



PLANNING COMMITTEE

Wednesday 1 August 2018 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

1 Apologies for absence

2 Declarations of interest

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

3 Minutes (Pages 3 - 8)

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 9)

6 17/01249/FUL - 5 Welham Road Norton Malton (Pages 10 - 46)

7 17/00685/MFUL - Vellco Industrial Park Ropery Lane Weaverthorpe (Pages 47 - 77)

8 18/00417/FUL - 23A Willow Court Pickering (Pages 78 - 85)

- 9 **Any other business**
- 10 **List of applications determined under delegated powers** (Pages 86 - 92)
- 11 **Appeals** (Pages 93 - 114)

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 3 July 2018

Present

Councillors Paul Andrews, Cleary (Vice-Chairman), Farnell (Chairman), Goodrick, J Raper (Substitute), Elizabeth Shields, Maud, Jainu-Deen, Windress and Potter

Substitutes: Councillor J Raper

In Attendance

Rachael Balmer, Samantha Burnett (Clerk), Gary Housden, Alan Hunter, Ellis Mortimer (Clerk) and Jill Thompson

Minutes

16 **Apologies for absence**

Apologies were received from Councillor Hope.

17 **Declarations of interest**

Councillor	Item
Farnell	6, 7, 9
Raper	8, 9
Windress	6, 7, 8, 9
Jainu-Deen	6, 7, 8, 9
Cleary	6, 7, 8, 9
Goodrick	6, 7, 8, 9, 11, 14
Potter	6, 7, 8, 9
Maud	6, 7, 8, 9
Shields	6, 7, 8, 9
P J Andrews	6, 7, 8, 9

Councillor Goodrick raised a further declaration of personal, non-pecuniary but not prejudicial interest during the meeting for Item 11 due to her husband being a member of the golf club.

18 **Minutes**

Decision

That the minutes of the Planning Committee held on 08 May 2018 be approved and signed as a correct record.

Voting Record
8 For
0 Against
2 Abstentions

19 **Urgent Business**

There was no urgent business.

20 **Schedule of items to be determined by the Committee**

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

21 **18/00363/HOUSE - North Wing Firby Hall Village Street Firby**

18/00363/HOUSE- Demolition of existing boundary wall, fence and access gates including gate posts and erection of replacement stone walling, posts and painted timber pedestrian and vehicular gates (revised details to refusal 17/01437/HOUSE dated 18.01.2018)

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

Voting Results
5 For
3 Against
1 Abstention

In accordance with the Members Code of Conduct, Councillors Farnell, Windress, Jainu-Deen, Cleary, Goodrick, Potter, Maud and P J Andrews declared a personal, non-pecuniary but not prejudicial interest. Councillor Mrs Shields declared a personal and prejudicial interest.

22 **18/00314/LBC - North Wing Firby Hall Village Street Firby**

18/00314/LBC - Demolition of existing boundary wall, fence and access gates including gate posts and erection of replacement stone walling, posts and painted timber pedestrian and vehicular gates (revised details to refusal 17/01266/LBC dated 14.12.2017)

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

Voting Result

5 For

3 Against

1 Abstention

In accordance with the Members Code of Conduct, Councillors Farnell, Windress, Jainu-Deen, Cleary, Goodrick, Potter, Maud and P J Andrews declared a personal, non-pecuniary but not prejudicial interest. Councillor Mrs Shields declared a personal and prejudicial interest.

23 17/01220/MFULE - Land at Whitby Road Pickering

17/01220/MFULE - Erection of 61no. four bedroom dwellings, 97no. three bedroom dwellings, 65no. two bedroom dwellings and 16no. one bedroom dwellings with associated garaging, parking, amenity areas, open space, landscaping, associated infrastructure and formation of vehicular access

Decision

Members voted against a movement for deferral.

PERMISSION GRANTED – Subject to conditions as recommended, completion of a Section 106 Legal Agreement and subject to substitution of bungalows (single storey dwellings) on Plots 125 and 126.

Voting Result

8 For

1 Against

1 Abstention

In accordance with the Members Code of Conduct, Councillors Raper, Windress, Jainu-Deen, Cleary, Goodrick, Potter, Maud, Mrs Shields and P J Andrews declared a personal, non-pecuniary but not prejudicial interest. Councillor P J Andrews requested his vote of Against (approval) be recorded.

24 17/01536/MFUL - Land South of Firthland Road Pickering

17/01536/MFUL - Erection of 30no. four bedroom dwellings, 75no. three bedroom dwellings, 43no. two bedroom dwellings and 14no. one bedroom

dwellings with associated access, garaging, parking, infrastructure, landscaping and public open space.

Decision

DEFERRED At request of the applicant.

Voting Result
9 For
0 Against
1 Abstention

In accordance with the Members Code of Conduct, Councillors Farnell, Raper, Windress, Jainu-Deen, Cleary, Goodrick, Potter, Maud, Mrs Shields and P J Andrews declared a personal, non-pecuniary but not prejudicial interest.

25 **18/00042/MFUL - Land Adj to A170 New Road to Kirkdale Lane Kirkbymoorside**

18/00042/MFUL - Erection of a general purpose agricultural building to include housing of livestock with concrete apron together with erection of a covered yard area for storage of straw between two existing agricultural buildings

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

Voting Results
10 For
0 Against
0 Abstentions

26 **18/00238/MFUL - Sandburn Hall Golf Course Scotchman Lane Flaxton**

18/00238/MFUL - Erection of extension to existing buildings to form a two storey 40no. bed hotel with single storey staff offices and welfare accommodation, external works to car parking to provide additional spaces, relocation of driving range and landscaping including attenuation ponds for surface water

Decision

PERMISSION GRANTED – Subject to conditions as recommended

Voting Results
9 For
0 Against
0 Abstentions

27 **18/00304/MREM - The Showfield (Phase 2) Pasture Lane Malton**

18/00304/MREM - Erection of 7no 2 bed dwellings, 21no 3 bed dwellings and 25 no 4 bed dwellings together with construction of earth bund to eastern boundary (Outline approval 14/00427/MOUTE dated 24/3/15 refers)

Decision

PERMISSION GRANTED – Subject to conditions as recommended

Voting Result
9 For
1 Against
0 Abstentions

Councillor P J Andrews requested that his vote of Against be recorded.

28 **18/00305/MREM - The Showfield (Phase 3) Pasture Lane Malton**

18/00305/MREM - Erection of 12 no. 2 bed dwellings, 32 no. 3 bed dwellings and 43 no 4 bed dwellings, together with construction of earth bund to eastern and northern boundaries (Outline approval 16/00013/MOUT dated 21/7/17 refers)

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

Voting Result
9 For
1 Against
0 Abstentions

Councillor P J Andrews requested that his vote of Against be recorded.

29 **17/01417/FUL - Land East of Musley Bank House Musley Bank Malton**

17/01417/FUL - Erection of detached 5 bedroom dwelling with integral double garage to include terrace at first floor level and 55no. integrated solar panels, together with formation of access drive and reinforced grass turning circle, formation of a wildflower meadow and additional landscaping.

Decision

Members wished to grant approval contrary to officer recommendation after having fully considered the officer report and following extensive debate on the merits of the application.

In the exercise of its statutory discretion to determine planning applications in accord with the development plan unless material considerations indicate otherwise, the Planning Committee weighed all the material considerations of this case in the decision making balance and reached a planning judgement that weighed in favour of approval.

PERMISSION GRANTED contrary to officer recommendation.

Voting Result
5 For
4 Against
0 Abstentions

In accordance with the Members Code of Conduct, Councillor Goodrick declared a personal, non-pecuniary but not prejudicial interest as a Member of the AONB Joint Advisory Committee and left the meeting for the duration of the item.

30 **Any other business**

There was no other business.

31 **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 21:55

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 01/08/18

6

Application No: 17/01249/FUL

Application Site: 5 Welham Road Norton Malton North Yorkshire

Proposal: Erection of petrol filling station with forecourt shop sales building, canopy, car parking, 3no. fuel pumps, below ground offset fills, air/water bay, trolley compound, goods in delivery bay, bin storage, site floodlighting and ancillary arrangements to forecourt and boundary.

7

Application No: 17/00685/MFUL

Application Site: Vellco Industrial Park Ropery Lane Weaverthorpe Malton North Yorkshire

Proposal: Erection of 2no. industrial units (Use Class B8) for tyre storage together with formation of a landscaped buffer to the northern, eastern and southern boundaries, additional parking spaces and cycle parking.

8

Application No: 18/00417/FUL

Application Site: 23A Willow Court Pickering North Yorkshire YO18 7EY

Proposal: Change of use from residential to office (retrospective)

Agenda Item 6

RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 17/01249/FUL
Parish: Norton Town Council
Appn. Type: Full Application
Applicant: BP Forward Planning
Proposal: Erection of petrol filling station with forecourt shop sales building, canopy, car parking, 3no. fuel pumps, below ground offset fills, air/water bay, trolley compound, goods in delivery bay, bin storage, site floodlighting and ancillary arrangements to forecourt and boundary.
Location: 5 Welham Road Norton Malton North Yorkshire
Registration Date: 1 December 2017
8/13 Wk Expiry Date: 26 January 2018
Overall Expiry Date: 3 July 2018
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Parish Council	Recommend refusal
Designing Out Crime Officer (DOCO)	Recommend conditions
Building Conservation Officer	No objection with comments
Environmental Health Officer	No objection subject to conditions
Sustainable Places Team (Environment-Agency Yorkshire Area)	No comments
Archaeology Section	No objection
Countryside Officer	No objection
Sustainable Places Team (Environment-Agency Yorkshire Area)	Recommend conditions and informatives
Yorkshire Water Land Use Planning	Recommend conditions
Neighbouring Parish Council	Malton Town Council Recommend refusal
Head Of Emergency Planning	Mitigation condition
Flood Risk	Recommend conditions
Highways North Yorkshire	Recommendations and conditions

Neighbour responses: Mr K M Barker, Mr Clive Orrah, Mr & Mrs Robin Hughes, Mrs Jackie Fox, Mrs Stacy Naylor, Mrs Kathleen Youngson, Mr shaun dale, Mr C. E Rawling, R Abram, Mrs D Horsley, Mrs Nichola Zanda, Mrs Margaret Woodings, Mrs Gail Denney, S Wall, Mrs M A Fenwick, Mr glynn clemit, Mr Roger Wilson, Mr & Mrs B Coning, John Simpson, Jacqui Anspach, Mr P J & Mrs E C A Compson, Rachael Thacker, Karen Callender, Lisa Lavery, Sara Lavery, Sally-Jane Colthup, J. J. Sheardown, G Gibson, M. Gwilliam, Mr Tony Boorman, Mr James Binns, Mrs Fiona Campion, WYG (Graham Connell), Fitzwilliam (Malton) Estate, Mr John Gelson, Mr Edward Button, Mr Nicholas Brooksbank, Mr Richard Williamson, Mrs Emma Brooksbank,

PLANNING COMMITTEE

SITE:

The site of the proposed development is the former Dewhirst's Clothing Factory. The site is located on the east side of Welham Road, Norton approximately 30 metres to the south east of St Nicholas Street. The site covers an area of approximately 0.52 hectares. It is an irregular shape and measures approximately 106 metres in depth at its greatest, and 80 metres in width at its largest.

The site was previously occupied by a 3 storey red brick building fronting Welham Road with a single storey factory 'extension' running to the south. The site has now been cleared, and includes security fencing around its perimeters.

The site is bounded to the south by Springfield Garth, and to the north-east by dwellings on St Nicholas Street together with KM Barker's car sales on the corner of Welham Road and St Nicholas Street. Opposite the site is part of the Lidl store and No's 8-12 Welham Road. No 5a Welham Road adjoins the site, with the application site extending behind the rectangular shaped community office building. The Old Pottery (a dwelling) is located immediately to the eastern side of the application site and behind terraced dwellings on St Nicholas Street.

The Norton Conservation Area abuts the site along its north-eastern side. The site is also located within both an area of known archaeological significance, and within Flood Zone 3(a).

The site is currently identified as a commitment for a mixed use development comprising use Classes A1 and D1 in the Sites Document Published 2018.

PROPOSAL:

Planning permission is sought for the erection of a petrol filling station with a forecourt shop sales building, canopy, car parking, 3 no. fuel pumps, below ground offset fills air/water bay, trolley compound, goods in delivery bay, bin storage, site floodlighting and ancillary arrangements to forecourt and boundary.

The sales building will have a footprint of approximately 20m by 25m and be 9m at the ridge height taking into account the raised floor levels of approximately 1.2m. The building is proposed to have a brick 'slip' finish to give the impression of being brick built under a tiled roof, understood to be slate. The canopy area features a pitched roof design also with a tiled/slate roof being 7m at its highest point. The forecourt shop building is set back approximately 52m from Welham Road, and the canopy (covering the pumps) is located in front of the forecourt shop building, being 27m from Welham Road. There are two entrances to the shop forecourt building, one of the western side and one on the southern side. Given the levels changes, ramped access is available to the building.

The forecourt shop building will have a Gross Internal Area (GIA) of 495m² including an M&S shop and Wild Bean coffee establishment. Two ATM's are proposed on the front (western side) of the forecourt shop building.

It is proposed that deliveries are brought along the northern boundary to the rear of the forecourt building, where there is a designated delivery bay for goods vehicles to reverse into. The rear of the building also includes a trolley storage compound and the housing of various plant/machinery. 4no. parking spaces are proposed at the western part of the site facing Welham Road adjacent to an air and water bay, with underground storage tanks located between the canopy and Welham Road. The tanks each have a capacity of 80,000litres, or 123 tonnes of fuel in total. 11 no. parking spaces are proposed to the western (front) of the forecourt shop building with 24 no. spaces to the southern side of the shop building.

The supporting document states that the forecourt shop is a BP shop, operated by BP staff. It will sell

M&S produce but is ultimately a BP forecourt shop. The shop will sell other produce to that supplied by M&S. The shop will mainly sell convenience produce and top-up shopping. It is understood that this collaboration between BP and M&S has resulted in approximately 300 such stores nationwide. At 495m2 GIA (260m2 net), this proposed shop represents a significant use on its own, and a likely destination in its own right.

There is significant conifer planting on the boundary to Springfield Garth (southern boundary). This is shown to be outside of the application site and within the highway, no changes are proposed to this planting on this application.

The application is accompanied by:

- A Design & Access Statement
- Lighting Assessment
- Flood Risk Assessment
- Air Quality Assessment
- Noise Assessment
- Transport Assessment
- Land Contamination Assessment
- Details of the fuel engineering specification
- Specification of plant and machinery

In accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the proposed development has been screened by the Local Planning Authority, and it has been confirmed that the proposal is not 'Environmental Impact Assessment' development, consequently there is no requirement for an Environmental Statement pursuant to those regulations.

HISTORY:

2014: Reserved Matters approval for the erection of 3 no. retail units (Use Class A1) and children's day nursery (Use Class D1).

2013: Outline planning permission granted for a mixed use development comprising 3 no. retail units (Use Class A1) and children's day nursery (Use Class D1) with associated vehicular access, parking and landscaping (site area 0.73 ha)/

2009: Erection of a food store (Use Class A1) and day nursery (use class D1) with associated vehicular access, parking and landscaping (site 0.73ha).

1999: Planning permission granted for the erection of two extensions to rear to form additional office space.

1999: Planning permission granted for the renewal of consent for the change of use of part of car park for temporary siting of a portable building to form a factory shop.

1997: Planning permission granted for the change of use of part of car park for the temporary siting of a portable building to form a factory shop.

1997: Advertisement Consent granted for the display of externally illuminated wall mounted directional sign.

1994: Planning permission granted for the change of use of part of a car park for the temporary siting of portakabin sections to form factory shop.

1981: Planning permission granted for the change of use of former clothing factory into a private social club at Welham Road.

LEGISLATION & POLICY:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

In respect to the proposed development, the Development Plan for the area of Ryedale (not within the North York Moors National Park) consists of:

- The Ryedale Plan – Local Plan Strategy (2013)
- Yorkshire & Humber Plan (RSS) – Green Belt policies
- ‘saved’ policies of the Ryedale Local Plan (2002) and the 2002 Proposals Map

The main statutory duties on planning authorities relevant to this application are:

- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character and appearance of that area.
- Section 40(1) of the Natural Environment and Rural Communities Act 2006 (the ‘NERC’ Act), imposes a duty on public authorities in exercising their functions, to have regard to the purpose of conserving biodiversity.
- All public bodies are required to comply with the rights and freedoms of the European Convention on Human Rights under the provisions of the Human Rights Act (1998).

Development Plan

None of the remaining 'saved' policies of the Ryedale Local or the Yorkshire and Humber Plan are considered to be relevant to the assessment of this application.

The Ryedale Plan - Local Plan Strategy (LPS) provides the adopted development plan policies which are compliant with national planning policy (the National Planning Policy Framework – NPPF). The current Policies Map is the 2002 adopted Proposals Map. The Council has published a Sites Document which proposes amendments to some of the development limits and Town Centre Commercial Limits together with new allocations and commitments. The Sites Document is due to be examined in Autumn 2018. In accordance with the Sites Document the application site is identified as commitment for mixed use development of Use Class A1 and Use Class D1 in recognition of previous planning permissions on this site, although these have now lapsed.

The LPS contains strategic policies to manage development and growth across Ryedale to 2027.

The following policies within the Local Plan Strategy are relevant to the assessment of the application:

- Policy SP1- General Location of Development and Settlement Hierarchy
- Policy SP7 - Town Centres and Retailing
- Policy SP10 - Physical Infrastructure
- Policy SP12 - Heritage
- Policy SP14 - Biodiversity
- Policy SP15 - Green Infrastructure Networks
- Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP18 - Renewable and Low Carbon Energy
Policy SP19 - Presumption in favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

The NPPF confirms that the purpose of planning is to contribute to sustainable development. Paragraphs 11-16 of the National Planning Policy Framework details how the presumption in favour of sustainable development is to be applied. Paragraph 12 of the NPPF makes it clear that:

“Proposed development that accords with an up to date Development Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise”.

Paragraph 14 specifically confirms that a presumption in favour of sustainable development is at the heart of the NPPF and should be seen as a golden thread running through plan-making and decision taking. It states that for decision- taking this means (unless material considerations indicate otherwise)

- *“ approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
 - *specific policies in the framework indicate that development should be restricted.”*

Policy SP19 of the Local Plan Strategy is consistent with the above national presumption but makes specific reference to the Local Plan and Neighbourhood Plans; working proactively with applicants and clarifies the application of the second bullet of the national presumption. It states:

‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions of the area.’

The NPPF provides national planning policy and is accompanied by practice guidance. Both are significant material planning considerations in the decision making process.

Where specifically relevant to the application, the policies of the NPPF are considered against the proposed development:

- *Building a strong, competitive economy;*
- *Ensuring the vitality of town centres;*
- *Promoting sustainable transport;*
- *Requiring good design*

- *Meeting the challenge of climate change, flooding and coastal change;*
- *Conserving and enhancing the natural environment*

National Planning Policy Guidance (PPG) provides detailed guidance in the application of planning policy. Flood risk and retail policy are the central policy issues in relation to this proposal.

APPRAISAL:

The main considerations in relation to this planning application are:

- The principle of the uses proposed on this site;
- Flood risk and application of the sequential test;
- Application of the retail sequential test;
- The siting, design and appearance of the proposed development
- The impact upon the setting and views into and out of the Norton Conservation Area;
- Highway safety and the impact upon the surrounding highway network;
- Amenity impacts for surrounding occupiers;
- The impact of the proposal upon ground waters and potential contamination
- Drainage
- Biodiversity and ecological impacts
- The impact of the proposed development upon the Air Quality Management Area;
- Archaeology;
- Designing out crime; and,
- Other issues

This application was validated in December 2017. Due to the complexity of issues associated with this application additional information has been required from the applicant in regard to; a flood risk Sequential Test; a retail Sequential Test; highway related trip generation details; an Air Quality Assessment; neighbouring amenity information; and amendments to the design and appearance of the proposed development. Members will also note that one of the objections to this application is made on behalf of the landowner of the Malton Livestock Site (LMS) arguing that their site is sequentially preferable to the application site and that the proposed development should be located on that site. Officers have considered this application carefully and obtained both expert retail advice and expert Counsel advice to ensure compliance with the relevant statutory duties and planning policy requirements. This report is authored by the Case Officer, and reflects to collective views of relevant senior Officers. This matter is referred to Planning Committee to determine.

The principle of the uses proposed on this site

A petrol filling station is a sui generis use, which is a use on its own and not belonging to a defined Use Class. Given the size of the proposed forecourt shop, it is considered that it represents an A1 use. This site is located within flood zone 3(a) and in an edge of centre location. These two uses are coming forward together and case law confirms it is not possible to disaggregate these uses, and the application as a whole has to be considered.

As a result, in order to establish the principle of the proposed development, both a flood risk sequential test, and a retail sequential test will need to be met in order to confirm whether in principle, the proposed uses are acceptable.

WYG on behalf of the Fitzwilliam Estate have objected to the application on the basis of Malton Livestock Market (LMS) being suitable and available for the proposed development in both flood risk and retail terms (their comments can be viewed online). WYG on behalf of the landowner has confirmed that the site is available for the proposed development and they argue that this site is both

available and suitable for the proposed use. Officers has asked WYG for details regarding its availability. WYG has confirmed that the site is available now, it can accommodate the proposed development; the landowner is willing to sell on a leasehold basis and begin negotiations immediately. WYG confirmed that the terms of the lease would be the subject of commercial negotiating between the parties to establish a viable solution for both parties.

Flood risk and retail sequential tests have been provided on behalf of the applicants (these can be viewed online). The case made on behalf of the applicants is also contained in their incoming emails, letters and with the aforementioned tests themselves (again these can be viewed online). The applicants case be summarised as:

- They argue the application site is the only available and suitable site;
- The LMS is not suitable for a petrol filling station because there is insufficient passing traffic. Their argument is supported by a letter from a Petrol Station site finder at Rapleys (agents for applicants) who also state that there is insufficient passing traffic and the local road network is not busy enough to support a petrol filling station. Mention is also made of the road network that crosses the LMS.
- M&S have confirmed their only interest in Ryedale currently is the collaboration with BP at the application site.
- The LMS is a recognised by the Council as a 'key development opportunity' for contributing to the majority of non-food retail space which is also reflected by the its proposed inclusion within the Town Centre Commercial Limits. The proposed development being located on the LMS would undermine both the Council and landowner's efforts to deliver comprehensive, non-food retail-led development on the site, and fail to meet Ryedale's requirements.
- The LMS has constraints in respect of heritage assets and given its closer location to the Air Quality Management Area (AQMA), it means the site is inappropriate.
- The ATS site has a very narrow road frontage that is not appropriate for a petrol filling station that requires an active frontage that is accessible to all motorists including HGV's.
- The ATS is too constrained with residential development, a railway line and trees all in very close proximity making it inappropriate for the use proposed.
- The ATS site is 0.4 hectares in area;
- The limited access width of the ATS site will make it difficult for 2 – way traffic and risk pedestrian safety;
- The restricted frontage will mean any meaningful commercial signage will be very difficult to accommodate;
- The ATS site is located within a Conservation Area and such a proposal would not preserve or enhance the character and appearance of the Conservation Area. It is also located close to existing listed buildings.

The applicants have maintained that the LMS is not suitable for the proposed development. The main argument on behalf of the applicant is that the LMS does not have sufficient passing traffic (as outlined above). No evidence has been submitted to demonstrate what the traffic movements are to make it suitable for the proposed development; what the minimum number of daily movements are to make the development as proposed viable; and whether the scheme with a less amount of passing traffic can still be viable given the significant shop use within the scheme. Officers have obtained traffic count figures from NYYCC Highways to assist in the application of this test. The traffic count figures are:

- Application site entrance – January 2018 - 53,130 weekly vehicle movements.
- LMS – July 2017 – 25,448 weekly vehicle movements - at a location 25 metres to the south of the Spittal street junction and cattle pens on Horsemarket Road.

The traffic count figures obtained by the LPA clearly show that even in what could be regarded as a quieter month of January, the weekly vehicle movements exceed by more than 100% those vehicles movements in July at the LMS. Equally it may be argued that there are local vehicle movements along the adjoining roads that are not captured as part of this basic data. Nonetheless it supports the applicant's case that the application site has more passing traffic. However, there is no information as to

whether the passing traffic has any relationship to viability of the proposed development based on the traffic count figures for the LMS. It could be that more revenue is projected from the application site, but the profit projected from the LMS could still make the scheme viable. There is no breakdown on how the profit is separated between retail sales and fuel sales. It would not be unreasonable to expect retail sales to be comparatively higher on the LMS by virtue of its more central location than on the application site.

The report shall assess the application against the two tests below.

Flood risk and the application of the sequential test

The aim of the sequential test which is embodied in both National and Local Policy is to steer development to appropriate sites with the lowest risk of flooding. Para 101 of NPPF states:

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

The application site is located within Flood Zone 3(a), and the proposed use is classed as 'less vulnerable' in accordance with the flood risk classifications contained in PPG. There has been some discussion as to whether the proposal should be included as 'highly vulnerable' given its petrol filling station use. In fact, one of the applicant's flood risk supporting documents classed it as 'highly vulnerable'. After further consideration and in the context of The Planning (Hazardous Substances) Regulations 2015, the applicant's consultant has confirmed the use is to be classed as 'less vulnerable'. The Environment Agency has also regarded the proposed use as 'less vulnerable'. The use is not specifically listed in the land-use classifications for flood risk, and there is some degree of ambiguity here. The LPA has sought Counsel advice on this aspect, which has concluded that the use is to be regarded as 'less vulnerable'. This approach is also consistent with how other such proposals have been considered by other Local Planning Authorities. In accordance with both NPPF para. 102 and PPG, the proposed development is required to pass the sequential test, but not the Exception Test.

When applying the sequential test, PPG advises Local Planning Authorities to take reasonable approach to the search area, which should be framed by local circumstances. PPG also advocates a pragmatic approach, proportionate to the development proposed when defining the search area. In this case the development proposed contains forecourt shop comprises 495m² of GIA, mainly to be used for retailing convenience food. When considering a reasonable search area for the proposed development, Officers are mindful of this significant town centre use aspect of the scheme. Officers have therefore considered the search area based on the following criteria.

- Proximity to the Town Centres of Norton and Malton;
- Accessibility;
- Sustainability.

The applicant has supplied a Flood Risk Sequential Test. This has assessed sites based on those submitted as part of the Local Plan Sites Consultation (2015), and the Local Plan Sites Document – Malton & Norton Background paper (October 2017). The applicant's sequential test concluded that there are 9 alternative sites that were at a lower risk of flooding than the application site. These were all on the periphery of Malton and Norton and outside of the Towns development limits, there was no information on their availability. Examples of these sites include land in and around Brambling Fields junction and around the junction between the A64 and A169. The applicant's sequential test concluded that all 9 alternative sites were unsuitable as they were Greenfield sites and Brownfield land at risk of flooding should be developed in preference. The applicant's sequential test is considered to be wholly inadequate. Its search area is considered to be too wide given the significant town centre use component

of the proposed development. Furthermore, their sequential test (flood risk) has failed to take account of other sites in existing centres that have extant planning permissions for development.

The sequential test (flood risk) is for the Local Planning Authority to undertake, in conjunction with the Environment Agency, if appropriate. The Environment Agency has been consulted and made it clear that they are content for the LPA to consider the aspects of the sequential test. The EA advise the LPA, in accordance with para 101 of NPPF, to refuse planning permission if there are other reasonably available sites. Officers have excluded sites in locations out of town sites on the periphery of Malton and Norton, which are Greenfield sites, because of the significant retail component of the scheme. It is considered that these would be unsustainable locations with poor accessibility, for modes of transport other than a car, and be wholly inconsistent with the objectives of the retail sequential test and the Development Plan. Approaching the flood risk sequential test in this way, is also considered to be consistent with the sustainability objectives of NPPF.

Using the criteria above, Officers consider that there are three other possible alternative sites. The Officer level assessment of these two alternatives sites is:

Wentworth Street Car Park

Wentworth Street car park is owned by Ryedale District Council. It is understood to not be available, as it is proposed to be developed for a Public Sector Hub and town centre car park.

ATS

The ATS site is located in flood zones 1, 2 and 3. Technically this site could be regarded as sequentially preferable in flood risk terms as part of it is at a lower risk of flooding. However, the site is smaller than the application site (0.4 hectares compared with 0.52 hectares) and it has a narrow frontage that would make accessibility very difficult for larger vehicles. Pedestrian safety is also likely to be a factor for those using Commercial Street. Furthermore the site is located within the Norton Conservation Area and in close proximity to listed buildings. The restricted frontage and lack of opportunity for commercial advertising are also considered to make the site unsuitable for the proposed development. This site also has an extant planning permission for residential development and there is no information that the site is available for the proposed development. This site is not considered to be suitable or available for the development proposed.

LMS

This site is located in flood zone 1, representing the lowest possible risk of flooding. This site is considered to be sequentially preferable to the application site in terms of flood risk.

The LMS at 0.9 hectares can accommodate the proposed development. It is noted that the extant scheme included changes to the existing road network to allow a larger developable area. Whilst the site is constrained to an extent by being in close proximity to several Grade 2 listed buildings and adjoining the Conservation Area boundary, Officers do not see this as a reason why in principle the development could not be located on the LMS. A carefully and sensitive scheme would need to be prepared but this is not considered to be unduly challenging. It is noted that the site is identified for retail uses and non-food uses, however it is considered that site could still accommodate such uses if the proposed development were to be located on the site. The assertions about the AQMA are unproven by the applicant, some vehicles accessing the LMS from the south would need to pass through the AQMA, but the actual effect of this has not been shown to be a significant upon the AQMA.

Summary

In view of the above assessment it has not been demonstrated to the LPA that the LMS is not reasonably available as an alternative location for the proposed development. The LMS is at a much lower risk of

flooding than the application site, consequently the development of the application site for the proposed development has not met the sequential test (flood risk).

The application of the retail sequential test

Para. 24 of NPPF advises Local planning authorities of the following:

'Local Planning Authorities should apply a sequential to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

In regard to applying the retail sequential test PPG states:

'It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.'

The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- *with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*
- *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *if there are no suitable sequentially preferable locations, the sequential test is passed.*

In line with paragraph 26 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused. Compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision.

How should locational requirements be considered in the sequential test?

Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification.

How should viability be promoted?

The sequential test seeks to deliver the government's 'town centre first' policy. However as promoting new development on town centre locations can be more expensive and complicated than building

elsewhere local planning authorities need to be realistic and flexible in terms of their expectations.'

To summarise, the scheme proposed relates to an area of approximately 0.52 hectares of land including a Petrol Filling Station, forecourt shop of 495m² GIA on an edge of centre site.

PPG advises it is a proportionate and appropriate approach should be taken when applying the sequential test. In the circumstances it is considered that the search should be limited to the centres and edge of centres of Malton and Norton, using the guidance within PPG.

Whilst disputing its requirement, Rapleys (planning agents for the applicant) submitted a retail Sequential Test that concluded that there was no available and suitable sites on either Malton or Norton that should be developed in preference to this site.

Officers consider that the same three alternative sites (shown on an attached plan), and analysed above for the flood risk sequential test, should also be used in the consideration of this retail sequential test.

WSCP site

For the reasons outlined above, this edge of centre site is not considered to be available for the proposed development.

ATS

Part of the site (southern side) is located within the Town Centre Commercial Limits. In this respect the site can be regarded as sequentially preferable to the application site, which is located wholly outside the Town Centre Commercial Limits. The same site constraints stated in the above flood risk sequential test are considered to apply, and for reasons relating to the size of this site, its configuration, limited frontage, heritage constraints, and highway safety matters, the site is considered to be unsuitable for the proposed development. Furthermore, as stated above the site has an extant planning permission for residential development and there is no information to confirm that the site is available.

LMS

This site is located immediately to the north of Malton's Town Centre Commercial Limits, however the site has an extant planning permission for retail development and a car park. The published Sites Document identifies the site as a commitment for retail development and proposes to include the site within the Town Centre Commercial Limits. The Sites Document is due to be examined in Autumn 2018 and there have been no objections raised to the changes within the Sites Document for the LMS. Against these circumstances it is considered that significant weight can be attached to the emerging Sites Document, to the extent that the LMS can be considered to represent a Town Centre site, and consequently it is sequentially preferable to the application site. Whereas the application site is identified as a commitment in the emerging Sites Document for mixed use development (Use Class A1 and D1). This proposed commitment is reflective of its previous two planning permissions on the site for a food store (A1) and a children's nursery (D1); and 3 no. retail units (A1) and a children's nursery (D1). However, those two planning permissions have now lapsed and it is unclear at this point if the commitments on the application site will be taken forward within the examination into the Sites Document.

The LMS at 0.9 hectares can accommodate the proposed development. The above assessment in relation to AQMA issues; potential heritage issues; conformity with its retail use, and the size of the site has confirmed that there are considered to be significant issues at this stage that would suggest that the site was not suitable or capable of accommodating the proposed development.

Whilst BP are the owners of the application site, the guidance in PPG states that such ownership is not necessarily a relevant consideration when applying the retail sequential test.

Summary

On the basis of the above assessment, the LMS is considered to be sequentially preferable to the application site and no compelling information has been submitted that demonstrates that the LMS is not suitable or available as an alternative site for the proposed development.

The siting, design and appearance of the proposed development

Policies SP16 and SP20 of the Local Plan Strategy place great weight upon ensuring a high quality design that respects the character and appearance of the surrounding context.

Following negotiations, the applicants have revised the design and appearance of the forecourt shop building and canopy. The Canopy now features a hipped slate roof, and the forecourt building will have a brick external finish under a slate roof.

Officers were concerned at the appearance of the canopy and asked whether it is essential. The applicants are particularly keen to retain the canopy for protection from the elements. Officers are keen to achieve an outcome that enhances the character and appearance of the site. Accepting the need to have a canopy, it is considered the slate hipped roof design approach is considered to be acceptable. Furthermore the amendments to the forecourt shop building are considered to represent a significant improvement to the original submission, such as the pitched roof and materials proposed. It is considered that Officers have secured an acceptable design solution that respects the surrounding context of development, including views into and out of the Conservation Area. The exact finishes, including ground surfacing materials would be the subject of detailed conditions.

The illumination of the site is considered to be necessary for safety reasons, when there is reduced or no day lighting. There is a plan showing the amount of illumination and any indirect light spillage. It is considered that the locations proposed are broadly acceptable and subject to the condition mentioned below, there will be no unacceptable illumination or light trespass into the surrounding area or to surrounding occupiers.

The impact upon the setting and views into and out of the Norton Conservation Area;

The southern extent of the Norton Conservation Area boundary is located along the northern boundary of the site, and part way along the eastern boundary. There will therefore be views into the application site from within the Conservation Area. That said, the majority of these views would be from rear private gardens, with limited views from Welham Road. The proposed development has been advertised as Development affecting the setting of a Conservation Area.

S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy SP12 of the Local Plan Strategy also seek to prevent new development that would result in harm to the significance of heritage assets.

The site is cleared and includes security fencing around its outer perimeter. The scheme has been re-designed following discussions with Officers. The Conservation Specialist has confirmed no objection to the proposed development in view of the existing mix of buildings type, uses, and forms and the presence of the car sales garage. The Conservation Specialist had however expressed preference for the canopy to be deleted from the scheme. Those comments were made before the design revisions to the scheme including the pitched slate roof to the canopy. Following re-consultation no further views have been received. In view of the above, it is considered that the proposed development will not result in harm to the heritage assets (which can be considered as a neutral effect to the existing situation), and the character and appearance of the Conservation Area will be preserved.

Highway safety and the impact upon the surrounding highway network;

The application proposes to use an access directly onto Welham Road. A new right-hand turn lane is proposed for vehicles approaching the site from the south, together with a new pedestrian crossing across Welham Road also to the south. The main road network between Norton and Malton is located to the north of the site, and includes a railway crossing and a bridge (Country Bridge) over the River Derwent. The main route between the twin towns is via Castlegate to a crossroads, known as 'Butcher Corner', which forms an interchange between Castlegate, Wheelgate, Yorkersgate and Old Malton Gate. This junction together with the four roads leading to and from it are within a designated Air Quality Management Area. The area is typified by tall street frontage buildings with relatively narrow road ways thereby restricting the dispersal of petrol and diesel emissions.

The immediate locality contains the York- Scarborough Railway line, which has currently has one train in either direction an hour. It is also noted that there are intended to be 2 trains in each direction shortly, meaning the barriers will in operation possibly twice as long as currently, in each hour. This has the potential to add to congested movements in the locality. St Nicholas Street runs parallel to the northern boundary, and opposite the site is a Lidl Store. There has recently been a junction priority change, with Welham Road becoming the main thoroughfare from County Bridge to the south. Previously the junction priority meant that traffic would be sent along Church Street in an easterly direction with a junction onto Welham Road. This has resulted in an increase of vehicles using St Nicholas in preference to the right turn from Church Street.

Many of the objections raised included reference to highway safety and increased vehicles movements in what this existing busy area. The Highway Authority considered that the application as originally submitted did not contain sufficient information to assess the impact of the proposed development upon the local highway network, in particular they sought the following information:

- Details of trip generation based on trips from similar stores instead of TRICS data
- Junction movement information, to support the applicant's assertion that only 10% of the trips to the site would be new, and the other 90% would be passing traffic or traffic with a short deviation.
- That a high end store could be a destination in its own right for traffic.

These views are shared by Officers who also consider that an M&S branded shop has the ability to become a destination in its own right. The applicants submitted further information in support of their proposal, however, this did not address the concerns of the Highway Authority. A second Trip Generation Report was submitted. The views of the local Highway Authority on this information is contained below:

'As you are aware, the applicant has submitted a second revised Trip Generation Note dated 7 June 2018, following my concerns raised in my letter dated 18 May 2018. This Note has assessed the traffic generation in two parts as described in the report, and applying those figures to the baseline existing traffic figures obtained by the turning count survey undertaken by the applicant on 20 February 2018.

The local highway authority (NYCC) has also obtained traffic volume data in the locality during January 2018 and, whilst it does not include all turning traffic movements, it provides a useful comparison of traffic volumes using the roads close to the site and the ability to scrutinise the figures provided in respect of through traffic flows and therefore confirm or otherwise, their acceptability to incorporate in the report to determine the impact of new/diverted/pass-by trips formulated in Section 3 of the earlier Note dated 16 March 2018, and shown in Figures 3 to 8 of the current Note.

In both respects, only data recorded during the peak a.m. & p.m. traffic periods has been directly compared with. The applicants' traffic turning count survey was undertaken on a weekday, and

therefore the NYCC data has been similarly assessed on that basis, given that it was collected over 7 days. The variation in traffic volume figures provided by both surveys averages within the range of 8 to 9.5%, with (for example) the traffic flows recorded travelling along Welham Road being under 3%.

Given the 7 day collection period, the NYCC results are able to indicate the daily fluctuation in traffic flows over different days of the week. The data for Saturdays and Sundays tend to show slightly lower overall traffic volumes than within the working week, and consequently it is considered that the applicants' own data is not un-representative of the typical existing traffic through flows and consequent turning movements, and can therefore be considered acceptable to use as the baseline figures that then shows the additional impact of the new/diverted/by-pass vehicle trips in total as given in the current Note at Figures 7 & 8.

Section 4.3 of the Note details the change in traffic flows as a consequence of applying the additional trips. The highway authority notes that information and in respect of Welham Road the re-distributed trips represent the highest increase, with totals of 27 (new and re-distributed) vehicle trips towards St. Nicholas Street / Church Street junctions in the AM peak hour and 47 (new and re-distributed) vehicle trips in the PM peak hour. These need to be considered against the daily peak-hour fluctuations of traffic volumes on Welham Road in the same area and same direction as picked up in the NYCC survey data, which are 88 vehicle trips in the AM peak hour and 128 vehicle trips in the PM peak hour. As the new and re-distributed vehicle trips are well within these figures it is not considered that the traffic impact provides a defensible reason for refusal on the grounds that the impact is severe as stipulated in Paragraph 32 of the National Planning Performance Framework (NPPF).

With respect to the off-site highway works proposed, I would recommend that an alternative position is sought for the pedestrian island crossing point as indicated on the latest Site Layout Plan, as it would potentially block delivery vehicle access to the terraced properties opposite the site, and the alleyways through the buildings. An alternative pedestrian crossing point position further south should be agreed with the local highway authority in consultation with the local planning authority and a condition has been included as a recommendation as follows.'

Based on this detailed assessment of the impact upon the local highway network and pedestrian facilities there are considered to be no defensible reasons for refusal on highway grounds. The impact of the scheme upon existing junctions and the congestion issues relating to the wider movement of vehicles between the twin towns have been considered by the local highway authority as part of their assessment on this application.

After receiving the Highway Authority's recommendation, the applicants have amended their layout plan to include existing civil rights of access to the properties along the northern boundary. This plan has been sent to the Highway Authority to ensure these changes are acceptable in terms of highway safety. A condition to control the management of these areas was proposed by the applicant and accepted by the local Highway Authority, and should be imposed on any decision if approval is granted.

Amenity impacts for surrounding occupiers:

Along the north-eastern boundary are mainly terraced dwellings, with a detached dwelling (The Old Pottery) to the rear of the site (south-eastern side). There are also residential properties located on the opposite side of Welham Road, with residential development on the western side, some of which are separated by Spring Field Garth roadway. No 1 Spring Field Garth is located to the south of the site and is separated from the application site by land within the blue line. A community based office is located in front of part of its western frontage. KM Barker garage is adjoins the site to the north eastern side also having a frontage onto Welham Road.

Residential dwellings are considered to be the key sensitive receptors to the impacts of the proposed development. The impact can be from potential noise and disturbance, from the operation of the filling station, movements to and from the forecourt shop, including deliveries and the operation of the ATM.

There could also be unacceptable light pollution by the illumination of the site. A filling station has the potential to create noise and disturbance through waiting vehicles, engines starting, and car doors opening and closing noise from customers etc. The ATM can also attract vehicle movements, although it is not envisaged the noise from its operation would cause any significant impacts.

Policy SP20 of the Local Plan Strategy states:

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

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

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance.

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance'

A Noise Assessment has been undertaken and submitted with the application to take account of the potential noise and disturbance from the proposed development and how this can affect the amenities of the surrounding occupiers. Members may also wish to note that planning permission has already been granted for 3no retail units on this site in 2013, and also for a food store earlier in 2013. The impacts from the operation of those uses was not considered to have a material adverse effect upon the amenities of surrounding occupiers subject to the imposition of appropriate conditions.

Many of the objections received have raised concerns regarding the potential impact from the proposed development upon the amenities of surrounding occupiers.

The Environmental Health Specialists, after initially raising concerns regarding the proposal, have confirmed that they have no objection to the operation of the proposed development, subject to conditions. These conditions are:

- Opening hours of the filling station and forecourt and ATM's limited to only between 06:00hrs – 22:00hrs
- Deliveries to the site limited to only between 07:00hrs – 20:00hrs
- Lighting design and specification should be agreed with the Local Authority. This should include linking lighting levels with opening hours and delivery times so as to ensure the health safety and welfare of people at work and to protect the amenity of nearby residents.

In view of the above response from the Environmental Health Specialists (and subject to the conditions recommended) there are considered to be no sustainable objections to the proposal in terms of potential residential amenity impacts.

The impact of the proposal upon ground waters and potential contamination

A Land Contamination Report has been submitted and considered by the Council' Environmental

Specialist. Given the end use proposed and the hard landscaping there is no objection to the proposed development.

An incoming document from the agent describes the specification of the tanks, and the sophisticated leak detection systems, together with the double lined tank. The 3 no. pumps are to be served by 2 no. 80,000 storage tanks (holding unleaded, diesel, ultimate unleaded and ultimate diesel). The tanks are to be double walled steel tanks with an anti-corrosive coating. They are to have active pressure monitoring systems to detect a leak from the tanks themselves or from surface water penetration into the tanks.

The application site is located within a Secondary A Aquifer consisting of Alluvian Drift. The site is not within a Source Protection Zone or a Drinking Water Protection Area. Technical mitigation has been proposed to mitigate its potential risk to groundwater. The Environment Agency has been consulted and considered the risk of the proposed development to ground water and has raised no objection. The EA has recommended an informative to advise the developer of several sources of information to help mitigate any risks. It is considered that this mechanism of control falls outside of the planning system.

Drainage

Both foul and surface water is proposed to be drained to the mains. The surface water system is proposed to be attenuated on site with allowance for climate change and discharge at a rate of 1 litre a second in to the mains sewer. Petrol/diesel interceptors are required for the surface water drain to prevent discharge into the public sewers. The LLFA has considered the revised details and is content subject to conditions that such a scheme can work. Satisfactorily one of the LLFA's comments is to ensure the FFL are 300mm above the 1 in 100 year storm event plus 40% climate change. This was calculated to be 19.15 AOD. This is 0.1m above the level shown on the proposed plans. If this application is considered favourably, this minor change could be controlled through condition. The LLFA has also questioned whether sufficient underground storage will be available based on the applicant's calculations in the event of a storm event. Again, the detailed design of the surface water drainage scheme could be addressed through condition, as it appears the broad drainage strategy is workable. The LLFA also suggest a condition in respect of exceedance flows.

NYCC'S Emergency Planning team has been consulted after recommendations from the Environment Agency and the LLFA, they have confirmed that they no objection to the proposal, subject to (which can be included as informatives should permission be granted):

- That BP 'sign up' to receive EA Flood warnings and have procedures in place to know what to do when one is received.
- That measures should be in place to close the filling station if there is an imminent risk of flooding.

Yorkshire Water has no objection to the proposed development subject to two conditions. One of these conditions requires the use of interceptors, as mentioned above for areas near to the pumps and areas used for washing vehicles. A condition is also recommended to ensure that there is no piped discharge of surface water from the site until the surface water drainage system has been installed.

In view of this, it is considered that the site can be satisfactorily drained subject to appropriate conditions.

Biodiversity and ecological impacts

The Countryside Specialist has been consulted regarding the potential impacts upon protected species and local ecological impacts. The Countryside Specialist has stated:

I have no concerns regarding the impact of this development providing the system minimise spills and

separate and process the runoff from the drainage system is instituted to ensure that no pollutant finds its way into the nearby watercourse and thereby the River Derwent SAC.'

Surface water is proposed to be drained into the combined mains, via interceptors. If approval were to be granted conditions could be imposed to control the above points mentioned by the Countryside Specialist. Hence, no adverse effects from the discharge of surface water is envisaged upon nearby protected sites of ecological importance or protected species.

The impact of the proposed development upon the Air Quality Management Area

At the request of the Environmental Health Officer, an Air Quality Impact Assessment has been undertaken to assess the impact of the proposed development upon the Air Quality Management Area (AQMA).

The Council's EHO has stated:

'The predictive modelling contained within the comprehensive Air Quality Assessment submitted by Wardell-Armstrong dated March 2018 shows that the proposed development would have negligible impact on Nitrogen dioxide levels in and around the Malton's Air Quality Management Area (AQMA). Based on this information I consider the effects on Nitrogen dioxide concentrations not to be significant I would however advocate the provision of two Electric Vehicle Charging Points within the 40 bay car park to promote the use of low emission vehicles and to promote sustainable transport.'

In view of the above assessment, there is considered to be no objections to the proposal in terms of its impact upon the AQMA, subject to conditions requiring two electric charging points on the proposed development.

Archaeology

Policy SP12 requires the Local Planning Authority to assess the impact of development heritage assets. The site is located within an area of known archaeological importance. The County Archaeologist initially requested a condition known as a 'watching brief' for the site, to agree a written scheme of investigation once site works commence. The applicant subsequently submitted details of trial trenching at the site, and the County Archaeologist has stated:

'The developer has provided a report on the excavation of three additional archaeological trial trenches along the frontage of the site. This has provided some useful information on the former course of the Mill Beck and an interesting sample of local pottery and bottles from a rubbish tip.

However I agree with the conclusion of the report that no further archaeological work is necessary based on these results (and previous mitigation to the rear of the site).'

Consequently there is no identified harm to any heritage assets and there are no objection raised in regard to archaeology. The requirements of Policy SP12 of the Local Plan Strategy are considered to be met in this regard.

Designing out crime

NPPF (paragraphs 58 and 69) aim to create developments with safe and accessible environment where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In addition Section 17 of the Crime & Disorder Act 1998 requires all Local Authorities to exercise their functions with due regard to reducing crime and disorder.

North Yorkshire Police's Designing Out Crime Officer (DOCO) has been consulted and considered the risks of crime from the proposed scheme. The DOCO has no objections to the scheme but has made

recommendations about:

- Consideration of CCTV installations in accordance with the relevant regulatory requirements;
- Intruder alarm system;
- ATM security systems; and,
- Provision of secure cycle storage areas for staff and employees.

Subject to conditions to cover the above aspects, it is considered that the planning policy and legislature requirements have been met.

Other issues.

Norton Town Council recommend the application be refused due to the proposed development being in close proximity to residential development that could be adversely affected by noise and disturbance, particularly early on a morning and late at night; its location in the flood plain and possible leakage or seepage into the local environment; suggest a peripheral location for a Petrol Filling Station; and they suggest they would object to any road layout changes on Welham Road to accommodate the proposed development. Malton Town Council has also objected for similar reasons, these being; the close proximity of the application site to residential development; early morning and late evening noise and disturbance; suggest an edge of centre location is the preferred site; and they would not want to see a change to parking on Welham Road that would result in a loss of car parking. These issues have all been appraised in detail above.

There have been four letters of support received and 35 responses raising objection/concerns. All these responses can be view online under the application reference number. The support for the application mainly relates to the benefits of developing this site and improving its appearance.

The areas of objection/concerns include;

- Traffic and highway implications including congestion;
- Potential noise and disturbance and the impact upon surrounding occupiers;
- Anti-social behaviour;
- Flood risk implications with diesel and petrol in the floods in 2000;
- Need for an additional filling station;
- Civil rights of access;
- Views into and out of the conservation area;
- Reduced size of the area means it is not 'Major' development (less than 1 hectare);
- Air Quality implications ;
- Contamination;
- Pile foundations;
- Contention that the forecourt shop is indeed a significant convenience store;
- That the LMS site is sequentially preferable in flood risk and retail sequential tests; and
- That the description should comprise a mixed use development and not a forecourt shop.

The majority of these issues have been addressed in detail in the appraisal above. The civil rights of access to adjoining properties falls outside the consideration of this planning application. In the event that this application is approved, no such approval would alter such civil rights relating to access. This is a matter between the respective landowners. The agents have amended the drawings (as mentioned above) to accommodate the existing rights of access, these amendments have been forwarded to the Highway Authority who are content with these changes in highway safety terms.

The LPA has a duty to process applications that are submitted to it in accordance with legislative processes and consider them against national and local planning policies, together with other relevant material planning considerations. The application is to be determined by Planning Committee and the

LLFA have been consulted on this submission. Whether the application is regarded as a 'Major' application is not considered relevant.

Regarding construction disturbance, if planning permission is granted a condition could be imposed regarding a Construction Management Plan to ensure surrounding residential amenities are protected. The concerns regarding the seepage of fuels, and any additional risk of such during a flood, along with potential contamination to ground waters are noted. The applicant has provided their technical solutions to this issue in their submission (outlined above). The Environment Agency has no objection on these grounds and separate regulatory controls will address these aspects. There are considered to be no sustainable planning objections in this respect.

The objection regarding the description of the proposed development being amended to include a mixed use development referring to the shop use was passed to the applicants. They did not wish to change the description their application and considered that as described it reflects what they are proposing. It is considered that the suggested change is somewhat academic, as the above assessment has considered the scheme in detail and acknowledges that the shop use can be a significant use and a destination in its own right.

The proposed development would not be chargeable to CIL. This is because the retailing element is below 500m².

Summary:

In the absence of information for the LPA to conclude that the flood risk sequential test has been met, together with the inadequate information submitted regarding the retail sequential test, the recommendation is that the application is refused planning permission.

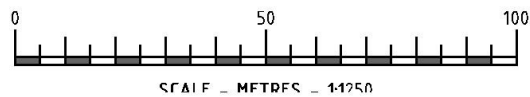
RECOMMENDATION: Refusal

- 1 It has not been demonstrated through the submission of sufficient evidence that the Malton Livestock Site (Horsemarket Road, Malton) which is at a much lower risk of flooding (Flood Zone 1) and sequentially preferable in flood risk terms to the application site (Flood Zone 3 (a)) is not a suitable and appropriate site to accommodate the proposed development. Consequently the flood risk sequential test required by paragraph 101 of the National Planning Policy Framework 2012 and Policy SP17 of the Local Plan Strategy has not been met in respect of the application site. The approval of this application would result in a development being located in an area at a higher risk of flooding than is necessary. The proposed development is therefore contrary to the requirements of Policy SP17 of the Local Plan Strategy and contrary to paragraph 101 of NPPF.

- 2 It has not been demonstrated through the submission of sufficient evidence that the retail sequential test has been met. The Malton Livestock Market (Horsemarket Road, Malton) is considered to be sequentially preferable to the application site in terms of it being regarded as a Town Centre site in the Published Sites Document 2018. No compelling arguments have been made as to demonstrate why the Malton Livestock Site is not suitable or available for the development proposed. Consequently the proposed development is contrary to the requirements of paragraph 24 of the National Planning Policy Framework 2012.



Rev A 26.01.18 Amended to indicate P.F.S. Boundary Only



19.03.2018

REVISED PLAN

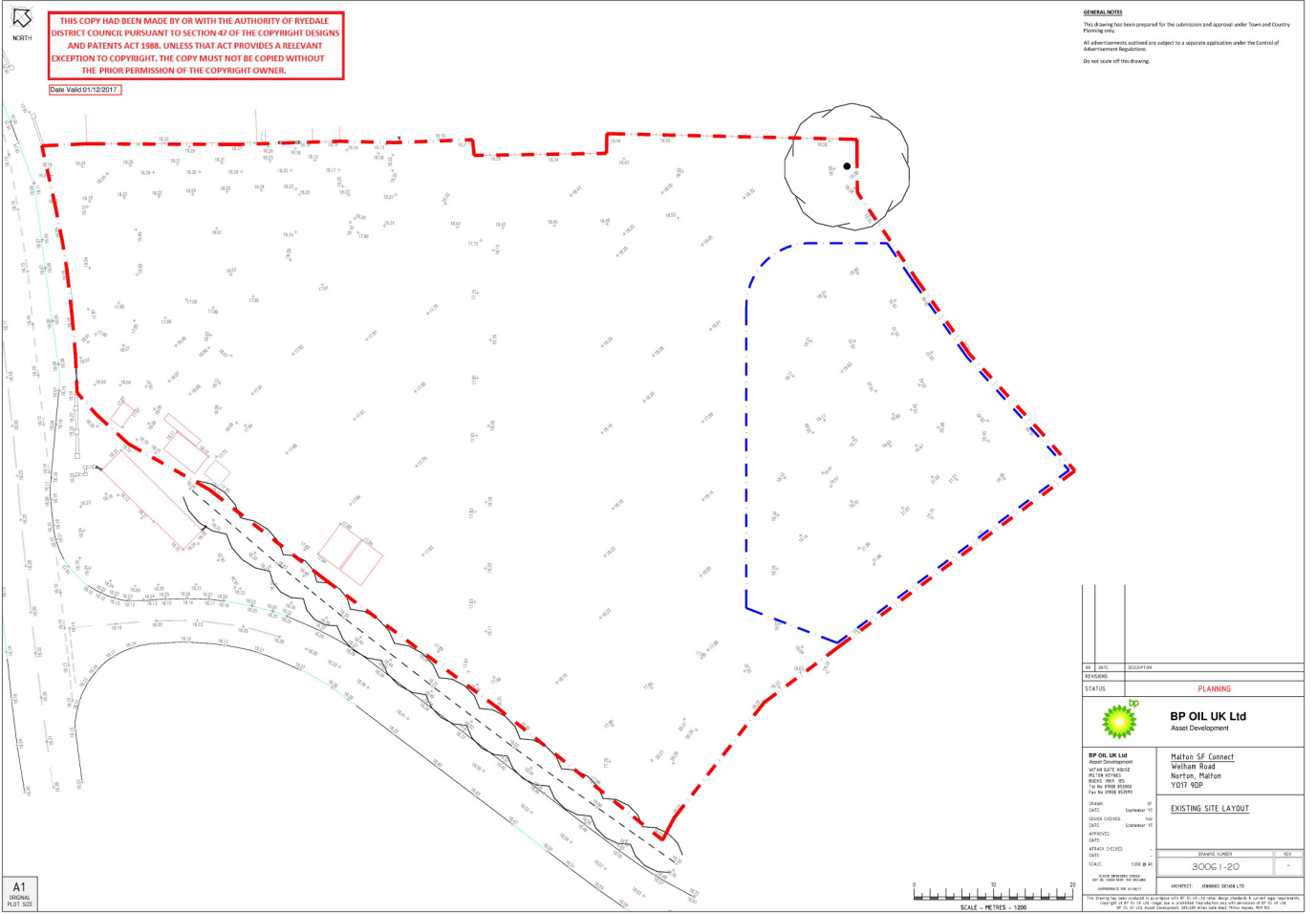
THIS CITY AND BOROUGH ARE UNDER THE AUTHORITY OF BRIDGE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COMPANIES ACTS (AMENDMENT) ACT 1985 AND THE COMPANIES ACTS (AMENDMENT) ACT 2006. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT.

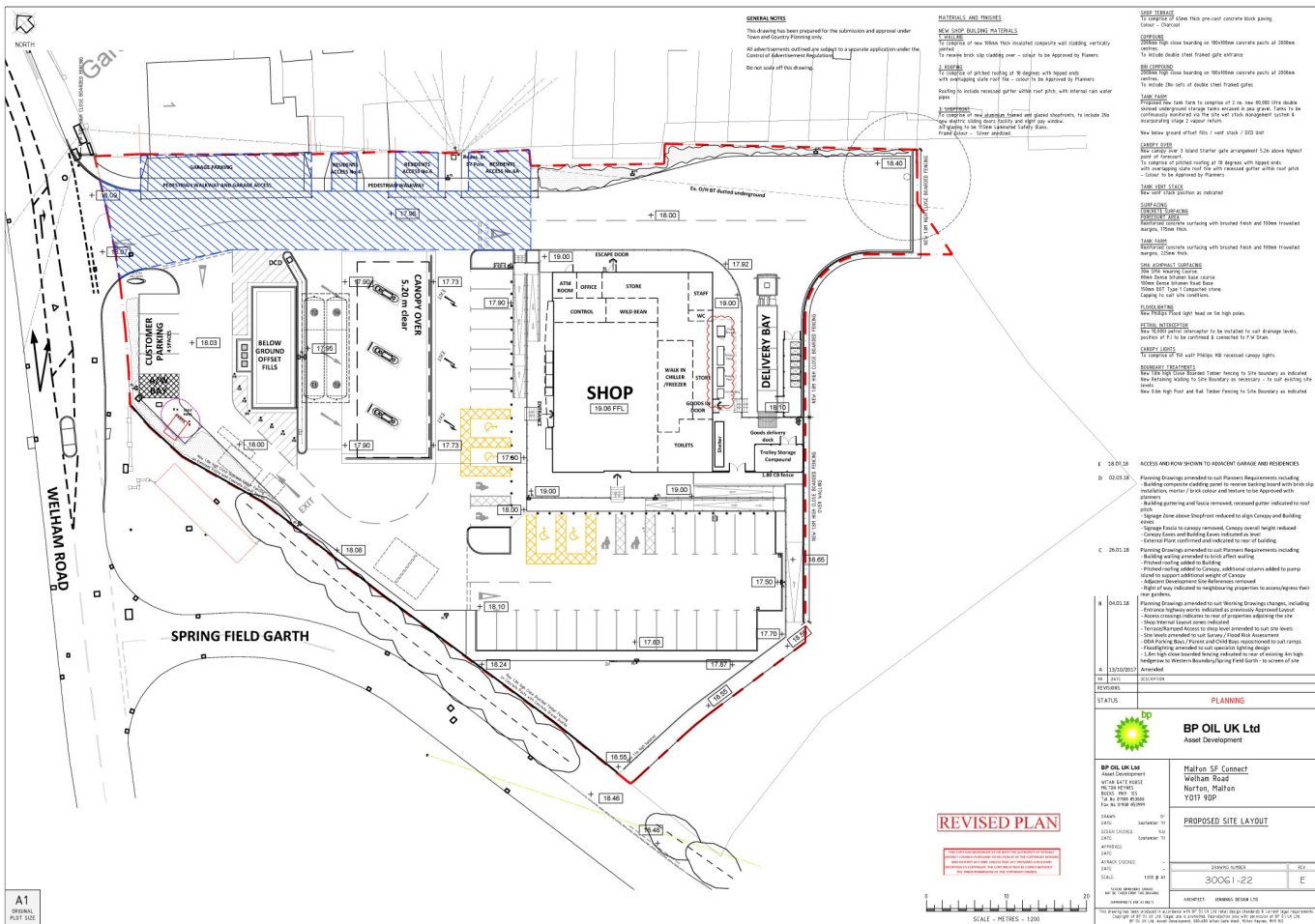
SITE LOCATION PLAN

MALTON SF CONNECT
Welham Road
Norton, Malton
YO17 9DP

SCALE 1:1250 @ A4

DATE September'17





GENERAL NOTES

This drawing has been prepared for the submission and approval under Town and Country Planning only.
 All alterations outlined on design to a specific application under the Control of Advertisement Regulations.
 Do not scale off this drawing.

MATERIALS AND FINISHES

- NEW SHOP BUILDING MATERIALS**
- WALLS:** 150mm thick insulated concrete wall cladding, vertically jointed.
- FLOORS:** 150mm thick precast concrete slab, cast in place, with internal can water pipes.
- ROOF:** 150mm thick precast concrete slab, cast in place, with internal can water pipes.
- ROOF FINISH:** 150mm thick precast concrete slab, cast in place, with internal can water pipes.
- ROOF FINISH:** 150mm thick precast concrete slab, cast in place, with internal can water pipes.

SOILS

Soils are classified as Class 3 (moderate) and Class 4 (poor) based on the results of the soil investigation. The soil investigation was carried out in accordance with BS 5930:2001. The soil investigation was carried out in accordance with BS 5930:2001. The soil investigation was carried out in accordance with BS 5930:2001.

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SOILS

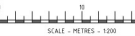
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REVISED PLAN

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 Do not scale off this drawing.



A1
 ORIGINAL
 PART USE

- D 18.05.18 ACCESS AND HOW SHOWN TO ADJACENT GARAGE AND RESIDENCES
- D 02.08.18 Planning drawings amended to suit Planning Requirements including Building envelope cladding panel to be removed back to existing structure, mortar / brick colour and texture to be approved with adjacent building.
- C 26.01.18 Planning drawings amended to suit Planning Requirements including Building envelope cladding panel to be removed back to existing structure, mortar / brick colour and texture to be approved with adjacent building. Planning drawings amended to suit Planning Requirements including Building envelope cladding panel to be removed back to existing structure, mortar / brick colour and texture to be approved with adjacent building.
- B 04.02.18 Planning drawings amended to suit Planning Requirements including Building envelope cladding panel to be removed back to existing structure, mortar / brick colour and texture to be approved with adjacent building.
- A 13/01/2017

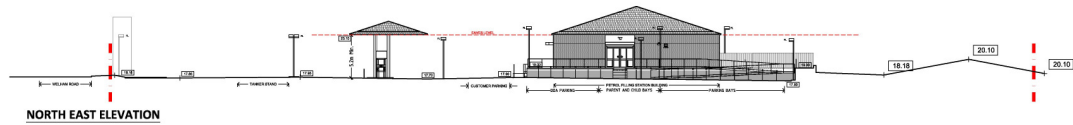
W	DATE	DESCRIPTION
M	13/01/2017	PLANNING
 BP OIL UK Ltd Asset Development		
BP OIL UK Ltd Asset Development 1st Floor, 15, 16 & 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 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, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.		

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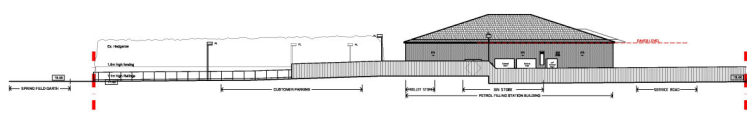
REVISED DOCUMENT

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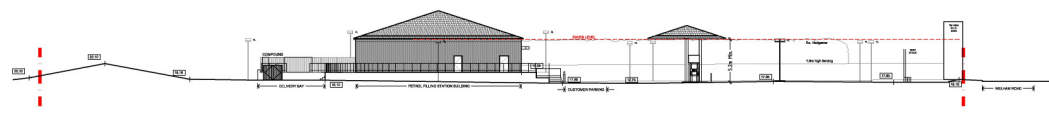
16.03.2018



NORTH EAST ELEVATION



SOUTH EAST ELEVATION



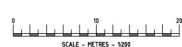
SOUTH WEST ELEVATION



NORTH WEST ELEVATION

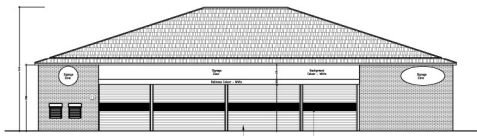
- D 08.03.18 Risker Shutters added to ATM machines
- C 02.03.18 Planning Drawings amended to suit Planning Requirements including Building component cladding panel to receive building heat with brick slip installation, canopy, brick columns and canopy to be Approved with alterations
- B 02.03.18 Planning drawings amended to suit Planning Requirements including alterations
- A 04.03.18 Planning Drawings amended to suit Working Drawings changes, including

NO	DATE	DESCRIPTION
REVISIONS		
PLANNING		
STATUS		
BP OIL UK Ltd Asset Development		
BP OIL UK Ltd Asset Development		Malfon SF Contract Malfon Road Norton, Malfon YO11 9DP
PROPOSED SITE ELEVATIONS		
DATE:	16.03.2018	
SCALE:	1:23	
PROJECT:	ANNEX 1-23	D

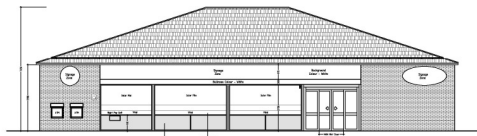


A1
ORIGINAL
PLOT SIZE

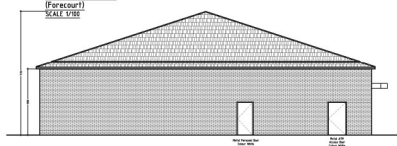
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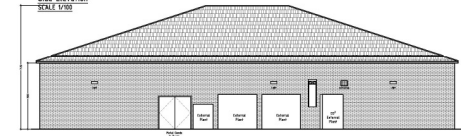
Shopfront Elevation
 (Forecourt)
 With Roller Shutters Closed
 SCALE 1/500
 Roller shutter in closed position Preferred Section of Roller shutter to be confirmed



Shopfront Elevation
 (Forecourt)
 SCALE 1/500



Side Elevation
 SCALE 1/500



Side Elevation
 SCALE 1/500



Side Elevation
 with Roller Shutter Closed
 SCALE 1/500
 Roller shutter in closed position Preferred Section of Roller shutter to be confirmed



Side Elevation
 SCALE 1/500

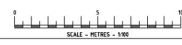
REVISED DOCUMENT

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16.03.2018

- D 08.03.18 Roller Shutters added to ATM machines
 Additional Front and Side Elevations added with Roller Shutters in their closed position
- C 02.03.18 Planning Drawings amended to suit Planning Requirements including Building Company (shading) panel to receive building board with brick slip installation, minor/ minor changes and to be Approved with planning Building guttering and fascia removed, recessed gutter indicated to roof panels Signage Zone above Shopfront reduced to align Canopy and Building Board
- B 26.03.18 Planning Drawings amended to suit Planning Requirements including Building Shading amended to brick slip installation Canopy Fascia and Building Board indicated as front elevation to be confirmed and indicated to be approved with planning
- A 04.03.18 Planning Drawings amended to suit Working Drawings changes, including Front Elevation - Side screen to entrance door removed Side Elevation - Side screen to entrance door removed Signage amended to front

NO	DATE	DESCRIPTION
REVIEWS		
STATUS: PLANNING		
BP OIL UK Ltd Asset Development		
BP OIL UK Ltd Asset Development 10th Floor, 100 Bank Street, London, E14 4JF Tel: 020 7801 8000 Fax: 020 7801 8000		
Malton SF Contact Malton Road Norton, Malton YO11 9DP		
PROPOSED BUILDING ELEVATIONS		
DRAWN	SP	REV
CHECKED	MS	
DATE	19/03/18	
APPVED		
DATE		
ATKIN CHECKED		
DATE		
SCALE	1:24	D
PROJECT NO: 3006 1-24 DRAWN BY: ANNEE DODD LTD		



A1
 ORIGINAL
 PLOT SIZE

13th October 2017

Planning Department
Ryedale District Council
Ryedale House
Old Malton Road
Malton
North Yorkshire
YO17 7HH

51 Great
Marlborough Street,
London W1F 7JT

0370 777 6292
info@rapleys.com
rapleys.com

LONDON
BIRMINGHAM
BRISTOL
EDINBURGH
HUNTINGDON
MANCHESTER

Dear Sir/Madam,

Re: PLANNING APPLICATION FOR THE ERECTION OF A NEW PETROL FILLING STATION (PFS) AT LAND OFF WELHAM ROAD, NORTON, MALTON, YO17 9DP.

We are instructed by our client BP Oil (UK) Ltd to submit a planning application for the erection of a new PFS at the above site.

The application was submitted via the Planning Portal (Ref: PP - 06447900) and comprises of the following documents.

- Completed application and certificate from, signed and dated.
- Completed additional information requirements CIL form, signed and dated.
- Existing Location Plan (Ref: 30061 – 25).
- Existing Site Layout (Ref: 30061 – 20).
- Proposed Site Elevations (Ref: 30061 – 23).
- Proposed Building Elevations (Ref: 30061 – 24).
- Proposed Site Layout (Ref: 30061 – 22).
- Design and Access Statement.
- Preliminary Risk Assessment, prepared by Scothern Construction Ltd.
 - Appendix A
 - Appendix C
 - Appendix Ordnance Survey 1975-77
 - Appendix Ordnance Survey 1980-94
 - Appendix Site Sensitivity
 - Appendix Soil Chemistry
- Flood Risk Assessment and SUDs, prepared by Marks Heeley.
 - Appendix A and B
 - Appendix C, D and E
 - Appendix F, G and E
- Proposed SUDs Strategy, prepared by Marks Heeley.
- Proposed Lighting Layout, prepared by The Graham White Consultancy.
- Proposed Lighting Specification, prepared by The Graham White Consultancy.
 - Axia 2 Brochure

RAPLEYS LLP IS REGISTERED AS A
LIMITED LIABILITY PARTNERSHIP
IN ENGLAND AND WALES

REGISTRATION NO: OC308311

REGISTERED OFFICE:
FALCON ROAD, HINCHINGBROOKE
BUSINESS PARK, HUNTINGDON
PE29 6FG

REGULATED BY RICS

- ClearFlood LED PHILIPS
- Clearway Economical LED performance
- BBP400 – LED EconomyLine 15,100 PHILIPS
- BBP400 – LED GreenLine 9400 PHILIPS
- SecuriPack BCS200
- Proposed Servicing of Development, prepared by BP.
- Balanced Options Appraisal, prepared by BP.
- Site Fuel System Spec and Construction, prepared by BP
- Pack selection Summary, prepared by Green and Cool

An updated ecology report is currently being prepared and will be sent under separate cover post application submission.

A cheque for £2,695.00 in respect of the application fee made payable to your Authority has been sent under separate cover.

In addition to the above enclosures, we would be grateful if you could take into account the contents of this letter in determining the application.

Site and Surroundings

The circa 0.56 ha site currently comprises of two small temporary buildings, a site office and toilet block and storage containers. The majority of the ' ' site is previously developed land having been occupied by Malton Clothing, The site is entirely bound by two-storey residential dwellings and their associated back gardens, with KM Barker Garages and showroom and Lidl supermarket located adjacent to the north at the junction of Welham Road/St Nicholas Street. A single storey bungalow (5a Welham Road) immediately abuts the site on the corner of Welham Road/Spring Field Garth. Along the site's western boundary is tall, dense hedging running along Spring Field Garth. The site's ingress and egress is currently taken from Welham Road, adjacent to KM Barker Garages.

The site is well connected to Norton and Malton being only a short distance to the train station and local services, shops and facilities on the northern side of the River Derwent (circa 7 minute walk). The site is located within Flood Zone 3a, however in an area already benefiting from flood defences according to the Environment Agencies flood map for planning. There are no listed buildings within the vicinity of the site, however Norton Conservation Area abuts the site along its north-eastern/southern boundaries.

Planning History

The Council's online planning history for the site dates back to 1981 when permission was refused for the change of use of a former clothing factory into a private social club (LPA Ref: 81/00123/OLD), which led to a dismissed appeal in 1982. Between 1994 and 1999, temporary permission for the siting of a portable building for a factory shop was granted (LPA Ref: 97/00190/FUL; 97/00190/FUL). In 1999, permission was granted for the erection of two extensions to the rear to form additional office space (LPA Ref: 99/00657/FUL).

In 2013, outline permission was granted for the erection of an Aldi food store (Class A1), day nursery (Class D1) and health/medical facility (Class D1), with associated car parking and vehicle access (LPA Ref: 09/00282/MOUT). Later that same year, outline permission was granted for 3no. retail units (Class A1), and a child day nursery (Class D1) with associated vehicle access, parking and landscaping (LPA Ref: 13/00166/MOUT) and in 2014, a reserved matters application in respect of later permission was approved (LPA Ref: 14/00316/MREM). No evidence to confirm whether this permission has been implemented could be found online.

The principle of development on the site for a range of uses has therefore been established.

The Proposal

The proposed layout/elevations of the application scheme are illustrated on the enclosed drawings.

The proposed works include:

- New PFS forecourt shop (495 GIA Sqm) with;
- A 5.2m canopy and 3no pumps located beneath.
- 40 car parking spaces including 4 disabled and 4 parent and child.
- A new access road off Spring Field Garth (to serve adjacent site 0.14ha)

Other ancillary proposals include the provision of a trolley storage compound, 1no. A/W bay, 2no. below ground 80,000l tanks with offset fills and vents, goods delivery bay, bin storage and ancillary forecourt and boundary treatments.

The sales building will sell groceries (such as chilled-dairy), tinned and packaged products, confectionery, snacks and drinks, non-food items (such as household products, toiletries, newspapers, magazines, BBQ fuels and fuel goods): cigarettes (and other tobacco products) and car care items. The sales building will, therefore, focus upon basic convenience top up shopping products, expected in PFS sales buildings.

Furthermore, the 'starter-gate' arrangement is considered by BP to offer the widest flexibility to the motoring public thus, ensuring customers need not alternate their position within the forecourt to access the fuel required. New pump islands will dispense multi-fuel grades, with every pump offering unleaded and diesel fuels. Two new 80,000 litre underground fuel tanks and new monitoring systems introduced to modernise the storage are proposed. Please refer to the feasibility assessment/fuel specification documents enclosed for further details.

The proposal will allow for the free flow of traffic through the site, by introducing a starter gate formation and formalised car parking across the site. The existing access to the site off Welham Road will be retained and enhanced to serve the new PFS.

To the rear of the new sales building, a new compound and external plant areas are proposed, with access provided off the forecourt. Please see the plant specification sheet and Proposed Servicing Plan enclosed. Alterations to the existing landscaping and boundary treatments

include new retaining walls, fencing, protective bollards and new flat kerbing in front of the new sales building.

Planning Policy and Guidance

National Planning Policy and Guidance

Relevant Central Government Policy is contained within the National Planning Policy Framework (NPPF), adopted in March 2012 and its accompanying Planning Practice Guidance (PPG), adopted/launched online in March 2014.

The NPPF is underpinned by a presumption in favour of sustainable development, which the document identifies as a “golden thread” running through both plan making and decision taking.

In terms of decision taking, paragraph 14 and the PPG advises that LPAs should seek to approve development proposals which accord with the Development Plan without delay, whilst also granting permission for proposals in instances where the Development Plan is absent, silent, or where relevant policies are out of date – unless any adverse impact of doing so would significantly outweigh the benefits.

Local Planning Policy and Guidance

Adopted Policy

The Development Plan for the site comprises saved policies from Ryedale Local Plan (2002) and Local Plan Strategy (2013).

The site is located in an edge-of-centre location outside the Malton and Norton “town centre commercial limits”. It is not subject to an allocation, however falls within an area designated as “Liable to Flooding”. As aforementioned, the Norton Conservation Area also sits along the site’s north eastern/southern boundaries.

Whilst there are no PFS-specific policies, the following policies are relevant:

- Policy SP10 Physical Infrastructure – the level of car parking is to be provided in consultation with the County Council.
- Policy SP12 Heritage – development that results in substantial harm to the significance of a designated historic asset and its setting will be resisted unless exceptional circumstances are demonstrated. Proposals resulting in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the extent of the harm to the asset.
- Policies SP13 Landscape and SP14 Biodiversity - new development should contribute to the local landscape character and maximise opportunities for conserving, restoring and enhancing biodiversity.

- Policy SP16 Design – development proposals will be expected to create high quality durable places that are accessible, protect amenity whilst being well integrated with their surroundings by making efficient use of the land.
- Policy SP17 Managing Air Quality, Land and Water Resources - where feasible, the use of sustainable drainage systems and techniques are required to reduce flood risk and promote groundwater recharge. Previously developed land will be prioritised for development within towns, subject to risk based sequential/exception tests as necessary.
- Policy SP18 Renewable and Low Carbon Energy – all new development will demonstrate that all levels of the energy hierarchy have been considered, taking into account the nature, scale and location of development, with measure to be subject to feasibility and viability.
- Policy SP20 Generic Development Management Issues – sets out a number of generic development control considerations including amenity and safety, character, contamination, and access, parking and servicing.

Emerging

The Council are currently working on their Local Plan Sites Document and Policies Map which will allocate land for new housing, employment and retail. Within these documents, the site is allocated for mixed use (Class A1 and Class D1).

The Planning Committee held a special meeting on 11 October 2017 to consider the allocation of specific site to meet development requirements up to 2027 and recommendations taken to Full Council on 12 October 2017. This was agreed upon and public consultation will commence before the submission for Examination in the early part of 2018.

Planning Considerations

The format of BP's proposals are not unusual in the context of modern PFS facilities both nationwide and within Ryedale. Modern PFS facilities of the type proposed are regularly operated by mainstream operators such as Shell, Texaco, and Esso within the wider locality and across the UK.

Principle of Development

The Council have accepted the suitability of Use Classes A, B and D on the site which is reflected in its mixed use allocation within emerging policy.

The site has been cleared of the former clothing outlet and can be considered previously used land within the built-up area boundary of the town. The redevelopment of the site is approved by both adopted and emerging policies and will allow for the modern needs of motorists to be met within the local area, whilst contributing to local employment and the economy.

Design

Our client is committed to ensuring that the redevelopment provides a friendly, welcoming and visually appealing environment. The development proposed will make an efficient use of brownfield land that is currently vacant, while also integrating it within the local surroundings (Policy SP 16) as shown on the enclosed drawings.

The sales building displays a flat roof and provides a glazed front elevation. The former is considered to provide a soft architectural approach with the latter conveying a light appearance, at the same time, further facilitating views of the activities taking place within the sales building – which together with the building's external appearance – creates visual interest that respects the local character of the area (Policies SP16 and SP20).

The sales building's architectural treatment adopts a modern appearance to ensure consistency with the new canopy.

The new sales building and car parking spaces are a sufficient distance away from neighbouring properties and screened by new timber and rail fencing, and will not have an adverse impact on the amenities of any nearby properties (Policy SP20). The new servicing areas will be screened by a new 1.8 m fence to the rear of the sales building (Policy SP20). For further details, please refer to the Proposed Servicing Plan enclosed.

The retained and enhanced boundary treatments along with good lighting and plant design will provide a high degree of control to restrict any boundary spillage of light and eliminate potential nuisance to neighbouring uses. The dense hedging located just outside the western boundary provides good screening to the neighbouring bungalow, and the proposed layout limits servicing activity to the western corner of the site, behind appropriate screening to ensure no detrimental impact on amenity.

In these terms, it is considered that the development would maintain and improve the quality of the environment, providing a high standard of design, thus there should be no objection in design terms.

Highways

The allocation of 40 no. car parking spaces (4 no. disabled and 4 no. parent and child) and a new pedestrian walkway through the site will allow for safe servicing and circulation (Policy SP 10). The location of the delivery bay and bin storage offers a safe location for goods to be received and site to be maintained away from the main forecourt (Policy SP 20). The sites ingress/egress will be the retained, from Welham Road, however, its access will be improved to accommodate large HGVs (fuel tankers) safely. There are no highways, transport or traffic related reasons to preclude planning permission from being permitted.

Environmental

In terms of flooding the site is entirely within flood zone 3a. However, PFS are considered as *'Less Vulnerable'* (buildings used for shops, financial, professional and other services etc.) under the NPPF. Less vulnerable proposal, located within zone 3a are considered appropriate, subject to the other criteria of the Flood Risk Assessment being met (e.g. not increasing flooding elsewhere, dealing with development run off, protecting ground water sources).

Nevertheless, the design takes into account the flood zone by raising the building above the likely maximum floodwater level and provides a pedestrian route off site to a lower risk area (Policy SP 17). There will be a net benefit to the local area in terms of flood water storage and therefore the proposal is acceptable in flood and SUDs terms. For further details please refer to the flood risk assessment enclosed by Mark Heeley.

In terms of sustainability the building fabric is constructed using insulated cladding panels that achieve an A+ rating in the Green Guide and also provide a high insulation value. These, together with LED lighting throughout and a CO2 based HVAC system enable the building to exceed the requirements of Part L of the Building Regulations on Energy use and carbon emissions. The CO2 based HVAC system provides both air conditioning and heating when appropriate and the CO2 refrigerant has a low Global Warming Potential (=1). BP is committed to providing a sustainable development that is inline with and even above current standards. Furthermore, energy and water usage is monitored by third parties enabling communication with the site staff about potential savings and awareness. External lights are controlled by a daylight sensor. Taps in the customer toilets are sensor operated, managing water usage and the lights in the customer toilets are PIR controlled. The proposal is therefore acceptable from a sustainability perspective

The introduction of a petrol interceptor and underground fuel storage tanks is entirely appropriate to the PFS and is considered to improve the associated environmental qualities. BP considers that correctly design, built, maintained and operated below ground fuel systems provide the most effective solution for the protection of the environment and the safety of people (Policy SP20). For further details, please refer to the feasibility assessment/fuel specification documents enclosed.

The Preliminary Environmental Report, prepared by Structural Soils Limited, identifies potential incidences of contamination relating to the site's previous operations and further testing and site investigation is therefore recommended.

Finally, the proposal will result in visual and soft landscaping enhancements to a currently unsightly vacant site to the benefit of the surrounding environs, including the adjacent Norton Conservation Area. This principally arises from the promotion of modern and architecturally consistent buildings/structures (Policies SP12, SP13, SP14, SP16, SP20).

Summary

The NPPF requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As is demonstrated above, the site complies with current planning policies.

The site is previously developed land and is not allocated under adopted planning policy. Within emerging planning policy, the site is being identified as a mixed use allocation which is reflective of the site's previous planning history where the principles of Use Classes A, B and D have already been established on the site.

The new proposed PFS will not only enhance PFS provision within the local area to meet the modern needs and expectations of motorists, but shall also contribute to the local economy and employment.

As demonstrated in the supporting documentation submitted as part of this application, the proposed development has taken consideration of the design, highways and environmental policies to deliver significant visual enhancements to a vacant site, whilst continuing to preserve local amenity and highway arrangements. On this basis, we request that planning permission is granted pursuant to this application.

We look forward to receiving confirmation of receipt and registration of the application, however, in the meantime if you require any further information or have any queries in respect of the submitted documentation, please contact me.

Yours faithfully,



M.L.Birch (Oct 13, 2017)

Michael Birch
BSc (Hons)
Planner
Town Planning
07964 558708

DESIGN AND ACCESS STATEMENT

Petrol Filling Station Development, Land Off Welham road, Malton, YO17 9DP

13th October 2017

The design and access requirements of the site have evolved from an appraisal of the site's context and its influence on Welham Road and surrounding uses. In accordance with the requirement to formally state how design and access issues have been considered (under section 62 of the Planning Compulsory Purchase Act 2004), this document addresses the design principles and concepts that have been applied to this development in relation to the location, use, layout, scale appearance and landscaping in relation to the site's context.

Location

The sites location, within the Malton/Norton urban area, ensures that it is accessible by motorists. The location of the proposed PFS just south of the River Derwent and Malton town centre confirms the new PFS will provide an accessible, high quality and convenient service required by motorists. It is located in an area with existing employment retail uses and residential properties

Use

The last known use of the site was for Use Class B associated with Malton clothing which has since been demolished. From review of the planning history both retail and community uses have since been permitted on the site.

By virtue of the nature of PFS, the need for them to be conveniently placed within the local area is vital. Sites must be functional, safe and readily accessible by motorists. The landscaping on the site's boundaries will continue to ensure that there is an adequate buffer between the site and the uses beyond.

Layout

The proposed layout of the site with allocated 40 parking spaces, pedestrian walkways and separate air and water bays will allow for servicing and circulation of a safe and high standard. The location of the delivery bay and bin storage/collection away from the main forecourt further improve vehicular and pedestrian safety and circulation.

In this respect, it maximises the use of the previously developed land in a way that is proportionate with the surrounding environment. The layout is efficient and introduces a tidy appearance to the site which has been vacant for some years.

Scale

The amount of development proposed is appropriate for the site. The forecourt sales building is considered appropriate for a PFS. The proposed floor space in the sales building will not have a detrimental impact on the vitality and viability of surrounding town centres in Malton/Norton. Its location is the most appropriate in design layout terms, and allows for accessible and convenient access and use, and is of no more prominence than previous On the site and approved retail/community use scheme, to respect the existing townscape

Appearance

The design of the sales building reflects a modern PFS style which offers a clean and appropriate appearance. The site's appearance is guided by the nature and requirement of a safe and functional PFS. Our client's intention is that the design creates a clean and welcoming environment which is attractive to all customers.

The building will be white clad with black skirt finish at the base, which is all suited and appropriate for this commercial use. The shopfront will be aluminium framed and glazed, to include an electric sliding door facility.

Access

The development proposal will provide a new access from Welham Road. The proposed access and internal circulation is the most efficient and safest way to operate the site, it reflects the need and use of the forecourt while also reflecting the road system from which the site is accessed off.

For operational and design reasons, the forecourt will be level, with level access provided to the shop. The development is therefore provided with an access that meets the needs of all customers. The proposed access arrangements are suitable for tanker deliveries, and the entrance to the shop faces towards the forecourt, providing clear legibility across the PFS site.

Landscape

The quantum of landscaping will be improved where possible as part of the proposals via soft and hard landscaping initiatives.

NORTON-ON-DERWENT TOWN COUNCIL

Town Clerk: Mrs R.Tierney

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



3rd April 2018

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

Dear Sir,

PLANNING APPLICATIONS NORTON-ON-DERWENT

Further to revisions to the planning application for the Petrol Filling Station we would comment as previous below:-

17/01249/FUL

Erection of petrol filling station with forecourt shop sales building, canopy, car parking, 3no. fuel pumps, below ground offset fills, air/water bay, trolley compound, goods in delivery bay, bin storage, site floodlighting, and ancillary arrangements to forecourt and boundary.

5 Welham Road, Norton

For: BP Forward Planning

RESOLVED Recommend refusal;

Inappropriate development for the following reasons;

- 1) In relatively close proximity to private dwellings to St Nicholas Street, Welham Road and Springfield Garth, which could be subject to increased noise and light from the shop and site, early mornings / late evenings.
- 2) The site is part of the floodplain and therefore the proposed use is in direct conflict with the floodplain as any fuel/water mix, leakage or seepage is potentially hazardous.
- 3) The provision of a new filling station would be better sited on the edge of town on an arterial route, rather than at the centre; the site is already close to traffic pinch points and the problematic Lidl, St Nicholas Street junctions and the already contentious Church Street, Welham Road, level crossing junction.

We would also make a further comment;

- 4) Any changes to the Welham Road layout to facilitate ease of access to the subject site, which would result in the loss of car parking to Welham Road would not be supported. Norton has lost significant amounts of residential car parking over the past few years and we would not want to see more car parking removed.

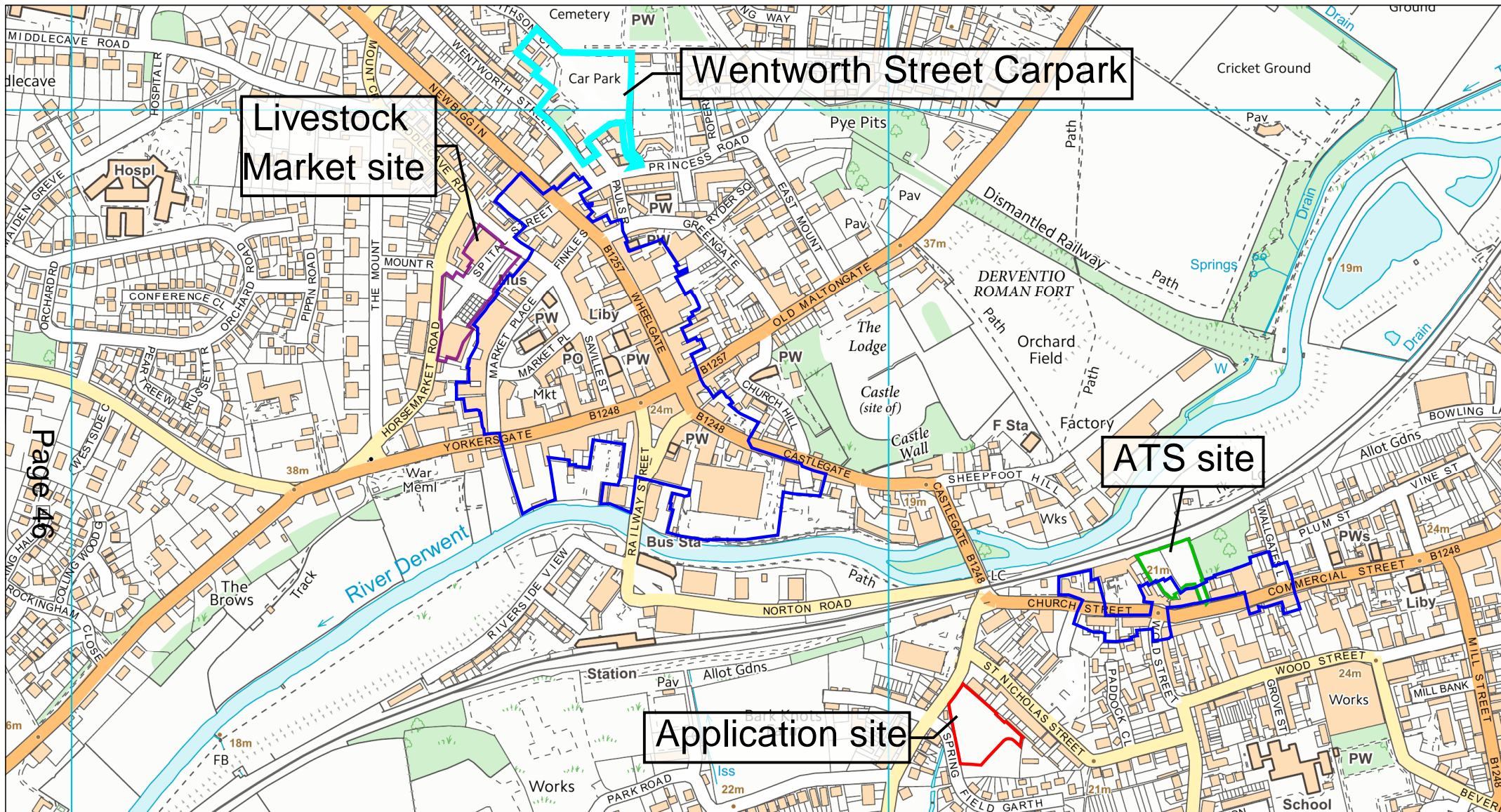
Yours sincerely,

Ros Tierney
Town Clerk






E. Mail: norton.tc@btconnect.com

17/01249/FUL	BP Forward Planning 5 Welham Road, Norton	Erection of petrol filling station with forecourt shop sales building, canopy, car parking, 3 no fuel pumps, below ground offset fills, air/water bay, trolley compound, goods in delivery bay, bin storage, site floodlighting and ancillary arrangements to forecourt and boundary.	<p><u>REFUSAL</u> Due to the following reasons</p> <ol style="list-style-type: none"> 1. Close proximity to residential properties 2. Increased noise early morning and late evening. 3. A proposed edge of town arterial route would be a more suitable location 4. Changes to Welham Road layout would incur loss of car parking spaces
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Alternative sites



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

- | | | | |
|---|--------------------------|---|-------------------------------------|
|  | Application site |  | Livestock Market site |
|  | ATS site |  | Town Centre Commercial Limits (SP1) |
|  | Wentworth Street Carpark | | |

Scale: 1:6500



Item Number: 7
Application No: 17/00685/MFUL
Parish: Weaverthorpe Parish Council
Appn. Type: Full Application Major
Applicant: Vellco Tyre Control
Proposal: Erection of 2no. industrial units (Use Class B8) for tyre storage together with formation of a landscaped buffer to the northern, eastern and southern boundaries, additional parking spaces and cycle parking.
Location: Vellco Industrial Park Ropery Lane Weaverthorpe Malton North Yorkshire

Registration Date: 6 June 2017
8/13 Wk Expiry Date: 5 September 2017
Overall Expiry Date: 6 August 2018
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Parish Council	Object
Environmental Health Officer	No objection recommend conditions
Highways North Yorkshire	Recommend conditions
Lead Local Flood Authority	Recommend conditions
North Yorkshire Fire & Rescue Service	No objection
Countryside Officer	Comments
Archaeology Section	No objection
Sustainable Places Team (Environment-Agency Yorkshire Area)	Recommendations
Neighbouring Parish Council	Concerns
Building Conservation Officer	Objection

Neighbour responses: Jacqueline Taylor, Tracy Chapman, Penny & Jeff House, Maria Fusco & Andy Brown, Miss Kirsty Steele & Mr James Bedson, Trevor & Susan Thompson, Dr Peter Wilson, Jeff & Penny House, Ted & Silvia Johnson, Mrs Rebecca Sails, Cheryl Wilson, Stephen Milner, Tracy Chapman, Phillip Woodall & Sarah Thorsby, Mrs Rachel Fletcher, Mr Adam Davies, Maureen & John Lake, Trevor & Sue Thomson, Mr David Raine, Mrs Vicki Rowland, P Potter, Ms Patricia Lake, Andy & Julie Thompson, Stuart & Lora Lane, Jacki Hildreth, Karyn Harper, Sally Hudson,

SITE:

The application site comprises 3.4 hectares of land to the south of Main Street Weaverthorpe, which is accessed from Ropery Lane via a bridge over the Gypsy Race. The site comprises an existing tyre storage and distribution business, Vellco Tyres. The existing business and hardstanding areas comprise an area of approximately 1.7 hectares, with vacant land of approximately a similar size (1.7hectares) to the eastern side which is proposed to form the expansion area for the business which is central to this application. The site at present is derelict and partly cleared, and contains a group of mature planting in its centre.

The application site measures 217 metres by 170 metres at its greatest, with the area of proposed expansion approximately measuring 100 metres by 170 metres. A significant part of the application site is within the village's development limit, which mainly comprises the existing buildings and

hardstanding areas. A small part of the proposed expansion area to the south of Rarey Farm (Main Street) is also within the Village development limit. The area is washed over by the Yorkshire Wolds Area of High Landscape Value designation. The current buildings and operations (confined to the area already developed) is a designated industrial/business area. However, the majority of the site for the proposed expansion on this application is not designated for industrial/business use, as such it is located within the open countryside.

Weaverthorpe is a Wolds village characterised by its linear form and the Gypsy Race running to the southern side of it's main road through the village (in an east- west direction). As a result of its close proximity to the Gypsy Race, a large part of the application site is located within flood zone 3.

Rarey Farm which adjoins the site to the northern side is a Grade 2 listed Building. Beyond the site the other listed buildings in Weaverthorpe are; Church of St Andrews – Grade 1 listed, which is located on rising land immediately to the north of the village along with an effigy at the same Church which is a designated Grade 2 listed structure.

PROPOSAL:

Planning permission is sought for the erection of 2no. Industrial units (Use Class B8) for tyre storage together with the formation of a landscaped buffer to the northern, eastern and southern boundaries, additional parking spaces and cycle parking.

The proposed development features a rectangular shaped building immediately to the east of the existing buildings and a 'U' shaped building along the northern western and southern boundaries.

The 'U' shaped building will have width of 20.5 metres and measure 77 metres along the northern boundary, 80 metres along the southern boundary and extend 130 metres along the eastern boundary. It will measure 14.8 metres to the eaves height and 7.1 metres to the mono pitched roof height.

The rectangular shaped building will have a footprint of 40 metres by 49 metres and a maximum height of 8.9 metres.

The buildings are proposed to be constructed of profiled metal cladding.

The following information has been submitted in support of the application and can be viewed online:

- Design and Access Statement
- Ecology Assessment
- Archaeological Assessment
- Tree Survey
- Flood Risk Assessment
- Noise Assessment
- Transport Assessment
- Heritage Statement
- Planning Statement

HISTORY:

Relevant planning history for the application site includes:

2015 – Planning permission granted for alterations to existing vehicular access, demolition of existing dwelling and erection of 3 No. four bedroom dwellings, 2 No. three bedroom dwellings and 3 No. two bedroom dwellings, to include a replacement dwelling and associated garages, parking spaces and amenity areas together with use of land to the south as a paddock area (land South of Rarey Farm).

2011: Planning permission granted for the erection of a building to provide weighbridge office and drivers restroom to replace existing building.

1995: Planning permission granted for the erection of entrance lobby together with external and internal alterations to form offices.

1995: Erection of a replacement office entrance lobby, reception, waiting area and kitchen.

1994 – Listed Building Consent refused for demolition of farmhouse stables to facilitate the erection of 17 dwellings. Refused 11.5.95. Appeal Dismissed 17.1.96 (Rarey Farm)

1994 – Planning permission refused for demolition of farmhouse stables and erection of 17 dwellings together with associated access and roadworks. Refused 19.05.95. Appeal Dismissed 17.1.96 (Rarey Farm)

1993: Planning permission granted for the change of use of part of stores/packing building to house enamelling plant.

1991 – Planning permission refused for the erection of a bungalow with integral garage at land adjoining Rarey Farm Main Road Weaverthorpe

1990 – Outline planning permission approved for the erection of 7 dwellings and garages and construction of access road at land adjoining Rarey Farm Main Road Weaverthorpe

1990 – Planning permission granted for the erection of two new dwellings garages and change of use and alteration of barns to form two dwellings and barns adjoining Rarey Farm Main Road Weaverthorpe

1986: Planning permission granted for the erection of portakabin office accommodation.

1978: Planning permission granted for the construction of an extension to existing warehouse.

POLICY:

Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that application should be considered against the adopted Development Plan unless there are other material planning considerations that indicate otherwise.

The relevant policies within the Development Plan in regard to this application are considered to be:

Policy SP1 – General Location of Development and Settlement Hierarchy

Policy SP6 – Delivery and Distribution of Employment Land & Premises

Policy SP9 – The Land-based and Rural Economy

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP17 – Managing Air Quality, Land and Water Resources

Policy SP19 – Presumption in favour of Sustainable Development

Policy SP20 – Generic Development Management Issues

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

The ‘saved development limits’ of the Ryedale Local Plan 2002.

In addition, the proposed development should also be considered against the following national policy:

National Planning Policy Framework (NPPF) 2012

National Planning Policy Practice (NPPG) 2014

APPRAISAL:

The main considerations in relation to this application are:

- The principle of expanding the existing business onto this application site;
- The siting, scale and design of the proposed extensions;
- Whether the proposed development will have an adverse effect upon the amenity of the occupiers of surrounding properties;
- The impact of the proposed development upon the local road network and highway safety matters;
- The impact of the proposed development upon the surrounding area;
- The impact of the proposal upon the setting of nearby heritage assets;
- Flood risk and Drainage;
- Archaeology;
- Ecology and biodiversity;
- The impact upon existing trees and landscaping implications;
- Developer contributions; and,
- Other issues.

The application was originally validated in June 2017. There has been significant Officer concerns with the proposal, together with objections from Environmental Health Specialists and the Highway Authority. There have been two revisions to this scheme, which have all been the subject of re-consultation with interested parties that has taken place. The applicants were invited to withdraw their application and re-submit an amended scheme, however they chose the continue with this proposal and request extensions of time. Officers have continued to try and engage with the applicant to establish if there is a possible solution to all areas of concerns/objections.

The application is a 'Major' application and in that respect has to be determined by Planning Committee. The proposal seeks significant expansion to a tyre storage and distribution business, Vellco Tyres.

A full appraisal of this application and recommendation to Members will follow on the late pages.

RECOMMENDATION:

To Follow

VALID
SCALE 1:1



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Scale	Boundary conditions	1:100 (P)
Scale	Development boundary	1:500 (P)
Scale	Site boundary	1:1000 (P)
Scale	Site boundary	1:1000 (P)

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PLANNING

PROJECT: BELLEFLORE CENTRAL
ROPERV LANE
MANCHESTER

TITLE: EXISTING PLAN & SITE BOUNDARIES

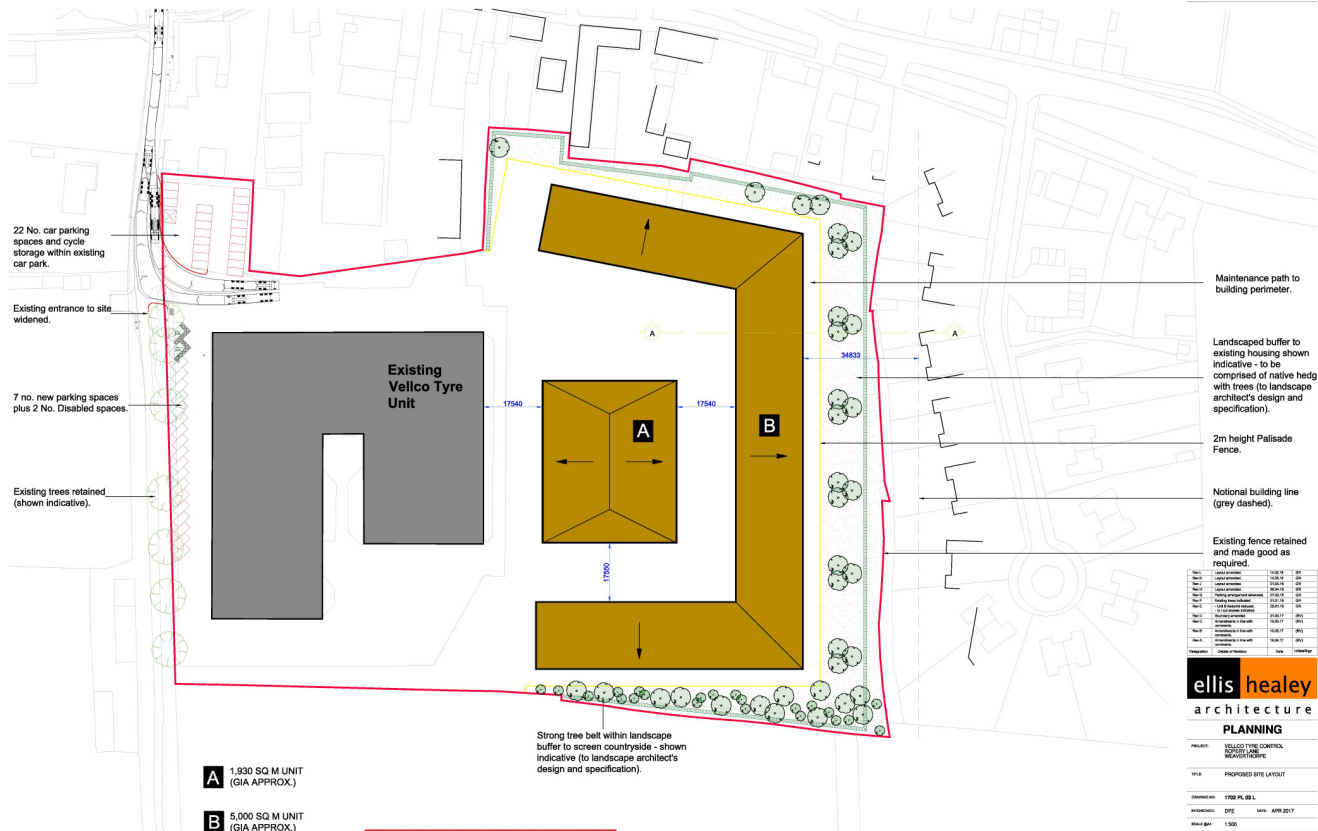
DATE: 17/02/2017

SCALE: 1:500 or 1:1000 @ A3

1/2017



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 10/17/17



A 1,930 SQ M UNIT
(GIA APPROX.)

B 5,000 SQ M UNIT
(GIA APPROX.)

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NO.	DESCRIPTION	DATE	BY
1	Issue for Planning	10/17/17	EH
2	Issue for Planning	10/17/17	EH
3	Issue for Planning	10/17/17	EH
4	Issue for Planning	10/17/17	EH
5	Issue for Planning	10/17/17	EH
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50	Issue for Planning	10/17/17	EH

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PLANNING

PROJECT: VELLOCO TYRE CENTRAL
ROBERT LANE
RYEDALE

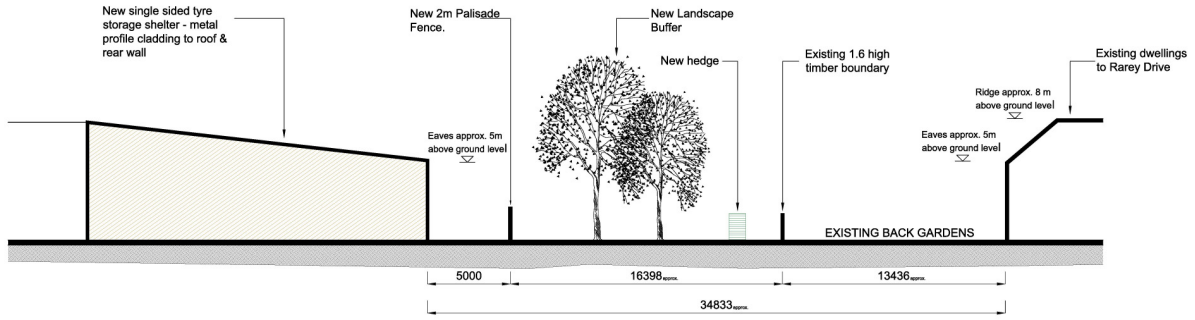
TYPE: PROPOSED SITE LAYOUT

DATE: 17/10/17

SCALE: 1:500

17/10/17

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 10/2016



SKETCH SECTION THROUGH SITE
 BOUNDARY TO RAREY DRIVE

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Rev 1	Issue for planning	16/01/16	EH
Rev 2	100% final design	20/01/16	EH
Rev 3	Final design for construction	20/01/16	EH
Rev 4	Final design for construction	20/01/16	EH
Rev 5	Final design for construction	20/01/16	EH
Rev 6	Final design for construction	20/01/16	EH
Rev 7	Final design for construction	20/01/16	EH
Rev 8	Final design for construction	20/01/16	EH
Rev 9	Final design for construction	20/01/16	EH
Rev 10	Final design for construction	20/01/16	EH

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 PLANNING

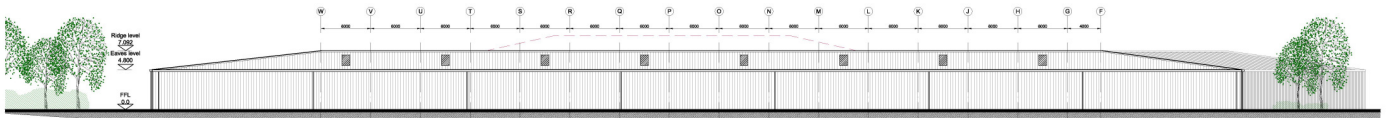
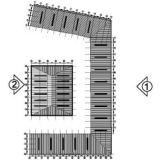
PROJECT: RYEDALE DISTRICT COUNCIL
 RYEDALE TOWN CENTRE
 REDEVELOPMENT

TYPE: PROPOSED SITE SECTION

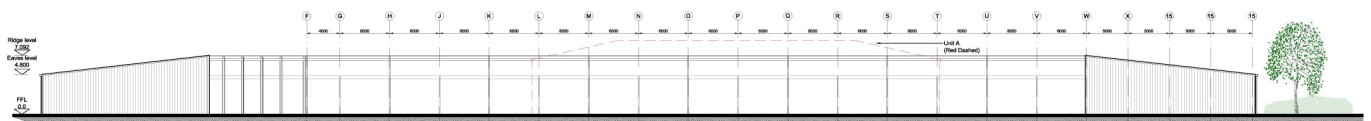
DATE: 17/01/16
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 CHECKED BY: EH
 SCALE: 1:500

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ELEVATION 1



ELEVATION 2

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Rev. 1	Client/Owner	14/06/16	DA
Rev. 2	Client/Owner/Architect	08/07/16	DA
Rev. 3	Architect/Client/Owner	05/07/17	PH
Rev. 4	Architect/Client/Owner/DA	10/01/17	PH
Rev. 5	Architect/Client/Owner/DA	10/01/17	PH
Rev. 6	Architect/Client/Owner/DA	10/01/17	PH

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 PLANNING

PROJECT: RYEDALE TOWN CENTRAL
 MARKET PLACE

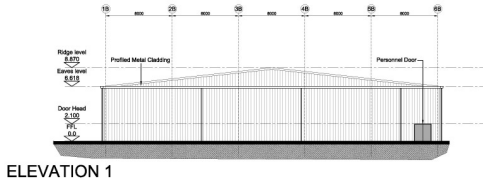
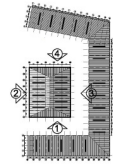
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DATE: 17/02/16
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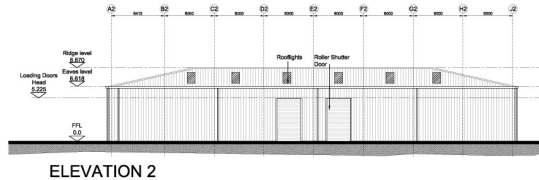
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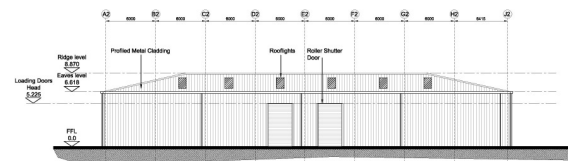
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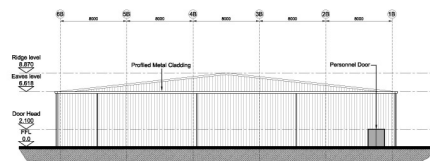
ELEVATION 1



ELEVATION 2



ELEVATION 3

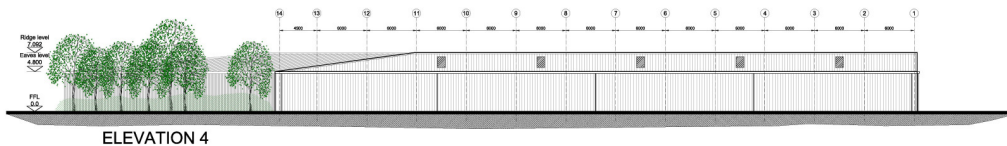


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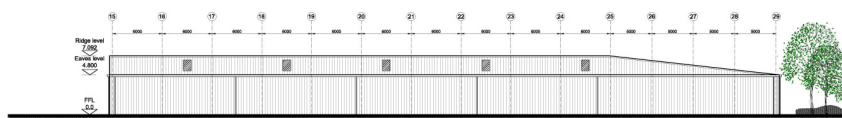
Rev 1	Overall Design	14/01/16	JAH
Rev 2	Final Construction	24/01/17	JAH
Rev 3	Design Development	15/01/17	PH
Rev 4	Construction	15/01/17	PH
Rev 5	Final Construction	15/01/17	PH

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 PROJECT: RYEDALE DISTRICT COUNCIL
 ROBERTS ROAD
 BRAYDON
 WY4
 PROPOSED ELEVATIONS
 DATE:
 17/02/17
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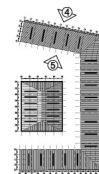
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ELEVATION 4



ELEVATION 5



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Rev	Issue/Comment	Issue No	Date
Rev 1	ISSUE FOR PERMIT	001	04/10/2017
Rev 2	ISSUE FOR PERMIT	002	04/10/2017

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 PLANNING

PROJECT: RYEDALE DISTRICT COUNCIL
 RYEDALE TOWN CENTRE
 REDEVELOPMENT

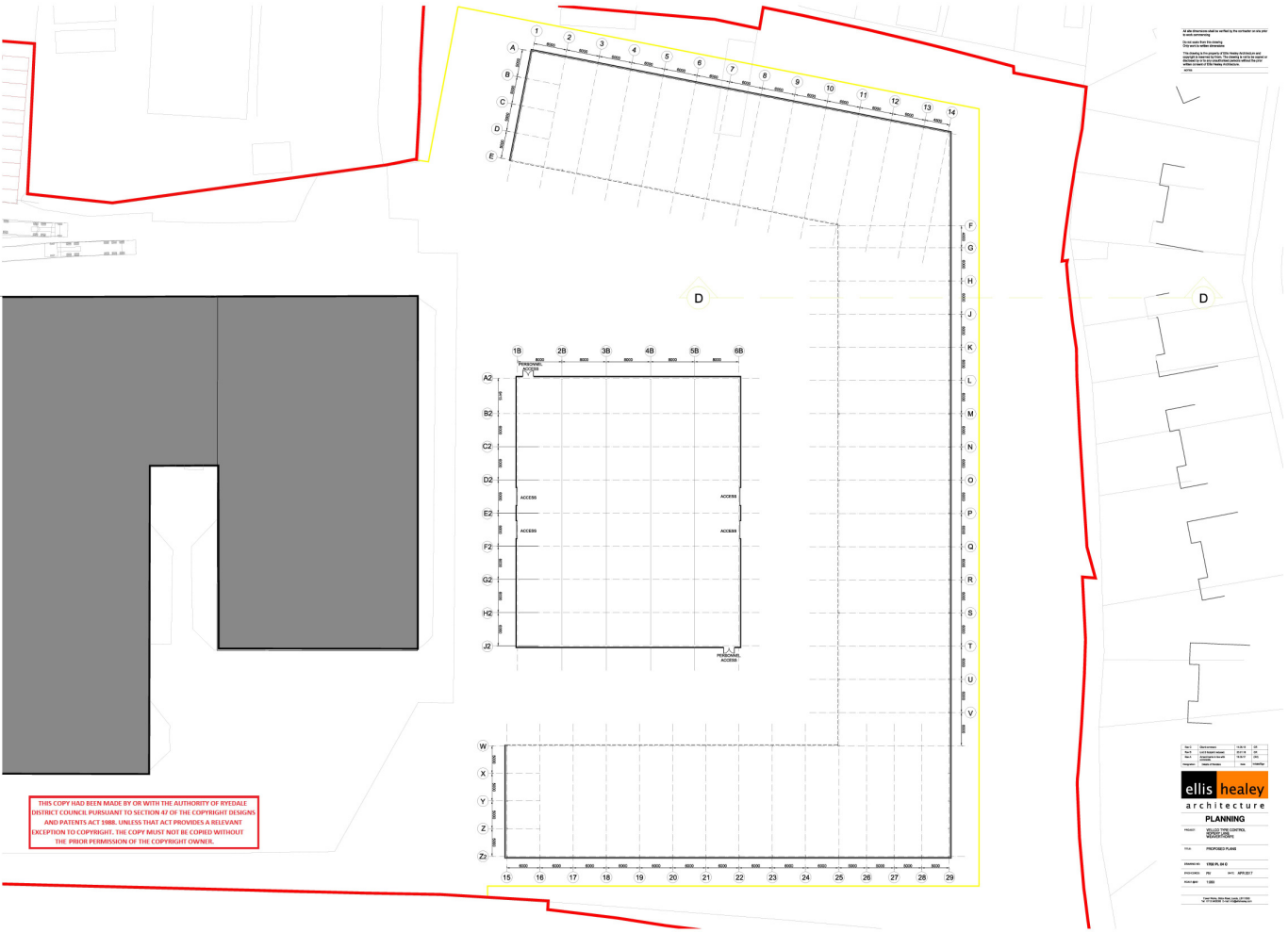
NO: 1702 PL 02 B

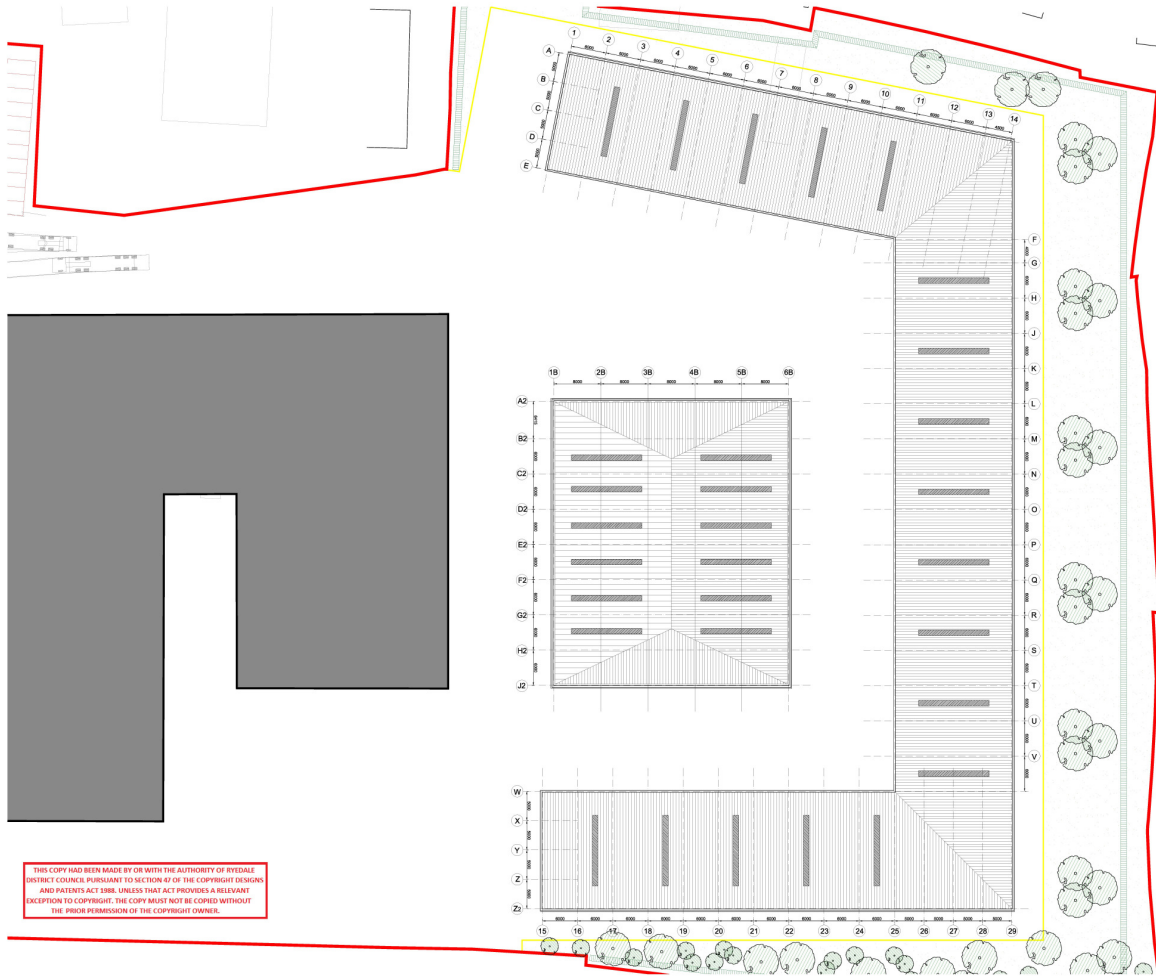
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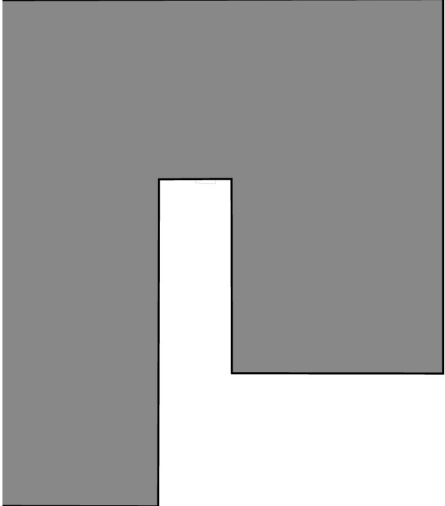
1702 PL 02 B
 04/10/2017

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Client:	RYSDALE DISTRICT COUNCIL
Project:	RYSDALE DISTRICT COUNCIL
Date:	15/05/2018
Author:	ELLIS HEALEY ARCHITECTURE
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Sheet:	01
Project No.:	1801
Project Name:	RYSDALE DISTRICT COUNCIL
Project Address:	RYSDALE DISTRICT COUNCIL

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DESIGN & ACCESS STATEMENT



- 1 Introduction
- 2 Site Location
- 3 Site Photographs
- 4 Site Context
- 5 Pre - Application Consultation
- 6 Proposal
- 7 Design
- 8 Highways
- 9 Summary

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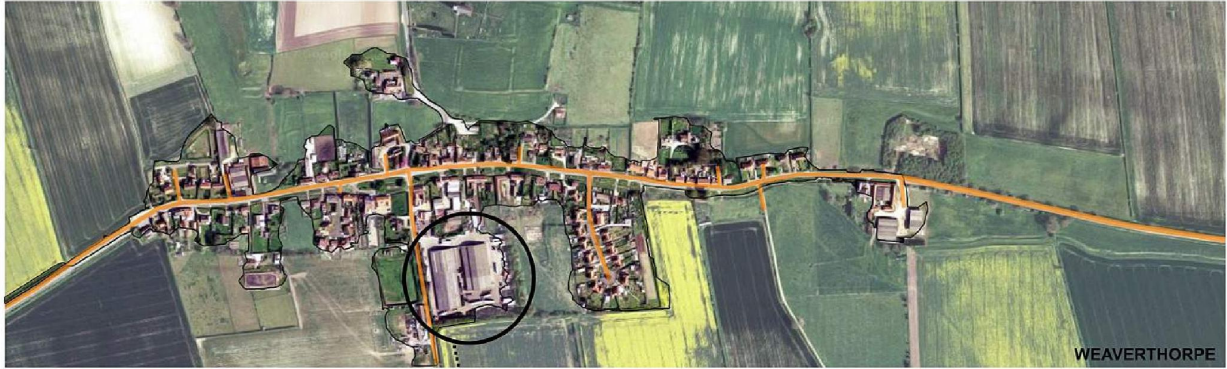


This Design and Access Statement has been prepared in support of a full planning application for the erection of two new tyre storage shelters on land adjacent to Vellco Tyre Control, Ropery Lane, Weaverthorpe.

The purpose of this document is to demonstrate that a detailed and comprehensive approach has been taken to the design and development of the proposal, particularly in relation to the immediate and wider context.

INTRODUCTION





SITE LOCATION





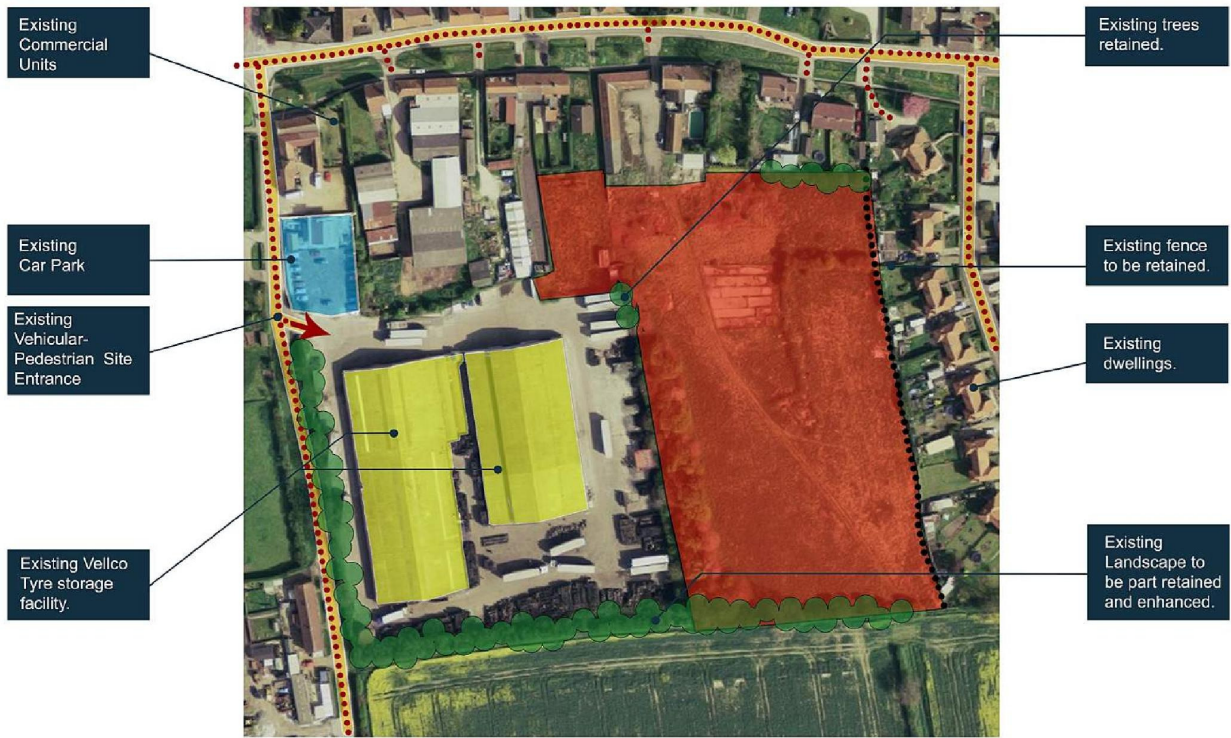
SITE PHOTOGRAPHS - EXISTING FACILITIES





SITE PHOTOGRAPHS - DEVELOPMENT SITE





SITE CONTEXT





Vellco Tyre Control Limited is an established local company that are looking to expand their business into the adjacent site. Vellco have sites throughout North Yorkshire with their main operations and headquarters located in Weaverthorpe. The current Vellco site at Weaverthorpe does not allow for tyres to be appropriately stored to allow for maximum efficiency of their operations therefore the site expansion will allow for an improved layout and increased efficiency.

Prior to purchasing the site Vellco contacted Ryedale District Council Planning Officer Rachel Smith to discuss the proposed expansion as Rachel had previously considered a residential planning application on the application site, known as Land Rear of Rarey Farm. Despite part of the site being outside the development limits, Rachel indicated support for the principle of the extension as it would allow an established employment use to be retained in the district.

Further pre-application engagement took place with Gary Housden (Head of Planning and Housing) who advised a public consultation event be held and highlighted the key issues as being residential amenity and highways implications.

A public consultation event was held when the proposals were presented to the Weaverthorpe Parish Council meeting in March. Approximately 30 people attended the event when the plans were generally well-received. Full details of the public consultation event are contained within the Planning Statement.

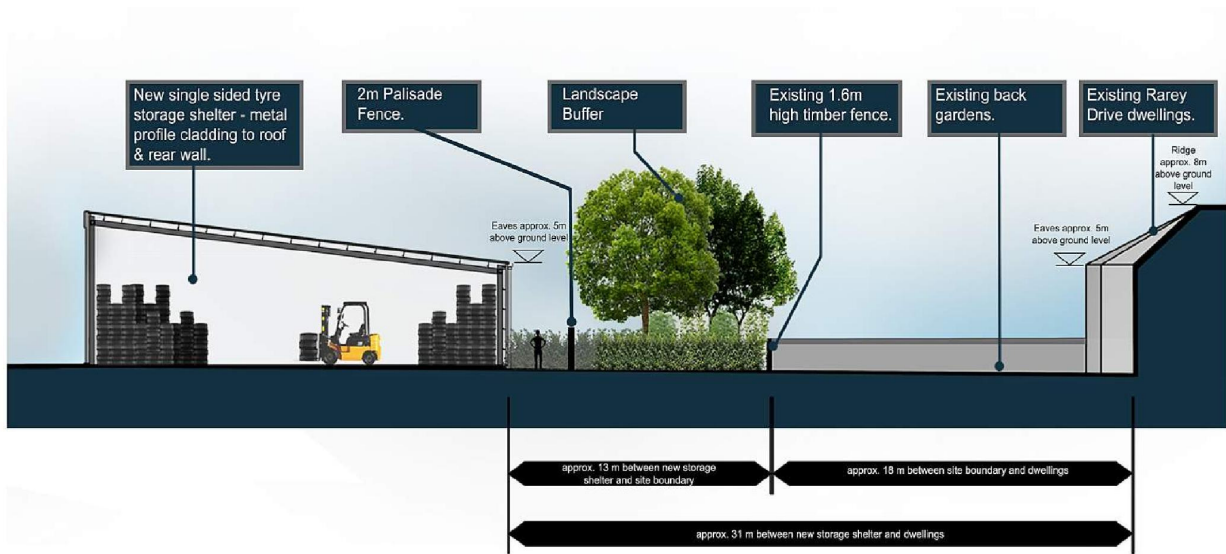
PRE - APPLICATION CONSULTATION





PROPOSAL



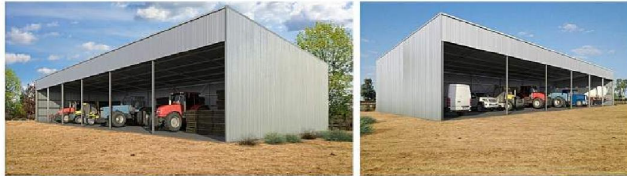


PROPOSAL





Typical Single Sided Storage Shelters



DESIGN

The new storage shelters will be situated on the land between the existing Vellco Tyre Control units and adjacent residential area.

The shelters are carefully designed to integrate within their surrounding context and ensure that the building fabric meets the latest building regulations.

The central shelter, Unit A, will match the scale and proportion of the existing storage units present on the site, and similarly have a pitched roof comprised of metal profile cladding.

The surrounding storage shelter, Unit B, will be mono-pitched – decreasing in size where nearer the existing residential area.

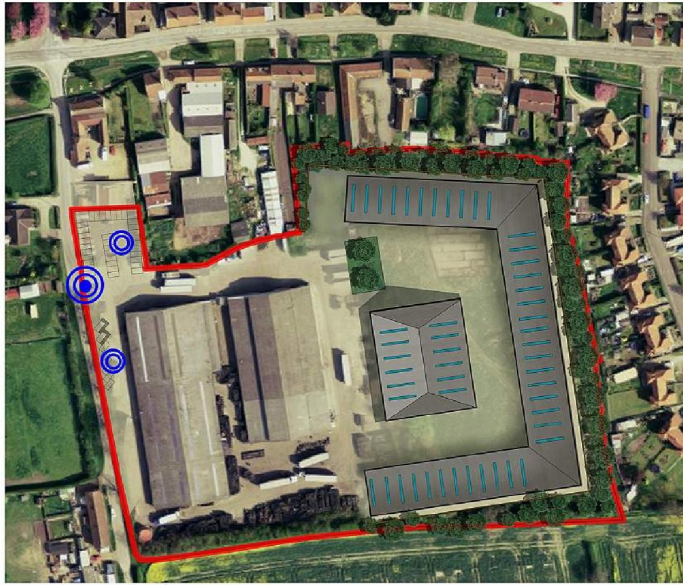
A separating distance of 30m between the new storage shelter (Unit B) and existing dwellings will ensure that the proposed development will be suitably set-back from the residential area.

In addition to this, a new high quality landscape scheme will set a buffer zone, comprised of suitable trees/planting, to screen the proposed storage units from view, and also significantly limit any possible noise.

Existing access to the site is retained. Additional car parking will be provided by expanding the existing car park, which will incorporate additional disabled parking and bicycle storage.

The construction process will be carefully managed to minimise the environmental impact of its operations and reduce possible pollution of soil, water and air.

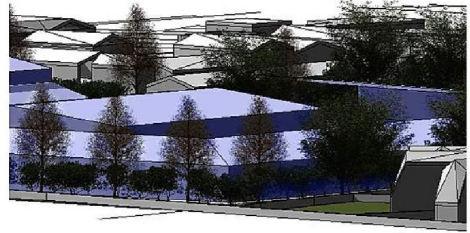




- The planning application is supported by a Transport Statement which details the key areas of access arrangements, car parking, internal layout, personal injury accident data and trip generation;
- Access will be taken through an extension to the existing access roads within the Vellco site;
- Car parking on site will be reconfigured and increased in order to accommodate the proposed increase in staff levels;
- Appropriate cycle parking will be provided to promote sustainable alternatives to the private car;
- The internal layout has been designed to safely accommodate the largest expected vehicles and emergency access;
- An assessment of personal injury accident records has been undertaken for the local highway network;
- The level of trip generation has been estimated using existing HGV traffic flow records as set out within the Transport Statement.

HIGHWAYS





Based on the information provided in this Design and Access Statement, the proposed new storage shelters will not have a detrimental effect on the adjacent residential area.

As has been demonstrated, the scale, form and orientation of the proposed storage units have been carefully considered to ensure that the development does not have any detrimental effect on the existing housing, or quality of the adjacent areas.

SUMMARY



**Weaverthorpe Parish Council
c/o Boltby Cottage
Main Road
Weaverthorpe
North Yorkshire
YO17 8EY**

6th July 2018

Mr A Hunter
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

Dear Mr Hunter,

Planning Application No. 17/00685/MFUL

Following a public meeting with the Vellco consultants on Thursday 28th June 2018, Weaverthorpe Parish Council still have the following issues regarding the latest of the three submissions that have been made by the applicant. These issues are not listed in order of importance but still need to be addressed:

Arrival of HGVs out of hours: The consultants say that the company has made an effort to stop vehicles arriving out of hours, but since we last discussed it with them there have been many instances of HGVs arriving when the facility is shut.

Movement of HGVs out of hours: The discussion that took place with members of the community quoted instances of Vellco operated HGVs leaving the site from 04:00 onwards, even though the applicant states they operate from 08:00. On the day the meeting took place a tannoy announcement had been made from the facility at 04:15 and an HGV left the facility at 04:20. This is viewed as anti social behaviour on the part of the applicant and they need to demonstrate that they are serious in managing this problem which is having a detrimental effect on their neighbours. These neighbours are not only disturbed by tannoy announcements at unsocial times, HGV engines running early in the morning but also by spotlights shining into their bedrooms.

Tree Survey: On the original plan there were two Ash Trees which were to form part of the landscaping of the site. The consultants confirmed at the meeting that these trees were no longer part of the landscaping of the site and will be felled. The habitat survey undertaken mentioned these trees as an important habitat for bats, as indeed the RDC Countryside Officer stated and noted that these trees were to be retained.

In our previous letter we also mentioned an area of trees that is 110 metres by 10 metres which are described in the habitat survey as mature woodland. The consultants also confirmed that all of these trees will be felled. RDC's Countryside Officer noted in his comments that removal of these trees would result in a net loss of biodiversity in the area which is covered in Policy SP14 of the Ryedale Local Plan in stating that RDC will resist development proposals that would result in a significant loss or harm to biodiversity in Ryedale.

The Countryside Officer also stated in his comments that removal of the 1100 square metres of established plantation would be noticeable from Main Street, Weaverthorpe. This contravenes Policy SP13 Landscape which states that "development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of.....natural features (including woodland)."

Traffic Survey: The traffic survey undertaken by the residents in June and July 2017 recorded 30 HGV movements per day. The consultants in their second submission in March 2018 quoted an increase to 29 movements per day following expansion. We questioned these figures again at our meeting and the consultants now say that their estimate of HGV movements after the expansion will be 59 per day. This information was not imparted with the current revisions and led to a discussion where the residents stated that there was mistrust between

the applicant and themselves. If the facility is allowed to operate for 12 hours per day, as has been suggested by RDC's Environmental Officer, this will equate to 5 movements per hour. However if the site operates as it does currently between 08:00 and 17:00 this will equate to 6.6 movements per hour. In their comments on a previous revision to the application NYCC Highways said that 5.2 movements per hour would mean that "the public highway leading to the site is of insufficient width to accommodate the increase in heavy traffic, without serious damage to the carriageway, footway and verges of the highway and the consequences of such activities giving rise to conditions likely to be prejudicial to highway safety and result in a net loss of amenity value."

Construction phase: The consultants were unable to give us any idea of what would take place in the construction phase, not even an estimate of how long the construction works will take. They confirmed that they expect the site to continue to operate during this phase. The community feels that with 1.75 hectares of concrete to be shipped into the site combined with the operational traffic, some consideration needs to be extended to the wider community so that we are not unduly inconvenienced during the construction.

Entrance and exiting the site: We have safety concerns over the proposals for HGVs exiting the site joining Ropery Lane from almost parallel to the road. The revised plans show two HGVs entering and exiting the site at right angles to Ropery Lane which is a lot safer, but the consultants stated that HGVs exiting the site will drive round the existing buildings and approach the exit from the south, indicating that the vehicles on the plan were incorrectly displayed. We still doubt that two HGVs could safely pass each other on Ropery Lane as the revised drawings depict. We were surprised by the consultant's statement that the exiting HGVs will drive north to the west of the existing building and leave the site in the same manner as suggested by the last application, relying on their mirrors to see if there are any other vehicles, pedestrians or equine traffic travelling north on Ropery Lane. We also find it difficult to see how the applicant will comply with the conditions set by highways that the entrance be placed six metres back from Ropery Lane.

Hours of Operation: We note from the comments from RDC's Environmental Health Officer that the recommended operational hours during the week will be from 07:00 to 19:00. Whilst we can understand the earlier start time, we would have thought that 18:00 would be a more suitable closing time. This is a rural location and continuing working with forklift trucks and HGVs until 19:00 is not consistent with village lifestyles particularly those with properties adjacent to the plant. In addition all vehicular traffic leaving the site has to pass a popular public house, that is vital to the local economy that may suffer from such activity into the early evening.

Outside storage of tyres: In their previous submission the consultants went to great lengths to explain how the Environment Agency's fire prevention rules had changed regarding the outside storage of tyres. The consultants were asked about this and they stated that after the expansion has taken place that no tyres would be stored outside. They also stated that if planning permission was granted they would accept it. If such a condition was placed on the planning approval.

For your information we enclose a copy of the minutes of the meeting that took place on 28th June 2018.

Yours sincerely

F Shellard
Chair – Weaverthorpe Parish Council

Notes of a meeting held on 28th June 2018 between Weaverthorpe Parish Council and the consultants representing Vellco regarding their Planning Application

Present: T Thomson, M Rowland, S Taylor, F Shellard (Chair), J House (Clerk)

Consultants A Windress, N Walker, R Hardy

There were approx. 14 members of the public present

Apologies: J Mason, A Milner, G Perry

The Chair opened the meeting by explaining that they were points that had been raised by the Parish Council and not addressed by the submission of three applications and that there was a need for the consultants to address these points.

1. The consultants commenced by explaining the latest revision to their plans which were:
Site access has been changed to incorporate a widening of the existing entrance to allow HGVs to enter and exit the site at the same place, this has NYCC highways approval.
The L shaped building has been moved to the west to allow a distance of 35 metres from the dwellings in Rarey Drive.
Clusters of trees instead of continuous planting of trees along the north and east boundaries.
The two new buildings are now closer to the existing buildings and have been reduced in size from 2000 sq m to 1930 and 5708 sq m to 5000 sq m.
2. **Out of Hours Arrivals of HGVs :** Vellco have issued terms and conditions to the companies that they deal with and are happy to have a condition attached to the planning application. It was clear from the feedback from the public that this is not happening and there have been many instances of HGVs arriving out of normal working hours. Examples were given of HGVs leaving the site as early as 4am on a regular basis and also a tannoy operating at these times. A discussion ensued on why the vehicles were leaving so early and could they not leave from one of the satellite depots or if their journey was lengthy, leave the night before. The Consultants agreed to take this back to Vellco and discuss it and it was emphasised by the Parish Council that Vellco need to show some concern for the community in this regard.
3. **Operating Hours of the Site/Out of Hours HGV Movements:** Vellco currently operate from 08.00 to 17.00 Monday to Friday and 08.00 to noon on Saturday. It has been recommended by RDC's Environmental Health Officer could be considered as 07.00 to 19.00 Monday to Friday and 08.00 to 13.00 on Saturday.
4. **Landscaping:** The Consultants informed the meeting that there would be copses of trees along the boundary so that it would still be possible to see the building through the gaps between these. A continuous hedge of 2m in height would be planted around the whole site. The maintenance strategy still has to be agreed, but could be a condition of the planning approval. Discussion took place about the boundary and the Consultants stated that they had gifted some land to the owners of Rarey Farm.
5. **Appearance of New Buildings:** The Consultants said that the buildings would be of metal with a profiled roof and the colours could be whatever was considered appropriate by the local

community. "Green roofs" were not an option. The materials will be a condition of the planning approval and the residents/Parish Council/RDC could specify the colour of the materials. There was a commitment by the Consultants that the residents and the Parish could see the materials before the work is commissioned. In reply to questions from residents the Consultant said that the building works would be completed before the landscaping and it is likely that semi mature trees will be used in the landscaping. The height of the buildings was confirmed as up to 8.8 metres in the centre of the site.

6. **Details of Construction Phase:** Conditions of the Planning Permission would include the hours of work for the construction and a Construction Management Plan being formulated. Operation of the existing facility will continue while the construction phase is in place. Safety concerns were raised on the mixing of construction traffic with operational movements. The Consultants said that they do not know how long the construction will take.
7. **Ropery Lane Bridge over the Gypsy Race** The Consultants confirmed that no survey had been undertaken on this bridge. They stated that it is standard practice in a planning application to carry out a survey and then reassess it after a period of time to see if any damage had occurred. If considerable damage had occurred the bridge is small enough to install a steel plate as a temporary measure. The discussion then moved on to generally movement of vehicles on Ropery Lane and within the site. Reversing of vehicles would still be an issue in Ropery Lane. The Consultants explained how the one way system within the new site would work which will be that an HGV will enter the revised access and drive through the new site in a U shape then continue past the existing building and drive up the west side of the existing building exiting the site in a similar manner to what was proposed in the previous application. Concerns were voiced by the residents that the drivers exiting the site would have an inadequate view of anything coming north on Ropery Lane, to say the least. A suggestion was put forward that it should be a condition of the planning application that a banksman be employed for every vehicle that is exiting the site. This suggestion was accepted by the consultants present. It was also stated by the residents that the car park is in the wrong place and previous suggestions that the car park should be opened up to allow overnight parking of arriving HGVs and an increased area for access, by resiting the car park somewhere else on the overall site.
8. **Tree survey:** A resident raised the subject of the 1100 square metres of mature woodland that has so far been ignored in all the content of the applications, that will have to be removed in order to construct the new buildings. It was pointed out that RDC's Tree Officer says this is contrary to RDC Policy SP14/Biodiversity which states that RDC will resist any application which causes harm to the biodiversity in the area. The consultant confirmed that the 1100 sq metres of trees will be felled. A question was also asked about the two ash trees which were to be retained in the first application and which are a recognised habitat for bats. The Consultant confirmed that these trees will be felled.
9. **Traffic Survey** The Consultants were challenged on their reluctance to state the exact number of HGV movements per day. They stated that as the expansion took place the site would be more efficient and HGV movements may reduce. When questioned further however they admitted that their estimate of HGV movements per day now stands at 59 which is twice the number of current movements. These figures have been given to Highways. It was generally agreed that the reporting of the numbers has caused a lot of mistrust between the Residents

and Vellco. The Consultants stated that one of the reasons that the numbers had been understated was because they do not include the shuttle movements between the Weaverthorpe site and the 3 satellite sites.

10. **Noise Survey** The Noise Survey has not adequately addressed the noise that Vellco produces and the proposed survey does not cover the actual operation after the expansion. Further it has not addressed the area where most of the noise is closest to the residents in Ropery Lane. The Consultants stated that they expect to see an improvement in the amount of noise as most of the site will be shielded by the buildings.
11. **Outside Storage of Tyres** The Consultants stated that despite the explanation of how tyres should be stored according to the Environment Agency's Guidelines they had no intention to store any tyres outside the buildings. This might be a condition attached to the planning approval. If planning approval is given the buildings could provide storage of up to 2,500 tons of tyres and Vellco could apply for an extension of that maximum storage capacity. Due to changes in warehousing in the Midlands it is in fact expected that the storage of tyres at this site would fall by 600 tons. The fact that they had referred to the outside storage of tyres was questioned as if there would be no outside storage, why refer to it in the first place.

12. **Any Other Points**

A resident stated that Vellco are extremely poor neighbours. The empty bungalow and the land around it had been ignored by Vellco, rats are present and the resident stated that damage has been caused to their property by the rats entering via the cooker hood. The general state of the land, including the hedge that is now blocking the footpath, which begs the question what will happen to the maintenance of landscaping on the site, should the application be approved.

Vellco was asked what plans they had for the bungalow and their reply was that they did not know.

Another resident asked what would happen to the land if Vellco did not obtain planning approval and it was stated by the Consultants that they did not know of any contingency plans. Fears were expressed that it could become an official or unofficial site for travellers.

Agenda Item 8

Item Number: 8
Application No: 18/00417/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Accent Housing (Mr Angus McLeod)
Proposal: Change of use from residential to office (retrospective)
Location: 23A Willow Court Pickering North Yorkshire YO18 7EY

Registration Date: 4 May 2018
8/13 Wk Expiry Date: 29 June 2018
Overall Expiry Date: 8 June 2018
Case Officer: Niamh Bonner **Ext:** 325

CONSULTATIONS:

Parish Council	Object
Highways North Yorkshire	No objections
Environmental Health Officer	No response received

Neighbour responses: Ms Eileen Blakeley, Eileen Beaumont, Mr Anthony Barnes, Barbara Aconley, Sarah Brown,

SITE:

The application site relates to 23a Willow Court, a first floor flat located within Willow Court, which is a development of 26 sheltered accommodation units, approved in the mid-late 1980s. The site lies just south of the A170 (Hungate) and is located within a cul-de sac location, accessed by vehicle from Recreation Road. The site falls within the Pickering Conservation Area and Flood Zone 3.

PROPOSAL:

The application seeks planning permission to for the change of use from residential to office for no. 23A Willow Court only. This description was updated during the determination of the application to note it was retrospective in nature.

HISTORY:

The following planning history is considered the most relevant to the current application:
85/00199/OLD: 3/102/707/PA Outline application for residential development at rear of 26 Hungate (as amended by letter and plan dated 16.8.85). Approved 06.10.85
87/00272/OLD: 3/102/496B/FA Erection of 26 units of sheltered housing at land to rear of 21-27 Hungate (amended by letter and plan dated 10.8.87) Approved 07.09.87
18/00188/FUL: Replacement of windows and doors for 23, 23A, 25 and 25A Willow Court. Approved 26.04.18

POLICY:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy -Policy SP11 Community Facilities and Services
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

APPRAISAL:

The main considerations in the assessment of this application are:

- i) Principle of the Development
- ii) Amenity, including Residential Amenity
- iii) Access and Highway Safety
- iv) Other Matters including Consultation Responses.

i. Principle of the Development

Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan, Local Plan Strategy identifies Pickering as a 'Local Service Centre' where "Housing and Employment Growth" is supported.

Section 3 of the Ryedale Plan, Local Plan Strategy (Aspirations and Strategy) notes the Local Planning Authority will support "the delivery of new homes and to substantially increase the delivery of affordable housing; The Ryedale Plan – Local Plan Strategy encouraging an appropriate mix and type of housing that will meet local housing needs and requirements of all in the community, including those of Ryedale's elderly population."

The proposed unit for conversion currently is classed as domestic sheltered accommodation and is one unit within a development of 26 units in total. Whilst generally sheltered accommodation may incorporate a range of shared facilities or a warden on site or close by, these are not a formal requirement considered necessary to ensure a particular development comprises sheltered housing. Following detailed review of the above referenced planning history, when the application 87/00272/OLD: 3/102/496B/FA was approved, no specific 'managers/warden accommodation' was ever formally identified within any of the submitted documents, application form, Officer's notes or specified in the formal decision notice. Rather it appears that all of the 26 units were categorised as sheltered housing, ie. available for people over the age of 55, which a manager might not necessarily accord with.

A number of letters of objection have been received in relation to this proposal – which are summarised below:

9 Willow Court

- The change would preclude its use as a residence of any future House Manager living on site.
- They have not been consulted on this change as a service charge payer.
- It has been difficult to attract applicants to the temporary house manager role to cover maternity leave and the offer of accommodation would have provided a powerful incentive.
- Accent have advised them that once this is an office, one room could be used for resident's meetings, but the stairs to the flat are steep and difficult to climb.
- 16 Willow Court
- Willow Court is classed as Residential Sheltered Accommodation for people over the age of 55 years.
- When they moved in there was a full time warden/house manager who lived on site and used one room as an office. When she married Accent did not object to her moving out and she is on maternity leave currently. It has been learnt that she will not return and her position should be refilled with someone who does reside and work here full time.
- The flat below the office is for sale and is advertised as being in Residential Sheltered Accommodation, as have recently sold properties.
- The temporary house manager is employed 3.5 days per week.
- Accent do not have the right to change the use to office only and are out of order in using it for the past 2 years without having the authority.

24 Willow Court

- 23A Willow Court is the designated accommodation for the resident warden and have always been used as such until the resident warden went on maternity leave in May 2016 and vacated the flat.
- At that time, accent informed the residents the flat would be used as an office and the residents could use this for meetings/coffee mornings etc.
- Due to being in vulnerable at risk category and due to ages, we would be unable to access the steep stairs and this would be a fire risk. This suggested use never took place.
- Many residents do not have family locally and all chose to move to Willow Court as it had a full time resident warden, providing security particularly with significant footfall within development. On occasions property and cars have been damaged and railings stolen. Without a resident warden, they have had to deal with this themselves or call police.
- Removal of residential warden is contrary to Ryedale Plan and would mean we would never have a resident warden again, causing permanent stress and devaluing house prices.

17 Willow Court

- Objection as when they moved here 12 years ago, it was advertised with a residential warden on site. It was good to see a friendly face outside working hours and having someone living here was a deterrent to vandalism.
- If permission is given, there will be no possibility of return to having a residential warden, which is ideal living accommodation and not suitable as an office mainly because of the steep stairs which makes it impossible for many elderly residents to climb.
- West View Gillamoor (owner of unspecified property in Willow Court) Objection
- This application is retrospective in nature. Reports to Ryedale District Council were made and action followed after a prolonged time. The Planning Application has a number of errors which can be backed up by outside documentation.
- Item 3 indicates that the change of use has not started. The accommodation has been reported as an office to residents and Ryedale District Council for over 2 years. The use of the office as a meeting room to some residents also negates the accuracy.
- Item 5 indicates no preapplication advice has been sought but reports at meetings of residents with Accent representatives disabuse this claim.
- Item 10 Parking; There is no allocated parking for any of the residents since Domus removed the garages in a different parking area so the notation of 1 is again incorrect and reference should be made to earlier drawings
- Item 12 The application suggests that flat is not in the flood area but personal experience and the EA website designates this as zones 2 and 3.
- The planning application does not identify the actual layout of the property; the application makes no reference to the current accommodation or layout and the installations already made to change the use.
- Historically the property has been used as a warden live work unit providing housing and employment for a local family, a medically retired army veteran, a single parent family returning to the area for her elderly mother and finally a young lady in her first home all providing support to vulnerable individuals where the approximate average age is over 80.
- Since 2017 the flat has been an office and residents have been offered the use as a meeting room. The access to the room is by a staircase without solid double bannisters and there is no emergency equipment (or youthful assistance) to provide emergency evacuation. Should one of the frailer resident fall on the stairs the access would be compromised and no pull cord exists at the stair top or bottom, thus the use would be contrary to Health and Safety guidelines.
- The use of the property as an office is discriminatory within DDA and employment guidelines as it restricts both the accessibility of the residents to the office for the meeting of residents (as currently offered) and also restricts the employment of physically disabled to provide house manager services which makes the change of use questionable.
- The Ryedale Plan allows for an increase in sheltered accommodation for which the flat could be still used. The change of use also removes a family home from the housing stock in an area where

- more properties are still being built. There is a number of empty office areas in the area.
- The change of use also reduces the requirement for assisting the local economy in providing local employment for local residents encouraging an out of town visiting warden or call service contributing to environmental damage, traffic congestion and negative local employment statistics at the same time putting at risk local residents.
 - The long term impact of the dilution of housing stock on a site of this nature would be inappropriate and not supportive to encouraging independent living in the elderly and disabled population
 - The removal of the live/work unit also reduces the security of the complex which, has in the past suffered from car fires and vandalism by individuals using the public right of way
 - The properties are on covenanted land which restricts all manner of activities and additions to the flats and houses including trading from the development.

Pickering Town Council Response noted *“The Councils’ planning committee raised concerns about this planning application as they have been informed that the property has been used as an office for some time and questioned whether this should be a retrospective application. Information has also been received about whether changes to the building are compliant with health and safety regulations and whether there might be an impact on other residents of Willow Court. For these reasons the Council objects to this application.”*

Following review of the received letters of objection, contact was made with the agent for the application to clarify a number of the issues raised.

The agent confirmed that the description of the application should be amended to include ‘retrospective’ and they noted that the previous warden also used it as an office, due to their role as a residential warden.

Procedurally, as Members will be aware it is possible to retrospectively apply for permission and as in the determination of any retrospective application, this will be assessed in the same manner as other proposals in terms of material planning considerations and in relation to adopted planning policy.

The agent confirmed that “the office would solely be used by Accent but if we need to consult with residents again in the event of obtaining a new warden, they may want a residential warden like they had before. We don’t use the office for resident meetings due to the stairs. We have them off site, but some residents do go into the office to see the warden.” It is noted therefore that whilst previously offers may have been made to undertake resident’s meetings at 23A Willow Court, now they are undertaken off site at appropriately accessible locations, however residents who wish may visit the office. This is not considered to be significantly different than when former live in wardens would have utilised the application site.

Any approval is proposed to be ‘tied’ to ensure the office is solely occupied solely by persons associated with the sheltered accommodation management, rather than creating additional office accommodation for a wide use that is not associated with the sheltered housing.

Consequently, it is not considered that this change of use of the individual unit no 23A Willow Court would have any wider bearing on the other 25 units within Willow Court in relation to their designated ‘residential sheltered accommodation’ status. It is not considered that the loss of this flat by virtue of a change of use, would materially dilute the housing stock of residential sheltered accommodation, given that it has not in recent times been occupied by a person requiring sheltered accommodation privately, but rather by staff associated with Willow Court only.

Further information was sought to identify if Accent Housing did try to recruit a live in warden and found this role unable to be filled, or whether it was for operational reasons that there is no longer a warden available on site. The Case Officer noted in their correspondence to the agent that whilst this may not be strictly a planning matter, the strength of feeling about the loss of a full time warden was apparent within the consultation responses and if there are specific reasons which justify or are behind this live in role being lost, this would be helpful to understand.

The following response was received from Accent Housing: *“The new Warden for the scheme is only part time approx. 20 hours /week. This was originally to cover maternity leave for the previous warden who has since left the company. Although we feel the role only requires a part time warden we have had residents question whether it should be a full time role to cover their needs and therefore we will be consulting them on this in the future and perhaps expand this role to a full time position depending on the outcome of the consultation.”*

It is also noted that there has been no residential warden for approximately two years and to refuse this change of use application, thereby formally maintaining the application site as a residential unit would not mean that automatically mean a residential warden would be forthcoming. The response from Accent Housing in relation to the perceived requirement for a part time worker is noted. It is not considered that this current change of use would preclude a future Accent staff member residing here and a further application would be required to formalise any future change of use.

In terms of security, the residents’ concerns are noted. The site is in a town centre location likely to experience significant footfall. It is however in close proximity (approximately 300 metres) from the nearest Police Station and in addition to Accent Housing, there are a number of bodies who can aid individuals/groups in relation to concerns about crime and antisocial behaviour, including Ryedale Council’s area specific Community Officers.

Any agreements are signed by tenants/owners on the basis of the accommodation offering a residential warden are a civil matter and cannot be controlled through the planning system. This would also be the case for any perceived lack of consultation between occupiers of dwellings at Willow Court and the agent in relation to the loss of a residential warden. Covenants are not a material planning consideration in the determination of a planning application.

The agent has also confirmed that there will be no structural changes required to facilitate this conversion.

On balance, it is considered that there was no specific planning requirement in terms of policy to maintain a residential warden at this site in perpetuity. Rather it appears that all units were originally designed to facilitate residential sheltered accommodation and the operator at some point has introduced a residential warden on site. On this basis, whilst Officers can understand the concerns of the residents who have made representations, it appears that there is no legal requirement in terms of the approved scheme or planning policy to maintain an on-site staff presence or a specific office space for the residents.

ii. Amenity, including Residential Amenity

It is not considered that the change of use to office space would have any significant impact in terms of the residential amenity of neighbouring properties. The scale of the 2 bedroom flat would be such that it would be self-limiting in terms of occupancy and its intensity of use.

As noted, a condition will be required to ensure that any approval would be tied to ensure the office is occupied solely by persons associated with the sheltered accommodation management, rather than market office accommodation. Whilst the submitted information notes that the office will be used solely between 09:00 and 17:00, it is not considered appropriate to add a condition to this effect, due the potential requirement for out of hours attendance. It is not considered that any potential infrequent out of hours attendance would result in any significant harm to amenity, given the original domestic use.

iii. Access and Highway Safety

The agent has confirmed that the properties do not come with allocated parking spaces. Everyone has use of the communal car parking area. It is not considered that this change of use application would result in any overall alterations to the existing parking situation on site.

The Local Highway Authority were consulted in relation to this proposal and subject to confirmation that the proposed office would be occupied solely by persons associated with the management of the sheltered accommodation, they have raised no objection to the proposal.

iv. Other Matters including Consultation Responses.

Willow Court is located within the Pickering Conservation area and as such, Ryedale District Council has a statutory duty to have special regard for the preservation or enhancement of the conservation area. It is not considered that this application for a change of use (with no physical alterations proposed or required) would result in any harm to the designated Conservation Area.

The site falls within Flood Zone 3, however this is not considered relevant in relation to this change of use application of a first floor flat.

It is not considered that a floor plan is necessary in this instance, given that the applicant has confirmed that the change of use would incorporate no physical alterations to the flat.

The Council's Environmental Health Specialist raised no objection to the proposal.

Therefore subject to condition, the proposed change of use is considered to be acceptable with regards to both Local and National Planning Policies, including Policies SP1 (General Location of Development and Settlement Hierarchy) SP11 (Community Facilities and Services) SP12 Heritage, SP16 (Design) SP19 (Presumption in Favour of Sustainable Development) and SP20 (Generic Development Management Issues) of the Ryedale Plan, Local Plan Strategy. The recommendation is therefore one of approval.

RECOMMENDATION: Approval

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

Site Location Plan

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

- 2 Unless otherwise agreed in writing with the Local Planning Authority, the office accommodation hereby approved shall be limited to persons solely involved in the management of the Sheltered Accommodation at Willow Court.

Reason: In the interests of neighbouring amenity and retaining an appropriate level of parking provision in accordance with SP20 (Generic Development Management Issues).



Site Plan shows area bounded by: 479589.84, 483798.83 479789.84, 483998.83 (at a scale of 1:1250), OSGridRef: SE79688389. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Location Plan 1:1250

23a Willow Court , Pickering , North Yorkshire , YO18 7EY

Proposed 'Change of Use' Planning Application

From: Pickering Town Council
Sent: 08 June 2018 12:48
To: Development Management
Subject: 18/00417/FUL

Good afternoon

Change of use residential to office at 23A Willow Court.

The councils' planning committee raised concerns about this planning application as they have been informed that the property has been used as an office for some time and questioned whether this should be a retrospective application. Information has also been received about whether changes to the building are compliant with health and safety regulations and whether there might be an impact on other residents of Willow Court. For these reasons the council objects to this application.

Kind regards

Angela Dawson
Acting Town Clerk
Pickering Town Council

Agenda Item 10

RYEDALE DISTRICT COUNCIL

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

24th July 2018

1.

Application No: 17/01389/CLOPUD **Decision: Approval**
Parish: Rillington Parish Council
Applicant: Mr & Mrs Nicholson
Location: Breckney Farm Low Moor South Lane Rillington Malton North Yorkshire YO17 8JU
Proposal: Certificate of Lawfulness for a proposed use or development in respect of the alteration to existing building used as a domestic store to form office, utility room, family sitting room and dressing room

2.

Application No: 18/00016/FUL **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Mr Thomas Webster
Location: Land South Of A64 Scagglethorpe Malton North Yorkshire
Proposal: An increase in the area authorised for residential purposes, involving the change of use to residential of the extended area, with an increase in the number of caravans authorised from two touring caravans to two static caravans and two touring caravans (of which one would be stored on the site), together with the erection of an amenity building (part retrospective application)

3.

Application No: 18/00158/HOUSE **Decision: Approval**
Parish: Huttons Ambo Parish Council
Applicant: Mr Simon Lealman
Location: 2 Club Cottages The Green Low Hutton Malton North Yorkshire YO60 7HF
Proposal: Erection of detached outbuilding for private domestic use

4.

Application No: 18/00257/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr & Mrs Richard And Kelly Pennock
Location: 8 Undercliffe Pickering YO18 7BB
Proposal: Erection of single storey side extension.

5.

Application No: 18/00260/HOUSE **Decision: Approval**
Parish: Bulmer Parish Council
Applicant: Mr Fraser Rutherford
Location: Chapel Barn Main Street Bulmer Malton YO60 7BN
Proposal: Erection of 2no. wooden stores on the northern garden boundary together with installation of 2no. additional roof windows and installation of an external flue on the eastern roof slope.

6.

Application No: 18/00261/LBC **Decision: Approval**
Parish: Bulmer Parish Council
Applicant: Mr Fraser Rutherford
Location: Chapel Barn Main Street Bulmer Malton YO60 7BN
Proposal: External and internal alterations to include alterations to internal room layout on the first floor to form additional bedroom together with the installation of 2no. additional roof lights and installation of a log burning stove on the ground floor with external flue on eastern roof slope.

7.

Application No: 18/00271/FUL **Decision: Approval**
Parish: Aislaby, Middleton & Wrelton Parish
Applicant: Keld Knowle Farm Holidays
Location: Keld Knowle Caravan Site Wrelton Cliff Road Wrelton Pickering North Yorkshire YO18 8PJ
Proposal: Change of use of land to caravan and camping site to include erection of amenity block, siting of 9no. camping pods, formation of 15no. touring caravan/tent pitches and alterations to tracks within the site.

8.

Application No: 18/00275/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Masterbuild (Mr George Moody)
Location: 10A West End Kirkbymoorside YO62 6AF
Proposal: Change of use from shop (Use Class A1) and outbuilding to form 1no. 2 bedroom flat and 1no. 1 bedroom flat with attached garage.

9.

Application No: 18/00281/FUL **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr & Mrs Matthams
Location: Westfield Farm Sheriff Hutton YO60 6QQ
Proposal: Erection of a two storey side extension to dwelling to replace existing single storey extension, erection of a single storey link extension to the adjoining barns, repositioning of existing external staircase from the south to the north elevation of the first floor flat to allow formation of a garage and widening and increasing in height of existing single storey barn to increase domestic ancillary storage space

10.

Application No: 18/00350/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Miss Gemma Charters
Location: 8 Town Street Old Malton Malton YO17 7HB
Proposal: Erection of a single storey rear extension and formation of vehicular access and parking area

11.

Application No: 18/00383/FUL **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Mrs Sarah Hopper
Location: Moorstones Main Street Scagglethorpe Malton North Yorkshire YO17 8DT
Proposal: Extension and alterations to existing garages to form a 2 bedroom self-contained residential annex to include erection of link extension to south elevation and conservatory to west elevation.

12.

Application No: 18/00392/HOUSE **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Mrs Sheila Cook
Location: The White House Main Street Scagglethorpe Malton YO17 8DT
Proposal: Installation of 1no. bank of ground mounted solar panels totalling 14no. panels to generate electricity for private domestic use

13.

Application No: 18/00399/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr R Smith
Location: Ravenswick Swineherd Lane Kirkbymoorside YO62 7LR
Proposal: Erection of a stable block for private use with 5no. loose boxes and tack room and incorporating a bedsit apartment for use as staff accommodation together with re-profiling of two areas of land using excess material from the Ravenswick development site

14.

Application No: 18/00401/73 **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Christopher Helliwell
Location: Keld Head Keld Head Road Kirkbymoorside North Yorkshire YO62 6EN
Proposal: Variation of Condition 02 of approval 16/02015/HOUSE dated 09.02.2017 to allow amendment of the roof design

15.

Application No: 18/00405/FUL **Decision: Approval**
Parish: Thixendale Parish Council
Applicant: Mr Robert Theakston
Location: Pluckham Farm Thixendale Road Fridaythorpe Malton YO25 9SD
Proposal: Change of use and alteration of offices to form a three bedroom dwelling.

16.

Application No: 18/00406/CLEUD **Decision: Approval**
Parish: Barton-le-Willows Parish
Applicant: Sloemotion Ltd (Mr Julian Curtoys)
Location: Sloe Motion At Green Farm Steelmoor Lane Barton Le Willows North Yorkshire YO60 7PD
Proposal: Certificate of Lawfulness in respect of the use of the buildings and land for a mixture of B1, B2 and B8 uses in relation to distillery production, storage and warehouse space with ancillary parking, offices and staff welfare facilities without planning permission for a continuous period that began more than 10 years before the date of this application

17.

Application No: 18/00413/CLEUD **Decision: Approval**
Parish: Rillington Parish Council
Applicant: Mr & Mrs Nicholson
Location: Breckney Farm Low Moor South Lane Rillington Malton YO17 8JU
Proposal: Certificate of Lawfulness in respect of the use of the attached barn as outlined in red on the submitted 1:1250 scale site location plan for domestic storage without planning permission for a continuous period that began more than 10 years before the date of this application

18.
Application No: 18/00429/FUL **Decision: Approval**
Parish: Great & Little Barugh Parish Council
Applicant: Mr G Wagstaff
Location: Forge Cottages Barugh Lane Great Barugh Malton YO17 6UZ
Proposal: Erection of 2 no. 3 bedroom semi-detached dwellings with detached single garages and formation of vehicular accesses

19.
Application No: 18/00433/FUL **Decision: Approval**
Parish: Swinton Parish Council
Applicant: Mrs Carol Milburn
Location: Land East Of Swinton Lane Swinton Malton North Yorkshire
Proposal: Change of use of agricultural land to form an all-weather manege for private domestic use. (Retrospective)

20.
Application No: 18/00431/OUT **Decision: Refusal**
Parish: Norton Town Council
Applicant: Mr & Mrs J Burr
Location: Land Adjacent 64 Scarborough Road Norton Malton North Yorkshire
Proposal: Erection of 6 no. semi-detached 3 bedroom dwellings (site area 0.114ha).

21.
Application No: 18/00442/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Bank Of Ireland (Mrs Ling Dadswell)
Location: Pickering Post Office 7 Market Place Pickering North Yorkshire YO18 7AA
Proposal: Installation of Bank of Ireland ATM with reflective advertising collar surround.

22.
Application No: 18/00445/HOUSE **Decision: Approval**
Parish: Helmsley Town Council
Applicant: Mr & Mrs Peter McLinn
Location: 2 Acres Close Helmsley YO62 5DS
Proposal: Erection of single storey extension to west elevation following demolition of existing conservatory.

23.
Application No: 18/00454/HOUSE **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Mr John Ryan
Location: Tannery Cottage Main Street Welburn Malton North Yorkshire YO60 7DZ
Proposal: Erection of porch to side elevation.

24.

Application No: 18/00456/FUL **Decision: Approval**
Parish: Marishes Parish Meeting
Applicant: Mr Peter Morley
Location: Agricultural Building At Deerholme Farm Thornton Lane High Marishes Malton North Yorkshire
Proposal: Change of use, alteration and extension of agricultural building to form a two bedroom dwelling for a mixed use of residential and holiday letting use to include erection of a part two storey/part single storey extension, amenity area and parking spaces (revised details to approval 13/01343/FUL dated 08.08.2014) - addition of holiday letting use.

25.

Application No: 18/00462/HOUSE **Decision: Approval**
Parish: Foxholes Parish Council
Applicant: Mr & Mrs David Foster
Location: 7 Eastfield Foxholes Driffield YO25 3QW
Proposal: Erection of a single storey rear extension

26.

Application No: 18/00464/FUL **Decision: Approval**
Parish: Harome Parish Council
Applicant: Mr & Mrs Graeme and Sharon Strickland
Location: Harome Grange Harome Heads Lane Harome Helmsley YO62 5HZ
Proposal: Change of use and alteration of a section of the existing dwelling to form a three bedroom holiday letting unit.

27.

Application No: 18/00469/HOUSE **Decision: Approval**
Parish: Wintringham Parish Council
Applicant: Mr Ian Milner
Location: Becksid Cottag 2 Becksid View Main Street Wintringham Malton North Yorkshire YO17 8HX
Proposal: Formation of vehicular access

28.

Application No: 18/00487/73 **Decision: Approval**
Parish: Thornton-le-Dale Parish Council
Applicant: Mr Daniel Warrington
Location: 6 The View Thornton-Le-Dale Pickering North Yorkshire YO18 7BH
Proposal: Removal of Condition 15 of approval 16/01947/MFUL dated 07.07.2017 in relation to 6 The View only, to allow the detached garage to be used as a games room.

29.

Application No: 18/00480/HOUSE **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Richard Blenkharn
Location: The Reading Room Main Street Welburn Malton North Yorkshire YO60 7EE
Proposal: Erection of a detached timber shed for writing/study use

30.

Application No: 18/00483/HOUSE
Parish: Norton Town Council
Applicant: Mrs Sue Smith
Location: 59 Mill Street Norton Malton YO17 9JJ
Proposal: Erection of a single storey rear extension

Decision: Approval

31.

Application No: 18/00484/FUL
Parish: Swinton Parish Council
Applicant: Mr & Mrs Delaney
Location: Barn House East Street Swinton Malton YO17 6SH
Proposal: Subdivision of 1no. five bedroom dwelling into 1no. three bedroom dwelling and 1no. two bedroom dwelling each with own parking and amenity areas to include formation of 1no. window on south elevation and alteration of 1no. window on north elevation to form entrance, erection of a stone wall to subdivide the garden area and erection of an air source heat pump with screen wall on south elevation to serve Unit 2

Decision: Approval

32.

Application No: 18/00493/FUL
Parish: Welburn (Malton) Parish Council
Applicant: Mrs Karen Graham
Location: Primrose Hill Water Lane Welburn Malton North Yorkshire YO60 7EF
Proposal: Change of use of existing workshop to form a self-contained residential annex.

Decision: Approval

33.

Application No: 18/00496/FUL
Parish: Malton Town Council
Applicant: CDP Ltd & Fitzwilliam Trust Corporation (Mrs Miranda Bell)
Location: Land At Edenhouse Road Old Malton Malton North Yorkshire
Proposal: Erection of an electricity substation

Decision: Approval

34.

Application No: 18/00504/TELN56
Parish: Ampleforth Parish Council
Applicant: Arqiva Ltd
Location: Land To South Of Carr Lane Ampleforth
Proposal: Erection of a 10m high streetworks pole for Smart Meter electronic communications with mounted equipment including 1no. 1.5m omni antenna at 11.15m, 1no. GPS antenna at 10.3m and 1no. 3G antenna at 9.6m and at ground level a concrete plinth with Smart Metering equipment enclosure and power supply meter cabinet

Decision: Approval

35.

Application No: 18/00522/HOUSE
Parish: Beadlam Parish Council
Applicant: Mr & Mrs Smithson
Location: 4 Birklands Beadlam Helmsley YO62 7ST
Proposal: Erection of single storey rear extension and first floor side extension over existing garage together with installation of 1no. dormer window and 3no. rooflights to rear elevation roofslope to allow additional domestic living space above.

Decision: Approval

36.
Application No: 18/00525/FUL **Decision: Approval**
Parish: Slingsby Parish Council
Applicant: Rev'd Martin Allwood
Location: Church Of All Saints Church Lane Slingsby Malton North Yorkshire
Proposal: External works to include replacement of the temporary corrugated metal roofs on the north aisle, south aisle and porch by terne coated stainless steel

37.
Application No: 18/00527/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr & Mrs Kolsuz
Location: 8 Winthrop Close Malton YO17 7FL
Proposal: Erection of conservatory to rear

38.
Application No: 18/00528/FUL **Decision: Approval**
Parish: Huttons Ambo Parish Council
Applicant: The Tofoo Co (Mr David Knibbs)
Location: Tofu Organic Foods Rye Close Malton North Yorkshire YO17 6YD
Proposal: Erection of a single storey extension to the south west end elevation to provide additional storage and production facilities

39.
Application No: 18/00547/LBC **Decision: Approval**
Parish: Nunnington Parish Council
Applicant: National Trust (Mr David Coope)
Location: Nunnington Hall The Avenue Nunnington YO62 5UY
Proposal: Installation of fire protection measures around electrical distribution boards.

40.
Application No: 18/00568/HOUSE **Decision: Approval**
Parish: Helmsley Town Council
Applicant: Mrs Deborah Howard
Location: 41 Bridge Street Helmsley YO62 5DX
Proposal: Erection of a first floor rear extension

41.
Application No: 18/00569/LBC **Decision: Approval**
Parish: Helmsley Town Council
Applicant: Mrs Deborah Howard
Location: 41 Bridge Street Helmsley YO62 5DX
Proposal: External and internal alterations to include erection of a first floor rear extension



Appeal Decision

Site visit made on 5 June 2018

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 4 July 2018

Appeal Ref: APP/Y2736/W/18/3196384

Former Grain Drier, Old Manor Farm, Helperthorpe, Malton, North Yorkshire YO17 8TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Lynne Porter against the decision of Ryedale District Council.
 - The application Ref 17/01197/GPAGB, dated 2 October 2017, was refused by notice dated 28 November 2017.
 - The development proposed is described as the change of use under Class Q(a) of an existing redundant steel-framed agricultural building (formerly a grain drier and now used for crop, equipment and materials storage) into a single C3 residential dwelling with five bedrooms.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (as amended) for the change of use under Class Q(a) of an existing redundant steel-framed agricultural building (formerly a grain drier and now used for crop, equipment and materials storage) into a single C3 residential dwelling with five bedrooms at Former Grain Drier, Old Manor Farm, Helperthorpe, Malton, North Yorkshire YO17 8TQ in accordance with the terms of the application Ref 17/01197/GPAGB, dated 2 October 2017. The approval is subject to the condition that development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO

Application for costs

2. An application for costs was made by Ryedale District Council against Ms Lynne Porter. An alleged application for costs was made by Ms Lynne Porter against Ryedale District Council. These matters are the subject of separate Decisions.

Procedural Matters

3. Since the date of submission of the appeal the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 came into force on 6 April 2018 (Amendment Order). This, amongst other things, amended paragraph Q.1.(b) of the GPDO. The amendment now states that development is not permitted by Class Q if the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or

dwellinghouses under Class Q exceeds 465 square metres (sqm). I have therefore determined this appeal on the basis of the revision to the floor space as prescribed in the Amendment Order.

4. Schedule 2, Part 3, Class Q of the GPDO states that development consisting of: (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order¹; and (b) building operations reasonably necessary to convert the building, is permitted development.
5. The Council's second reason for refusal and accompanying evidence focusses on those matters addressed under Class Q(b) in terms of the scale and nature of the works that would be required to convert the building to residential use. However, Class Q.2(2) of the GPDO indicates that an application can be made for the change of use of the building and curtilage only. In this case it is clear from the application form and supporting evidence that the application was made on the basis of development proposed under Class Q(a) only. The appellant has also made it clear that it was always the intention to address matters under Class Q(b) with a separate application. I have therefore determined this appeal on the basis that it relates to development proposed under Class Q(a) only and seeks approval for the change of use without dealing with building operations.
6. The Council's second reason for the refusal of prior approval as set out on the Decision Notice indicates that there is considered to be insufficient information submitted with the application to demonstrate how this steel portal framed building can be altered to become a residential dwelling within the parameters of that permitted by Class Q without constituting a 'new build'. However, this matter is relevant to the considerations required under Class Q(b) of the GPDO. The application relates to development proposed under Class Q(a) only and clearly does not relate to building operations reasonably necessary to convert the building. Consequently, consideration of whether the proposed development is permitted development under Schedule 2, Part 3, Class Q(b) of the GPDO is not a matter before me and therefore is not considered in my determination of this appeal.
7. In Part E of the appeal form it is stated that the description of development has changed. Neither of the main parties has provided written confirmation that a revised description of development was agreed. Moreover, on the basis of the evidence before me, the description given on the application form is a more accurate description of what was applied for in terms of an application seeking prior approval under Class Q(a) of the GPDO only. However, the description provided on the application form was lengthy. I have therefore used only the first sentence of this description which succinctly and adequately describes the proposed change of use.

Main Issue

8. The main issue is whether or not the proposed development is permitted development under Schedule 2, Part 3, Class Q(a) of the GPDO and, if so, whether or not it would require prior approval in respect of the accompanying conditions in paragraph Q.2.

Reasons

9. The appeal building comprises a steel portal framed building with cladding on all sides with an open sided 'lean to' attached to the south western side. An extension was previously constructed to the south eastern side which now has its roof missing and is open on one side with one other side wall partly missing. The building lies to the south east of Old Manor Farm which comprises of a dwelling with a foldyard comprising of traditional brick constructed farm buildings. The appeal building and the buildings comprising the foldyard were in storage use at the time of my site visit.
10. Paragraph Q.1(a) – (m) of the GPDO sets out the relevant exceptions and limitations of the permitted development rights. The Council indicates that the proposal would not meet the requirements of Q.1.(b) of the GPDO as the floor area would be greater than 450sq m (now amended to 465sqm by virtue of the Amendment Order) and that the building is not considered to be suitable to have its use changed to residential (Use Class C3) because of the close proximity of existing buildings that can house livestock together with associated agricultural movements and activity in the area.
11. The appellant has provided measurements of the Gross External Area (GEA) of all of the components of the existing building. These indicate that the steel portal framed building and the open sided 'lean to' attached to the south western elevation have a combined GEA of 449.19sqm. The former extension to the south eastern side has a GEA of 21.62. The Council suggest that from scaling of the plans provided the GEA (including the former south eastern side extension) would be approximately 490sqm.
12. I accept the appellant's views of the variations that can occur in the scaling of measurements from a plan as oppose to actual measurements taken on site. In the absence of any other actual measurements taken by the Council, I have used the actual measurements provided by the appellant for the purpose of calculating the GEA. These indicate that the combined GEA of all of the structures would be 470.81sqm.
13. However, the appellant has indicated that the former south eastern extension does not form part of description of the buildings for which a change of use is proposed but would form part of the curtilage around the converted building. In my view this former building with its roof and some of its walls missing cannot now be described as an agricultural building and forms, at best, an external storage enclosure.
14. I recognise that there is a lack of clarity as to whether floor space should be measure on the basis of Gross Internal Area (GIA) or GEA. I also note that the plans submitted to the Council that were used for the calculation of floor space provided external measurements. The appellant indicates that actual measurements for the purposes of calculating GIA indicate that the combined GIA of the main building and the open sided 'lean to' attached to the south western elevation have a combined GIA of 445.11sqm. Even if I were to be persuaded that the former south eastern building should be included, the total GIA would be 464.47sqm and hence within the 465sqm prescribed by the Amendment Order.
15. Irrespective of whether GIA or GEA should be used to calculate the cumulative floor space of buildings, I do not consider that the remains of the south eastern

extension can be considered to constitute a building for the purposes of the GPDO. It is clearly the appellant's view that this does not form part of the application for prior approval for the change of use. Furthermore, given that it now forms little more than enclosure that is visually distinct from the main building and the 'lean to' and my view that this cannot now reasonably be considered to form a building, I consider its floor space should not contribute to the calculation of the cumulative floor space of the existing building or buildings changing use.

16. I note the Council's view that a Notice of Demolition should have been submitted for the south eastern extension prior to the submission of the application. However, I agree with the appellant that this former building has now, to all intents and purposes, been demolished. I have also taken into account the evidence provided by the appellant of other decisions taken by the Council in respect of former buildings that, as a consequence of their state of repair, are not now considered to constitute agricultural buildings. My overall conclusion on this matter, on the basis of the measurements provided by the appellant, is that I do not consider that the floor space of the buildings changing use under Class Q would exceed 465sqm.
17. For development to be permitted by Class Q(a) of the GPDO, it is also subject to a series of conditions regarding whether the development requires the prior approval of the Council. Paragraph Q.2(2) explains that where the development proposed is under Class Q(a) only, it must apply to the local planning authority for a determination whether prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W.
18. The Council indicate that the proposal would fail to satisfy sub-paragraph (1)(e) which relates to whether the siting or location of the building makes it impractical or undesirable for residential use. In particular, the Council are concerned that the existing foldyard to the north could be used for livestock and that there is a likelihood of agricultural related activity and movements occurring in close proximity of the proposed dwelling that could harm the living conditions of the prospective occupants. I note that works have commenced on the conversion of part of one of these foldyard buildings to a residential annex.
19. The appellant indicates that the overall agricultural holding comprises an area of approximately 4.5 acres. The foldyard effectively forms a rectangular enclosure for agricultural activity to primarily occur within the enclosed area. The appeal building lies outside of this enclosure and the internal area of the foldyard is not readily visible in views from the main steel portal framed appeal building. At my site visit I observed that there appeared to be very little agricultural activity on site.
20. There is some dispute between the main parties as to whether the foldyard buildings are capable of housing livestock. Even if I were to be persuaded that they are capable of housing livestock, I have taken into account their orientation, the distance from the appeal buildings, the relatively small area of the holding, the likely low level of any future agricultural activity and the fact that part of one of these is being converted to a residential annex. These are all factors which, in combination, lead me to conclude that the effect of agricultural activity associated with the small holding on the living conditions of

the prospective occupants of the proposed dwelling would likely be relatively insignificant.

21. Taking the above factors into account, I do not consider that the location of the building makes it impractical or undesirable for residential use. Consequently, the proposal would satisfy the requirements sub-paragraph (1)(e).

Other matters

22. My attention has been drawn to a number of appeal decisions and approvals granted by the Council under Schedule 2, Part 3, Class Q of the GPDO in the District. However, I do not have full details of the nature of the proposals or the planning considerations and circumstances relating to these. Consequently, I cannot be sure that these are representative of the circumstance in this appeal and, in any case, I have determined this appeal on its own merits.

Conditions

23. Section W (13) of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. I have attached the standard condition set out in paragraph Q.2(3) on timescales, which requires development to be completed within 3 years of the decision date.

Conclusion

24. Taking the above factors into account the proposal satisfies the requirements of Schedule 2, Part 3, Class Q(a) of the GPDO and therefore is development permitted by it. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

Costs Decisions

Site visit made on 5 June 2018

by **Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

an Inspector appointed by the Secretary of State

Decision date: 4 July 2018

Alleged Costs application A in relation to Appeal Ref:

APP/Y2736/W/18/3196384

Former Grain Drier, Old Manor Farm, Helperthorpe, Malton, North Yorkshire YO17 8TQ

- The application is alleged to have been made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is alleged to have been made by Ms Lynne Porter for an award of costs against Ryedale District Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use under Class Q(a) of an existing redundant steel-framed agricultural building (formerly a grain drier and now used for crop, equipment and materials storage) into a single C3 residential dwelling with five bedrooms.
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Costs application B in relation to Appeal Ref: APP/Y2736/W/18/3196384

Former Grain Drier, Old Manor Farm, Helperthorpe, Malton, North Yorkshire YO17 8TQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ryedale District Council for a full award of costs against Ms Lynne Porter
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use under Class Q(a) of an existing redundant steel-framed agricultural building (formerly a grain drier and now used for crop, equipment and materials storage) into a single C3 residential dwelling with five bedrooms.
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Decisions

1. Alleged Application A for an award of costs is refused.
2. Application B for an award of costs is refused.

Alleged Application A

3. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that local planning authorities are at risk of an award of costs if they fail to produce

- evidence to substantiate each reason for refusal or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant indicates at the end of the appeal statement that a separate application is to be made for costs. However, although the appellant submitted an invoice to the Council dated 20 February 2018 titled 'Costs Application' no formal application for an award of costs, in a form that clearly sets out why it is considered that the Council may have acted unreasonably, has been submitted.
 5. The PPG indicates that an application for costs can be made by letter, or by using the Planning Inspectorate's application form, neither of which have been submitted in this case. The invoice submitted to the Council was a financial calculation only of the appellant's alleged costs in submitting the appeal and responding to the Council's statement. It does not provide any information whatsoever as to how the appellant considers that the Council may have acted unreasonably.
 6. Although the Council provided a rebuttal in respect of the content of the invoice no other information was provided by the appellant in the form of an application for costs that demonstrates clearly how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. The Council's rebuttal to the invoice was based on supposition and interpretation from the appeal statement as to where the appellant may have considered that unreasonable behaviour could have occurred. It was not based on any other evidence that was provided in a formal application for an award of costs.
 7. In the absence of a formal application for costs that clearly sets out how the appellant considers that the Council may have acted unreasonably, there is no basis for me to determine whether any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. Consequently, I have attached no weight to the Council's views which were based on assumption rather than a direct response to a formally submitted costs application.
 8. In the absence of any other information, the invoice provided to the Council is a financial calculation only. I do not consider that this constitutes a formal application for an award of costs that takes into account the advice provided in the PPG in respect of setting out how unreasonable behaviour has occurred. Even if I were to accept the invoice as a formal application for an award of costs, in providing no other evidence unreasonable behaviour by the Council cannot be demonstrated.
 9. Consequently I consider that there is no application for an award of costs submitted by the appellant before me on which I can make any decision of the extent to any unreasonable behaviour has resulted in unnecessary or wasted expense. Thus I am unable to make any decision on this matter other than to confirm unreasonable behaviour by the Council resulting in unnecessary expense has not been demonstrated.

Application B

10. The basis of the Council's application for costs is on the grounds that the application had little prospect of success as the existing buildings would not benefit from permitted development pursuant to Class Q of the GPDO. I acknowledge that large sections of the appellant's statement comprise

interpretation of planning law and policy. However, they are all relevant to the case.

11. Given the nature and substance of the dispute, the appellant was not unreasonable in considering there was some support in case law for the prior approval. The fact that the appellant disagreed with the Council's approach and assessment does not amount to unreasonable behaviour resulting in unnecessary expense in the appeal process. In my view, the nature of the dispute between the parties meant that an appeal was inevitable.
12. I therefore find that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated in the evidence before me. I find that the appellant's statement adequately was entirely relevant and addressed the reasons for the refusal to grant approval required under Schedule 2, Part 3, Class Q of the GPDO in some detail. Thus an award of costs is not justified.

Stephen Normington

INSPECTOR

Appeal Decisions

Date of Hearing 27 March 2018

Site visit made on 27 March 2018

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

an Inspector appointed by the Secretary of State

Decision date: 03 July 2018

Appeal A: APP/Y2736/C/17/3174407

Land at Croft Farm, The Lane, Gate Helmsley, North Yorkshire YO41 1JT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Jobie Tyers against an enforcement notice issued by Ryedale District Council.
- The notice was issued on 27 March 2017.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from equestrian use to a mixed use for equestrian and residential use with the erection of travellers' amenity building, and retention of mobile home, caravan and shed and the extension of the existing hardstanding area.
- The requirements of the notice are:
 1. Cease the use of the Land for residential purposes.
 2. Remove from the Land the mobile home, the two caravans and the timber shed.
 3. Restore the and [sic] to its former condition, through the removal of the additional car parking area.
 4. Cultivate and seed the Land to a condition fit for equestrian use.
- The period for compliance with the requirements is: within two years of this notice taking effect.
- The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and a variation.

Appeal B: APP/Y2736/W/17/3171463

Croft Farm, The Lane, Gate Helmsley, North Yorkshire YO41 1JT

- 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 Jobie Tyers against the decision of Ryedale District Council.
- The application Ref 16/01599/FUL, dated 30 September 2016, was refused by notice dated 21 December 2016.
- The development proposed is the residential use of the land for siting of mobile home, 2no touring caravans, timber shed and area of hardstanding.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Matters concerning the enforcement notice

1. The Council suggested that the allegation of the breach of planning control in the notice mistakenly includes "erection of travellers' amenity building" and the parties agreed that this wording should be omitted. In addition the appellants

accepted at the hearing that "caravan" was a clerical error and that since the requirements referred to "the two caravans", and there is no dispute that two caravans have been sited on the land, the notice could be amended to make the description of the breach consistent with the requirements. As no injustice would be caused to the parties I will correct these misdescriptions using powers contained in s176(1)(a) of the 1990 Act.

2. Further, "with the retention of" is not a description of development as such and for the sake of clarity the allegation should refer to the use of the land for residential purposes by the siting of the structures in question.
3. The "extension of the existing hardstanding area" is an engineering operation that amounts to operational development. The existing car parking area has been extended and gravelled over. Facilitating works can be alleged in the same notice that deals with a material change of use. However if, as here, the notice does not allege both a material change of use and operational development, it would be better if the works were phrased in terms of "the construction of hardstanding to facilitate that change of use".
4. Requirement 3 of the notice contains a clerical error in that "and" needs to be altered to "Land". Further, in order to clarify what is regarded as necessary to restore the land to its prior condition, it was agreed that Requirements 3 and 4 should be varied so as to merge them and omit reference to "a condition fit for equestrian use", as this is an uncertain requirement.
5. I am satisfied that these further corrections and variation can be made without injustice to either party.

Appeal A on ground (c)

6. An appeal on ground (c) is that the matters which are the subject of the allegation do not constitute a breach of planning control. The burden of proof is on the appellant to demonstrate this on the balance of probability. The planning merits of the development are irrelevant to an appeal on this ground.
7. The appellant asserted that the alleged breach differs from the reasons for issuing the notice and its requirements, and that no appeal form or guidance notes were served on him. However, as corrected, the notice is internally consistent and the reasons for its issue are a matter for the Council. The appellant has been able to pursue an appeal and at the hearing he has been advised and represented by an agent from a planning related firm. Nor do the matters raised undermine the validity of the notice, nor do they demonstrate that there is no breach of planning control.
8. It is also claimed on this ground that the notice is invalid as the appeal site is not within the York Green Belt. I deal with the Green Belt position when considering the separate appeal against refusal of planning permission for the development. However that matter does not affect the validity of the notice or whether a breach of planning control is correctly alleged.
9. By s55 of the 1990 Act "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Save for limited exceptions, planning permission is required for the carrying out of any development on land and by s171A(1)(a) development without the required planning permission is a breach of planning control.

10. No extant planning permission has been granted for any of the matters in the allegation as corrected, in which case I find on the balance of probability that the matters identified therein constitute a breach of planning control. Consequently the appeal on ground (c) must fail.

Conclusion on Appeal A

11. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and a variation. By virtue of s180 of the Act the requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I propose to grant in respect of Appeal B.

Appeal B (s78 appeal)

Background, preliminary matter and main issues.

12. The gypsy status of those living on the site is not disputed and I am satisfied that they fall within the definition of travellers set out in Annex 1 to the Planning Policy for Traveller Sites 2015 (PPTS).
13. The application is described in the application form as retention of residential caravan, two touring caravans and one shed. The appellant agreed to the Council's amendment of the description to include the new area of hardstanding. In addition retention of buildings or works is not in itself development. In the banner heading above I have therefore substituted the description in the application form, prefaced by the wording "residential use of the land" more accurately to describe the proposal.
14. The main issues are:
- a. Whether or not the appeal site is in the Green Belt and if so, whether the proposal would be inappropriate development;
 - b. The effect of the proposal on the openness of the Green Belt;
 - c. The effect of the proposal on the character and appearance of the surrounding area; and
 - d. If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether site is in the Green Belt

15. I have considered carefully the argument of the appellant that the appeal site is outside the Green Belt, but his case is unsupported. The Regional Strategy for Yorkshire and Humber has been revoked, save for its York Green Belt policies and the key diagram which illustrates those policies together with the general extent of the Green Belt around York. It is commonly referred to as the York Green Belt irrespective of the fact that it may extend beyond the administrative boundaries of the City.
16. Paragraph 83 of the National Planning Policy Framework (Framework) advises planning authorities with Green Belts in their area to establish Green Belt boundaries in their Local Plans that set the framework for Green Belt and

settlement policy. For the area in which the appeal site lies the Ryedale Local Plan, adopted on 22 March 2002 showed the extent of Green Belt on its Proposals Map. This was saved and is part of the Ryedale Plan - Local Plan Strategy 2013 (LPS). LPS Policy SP1 states "that part of the York Green Belt falling within the Plan Area is as defined on the adopted Proposals Map."

17. I am therefore satisfied that the appeal site falls within the York Green Belt.

Whether inappropriate development

18. Both parties agreed that on the basis that the site is within the Green Belt, the proposed development would constitute inappropriate development. I also agree. The Framework, a significant material consideration, makes clear that most development in the Green Belt is inappropriate and should be approved only in very special circumstances. The effect of Paragraphs 87, 89 and 90 when read together, is generally understood to be that all development in the Green Belt is inappropriate unless it falls within a category set out in Paragraph 90 or is a new building within an exception referred to in Paragraph 89.

19. This advice is reflected in PPTS which states that the use of land as a traveller site is inappropriate development in the Green Belt. Inappropriate development is by definition, harmful to the Green Belt and according to Paragraph 88 substantial weight should be given to any such harm. Such development should not be approved unless very special circumstances exist to justify why permission should be granted.

The effect of the proposal on the openness of the Green Belt.

20. Preventing urban sprawl by keeping land permanently open is a fundamental aim of Green Belt policy and the most important attribute of Green Belts is their openness. The site is a paddock with pre-existing timber buildings to the rear, one enclosed and the other, stable like with an open bay. The front of the site is now occupied by a static mobile home, two touring caravans and a further, smaller shed, together with additional hard surfacing that facilitates the stationing of the mobile structures and vehicles. The development is enclosed by a variety of mature hedges and fences and is therefore largely unseen from public views. The top of the mobile home is just visible within The Lane when approaching from the north. The appellant is willing to comply with landscaping conditions. Provided this consisted of soft landscaping, it could in my view successfully mitigate views from this direction.

21. The development is relatively small scale, self-contained and adjacent to the two existing buildings. The loss of openness, although more so than the previous temporary siting of a single van, is not serious and whilst the structures encroach on the countryside in conflict with the purposes of including land in Green Belts, they do so only to a limited extent. Thus whilst the development detracts from the openness and purposes of the Green Belt, contrary to the Framework, the extent of the harm is slight.

Character and appearance.

22. An assessment of the effect of the development on the character and appearance of the area should take into account that PPTS allows for traveller sites in rural areas. Paragraph 25 of the PPTS also advises that very strict limits be placed on new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development

plan. Sites in rural areas should “respect the scale of, and not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure.” In addition Paragraph 55 of the Framework advises that new isolated homes in the countryside should be avoided.

23. The appeal site is adjacent to the road, bounded by hedges and a close board fence with an entrance gate set back from the highway. Planning permission was granted in 2004, Ref 04/00038/FUL for the change of use to equestrian use, formation of parking area, and installation of timber shiplap cladding to front of the existing building. The site has been divided into two sections by sturdy timber open fencing and a gate to the centre. To the rear comprises the two existing timber clad buildings and a paddock area on which the appellant keeps two horses. The front section comprises the mobile structures, the small shed and a drive in front of the enclosed timber building.
24. A supporter of the development states that several mobile homes are within a mile radius of Croft Farm, although I could not verify this and found no evidence to support the claim. The nearest dwellings, on a spur off The Lane which might be regarded as within the built up area of Gate Helmsley, are across fields, some 300m south of the appeal site. On The Lane itself the nearest dwelling is a similar distance away, also in a southerly direction. The appeal site is enclosed, relatively small in area at 0.14 ha, and separated from the nearest settlement in such a way that it cannot be said to dominate it. However it is not so remote from other places, buildings or people in my opinion as would make it “isolated” within the terms of Paragraph 55.
25. The development can be seen at the entrance gate although it is recessed from the highway and as I have noted the structures are mostly hidden from view due to the hedge and fence boundaries. The domestic appearance of the mobile home, caravans and chattels are somewhat incongruous in the site itself, however they are few in number and located away from the gate. They sit within an intimate rural pasture, whilst immediately outside the soft rural feel to The Lane remains unaffected. The development would not be entirely concealed but the PPTS does not intend that gypsy sites should be hidden. The policy seeks to protect the environment, whilst emphasising that developments should not be so enclosed as to give the impression of deliberate isolation. I am satisfied that this modest and relatively inconspicuous site would be designed to minimise visual intrusion. It could be integrated into the landscape without unacceptably eroding its rural character or undermining the prevailing open character of the adjacent small settlement.

Other considerations

26. Emphasis is laid on the planning permission in 1990 for the temporary siting for two years of a caravan for residential purposes, implemented by a previous owner of the site. This does not provide a compelling case for permanent residential development in the Green Belt, however the permission is a relevant factor to consider, adding weight to my view that a temporary residential permission could subsist at the site.
27. The appellant stresses that when the usual searches were made before the appeal site was purchased, the only information given was in reply to the standard enquiries of local authorities (CON 29 form). It revealed the 1990 planning permission for the siting of a static caravan for residential purposes but did not disclose that the permission was temporary and had expired.

- However an inspection of the register of planning applications, an extract from which was supplied, would have revealed all the conditions attached to the permission. It is quite usual for purchasers or their advisers, to check the actual planning permission if this were to be relied on, however the standard question on the form is not specific as to details of any planning permission.
28. I also considered the reply given to the local land charges (LLC) register search, which contained no reference to the permission at all. There is no duty to register charges, such as restrictions in the form of planning conditions, that can be inspected in another record like the planning applications register, provided the LLC register contains a reference whereby that other record can be traced. The reply to the LLC search disclosed no details of the permission, but by then it had expired several years previously and the use had clearly ceased, so it may be unsurprising that the register was clear. Insofar as there may be said to be a discrepancy between the results of the LLC search and the reply to the CON29 enquiry, that would have been for the purchaser or his adviser to follow up. Therefore I do not consider that, based on what I have read, the Council misled the appellant as to the planning status of the land.
 29. A local councillor told me that it would be inequitable to allow the appellant to develop the site and would create an undesirable precedent. Nevertheless, planning applications can be considered retrospectively. The appellant used solicitors in his purchase of the land but he was clearly unaware of the temporary nature of the permission and I see no good reason why in the circumstances of this case any eventual failure there may have been by others to understand its terms should be imputed to the appellant. For the avoidance of doubt I do not regard the case as intentional unauthorised development.
 30. PPTS at Paragraph 10 expects Councils to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets, as well as a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15.
 31. The Council's Gypsy and Traveller Accommodation Assessment: Final Report December 2016 (GTAA) declares a net surplus of 8 authorised pitches over the five year period from 2016/17 to 2020/21. Its purpose is to provide an evidence base to inform the development of planning policies, however it has not been tested through any examination process and since 2016 has remained as a "final" report that has not been put before the Council for approval.
 32. The GTAA recognises that travellers are more likely to establish their own household at a relatively early age and it is not uncommon for a traveller to be living in their own household by the age of 18. However the basis for then assuming that 50% of adult children will form households by 18yrs is unclear. To my mind therefore the future expected newly formed households, on the Council's own survey analysis of ages of the children, could be expected to be anything from 4 to 8.
 33. It is also stated in the Council's need analysis that by applying the definition of gypsy set out in PPTS to households living on the site, the overall surplus of pitches increases. However it is unclear how the Council intends to assess the accommodation needs of those who are ethnic gypsies and travellers but do not meet the planning policy definition.

34. These concerns are insufficient to undermine the overall methodology of the GTAA. However the numbers in the statistical analysis are necessarily small given the size of the district. Consequently changes in the assumptions could significantly affect the overall calculation of demand and supply across the study area and therefore the net pitch requirements.
35. There are no private authorised or unauthorised sites in the Council's area. The Council owns the only gypsy and traveller site, at Tara Park near Malton. In late September 2016, all residents were moved off the site, following threats made to occupants. It is undisputed that there are 14 vacant pitches available at Tara Park which I saw for myself, subsequent to my visit to the appeal site. The appellant regards the site as unsuitable due to the problems that led to the units becoming vacant, of which he was aware but declined to give details. The Council's planning officer was also unable to be more specific as to what problems existed on the site but said that it was managed by a gypsy family who moved away about a year ago. He stressed that the site has been refurbished and 7 new pitches with facilities constructed. These now appear to be mostly occupied, but the original pitches are still vacant.
36. Whilst therefore the appellant and his family's personal needs are a material consideration it cannot be said that there is an unmet need in terms of the Council's provision of sites to meet anticipated demand in the next five years.
37. The original pitches at Tara Park have a concrete base and no garden area. Given the need for the family, which includes older children and elderly parents, for at least three mobile structures, whether a static van or tourers, and the need to provide reasonable space between them, and further space for drying clothes, a trailer, and parking space for two vehicles as a minimum, it is doubtful whether renting one pitch would be adequate to accommodate the extended family unit. Furthermore Tara Park has no facilities for the stabling or keeping of horses. This is not so unusual in Council owned sites in cases where proper provision cannot be made for their management. However horses can engender conflict where they graze on the roadside or other land without permission, causing nuisance and a potential hazard. If the appeal were dismissed the family will in principle not be prevented from continuing to use the appeal site to keep horses although they will not be on hand to look after them. The appellant views the site as particularly suitable for their needs which includes a paddock with an existing stable building, where horses can be kept as part of their lifestyle.
38. The appellant bought the site with help from his extended family, three years ago. Previously they had left a Council owned site in Osbaldwick, in the York City Council area, which the appellant's agent stated was due to a family feud at the site. The appellant told me that there was arguing and fighting on the site, and the police regularly visited. He had been there since he married some 23 years ago, but as his children were getting older he did not want them to be involved in, or influenced by what was going on within the site. The appellant made it clear during the hearing that he needs to provide a stable and safe base for himself and his family although he continues to travel for work, taking his family with him on occasions.
39. It transpired at the hearing that the appellant's father-in-law and mother-in-law are also living at the appeal site. The appellant and his extended family remain part of the gypsy and travelling community. The family comprises Mr

Jobie Tyers and Mrs Coralina Tyers, aged 42 and 41 respectively; their children, Ms Coralina Tyers, 21; Joby Tyers junior, 20, and Lennox Tyers, 16; and the appellant's father-in-law and mother-in-law, Mr David Farrow, 70 and Mrs Ruth Farrow, aged approximately 60.

40. The appellant's father in law and mother in law occupy the daughter's caravan and the daughter shares the two bed mobile home with her parents, whilst the brothers share occupation of the second van. It also transpired, although not initially volunteered by the appellant or his agent that the father-in-law has a serious illness which has been diagnosed as a terminal condition. He attends his GP regularly at Tang Hall surgery close to Osbaldwick, and receives treatment at York District Hospital. The Council's welfare officer had noted in 2016 that there was a strong possibility of the applicant's father in law moving onto the site as he was in hospital and might require care when discharged.
41. Characteristically as part of gypsy culture, the appellant intends that his father-in-law should be cared for within the family and as a result the impacts of his illness are keenly felt within the extended family as a whole. Although it is unnecessary to have a fixed address to access health care or hospital appointments, it is more difficult to be treated for illness without an address to where, for example, appointment letters would be sent, or to manage health problems, with an itinerate lifestyle. The surgery and hospital are about half the distance from the appeal site as they are from the pitches at Tara Park.
42. My reading of the GTAA is that places to rent are clearly preferred by most people surveyed. That said, gypsies and travellers, like most members of the settled community, may wish to live on their own private family site. PPTS aims to promote more private gypsy and traveller sites, recognising that there will always be those who cannot provide their own sites and prefer to rent.
43. The appellant has not sought alternative accommodation from the Council and states that the most likely outcome of the appeal being dismissed would be that the family would be on the roadside. He had previously attempted living in a house, but his wife could not cope with the enclosed space. He mentioned that he would see whether he could regain a pitch at Osbaldwick, although he was vague in this assertion, perhaps understandably in light of his experiences.
44. I have had the benefit of listening to and questioning Mr Tyers. In my opinion he is sincere in his belief that, if not allowed to live on his land, he will be forced to find an unauthorised site in preference to having recourse to Tara Park or any other Council owned site in the wider area. He is profoundly averse to moving to a site which he fears could undermine the well-being, safety and security of his family.
45. PPTS at Paragraph 11 states that where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.
46. In identifying requirements for sites, LPS Policy SP5 takes account of whether they would provide: access to local services and facilities; space for safe parking and vehicular access to the highway; good quality facilities, service and amenity space; accommodation with no overcrowding or unnecessary sprawl;

- and a site in scale to the nearest settled community with no unacceptable impacts on or from neighbouring land uses.
47. The three dimensions of sustainability should be considered as a whole. The appeal site does not score well in terms of access to local services, Gate Helmsley being limited to a church, public house, farmshop and café. There are bus stops on the A166 at Gate Helmsley close to the junction of The Lane, although more than half its length, from the appeal site to the stops, does not have a footway. However the scale of the development is limited and it can be expected that in rural locations of this nature, heavier reliance is placed on the use of the private car to access daily facilities. The environmental impacts are not disproportionately adverse given the modest size of the development.
 48. Further, the limited harm to the environment is more than offset in my view by the contribution the appellant and his family can make in maintaining the vitality of the local rural community from a social and economic perspective. The appellant has a tree surgery and landscape gardening business, and the appeal site is used as a base for his operations with assistance being given part-time by both sons. Equipment is stored in the existing well-constructed timber shed, in front of which are stationed the appellant's own vehicle and trailer, in the livery of his business. The appellant works for customers in the area as well travelling further afield, including the north-east of the country.
 49. The economic benefits of his enterprise should be assessed in the context of the development applied for which is a residential use. Nevertheless PPTS at Paragraph 18 advises that consideration be given to including, wherever possible, traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. The small scale ancillary use within the appeal site as a base for the landscaping business is in my view a sustainable use of the land, and provides an economic benefit in the form of a local service in the rural community. It brings into use the previously vacant buildings on the appeal site and allows for the effective grazing of the rear section of the site.
 50. The appellant also points out that the development has improved the appearance of the site which was previously neglected, by clearing up pallets, erecting post and rail fences, widening the entrance to enable a passing point adjacent to the relatively narrow road that fronts the development, and planting trees.
 51. There are no objections from the local highway authority to the access and parking arrangements. PPTS advises that weight should be given to the effective use of untidy or derelict land, and to how soft landscaping may enhance the environment. Although the improvements to the site do not themselves warrant permission being granted, they add weight to my view that the development does not unacceptably harm the rural character of the area.
 52. Several letters in support of the development are submitted, mostly from residents in Gate Helmsley. I have no reason to doubt that as is implied from the correspondence, the way in which the site is being used facilitates social cohesion with the settled community. An objector expressed concern as to the sound of the generator on the site, however he later wrote to acknowledge that the appellant has taken effective steps to reduce the noise from the equipment and no longer maintains his objection. The Council has no concerns related to the impacts on or from neighbouring land uses and the environmental health

officer has no objection. The site is tidy and well managed and would meet requirements under the Caravans and Control of Development Act 1960 if permission is granted. If the generator results in noise creating a statutory nuisance, the Council agrees that action could be taken via other legislation.

53. In overall terms therefore the proposal would comply with LPS Policy SP5.

Green Belt balance and conclusion

54. PPTS at Paragraph 16 indicates that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. It does not follow that personal circumstances and/or unmet need would only carry 'limited weight' in the balance; weight should be based on the evidence in the case that will then inform the balancing exercise.
55. The proposal would cause harm in that it would be inappropriate development in the Green Belt. There would also be harm caused by loss of openness of a significant part of the appeal site. The Framework indicates that substantial weight should be given to any harm identified to the Green Belt. Conflict also arises consequentially, with LPS Policies SP1 and SP2, subject to considering Policy SP5 relating to the gypsy and travelling community.
56. I give considerable weight to the personal circumstances of the appellant and his family to stay at the appeal site to provide a stable base for the father-in-law from which he can readily access the medical treatment he requires, and receive ongoing care within his family. I also give moderate weight to the consideration that whilst a private site may restrict occupancy to close family or friends, here it would provide for emerging needs given the ages of the children.
57. I also attach moderate weight to the contribution that would be made in accordance with PPTS at Paragraph 18 by utilising the appeal site in an efficient and economically viable way for a residential use that includes a productive small scale ancillary business operation, compatible with the safety and amenity of its occupants and neighbouring residents.
58. Subject to a landscaping condition the development would not have any unacceptably adverse effects on the character and appearance of the rural area, it being positioned within a site that is well enclosed and not dominating the adjoining settlement. The appellant has improved the neglected condition of the appeal site, and widened the access so as not to compromise highway safety. Subject to appropriate conditions the site could provide a satisfactory layout with a good standard of amenity space without any undesirable impacts from overcrowding or on neighbouring land uses. There are drawbacks in terms of proximity of the site to services and facilities but overall the development of the appeal site is a sustainable use of the land that would comply with LPS Policy SP5.
59. I have had regard throughout the appeal to the Public Sector Equality Duty (PSED) in the Equality Act 2010, which seeks amongst other things to eliminate discrimination, harassment and to advance equality for opportunity and good relations between persons who share a relevant protected characteristic and those who do not. Travellers have a protected characteristic for the purposes of the PSED. Dismissal of the appeal would deprive the appellant the

opportunity to live together on this site which is in closer proximity to the medical services used by his father-in-law than Tara Park, and which would facilitate the appellant's lifestyle and cultural aspirations more fully than the smaller concrete pitches at the Council owned site. The site would also in my opinion provide a positive opportunity to foster good relations with the settled community not readily identifiable elsewhere.

60. However these benefits need to be set against the identified harm caused to the Green Belt. On balance I find that the harm to the Green Belt by reason of inappropriate development and loss of openness is not clearly outweighed by other considerations sufficient to constitute very special circumstances necessary to justify a permanent planning permission.
61. I should therefore consider whether very special circumstances exist to justify the grant of a temporary planning permission. A temporary permission for three years would limit the harms to the Green Belt. The personal circumstances of the appellant's father-in-law and in particular his need to readily access medical facilities where he has been treated previously, remains a significant consideration in favour of the development. During this time the family will be able to live together in one place, so that daily care can be provided within the family as part of their established lifestyle. This factor, combined with the weight I give to the other considerations described above amount to very special circumstances that justify a temporary grant of permission that outweigh the more limited harm to the Green Belt by reason of inappropriateness together with the other harm identified, including conflict with LPS Policies SP1 and SP2, and the Framework. Accordingly I will grant a temporary permission for three years.
62. Representations were made to the effect that dismissal of the appeal would violate the rights of the appellant and his family under the European Convention on Human Rights, in particular the rights to respect for private and family life, home and the peaceful enjoyment of possessions included in Article 8 and Article 1 of the First Protocol. My decision to allow the appeal and grant planning permission on a limited basis is within the wide margin of appreciation afforded to national authorities when taking account of the factors described above that are inherent in the choice and implementation of planning policies, and would not lead to any violation of protected rights.

Conditions

63. The Council was invited to consider conditions that might be appropriate in the event permission was granted but offered none. Nevertheless, a personal condition is appropriate and a condition restricting occupation of the site by gypsies and travellers, because of the identity of the occupiers and their specific needs.
64. A condition specifying the maximum number of caravans is necessary to limit the scale of the development, as is the restriction of parking of vehicles over 3.5 tonnes.
65. A site layout and landscaping scheme should be submitted to the Council for approval to protect the character of the area and, in the interests of the occupants' living conditions and pollution prevention, details of measures to drain the site and dispose of foul sewage should also be submitted to the Council for approval. In addition when the use has ceased, the site should be

restored to its condition before the development took place and details of the restoration scheme be submitted for approval.

66. As the development has begun the condition requiring the submission of details requires strict time limits for compliance so as to ensure that, if there is non-compliance the development becomes unauthorised and can be enforced against. A usual and reasonable period within which to require submission of such details is three months.

Conclusion on Appeal B

67. For the reasons given above I conclude that the appeal should be allowed. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of s180 of the Act.

Formal Decisions

Appeal A

68. It is directed that the enforcement notice be corrected by deleting the allegation of breach of control and substituting:
- "the material change of use of the land from equestrian use to a mixed use for equestrian and residential use by the siting of a mobile home, two caravans and shed and the construction of hardstanding to facilitate that change of use."
69. It is further directed the notice be varied by deleting Requirements 3 and 4 and substituting:
- "3. Restore the Land to its former condition through the removal of the additional hardstanding and cultivate and seed the Land."
70. Subject to these corrections and variation the enforcement notice is upheld.

Appeal B

71. The appeal is allowed and planning permission is granted for the residential use of the land for siting of mobile home, 2no touring caravans, timber shed and area of hardstanding, at Croft Farm, The Lane, Gate Helmsley, North Yorkshire YO41 1JT in accordance with the terms of the application Ref 16/01599/FUL, dated 30 September 2016, subject to the following conditions:
- 1) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Mr Jobie Tyers and Mrs Coralina Tyers; Ms Coralina Tyers; Joby Tyers junior and Lennox Tyers; and Mr David Farrow and Mrs Ruth Farrow.
 - 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government, August 2015) or any replacement guidance.
 - 3) On the expiration of the period of three years from the date of the permission hereby granted, or when the land ceases to be occupied by those named in Condition 1), whichever is the earlier, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall

be removed and the land shall be restored to its condition before the development took place in accordance with the restoration scheme approved in Condition 6).

4) There shall be no more than 1 pitch on the site, and on the pitch hereby approved no more than 3 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed at any time, of which only 1 caravan shall be a static caravan.

5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

i. within 3 months of the date of this decision, details of: a) any external lighting on the boundary of and within the site; b) the internal layout of the site, including the siting of caravans, hardstanding, parking and amenity areas; c) any means of enclosure; d) tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; e) existing hedgerow to be retained; and f) a scheme to restore the site to its condition before the development took place at such a time when the land ceases to be occupied by those named in Condition 1) shall have been submitted for the written approval of the local planning authority and the said schemes shall include timetables for implementation.

ii. within 11 months of the date of this decision, the details and schemes submitted in pursuance of (i) above shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv. the approved schemes shall have been carried out and completed in accordance with the approved timetable.

Grahame Kean

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr David M. G. Cross	Architectural & Surveying Services
Mr Jobie Tyers	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Gary Housden MRTPI	Head of Planning, Ryedale District Council
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INTERESTED PERSONS:

Councillor Caroline Goodrick	Ryedale South West Ward
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ADDITIONAL DOCUMENTS SUBMITTED AT THE HEARING:

1. Proposals Map, Local Plan 2002
2. Needs Assessment, Final Report December 2016
3. Email concerning vacancies at Tyers Park gypsy and travellers site
4. Letter from Secretary of State regarding saved policies
5. Extract from Local Land Charges Rules 1977
6. Extract from Planning Register