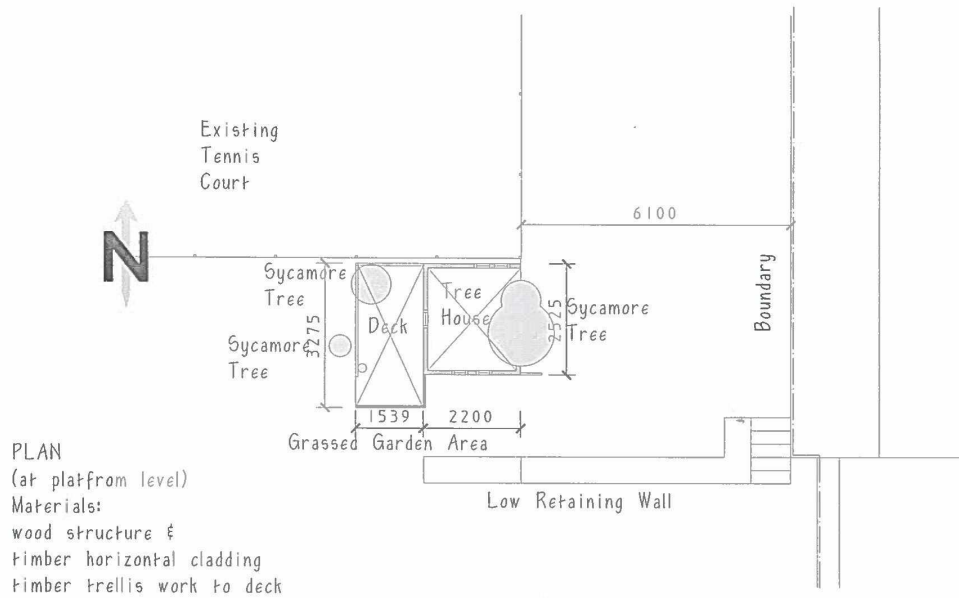
WEST ELEVATION

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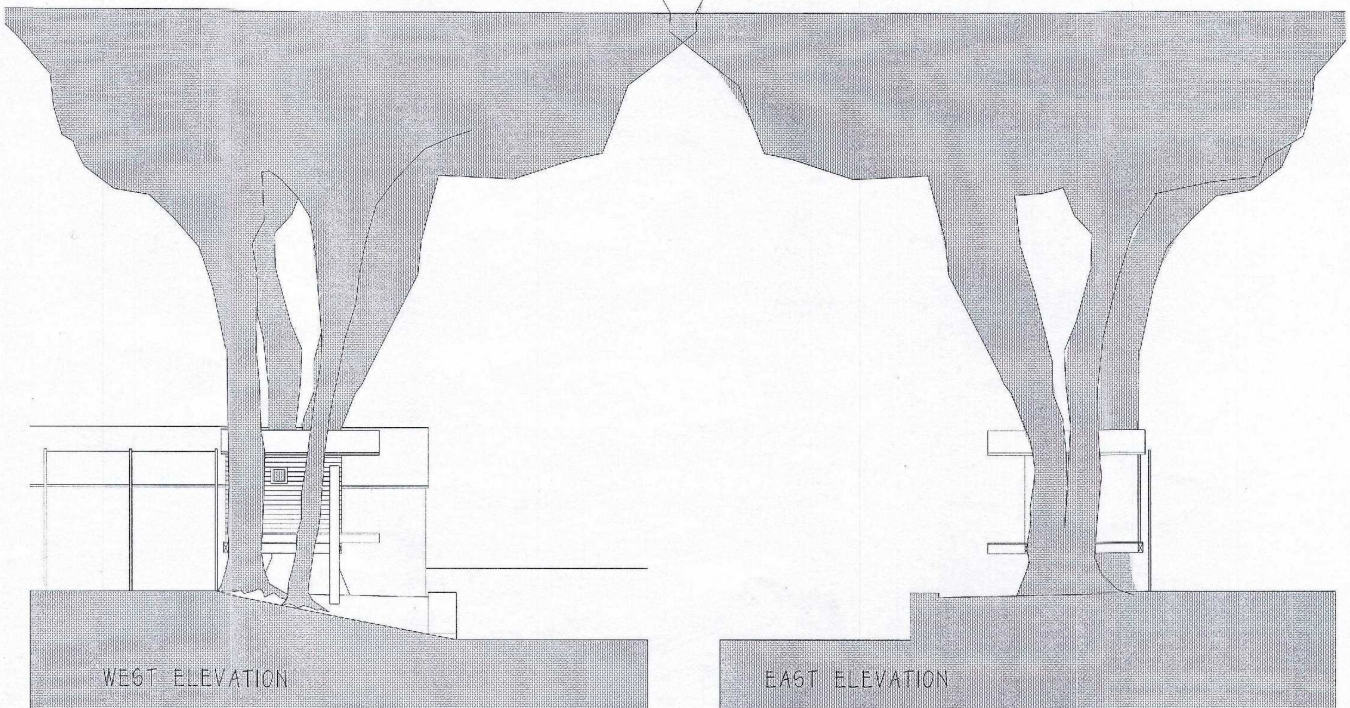


NORTH ELEVATION

RETROSPECTIVE APPLICATION FOR TREE HOUSE IN THE GARDEN OF  
 MANOR FARM, EAST LUTTON, MALTON YO17 8TG  
 FOR MR & MRS ANDREW THORNTON  
 DRAWING 02 A AS BUILT DETAILS with proposed additional trellis work to deck  
 SCALE 1:100 @A3 oct 17  
 David Ward Architectural davidward589@btinternet.com 01751 476 865

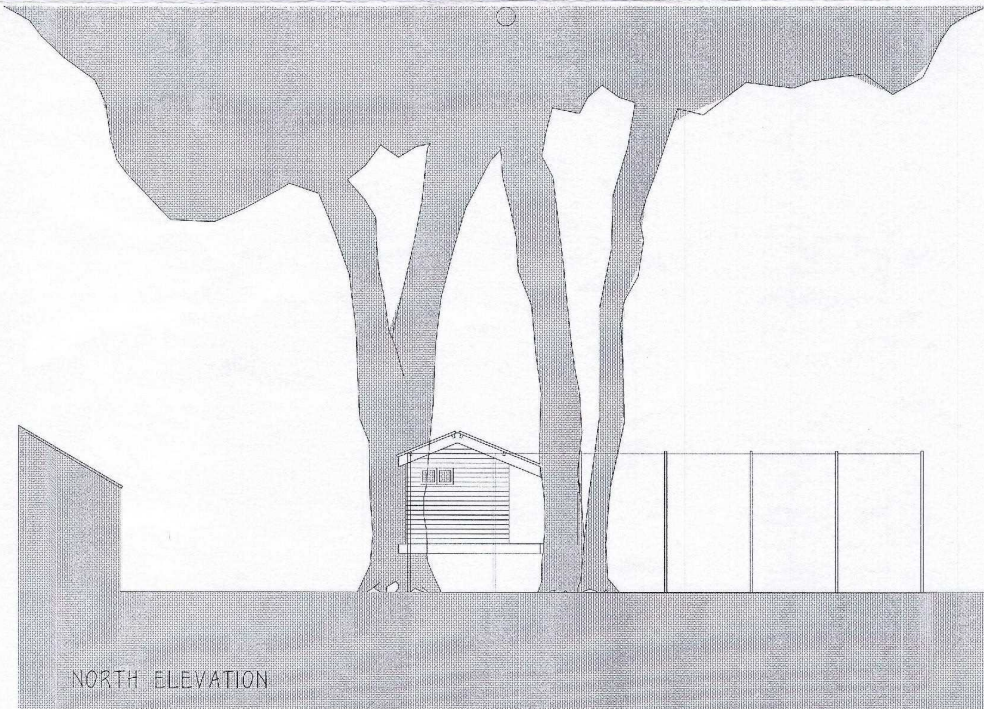


RETROSPECTIVE APPLICATION FOR TREE HOUSE IN THE GARDEN OF  
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 DRAWING 01 A AS BUILT DETAILS with proposed additional trellis work to deck  
 SCALE 1:100 @A3 oct 17  
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WEST ELEVATION

EAST ELEVATION



NORTH ELEVATION

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 David Ward Architectural davidward589@btinternet.com 01751 476 865

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 18 AUG 2017  
 DEVELOPMENT  
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# Agenda Item 10

## RYEDALE DISTRICT COUNCIL

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

10<sup>th</sup> November 2017

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1.

**Application No:** 17/00770/HOUSE **Decision: Approval**  
**Parish:** Stonegrave Parish Meeting  
**Applicant:** Mr & Mrs G Wells  
**Location:** Manor Cottage Main Street Stonegrave Helmsley YO62 4LJ  
**Proposal:** Widening of existing gated entrance by 500mm together with erection of front entrance porch, single storey extension to rear conservatory and first floor extension to form additional domestic accommodation.

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2.

**Application No:** 17/00830/FUL **Decision: Approval**  
**Parish:** Brawby Parish Meeting  
**Applicant:** Mr & Mrs Andrew Hope  
**Location:** Manor Farm House And Cottage Moor Lane Brawby Malton YO17 6PY  
**Proposal:** Demolition of existing brick and render rear extensions and erection of a part two storey/part single storey rear extension linked to the existing domestic outbuilding to incorporate it as part of Manor Farm House together the installation of one window within the northern elevation of Manor Farm House and the installation of chimney pots to the chimney stacks of both dwellings.

---

3.

**Application No:** 17/00831/LBC **Decision: Approval**  
**Parish:** Brawby Parish Meeting  
**Applicant:** Mr & Mrs Andrew Hope  
**Location:** Manor Farm House And Cottage Moor Lane Brawby Malton YO17 6PY  
**Proposal:** External and internal alterations to include demolition of existing brick and render rear extensions, erection of a part two storey/part single storey rear extension linked to the existing domestic outbuilding to incorporate it as part of Manor Farm House, reinstatement of original blocked up entrance doorway and window to the west elevation of the Cottage, installation of one window within the northern elevation of Manor Farm House and installation of chimney pots to the chimney stacks of both dwellings, replacement of all modern windows and doors by hardwood replacements, reroofing with natural clay pantiles and internal reconfiguration to alter the internal layout of each dwelling.

---

4.

**Application No:** 17/00832/73 **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr R Smith  
**Location:** Ravenswick Swineherd Lane Kirkbymoorside YO62 7LR  
**Proposal:** Variation of Condition 25 of approval 15/01163/FUL dated 22.01.2016 - submission of plans showing amended building materials

---

5.

**Application No:** 17/00838/FUL **Decision: Approval**  
**Parish:** Scagglethorpe Parish Council  
**Applicant:** Mr M Hutchinson  
**Location:** Low Moor Farm Scagglethorpe Lane Scagglethorpe Malton YO17 8EA  
**Proposal:** Erection of a replacement building to be used as a holiday cottage (retrospective)

---

6.

**Application No:** 17/00858/73 **Decision: Refusal**  
**Parish:** Aislaby, Middleton & Wrelton Parish  
**Applicant:** Mr Simon Roberts  
**Location:** The Granary Middleton Lane Middleton Pickering North Yorkshire  
**Proposal:** Variation of Condition 01 of approval 17/00064/73A dated 24.03.2017 - amendment to the Local Needs Occupancy Condition

---

7.

**Application No:** 17/00908/FUL **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Bedford  
**Location:** 2 Granary Cottage 43 Outgang Road Pickering North Yorkshire YO18 7EL  
**Proposal:** Partial rebuilding, extension and alteration of existing outbuilding/annexe to form a one bedroom holiday cottage with parking space following demolition of west wall and south gable

---

8.

**Application No:** 17/00946/FUL **Decision: Approval**  
**Parish:** Edstone Parish Meeting  
**Applicant:** Mr & Mrs I Hamilton  
**Location:** Brecklands Farm Great Edstone To Salton Great Edstone Kirkbymoorside North Yorkshire YO62 6PE  
**Proposal:** Change of use and alteration of two agricultural barns and land to form 1no. three bedroom and 1no. two bedroom holiday cottages (Barn 1) with attached guests communal games room and 1no. three bedroom holiday cottage (Barn 2) together with associated parking and amenity areas and removal of one bay of the foldyard adjacent to Barn 1

---

9.

**Application No:** 17/00952/HOUSE **Decision: Approval**  
**Parish:** Nunnington Parish Council  
**Applicant:** Mr Ian Robson  
**Location:** 4 Chapel Street Nunnington North Yorkshire YO62 5UP  
**Proposal:** Erection of front entrance porch

---

10.

**Application No:** 17/00954/FUL **Decision: Approval**  
**Parish:** Sinnington Parish Council  
**Applicant:** Mr C Fraser  
**Location:** Barn At Elmsall House Main Street Sinnington Pickering YO62 6SQ  
**Proposal:** Change of use, alteration and extension of agricultural barn to form a 5 bedroom dwelling, part demolition, change of use and alteration of agricultural building to form additional domestic living space and plant room, and erection of detached single garage together with formation of swimming pool and alterations to landscaping (revised details to approval 15/00700/FUL dated 18.09.2015).

---

11.

**Application No:** 17/00955/LBC **Decision: Approval**  
**Parish:** Sinnington Parish Council  
**Applicant:** Mr C Fraser  
**Location:** Barn At Elmsall House Main Street Sinnington Pickering YO62 6SQ  
**Proposal:** Change of use, alteration and extension of agricultural barn to form a 5 bedroom dwelling, part demolition, change of use and alteration of agricultural building to

form additional domestic living space and plant room, and erection of detached single garage together with formation of swimming pool and alterations to landscaping (revised details to approval 15/00701/LBC dated 18.09.2015).

---

12.

**Application No:** 17/00959/FUL **Decision: Approval**  
**Parish:** Gillamoor Parish Meeting  
**Applicant:** Mr & Mrs Flinton  
**Location:** Mavaraan And Wold View 4 And 5 Main Street Gillamoor Kirkbymoorside YO62 7HX  
**Proposal:** Amalgamation of 1no. four bedroom semi-detached dwelling and 1no. three bedroom semi-detached dwelling to form 1no. five bedroom dwelling to include extension of existing access, alterations to doors and windows, erection of a front porch

---

13.

**Application No:** 17/00961/HOUSE **Decision: Approval**  
**Parish:** Allerston Parish Council  
**Applicant:** Mr & Mrs Clare Grant  
**Location:** Pheasant Hill House Hagg Side Lane Eberston Scarborough North Yorkshire YO13 9PB  
**Proposal:** Erection of a single storey extension to north elevation of main dwelling, attaching to south elevation of adjacent stable building

---

14.

**Application No:** 17/00966/FUL **Decision: Refusal**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Major J Shaw  
**Location:** Bowforth Farm Back Lane Welburn Kirkbymoorside YO62 6HJ  
**Proposal:** Change of use and alterations to Barns 1 and 2 to include erection of two storey extension with single storey linking extension to form a 4no. bedroom dwelling with attached 1no. bedroom studio to include parking and amenity areas, decking and demolition of existing fold yard roof (revised details to refusal 16/00820/FUL dated 15.08.2016)

---

15.

**Application No:** 17/00970/ADV **Decision: Approval**  
**Parish:** Helmsley Town Council  
**Applicant:** Co-op Retail Services Limited (Food Programme Delivery)  
**Location:** 3 - 4 Market Place Helmsley York North Yorkshire YO62 5BH  
**Proposal:** Display of a fascia sign with non-illuminated Welcome letters and an internally illuminated company logo, adjacent none illuminated sections of fascia sign, 1no. externally illuminated double sided projecting sign and to the rear a non illuminated Goods delivery sign and a Parking disclaimer sign

---

16.

**Application No:** 17/00972/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** C S Canine Behaviour And Training (Ms Christine Spencer)  
**Location:** Unit 10 8 Showfield Lane Malton North Yorkshire  
**Proposal:** Change of use of from B1/B8 to a dog training and day care facility (Sui Generis use).

---

17.

**Application No:** 17/00975/FUL **Decision: Approval**



**Parish:** Helmsley Town Council  
**Applicant:** Tower Corporation Limited (Mr C Gillam)  
**Location:** Helmsley Post Office 23 Bridge Street Helmsley North Yorkshire YO62 5BG  
**Proposal:** Erection of part two storey/part single storey rear extensions and alterations to existing retail storage areas to the rear.

---

**18.**  
**Application No:** 17/00995/HOUSE **Decision: Approval**  
**Parish:** Buttercrambe With Bossall Parish Meeting  
**Applicant:** Mrs B Sheppard  
**Location:** Howl Beck House 6-7 Bossall To Carr Plantation Bossall Malton YO60 7NT  
**Proposal:** Erection of detached timber framed triple garage with loft (revised application to approval 15/01116/HOUSE dated 10.05.2016)

---

**19.**  
**Application No:** 17/00996/FUL **Decision: Approval**  
**Parish:** Buttercrambe With Bossall Parish Meeting  
**Applicant:** Mrs B Sheppard  
**Location:** Howl Beck House 6-7 Bossall To Carr Plantation Bossall Malton YO60 7NT  
**Proposal:** Formation of vehicular access and track to serve stables

---

**20.**  
**Application No:** 17/01005/FUL **Decision: Approval**  
**Parish:** Stonegrave Parish Meeting  
**Applicant:** Mr David Nelson  
**Location:** Birch House The Terrace Oswaldkirk Helmsley YO62 5XZ  
**Proposal:** Installation of 1no. bank of ground mounted solar panels totalling 16no. panels giving 5.28 KW peak output to generate electricity for domestic use.

---

**21.**  
**Application No:** 17/01008/HOUSE **Decision: Approval**  
**Parish:** Warthill Parish Council  
**Applicant:** Mr & Mrs M Telfer  
**Location:** Beech House Common Lane Warthill Sand Hutton North Yorkshire YO19 5XW  
**Proposal:** Erection of two storey extension to the front elevation to include front entrance porch.

---

**22.**  
**Application No:** 17/01009/GPAGB **Decision: Refusal**  
**Parish:** Burythorpe Parish Council  
**Applicant:** Mr & Mrs D Conlon  
**Location:** Thornthorpe House Moorhill Lane Langton Malton North Yorkshire YO17 9LX  
**Proposal:** Change of use of agricultural buildings to form 1no. 1 bedroom and 2no. 2 bedroom dwellings (Use Class C3).

---

**23.**  
**Application No:** 17/01010/HOUSE **Decision: Refusal**  
**Parish:** Terrington Parish Council  
**Applicant:** M & R Jackson Cole  
**Location:** High Dene Main Street Terrington Malton YO60 6PP  
**Proposal:** Installation of replacement dormer window and 4no. rooflights to rear roof slope.

---

**24.**  
**Application No:** 17/01065/FUL **Decision: Approval**

**Parish:** Pickering Town Council  
**Applicant:** Mr Nigel Barnes  
**Location:** Land West Of Goslipgate Pickering North Yorkshire  
**Proposal:** Erection of a storage building for machinery and equipment in connection with Christmas tree business and formation of vehicular access track utilising existing dropped kerb.

---

25.

**Application No:** 17/01047/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr A Sawyers  
**Location:** Block 1B 8 Showfield Lane Malton North Yorkshire  
**Proposal:** Change of use from B1 to D2 to allow use as a gymnasium

---

26.

**Application No:** 17/01052/TPO **Decision: Approval**  
**Parish:** Normanby Parish Meeting  
**Applicant:** Mr John Riddell  
**Location:** High Gables Main Street Normanby Kirkbymoorside North Yorkshire YO62 6RH  
**Proposal:** To fell sycamore (T7) as it has large wound to stem base which has extended rot up into 1m of trunk and down into roots. Therefore a hazard to people and property.

---

27.

**Application No:** 17/01067/HOUSE **Decision: Approval**  
**Parish:** Burythorpe Parish Council  
**Applicant:** Mr Paul Yates  
**Location:** 2 Rose Cottages Main Street Burythorpe Malton North Yorkshire YO17 9LJ  
**Proposal:** Erection of attached single garage to side elevation

---

28.

**Application No:** 17/01053/FUL **Decision: Refusal**  
**Parish:** Pickering Town Council  
**Applicant:** Gold Leaf Property Investments (Mr Michael Ewer)  
**Location:** 10 Eastgate Square Eastgate Pickering YO18 7DP  
**Proposal:** Change of use and alteration from retail use (A1) to dwellings (C3) to form 1no. 1 bed and 1no. 2 bed flats

---

29.

**Application No:** 17/01057/HOUSE **Decision: Approval**  
**Parish:** Great & Little Barugh Parish Council  
**Applicant:** Ms Clare Davidson  
**Location:** High Westfield Farm Greenland Lane Little Barugh Malton North Yorkshire YO17 6UY  
**Proposal:** Erection of domestic garage following the demolition of the existing outbuilding

---

30.

**Application No:** 17/01058/LBC **Decision: Approval**  
**Parish:** Great & Little Barugh Parish Council  
**Applicant:** Ms Clare Davidson  
**Location:** High Westfield Farm Greenland Lane Little Barugh Malton North Yorkshire YO17 6UY  
**Proposal:** Erection of domestic garage following the demolition of the existing outbuilding

---

31.

**Application No:** 17/01060/TPO **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Pearson  
**Location:** 1 Bursary Court Pickering North Yorkshire YO18 8BF  
**Proposal:** T2 lime. Crown lift lower branches to 2m, reduce crown overall by 1.75m and thin crown.

---

**32.**  
**Application No:** 17/01063/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Yorkshire Housing Ltd (Mrs Gina Sawley)  
**Location:** 1- 12 Princess Road Flats Malton North Yorkshire YO17 7JR  
**Proposal:** Replacement of windows with UPVC windows and replacement of entrance doors with composite doors

---

**33.**  
**Application No:** 17/01069/HOUSE **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Nick Dale  
**Location:** 7 Firthland Road Pickering YO18 8BZ  
**Proposal:** Erection of two storey and single storey extension to the side elevation

---

**34.**  
**Application No:** 17/01076/TPO **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Chris Bramley  
**Location:** 36 Eastfield Road Pickering North Yorkshire YO18 7HU  
**Proposal:** Crown reduce plum (T3) tree by up to 1m all over crown. Tidy up broken branches back to branch collar at main stem.

---

**35.**  
**Application No:** 17/01078/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr & Mrs W Heselwood  
**Location:** 5 St Peters Crescent Norton Malton North Yorkshire YO17 9AN  
**Proposal:** Erection of single storey rear extension

---

**36.**  
**Application No:** 17/01082/FUL **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr & Mrs Rodney Brewis  
**Location:** Norton Grove House Scarborough Road Norton Malton YO17 8EF  
**Proposal:** Change of use and alteration of 1no. 2 bedroom and 2no. 3 bedroom flats to form 1no. 7 bedroom dwelling (retrospective).

---

**37.**  
**Application No:** 17/01084/LBC **Decision: Approval**  
**Parish:** Helmsley Town Council  
**Applicant:** Co-op Retail Services Limited (Food Programme Delivery)  
**Location:** 3 - 4 Market Place Helmsley York North Yorkshire YO62 5BH  
**Proposal:** Display of a fascia sign with non-illuminated Welcome letters and an internally illuminated company logo, adjacent none illuminated sections of fascia sign, 1no. externally illuminated double sided projecting sign and to the rear a non illuminated Goods delivery sign and a Parking disclaimer sign

---

38.

**Application No:** 17/01085/FUL **Decision: Approval**  
**Parish:** Ganton Parish Council  
**Applicant:** Mr Richard Penley-Martin  
**Location:** Wood View House Station Road Ganton Scarborough North Yorkshire YO12 4PB  
**Proposal:** Change of use and alteration of Old Pro's dwelling to form a five bedroom golfers guest house.

---

39.

**Application No:** 17/01098/HOUSE **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr J.N. Szkiler  
**Location:** West Mede Castle Howard Road Malton YO17 7AY  
**Proposal:** Alterations to existing garage to include replacement of flat roof with pitched slate roof

---

40.

**Application No:** 17/01097/ADV **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** The Co-operative  
**Location:** Cooperative Store Champleys Mews Pickering YO18 7AE  
**Proposal:** Installation of replacement signage to include non-illuminated aluminium staff parking sign to rear car park, non-illuminated projecting sign and non-illuminated banner frame to east elevation, externally illuminated fascia sign and non-illuminated banner frame to south elevation, externally illuminated fascia sign, externally illuminated projecting sign and non-illuminated fascia sign to north elevation and externally illuminated fascia sign and non-illuminated fascia sign to west elevation.

---

41.

**Application No:** 17/01101/HOUSE **Decision: Approval**  
**Parish:** Lillings Ambo Parish Council  
**Applicant:** Mr John Hollwood  
**Location:** Toft Farm Goose Track Lane West Lilling North Yorkshire YO60 6RP  
**Proposal:** Erection of a detached oak framed open fronted double garage

---

42.

**Application No:** 17/01104/LBC **Decision:**  
**Parish:** Aislaby, Middleton & Wrelton Parish  
**Applicant:** Mr Paul Bakes  
**Location:** The Grooms Cottage 17 Wrelton Hall Gardens Wrelton Pickering YO18 8PF  
**Proposal:** To replace existing timber double glazed windows and doors with new timber double glazed windows and doors. Designs (ie casements and Yorkshire sliders) to be identical to existing.

---

43.

**Application No:** 17/01105/HOUSE **Decision: Approval**  
**Parish:** Scagglethorpe Parish Council  
**Applicant:** Mr Ben & Mrs Chloe Stockdale  
**Location:** 1 Southwood Cottage Main Street Scagglethorpe Malton YO17 8DT  
**Proposal:** Erection of a single storey rear extension and open front porch (retrospective application)

---

44.

**Application No:** 17/01106/HOUSE **Decision: Approval**  
**Parish:** Normanby Parish Meeting  
**Applicant:** Mr Martin Morton  
**Location:** Halcyon Reach Main Street Normanby Kirkbymoorside YO62 6RH  
**Proposal:** Erection of garage extension to front of existing detached garage to allow conversion of original garage to additional domestic accommodation

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**45.**  
**Application No:** 17/01109/73 **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** ADF Building Contractors Ltd (Mr A Fox)  
**Location:** Land To The Rear Of 63 Middlecave Road Malton North Yorkshire  
**Proposal:** Variation of Condition 10 of approval 15/00722/FUL dated 23.02.2016 - Resiting and amended design of detached double garage and installation of package treatment plant, and minor change to ground floor kitchen window arrangement.

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**46.**  
**Application No:** 17/01119/TPO **Decision: Approval**  
**Parish:** Normanby Parish Meeting  
**Applicant:** Mr Peter Smith  
**Location:** Walnut Cottage Main Street Normanby Kirkbymoorside YO62 6RH  
**Proposal:** Crown lift up to 2.5m T2(Oak) and crown lift up to 2.5m, remove dead wood and crown reduce on eastern side by 1m T3(Walnut) of TPO 80/1986

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**47.**  
**Application No:** 17/01131/GPAGB **Decision: Prior Approval Refused**  
**Parish:** Burythorpe Parish Council  
**Applicant:** Ms Alexandra Abbott  
**Location:** Grange Farm Langton North Yorkshire YO17 9QS  
**Proposal:** Change of use of agricultural building to form 1no. two bedroom dwelling (Use Class C3) - Dwelling 2

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## Appeal Decisions

Site visit made on 13 June 2017

**by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDipLP (Barrister) IHBC MRTPI**

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

**Decision date: 2 November 2017**

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### **Appeal A: APP/Y2736/Y/17/3167380**

#### **Westow Grange, Gally Gap to Four Lane Ends, Westow YO60 7LU**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mrs Sarah Jane Barker against the decision of Ryedale District Council.
  - The application Ref: 16/01642/LBC, dated 4 October 2016, was refused by notice dated 9 December 2016.
  - The works proposed are "to construct a new kitchen/sunroom extension to the West elevation".
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### **Appeal B: APP/Y2736/W/17/3167379**

#### **Westow Grange, Gally Gap to Four Lane Ends, Westow YO60 7LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Sarah Jane Barker against the decision of Ryedale District Council.
  - The application Ref: 16/01641/HOUSE, dated 4 October 2016, was refused by notice dated 9 December 2016.
  - The development proposed is described as "to construct a new kitchen/sunroom extension to the west elevation".
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### **Decision Appeal A**

1. The appeal is dismissed.

### **Decision Appeal B**

2. The appeal is dismissed.

### **Main Issues**

3. Westow Grange is a Grade II Listed Building. It is located within a locally designated area of High Landscape Value. Therefore, the main issues are whether the proposal would preserve the Grade II Listed Building (or its setting or any features of special architectural or historic interest which it possesses) in respect of both appeals and linked to that the effect of the proposal on the character and appearance of the locality with particular reference to the locally designated area of landscape character in respect of Appeal B only.

## Reasons

### *First issue*

4. The proposal includes the construction of a single storey extension to the west elevation of the dwelling. It would extend the existing kitchen area and create a sun room. This would involve the removal of a small privy outbuilding attached to an external boundary wall<sup>1</sup>. In addition, the scheme requires the loss of walling and a casement window in order to link and break through into the existing kitchen. It would also include the relocation of an LPG tank.
5. The starting point for the consideration of the proposed works to a listed building is Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act), which requires that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural interest it possesses.
6. With regard to the planning application, the Council has referred to several policies. Policy SP12 of the *Ryedale Plan – Local Plan Strategy* (LP) (dated 5 September 2013) seeks to conserve the distinctive elements of Ryedale's historic environment and where appropriate enhance it. LP Policy SP13 encourages new development that reinforces the distinctive elements of the District's broad landscape character areas including the Yorkshire Wolds. LP Policy SP16 requires that development proposals will be expected to create high quality durable places that integrate well into their surroundings and reinforce local distinctiveness among other things. With regard to extensions LP Policy SP16 also states that extensions that complement the character of the architectural style will be considered acceptable in principle. LP Policy SP20 follows this approach and states, amongst other things, that new development will respect the character and context of its immediate locality and the wider landscape. LP Policy SP20 also states that the design of new extensions will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form and materials. These policies accord with the National Planning Policy Framework (the Framework).
7. A brief history and basic construction information of Westow Grange is set in the list description. It identifies that the significance of the building derives from three main elements: the traditional fabric of the building; its plan form and the architectural details of building. It is constructed in hammer-dressed limestone with a pantile roof. The main elevation has a symmetrical frontage and a centrally positioned doorway with a sash window on either side and three windows above. The overall character of the building is that of a classically influenced vernacular building.
8. The side extension would project significantly out from the side elevation. I note the appellant states that the proposal would be subservient. It would be single storey and would be set back from the front elevation. Also, it would be constructed in sympathetic reclaimed materials. On this basis it would not appear over dominant on the listed building. However, its position jutting out from the traditional plan form, perpendicular to the dwelling would create an

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<sup>1</sup> The wall is linked to the building via a gate.

- unacceptably discordant feature which would be highly visible when viewed from the curtilage of the appeal dwelling.
9. Moreover, whilst the appellant states that the fenestration on the proposed extension would not compete, I consider that the use of hardwood bi-fold doors would create an almost entire glass and timber front elevation. This would create a heavy horizontal emphasis that would appear significantly discordant with the proportions and design of this classically influenced dwelling. In my view the elements of architectural detail would create an adverse contrast for the proposal such that it would not be appropriate or sympathetic to the architectural quality of the listed building.
  10. I note that the proposed extension would not be highly visible from public vantage points. However, this does not overcome my concern regarding the incongruous nature of the scheme on the heritage asset.
  11. I also acknowledge the appellant's argument that she took care not to create a parody and the reference to the Framework in respect of the imposition of architectural styles. However, my concern stems from the effect of the proposed extension on the integrity of the building which is of both special architectural and historic interest.
  12. The harm the proposal would cause to the significance of the heritage asset would be less than substantial on the basis that the listed building would be largely preserved. Paragraph 134 of The Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The Framework states, at paragraph 132, that as heritage assets are irreplaceable, any harm should require clear and convincing justification. Any works that would create a positive effect on a heritage asset would amount to a public benefit. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.
  13. The appellant has referred to several benefits of the scheme. She states that the scheme would remove an unattractive wc and wall and would relocate an unsightly LPG tank. However, the toilet and attached wall are historic in nature. They are constructed in traditional materials and indicate the history and evolution of the building. They are also attached to the listed building and as such they form part of its context and as such are important. The wall also differentiates the formal frontage of the house and garden and the rear service/parking area, which is behind the wall at a lower level. The loss of these structures would undermine the contextual integrity of the listed building and its setting.
  14. The appellant states that the wall is bowing and is in need of repair. However, I have no evidence before me to confirm that the wall is unstable and that it cannot be repaired and retained.
  15. With regard to the LPG unit, this is positioned at a lower level to the frontage of the host dwelling. Whilst relocation of the unit would be better positioned away from the dwelling in terms of aesthetics, it is only seen from limited views to the side and from the rear due to the change in levels.
  16. I note that the proposal would assist in accommodating an elderly relative who visits regularly. This would be a private benefit. Moreover, the proposed



extension would exist long after the needs of the elderly relative. Although the extra space would provide improvements to the housing stock, the dwelling is large and in good condition. Thus the benefits would have limited public benefit and would be a private benefit to the occupiers of the house. I have had regard to the Public Sector Equality Duty<sup>2</sup> and I note that there is the elderly relative that shares relevant protected characteristics. Although there would be a small public benefit to the housing stock and that the proposal would benefit a person with a protected characteristic, this would not be sufficient to outweigh the overall harm caused to the heritage asset. Thus I have been mindful of this duty and my decision fairly reflects the group of people involved.

17. Therefore, in respect of the effect of the proposal on the listed building, I conclude that the appeal proposal would have a harmful effect on the special architectural and historic interest of the listed building.

*Second issue*

18. The appellant states that proposed extension would blend into the surrounding area. The surrounding landscape is a rolling agricultural landscape which is designated as an area of high landscape value. Given its sideways projection, which would be outside the traditional plan form of a building of this age, style and form, I consider that the proposed extension would not be appropriate for its context in terms of the building itself, as aforementioned. Moreover, although it would be constructed in matching walling and roofing materials to the host dwelling, the design of the extension does not reflect the distinctiveness or vernacular traditions of the locality in terms of its form, style and fenestration design. This would make it appear incongruous as it would appear as a standard contemporary designed extension typical of many urban and modern settings. Therefore, it would not blend into the surroundings and would harm the character and appearance of the rural landscape.

**Conclusions**

19. The proposed development would fail to preserve the Grade II Listed Building including its setting and the feature wall/wc, which I consider to be part of the special architectural or historic interest which it possesses) in respect of both appeals. It therefore fails the statutory test. Also it would adversely affect the character and appearance of the locality, including the locally designated area of landscape character. Consequently it would conflict with the Act, the abovementioned policies and the Framework.
20. For the reasons given above, the appeal should be dismissed.

*Mrs A L Fairclough*

INSPECTOR

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<sup>2</sup> S149(1) Equality Act 2010





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## Appeal Decision

Site visit made on 11 September 2017

by **S Jones MA DipLP**

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

Decision date: 16 October 2017

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**Appeal Ref: APP/Y2736/W/17/3177527**

**Land North of Cemetery, Whitby Road, Pickering, North Yorkshire YO18 7HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Philip Walker against the decision of Ryedale District Council.
  - The application Ref 16/00714/FUL, dated 11 April 2016, was refused by notice dated 18 January 2017.
  - The development proposed is a new dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appellant submitted new amended plans to the Ryedale District Council prior to their decision. Several different proposals were put forward, however these cannot form part of this appeal because they were not the subject of consultation or publicity. If I were to base my Decision upon them, those who might be affected would not have had a chance to comment upon them, which would have been prejudicial. Consequently my determination of this appeal relates only the Councils refusal of application ref 16/00714/FUL and the plans submitted with it ref Drawing Nos. FP/01, FP/02, FP/03, FP/04 and FP/05.

### Main Issues

3. The main issues are the effect of the development on:
  - a) the character and appearance of the area including The Fringe of the Moors Area of High Landscape Value
  - b) the trees to the south boundary
  - c) the living conditions of the occupiers of the neighbouring property with regard to outlook.

### Reasons

#### *Character and Appearance of the Area*

4. The appeal site is a small field adjoining Pickering Cemetery which lies to the south and has mature trees along the field border with the site. There is a

bungalow adjoining the site to the north and some housing opposite. It otherwise verges on open countryside on the edge of Pickering.

5. The development design of a two storey double bay window double fronted dwelling with front dormer would contrast sharply with the cemetery and more modest and lowscale adjacent housing. It would not incorporate many of the features of local buildings, or be sympathetic to those nearby. The proposed grey and black features and buff brick would not use materials that would assimilate well into the area or reflect its local distinctiveness. The dwelling would be situated in and forms part of the Fringe of the Moors Area of High Landscape Value that is characterised by a historic landscape character and field patterns on rising land that complement the approaches to the North York Moors National Park itself.
6. The development would be out of keeping in size, scale and design compared to the open landscape and lowscale housing that largely surrounds it, which would harm the character and appearance of the area which includes the Fringe of the Moors Area of High Landscape Value.

#### *The Trees*

7. Furthermore the design layout would appear to come in close proximity to the cemetery boundary which has mature trees, whose roots and crowns are along the southside of the site. A suitable Condition could be used for safeguarding the trees during construction or measures to ensure no problems arise with trees as a result of the development, however as there is a lack of information or complete Tree Survey regarding this, I cannot be satisfied that Conditions could secure this or that the development would secure their continuing presence. I have no information regarding any Tree Preservation Orders, but nevertheless I find the development would result in loss or damage to the trees. This would be harmful to the character and appearance of the area by further reducing the screening of the property and the cemetery and would detract from the green landscape surrounding the site to the rear and south.

#### *Living Conditions*

8. The adjacent bungalow would have its conservatory and main entrance located next to the bulk of the development. I find the much larger and taller two storey building proposed would come close by and overbear and dominate the smaller single storey building, this would be exacerbated as it would be located on the south side of the existing dwelling. This would have an adverse effect on the living conditions regarding the outlook for the occupiers of the bungalow.

#### **Conclusion**

9. The harm to the character and appearance of the area and to the living conditions at the adjacent bungalow would conflict with Policies SP13, SP16 and SP20 of the Ryedale District Council Ryedale Plan-Local Plan Strategy 2013, since these aim to secure high quality design that reflects its location, and protect the living conditions of neighbours.
10. For the reasons given above I conclude that the appeal should be dismissed.

*S Jones*

INSPECTOR