



PLANNING COMMITTEE

Tuesday 23 October 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 person 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 (Pages 9 - 10)

6 18/00235/73A - Royal Oak Church Street Nunnington (Pages 11 - 21)

7 18/00035/MFUL - Sherburn Ings Farm Station Road Sherburn (Pages 22 - 32)

8 18/00839/MFUL - Land off Butterwick Road Butterwick (Pages 33 - 56)

9 18/00608/FUL - Howsham Hall Howsham Hall Road Howsham (Pages 57 - 89)

- 10 **18/00732/FUL - Malton Road Garage Amotherby Malton** (Pages 90 - 138)
- 11 **18/00969/FUL - 7 Russett Road Malton** (Pages 139 - 152)
- 12 **Howardian Hills Area of Outstanding Natural Beauty: Draft Management Plan 2019 - 2024** (Pages 153 - 159)
- 13 **Timetable of meetings** (Page 160)
- 14 **List of applications determined under delegated powers** (Pages 161 - 168)

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 25 September 2018

Present

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

Substitutes: Councillor L M Burr MBE

In Attendance

Samantha Burnett (Clerk), Alan Goforth (Planning Services), Gary Housden, Lizzie Phippard (Clerk) and Anthony Winship

Minutes

55 Apologies for absence

Apologies were received from Councillor Paul Andrews.

56 Declarations of interest

Councillor	Item
Goodrick	12
Cleary	11
Shields	7
Burr	6
Maud	6
Potter	6
Hope	6

57 Minutes

Decision

That the minutes of the Planning Committee held on 29th October 2018 be approved and signed as a correct record.

Voting Record
9 For
0 Against
1 Abstention

58 **Urgent Business**

There was no urgent business.

59 **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.

60 **18/00235/73A - Royal Oak Church Street Nunnington**

18/00235/73A - Change of use of former pub to form a 5 bedroom private residential dwelling (retrospective).

Decision

The application was refused contrary to officer recommendation -

Following the vote to refuse the application, the Specialist Services Lead (Head of Planning Services) invoked the cooling off period in accordance with the Council's published constitution, which states the following:

- *Where the Planning Committee indicates that it is minded not to accept the officers' recommendations, the application be deferred to the next Planning Committee where so requested by the Specialist Service Lead.*

Therefore the application would be brought back to the next available meeting for further consideration.

The cooling off period was invoked to enable the Head of Planning Services to report back to the committee on the sustainability of the proposed decision, its impact on policy and any conditions that the committee may wish to impose. The Specialist Services Lead will also be mindful of the extent to which the District Council is at significant risk of having a cost award made against it in the event of an appeal being lodged.

Voting Record

8 For

1 Against

1 Abstention

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

61 **18/00286/MFUL - Land in OS Field 4480 Westfield Way Norton**

18/00286/MFUL - Erection of 27no. light industrial units for B1/B8 use to include a new vehicular access off Westfield Way

Decision

Members voted against a movement for deferral.

PERMISSION GRANTED – Subject to conditions as recommended.

Voting Record

9 For

0 Against

1 Abstention

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

62 **18/00622/MFUL - Ravenswick Swineherd Lane Kirkbymoorside**

148/00622/MFUL - Erection of a palm house and garden outbuildings within a walled garden, formation of a boating lake with depositing of resulting spoil evenly on adjacent land and erection of an associated boat house, formation of moon lakes, erection of a brick and stone bridge and 2no. timber bridges over the River Dove, formation of a fenced deer park and associated site landscaping

Decision

PERMISSION GRANTED – Subject to conditions as recommend.

Voting Record

10 For

0 Against

0 Abstention

63 **18/00531/FUL - Land Off Piercy End Kirkbymoorside**

18/00531/FUL - Erection of a veterinary surgery with parking and turning areas

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

Voting Record

9 For

0 Against

1 Abstention

64 **18/00771/HOUSE - 32 Bondgate Helmsley**

18/00771/HOUSE - Erection of two storey extension to rear

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

Voting Record

10 For

0 Against

0 Abstention

65 **Proposed Acquisition and Disposal of Land for Planning Purposes - Land at Riccal Drive Helmsley**

Decision

The Planning Committee authorise the acquisition of an interest in the Site by the District Council under Section 227 of the Town and Country Planning Act 1990 as amended in order to engage powers under S203 of the 2016 Act for the planning purpose of facilitating the carrying out of the Development (in its current form or as it may be varied or amended) and subsequent disposal of that interest to the Developer (or an associated company) under section 233 of the Town and Country Planning Act 1990 as amended, subject to the Council Solicitor determining in consultation with the Chairman of the Planning Committee:

(i) that there is a suitable Indemnity in place; and

(ii) the terms on which the acquisition and disposal referred to above are to be made.

Voting Record

10 For

0 Against
0 Abstention

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

66 **Council Procedure Rule 32 - Item for Planning Committee Agenda at Request of Councillor Paul Andrews**

To note the following matters raised by Councillor Paul Andrews:-

- (i) The proposed legal challenge by way of judicial review by Paul Andrews of a written ministerial statement of Greg Clark MP, Secretary of State for Business Energy and Industrial Strategy made on 17th May 2018 which outlines the government's current strategy on its exploration and development of on shore shale gas resources; and
- (ii) A report by Councillor Paul Andrews on the North Yorkshire Minerals Plan. A copy is attached.

Decision

The Report was noted

Voting Record
10 For
0 Against
0 Abstention

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

67 **Any other business**

There was no other business.

68 **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.

69 **Appeals**

Members were advised of the following appeal decisions:

APP/Y2736/W/18/3201096 – Land to the south of Back Lane, Harome

APP/Y2736/W/18/3201098 – Land to the south of Back Lane, Harome
APP/Y2736/W/18/3198404 – Eddlethorpe Grange Farm, Malton
APP/Y2736/W/18/3200877 – Kirkdale Lodge, Highfield Lane, Nawton

Meeting closed at 20:14

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 23/10/18

6

Application No: 18/00235/73A

Application Site: Royal Oak Church Street Nunnington North Yorkshire YO62 5US

Proposal: Change of use of former pub to form a 5 bedroom private residential dwelling (retrospective).

7

Application No: 18/00035/MFUL

Application Site: Sherburn Ings Farm Station Road Sherburn Malton North Yorkshire YO17 8PS

Proposal: Erection of an agricultural building for the housing of fattening pigs and formation of an adjacent hard core yard area

8

Application No: 18/00839/MFUL

Application Site: Land Off Butterwick Road Butterwick Malton North Yorkshire

Proposal: Erection of a 32,000 bird free range egg laying unit with associated egg packing and storage building, 2no. feed bins, parking/turning area, concrete apron and access track linked to existing farm access track

9

Application No: 18/00608/FUL

Application Site: Howsham Hall Howsham Hall Road Howsham Malton North Yorkshire YO60 7PH

Proposal: Change of use to a dual use of residential (Use Class C3) and private hire (Sui Generis) under Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015), together with the temporary erection of outdoor marquee for no more than 4no. 5 day periods per year (part retrospective).

10

Application No: 18/00732/FUL

Application Site: Malton Road Garage Amotherby Malton YO17 6TG

Proposal: Erection of 5no. four bedroom dwellings with parking and amenity areas on land occupied by former petrol station

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 23/10/18

11

Application No: 18/00969/FUL

Application Site: 7 Russett Road Malton YO17 7YS

Proposal: Erection of a detached one bedroom self-contained residential annex together with a single storey rear extension to the existing dwelling and demolition of existing detached garage/store and shed

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: 18/00235/73A
Parish: Nunnington Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mrs Jill Greetham
Proposal: Change of use of former pub to form a 5 bedroom private residential dwelling (retrospective).
Location: Royal Oak Church Street Nunnington North Yorkshire YO62 5US

Registration Date: 13 April 2018 **8/13 Week Expiry Date:** 8 June 2018
Case Officer: Rachael Balmer **Ext:** 357

CONSULTATIONS:

Parish Council Objection
Parish Council Observations

Neighbour responses: Mr Peter Thompson, Mr Martyn Stephenson, Mr Martyn Thompson, Mrs Monika Porter, Ms Jane Thompson, Mr Martin Wilkinson, Dr John Elphinstone, Mr Robert Rand, Mrs Sue Elphinstone, Ms Sue Shilling, Mr Malcolm Evans, Ms Joanne Finkel, Mrs Anne Minister, Mr Jeremy Deedes, Mrs Ishbel Bartlett, Miss Amanda Easton, Mrs Linda Norbury, Mr James Clive, Mrs Linda Thompson, Dr And Mrs John And Sue Elphinstone, Mrs Stephanie Cornelis, Mr Aaron Turner, Mr Michael Hault, Mr Mark Booth, Mr James Manson, Mrs Natasha Ramirez, Mr Ben Fitzherbert, Mr Jason Medlycott, Mrs Margaret Matthews, Mrs Susan Usher, Mr Simon Lutman, Mr Henry Clive, Mr Daniel Parry, Mr Paul Jackson, Miss Pauline Cooke, Mr Roger Hammon, Mrs Lisa Brown, Mr Robert Jupp, Mr Edward Clive, Mrs Judith Thompson, Mrs Susan Wilkinson, Mr Richard Levien, Mrs Phil Hammon, Mrs Sophie Robinson, Mr Richard Murray Wells, Mr John Ferguson-Smith, Mr Stuart Roberts, Mr Mark Calver, Mr Paul Newman, Mr Stephen Jack, Miss Rebecca May, Mr Samuel Aviss, Mrs Nicky Jack, Mr Chris Cooke, Mr Jake Bell, Miss Emma Baxter, Mr Tom Drabble, Miss Alison Cooke, Mr Alexander Greetham, Ms Jo Mchale, Dr Nathan Stroud, Mr Neil Simmons, Mr Mark O'Bryen, Mr Matthew Allan, Ms Frances Bentley, Mrs Helen Barraclough, Mrs Anna Drabble, Mrs Maria Greetham, Miss Samantha Waine, Mr Ben Knollys, Ms Helen Cooke, Mr Chris Holland, Mr Andrew Van Blerk, Mr Wesley Allen, Miss Amy Leavy, Mrs Elise Evans,

Overall Expiry Date: 17 September 2018

INTRODUCTION:

Members will recall that this application was considered at Planning Committee on 25th September 2018. The matter was deferred by the Head of Planning under the Council's constitution after Members had resolved to refuse the application contrary to Officer advice.

Members will also recall that in arriving at the final Officer recommendation that the Council had sought opinion from Mr D. Sutcliffe, a registered Chartered Surveyor, of Fleurets. Fleurets are a national practice who deal exclusively in the provision of property advice, sales, lettings and valuations of hotels, restaurants, public houses and other types of licensed and leisure property.

Members voted to refuse the application because of their concerns relating to the loss of the public house in the village that they considered to have no other reasonable alternative facility and because Members considered that there was still the possibility of the business being run as a viable proposition. In consultation with the chairman of Planning Committee the Head of Planning has sought to capture the wording of a proposed reason for refusal which covers the reason voted on by Members at the meeting.

With respect to the opinions and reasons for refusal that Members put forward at Planning Committee on 25 September 2018, Officers are duty bound to offer professional advice as the robustness of any reason for refusal.

The draft reason for refusal is set out below:

1. Policy SP11- Community Facilities and Services of the adopted Ryedale Plan Local Plan Strategy 2013 seeks to protect existing local retail, community, leisure and recreational services and facilities that contribute to the vitality of the towns and villages in the district. The Local Planning Authority considers that there is a continuing need for this facility in the locality and that there is no easily accessible alternative to serve the needs of the community of Nunnington. Furthermore the Local Planning Authority remains of the view that the premises has the potential to be run as a viable business and that the applicant has not provided sufficient evidence to demonstrate that the facility could not be run as a viable business

The proposal to change the use of the premises to a five bedroom private residential dwelling is therefore considered to be contrary to the requirements of Policy SP11 of the adopted development plan and that there are on material considerations of sufficient weight to warrant a decision contrary to the requirements of the adopted development plan.

Matters of concern to Officers

Members will be aware from the earlier committee report of 29th August 2018 that the public house ceased trading as of 1st January 2018. In the intervening period the license has been surrendered as of 12th June 2018, the commercial kitchen equipment is has been removed and the former public areas are used as domestic accommodation.

In these circumstances officers are of the opinion that it is almost inevitable that a formal decision to refuse the application would result in an appeal to the Secretary of State against the decision. In all circumstances of appeal, be it public inquiry, informal hearing or written representations, there is a risk of an award of costs against a decision which is unreasonable and where the appellant has incurred unnecessary expense in presenting their case. To date the applicant has used a local agent Mr J Paul and more recently Freeths LLP a legal firm based in Nottingham to present their case.

The report produced by Fleurets on behalf of the Council is currently the only professional evidence available for the Local Planning authority to consider in relation to this property. The report runs to

some 34 pages in content plus appendices. It is considered to be a thorough appraisal and its concluding paragraphs 5.1 to 5.3 inclusive state:

- 5.1 *On consideration of the of historic information which demonstrates recent trading performance of the Royal Oak and my assessment of the realistic credible maximum likely trade potential, it is my opinion that the property is not economically viable for continued use as a public house. My above trade appraisal and viability assessment, demonstrate that it is not capable of generating a satisfactory profit performance to make it viable/sustainable for the reintroduction of public house use. The non-viability of this course of action particularly arises as a result of the capital investment required to acquire the premises.*
- 5.2 *I am of the opinion that the property's characteristics and location would cause it to be heavily reliant upon a destination type custom attracted for food. Given the range of existing competing public houses/pub-restaurant and other community facilities situated in the local district, the sustainability of trading at the Royal Oak will present significant challenges and uncertainties and cannot be demonstrated to provide an operator with a satisfactory return on, (i) the required capital investment; (ii) the risks of investing in the proposition; and (iii) the required entrepreneurial endeavour necessary for a party to acquire, operate a rural located public house with a low nearby resident community.*
- 5.3 *I therefore conclude, that the Royal Oak is not an opportunity or undertaking that is economically viable for any party who is subject to the norms of profit motivation and market led commercial costs of finance in the current economic and financial circumstances, nor indeed those reasonably expected to apply in the short to medium term time frame. Should a party nevertheless undertake such a risk and investment, they would in my opinion be subject to a high risk of business failure.*

In the context of the proposed draft reason for refusal above this position is difficult for Officers to defend with any reasonable prospect of success. Furthermore as this is contrary to the thrust of the evidence available in the Fleurets report and it relates to a sole reason for refusal there is a serious risk of the Council facing a claim for a full award of costs in the event of any appeal.

At this point it is not known (in the event of an appeal) what form the appeal would take. However if an appeal was to be heard before an Inspector then the Council would need to seek the services of a Planning Consultant in order to present its case. This is because officers of the Council have recommended approval of the application and this remains the professional opinion of officers notwithstanding the recent Members decision at Committee on 25th September 2018.

Members are reminded that in a Planning Appeal situation, all reasons for refusal need to be supported with evidence ideally provided by persons with appropriate qualifications and experience. If the Council cannot provide such evidence it puts itself at risk of having costs awarded against it for unreasonable behaviour. The anecdotal evidence that a good publican could turn the financial fortunes of the pub around will have little or no weight of itself in the decision making process and will need to be substantiated by evidence.

It is also important that Members understand that any reason for refusal will need to be rigorously defended at appeal, which brings its own costs that the Council have to pay, but in addition if the Council are unable to defend any reason for refusal, then there is a risk that the Council will also have to pay the appellants costs.

Officers and the Solicitor to the Council have considered the potential for an award of cost and the range of expense that could be faced in the event of a costs claim. Members can be advised at the meeting of the potential range of costs although this would be required to be discussed in exempt business at the meeting.

Having reviewed the available evidence officers regrettably remain of the opinion that the application should be approved for the reasons set out in the Committee report of 25th September 2018.

RECOMMENDATION: Approval

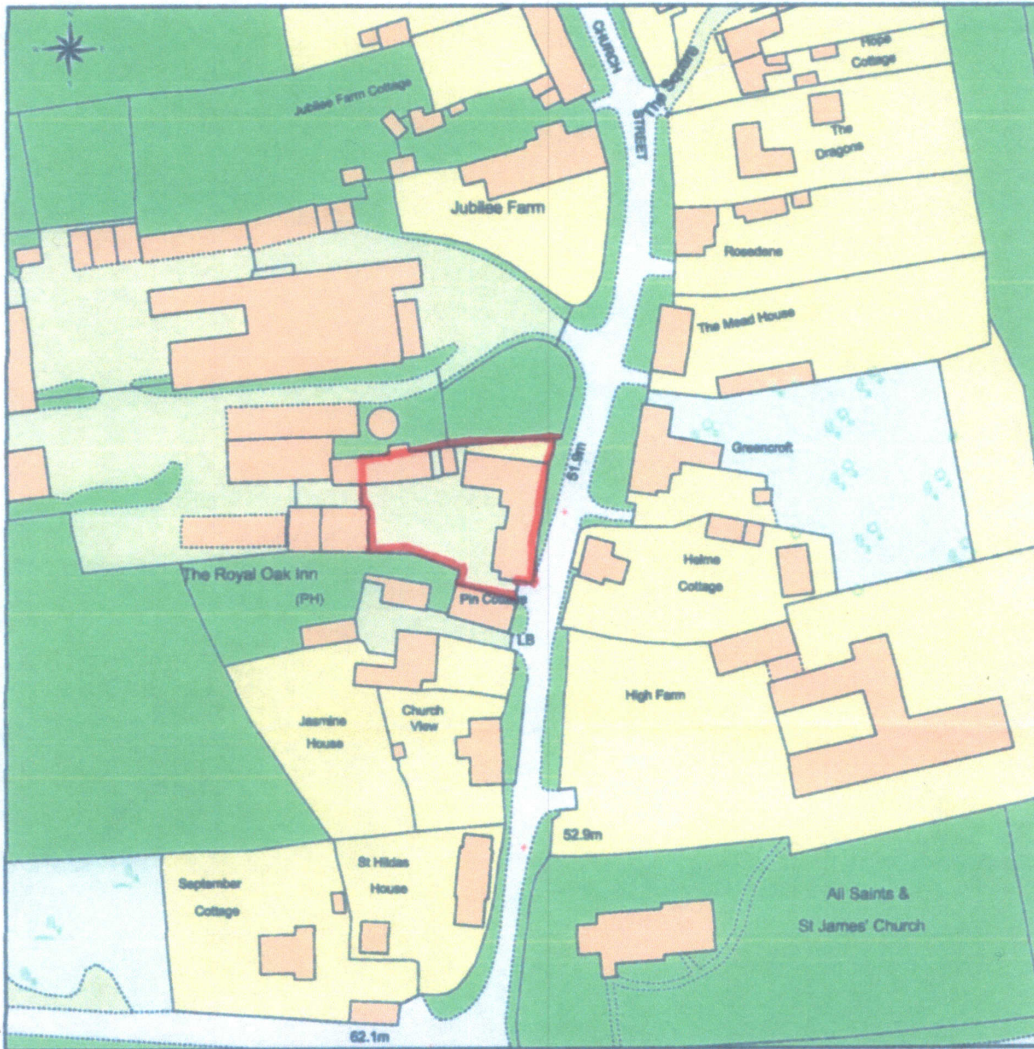
- 1 The dwelling hereby approved is subject to a local needs occupancy condition where this accords with, and will be limited to people (and their dependants) who:
- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock, or
 - Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the Parish after leaving military service; or
 - Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
 - Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

Reason: To accord with the Policies SP1, SP2 and SP21 of the Ryedale Plan- Local Plan Strategy.

- 2 The development hereby approved is undertaken in accordance with the plans submitted in conjunction with this application.

Reason: For the avoidance of doubt.

Location Plan of YO62 5US



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RYEDALE DM

13 APR 2010

DEVELOPMENT
MANAGEMENT

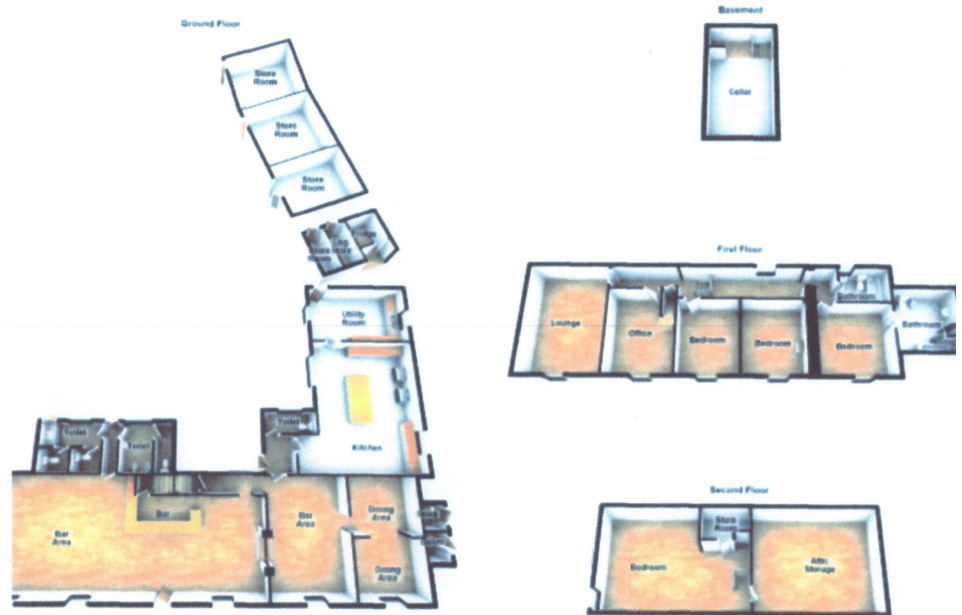
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Ryedale DM

13 APR 2018
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ARCHITECTURAL
DESIGNER

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Change of Use Application.

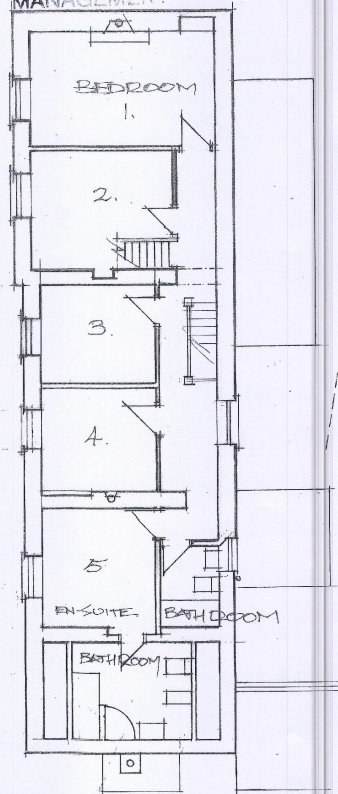
The Royal Oak
Nunnington
YO62 5US
for
Mrs Jill Greetham.

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12/04/18

RYEDALE DM

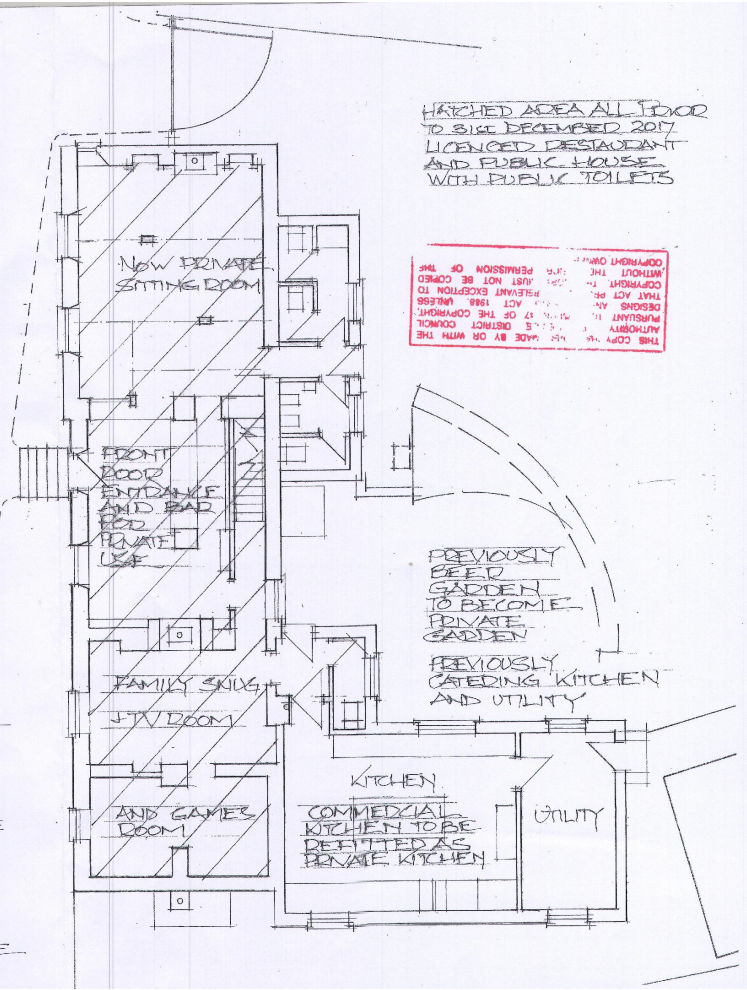
13 APR 2018

DEVELOPMENT MANAGEMENT



FIRST FLOOR
ALL PRIVATE
FAMILY ROOMS

PLEASE NOTE: NO STRUCTURAL CHANGES ARE PLANNED OR PROPOSED



HATCHED AREA ALL FLOOR TO BE DECEMBER 2017 LICENCED RESTAURANT AND PUBLIC HOUSE WITH PUBLIC TOILETS

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PREVIOUSLY USED GARDEN TO BECOME PRIVATE GARDEN
PREVIOUSLY CATERING KITCHEN AND UTILITY

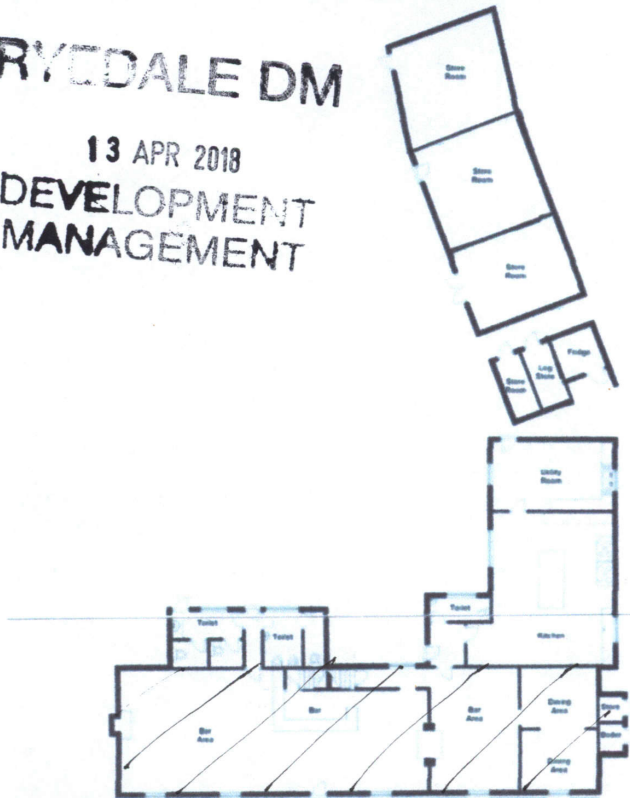


Ground Floor

RYEDALE DM

13 APR 2018

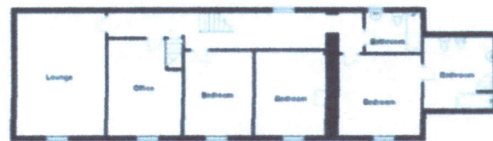
**DEVELOPMENT
MANAGEMENT**



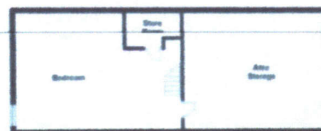
Basement



First Floor



Second Floor

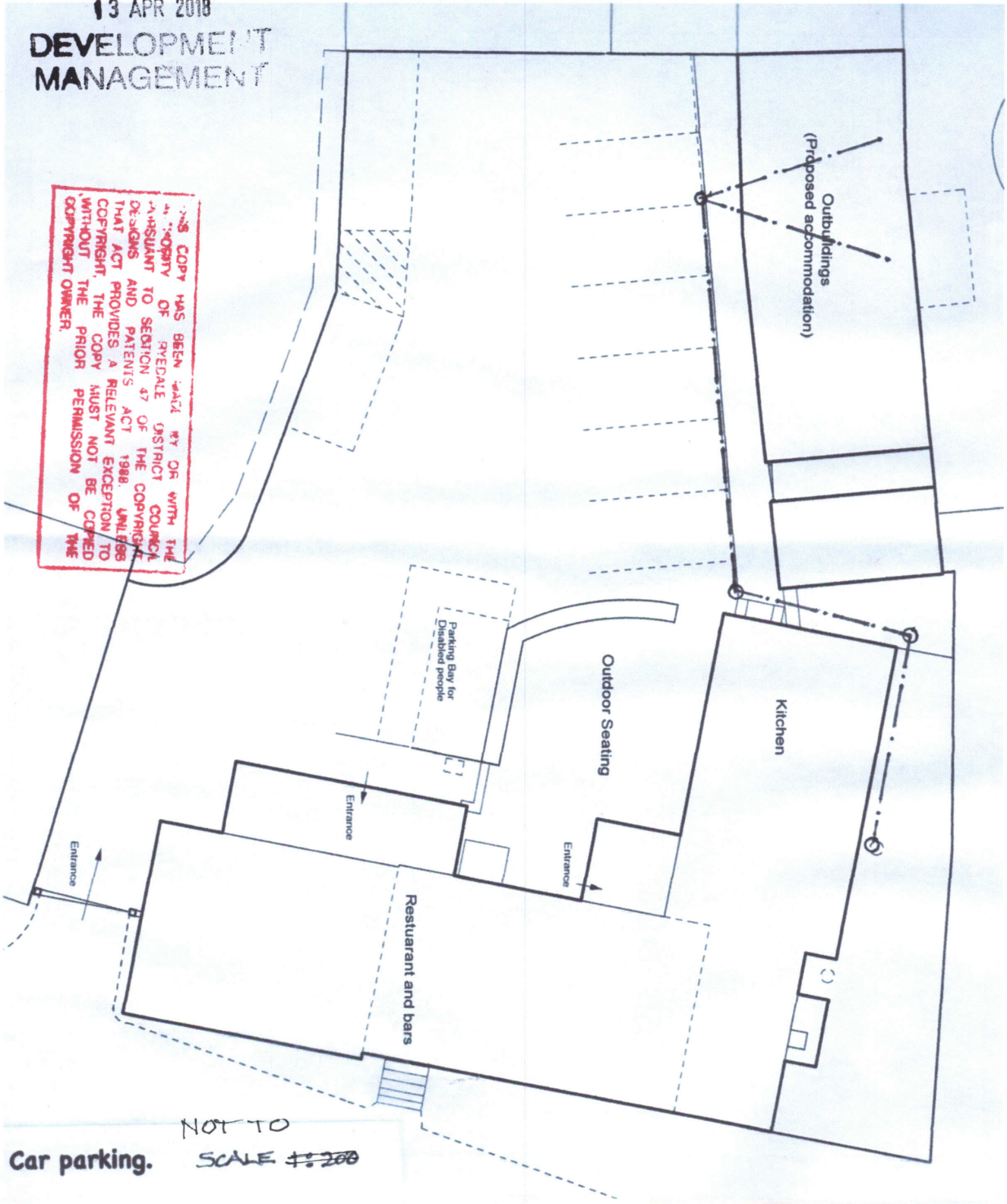


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Car parking. NOT TO SCALE 1:200

Parish Consultation

Mrs Bridget Till
High Moor Lodge
Nunnington
York
YO62 5XB
11/08/2018

Ms Rachael Balmer
Ryedale District Council
Ryedale House
Malton
York
YO17 7HH

Application No: 18/00235/73A

Dear Ms Rachael Balmer

Nunnington Parish Council held a meeting on 7/08/18 and discussed the reasons stated for the amended planning application and came to make the following observation:

The report produced by Fleurets dated 18th July 2018 regarding The Royal Oak, Nunnington notes the property "has not been marketed at a realistic guide price" (point 4.5.10), the Royal Oak was marketed at £650,000, ultimately reduced to £600,000, while its market value is calculated as £325,000. Nunnington Parish Council believes The Royal Oak should be publicly marketed, at a realistic market value for a reasonable period of time, before being considered for change of use.

Yours sincerely

Bridget Till
Clerk to Nunnington Parish Council

Mrs Bridget Till
High Moor Lodge
Nunnington
York
YO62 5XB
12/5/18

Karen Hood
Ryedale District Council
Ryedale House
Malton
York
YO17 7HH

Application No: 18/00235/FUL

Dear Ms Hood,

The Parish Council held a meeting on 11/05/18 and discussed the above planning application.

The Chairman reported that a Community Asset form would be sent to Mr Gary Housden as the Council wished the Royal Oak to remain as a pub and not become a private residential dwelling.

This was an open meeting with a representation from the village. Noone supporting the planning application attended the meeting.

The following points were raised against the application.

1. The pub had been viable during previous ownership and could still be. About 8000 people visit Nunnington Hall per year so plenty of foot fall.
2. It was felt that the asking price was very high compared to the original purchase price. The commercial kitchens had been taken out and sold so that must be taken into consideration of the present value.
3. Marketing over last two years would not have included the planning permission for the outbuildings as only approved on 12 December 2017.
4. The Royal Oak and the outbuildings 10 metres west are Grade II listed buildings.
5. The Ryedale Local Plan Strategy SP11 should be considered.
6. The village is holding Pop up Pubs run by volunteers, which are proving to be very popular but these can only be once a month due licence requirements.

Yours sincerely

Bridget Till
Clerk to Nunnington Parish Council

Agenda Item 7

Item Number: 7
Application No: 18/00035/MFUL
Parish: Sherburn Parish Council
Appn. Type: Full Application Major
Applicant: Mr John Slack
Proposal: Erection of an agricultural building for the housing of fattening pigs and formation of an adjacent hard core yard area
Location: Sherburn Ings Farm Station Road Sherburn Malton North Yorkshire YO17 8PS

Registration Date: 29 January 2018
8/13 Wk Expiry Date: 30 April 2018
Overall Expiry Date: 16 March 2018
Case Officer: Niamh Bonner **Ext:** Ext 325

CONSULTATIONS:

Sustainable Places Team (Environment-Agency Yorkshire Area)	No Objection
Lead Local Flood Authority	Recommend Condition
Environmental Health Officer	Recommend Condition
Parish Council	No Responses Received
Highways North Yorkshire	No Objection
Vale Of Pickering Internal Drainage Boards	No Objection

Neighbour responses: The Occupier Petrefield

SITE:

The application site Sherburn Ings Farm is located within the open countryside to the north of Sherburn. The site is accessed via a farm track to the east from Brompton-Ings Road. Part of the site is located within Flood Zones 2 and 3, in close proximity to the River Derwent.

The site currently incorporates two existing pig housing buildings and a mobile home for use as a temporary agricultural workers dwelling. Approval has been granted for a permanent agricultural workers home.

PROPOSAL:

This application seeks approval for the erection of an agricultural building for the housing of fattening pigs and formation of an adjacent hard core yard area.

The proposed building and hard core area will be located adjacent to two existing pig buildings of a similar scale.

POLICIES:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

National Planning Policy Framework

National Planning Practice Guidance

HISTORY:

The following applications are considered relevant to the current proposal:

10/00305/MFUL: Erection of a 8,000 bird free range egg laying unit with 1no. associated feed bin. Approved

12/01141/FUL: Siting of a one bedroom mobile home for use as a temporary agricultural workers dwelling with parking area. Approved

14/00103/MFUL: Erection of an agricultural building for the housing of pigs (retrospective application) Approved

14/00104/MFUL: Erection of an agricultural building for the housing of pigs. Approved

15/01438/FUL: Erection of roof over existing open yard to form livestock handling area (part retrospective application) Approved

16/00912/FUL: Erection of a three bedroom agricultural workers dwelling with parking and amenity area. Approved

18/00037/FUL: Erection of an agricultural storage building for straw. Approved

APPRAISAL:

The main considerations within the determination of this application are:

- i. The principle of development
- ii. Form, design and landscape impacts
- iii. Flood risk and drainage
- iv. Impact upon neighbouring amenity
- v. Highway safety
- vi. Other matters, including consultation responses.

i. The principle of development

This application is 'major' development because the proposed building has a floor area in excess of 1,000m² as such it is required to be determined by the Planning Committee. It is noted within the Planning Statement that the agricultural business is a pig fattening unit, which has been established for over 5 years. The current livestock incorporates 1600 weaned piglets and 870 fattening pigs. This proposed building would enable the site to accommodate an additional 850 head of stock, improving business turnover and income.

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that 'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'

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

In this case, this proposal relates to the erection of an agricultural building in the wider open countryside within an established agricultural business, to provide for the housing of fattening pigs and formation of an adjacent hard core yard area. This is an existing, established farm and the principle of further buildings to support this activity is acceptable and in accordance with Policy SP9 of the Ryedale Plan, Local Plan Strategy.

ii. Form, design and landscape impacts

The structure is positioned along the northern side of and parallel to the two existing pig buildings at Sherburn Ings Farm. The building would extend 60m x 18.7m, with an eaves height of 3.6m and a ridge

height of 6m, which would maintain the exact scale of these two buildings. This design would incorporate the usage of olive green cement fibre sheets and box profile tin sheets for the walls and roof. Openings would be located solely within the eastern side elevation.

This proposal presents a significant addition to the application site, because the building incorporates a footprint of approximately 1092 square metres. However, it is acknowledged that the application site is an existing farmstead and there are large buildings already in which this new building would be read as a group. Whilst significant in footprint, this proposal would incorporate a relatively low pitched roof form, according with the other agricultural buildings on site.

Whilst the footprint of the building is acknowledged, due the narrowest gable end fronting the highway at a distance of c168 metres from the nearest public highway it is considered that this building would have a relatively limited impact in landscape terms particularly given the grouping of development at this point. This, together with the existing landscaping on the site (particularly along the western boundary) will ensure the building is not incongruous and no further landscaping is considered necessary.

The closest neighbouring property is Petrefield to the north west situated at a distance of c125m is separated by a boundary which incorporates mature landscaping and this is considered acceptable to screen the development from this viewpoint.

iii. Flood Risk and Drainage

The site is located within Flood Zone 3. The remaining land holding belonging to the applicant at the site is also in Flood Zone 3. The proposed building is functionally required for the agricultural business. The application is for the erection of an agricultural building, which is considered to be a 'less vulnerable' land use in the Planning Practice Guide: Flood Risk and Coastal Change.

The Environment Agency were consulted in respect of this proposal given its location within Flood Zones 3. A response was received and confirmed they have reviewed the Flood Risk Assessment submitted by ML Planning Consultancy dated 01/02/2018. It was noted that there was no objection to the proposed development if it was carried out in accordance with this document. A condition will be added to ensure this is undertaken. The Environment Agency within their response noted that an Environmental Permit issued by the Environment Agency is required at any farm where the number of places for production pigs >30kgs is to exceed 2000 to ensure appropriate pollution control. Further advice was provided in this respect and an informative will be attached to any approval to remind the applicant of their responsibilities under this separate legislation.

Due to the scale of the application, the Internal Drainage Board and Lead Local Flood Authority were consulted. The Internal Drainage Board made the following response:

“Surface water from the new building will discharge into a farm ditch which eventually runs into Sherburn Cut, a Board-maintained watercourse. The farm ditch for most of the time is a dry ditch and because of the sandy nature of the land it acts as a soakaway. In view of this, surface water discharge from the building is, in my opinion, unlikely to have any impact on Sherburn Cut. In normal circumstances, the Board would ask for underground attenuation to be restricted to an agricultural discharge rate. Because of the very small area, the Board would normally accept a rate not exceeding 5 litres/second from any attenuation. With this particular application, we do not consider attenuation is necessary with the discharge being into the dry ditch. In view of the above, the Board have no objection to the development.”

The Lead Local Flood Authority requested further information during the determination period of the application, in terms of a drainage layout, including details of the existing and proposed drainage network and integration, drainage outfall location, peak flow rates, required attenuation storage, topography and finished floor levels. Information was also requested in relation to the capacity for any additional flows/volumes from the new building and to ensure its serviceability.

This information was provided and the LLFA Officer confirmed in a revised consultation response dated 4th October 2018 that they had no objection on the basis of the submitted information, subject to it being carried out in accordance with the approved details.

It is therefore considered that the proposal complies with Policy SP17 (Managing Air Quality, Land and Water Resources) of the Ryedale Plan - Local Plan Strategy.

iv. Impact upon neighbouring amenity

A letter of objection has been received from the occupiers of the neighbouring property, Petrefield. This raises the following summarised issues:

- Concerns about another pig building and the environmental effect on the land and area.
- Concerns over where the dirty water goes as the properties in this area are on boreholes.
- Presence of rats and the unpleasant smell of pigs

The concerns raised are acknowledged. In the determination of this application, as detailed above the Environment Agency were consulted and in their response they confirmed no overall objection and provided information in relation to Environmental Permitting/The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSFAO) Regulations 2010 and as amended 2013.

Accordingly, an informative to draw the applicant's attention to this response and therefore remind them of their duties under this separate Environmental legislation will be attached to any decision notice for approval.

It is therefore considered that as the three bodies, the EA (who hold statutory responsibility for pollution protection of watercourses) the LLFA and the IDB are content with the proposed building to be used for pig housing, that we can be satisfied that there will not be any harm from to any nearby boreholes as a result of the proposed development. The Case Officer has also checked this approach with the Council's Environment Specialists who agreed and who have confirmed boreholes are positioned so deep that they could not be contaminated from surface water runoff.

The Environment Specialists have also confirmed no objection with regard to the overall proposed development, subject to a condition in relation to Manure Management details being submitted. It is therefore considered that subject to this, this proposal will not have a harmful environmental impact upon the area.

The neighbours' concerns with regard to the unpleasant smell from pigs and presence of rats are noted. However the application site is a pig farm in the open countryside and vermin can be commonplace in this setting. Additionally, whilst some odours may be associated with this type of development, it is intended that the proposed condition will mitigate any inappropriate storage of manure.

It is therefore considered that subject to condition the proposal complies with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

v. Access and Highway Safety

The Local Highway Authority has raised no objection to the proposal. The existing vehicular access will be not be affected.

vi. Other Matters including Consultation Responses.

No further letters of representation have been received in respect of this application.

In light of the above considerations, the proposal is considered to satisfy the relevant policy criteria outlined within Policies SP1, SP9, SP13, SP16, SP17, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

RECOMMENDATION: Approval

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

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

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

Site Location Plan
Proposed Site Plan (Drawing no. ML/JS/5607)
Proposed Elevations, Floor Plans and Roof Plan (Drawing no. ML/JS/5605)
Flood risk Assessment, ML Planning Consultancy, (No Date).
Proposed Surface Water Drainage Layout, (No Date).
Drainage Strategy, Reford Consulting Engineers, 1/10/18.
Drainage design Report, Causeway, 24/09/18

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

3 Unless otherwise agreed in writing with the Local Planning Authority, the proposed material for the development hereby approved will be box profile sheeting and cement fibre sheeting in Olive Green.

Reason: In the interests of good design and in compliance with Policy SP13, SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF

4 Prior to the commencement of the development, a manure management and cleaning plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of surrounding properties, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

5 The Development shall be built in accordance with the following submitted designs/reports;

- o Flood risk Assessment, ML Planning Consultancy, (No Date).
- o Proposed Surface Water Drainage Layout, (No Date).
- o Drainage Strategy, Reford Consulting Engineers, 1/10/18.
- o Drainage design Report, Causeway, 24/09/18

The flowrate and volume control from the site will reflect those defined and accepted by the IDB. The standalone drainage network will manage the 1 in 100 year storm event, plus climate change, without increasing flood risk, on or off site for the lifetime of the development. The scheme shall include a detailed maintenance and management regime for the drainage system. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

- 6 Prior to their installation, precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP13 of the Ryedale Plan - Local Plan Strategy.

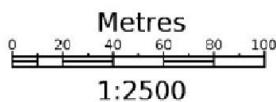
INFORMATIVE(S)

- 1 The applicant's attention is drawn to the information provided within the Environment Agency's Consultation response dated 21st February 2018 in relation to Environmental Permitting/The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSFAO) Regulations 2010 and as amended 2013.



Produced 02 Dec 2015 from the Ordnance Survey MasterMap(Topography)Database and incorporating surveyed revision available at this date.

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.



Sherburn Ings Farm
Brompton

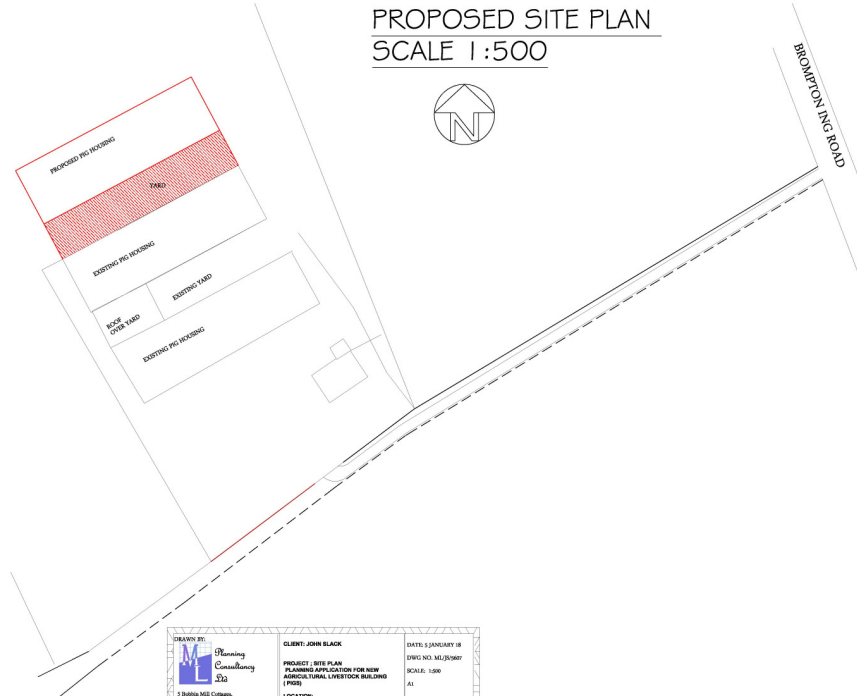
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PROPOSED SITE PLAN
SCALE 1:500



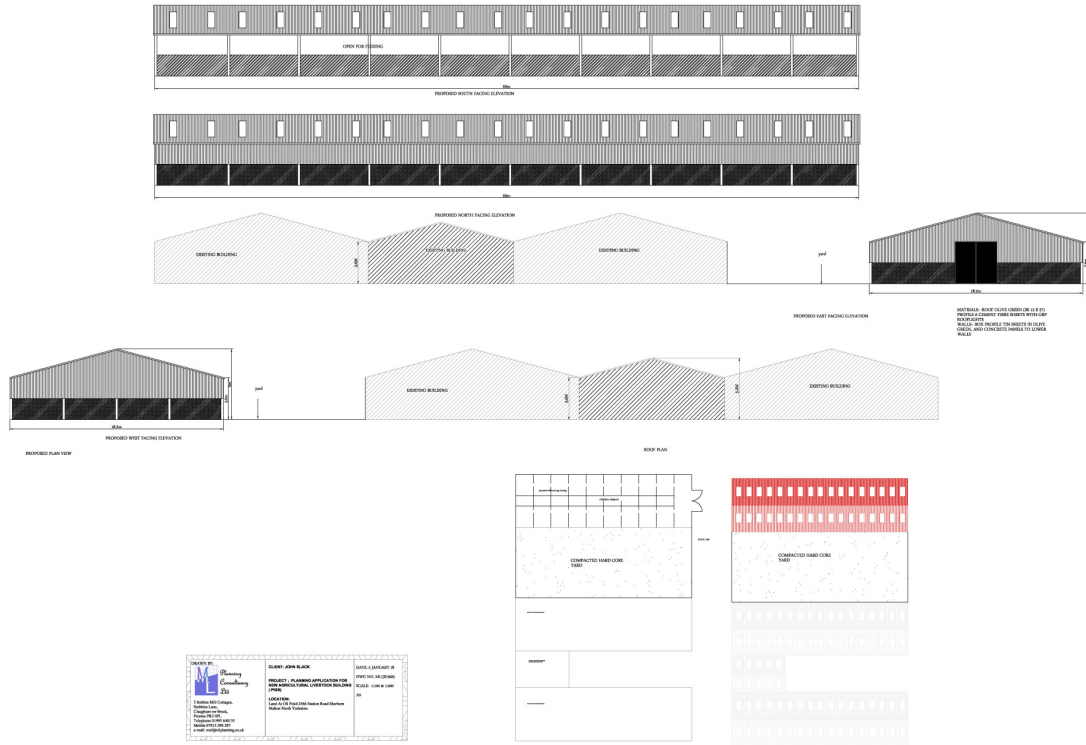
<p>DRAWN BY:</p>  <p>3 Babbles Hill Cottages, Babbles Lane, High Wycombe, Bucks HP12 1BS Tel: 01494 441315 Mobile: 07932 296 287 Email: info@planningconsultancy.co.uk</p>	<p>CLIENT: JOHN BLACK</p>	<p>DATE: 23 JANUARY 18</p>
	<p>PROJECT: SITE PLAN PLANNING APPLICATION FOR NEW AGRICULTURAL LIVESTOCK BUILDING (PGH)</p>	<p>SCALE: 1:500 A1</p>
<p>LOCATION: Land Adj To Field 2966 Station Road Sheeham Milton Keynes Yorkshire</p>		

Date Valid 29/01/2018

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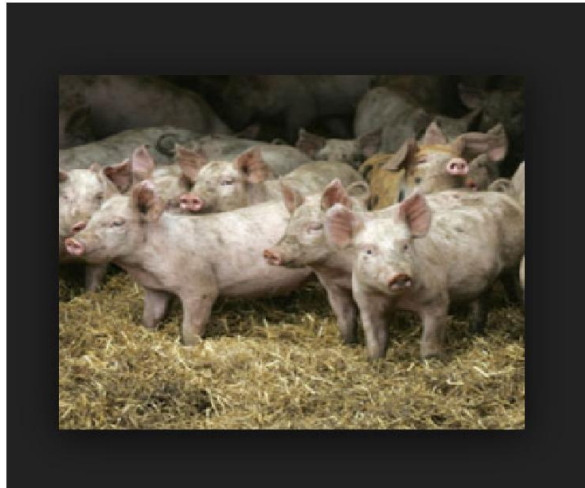
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ML Planning Consultancy Ltd

Design and Access Statement
Full Planning Permission
New AGRICULTURAL LIVESTOCK BUILDING
Mr J Slack
Land At OS Field 2466 Station Road Sherburn Malton North Yorkshire



CONTENTS

1. Introduction and background
2. Agricultural enterprise
3. Scale
4. Landscaping
5. Access

1. Introduction and background

This statement has been prepared on behalf of Mr John Slack of Sherburn Ings Farm in support of a full Planning Application for a new pig fattening building.

Mr Slack established the business over 5 years ago and it has grown consistently since its inception,

The new building would enable the site to carry an additional 850 head of stock, improving business turnover and income.

2. Agricultural Enterprise

2.1. Current Agricultural Enterprise

1600 weaned piglets (4 weeks old upwards)
870 fattening pigs 50kg-120kg

The farm is a pig fattening unit, receiving weaned pigs into the unit at 8 weeks old, and taking them through to finished weight at around 90kg – 120Kg for entry into the food chain as bacon.

3. Scale

The proposed building is identical in size and materials to the two buildings already on site, with one side open with gates to enable ease of feeding, and it is set away from the existing most northern building by 12m to allow tractor/feeding access.

4. Landscaping

At present there are no plans to landscape as the building adjoins two existing buildings within the yard area

5. Access

Access to the building is from the existing access to the farm. There is adequate room for the turning and maneuvering of vehicles and room for emergency services if they were ever required.

Item Number: 8
Application No: 18/00839/MFUL
Parish: Foxholes Parish Council
Appn. Type: Full Application Major
Applicant: SP & LM Mason (Mr Stuart Mason)
Proposal: Erection of a 32,000 bird free range egg laying unit with associated egg packing and storage building, 2no. feed bins, parking/turning area, concrete apron and access track linked to existing farm access track
Location: Land Off Butterwick Road Butterwick Malton North Yorkshire
Registration Date: 16 August 2018
8/13 Wk Expiry Date: 15 November 2018
Overall Expiry Date: 26 September 2018
Case Officer: Alan Goforth **Ext:** Ext 332

CONSULTATIONS:

Archaeology Section	Recommend conditions
Natural England	No objection
Parish Council	No objection - concerns regarding use of country road by HGVs
Highways North Yorkshire	No objection in principle, recommends conditions
Yorkshire Water Land Use Planning	Recommend condition/further information required
Flood Risk (LLFA)	Recommend conditions
Environmental Health Officer	No comments received
Countryside Officer	No comments received
Environment Agency	No objections- informatives recommended
Neighbour responses:	No responses received

SITE

The proposed development site is 1.5km south-east of Butterwick and within the open countryside and the locally designated Wolds Area of High Landscape Value. Access to the proposed building would be via a track approximately 1.5km in length that leads south from the main road (C road). The land rises up southward from the village. The nearest residential property is at Highfield Farm approximately 1km east of the site. At its closest point the steeply sloping chalk grassland of Butterwick Whins Sites of Importance for Nature Conservation (SINC) is 15 metres to the east of the site. There are no statutorily protected sites or landscapes within 5km of the site. The site also lies within an area of archaeological interest.

HISTORY

There is no planning history relevant to the determination of this application.

PROPOSAL

Planning permission is sought for the erection of a 32,000 bird free range egg laying unit with associated egg packing and storage building, 2no. feed bins, parking/turning area, concrete apron and access track linked to the existing farm access track off the Foxholes/Weaverthorpe road.

The proposed building would be steel portal framed measuring 110m by 24m reaching 3.3m high at eaves level and 6.52m at ridge height. The building would be of a dual-pitched design clad with

polyester coated steel profile sheeting for the walls and roof coloured Juniper Green. A soakaway trench would be parallel to the western end elevation of the building. Four sets of double doors would be in the eastern end elevation opening onto a 144m² concrete apron (for wash-down) beyond which would be a vehicle turning area linked to the access track (laid to stone).

An adjoining building, connected via a link corridor, would contain the egg store and packing area and would measure 24m by 12m standing 4m to the eaves and 5.65m to the ridge. The two feed bins, each standing 7.5m high and coloured Juniper Green, would be positioned adjacent to the south east corner of the egg laying unit

Internally the egg laying unit would be subdivided into two bird housing areas each having capacity for 16,000 birds. The housing area will comprise a multi-tiered system which includes rows of tiered perches positioned over manure belts. The housing area also includes automated chain feeders and non-drip nipple drinkers. The nest boxes are accessible from the tiered perches. The nest boxes have sloping bases and are situated adjacent to an egg collection conveyor. Following laying the eggs roll from the nest box onto the conveyor which delivers them to the packing area. The packing of eggs is undertaken every morning 7 days a week.

The ventilation of the bird areas takes the form of a series roof inlet chimneys and fans in the side walls. The ventilation fans are controlled by a computer system which maintains the optimum temperature within the building.

There would be pop holes in the north and south elevations of the building which are automatically operated and open at 8am and close at dusk. The pop holes provide the birds with access to the external ranging area during daylight hours. To comply with RSPCA requirements the external ranging area must extend to a minimum of 1 hectare for every 2,000 birds. The ranging area for the proposed unit is a minimum of 16 hectares.

The perch areas are perforated and the manure produced by the birds drops onto the manure belts which are emptied on a twice weekly basis. The manure is removed from the building into an agricultural trailer and used on the farm as a sustainable agricultural fertiliser on arable land. It is understood that this will take place on 74 hectares arable land under the ownership and control of the applicant.

The egg laying unit would operate on a 60 week cycle. The unit is cleaned and washed out at the end of each flock cycle. The building is sealed and would drain towards the concrete apron adjacent to the eastern elevation then into a sealed containment system.

The traffic associated with the development comprises 1 feed delivery, 2 egg collections and 1 carcass collection per week (8 movements). Peak traffic occurs at the start and end of the flock cycle (60 weeks). The birds are delivered and removed by four HGV (8 movements). The unit would provide employment for two full time workers (four movements per day).

POLICY

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)
National Planning Practice Guidance 2014 (PPG)

Appraisal

The main considerations in the determination of this application are considered to be:

- i) Principle of the development;
- ii) Design, appearance and impact upon the AHLV;
- iii) Local amenity and environmental impact;
- iv) Flood Risk, drainage and water supply;
- v) Highway impacts;
- vi) Impact on adjacent SINC; and
- vii) Archaeological impact.

Principle of the development

The site is within the open countryside, however, the principle of the development aligns with local policies SP1 and SP9 and paragraph 83 of the revised NPPF as the new building would support land based activity and the rural economy. The proposed building represents investment in the poultry sector that would create a modern and efficient free range egg operation which promotes UK food production and contributes to the local economy through direct and indirect employment during the construction and operational phases.

Design, appearance and impact upon the AHLV

The proposed building has substantial footprint of approximately 2,640m², and, within this rural context, can be regarded as major development. The size of the building is a functional requirement for the free-range operation. Generally, free range egg laying units cannot be located adjacent to existing agricultural buildings because of the large ranging requirement for the hens. The buildings and feed bins would be coloured Juniper Green (dark green), which will ensure that the buildings will integrate into the rural surroundings.

The application site makes use of a valley within an arable field which minimises its impact upon the open countryside. From Butterwick Road, there is a field hedge and the land falls away to the east into the valley before rising up to a high point at Highfield Farm 1km from the site. The landform provides a significant natural screen.

It is considered that the siting, scale and design is acceptable and would ensure that the building would not be visually prominent in the open countryside and would not have a material adverse effect on the character and appearance of the locally valued landscape area in compliance with Policies SP13, SP16 and SP20.

Local amenity and environmental impact

The proposed building would be located in a remote valley 1.5km south east of the village of Butterwick. Due to the topography of the land the building would not be visible from any residential properties or public rights of way in the vicinity and therefore no visual intrusion is anticipated.

The nearest residential property is 1km to the east. With regard to odour impact the site is isolated and at a significant distance from residential receptors. The noise generated by the operation of poultry units is that associated with the ventilation fans. In this case the fans are located inside the building, 300mm

below the ridgeline within an insulated chimney. The fans are enclosed and would not be audible within the site and would not generate any noise disturbance at any residential receptor.

With regard to dust and emissions the application details refer to a DEFRA study that demonstrates that particulate matter in emissions from poultry units reduced to background levels by 100m downwind of even the highest emitting poultry houses. In light of the remote location in relation to nearby residential receptors it is considered that the emissions would not pose a risk to human health or have an adverse impact upon the existing levels of amenity of users and occupants of neighbouring land and buildings.

Any dead birds are collected on a daily basis and stored within a sealed carcass bin and collected weekly by a licenced fallen stock operator. The unit would operate with a pest control protocol with regular baiting for rodents. The frequent removal of manure would also minimise the breeding of flies.

The site occupies a relatively isolated location in relation to sensitive receptors and public vantage points. It is not anticipated that this proposed building and poultry operation would give rise to any unacceptable visual intrusion, pollution or disturbance and as a result there would not be an adverse impact upon local amenity or environment in compliance with the relevant part of Policy SP20.

Flood Risk, drainage and water supply

The site is within Flood Zone 1 with no water features within the vicinity and the proposed development is classed as a 'less vulnerable' use. The site overlies a Principal Aquifer and lies within a Groundwater Vulnerability Zone. The application is accompanied by a Flood Risk and Drainage Assessment.

The development is within an area with a low probability of flooding. The Assessment concludes that the development is not at risk of flooding and the building can be built at traditional levels with no requirement for flood resilient construction methods.

It is proposed that the surface water run-off would be disposed of via a soakaway/infiltration trench. To minimise risk of pollution of the ground water the rainfall run off from the building would discharge directly to the sealed, below ground drainage network that incorporates a silt trap and sand filter prior to discharge to the soakaway. The waste water from the cleaning/washing out of the building would drain from the concrete apron directly to an underground sealed storage tank in accordance with the Environmental Permit.

The LLFA has confirmed that the submitted documents demonstrate a reasonable approach to the management of surface water on the site and recommend that the inclusion of conditions on any permission granted relating to drainage detail, infiltration rate and exceedance flow routes.

Yorkshire Water observed that the existing water main in the vicinity of the site may not have sufficient capacity to serve this proposed development and requested confirmation of the proposed water supply. In response the applicant is proposing a private water supply in the form of a private borehole and in light of this Yorkshire Water have confirmed that the previously suggested condition is not necessary.

The Environment Agency have no objections subject to the inclusion of informatives in relation to

It is considered that, subject to the abovementioned conditions, the proposed development would incorporate satisfactory drainage arrangements and would not give rise to increased flood risk at the site or elsewhere in compliance with the relevant part of Policy SP17.

Highway impacts

The Parish Council have confirmed that they have no overall objections to the application, but raise concerns in relation to the increased use of a narrow country road by HGVs travelling to and from the site. It is the Officer view that, overall, the vehicle movements associated with the unit would be negligible and the HGV movements peak at the start and end of the HGV cycle (60 weeks).

The LHA have no objections to the principle of the proposed development but observe that the existing

field access is generally of loose stone construction and needs to be upgraded and widened to cater for the additional traffic and to stop loose material being brought out onto the public highway by vehicle tyres.

The LHA highlight that visibility to the left (west) is sub-standard for the 40mph local speed limit/design speed. The LHA acknowledge that the obstruction (hedge) is shown on land edged blue as being under the control of the applicant and, consequently, an improvement in visibility can be conditioned allied to the increase in traffic using the existing access. Sufficient space would be provided to allow larger vehicles to access, turn and park at the eastern end of the building.

It is considered that the poultry operation and associated vehicle movements can be satisfactorily accommodated by the local highway network and would not have a detrimental impact on road safety in accordance with Policy SP20.

Impact on the adjacent SINC

Natural England have no objections and have confirmed that the proposed development will not have significant adverse impacts on any statutorily protected sites or landscapes. However, the unit has the potential to impact on the adjacent, locally designated, Butterwick Whins SINC. The north elevation of the egg laying unit containing pop holes would be in relatively close proximity to the SINC. The matter has been discussed with the Council's Countryside Officer who has requested that the impact upon the SINC is minimised.

It is considered that this can be achieved by requiring that the SINC is excluded from the range and securing a buffer zone between the range and the SINC so to limit the impact on the grasslands. In addition an appropriate means of enclosure shall be erected around the perimeter of the range. These items shall be secured by condition.

In order to achieve the above the Applicant has amended the proposed position of the building within the application site so that it is further south. As a result the north elevation of the unit containing pop holes would be approximately 32m from the SINC. The increased stand-off between the north elevation and the SINC would allow for an appropriate buffer whilst not impeding the operation of the facility.

In light of the above it is considered that the proposed development would protect existing habitats adjacent to the application site and complies with the requirements of Policy SP14.

Archaeological impact

The proposed development lies within an area of archaeological interest with potential for prehistoric remains. There is evidence in the area in the form of cropmarks for linear dykes which are part of an extensive late prehistoric boundary complex and Bronze Age Round barrows. In light of this the County Archaeologist has requested the inclusion of a condition to secure archaeological monitoring, recording and mitigation in response to the ground disturbing works associated with this development. This approach would allow for the protection, management and understanding of archaeological assets and aligns with the requirements of the revised NPPF and Policy SP12.

Conclusion

The principle of the development is in line with national and local planning policy and represents development that supports the land-based, rural economy and contributes to UK food production in a sustainable manner. No representations have been made by any member of the public and there are no objections to the development from any consultee. The proposed development would not have an unacceptable impact on the open countryside and the locally valued landscape, local amenity, flood risk, habitats or highway safety and is considered to meet the relevant policy criteria outlined within Policies SP1, SP9, SP12, SP13, SP14, SP16, SP17 and SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF. The recommendation to Members is one of conditional approval.

RECOMMENDATION:

Approval

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan ref. IP/SM/01A, dated Oct 2018

Site Plan ref. IP/SM/02A, dated Oct 2018

Elevations and Plan ref. IP/SM/03, dated August 2018

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

- 3 Unless otherwise approved in writing by the Local Planning Authority the external colour finish for the buildings and feed bins hereby permitted shall be Juniper Green.

Reason: In the interests of amenity and to comply with policies SP13, SP16 and SP20.

- 4 No development shall commence until a Written Scheme of Investigation for a Watching Brief has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: The site is of archaeological significance.

- 5 The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of archaeological significance.

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

- a. The existing access shall be improved by widening and upgrading of construction specification in accordance with standard detail drawing no. E7d.
- b. Provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway by suitable drainage channel interceptor drain and/or soakaway to the rear of the highway boundary limit and maintained thereafter to prevent such discharges.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 7 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120 metres measured along the adjacent channel line of the major road C356 Butterwick Road in a westerly direction from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

- 8 Prior to the development hereby approved being brought into use a scheme for the protection of the adjacent Butterwick Whins SINC shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include plans showing the following:-

- Details of the extent of the range and means of enclosure (hen proof barrier/fence)
- A minimum 6m buffer strip to be established between the SINC and the hen range

No ranging hens or spreading of manure shall be permitted at any time within the adjacent Butterwick Whins SINC.

Reason: In order to protect the designated SINC.

- 9 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

- 10 An infiltration rate of 2.165×10^{-4} m/s from the site shall be utilised for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

- 11 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the

site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

- 12 The development hereby permitted shall be carried out in accordance with the Flood Risk and Drainage Assessment produced by Alan Wood & Partners, dated August 2018.

Reason: In the interests of amenity and flood risk.

INFORMATIVES

Highways

Condition 6- The Applicant is advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in Condition 6.

Condition 6 & 7 An explanation of the terms used above is available from the Highway Authority.

Environment Agency

SSAFO Regulations

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.

Further guidance is available: Storing silage, slurry and agricultural fuel oil
<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

All farms should be constructed and operated in accordance with the advice contained in DEFRA's 'Protecting our Water, Soil and Air - a code of good agricultural practice for farmers, growers and land managers'.
<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

Check for Nitrate Vulnerable Zones

<https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones>

An environmental permit is required for the development of or expanding of, an existing facility with more than 750 sows or 2,000 production pigs over 30kg or 40,000 poultry

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules
<https://www.gov.uk/permits-you-need-for-septic-tanks/you-have-a-septic-tank-or-small-sewage-treatment-plant>

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Date Valid 16/08/2018



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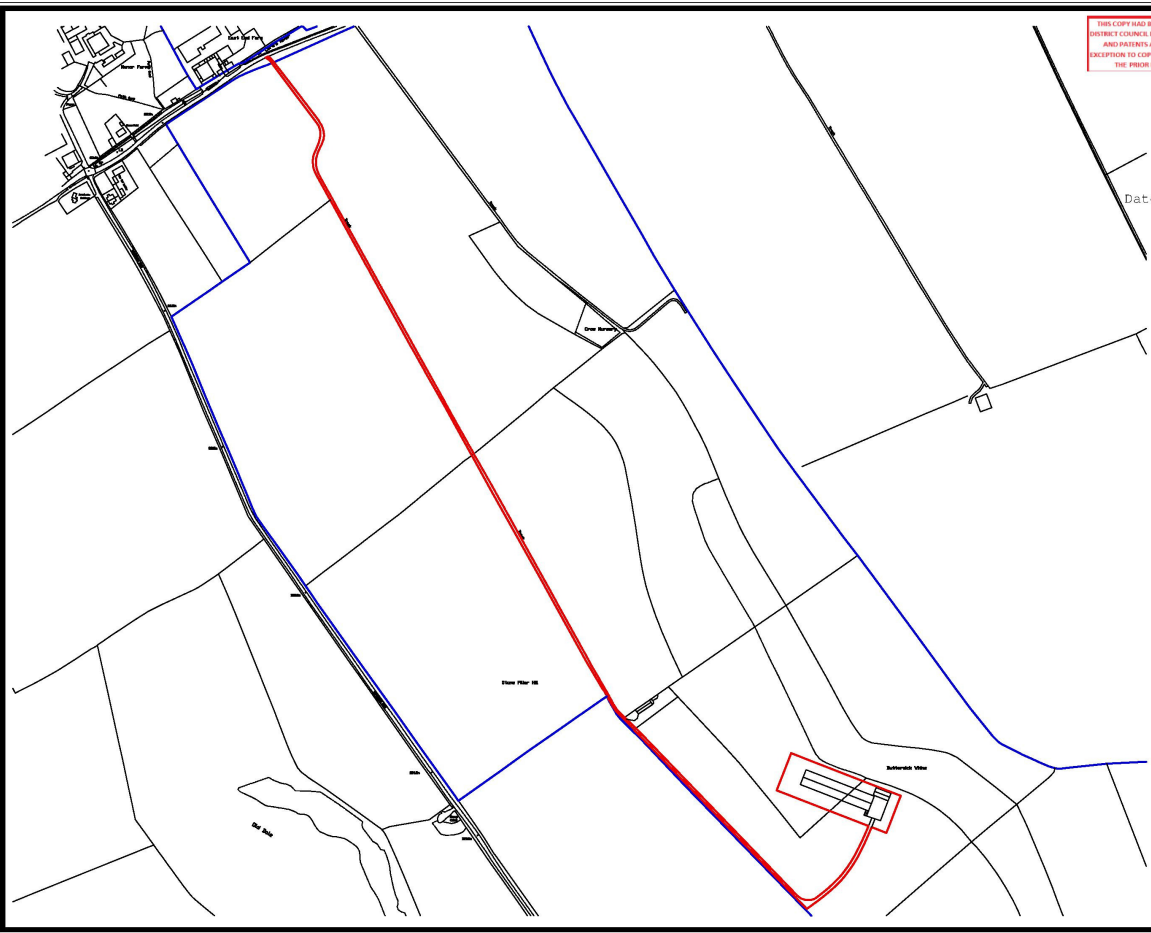
JOB TITLE
Free Range Egg Unit

DWG. TITLE
Location Plan A3

SCALE 1:5000
DRAWN IP

DWG. NUMBER
IPSM/01

DATE July 18 REV -



THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SCHEDULE OF WORKS

Date Valid 16/08/2018

Drawings are to be read in conjunction with the Schedule of Works. The drawings are not to be used for any other purpose without the written consent of Ian Pick Associates Ltd.



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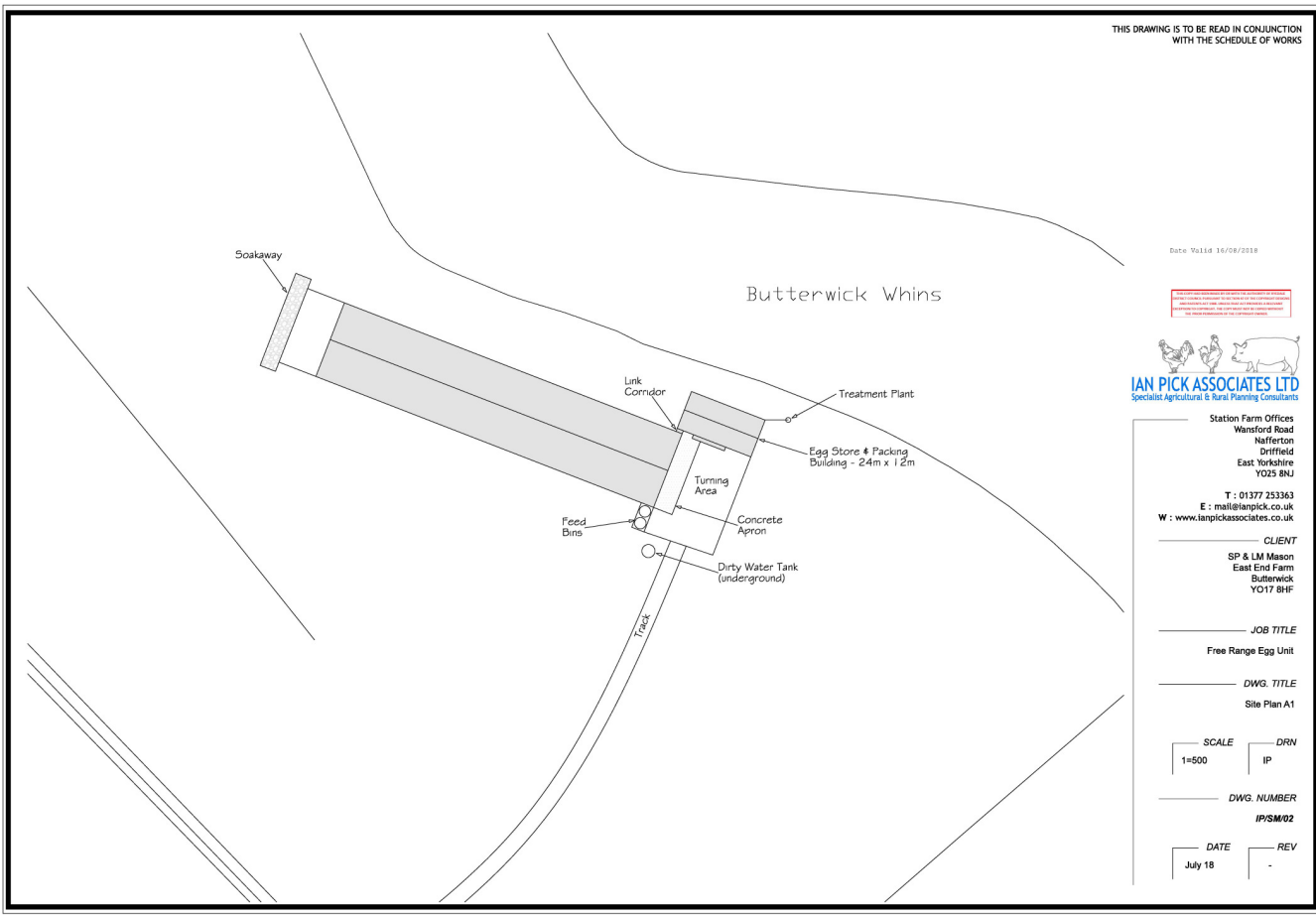
JOB TITLE
Free Range Egg Unit

DWG. TITLE
Site Plan A1

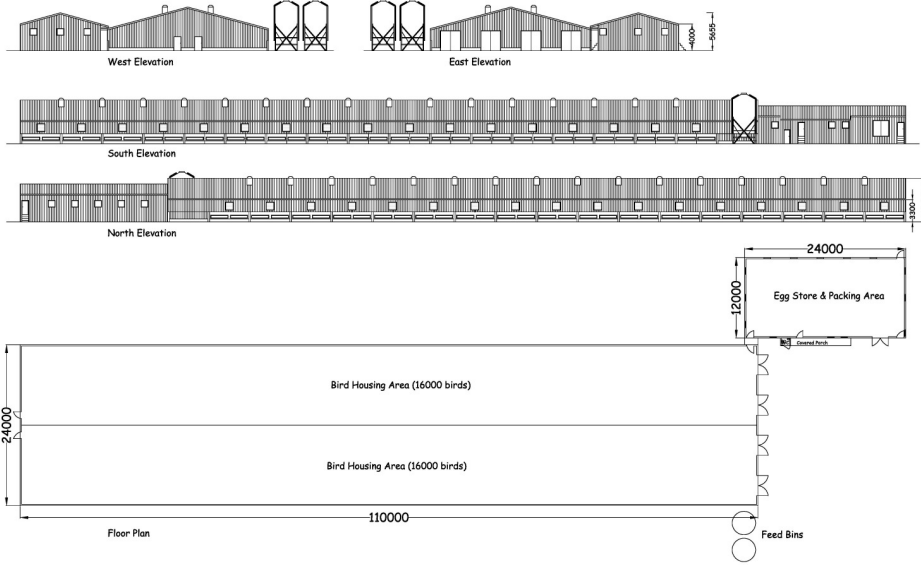
SCALE 1:500
DRW IP

DWG NUMBER
IPISM/02

DATE July 18
REV -



THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SCHEDULE OF WORKS



Date: V4314 16/08/2018

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JOB TITLE
Free Range Egg Unit

DWG. TITLE
Elevations and Plan A1

SCALE 1:250 DRW IP

DWG. NUMBER IPISM/03

DATE Aug 18 REV -



DESIGN AND ACCESS STATEMENT

ERECTION OF A FREE RANGE EGG UNIT WITH ASSOCIATED EGG
PACKING AND STORAGE BUILDING, FEED BINS, HARDSTANDINGS
AND ACCESS TRACK AT LAND SOUTH EAST OF EAST END FARM,
BUTTERWICK

Client

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Introduction

This report has been commissioned by SP & LM Mason of East End Farm, Butterwick, Drifffield, YO17 8HF.

Section 42 of the Planning and Compulsory Purchase Act 2004 requires a Design and Access Statement to be submitted with the majority of planning applications. The purpose of this report is to satisfy the requirements of Section 42 of the aforementioned Act.

This report has been prepared to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

This report has been prepared by Ian Pick. Ian Pick is a specialist agricultural and rural planning consultant. He holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management and is a Professional Member of Royal Institution of Chartered Surveyors, being qualified in the Rural Practice Division of the Institution.

Ian Pick has 20 years experience in rural planning whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Limited.

Background Information

This planning application seek full planning consent for the erection of a Free Range Egg Laying Unit and associated infrastructure at land south east of East End Farm, Butterwick.

The application has been submitted with the following supporting plans.

- Location Plan
- Site Plan
- Elevations and Floor Plans

The following technical information has been to support the application.

- Flood Risk Assessment and Surface Water Management Design
- Ammonia Impact Assessment

Amount

The proposed development includes the erection of 1 No. free range egg laying unit of dimensions 110m x 24m, with an eaves height of 3.3m and a ridge height of 6.52m, together with an egg packing and storage building extending to 24m x 12m with eaves height of 4m and a ridge height of 5.655m, 2 No. feed bins, a hard-standing area for parking and turning, and an access track to link the development to the existing farm access track.

The proposed building will house 32,000 free range laying hens.

The proposed building is of steel portal frame construction, with the external cladding being polyester coated profile sheeting. The walls and roof will be coloured juniper green.

The building is subdivided into two bird housing sections, together with a separate building for egg packing and storage to the south. The packing area will include an automated egg packer and an egg storage area. Egg conveyors will lead from the bird areas into the egg packing area through the link corridor.

The bird housing areas include a multi-tier system, which includes rows of tiered perches, which are situated over manure belts. The bird areas include automated chain feeders and non drip nipple drinkers.

Nest boxes are accessible from the tiered perches. The nest boxes have sloping bases and are situated adjacent to an egg collection conveyor. Following laying, the eggs roll from the nest box onto the conveyor which delivers them to the packing area.

The bird areas include ventilation in the form of roof inlet chimneys and fans in the side walls. The ventilation fans are controlled by a computer system which maintains the optimum temperature within the building.

Pop holes are situated in the east and west elevations of the building. These pop holes are automatically operated and open at 8am and close at dusk. The pop holes provide the birds with free access to the external ranging area during daylight hours. The external ranging area must extend to a minimum of 1 hectare for every 2000 birds to comply with the RSPCA Freedom Foods requirements. The ranging area for this unit is required to be a minimum of 16 hectares (40 acres).

As part of the RSPCA Freedom Foods requirements, enhancement of the ranging area is required through tree planting.

Use

The use of the development will be for the accommodation of free range laying hens.

The birds are purchased at point of lay (16 weeks) and delivered to the site. The birds are accommodated within the free range egg unit for 60 weeks, following which they are sold and replacements purchased.

The operational activities required includes the packing of eggs which is undertaken every morning, 7 days per week.

The buildings include automated systems for feeding, drinking, lighting and ventilation.

The perch areas within the building are perforated with manure belts located underneath each perch. The manure produced by the hens drops through the perforated perches onto the manure belts. The manure belts are emptied on a twice weekly basis from the building into an agricultural trailer and the manure removed from the immediate site of the poultry unit for disposal as a sustainable agricultural fertiliser on arable land.

Odour Management

The site is remote from neighbouring residential properties. The closest residential dwelling to the site which is outside the ownership of the applicants is 1000m distant to the east.

Noise Management

Noise from poultry units is generally limited to the operation of ventilation fans. The design of the building is such that the ventilation fans are located inside the building, suspended approximately 300mm below the ridge line within an insulated chimney. Due to the enclosed nature of the design, the ventilation fans are not audible on the site. The distance of this development to the closest dwelling outside the ownership of the farm is 1000m and this distance will ensure that there are no unacceptable noise impacts from the development.

Dust

The assessment of dust from poultry farms formed part of a DEFRA research project. DEFRA project AC0104. The summary of the DEFRA research project is shown in the

text below.

“This work represents one of the most comprehensive studies to quantify PM emissions from poultry housing to date, comparing a total of eight farms. Large variations between farm management practises, lighting regimes, litter conditions, and meteorology contributed to variability in emissions, even for the same type of farm. However, the measurements undertaken as part of this study were also able to identify differences in concentrations and emissions of particles between different farm types. The broiler installations were associated with the largest indoor air PM_{2.5} and PM₁₀ concentrations (655 µg m⁻³ and 2990 µg m⁻³, respectively) and the highest bacterial fungal counts. Concentrations for particulate matter and bioaerosols were the lowest at battery farms. In general, indoor particle concentrations increased during winter time and light periods, reflecting ventilation rate and bird activity as the dominant influences. On the other hand, emission factors increased slightly during light-time in the summer months, due to the increase in ventilation rate.

Chemical speciation measurements indicated that (i) NH₄NO₄ was not forming within the shed, (ii) the dominant inorganic species sourced from poultry material are Ca²⁺, K⁺ and Mg²⁺, and (iii) the key metals in the poultry sheds include Al, As, Ba, Cu (light only), Cr, Mn, Rb, Sr and Ti. We here derived, to our knowledge for the first time, poultry emission factors for aerosol chemical components (metals and major inorganic ions) and when compared against the NAEI suggest that between 0.1 – 4% (depending on compound) of the UK metal and inorganic ion emissions are derived from poultry house emissions.

Bioaerosol concentrations in the building represent a risk to poultry workers in terms of respiratory allergy or disease, but the levels emitted are sufficiently diluted over a short distance from the building so as not to pose a risk to those living in the vicinity of poultry operations. PM10 particulate levels were reduced to background levels by 100m downwind of even the highest emitting poultry houses, therefore are unlikely to pose a risk to those living in the vicinity of poultry operations.”

The results of the DEFRA research project demonstrated that emissions from poultry units in terms of particulate matter reduced to background levels by 100m downwind of the even the highest emitting poultry houses. The research shows that levels of particulate matter are sufficiently diluted over a short distance so as not to pose a risk to those living in the vicinity of poultry operations. The proposed site is located 1000m from the closest unconnected neighbour and therefore dust issues are not anticipated.

Cleaning Process

The cleaning process of the building is undertaken at the end of each 60 week flock cycle.

The birds are removed through manual catching and the cleaning process is commenced.

The floor of the building is scraped to remove any residual manure, following which the inside of the building is washed with high pressure hoses. The inside of the building is sealed and drained to a dirty water containment system within the building which is required to be compliant with the SSAFO regulations.

Manure Disposal

The proposed development operates with a manure belt system for twice weekly removal of manure. The manure will be recycled on the farm as a sustainable fertilizer for use on arable cropping. This process is controlled through the Nitrate Pollution Prevention Regulations 2015.

DEFRA figures state that 2.32 hectares of spreading area is required per 1000 laying hens. This proposal therefore requires 74 hectares of agricultural land to dispose of the manure.

Carcass Disposal

Any dead birds are collected from the within the buildings on a daily basis. Dead birds are stored within a sealed carcass bin and collected weekly by a licensed fallen stock operator.

Pest Control

The unit is required to operate a pest control protocol, with regular baiting for rodents. Flies breed within poultry litter, and the use of manure belts and frequent removal of manure ensures that the unit does not become a breeding ground for flies.

Layout

The proposed building has been located is a remote location within a valley, approximately 1.25km to the south east of the village of Butterwick.

The layout of the development includes the proposed free range egg unit and egg packing and storage building, together with 2 No. feed bins, a hard-standing area for parking and turning, and an access track to link the development to the existing farm access road. The proposals will use the existing entrance from the Foxholes / Weavertorpe Road for vehicular access. The layout can be seen in detail on Drawing No. IP/SM/02.

Scale

The proposed development includes the erection of 1 No. free range egg laying unit of dimensions 110m x 24m, with an eaves height of 3.3m and a ridge height of 6.52m, together with an egg packing and storage building extending to 24m x 12m with eaves height of 4m and a ridge height of 5.655m, 2 No. feed bins, a hard-standing area for parking and turning, and an access track to link the development to the existing internal farm road.

Landscaping

The proposed building has a large footprint, but is relatively low.

The development has been located within a valley position, is remote from dwellings and settlements to protect the amenity of the neighbours. The location is low lying and screened by the topography of the land. The proposed development will not be visually prominent.

Appearance

The proposed building will be constructed from an internal steel frame. The proposed building will be clad with a polyester coated composite panel sheeting for the walls and roof in juniper green. The feed bins will be coloured juniper green.

Access

The proposed development will be accessed via the existing entrance to the Foxholes / Weaverthorpe Road.

Free range egg production is a low traffic generating use. The proposed additional traffic generated resulting from the development is shown below.

- Bird Delivery – 4 No. 16.5m Articulated lorries at the beginning of each flock
- Feed Delivery – 1 No. 16.5m articulated lorry per week
- Egg Collection – 2 No. 16.5m articulated lorries per week
- Carcass Collection - 1 No. box van per week
- Bird Removal – 4 Lorries at the end of each flock
- Manure Removal - 2 tractors and trailer per week (within the farm)

The additional operational traffic required by the proposed development extends to 1 feed delivery, 2 egg collections and 1 carcass collection per week (8 movements), during the normal operation of the site. The site will generate peaks of traffic when the birds are delivered and removed and this extends to 4 lorries (8 movements), however, this is very infrequent as the flock cycle is 60 weeks in length.

The manure will be retained by the farm as a fertiliser.

The proposal will require 2 full time workers, therefore creating 2 No. car visits (4 movements) per day.

Planning Policy

National Planning Policy Framework

The National Planning Policy Framework confirms that the purpose of the planning system is to contribute towards the achievement of sustainable development. Paragraph 8 of the NPPF states that there are three dimensions to sustainable development, being economic, social and environmental.

Economic Role

The development proposal has strong economic benefits both within the construction and operational phases.

The proposed development involves a substantial investment in buildings and infrastructure by the applicants. This includes ground-works and concrete, buildings, and internal equipment fitting. The proposed development will offer a substantial initial cash injection into the rural economy through the construction phase.

Once operational, the development will require two additional full time workers on the site, together with supporting the existing employment on the farm.

The proposed development will also provide a significant contribution to the associated services industries within the poultry sector. These industries include haulage contractors, pullet suppliers, poultry feed suppliers, veterinary and medicine, bedding suppliers, catching contractors, cleaning contractors, electricians, plumbers, pest control contractors etc. The added value to the local economy through direct and indirect employment for the development is substantial.

Paragraph 80 of the NPPF set the Government's position on economic growth, and provide evidence of the Governments commitment securing economic growth and prosperity. The proposed development will create employment on the site of 2 full time jobs.

Paragraph 83 provides support for economic growth in rural areas, providing clear support for the proposed development as farm diversification and sustainable growth and expansion of businesses in rural areas. The proposal is clearly supported by paragraph 28.

Social Role

The proposed development is a modern and efficient, egg production unit that is designed to fulfill a modern demand for cheap and environmentally efficiently produced food. It therefore contributes to food production and national food security in a sustainable way. It represents an effective increase in UK food production in a way that makes optimum use of increasingly scarce resources and without causing harm to the environment.

Another social benefit of the appeal scheme is that it provides employment security local people who live in the countryside and in doing so helping to retain the vibrancy of the community.

The success of rural farming businesses provides increased employment opportunities within the countryside.

Environmental Role

The proposed development has been sited remote from neighbours and settlements in order to protect residential amenity.

Poultry units have the potential to impact on nearby sites of nature conservation importance through ammonia and nitrogen deposition. The Environment Agency screening distances where ammonia impacts are required to be assessed are 5km for SSSI sites and 10km for SAC sites. A search for protected sites have been undertaken using SCAIL (Simple Calculation of Ammonia Impact Limits) and the receptor search is shown below.

Designated Site details:

Search Radius [?](#) km RUN RECEPTOR SEARCH [?](#)

No. of Designated Sites [?](#) 6 found VERIFY RECEPTOR LOCATIONS [?](#)

Site No.	Name	Distance(km)	Designation	Easting	Northing
1	Sked Dale	5.443	SSSI	496909	474732
2	Cottam Well Dale	6.498	SSSI	497671	464351
3	Fordon Chalk Grasslands	6.575	SSSI	504110	475605
4	Cinquefoil Brow & Wood Dale	7.196	SSSI	495866	464576
5	East Heselton Brow	8.672	SSSI	493369	475766
6	Ladyhills	8.983	SSSI	491351	472174

The above table shows at there are no SSSI's or SAC's within the Screening Distances.

Ian Pick,
August 2018.

From: Foxholes and Butterwick Parish Council
Sent: 06 September 2018 08:32
To: Development Management <development.management@ryedale.gov.uk>
Subject: Planning Application

Morning

Planning application ref: 18/00839/MFUL was discussed by the parish council.

Whilst there were no overall objections to the application, there were concerns raised on the increased use of a narrow country road by heavy goods vehicles travelling to & from the farm.

Regards
Audrey Adnitt
Clerk to Foxholes with Butterwick Parish Council

Item Number: 9
Application No: 18/00608/FUL
Parish: Howsham Parish Meeting
Appn. Type: Full Application
Applicant: Dine At Howsham Hall Ltd
Proposal: Change of use to a dual use of residential (Use Class C3) and private hire (Sui Generis) under Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015), together with the temporary erection of outdoor marquee for no more than 4no. 5 day periods per year (part retrospective).
Location: Howsham Hall Howsham Hall Road Howsham Malton North Yorkshire YO60 7PH
Registration Date: 22 June 2018
8/13 Wk Expiry Date: 17 August 2018
Overall Expiry Date: 23 August 2018
Case Officer: Jill Thompson **Ext:** 327

CONSULTATIONS:

Parish Council	No response received
The Garden Trust	No objections with comments
Highways North Yorkshire	Request for further information
Public Rights Of Way	No response received
Paul Jackson AONB Manager	Objection
Environmental Health Officer	Some concerns and comments
Countryside Officer	No response received
Historic England	No comments to offer
Environmental Health Officer	Recommend condition

Neighbour responses: Andrew And Anne Swallow, Valerie And Drummond Murray, Mr And Mrs Adamson, Mr John Colledge, Philip Ryan, Miss Kay Vollum, Miss Catriona Valentine, Valerie Murray, Richard And Maragaret Groom, Ms Sarah McMillan, Mrs Jenny MacHarg,

SITE:

The application site is located to the west of the main village of Howsham, within the designated conservation area and within the Howardian Hills Area of Outstanding Natural Beauty. The main hall is Grade 1 listed and the hall stands in a registered historic park and garden.

The Hall is situated next to the River Derwent and has two accesses into the site. The main entrance is located close to Howsham bridge and the Hall is accessed via a long driveway which runs between two lodge houses. The second access is located towards the northern end of the main village street. The village street also leads to a stable block which is located to the south east of the Hall.

Despite its proximity to the main river the Hall sits in Flood Zone 1.

PROPOSAL:

Members will be aware that until relatively recently the Hall was used as a private school. This use ceased and in 2007 planning permission was granted which permitted the Hall to be used as a single

residential dwelling (reference 07/00804/FUL) see history section of this report below.

The current application seeks dual use permission under Class V of the General Permitted Development (England) Order 2015 (Part3 Schedule2) for a residential dwelling and for private hire events (Sui Generis) together with the temporary erection of an outdoor marquee for no more than 4No. five day periods per year. Private hire events would typically include events such as weddings, conferences, corporate retreats and house parties.

The proposal does not involve any significant alterations to the listed building. However some works including signage, lighting and fire and safety measures are proposed and these are the subject of a separate application for listed building consent under Reference 18/00609/LBC. No objections have been received to the application for listed building consent which is being processed under the Council's scheme of Officer delegation.

The application is accompanied by a number of supporting documents which include,

- Planning Statement
- Statement of Community Involvement
- Operations Plan for Private Hire Events
- Transport Statement
- Heritage Statement
- Noise Assessment and Addendum note/report

All of the above mentioned documents can be viewed on the Council's website under this application reference. For ease of reference however the Planning Statement, Operations Plan and text of the Transport Statement are appended to this report together with the submitted plans of the Hall.

RELEVANT PLANNING HISTORY:

Ref. 07/00804/FUL. Change of use of private school to dwelling. Approved October 2007
Ref. 08/00997/FUL. Installation of give LPG tanks. Approved January 2009
Ref. 08/00803/LBC. External and internal alterations etc.... Approved February 2009
Ref. 08/00792/FUL. Quadruple garages with store, flat roof extension over swimming pool etc. Approved March 2009
Ref. 10/00059/LBC. Internal alterations (Revisions to 08/00803/LBC). Approved March 2010
Ref. 12/01206/FUL. Change of use of annex to. 3 bed dwelling etc.... Refused July 2103
Ref. 12/01207/LBC. External and internal alterations to annex etc.... Refused July 2013

RELEVANT PLANNING POLICY:

National Planning Policy
NPPF 2018

Local Planning Policy
Ryedale Plan Local Plan Strategy Adopted 2013
Policy SP12 Heritage
Policy SP13 Landscapes
Policy SP16 Design
Policy SP20 Generic Development Management Issues

APPRAISAL:

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

- Principle of development
- Heritage issues
- Landscape impact

- Highway Matters including car parking
- Noise / residential amenity impacts
- Other Matters

Principle of development

This application seeks permission for the dual use of the existing Hall which is a substantial listed residential dwelling set in an historic garden setting within the AONB. The property would retain its use as an existing dwelling house as this is part and parcel of the application proposed. To that end the application does not result in the loss of a residential property and there is considered to be no objection on principle to the proposed dual use. Members will note from the submitted Planning Statement that the running costs of the Hall are considerable amounting to costs in the region of £180k per annum excluding any unplanned or unforeseen maintenance. The intention of the application is to help maintain the long term sustainability of the property by holding events which would generate additional income to help with the upkeep of the Hall. It is of note that in the relatively recent past that the condition of the Hall was of concern to both Historic England and the Local Planning Authority. In principle therefore the Council's Conservation Specialist is supportive of this application because it seeks to secure a sustainable use of the building into the future.

Heritage issues

As mentioned earlier an application for listed building consent has been applied for under Reference 18/00609/LBC. The listed building consent application deals with minor changes to the fabric of the building and is being dealt with under the Council's scheme of Officer Delegation. No objections have been received to the application for listed building consent which is considered to be acceptable by officers.

In respect of the planning application the site is also set within the designated conservation area and there is a duty on the decision maker to comply with section 72 of the Planning Listed buildings and Conservation Areas Act 1990. This requires the Local Planning Authority to determine that the proposal either preserves or enhances the character of the designated area. Externally there are no changes proposed to the fabric of the building. Its setting is considered to be preserved. The applicants have identified three areas for car parking on the submitted plans, these being the existing gravelled parking areas either side of the main Hall and also on a relatively small grassed area close to the eastern side of the Hall. The areas identified exclude the front lawn area to the south of the Hall and exclude any areas from the main approach to the south. The parking areas identified are close to the side of the building and avoid encroachment out onto the main part of the Register Park and Garden. The location of these areas has been considered by the Gardens Trust (who have also taken advice from the Yorkshire Garden trust in making their response) and who raise no objection to the application as submitted.

The application also proposes the temporary erection of a marquee on part of the lawn area in front of the Hall. The marquee events are limited to being no more than four events per annum. The marquee events cover a 5 day period which includes the erection and dismantling period for the marquee. The temporary nature of these events and their limited number means that there is no permanent or lasting impact on the character and appearance of the conservation because a marquee would only be present on the site for a maximum of 20 days in any one calendar year and the impact is completely reversible.

The submitted Operations Plan for Private Hire events sets out their potential frequency give an indication of the likely number of guests for each type of event. Dependent on the type of event the number of guests would typically vary between 40 and 160 guests - see appendix B of the Operations Plan. Whilst the standing of a marquee in front of the Hall has some visual impact this is not considered by the Council's Conservation Specialist to be a significant impacting term of its overall impact on the character of the conservation which is considered to be preserved. The proposal is therefore considered to comply with the requirements of Policy SP12 -Heritage of the Ryedale Plan Local Plan Strategy.

Landscape Impact

The site is located within the AONB although the location of the Hall is set back some distance from the main entrance gates and also from the second access point from the village street. This means that the visual impact of most of the development proposed, in this case relating to the car parking areas and the marquee is limited from these potential viewpoints. There is Footpath which runs alongside the opposite side of the river and this is perhaps the closest position from which members of the public could view the site. There is however existing screening at this point on both sides of the river and the Hall is situated within its own treed/parkland setting. As mentioned earlier The Gardens Trust has not objected to the impact of the development on the immediate locality subject to confirmation that there is no intention or need to park visitor's vehicles beyond those areas identified on the submitted plans. Officers have established that this is not the intention of the applicants and if permission is granted a condition could be imposed to limit the parking areas to those shown on the submitted plans.

Members will note that the AONB officers has expressed some concerns about the potential impact of the proposal on the AONB if adequate controls are not imposed on the development. In this case however the main visual impacts have already been identified as being those associated with the location of parked vehicles and the occasions when the marquee would be erected on site - which confirmed to be limited to a maximum of 4 occasions a year. The application is considered by officers to have little impact on the wider landscape provided appropriate conditions are imposed to control vehicle parking locations and the number/duration of marquee events. Subject to such control the application is considered to satisfy the requirements of Policy SP13 Landscape of the Ryedale Plan Local Plan Strategy.

It is also of note that the AONB manager has raised concerns relating to traffic and noise / amenity issues. These have been assessed by NYCC Highways officers and the Council's Environment Specialists and are dealt with in the report below.

Highways Impact Including Car Parking

Traffic impacts have been raised as a cause for concern locally with particular regard from residents who live in the village street. Properties are located close to the highway which is relatively narrow and is characterised by an amount of on street parking which further limits the amount of available carriageway. The village street is also a no through road.

As stated earlier it is the intention of the applicants to use the main entrance to the Hall adjacent to Howsham bridge rather than the second access via the village street. This is acceptable to NYCC Highways officers in terms of highway safety subject to the provision of adequate signage at the triangle of land at the southern end of the village street. A 'No Entry' sign designed to deter visitors from using the village street is recommended by NYCC officers and the detail of this is recommended to be the subject of a planning condition if planning permission is granted.

NYCC officers have raised two other issues, these are the amount of overflow parking that might be required of a large marquee event took place and secondly a requirement for a minor widening of the main entrance to ensure that two vehicles would easily pass each other close to. The adjacent highway.

Members will note that the applicant estimates that the applicant estimates an average marquee event to accommodate 160 attendees but for the purposes of the application a maximum figure has been stated as being up to 300 people. NYCC Officer think this could result in up to 100 vehicles attending in such an event although a proportion of attendees (around 20%) would be likely to use taxis/ mini buses rather than their own vehicles which would reduce demand for onsite parking. Officers are confident however that onsite parking for around 80 vehicles can be comfortably accommodated onsite within the three broad locations shown on the submitted plans. None of these areas are marked out site and it is therefore recommended that if permission is granted that a condition requiring on site marshalling for marquee events would be required to ensure that parking takes place in the manner intended.

In terms of the passing space there is already an informal run off area/ passing space adjacent to the main entrance. Officers consider that this area could be widened to meet the requirements of NYCC

Highways officers without detriment to the appearance of the locality or the setting to the listed gate lodges. A condition would be required if Members are minded to grant planning permission.

Subject to the imposition of conditions relating to signage, parking management and access widening the application is considered to satisfy this aspect of Policy SP20 of the Ryedale Plan Local Plan Strategy.

Noise / Amenity Impacts

Noise has also been a consideration with a number of responses from third parties expressing concerns about noise disturbance and potential for future disturbances if permission is granted. A Noise Assessment was submitted with the application and a further note submitted by the applicant following initial comments from the Council's Environment Specialists.

The initial response raised no issues with regard to events taking place entirely within the Hall. The main concern was with regard to potential noise arising from activities within the marquee associated with live and/or amplified music and the times the marquee was in use. After receiving the further Addendum note however the Council's Environment Officers raise no objection subject to the imposition of an appropriately worded condition which covers the following matters:

The applicant will therefore be required to mitigate against unwanted noise pollution and to meet the relevant criteria set below. I would therefore recommend that a condition be set based on the following:

- *For events continuing after 23:00hrs amplified music should not be audible within the habitable rooms of a noise sensitive dwelling with windows open in a typical manner for ventilation.*
- *For events at other times noise levels from amplified music should not cause noise levels to exceed 50dB LAeq one metre from the facade of a noise sensitive dwelling. This will ensure that internal ambient noise levels within the sensitive dwelling are in accordance with BSI Standards 8233:2014, Chapter 7.7.2 and WHO: 1999, index 3 Adverse Health Effects of Noise, Chapter 3.4. Sleep Disturbance i.e. allowing for partially open windows.*
- *A noise management plan be submitted to, and approved in writing by the LPA prior to the first event taking place. Such a plan will define the mitigation measures to be used within the marquee and set noise limits for amplified music.*
- *Events thereafter shall be carried out in complete accordance with the approved noise management plan unless an variation is first agreed in writing with the LPA.*
- *The noise management plan shall be reviewed after a year (or earlier at the request of the LPA following receipt by either Local Authority or the venue of verified and justified noise complaints) to ensure the mitigation measures to limit noise disturbance in relationship to agreed noise levels are maintained.*

Subject to the imposition of this condition the Environment Specialists are satisfied with the proposal and the application is considered to comply with this aspect of Policy SP20 of the Local Plan Strategy.

Other Issues

Third party comments

Thirteen responses have been received in total following receipt of the application.

Twelve responses of objection and/or concern can be seen on the Council's website and raise the following issues;

- Concern regarding traffic using the village street to gain entrance to the site,
- Concern regarding more traffic on the wider road network
- Concern over inadequate parking arrangements/ provision
- Potential for noise disturbance from amplified music/ marquee noise
- Noise audible from marquee on event on 1st September 2018

- Concern over intention to use fireworks at events
- Adverse impact on Conservation Area, AONB and Registered Park and Garden
- Possible risk of fire in the Hall
- Concerns over use of external lighting
- Possible devaluation of property
- Retrospective nature of the application

Matters relating to traffic parking issues, landscape impacts, heritage impacts and noise have been appraised in the report above. Matter such as devaluation of property and the retrospective nature of the application are not material planning considerations that can be taken into account in the determination of this application. Fire safety is not dealt with by the Local Planning Authority however upgrades fire safety measures do form part of the application for listed building consent Reference 18/00609/LBC. Control over external lighting is a matter that can be controlled by condition if Members are minded to grant planning permission for the development.

One letter of support has been received subject to the applicant complying with the limitations set out at the community consultation event.

On balance the application is considered to be acceptable subject to the imposition of appropriately worded planning conditions. In the light of the partly retrospective nature of the application Officers are seeking to agree the precise wording of the conditions with the applicants agent in order that Members are fully aware of the detail of the conditions and their timing for submission and discharge.

RECOMMENDATION: Approval subject to conditions covering the following matters:

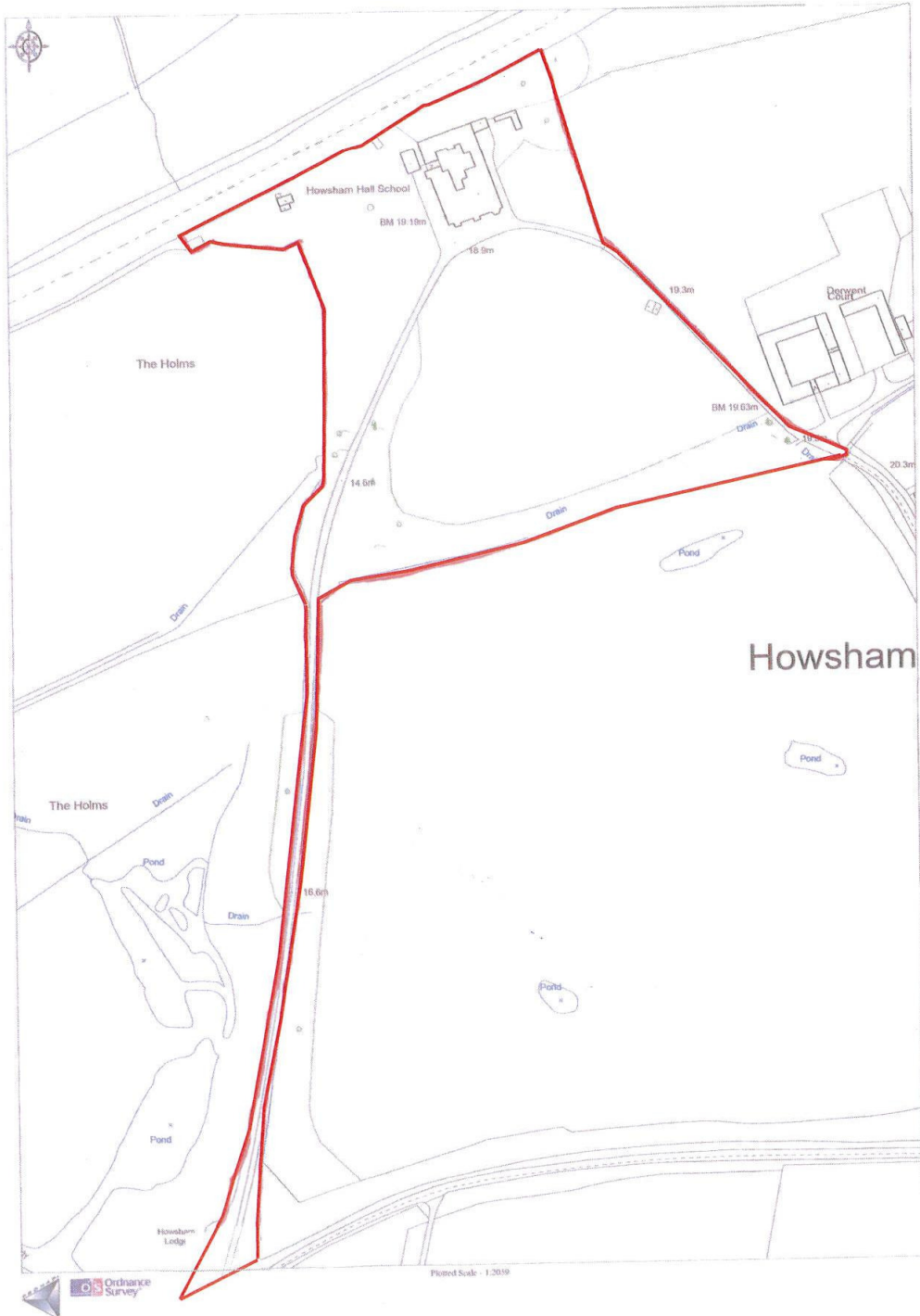
Highways – including signage, access widening, parking areas and their management at marquee events

Noise – including hours limitation for amplified/ live musician the marquee plus hours limitation and noise limits

Limitation on numbers of events – not to exceed those maxima set out on the submitted Operations Plan.

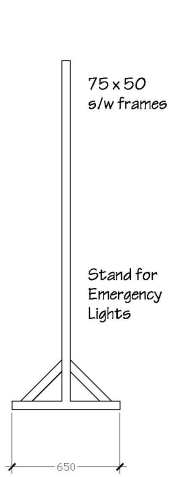
No External lighting unless otherwise agreed with the Local Planning Authority

It is anticipated that the detail of the planning conditions will be circulated with the Late Pages

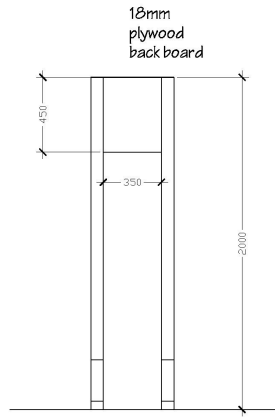


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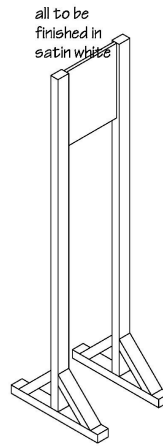
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SIDE VIEW



FRONT VIEW



3D VIEW

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Drawn by Designer: _____ Checked by Designer: _____
 Date: _____ Date: _____

Drawn by: NTS Date: JNM Date: Jun'18

Title:
 PROPOSED STAND
 EMERGENCY LIGHTS
 HOWSHAM HALL
 HOWSHAM

Client:
 DINE LTD

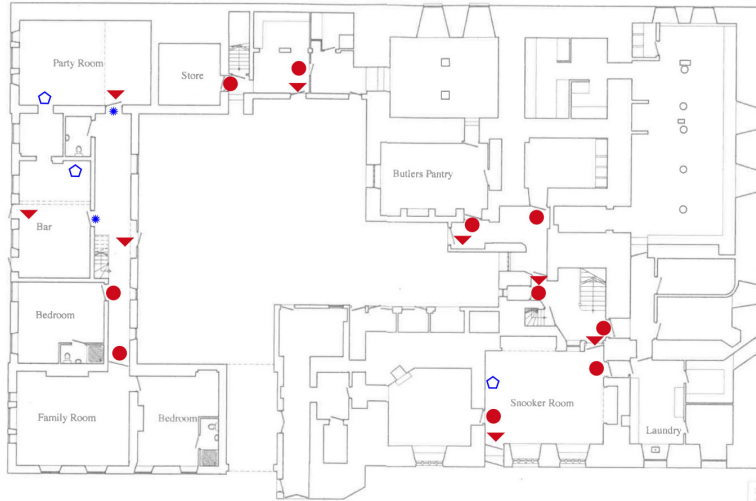
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Lower Ground Floor

Key:

- ▼ Non illuminated Fire Exit sign
- Fire Door Keep Locked Shut sign
- Emergency Dowalight
- Bulkhead
- ◇ Twin Spot
- FD305 - Intumescent Strips to apply all round edge of door and Perko door closers to fit



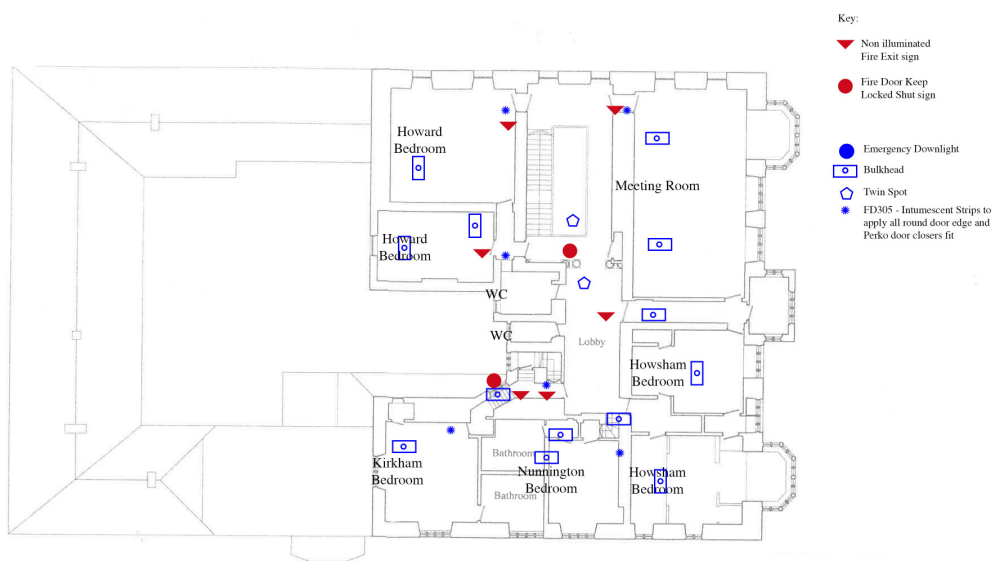
HOWSHAM HALL, HOWSHAM

FOR DINE LTD

PROPOSED FIRE IMPROVEMENT WORKS
LOWER GROUND FLOOR PLAN



Second Floor



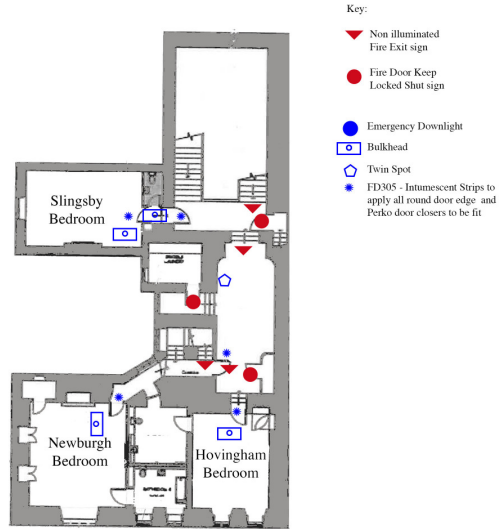
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PROPOSED FIRE IMPROVEMENT WORKS
SECOND FLOOR PLAN



First Floor



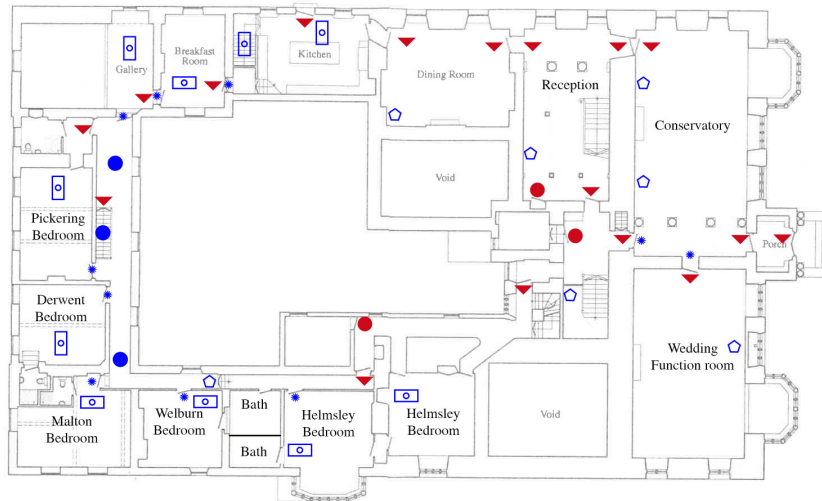
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PROPOSED FIRE IMPROVEMENT WORKS
FIRST FLOOR PLAN

matthewsomee
interior design & architecture

Ground Floor



- Key:
- ▼ Non illuminated Fire-Exit sign
 - Fire Door Keep Locked Shut sign
 - Emergency Downlight
 - Bulkhead
 - Twin Spot
 - FD305 - Intumescent Strips to apply all round edge of door and Perko door closers to be fit

HOWSHAM HALL, HOWSHAM

FOR DINE LTD

PROPOSED FIRE IMPROVEMENT WORKS
GROUND FLOOR PLAN





Planning Statement

Client: Dine at Howsham Hall Ltd

Proposal: Dual Use Permission under Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015) for a residential dwelling (Class C3) and for private hire events (Sui Generis) such as weddings, conferences, corporate retreats, and private house parties plus the erection of an outdoor marquee on a temporary basis.

Site: Howsham Hall, Howsham, Malton, York, YO60 7PB.

Date: June 2018

Ref: HG3795



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Document control

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1.0 Introduction

- 1.1 This Planning Statement is submitted on behalf of the Applicant, Dine at Howsham Hall Ltd, and accompanies a Full Planning Application for Dual Use Permission under Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015) for a residential dwelling (Class C3) and for private hire events (Sui Generis) such as weddings, conferences, corporate retreats, and private house parties plus the erection of an outdoor marquee on a temporary basis.
- 1.2 The application will not involve any significant alterations to the fabric of the building, however, there are some minor works necessary to support the function of the commercial uses such as signage, lighting, and fire and safety measures. These will be predominately temporary in nature but are discussed further in Section 5 of this report. These works also form part of an application for Listed Building Consent which is combined with the planning application.
- 1.3 In addition to this report, the following supporting documents accompany the planning application:
- Pre-application drawings relating to the fire safety measures;
 - Statement of Community Involvement;
 - Operational Plan;
 - Heritage Statement;
 - Noise Assessment; and
 - Transport Statement.
- 1.4 This report considers the planning considerations relevant to the application.



2.0 The Site and Surroundings

- 2.1 Howsham Hall is Grade I Listed property, located within the village of Howsham, and lies to the north-east of York.
- 2.2 The property is understood to have been a family home for 350 years and forms part of a country estate comprising approximately 11,000 acres. More details about the history of Howsham Hall are provided within the Heritage Statement which accompanies this application.
- 2.3 Howsham Hall is built on a slight rise, on the south bank of the River Derwent, about three miles downstream from the ruins of Kirkham Priory. It is entered through a gateway flanked by lodges to the north-west, along a curving drive. A stable block is located to the south-east of the Hall. To the west, in the orchard, is a folly and further downstream is a mill.
- 2.4 The site is located within the Howsham Hall Park and Garden (which is Grade II Listed), Howsham Conservation Area and in the Howardian Hills Area of Outstanding Natural Beauty (AONB).
- 2.5 Howsham Village is situated to the south-east of the Hall and consists largely of a single street with cottages built of local ironstone on the right-hand side which descends towards the stable block of the Hall.
- 2.6 The village is approximately 14 miles from York. The A64 lies to the north of the village which provides connections to Scarborough to the north-east and York and Leeds beyond to the south-west.
- 2.7 Howsham Hall is within Flood Zone 1 but is adjacent to the south bank of the River Derwent which sits in Flood Zone 2. In our view, a Flood Risk Assessment is not required for this application, despite its proximity to the River Derwent, as no physical form of development is proposed which could have implications for flooding in the area.

Planning History

- 2.8 A planning history search on the Council's website identified the following applications associated with Howsham Hall.
- 2.9 12/01206/FUL – Change of use and alteration of the rear northern domestic annex to a three-bedroom self-contained residential unit, erection of a conservatory/orangery within the courtyard and erection of a detached 5 no. bay garage and storage building to the east of the main house. Application Refused.



- 2.10 12/01207/LBC – External and internal alterations to include conversion and alteration of the rear northern domestic annex to a three-bedroom self-contained residential unit with opening up of archway and formation of 2 no. additional glazed archways and erection of conservatory/orangery within the courtyard. Application Refused.
- 2.11 10/00059/LBC – Internal alterations to lower and upper ground floors (revised details to part of consent 08/00803/LBC dated 24.02.2009). Application Approved.
- 2.12 08/00997/FUL – Installation of 3 x 4000 litre underground LPG tanks on east side of dwelling and 2 x 4000 litre underground LPG tanks on west side of dwelling. Application Approved.
- 2.13 08/00792/FUL – Erection of detached quadruple garage with stores and detached garden building, erection of flat roof extension in courtyard to cover swimming pool, extension of roofline above courtyard toilets, erection of entrance gates. Application Approved.
- 2.14 08/00803/LBC – External and internal alterations to include removal of existing courtyard corrugated roof and erection of replacement flat roof extension above swimming pool, unblocking of some original door and window openings and alterations to interior layout to form integrated domestic accommodation. Application Approved.
- 2.15 07/00804/FUL – Change of use of private school to single residential dwelling. Application Approved.
- 2.16 01/01293/CLEUD – Certificate of Lawfulness in respect of use of portable building as science laboratory in excess of 10 years. Application Approved.



3.0 The Proposed Development

- 3.1 This application seeks Dual Use Permission under Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015) for a residential dwelling (Class C3) and for private hire events (Sui Generis) such as weddings, conferences, corporate retreats, and private house parties plus the erection of an outdoor marquee on a temporary basis.
- 3.2 Other one-off private events may also be held for small number of pre-invited/pre-booked guests such as Dinners with a tour and historical talk. Afternoon Teas, Village Events and Celebrations could also be accommodated within the main building.
- 3.3 A detailed Operations Plan has been prepared and accompanies the application which sets details as to how traffic and noise will be managed including limiting the frequency of some events and identifying the times of when events will end.
- 3.4 The proposal also related to the occasional erection of a marquee either in the lawn area immediately in front of the Hall or within the courtyard area of Howsham Hall. The number of occasions will be limited to 4 times per year only and for each occasion the marquee will be erected and dismantled within a 5 day period.
- 3.5 The applicant seeks to maintain the use of the building as a residential dwelling but would like the flexibility to hire it out during the year for private hire events too.
- 3.6 The application will not involve any significant alterations to the fabric of the building, however, there are some minor works necessary to support the commercial uses such as signage, lighting, and fire measures. These will be predominately temporary in nature but are discussed further in Section 5 of this report and have been assessed in the Heritage Report which accompanies this application. These works also form part of the combined Listed Building Consent and planning application.

Pre-application Consultation with Ryedale District Council

- 3.7 The applicant began initial engagement with Officers about the proposals for the building in November 2017. During this engagement, the applicant explained their aspirations was to help generate income and contribute to the running and future maintenance of the building as a residential dwelling. The applicant met on site with Officers on 7 February 2018 to discuss the intentions for the building further and to formalise an approach for the planning application. Following the site visit (and confirmed in an email dated 21 February 2018),

Planning Statement



Officers agreed with the applicant's approach to pursue a planning application for dual-use permission in which to regularise the proposed uses for the building. Subsequently, a list of supporting documents for the planning application were also agreed with Officers.



4.0 Planning Policy Context

Introduction

- 4.1 This section summarises the current and relevant planning policy context which should be considered during the determination of the planning application for the proposed development, including the development plan and other material considerations.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, in the determination of planning applications, decisions are made in accordance with the development plan unless material considerations indicate otherwise.
- 4.3 The Development Plan for Ryedale District Council currently comprises the following: Ryedale Plan – Local Plan Strategy (adopted September 2013); Hemsley Plan (adopted July 2015); Ryedale Local Plan (adopted 2002); Saved Policies of Yorkshire and Humber Regional Spatial Strategy; The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 and The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.
- 4.4 For this application the most relevant aspects of the Development Plan are set out within the Local Plan Strategy adopted in September 2013.
- 4.5 In addition to this, other material considerations that should be considered in the determination of the proposal include the National Planning Policy Framework and Planning Practice Guidance.
- 4.6 The Council are also preparing the second stage of the Ryedale Plan known as the Ryedale Plan Local Plan Sites Document and once adopted it will replace the 2002 Ryedale Local. It is considered there are no relevant policies in the emerging document that would influence the determination of this application.

National Planning Policy Framework (2012)

- 4.7 The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the NPPF reaffirms that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, paragraph 2 of the NPPF confirms that the NPPF itself is a material consideration in planning decisions.
- 4.8 The NPPF is clear in stating that:



“The purpose of planning is to help achieve sustainable development” and that “sustainable means ensuring that better lives for ourselves does not mean worse lives for future generations.”

“So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”

“Development that is sustainable should go ahead without delay – a presumption in favour of sustainable development that is the basis for every plan and decision.”

4.8 The overall purpose of the NPPF is that planning should contribute to the **“achievement of sustainable development”** (Paragraph 6) and sets out the three dimensions to sustainable development (Paragraph 7):

- The economic role – ensuring that sufficient land of the right type is available in the right place at the right time to support growth and innovation;
- The social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations together with providing every day needs; and
- The environmental role that contributes to protecting and enhancing natural resources.

4.9 **Paragraph 8 states that:**

“These roles should not be undertaken in isolation, because they are mutually dependent.”

4.10 Paragraph 11 stresses the primacy of the Development Plan and states:

“Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.”

4.11 With regard to decision taking, it states:

“For decision taking, this means:

- **approving development proposals that accord with the Development Plan without delay;**



- **where the Development Plan is absent, silent or relevant planning policies are out of date, granting permission unless:**

4.12 Paragraph 197 reiterates the presumption, when it states:

“In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable developments.”

4.13 At Paragraph 17 of the NPPF a core planning principle that should underpin decision taking is identified as ensuring a proactive drive and support for sustainable economic development to deliver business and thriving local places that the country needs.

4.14 Within Section 1, it confirms that the Government is committed to securing economic growth in order to create jobs and prosperity. It encourages Local Planning Authorities to plan proactively to meet the development needs of business and support an economy fit for the 21st Century. Reference is specifically made to the opportunity to:

“Facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.”

4.15 Section 3 deals with supporting a prosperous rural economy which encourages Local Planning Authorities to support the sustainable growth and expansion of all types of business and enterprise in rural areas. It also supports sustainable rural tourism and leisure developments that benefit businesses.

4.16 Section 4 of the NPPF promotes the importance of sustainable transport, encouraging solutions which support reductions in greenhouse gas emissions and reduce congestion.

4.17 Section 8 relates to promoting healthy communities and states in paragraph 70 that planning decisions should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments.

4.18 Section 11 relates to conserving and enhancing the natural environment. Paragraph 125 seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

4.19 Section 12 of the NPPF seeks to promote a positive strategy for the conservation and enjoyment of the historic environment, including considering the desirability of sustaining and enhancing the significance of heritage assets and the wider social, cultural, economic, and environmental benefits that conservation of the historic environment can bring.



Ryedale Plan – Local Plan Strategy

- 4.20 This document was adopted September 2013 and sets out how much new housing, employment and retail development should take place up to 2027. It also guides other forms of development as well as protecting key Ryedale assets such as environmental and historic assets.
- 4.21 Policy SP12 relates to the conservation and enhancement of the historic environment. It recognises the potential of heritage assets to contribute towards the economy, tourism, education, and community identity such as large country houses.
- 4.22 Policy SP12 also encourages the sensitive re-use and adaptation of historic buildings. It recognises that the cost of maintaining and repairing historic assets can be substantial and the potential for 'enabling development' to secure the future of a significant heritage asset.
- 4.23 Policy SP13 relates to the protection and enhancement of the distinctive landscape characters within Ryedale which includes the Howardian Hills. This area is described as a well wooded rolling countryside set on Jurassic limestone and home to exceptional examples of country houses and estate villages.
- 4.24 Policy SP13 seeks to ensure the natural beauty and special qualities of the Howardian Hills Area of Outstanding Beauty (AONB) will be conserved and enhanced. Any proposals will be carefully considered and supported where they are considered appropriate for the economic, social, and environmental well-being of the area or are desirable to support the understanding and enjoyment of the area.
- 4.25 Policy SP16 seeks to ensure any alteration or re-use of individual historic buildings is sympathetic to its character and appearance.
- 4.26 Policy SP20 covers several issues which form part of the consideration of almost every planning application received by the Council or North Yorkshire County Council such as the character of an area, the design of new development, amenity and safety, access parking and servicing.



5.0 Key Considerations

Principle of proposed use

- 5.1 Howsham Hall is a private residential dwelling but is understood to cost approximately £10,000 per month to run with an additional £60,000 per annum in routine maintenance costs. This total of £180,000 per annum is before any unplanned maintenance.
- 5.2 To support this cost and to help maintain the long-term sustainability of the property, the current owner has collaborated with the applicant to generate income at Howsham Hall.
- 5.3 The applicant is an experienced event, venue management and outside catering company which specialises in working with historic locations. It has a high degree of understanding when it comes to marketing appropriate services which generate income and complement the nature of historic properties and their environment.
- 5.4 The applicant is also a corporate member of the Historic Houses Association and have worked previously with the National Trust, English Heritage, and various private trusts to help generate income and support the running of either publicly or privately held sensitive/historic properties and spaces.
- 5.5 The intention with Howsham Hall is, therefore, not to turn it into a permanent commercial enterprise but the proposal would have the ability to help support its up-keep and function as a residential dwelling in a sustainable way.
- 5.6 The type of proposed events organised by the applicant would include weddings, corporate retreats, private hire for international Clients (often for a few family members) and small dinners. In managing these events, the applicant can control the number of guests attending, times of arrival and the type of entertainment to be used.
- 5.7 The applicant met with Council Officers on site in February this year and there was general consensus in terms of the suitability of these types of events at Howsham Hall. The key issue was regularising these events so they could be controlled in an appropriate manner having regard to the sensitivity of the building, its surroundings and the amenity of residents in the village.
- 5.8 Following the site visit, Officers agreed a planning application for dual-use permission would be an appropriate way in which to regularise the commercial uses whilst allowing the building to remain as a residential dwelling as well.



- 5.9 A planning application for a dual-use permission is therefore submitted under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This allows the dual-use of a property to switch between two separate uses that can be used flexibly and interchanged over a 10-year period.
- 5.10 Usually there are restrictions regarding the use of Permitted Development Rights where listed buildings are concerned but it would not apply with this piece of legislation and is therefore an indication of what the Government considers to be acceptable.
- 5.11 Policy SP12 of the adopted Local Plan encourages the sensitive re-use and adaptation of historic buildings. It recognises that the cost of maintaining and repairing historic assets can be substantial and the potential for 'enabling development' to secure the future of a significant heritage asset.
- 5.12 The proposed uses at Howsham Hall will help to support the long-term maintenance and future of this building and it is therefore considered to accord with objectives of Policy SP12 and should be supported on this basis.
- 5.13 The development will also contribute to supporting economic growth in rural areas and in terms of employment generation there will be 3 Full Time posts directly created to manage all aspects of the event hire function. In addition to this, it has been estimated that part time work would equate to around 13 people working full time whilst events are taking place.
- 5.14 It is also important to note that further employment generation will be created through work that is sub contracted out, for example, marquee hire/erection/dismantling/wedding and taxi transport, entertainment etc). This will present opportunities for other local companies and enterprises which may in turn lead to additional spin off employment created.
- 5.15 Given the proposals would contribute towards the rural economy whilst preserving the historic environment, we consider it would accord with Policy SP12 of the Local Plan as well as the guidance in the NPPF

Residential Amenity

- 5.16 Based on the pre-application public consultation exercise undertaken by the applicant we are aware of the village resident's views and concerns in terms of their perceived sensitivities regarding noise and disturbance issues. In this regard the applicant has commissioned a noise assessment and using best practice guidance the report provides relevant evidence and justification to support the proposed development.



- 5.17 The assessment criteria has had regard to the scale, nature and frequency of the proposed events. The identified mitigation approaches for controlling activities to an acceptable level are set out within the Operation Plan. Furthermore, noise calculations have been undertaken based on the monitoring data to determine the baseline ambient noise levels currently experienced on the site to establish the relative local background noise level.
- 5.18 The baseline assessment was undertaken at six locations and these are identified within the noise report together with a plan showing the location of the key noise receptors immediately around the site.
- 5.19 The noise assessment examines both external noise events arising from the occasional use of the proposed marquee situated in the front lawn area and from more typical events that would use the internal function rooms within the hall. Based on the assumption that external amplified music will cease at 11.00pm and amplified music within the building would cease at 11.45pm (with provision of up to six music extensions for events within the building until 1.00am within a 12 month period) it has been concluded that the music noise levels and noise from guests attending the event would not have a 'significant adverse impact' on either health or quality of life.
- 5.20 Mitigation measures identified in the Operation Plan which restrict the number of external events and the adoption of a Noise Management Plan that features in the noise report at Appendix C are proposed to minimise the noise impact to an acceptable level.
- 5.21 The National Planning Policy Framework also seeks to identify and protect areas of tranquillity and the noise report clarifies that the site is situated in a CPRE Zone 6-7 area for tranquillity (1 being least tranquil and 10 being most). It concludes that the use of the site as an event venue as proposed is not considered likely to affect this rating and as there are no public rights of way within the site, the proposals will have a negligible effect on local access to areas of greater tranquillity.
- 5.22 On this basis, the applicant has demonstrated that the standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise have been applied without having a material adverse impact on the amenity of neighbouring land and buildings and therefore the scheme is in accordance with the relevant aspects of Policy SP20 of the Local Plan strategy.



Transport

- 5.23 Careful consideration has been given to transport matters relating to the proposed development and the applicant has appointed WYG as transport consultants to prepare a Transport Statement to assess the likely traffic implications for the proposal.
- 5.24 The assessment has given consideration to: the ability for vehicles to pass on either access; the potential noise and disturbance that may occur to existing nearby residents (adjacent to the eastern access); and the road safety and access geometry considerations where traffic would leave and join the main road to the south of Howsham Hall.
- 5.25 The surrounding highway network features very low volumes of traffic and Howsham Hall has two existing accesses and this allows a range and combination of site access scenarios which creates flexibility and options to deal with traffic generated by the proposed event. Volumes of traffic likely to be generated by the events proposed can easily be accommodated on the local highway network and the very limited impacts do not warrant the provision of any off-site highway improvements.
- 5.26 Given that there are two existing accesses and the events are both isolated in nature and will be controlled and marshalled, it is the case that there are a range of potential access arrangements and management options that can be employed.
- 5.27 As traffic arriving and departing an event will be highly tidal in nature (ie all inbound at a certain timeframe and all out later), the issue of any potential difficulties arising from the need for traffic to pass will be minimal. However, the Transport Assessment proposes the introduction of a passing place and waiting area at the entrance to the western access to the south of the gates lodges to avoid highway impacts adjacent to the adopted public highway.
- 5.28 As there are multiple configurations of how the existing two accesses can be used it is considered that the day-to-day management of traffic can be left to the discretion of the event organisers to ensure the smooth and efficient operation within the context of the restrictions set out within the Operations Plan. Nevertheless, in light of the concerns expressed by local residents during the initial consultation the applicant is prepared to accept a restriction along the eastern access to ensure that guest cars do not exit in this direction after 9.00pm at night.



- 5.29 In terms of parking provision, there are currently 36 spaces on site and a further 20 spaces could easily be created on the grass to the east of the building. This will remove the potential for guests parking in the village particularly when also considered in the context of the signage that will be used to direct traffic. There is a plan in the Transport Statement that shows the location of the existing parking area and potential overflow parking area.
- 5.30 Based on the transport requirements that feature in Policy SP20 we consider that the Transport Assessment in conjunction with the Operation Plan demonstrates that access to and movement within the site will not have a detrimental impact on road safety and is therefore in accordance with this policy.

Heritage Assessment

- 5.31 As part of preparing this application, a Built Heritage Statement has been prepared by WYG to assess the potential impacts on Howsham Hall arising from the proposed changes to: its use; the interior of the building; and the grounds of the building.
- 5.32 The Built Heritage Statement has been prepared taking into account the historical background of Howsham Hall and the wider area in order to understand its heritage significance and assess the likely impacts of the proposals.
- 5.33 As a Grade I Listed Building, Howsham Hall is deemed to have an outstanding level of significance and this is derived from its historic and aesthetical value as an early 17th Century Country House, as well as its setting within 18th Century Park. It is also noted that there are other designated heritage assets that have the potential to be affected by the proposal and these include:
- Howsham Hall Park and Garden;
 - Stable Block to Howsham Hall (Grade II);
 - Gate Lodges to Howsham Hall (Grade II);
 - Howsham Conservation Area which was adopted in May 2001.
- 5.34 The Built Heritage Assessment has concluded that:
- The dual use of Howsham Hall (normally closed to the public) as a residential dwelling and for private hire events would allow a great appreciation of the heritage assets at Howsham by the guests attending the proposed events.



- The proposals do not include any external works to either Howsham Hall or any other listed buildings. Internal changes will be kept to a minimum and will be in relation to Howsham Hall only.
- A strategic approach to fire safety measures have been agreed with the North Yorkshire Fire and Rescue Service as part of developing proposals for the proposed dual use of Howsham Hall. The agreed approach is set out within the application drawings and will ensure that direct physical impact to the historic fabric will be kept to a minimum. Where possible, fire safety measures will be freestanding. Where this is not possible, it will be surface mounted and designed to be as reversible as possible to ensure that the historic fabric can be revealed and conserved to its original condition in the future.
- Limited signage is proposed to ensure that event traffic is suitably managed. The location of the signs and example of an outdoor sign is identified within the Heritage Statement. It is not considered that these will impact on any elements of significance of the Heritage Assets.
- The Built Heritage Assessment has also examined the other elements of the proposal which include the infrequent erection of a temporary marquee, the landing of a helicopter on the front lawn area, parking provision for guests as well as the provision of a layby at the western entrance to Howsham Hall. These have all been considered and the conclusion reached is that there will be no impact on the Heritage assets.

5.35 Having regard to the guidance on Cultural Heritage within the NPPF and Policy SP12 which seeks to protect the district's historic assets and features, we are of the view that the special architectural and historic interests of Howsham Hall, Howsham Hall Park and Gardens and Howsham Conservation Area will be preserved.



6.0 Conclusions

- 6.1 This submission relates to the submission of a full planning application for a dual use permission under Class V of Part 3 Schedule 2 of the General Permitted Development (England) Order (2015) for a residential dwelling (Class C3) and for private hire events such as weddings, conferences, corporate retreats and private house parties plus the erection of an outdoor marquee on an occasional basis.
- 6.2 The site is located to the north west of the village of Howsham and accommodates Howsham Hall which is a Grade I Listed Building which would accommodate the proposed development.
- 6.3 The evidence to support the planning application has been extensive and includes technical work relating to transport, noise, heritage as well as including a detailed operation plan setting out clear parameters as to how the events will be managed and controlled.
- 6.4 The proposal has been assessed against the relevant policies set out within the Ryedale Local Plan Strategy which was adopted in September 2013 as well as having regard to the guidance found within the National Planning Policy Framework.
- 6.5 Given the benefits associated with the proposed use supporting the long term maintenance and sustainability of the property as well as its contribution to enhancing economic growth in this rural area, it is maintained that the principle of the proposed development is acceptable.
- 6.6 The applicant recognises the historic sensitivity of not only Howsham Hall as a Grade I Listed Building but also the heritage assets in the surrounding area. It has been demonstrated that the proposed events can be undertaken with minimal impact on these assets and thereby ensuring that the proposed use remains sympathetic to its character and appearance.
- 6.7 A detailed assessment of transport considerations has been undertaken and subject to the day to day management of traffic there are a range of potential access arrangements and management options that can be employed having regard to both road safety and potential noise and disturbance issues.
- 6.8 Similarly, a detailed Noise Assessment has demonstrated that the standards outlined in the World Health Organisation, British standards and wider international and national standards can be applied without the proposal having a material adverse impact on the amenity of neighbouring land and buildings subject to event closing time restrictions.

Planning Statement



- 6.9 It is therefore concluded that the scheme is compliant with the relevant Development Plan policies and there are significant considerations in favour of the proposed development. The planning balance is firmly in favour for the approval of planning permission.



Slim rectangles to left and right of building show existing hard standing parking accommodating a total of 36 cars
Square to right shows location for overflow parking offering approximately another 20 spaces

Plan 3: Parking Provision

Agenda Item 10

Item Number: 10
Application No: 18/00732/FUL
Parish: Amotherby Parish Council
Appn. Type: Full Application
Applicant: Mandale Homes North Ltd
Proposal: Erection of 5no. four bedroom dwellings with parking and amenity areas on land occupied by former petrol station
Location: Malton Road Garage Amotherby Malton YO17 6TG

Registration Date: 1 August 2018
8/13 Wk Expiry Date: 26 September 2018
Overall Expiry Date: 25 September 2018
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Highways North Yorkshire	Recommend conditions
Flood Risk	No views received
Parish Council	Objection
Environmental Health Officer	Comments remain as previously that the proximity of the food processing operation and the B1257 road would be very likely to render the site unsuitable for residential development.
Sustainable Places Team (Environment-Agency Yorkshire Area)	No objection subject to conditions
Yorkshire Water Land Use Planning Countryside Officer	Recommend conditions Object to this proposed development on the grounds of the loss of visual amenity and impact on the wider landscape
Neighbour responses:	Mr David Brown, Mrs Rachel Campbell Ricketts, Miss Natasha Pearse, Miss Sara Bath, Malton Foods C/O Walton & Co, Mr Michael Brown, Miss Elisabeth Arridge,

SITE:

The application site comprises a former garage and associated buildings. It is located on Malton Road Amotherby, a classified Road (B1257). Opposite the site are established dwellings, with detached dwellings along Malton Road to the west of the site frontage. Along the eastern boundary is the access road for Malton Foods, which also extends across the rear boundary of the site. The Malton Foods site is a designated Employment Site. The application site is also located within the development limits of Amotherby. The rear side of the site includes a very steep slope estimated to be between 4-5m in height with a fence on the higher side. There are unused buildings along the frontage of the site and to the rear. The application site is located within the development limits of Amotherby, the frontage of the site measures 30m in width and the rear part is 66m at its widest, the site is 66m in depth at its greatest.

PROPOSAL:

Planning permission is sought for the erection of detached 5 dwellings. Of these there are 2 different house types;

Type A (Plots 2,4 and 5) has a foot print of 9.2m by 8m and is 5m to the eaves height and 8m to the ridge height. In addition there is a single storey conservatory to the rear that has a footprint of 3.8m by 4.9m.

Type B (Plots 1 and 3) has a maximum footprint of 10.5m by 11.6m and is 5m to the eaves height and 8.6m to the ridge height.

Each property includes a detached double garage.

The layout plan shows the demolition of the existing workshop buildings on site and the erection of a dwelling on the site frontage with an access road to the south and the other four plots within the 'inner' part of the site. Plots 2 and 3 have their rear elevations against the eastern boundary, Plots 4 has its rear boundary at the back of the site adjoining the Malton Foods site, and Plot 5 is located against the western boundary behind the existing properties along Malton Road. The private parking and turning areas for the dwellings are proposed to be constructed from permeable block paving. The proposal includes a substantial amount of excavation into the earth bank on the southern side and the insertion of a brick retaining wall up to 4m in height, along the southern boundary. Finally the proposal includes the removal of the majority of all the trees and landscaping on the site.

HISTORY:

2017: Planning permission refused for the erection of 15 dwellings.

2003: Outline planning application for residential development refused 2006 - Dismissed on appeal 2007.

1993: Advertisement Consent granted for signage for the garage.

1989: Planning permission granted for the erection of an extension to a garage.

POLICY:

National Policy

National Planning Policy Framework (NPPF) 2018

National Planning Policy Guidance (NPPG) 2014

Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP3 - Affordable Housing

Policy SP4 - Type and Mix of New Housing

Policy SP6 - Delivery and Distribution of Employment Land and Premises

Policy SP11 - Community Facilities and Services

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP15 - Green Infrastructure Networks

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 Community Infrastructure Levy

Ryedale Local Plan 2002

Policy EMP7 - Allocations for the expansion of existing major employers

APPRAISAL:

The main considerations in relation to this application are:

1. The principle of the proposed development;
2. The siting, scale, design and materials of the proposed development and its impact upon the character and appearance of the area;
3. Whether the proposed development can have a satisfactory level of residential amenity;
4. The impact of the proposal upon the operations at Malton Foods;
5. The impact of the scheme upon the amenity of the adjoining occupiers;
6. Highway safety;
7. Contamination;
8. The impact of the scheme upon trees;
9. Ecology;
10. Developer contributions; and,
11. Drainage

This application is required to be determined by Planning Committee as there is a letter of support and Officers are recommending the application for refusal. The Planning Committee refused an application for 15 dwellings on this site last year, a copy of the layout of that scheme is attached to this report for Members information. In addition there was an Appeal dismissed on this site in 2007 for residential development. A copy of that Appeal Decision is also appended to this report for Members information.

The principle of the proposed development

The site contains 2no. redundant garage workshops. There is no objection to the demolition of these workshops. The site is regarded as a Brownfield site, it is in a poor condition and an appropriate development of the site could be beneficial to the visual amenity of the area. Whilst the site is located within the development limits of Amotherby (a designated 'Service Village' within the Local Plan Strategy) the development of this site for residential development has previously been refused planning permission and dismissed on appeal. This was because of the noise implications from the adjoining factory site and the sub-standard level of residential amenity. The dismissed scheme was an Outline Application, a layout plan was submitted that featured 4 dwellings along the frontage with a 'U' shaped building behind, to try and mitigate the factory noise. In dismissing the Appeal the Inspector acknowledged the benefits associated with developing this previously developed site and extinguishing the current use. He also noted:

'..I find the proximity of the food processing operations would be very likely to render the site unsuitable for residential development.'

Against this background, the principle of residential development on this site is highly questionable.

The siting, scale, design and materials of the proposed development and its impact upon the character and appearance of the area

Policy SP16 of the Local Plan Strategy states:

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

Reinforce local distinctiveness

Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated

Protect amenity and promote well-being

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

Topography and landform that shape the form and structure of settlements in the landscape

The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks.

The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale

The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings

The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further

VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement

- Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures

- The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail

- The design of new development will also be expected to:

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space

- Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking

- Reduce crime and the fear of crime through the careful design of buildings and spaces

- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces'

- Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context'

The proposed scheme features 5no. detached dwellings. Plot 1 is located on the site frontage, with Plots 2 and 3 facing west onto the internal road, Plot 4 is located at the head of the internal roadway with Plot 5 to the western side of the inner area of the site. A 4m high retaining wall is proposed at the rear of the site, this requires excavations as the bank is not completely vertical. At the top of the retaining wall is an existing fence approximately 1.5m high. The majority of the existing planting on this part of the site will be removed affording clear views of the factory site at this elevated level.

The surrounding area comprises mainly detached dwellings on the southern side of the B1257, with a crescent of post war semi-detached properties opposite the site. The medium density scheme for detached dwelling is not considered to be objectionable in this location and to respect the form of development in the immediate area. Whilst a greater housing choice, such as semi-detached properties would have been preferable this is not considered to be a sustainable reason for refusal. The general design approach in this location is considered to be acceptable and the scheme can be considered to be compatible with the surrounding vernacular. There are no details submitted in relation to the external materials, however this could be addressed by planning condition.

The loss of the on-site landscaping will however open up views of the factory at the rear of the site which could detract from the visual amenity of the area. For this reason the proposal is considered by officers to be contrary to the requirements of Policies SP16 and SP20 of the Local Plan Strategy.

Whether the proposed development can have a satisfactory level of residential amenity;

There are three main concerns in respect of this criteria;

- (i) Noise and disturbance from the Malton Foods site;
- (ii) Traffic noise from the B1257;
- (iii) The steep sided rear bank and close proximity of the proposed dwellings

- (i) Noise and disturbance from the Malton Foods site;

Within the Malton foods site it is noted that there are four shipping containers understood to contain air conditioning units and plant immediate to the south of the site, along with buildings containing refrigerated stores. It was clear from the site inspection that fork lift trucks work in this area to take and remove products from the refrigerated stores.

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 agent has submitted a Noise Assessment in an attempt to demonstrate that the proposed dwellings could have a satisfactory level of residential amenity, along with additional justification to assert that they consider the dwellings meet the required noise standards. A detailed statement of objection has been received on behalf of Malton Foods.

Ultimately, the Local Planning Authority and Environmental Health Specialists are seeking to ensure that the appropriate noise standards are applied to all residential development. These standards have recently been tested on appeal elsewhere in the district and have been upheld. They reflect the highest standards of the WHO Guidance and require outdoor private amenity areas to not have noise levels above 50dB; habitable rooms to not exceed 35dB during the day and bedrooms between 11pm-7am to be able to not exceed 30dB with windows at least partially opened.

The Council's Environmental Health Specialists have considered all the information submitted and stated:

'With reference to the above application, The submitted noise assessment in section 2.10 makes reference to corrections that could be applied for acoustic features such as tonal qualities and distinct impulses, however these have not been applied in the modelling conclusions, previously it has been stated by consultants employed by Malton Foods that there are refrigeration units that obviously cut in and out depending on set temperatures this could have a significant impact on amenity.'

The conclusion for the previous application for this site was that residents are quite likely to be subjected to a significant adverse impact during both the daytime and night time.

I therefore cannot see any significant change in this application and therefore my comments remain as previously that the proximity of the food processing operation and the B1257 road would be very likely to render the site unsuitable for residential development.'

It is also pertinent to outline the views of the Council's Environmental Specialist in regard to the earlier application:

'Further to the response from BWB consulting following my comments to the above planning application. For the avoidance of doubt I should like to make the following observations.

Policy SP20 of Ryedale's LPS which was adopted in September 2013 states that new development will not have a material adverse impact on the amenity of present or future occupants. Impacts on amenity include noise. It goes on to state that developers will be expected to apply the highest standards outlined in the WHO, British standards and wider internal and national standards relating to noise. Ryedale District Council has consistently taken the approach that permissible noise levels are to be achieved with partially open windows. This position is supported by Appeal Decision 3158779. The Noise Assessment submitted as part of this application predicts internal noise levels which do not meet Ryedale's criteria and as such are considered unreasonable. Acoustic ventilators would not resolve this concern.

Taking all matters into account I find that the proximity of the food processing operations and the B1257 road would be very likely to render the site unsuitable for residential development. The noise likely to be emitted would almost certainly be sufficient to engender noise nuisance complaints from prospective occupants.'

Plot 4 is the closest to the southern boundary and the Malton Foods site. It is a two-storey dwelling with bedroom windows backing onto the factory site and it is proposed to be within 9m of the southern boundary of the application site. The scheme that was dismissed at Appeal featured 4 no. detached properties along the frontage and a 'U' shaped building behind. That 'U' shaped building was designed to act as an acoustic screen and was to have triple glazed windows. It was also between 19m and 16m from the southern boundary position, a much greater separation than in this case. The Inspector noted in regard to that scheme:

'The suggestion that 'U' shaped block positioned toward the southern boundary might serve as a noise barrier seems to me to be inappropriate. First, I have some doubts about its potential effectiveness because the Westler site lies some 4-5m above the appeal site and because low frequency emissions cause added difficulties. Second, I think that in order to achieve the degree of noise reduction required, the block would have to present almost a blank façade toward the factory or include mechanically ventilated rooms with non-openable windows on its southern elevation. Such a structure and such living conditions would not accord with what might reasonably be expected in a rural location such as this. Third, the actual position of the mooted 'block' and its 'U' shaped configuration would be an incongruous addition to the ribbon development here and quite alien to the rural character of the village.'

The Noise Assessment submitted has not demonstrated that the proposed scheme can meet the required noise levels within the external areas or internally with windows that are partially opened. In summary, it is considered that the proposed development cannot achieve the noise standard advocated either internally in a satisfactory manner or in all external areas consistent with the requirements of Policy SP20, and decisions previously taken on appeal.

(ii) The proximity to the existing bank

Officers also have significant concerns at the close proximity of Plot 4 to the rear boundary and the steep excavated outer sides. It is considered that this will be an oppressive feature and would promote a poor outlook for those residents directly adjoining the steep sides, particularly in terms of the 4m high retaining wall. Furthermore, it is unclear if this feature can be undertaken. If this application were to be supported, additional work would be required regarding the stability of the land and the suitability of the proposed retaining walls.

The proposed retaining wall and the very close associated activity and movements from the factory, together with the operation of the air conditioning and plant operations directly adjoining the site, are not considered to ensure a satisfactory level of residential amenity for occupiers of the proposed dwellings.

(iii) The impact of the proposal upon the operations at Malton Foods

One of the sustainable themes of the National Planning Policy Framework (NPPF) 2018 relates to economic development, Paragraph 8 states:

'a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;'

Furthermore, paragraph 80 states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴⁰, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'

Malton Foods, a large employer with up to 180 employees, is located immediately to the southern side of the application site. The business is concerned with food processing. Policy EMP7 of the Local Plan 2002 (extant policy) allows expansion land for Malton Foods to the south of its own site. This expansion land is still understood to be required, and it is proposed to be carried forward in the Sites Document.

Since the Inspector's decision in 2007, Westler Foods who managed the factory at that time have been taken over by Zwanenberg Food Group BV who have invested in the site. The factory is understood to employ approximately 180 people and is understood to have contracts with Marks & Spencers, Tesco and Aldi.

The report above highlights that there are noisy activities located immediately adjoining the southern boundary, including 4 large shipping containers containing plant along with a large building used as a refrigeration unit. All providing 24/7 noise.

It is considered that the occupiers of the proposed dwellings as potential receptors of noise and disturbance could give rise to complaints about the operations at Malton Foods. Policy EMP7 of the RLP contains the provision for the expansion of the factory site on land to the south, thereby creating a greater potential impact in the longer-term. In view of the objections raised from Malton Foods, and the likelihood of complaints by Environmental Health Specialists it is considered that the proposed use has a significant risk of undermining the business operations at Malton Foods and prejudicing the local economy. The development of this site as proposed is therefore considered to be in conflict with NPPF and the adopted development plan.

The impact of the scheme upon the amenity of the adjoining occupiers

Glenmore, Glencoe and Bentley House are located to the north of the 'inner' proposed dwellings with a trackway along the western boundary. There is a minimum separation distance of 17.5m from Plot 5 and Glenmore and the first floor en-suite bathroom window facing Glenmore could be conditioned to be obscure glazed. This is however, a rear elevation - gable relationship, and not a back-to-back relationship. It is considered that the proposed scheme will not have an adverse effect upon the amenities of the surrounding properties in terms of potential overlooking, loss of day lighting or sun

lighting, or noise and disturbance.

Highway safety

The proposal includes a new access onto the B1257 with access for a private drive also onto the B1257. The site is located within the 40mph restricted speed area. Each plot includes a double garage and car parking spaces a pedestrian footpath is proposed along the frontage of the site. The Highway Authority has considered the proposal and recommended conditions. One of these conditions requires a new footpath across the site frontage, the adjacent factory access and up to the Hovingham -bound bus stop to the bus stop on the southern side of the B1257. A pedestrian crossing point and refuge island has been considered and discussed with the Highway Authority but due to the width of the road the size of local agricultural traffic it is not feasible to provide such a facility in the opinion of local Highway Authority Officers. In view of the assessment by the Highway Authority and the conditions recommended there are considered to be no sustainable highway related objections to the proposed development.

Contamination

The site's former use as a commercial garage and filling station means there is a strong likelihood of potential contamination. A Phase 1 Contaminated Land Report was previously submitted and considered by the Environmental Health Specialist. The previous advice was that the recommendations of the Phase 1 Report are accepted and a further Phase 2 Report is required. Detailed planning conditions could be imposed in respect of potential contamination if permission is granted. The Environment Agency has also recommended conditions in respect of contamination and to prevent piling of investigative boreholes.

The impact of the scheme upon trees

The site contains many trees, particularly at the rear of the site at the rear of the site. The proposal is to clear the vast majority of the trees on the site, particularly the established wooded area at the rear of the site. A Tree Survey and Arboricultural Impact Assessment was previously submitted, and identified significant negative impacts by the removal of the trees. These trees form an effective screen of the factory buildings and structures to the south. Furthermore the wider area of the site to the south, south west and south east is located within the Howardian Hills Area of Outstanding Natural Beauty (AONB). Policy SP16 of the Local Plan Strategy (quoted above) requires new development to reinforce local distinctiveness of existing areas. Policy SP20 seeks to ensure new development respects the character and context of the immediate locality and the wider landscape /townscape character. The presence of the trees on the site forms a strong element of the rural character of this site. The Countryside Management Specialist has repeated his earlier comments:

The Tree report (Dendra 29/11/17) states that the development as set out in this application will lead to a major negative impact at a site level due to the removal of 95% of the trees from the site. Visual amenity of the area, particularly when viewed from the north along the B1257, will be impacted as the removal of all the tree along the southern boundary of the site will open up clear views of the factory to the south which is 3 to 4m higher than the proposed development area.

Many of the trees to be removed are of at least moderate quality and effectively form a woodland group along the southern bankside which upgrades their importance and value, they are healthy and for the most part without significant faults so there is no reason to assume that these trees have anything other than a life span of greater than 40 years. Any tree which remain at the top of the bank within the ownership of the neighbours will always be under pressure from residents of the new houses due the effects of shading, leaf fall and perceived hazard and their close proximity.

No mitigation in the form of tree replacement or landscaping is proposed.

I therefore object to this proposed development on the grounds of the loss of visual amenity and impact on the wider landscape'

In view of the above loss of trees, and the absence of any suitable replacement planting, together with the consequent visual impact of the development and views of the factory site the proposal is considered to be contrary to the requirements of Policy SP16, and SP20 of the Local Plan Strategy.

Ecology

An Ecological Survey has also been submitted. The survey has not identified any direct implications for protected species to be significant. On the planning application that was considered last year the Council's Countryside Specialist recommended that if permission is granted a condition is imposed to ensure the Method Statement within the Ecology Survey is followed. This condition will ensure precautions are taken to protect any bats that may be on site. An informative is recommended in respect of birds.

Developer contributions

The market housing would be chargeable to CIL at £85m2, if approved.

Drainage

The proposal is to drain foul water into the mains. No details are included regarding how surface water is to be drained.

Yorkshire Water has no objections to the proposal to drain foul water to the mains subject to conditions. Whilst initially indicating that they would submit a Drainage Strategy for surface water, the agent has since confirmed that they will not be submitting a Drainage Strategy. The agent has asked that the application be determined as submitted. On the previous application there was also a lack of information regarding surface water drainage, with soakaways not being proven to be acceptable and no identified watercourse for drainage. The site is located upon a coralline limestone principal Aquifer which makes soakaways problematic. There is therefore considered to be insufficient information to assess how surface water can be suitably drained from the site.

Other issues

The Parish Council has objected to the application for the following reasons:

- The application remains the same size as that within last year's refused application
- The proximity of the site to the quarry bank;
- The number of vehicular accesses in such close proximity;
- Impact of the proposal upon Malton Foods;
- Contaminated land issues; and,
- The cost of the remediation of the site.

There have also been a letter of support stating that the site is an 'eyesore' and its development will offer much needed housing that will enhance the village.

There have also been 6 letters of objection. This includes a detailed statement of objection from Malton Foods and their representative (discussed above) objecting to the impact of residential development upon their operations and questioning the viability of the scheme. The other issues raised in the letters of objection are:

- The design and layout of the housing proposed is out of keeping with the area;
- Future monitoring of burning at the site;
- Noise from the development;
- Highway safety;
- The density if the development;
- Contamination at the site, particularly asbestos;

- Stability of the bank;
- Bat and Owl implications;
- Loss of trees, including third party trees;
- Impact upon local infrastructure;
- No public transport;
- Lack of information;
- That the development is driven by profit;
- Limited school places in the village;
- Factory noise; and,
- A suggestion that affordable housing should be provided for local people with footpaths in the immediate area.

The majority of the issues raised have been assessed above. The stability of the rear earth bank is a significant concern, and the stability of this is essential. If the application were to be considered favourably as a whole, additional work in this respect would need to be conditioned. It is noted that Amotherby does have public transport links, a School, a Public House, two Employment Sites, and a Public House and restaurant. It is, along with Swinton, a 'Service Village within the adopted Local Plan Strategy. It is considered to be a settlement that is capable of accommodating some new residential development and a proposed allocation has been examined to the western side of the village. Therefore it is considered likely that an additional 5 dwellings can be accommodated in the village in terms of the local infrastructure and school places. With the exception of surface water drainage and landscaping/tree protection there is considered to be a satisfactory level of information submitted to determine the application. Complaints about burning at the site are handled by Community Officers in the first instance. The local Highway Authority have confirmed that subject to planning conditions there are no highway related objections to the proposed development. If the application were to be considered favourably conditions could be imposed in respect of contamination.

Whilst there are some benefits associated with the development of this site identified in this report, it is considered that these benefits are not sufficient to overcome the other areas of significant harm identified in the above assessment. In view of the above assessment, this application cannot be supported and is recommended for refusal.

RECOMMENDATION: Refusal

- 1 The proposed residential development is not considered to provide for a satisfactory level of residential amenity. This is because of its close proximity to Malton Foods immediately to the south, a designated employment site, and the B1257 to the north. The consequential noise and disturbance from machinery, plant, equipment and activity from Malton Foods and from road traffic noise is considered to be incompatible with the proposed residential development. This will mean that occupiers of the proposed dwellings will be unable to open windows for natural ventilation without experiencing excessive noise levels or use their private gardens without being subject to unacceptable noise levels. The proposed development is thereby contrary to the requirements of Policy SP20 of the Local Plan Strategy.
- 2 The close proximity of Plot 4 to the steep bank to the southern side and proposed retaining wall is not considered to provide for a satisfactory level of amenity and would result in an oppressive outlook for the occupiers of this plot The proposal is therefore considered to be contrary to the requirements of Policy SP20 of the Local Plan Strategy.
- 3 The development of this site for residential development immediately adjoining an allocated employment site (Malton Foods) would be likely to prejudice the long-term operations on this employment site by giving rise to complaints about their operations and activity at the site by virtue of the close relationship between this site and the allocated employment site. The proposal is therefore considered to be contrary to Paragraphs 80, 81 and 182 of NPPF Policy SP20 and risks the future exposure of the business in accordance with 'saved' Policy EMP7 of the Ryedale Local Plan.

- 4 There is insufficient information submitted to demonstrate how surface water from the application site can be satisfactorily drained. The proposed development is therefore contrary to the requirements of Policy SP17 of the Local Plan Strategy and NPPF.
- 5 In view of the loss of trees on the site and lack of replacement planting it is considered that there is insufficient information submitted to demonstrate that the proposal will not have an adverse effect upon the character and appearance of the area. The proposal is therefore considered to be contrary to the requirements of Policy SP16 and Policy SP20 of the Local Plan Strategy.

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HARD LANDSCAPING KEY:-

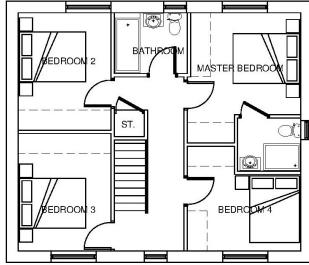
-  TARMAC ROAD
-  SANDSTONE PAVING
-  PERMEABLE BLOCK PAVED DRIVEWAYS - HEATHER
-  TARMAC FOOTPATHS/MARGINS
-  GRASSED AREAS
-  1800mm HIGH CLOSE BOARDED FENCE

TOTAL - 5 UNITS:-

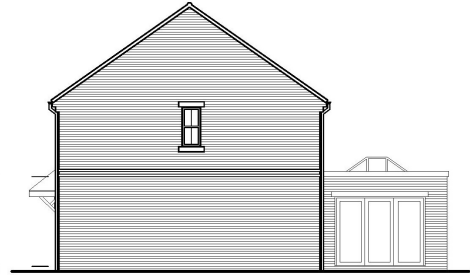
-  **3** TYPE A - 4 BEDROOM (1500)
MANDALAY
-  **2** TYPE B - 4 BEDROOM (2000)
SAPPHIRE

 <p>Mandale Group</p>	<p>PROJECT: RESIDENTIAL DEVELOPMENT HIGH STREET AMOTHERBY MALTON THE MANDALE GROUP</p>	<p>DRAWING: TYPE A PLANS & ELEVATIONS PLOTS 2,4 & 5</p>	<p>Elder Lester McGregor Chartered Architects Reed's Mill Allas Wynd Yarm TS15 9AD tel: 01642 782211 fax: 01642 790123 e.mail: info@elderlester.co.uk web site: www.elderlester.co.uk</p>	<p>1956 ELDERLESTER MCGREGOR ARCHITECTS</p>	<p>SCALE: 1:100 @ A3 DRAWN BY: FLJT DATE FIRST PLOTTED: 08/08/2018 DATE LAST PLOTTED: 08/08/2018 DRAWING NO: 1723/010</p>	<p>CURRENT REVISION NOTES:</p>
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PROPOSED FIRST FLOOR PLAN

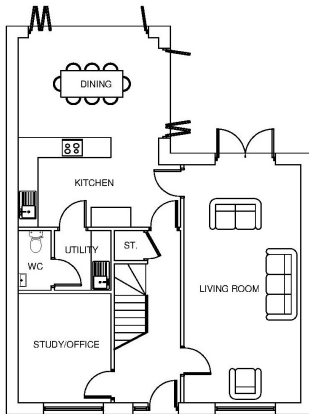


PROPOSED FRONT ELEVATION



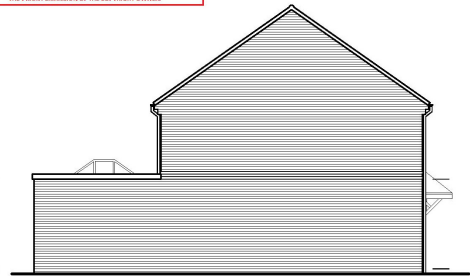
PROPOSED SIDE ELEVATION

PROPOSED GROUND FLOOR PLAN



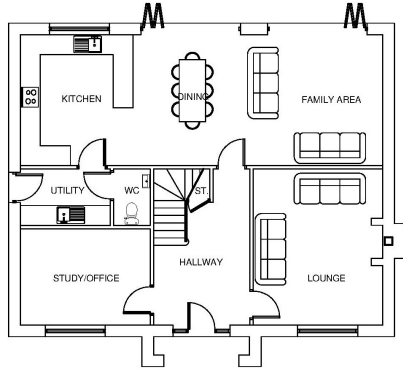
PROPOSED REAR ELEVATION

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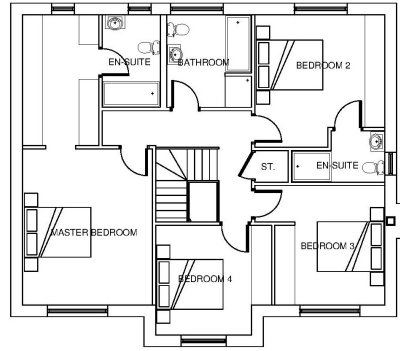


PROPOSED SIDE ELEVATION

	PROJECT: RESIDENTIAL DEVELOPMENT HIGH STREET AMOTHERBY MALTON THE MANDALE GROUP	DRAWING: TYPE B PROPOSED PLANS PLOTS 1 & 3	Elder Lester McGregor Chartered Architects Reed's Mill Allas Wynd Yarm TS15 9AD tel: 01642 782211 fax: 01642 790123 e.mail: info@elderlester.co.uk web site: www.elderlester.co.uk	1956 ELDERLESTER MCGREGOR ARCHITECTS	SCALE: 1:100 @ A3 DRAWN BY: FLJT DATE FIRST PLOTTED: 08/08/2018 DATE LAST PLOTTED: 08/08/2018 DRAWING NO: 1723/011	<i>CURRENT REVISION NOTES:</i>
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GROUND FLOOR PLAN



FIRST FLOOR PLAN

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 <p>Mandale Group</p>	<p>PROJECT: RESIDENTIAL DEVELOPMENT HIGH STREET AMOTHERBY MALTON THE MANDALE GROUP</p>	<p>DRAWING: TYPE B PROPOSED ELEVATIONS PLOTS 1 & 3</p>	<p>Elder Lester McGregor Chartered Architects Reeds Mill, Aisla Wynd Farm, TS15 9AD tel: 01842 782211 fax: 01842 790123 e-mail: info@elderlester.co.uk web site: www.elderlester.co.uk</p>	<p>1956 ELDERLESTER McGREGOR ARCHITECTS</p>	<p>SCALE: 1:100 @ A3 DRAWN BY: RJT DATE FIRST PLOTTED: 08/06/2018 DATE LAST PLOTTED: 01/08/2018 DRAWING NO: 1723/012A</p>	<p><i>CURRENT REVISION NOTES:</i></p>
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PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

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Planning Statement

Land at High Street, Amotherby



ELG



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REVISION RECORD					
Rev	Description	Date	Author	Checked	Approved
0	Final Issue	18/07/18	KB/DM	DM	DM



1. INTRODUCTION

1.1 This statement accompanies an application for full planning consent for the erection of 5no. dwellings with parking and amenity areas on land at the former Malton Road Garage, Amotherby, North Yorkshire.

1.2 This statement will assess the proposals in the context of the development plan and any material considerations that are deemed relevant to the determination of the application, including the National Planning Policy Framework (NPPF). As such, it should be read in conjunction with the following information submitted as part of the planning application:

- Ecological Appraisal;
- Location Plan;
- Noise Impact Assessment;
- Phase 1 Contaminated Land Report;
- Proposed Elevations and Floor Plans; and
- Proposed Site Layout.

Structure of Statement

1.3 This statement is structured as follows:

Section 2 analyses the context of the site.

Section 3 sets out the relevant planning policy context.

Section 4 describes the development proposals.



Section 5 assesses the key planning issues and considerations relating to the proposals.

Section 6 draws conclusions on the overall findings of the statement.

2. SITE CONTEXT

2.1 The application site outlined in red at Figure 2.1 (right) is the former petrol filling station located on the High Street (B1257) in Amotherby. The village is approximately three miles west of Malton and sits outside, but is close to the boundary of the North York Moors National Park. There are a small number of services within the village, including Amotherby Community Primary School, The Queens Head Public House, Cherry Tree B&B, Amotherby Village Hall and



St Helen's Church, along with a small number of employment opportunities such as Malton Foods and Zetechtics.

2.2 The context of the settlement is that of a sustainable rural village that has expanded from the junction connecting the B1257 and Amotherby Lane. The character of the village is undefined due to a mixture of build materials being present including, red brick, stone and render, however the vast majority of dwellings are moderate in size and two -storeys high. The dwellings opposite the site on Eastfield are two-storey semi-detached dwellings made of red brick with hipped roofs, whilst the dwellings directly to the north west of the site along the B1257 (Glencoe, Glenmore and Bentley House) are also made of red brick, but are larger new-build properties.

2.3 The site is located south east of Amotherby, fronting onto the B1257. The former petrol filling station has been vacant since before 2010, with the remaining buildings on site dilapidated and disused. Due to their position at the front of the site, these buildings occupy a prominent position visually. There are also a number of small unused buildings to the rear of the former petrol filling station



scattered along the south east of the site, along with a number of abandoned vehicles. The majority of the site is flat, however the rear of the site on the southern edge rises sharply and meets an old quarry face some four to five metres(m) in height and beyond that lies a cluster of large industrial buildings that forms Malton Foods, with the access road and staff parking area from the south running along the east of the site and connecting to the B1257. A track connects to the B1257 to the west of Glencoe House and extends southwards along the western boundary of the site and to the Malton Foods site. There are a number of trees scattered across the site with overgrown shrubbery.

Planning History

2.4 The site has been subject to the following planning history:

- **03/0039/OUT:** Outline application with all matters reserved for redevelopment of the site for residential development. Refused 9th June 2006, the decision was appealed and dismissed 27th March 2007 due to the noise pollution caused by the food processing plant to the south of the site resulting in a poor level of amenity for future occupants, and the scale and character of the proposed design being deemed inappropriate.
- **17/00636/MFUL:** A full application for the erection of 12no. three bed dwellings was refused 21st December 2017 for the following five reasons:

1. *The proposed residential development is not considered to provide for a satisfactory level of residential amenity. This is because of its close proximity to Malton Foods immediately to the south, a designated employment site, and the B1257 to the north. The consequential noise and disturbance from machinery, plant, equipment and activity from Malton Foods and from road traffic noise is considered to be incompatible with the proposed residential development. This will mean that occupiers of the proposed dwellings will be unable to open windows for natural*

ventilation without experiencing excessive noise levels or use their private garden without being subject to unacceptable noise levels. The proposed development is thereby contrary to the requirements of Policy SP20 of the Local Plan Strategy.

2. *The close proximity of Plots 6-13 to the steep bank to the southern side and proposed retaining wall is not considered to provide for a satisfactory level of amenity and would result in an oppressive outlook for these properties. The proposal is therefore considered to be contrary to the requirements of Policy SP20 of the Local Plan Strategy.*
3. *The proposed residential scheme by virtue of the number of dwellings proposed; their design and mix; cramped layout; the location of parking areas; and the loss of existing landscaping; is not considered to reinforce local distinctiveness and is considered to be detrimental to the character and appearance of the area. The proposal is therefore considered to be contrary to the requirements of Policy SP16 and SP20 of the Local Plan Strategy.*
4. *The development of this site for 15 dwellings immediately adjoining the allocated employment site would be likely to prejudice the long-term operations of this employment site by giving rise to complaints about their operations and activity at the site by virtue of the close relationship between this site and the allocated employment site. The proposal is therefore considered to be contrary to Para 7,18, and 19 of the NPPF, Policy SP20 and risks the future exposure of the business in accordance with 'saved' Policy EMP7 of the Ryedale Local Plan.*
5. *There is insufficient information submitted to demonstrate how surface water from the application site can be satisfactorily drained. The proposed development is therefore contrary to the requirements of Policy SP17 of the Local Plan Strategy and NPPF.*

- 2.5 The assessment within the Officer's Report for the 2017 application will be drawn upon within the relevant sections of this statement.

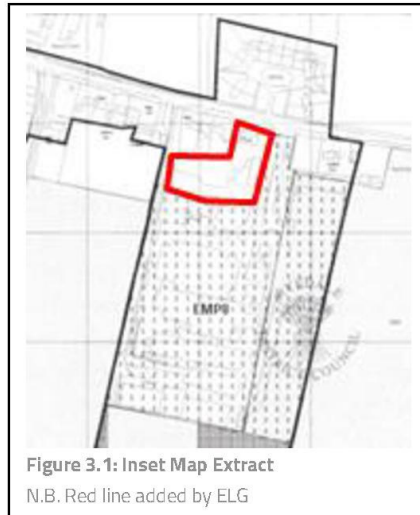
3. PLANNING POLICY CONTEXT

The Adopted Development Plan

3.1 For the site in question, the Development Plan in force for the area comprises of:

- Ryedale Plan – Local Plan Strategy (2013); and
- Ryedale Local Plan (Saved Policies) (2002).

3.2 As shown by Figure 3.1 (right), the application site (denoted by the red outline) is located within the development limits for Amotherby (denoted by the black solid line) and is unallocated 'white land'. Malton Foods factory to the south is allocated under Policy EMP8 (Existing Industrial/Business Area), with the site extending to the south of this which is allocated under Policy EMP7 (Land for Expansion of Existing Employer). The area outside Development Limits south of the B1257 is an Area of Outstanding Natural Beauty (AONB).



3.3 With this in mind, the below Development Plan Policies are relevant to the assessment of this application:

- Local Plan Policy SP1: General Location of Development and Settlement Hierarchy;
- Local Plan Policy SP2: Delivery and Distribution of New Housing;
- Local Plan Policy SP3: Affordable Housing;
- Local Plan Policy SP4: Type and Mix of New Housing;



- Local Plan Policy SP6: Delivery and Distribution of Employment Land and Premises;
- Local Plan Policy SP16: Design;
- Local Plan Policy SP17: Managing Air Quality, Land and Water Resources;
- Local Plan Policy SP19: Presumption in Favour of Sustainable Development;
- Local Plan Policy SP20: Generic Development Management Issues; and
- Local Plan Policy SP22: Planning Obligations, Developer Contribution and the Community Infrastructure Levy.

Material Considerations

National Planning Policy Framework

- 3.4 Published in March 2012, the NPPF sets out the Government’s planning policies for England and how these are expected to be applied. As such, it is a material consideration in planning decisions.
- 3.5 The NPPF states the purpose of the planning system is to contribute towards the achievement of sustainable development with three dimensions to this: economic, social and environmental. These (dimensions) give rise to the need for the planning system to perform a number of roles:
- **An Economic Role** - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - **A Social Role** - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

- **An Environmental Role** - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to low carbon energy.

3.6 Paragraph 14 of the NPPF confirms a presumption in favour of sustainable development lies at its heart, which should be seen as a golden thread running through plan-making and decision taking.

3.7 For decision-taking this means:

- 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 permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.

3.8 The specific policy areas of the NPPF will be referred to, as appropriate, throughout this statement.

Ryedale Rural Design Guide

3.9 The Rural Design Guide was adopted in 1995 by Ryedale District Council for the use of prospective housebuilders and their designers when designing new development within the region; it shall be drawn upon where necessary within this statement.



Ryedale Residential Design Guide

- 3.10 The Residential Design Guide was adopted in 1995 by Ryedale District Council to provide guidance to housing developers when designing the layout of new housing areas; the guidance within this document will also be referred to within this statement where appropriate.

Emerging Local Plan Sites

- 3.11 Ryedale District Council submitted the Local Plan Sites Document and Policies Map to the Planning Inspectorate on 29th March 2018 for Examination, the hearing sessions for which will be held towards the end of September and into October 2018.
- 3.12 As part of the above, the site was put forward for mixed-use development. The site assessment considered that whilst the site is in close proximity to the Malton Foods Factory, it is likely that noise mitigation measures could be implemented and that residential amenity issues could be considered through siting, orientation and treatments of the windows. North Yorkshire County Council (Highways) assessed the suitability of the site and considered that access could be achieved, but a footpath across the frontage may be required. However, the site is not proposed as an allocation within the emerging Local Plan, albeit it will remain inside the development limits.
- 3.13 This document is at an advanced stage of preparation and will form part of the Statutory Development Plan when adopted. Thus, it is a material consideration and should be afforded some weight in the assessment of these development proposals, and will be referred to where necessary within this statement.

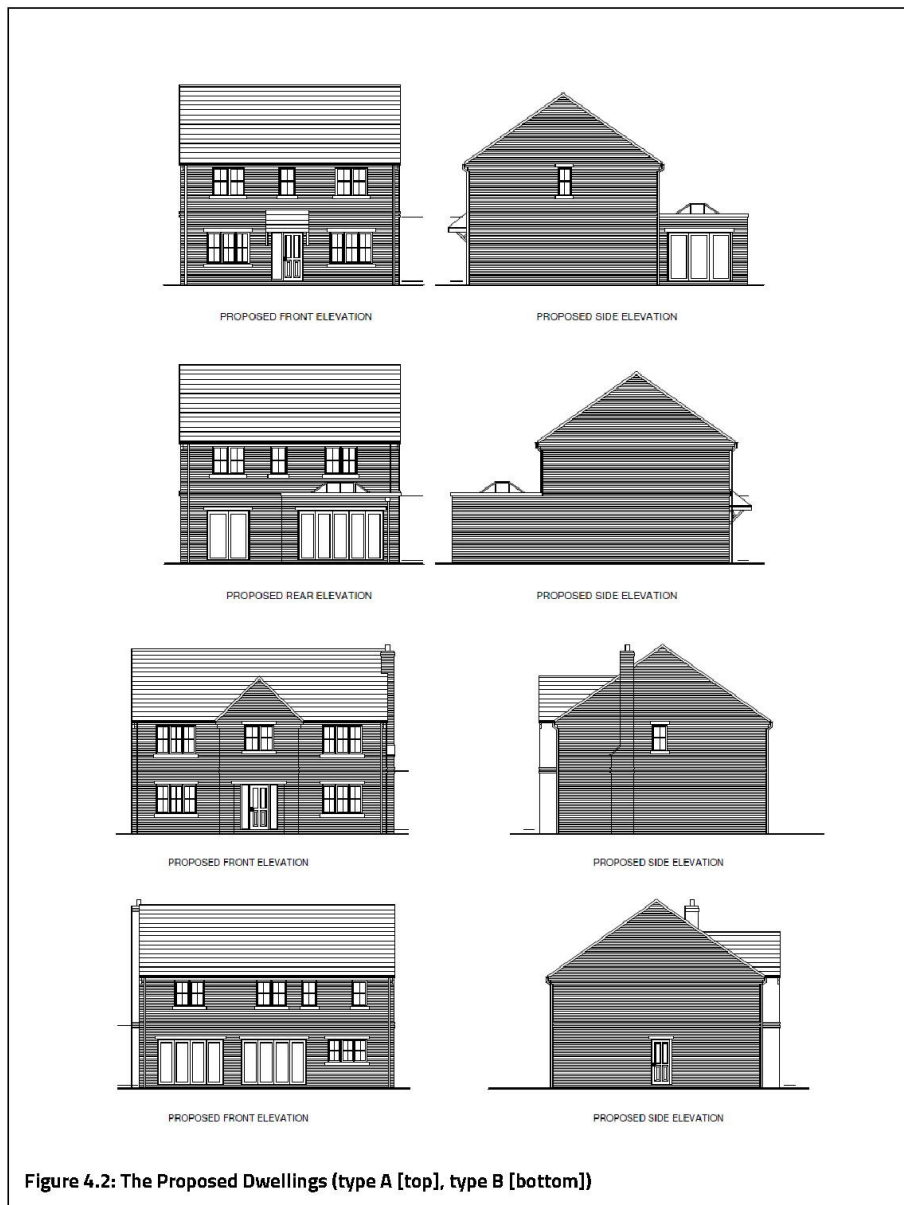
4. DEVELOPMENT PROPOSALS

4.1 This application seeks full planning consent the erection of 5no. dwellings with parking and amenity areas on land at former Malton Road Garage, Amotherby, North Yorkshire. As set out within the Site Context section, the buildings which were operated as the former petrol garage are still present on the north of the site fronting onto the B1257 and will be demolished as part of the proposals. To the rear of the former petrol filling station are a number of trees, shrubbery and disused vehicles which will also be removed. The proposed site layout is shown below at Figure 4.1.



4.2 A footpath will extend across the front of Plot 1 at the front of the site, and an access road will be formed on the west side of the frontage onto the B1257 where the current buildings are *in situ*. The road will run southwards with a 1.5 metre (m) wide footpath along the east providing pedestrian access to three of the dwellings on the east of the site, the other two dwellings will be on the south west section of the site. Each of the dwellings will have a detached garage, and benefit from at least 2no. parking spaces.

4.3 The proposed site layout plan shows there will be two house types, both of which are four-bed properties with a detached garage. Plots 2, 4 and 5 will be type A (Mandalay), whilst plots 1 and 3 will be type B (Sapphire), with these units demonstrated visually at Figure 4.2.





5. PLANNING ASSESSMENT

5.1 Taking into account the proposed scheme, previous planning history and site context, the main planning considerations in relation to the development proposals are considered to be:

- Principle of development;
- Addressing the reasons for refusal of 17/00636/MFUL;
 - Reason 1: Noise impact on plots to the south side;
 - Reason 2: Overlooking plots on the south of the site;
 - Reason 3: Density and design;
 - Reason 4. Prejudice long term options of the site for employment use;
 - Reason 5: lack of drainage information;
- Other material planning considerations;
 - Amenity of existing dwellings;
 - Contamination;
 - Highways and access;
 - Ecology; and
- CIL and affordable housing contributions.

Principle of development

5.2 The site is 'white land', by virtue of it not being allocated for any kind of development and its location within the development limits of Amotherby; a designated Local Service Centre (Service Village) in the Settlement Hierarchy within Local Plan Policy SP1 (General Location of Development and Settlement Hierarchy) and a tertiary focus for growth. Local Plan Policy SP2 (Delivery and



Distribution of New Housing) supports the provision of new homes in instances where it would be an infill development or the redevelopment of previously developed land (PDL).

- 5.3 The emerging Local Plan Sites Document does not allocate the site for any form of development (albeit it remains inside the development limits), despite it being put forward as a possible site for mixed development. The Publication Document concluded that it is unlikely concerns relating to amenity issues can be sufficiently mitigated in conjunction with delivering a meaningful contribution and was not included in the draft allocations submitted to the Inspector accordingly. However, the site assessment confirmed that a number of aspects relating to the site were acceptable and could be satisfied appropriately, including highways, flooding and ecology, whilst the re-use of brownfield land was deemed favourable.
- 5.4 Appeal APP/Y2736/2027637/NWF against the decision to refuse outline application 03/0039/OUT considered that, in principle, the site may be unsuitable due to noise from the Malton Food Factory and developing this site may stymie the growth of an important local business. The Committee Report for the recent full application (17/00637/MFUL) drew upon the Inspector's summary and considered that, based on issues relating to noise, the principle of residential development on this site is questionable.
- 5.5 However, it is salient to note that the site has been disused and delapidated for a considerable period of time, and its redevelopment would surely be welcomed on the basis it would enhance the poor visual amenity of the frontage onto the B1257, make the best use of this vacant PDL, and provide economic benefits for the local economy in a sustainable location. Matters relating to noise are noted and will be addressed in the subsequent section, but in policy terms it has been confirmed during previous applications and site assessments that redeveloping the site would be suitable and all other planning matters, in principle, could be addressed.



Reasons to refuse application 17/00636/MFUL

Reason 1: Unsatisfactory levels of amenity of future occupants by virtue of noise impacts from Malton Foods to the south and the B1257 across the north.

- 5.6 The Malton Foods site lies directly to the south of the application site. As a result, four shipping containers are sited in close proximity to this boundary, with a small number of features that may impact upon the residential amenity of future occupants of the proposed development, including the potential presence of air conditioning units, refrigeration units and the intermittent operation of fork lift trucks. It was previously considered by Officers that these noise constraints associated with the Malton Foods site are incompatible with residential development, and thus the earlier application was contrary to Policy SP20.
- 5.7 In response, an updated Noise Assessment (based on the latest site layout) has been undertaken by BWB Consulting. This concluded as follows:

The external noise levels in the worst affected rear garden areas have been determined based on the results of the baseline noise survey and the proposed scheme layout. It has been identified that the external noise level criteria of 50 dB is predicted to either be exceeded by a negligible margin (≈ 1 dB) or achieved, in the worst affected garden spaces. Therefore, no further mitigation measures are considered to be warranted.'

And

'Consideration has been given to internal noise levels at the worst affected façade adjacent to the B1257 and adjacent to the boundary with Malton Foods. Detailed noise break-in calculations have been undertaken and it has been identified that the most stringent internal noise level criteria from BS 8233, are predicted to be exceeded by a negligible margin (≈ 1 dB) or achieved. Therefore, no further



mitigation measures are considered to be warranted other than the placement of appropriately positioned 1.8m barriers around some of the gardens.'

And

'Based on the findings of the assessment it is considered that noise need not be a determining factor in granting planning permission for the scheme.'

- 5.8 In terms of internal noise levels, the above assessment was based on a scenario of closed windows. In contrast, Environmental Health responses to the previous application indicate the Council have consistently looked for permissible noise levels to be achieved with partially open windows. Whilst this approach elsewhere is noted, we are of the firm opinion this should not be a blanket strategy applied across the borough that overrides other material planning considerations that would, in contrast, weigh in favour of the scheme. In this instance for example, the proposals would result in the re-use of previously developed land and a major improvement to a derelict site that presently visually detracts from the village and the setting of adjacent dwellings. With this in mind, it is not considered that the small number of units proposed should be regarded unacceptable on the basis permissible noise levels are achieved with closed windows and mechanical ventilation (the precise details of which can be secured through a suitably-worded pre-commencement condition), which are common technologies that would allow this issue to be overcome fully, enabling the other benefits of development to be realised.

Reason 2: Unsatisfactory levels of amenity of future occupants of Plots 6-13 by virtue of the oppressive outlook as a result of the steep bank.

- 5.9 The proposed site layout has addressed this previous concern by reducing the number of dwellings substantially. This has allowed for a more open, spacious layout and much larger rear garden areas than was previously the case (see Figure 5.1), thus enhancing the amenity and outlook that would

be enjoyed by future occupiers as a result. In light of these considerations, the proposed scheme is now considered in accordance with Policy SP20.





Reason 3: Impact upon the character and appearance of the area by virtue of: design and mix; cramped layout; the location of parking areas; and the loss of landscaping.

5.10 The context of the local character has been set out within point 2.2 of this statement and assessed within the previous applications. The Officer made the following points in assessing application 17/00636/MFUL:

'the surrounding locality is far from suburban being the edge of rural village with an establish low-medium density character.'

And

'The scheme proposed is considered to provide a cramped layout, at odds with the character and form of the immediate properties, comprising mainly detached dwellings set within relatively large plots.'

And

'The proposed frontage parking arrangements for each dwelling is considered to provide a very car dominant environment, again at odds with this rural character.'

And

'For these reasons the design, density, layout and loss of planting is considered to be contrary to the requirements of Policies SP16 and SP20.'

Layout and density

- 5.11 In order to address this previous reason for refusal, the number of dwellings proposed has been reduced dramatically, allowing a more spacious, less cramped layout, and which has had the effect of reducing density to a level more akin to adjacent dwellings (see Figure 5.1). Similarly, the size of the proposed properties has increased so as to be more reflective of those nearby; namely, detached dwellings set within large plots.
- 5.12 In addition to the above, and as noted in the Officer's assessment of application 17/00636/MFUL, the previous scheme proposed parking to the front of the dwellings, which was considered to reflect an urban form of development contrary to the local rural character. In response to this point, the proposed site layout submitted now shows minimal parking to the site frontage and much reduced hardstanding, which provides a softer site frontage more commensurate with the rural location and, in turn, the Ryedale Rural Design Guide. Indeed, the presence of grass verges along the frontage of the site has been retained where possible.
- 5.13 For the above reasons, the proposed site layout is deemed to accord with Local Plan Policy SP16 and all other relevant policies.

House types

- 5.14 The proposed house types are shown at Figure 4.2 of this statement. The two different house types proposed (A and B) are detached four-bed dwellings, two-storeys in height and with a pitched roof. The shapes are relatively simple (rectangular), as recommended by the Ryedale Rural Design Guide, along with subordinate porches and garages, as visible on house type A. The submitted plans for both house types also show well-proportioned, vertically-aligned fenestrations, in accordance with



the Ryedale Rural Design Guide. Details of the build materials can be sought via a suitably-worded condition.

- 5.15 In light of the above, the house types reflect architectural features and aspects of the adjoining dwellings to the north west, and the features show details identified as being suitable to the area as identified within Point 3.15.3 of the Ryedale Residential Design Guide. Compliance with Local Plan Policy SP16 is evident accordingly.

Landscaping

- 5.16 By virtue of the reduced number of units, soft landscaping (in the form of private gardens and verges) within the scheme will increase substantially under the current proposals. Whilst all trees on-site will be removed to facilitate the development, the Dendra Arboricultural Impact Assessment that accompanied the original application found there were no 'High Quality' trees present on site, with only a small number of 'Moderate Quality' trees, with most being of 'Low Quality'. Nevertheless, a scheme of landscaping is proposed as part of the development, the precise details of which can be secured by conditions to ensure compliance with Local Plan Policy SP16.

Reason 4: Development of the site will prejudice the long term operations of the Malton Foods site due to complaints

- 5.17 As referenced earlier in this statement (see paragraphs 5.7 - 5.8), the submitted Noise Assessment found that noise need not be a determining factor in granting planning permission for the scheme, and that with appropriate mitigation measures suitable amenity levels can be achieved (in line with World Health Organisation [WHO] and British Standards). In addition, it is noted that the Council's Environment Health Officer raised no light pollution concerns as part of the original application, and as such, it must be concluded that this is not a determining factor for the application. On this point, it is considered that the slope at the rear of the site together with (acoustic) fencing at the top will



minimise any potential for light impacts to plot 4, which is the only property with habitable windows facing south towards the Malton Foods site.

- 5.18 In conclusion, it can be seen that the development proposals will not stymie the ongoing operations at the Malton Foods site, and accordingly there will be no conflicts with NPPF paragraphs 7, 8 and 18, Local Plan Policy SP20, or saved Local Plan Policy EMP7.

Reason 5: Insufficient information demonstrating how surface water can be satisfactorily drained from the site.

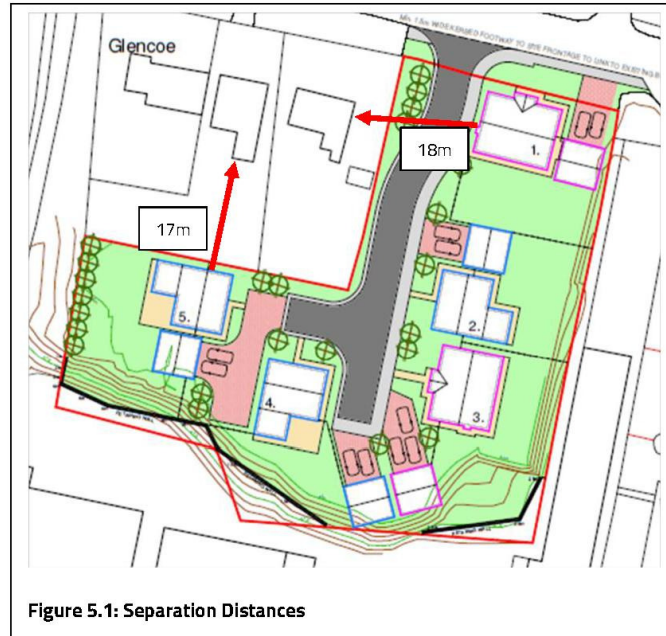
- 5.19 Pertinently, no objections to the previous application were raised by Yorkshire Water, who proposed conditions in respect of the foul water connection. Nevertheless, previous comments from the Lead Local Flood Authority in relation to surface water are noted, and a suitable drainage strategy will be provided as part of the application in due course.

Other material considerations

Amenity of existing dwellings

- 5.20 Likewise the previous application, Figure 5.2 overleaf illustrates that separation distances between the proposed dwellings and the closest neighbouring properties will be well in excess of the required

standards (point 3.10.2 of Ryedale’s Residential Design Guide requires a 10m gap between habitable rooms and gable ends), in line with Local Plan Policy SP20.



Contamination

5.21 No change from the previous application, where Environmental Health accepted the findings of the Phase 1 Contaminated Land Report and recommended a pre-commencement condition to require a Phase 2 Report. This Phase 1 Report has been re-submitted as part of this application accordingly.

Highways

5.22 Access into the site is unchanged from that deemed acceptable under the original application, and each dwelling will be served by at least 2no. car parking spaces and a private garage (3no. spaces in



total) in line with the relevant parking standards. Similar conditions to those proposed previously are anticipated.

Ecology

- 5.23 No change from the previous application, where the Countryside Management Specialist raised no objections but requested a condition be attached to any consent to ensure the Method Statement within the Ecological Appraisal is followed to protect any important species that may be on site. This Ecological Appraisal has been resubmitted as part of this application accordingly.

Affordable housing and CIL contributions

- 5.24 Ryedale District Council has adopted its Community Infrastructure Levy (CIL) and, as a result, any consent is subject to a charge of £85 per square metre (sq.m). The relevant forms have been provided as part of this application.

- 5.25 With regards to affordable housing, the Council's Housing Officer previously accepted that Vacant Building Credit (VBC) can be used on this site and the existing vacant buildings on site total 434sq.m. Accordingly, the following calculation, based on Planning Practice Guidance, has been carried out to establish the requirement:

Total floorspace of new development: 790sq.m

Existing vacant building floorspace: 434sq.m

35% (affordable) of 5 houses: 1.75 houses

Uplift in floorspace: 356sq.m

323sqm as a percentage of overall development: 45%

$1.75 \times 45\% = \mathbf{0.79 \text{ units}}$



- 5.26 This method was previously confirmed as acceptable by the Council's Housing Officer.
- 5.27 As the required affordable housing would fall below a whole unit, in line with Local Plan Policy SP3 no affordable units are proposed on-site the applicant would provide an equivalent off-site financial contribution in accordance with Policies SP3 and SP22. Once an affordable housing requirement is agreed, this can be secured via a Section 106 between Ryedale District Council and our client.
- 5.28 Notwithstanding the above, and given the considerable remediation costs which are still unknown, the applicant reserves the right to submit a viability assessment in due course, prior to agreeing any affordable housing requirement.



6. CONCLUSIONS

6.1 This statement has been produced to accompany a full application for the erection of of 5no. dwellings with parking and amenity areas on land at the former Malton Road Garage, Amotherby, North Yorkshire.

6.2 Having examined the policy context, it is clear the development proposals will accord with all of the relevant NPPF and development plan policies (as outlined in the below table), and there are no material considerations that indicate planning permission should be restricted, as all technical issues can be overcome using standard mitigation measures.

The Development Plan		
	'Saved' Policies and Maps of the Ryedale Local Plan (2002)	The Local Plan Strategy (2013)
Principle of Development	Proposals Map	SP1, SP2, SP19, SP20
Delivering a Wide Choice of High Quality Homes		SP2, SP3, SP4
Requiring Good Design		SP16
Promoting Healthy Communities		SP4, SP11
Meeting the Challenge of Climate Change, Flooding & Coastal Change		SP17
Conserving and Enhancing the Natural Environment		SP13, SP14, SP17
Conserving and Enhancing the Historic Environment	N/A	
Planning Obligations		SP22

6.3 In addition to the above, there are a number of significant material benefits that will flow from the granting of planning permission including:

- Redevelopment of PDL within development limits;
- Delivery of 5no. family dwellings in a sustainable and suitable location;
- A significant enhancement to the setting of both the village itself and dwellings adjacent to the site; and



- Provision of high quality dwellings of a size and style which is well-suited to the local area.

6.4 As a policy compliant form of development, we respectfully request that the Council resolves to grant planning permission without delay in line with the NPPF's presumption in favour of sustainable development, subject to any conditions they deem appropriate on this occasion.

AMOTHERBY PARISH COUNCIL

Clerk to the Council:
Mrs C Almond
Tel: (01653) 489028
E-mail: clerk@anotherby-pc.gov.uk

APRIL COTTAGE, MAIN STREET
AMOTHERBY, MALTON
NORTH YORKSHIRE, YO17 6UN

10th September, 2018

Karen Hood
Managing Development Team Leader
Ryedale District Council
Ryedale House
Malton
YO17 7HH

Dear Karen Hood

Application No: 18/00732/FUL

Applicant: Mandale Homes North Ltd.

Description: Erection of five four bedroom dwellings with parking and amenity areas on land occupied by former petrol station.

Location: Malton Road Garage, Amotherby, Malton, North Yorkshire, YO17 6TG

The Parish Council have considered this application and would like to make the following comments:


- Although the number of houses proposed has been reduced from the last application (17/00636/FUL) the area proposed to be developed remains the same
- Houses 3, 4, and 5, are sited fairly close to the quarry bank to the south and will get little light and therefore have a poor standard of amenity
- The drive serving House no. 1 is concerning as it adjoins the B1257 in close proximity to three other joining roads (the proposed drive for this development, the entrance to Malton Foods and the entrance to Eastfield)
- Despite the noise report produced, the noise from Malton Foods is still of concern
- The Solmek Dest Study accepts that it is likely that the ground is contaminated
- The ELG Planning Statement, para. 5.28 considers that the remediation costs (of contamination) are considerable

We appreciate officers taking these points into consideration when making the decision.

Yours sincerely

Clare Almond
Clerk to Amotherby Parish Council

Previously Refused Site Plan

 <p>Mandale Group</p>	<p>PROJECT: RESIDENTIAL DEVELOPMENT HIGH STREET AMOTHERBY MALTON THE MANDALE GROUP</p>	<p>DRAWING: PROPOSED SITE PLAN</p>	<p>Elder Lester McGregor Chartered Architects Reeds Mill Atlas Wynd Yarm TS15 9AD tel: 01642 782211 fax: 01642 790123 e-mail: info@elderlester.co.uk web site: www.elderlester.co.uk</p>	<p>1956 ELDERLESTER MCGREGOR ARCHITECTS</p>	<p>SCALE: 1/500 @ A3 DRAWN BY: RJT DATE FIRST PLOTTED: 30/01/2017 DATE LAST PLOTTED: 17/08/2017</p>	<p>CURRENT REVISION NOTE REVISION</p>
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03/00390/OUT.



Appeal Decision

EDALE D.C.

Site visit made on 14 February 2007

28 MAR 2007

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

DEVELOPMENT CONTROL

by **D R Cullingford BA MPhil MRTPI**
an Inspector appointed by the First Secretary of State

Date: 27 March 2007

Appeal Ref: APP/Y2736/A/06/2027637/NWF

Land at Bentley's Garage, Amotherby, Malton, North Yorkshire, YO17 6TG

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by C A and P J Bentley against the decision of the Ryedale District Council.
- The application (ref: 03/0039/OUT and dated 22 April 2003) was refused by notice dated 9 June 2006.
- The development is described as 'residential development'.

Formal Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons for the Decision

The site

2. Bentley's Garage lies on the B1257 between Malton and Helmsley. It is within a ribbon of dwellings beside a cross roads where Amotherby Lane leads down to the main part of the village. It is a long established rural garage. A small estate stands on the opposite (northern) side of the road: dwellings line the adjacent road frontage. Behind the forecourt there is a workshop and, behind that, sheds and the occasional ancient vehicle or rotting bus amongst the burgeoning undergrowth and scrub. The southern boundary ends at an old quarry face, some 4m to 5m in height. Above that old quarry, and stretching into the surrounding fields and farmland, are the refrigeration units, warehouses, offices, packaging plant, loading and unloading areas and an extensive car park that form the successful Westler Foods operation.

The proposal

3. The proposal is to redevelop the garage site, including the land to the rear of the workshop, for housing. The whole of the site extends to about 0.45ha. The proposal is submitted in outline with all matters reserved for subsequent approval. However, the scheme has a protracted history, which I do not repeat here. The key points are that, after first being mooted in 2003, the concern has been that residential development might stymie operations at Westler Foods. There have now been at least 5 assessments of noise on the site, one extolling the virtues of PPG24 and the use of NECs while others insist on the methodology set out in BS4142:1997. The proposals now encompass indicative suggestions on possible layouts for the site, including a scheme for a 'U' shaped block toward the southern boundary to serve as a noise barrier.

The main issue

4. Noise remains the main issue; this is reflected in the reasons for refusal. There is concern that the proximity of the food processing operations would render the site unsuitable for residential development; that the possibility of noise nuisance complaints may stymie development of an important local business, contrary to the requirements of the statutory Local Plan; and, that the scale and character of the housing development that might be envisaged would be inappropriate in a small rural community such as this. I consider those issues below.

Policy

5. I start with the Development Plan. Policy EMP8 of the adopted Ryedale Local Plan seeks to safeguard existing industrial and business sites; their redevelopment or change of use would not be permitted unless substantial planning benefits would ensue. Several of those sites are industrial estates, so the policy would serve to ensure the availability of premises and land for future industrial or business development. But some, like Westler Foods, are existing factories with an existing occupant. The 'reasoned justification' explains that the aim of protecting existing occupiers is to give them the confidence to 'plan ahead and develop their businesses'. It is also explained that these local enterprises provide important local employment opportunities, so helping to reduce car-borne trips to jobs further afield. The implication is clear. The purpose of policy EMP8 is not just to prevent the redevelopment of the Westler Foods site. It also aims to provide a 'planning environment' that would be conducive to growing the business and to modernising, expanding or otherwise developing the enterprise. It seems to me that permitting adjacent noise sensitive development could, all too easily, undermine such an aim if noise nuisance complaints were to prove likely.
6. That issue is pertinent here because the company has recently won orders that are expected to necessitate an almost continual operation of the production line and a 24 hour shift-work programme to run the factory; there would be more deliveries to and from the site and the use of additional equipment, including more refrigeration units. An outline of the impending operations is set out in the letter dated 19 February 2007. In view of the response made on behalf of the appellants (dated 7 March 2007), I should indicate that the changes envisaged would not require planning permission and, in any case, at least one aim of policy EMP8 is to foster such success. Obviously, it is important to properly assess the realistic effects of one land use upon another: ossifying an assessment to pertain to conditions that might have existed when the application was made would not be very realistic.
7. None but the latest noise assessment (undertaken in November 2006) encompasses anything like the additional level of activity now likely to ensue. There, the operation of the plant and 4 mobile refrigeration units is modelled (the situation I observed at my site inspection), though not the level of activity that could well be associated with the new contract. Previous surveys assess the operation of no more than one mobile refrigeration unit on the site. The question is whether the levels of noise likely to be emitted from the factory would be sufficient to engender noise nuisance complaints from prospective residents nearby. If such complaints would be likely, then I consider that permission for the proposed housing development would fail to comply with policy EMP8 of the statutory Local Plan.

Noise

8. Would the proposal be likely to engender noise nuisance complaints directed at the operations of Westler Foods? The various noise assessments agree that background noise levels ($L_{A,90}$) are about 35dB(A) at night and around 45dB(A) during the day. There may also be agreement that the noise emitted from plant and equipment at Westler Foods contains low frequency elements as well as distinguishing characteristics. Unfortunately, on the face of it, there appears to be a plethora of conflicting results about almost everything else. However, I think that this is mainly because the assessments measure slightly different elements, in different positions under different circumstances. So, if I combine (by decibel addition) the main elements assessed in the survey by S and D Garritt (October 2003) I find that that would result in an $L_{A,eq}$ of about 56-57dB(A) towards the centre of the appeal site, consistent with the prediction by the first SRL assessment (April 2005) of $L_{A,eq}=56$ dB(A) for the operation the factory with one mobile refrigeration unit running. That also provides support for the latest assessment by SRL (November 2006) that with 4 mobile refrigeration units in operation a level of $L_{A,eq}=67$ dB(A) would be experienced at the

façade of the 'U' shaped block indicated as a possible noise barrier on the appeal site. Although the previous SRL survey did not calculate noise levels in the same position, they would have been between 56dB(A) (the level predicted towards the centre of the site) and 62dB(A) (the level predicted at the southern boundary); the increase predicted by using 4 rather than one refrigeration unit seems about right to me.

9. Moreover, even the apparent anomaly of the RPS survey (September 2004) may be accounted for if the measurements were undertaken without 'noise-emitting' elements operating. I have slight doubts about this survey because I think that it omits busy periods at the factory (between 10.00hrs and 20.00hrs, for example) and because, although it purports to apply the advice in PPG24, the calculations for daytime and night-time noise levels do not cover the hours over which those periods are defined in the guidance. Even so, a daytime noise level of $L_{A,eq}=51$ dB(A) would be roughly consistent with an $L_{A,eq}=52$ dB(A) identified by the first SRL assessment (April 2005) at the centre of the appeal site with the mobile refrigeration unit turned off. It is not possible to be certain from the RPS survey whether such was the case. But in my view, the compendium of the results would suggest that that was so.
10. If the results from the latest assessment by SRL (November 2006) are right (and for the reasons indicated above, I think that that are), then noise levels likely to be emitted from the Westler Foods factory with 4 mobile refrigeration units in operation would reach an $L_{A,eq}=67$ dB(A) at the façade of buildings on the appeal site, as currently indicated. Using BS4142, complaints would be very likely. There would be a difference of some 32dB(A) between the 'rated' emissions (which would be virtually continuous) and night-time background levels even without an addition of 5dB(A) to reflect tonal characteristics. Similarly, the difference would be about 22dB(A) during the day. Moreover, the level of activity (and possibly even the number of refrigeration units) is likely to increase. I consider that such conditions would be likely to engender a level of complaints that would not be conducive to growing the business or to otherwise modernising and expanding the enterprise. I consider that the scheme would fail to comply with policy EMP8 of the statutory Local Plan.
11. The assertion to the contrary is based on an application of PPG24 to the daytime noise level of $L_{A,eq}=51$ dB(A) derived from noise emissions probably with the mobile refrigeration unit turned off. If that was an accurate reflection of noise from Westler Foods, then the appeal site would fall into NEC A and noise should not be a determining factor in considering this planning application. For the reasons explained above I doubt that possibility. And, of course, substituting a noise level of $L_{A,eq}=67$ dB(A) would put the appeal site in NEC D, where the advice is that planning permission should normally be refused. However, PPG24 is fairly clear. It states that 'NEC noise levels should not be used for assessing the impact of industrial noise on proposed residential development'. The justification for persisting with an assessment based on PPG24 amounts to nothing more than an assertion that the noise on the appeal site is dominated by traffic noise rather than noise from the adjacent factory. No calculation has been done to corroborate that assertion. Moreover, applying the relevant advice in PPG24 to the different noise levels presented in the first SRL survey (April 2005) with the refrigeration units turned on and off, would suggest that the assertion is wrong. In any case, it could not possibly be right at night. Throughout most of the night-time period, traffic on the B1257 is very light. No evidence is adduced to alter my view that the scheme would contravene policy EMP8 of the statutory Local Plan.

Design

12. The suggestion that a 'U' shaped block positioned toward the southern boundary might serve as a noise barrier seems to me to be inappropriate. First, I have some doubts about its potential effectiveness because the Westler site lies some 4-5m above the appeal site and because low frequency emissions cause added difficulties. Second, I think that in order to achieve the degree

of noise reduction required, the block would have to present almost a blank façade toward the factory or include mechanically ventilated rooms with non-openable windows on its southern elevation. Such a structure and such living conditions would not accord with what might reasonably be expected in a rural location such as this. Third, the actual position of the mooted 'block' and its 'U' shaped configuration would be an incongruous addition to the ribbon development here and quite alien to the rural character of the village. An acceptable scheme may not be impossible. But I think that it would need to be so ingenious that a detailed demonstration would be warranted.

13. I appreciate that the site consists of 'previously developed land' and that the redevelopment of what might once have been described as a 'non-conforming use' would have much to commend it. I can see that some limited residential development confined to the front of the site could fit in with the surroundings and might be less subject to noise from the factory than the 'body' of the site. But, even there, dwellings would be slightly closer to noise sources at the factory and the screening properties of the existing garage would be absent. I note that the earlier positive response from neighbours has now been largely rescinded.

Conclusion

14. Taking all those matters into account, I find that the proximity of the food processing operations would be very likely to render the site unsuitable for residential development. The noise likely to be emitted would almost certainly be sufficient to engender noise nuisance complaints from prospective occupants and that could stymie development of an important local business, contrary to the requirements of policy EMP8 of the statutory Local Plan. The scale and character of the mooted housing development, designed to cater for those circumstances, would, I think, be inappropriate in a small rural community such as this. On the basis of the evidence adduced, I find nothing else sufficiently compelling to alter my conclusion that this appeal should be dismissed.

28 MAR 2007

INSPECTOR

Item Number: 11
Application No: 18/00969/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mrs Harriet Shearsmith
Proposal: Erection of a detached one bedroom self-contained residential annex together with a single storey rear extension to the existing dwelling and demolition of existing detached garage/store and shed
Location: 7 Russett Road Malton YO17 7YS
Registration Date: 26 September 2018
8/13 Wk Expiry Date: 21 November 2018
Overall Expiry Date: 22 October 2018
Case Officer: Alan Goforth **Ext:** Ext 332

CONSULTATIONS:

Parish Council Awaiting response
Highways North Yorkshire No objections

Neighbour responses: Martin Jagger, Gillian Astle, Mr Richard Jagger, Mrs Eileen Jagger,

SITE

The proposed development site is on the western side of Malton within the town development limits. The property is situated on the eastern side of Russett Road (cul de sac). Number 7 Russett Road comprises a detached, two storey, four bedroom property. The property is modern, buff brick built with a concrete pantile pitched roof and has previously been subject to a two storey rear extension. The existing site amounts to approximately 470m². The front, western side of the plot comprises a gravelled area and drive way and there is a part decked, part grass rear garden on the eastern side of the property. A detached garage (22m²) stands adjacent to the northern boundary to the rear of the dwelling and is currently used as additional storage space. The neighbouring residential properties comprise number 5 Russett Road to the north and number 9 to the south. The northern boundary of the property comprises a 2.1m high close boarded timber fence.

HISTORY

There is no planning history relevant to the determination of this application.

PROPOSAL

Planning permission is sought for the erection of a detached one bedroom self-contained residential annex together with a single storey rear extension to the existing dwelling and demolition of existing detached garage/store and shed.

The proposed single storey rear extension would provide an additional 14m² of living space to form a larger kitchen/dining area. It would be constructed from facing brick to match existing, with a part tiled, part glazed roof with aluminium framed bi-folding doors providing access to the rear garden. The extension would project approximately 2.3m off the rear elevation to meet the existing building line of the east elevation. At its highest point the roof would meet the existing building 3.4m above ground level and would fall away to 2.3m high at the eaves.

The existing detached, flat roof garage (22m²) at the rear of the property would be demolished to allow for a single storey, one bedroom 'granny annexe'. The self-contained annexe would provide independent living accommodation for an elderly relative.

The annexe would be constructed on the footprint of the existing garage and would have external area of 35m² measuring 8.1m along the northern boundary and 4.3m along the eastern boundary. The entrance door would be in the west facing gable end elevation and there would be three windows in the south elevation facing onto the garden. The annexe would have a pitched roof and stand approximately 3.7m high to the ridge and 2.1m to the eaves.

Externally the annexe would be constructed from facing brick and concrete pantiles to match the main dwelling with white PVCu windows and door and black PVCu rainwater goods.

POLICY

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)

National Planning Practice Guidance 2014 (PPG)

APPRAISAL

The main considerations in the determination of this application are considered to be:

- i) Design, form and appearance;
- ii) Impact on residential amenity;
- iii) Highway impacts; and
- iv) Occupancy restriction.

Design, form and appearance

The single storey extension would be off the eastern side of the property to meet the rear elevation building line and the detached 'granny annexe' would be constructed in a similar position to the existing garage (to be demolished) but with an increased footprint and overall height. Policies SP16 and SP20 are relevant in relation to the design of the proposed extension and annexe. Policies SP16 and SP20 require that extensions are appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials. Extensions should also be of an architectural style which complements the character of the main building. The proposed external construction materials for both the extension and annexe would replicate the main dwelling and would appear subservient to the main dwelling.

The annexe would be set back and to the side of the main dwelling and the cul de sac footpath is 30m to the west of the proposed annexe. As a result the annexe would have a negligible impact on the appearance of the street frontage. It is considered that the design and appearance of the extension and

new annexe would be sympathetic to the existing dwelling and would be appropriate in accordance with Policies SP16 and SP20.

Impact on residential amenity

Four letters of objections have been received on behalf of the occupant of number 5 Russett Road. The main concerns relate to loss of light, an overbearing impact and a sense of enclosure and oppressiveness.

As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having 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.

The mass of the east elevation of the dwelling will be increased at ground floor level by the rear extension and at its closest point would be 3m from the northern boundary of the plot. The extension is relatively small and would create an additional 14m² of floorspace. It is considered that the rear extension would not have any material impact on residential amenity.

The existing flat roof garage stands to a height of 2.3m and the boundary treatment along the northern side of application site comprises a 2.1m high timber fence. The annexe would be no closer to number 5 Russett Road than the garage although it would have a larger footprint and mass than the garage and would, therefore, have a greater impact than existing. However, it should be noted that the front gable end of the annexe would be 5.7m from the rear elevation of number 5 Russett Road which is approximately 1.6m further east than the existing garage.

The ground level of 5 Russett Road is higher than the application site by approximately 0.5m and the floor level of the annexe will be 350mm lower than the floor level of the main dwelling. The eaves of the annexe are relatively low and would align with the height of the boundary fence and the apex of the pitched roof would reach 1.6m above the boundary fence.

The applicant has provided a sun study which compares the shadows created by the garage and proposed annexe at different times of the day. There would be no shadowing or loss of light to the habitable rooms of 5 Russett Road and it would comply with the '45 degree test' commonly used in planning to gauge loss of light. The annexe would occupy a position further east along the boundary than the garage and the study shows that there would be negligible changes to the shadowing of the rear garden of the adjoining property.

There are no window or door openings facing north from the extension or annexe and no loss of privacy for number 5 Russett Road is anticipated. The windows in the single storey annexe would face southward at a distance of 11m from the southern boundary with number 9 Russett Road. A detached garage is situated in the rear garden of number 9 which forms part of the boundary and the dwelling sits at an oblique angle in relation to number 7 and it is considered unlikely that any overlooking or loss of privacy would arise from the development.

There is also a concern from the neighbour that the application site is already fully developed and this proposal represents over development of the plot. The rear garden of number 7 amounts to approximately 160m² which would be reduced to approximately 110m² as a result of the proposed built development. The site is within the 50% permissible area for development for ancillary buildings and the built additions are not considered overdevelopment.

It is relevant to set out the permitted development rights for outbuildings so that Members are aware of a possible fall-back position for the applicant. Outbuildings are permitted to a maximum eaves height of 2.5m and maximum overall height of 4m with a dual pitched roof. However, if within 2m of the property boundary, as is the case with this application, the outbuilding cannot exceed 2.5m in height without the need for a specific planning permission. The use of the outbuilding as separate, self-contained, living accommodation would not be permitted development.

The proposed pitched roof of the annexe would extend above the existing garage and would be visible

from the rear of number 5 Russett Road but it is not anticipated that it would result in an overbearing or oppressive presence and an unacceptable impact on natural daylight. The potential impact upon amenity has been taken into account and it is considered that the proposed development would not result in a material impact upon the levels of amenity currently experienced by the adjacent property. The proposed extension and annexe would not have overbearing presence, cause unacceptable loss of light or loss of privacy and complies with the relevant parts of Policy SP20.

Highway impacts

The proposed development would result in the loss of the existing detached garage but it is noted that it is currently used for storage and there is a relatively long driveway to the front of the house which provides adequate off-street parking. The LHA acknowledge that the majority of the front garden area on the western site of the plot is laid to gravel and used for car parking. The LHA have no objections and recommend that the gravel and parking areas are conditioned to be kept clear and maintained for such purposes. It is considered that the proposed development would not create conditions prejudicial to highway safety and complies with the relevant parts of Policy SP20.

Occupancy restriction

The detached residential annexe building would be constructed within the curtilage of the main dwelling and would provide self-contained living space for an elderly relative. It would have shared access, parking areas and outdoor amenity space and due to its size would not be suitable for separate occupation unless used as ancillary residential accommodation as is proposed in this case.

Representations received on behalf of the occupant of number 5 Russett Road have raised concerns in relation to the purpose and use of the proposed self-contained annexe and that it could be sold off as a new dwelling. It is the Officer view that, whilst the proposed building would provide independent living accommodation, it would be inappropriate for residential use separate from the main dwelling. In light of this the use of the annexe shall be limited by condition in line with the requirements of Policy SP21(d) so that it cannot be separately let out or sold and shall remain ancillary to the main house and only occupied by members of the family of the occupier.

Conclusion

At the time of writing this report no response has been received from the Town Council. Members will be updated of their comments at the meeting.

The proposed rear extension and annexe would not have an unacceptable impact on the appearance of the host building in terms of scale, form and use of materials and the development would not be prejudicial to highway safety. The impact on residential amenity has been assessed and whilst the proposed annexe would have a larger footprint and mass than the existing building it is considered that it would not result in a material adverse effect on the amenity of the occupants of the neighbouring property. In light of the above assessment, it is considered, on balance, that the proposal is acceptable and complies with policies SP16, SP20 and SP21 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning

RECOMMENDATION: Approval

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan ref. P001, dated May 2018
Proposed Site Plan & plans ref. P003 Rev B, dated May 2018
Proposed Elevations- Extension ref. P004, dated May 2018
Proposed Elevations- Annex ref. P005, dated May 2018
Annex Sections ref. P007, dated Oct 2018

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

- 3 All external constructional materials and colour finishes to be used shall match the existing dwelling and be in accordance with those identified in the application.

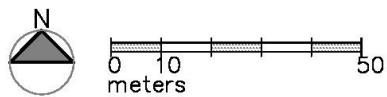
Reason: In the interests of visual amenity.

- 4 The access and gravel and parking areas on the western side of the plot as shown on the Proposed Site Plan & plans ref. P003 Rev B, dated May 2018 shall be kept available for their intended purpose at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 5 The annexe hereby permitted shall be, and shall remain, ancillary to the use of the dwelling currently known as 7 Russett Road, shall not be sold or let off separately and shall only be occupied by members of the family of the occupier of the main dwelling.

Reason: The application site is within an area where planning policy precludes the provision of new dwellings.



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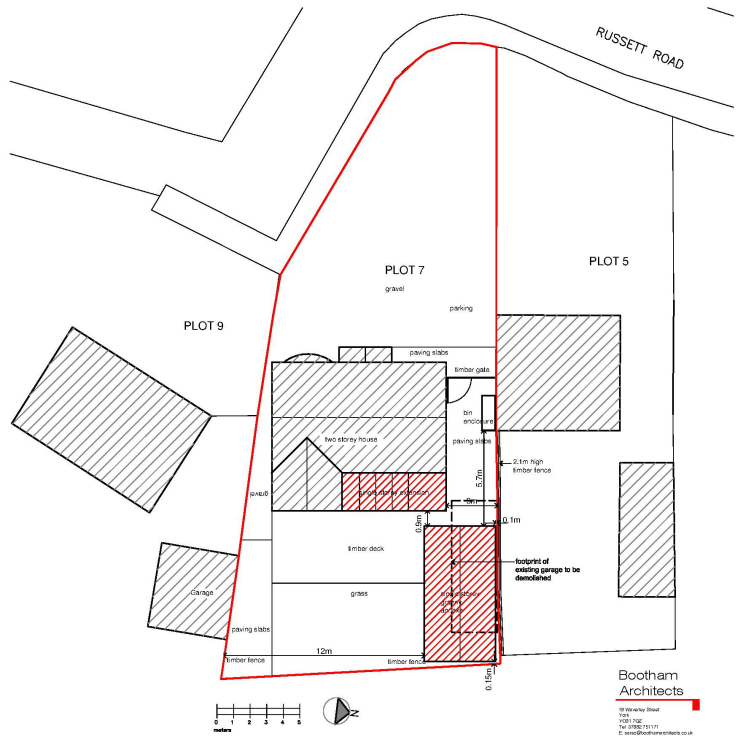
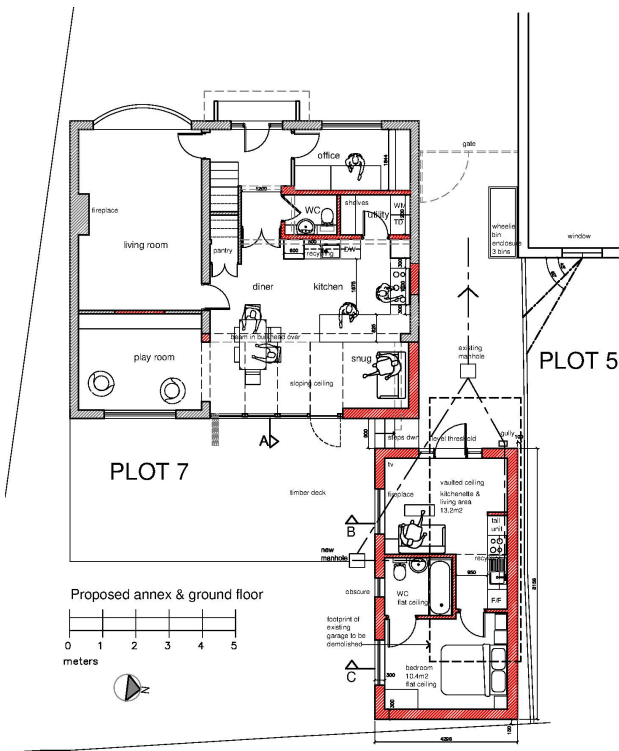
Client
H. Shearsmith
Project
7 Russett Road, YO17 7YS
Drawing Title

date valid 26/9 2018

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Location Plan		Project number	Drawing Number
Scale @ A4	Date	060RSS	P001
1:1250	MAY-2018		

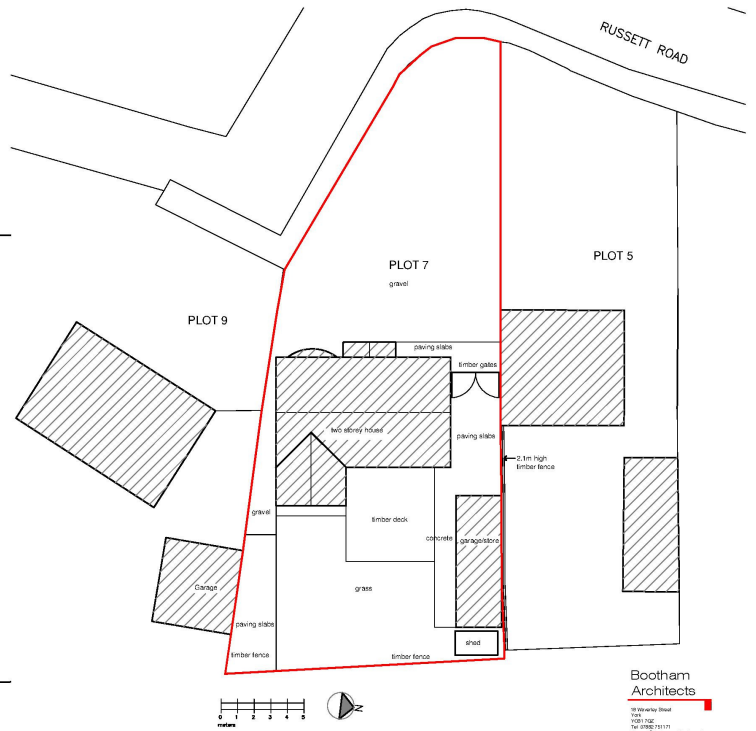
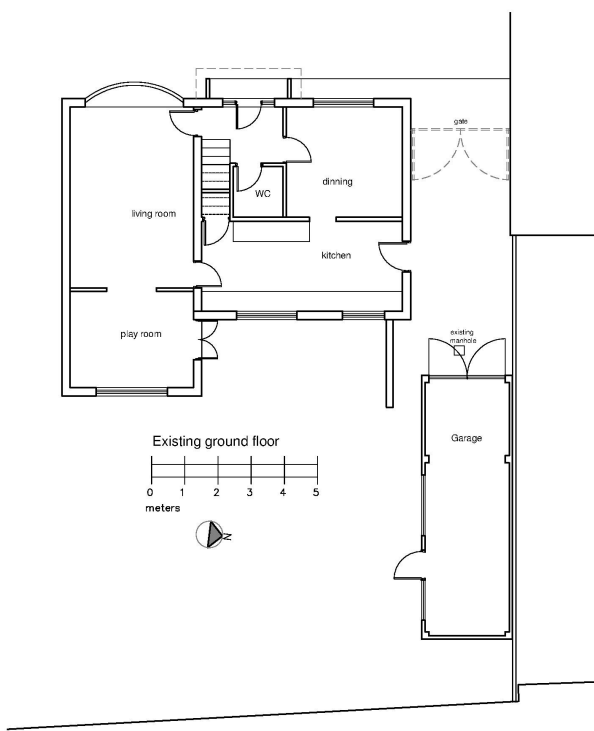
Issue
PLANNING APPLICATION



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7 Russett Road, YO17 7YS
Drawing title:
Proposed Site Plan & plans
Scale: 1:200 Date: 09/10/2018
Issue: 1:200 Date: MAY-2018
Drawing Number: 090835 | P003 | B
PLANNING APPLICATION

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Existing Site Plan
1:200

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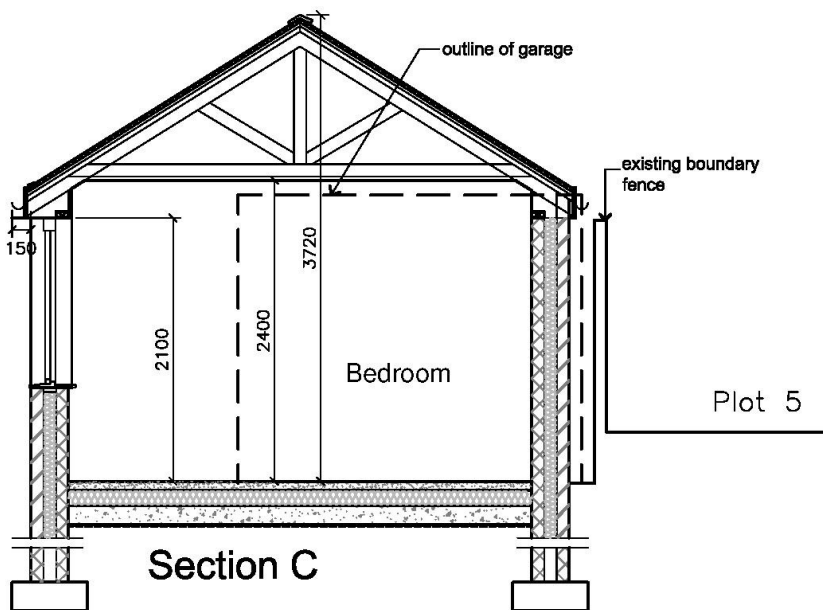
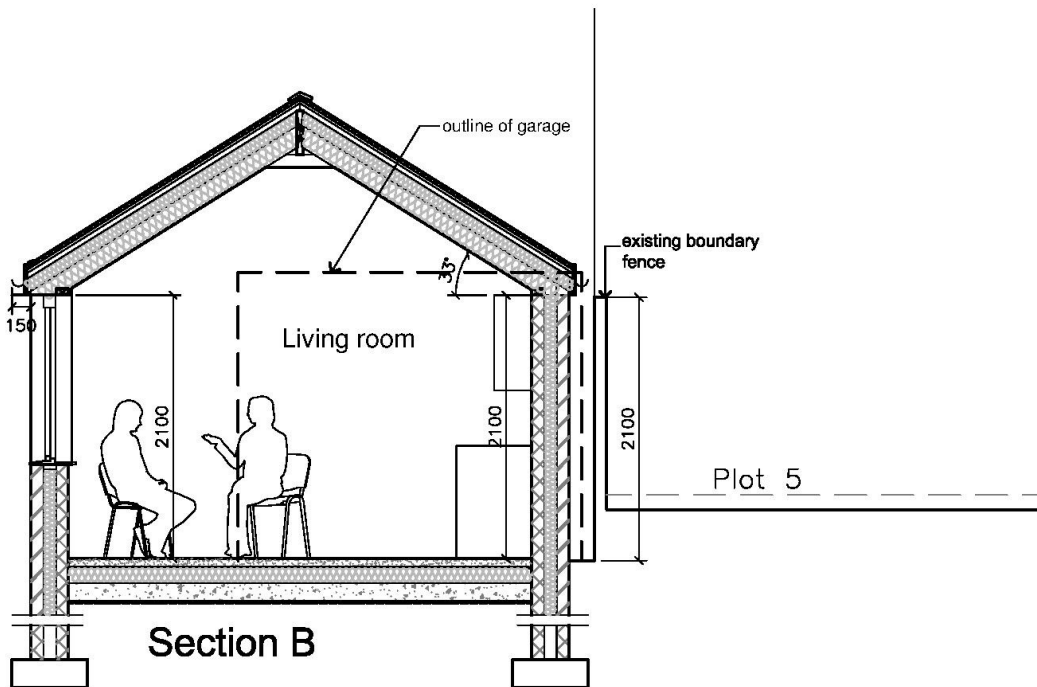
Client:
H. Shearsmith
Project:
7 Russett Road, YO17 7YS
Drawing Title:
Existing Site Plan & plans

Scale of Site Plan	Date	Project Number	Drawing Number
1:200	MAY-2018	060835	PD02

PLANNING APPLICATION

date valid 26/9/2018

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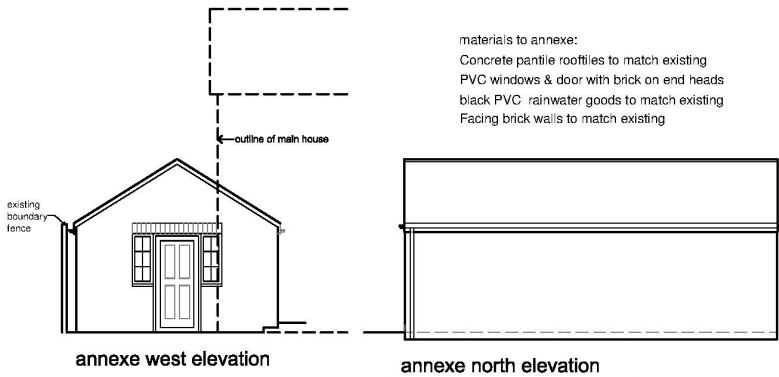
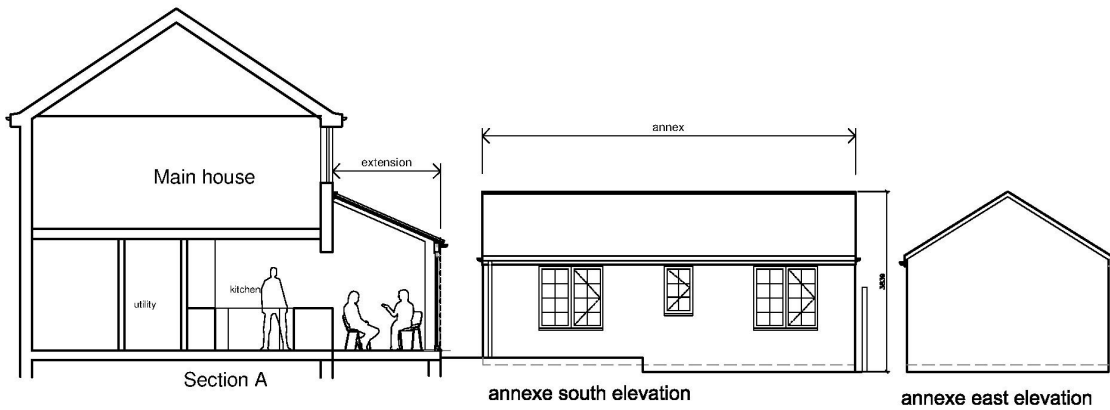
Annex Sections

Scale @ A4	Date	Project number	Drawing Number
1:50	OCT-2018	06ORSS	P007

Issue
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date valid 09/10/2018

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Client
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 Drawing Title

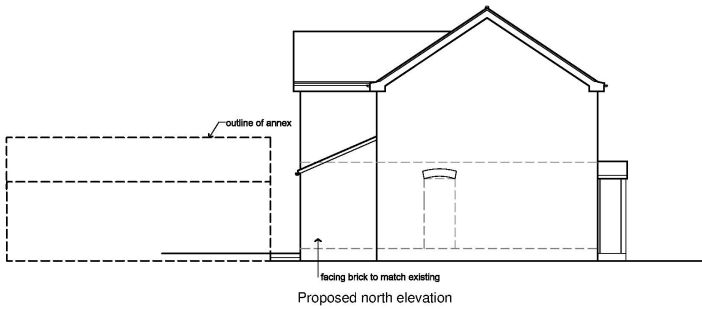
Proposed Elevations - Annex

Scale @ A4	Date	Project number	Drawing Number
1:100	MAY-2018	060RSS	P005

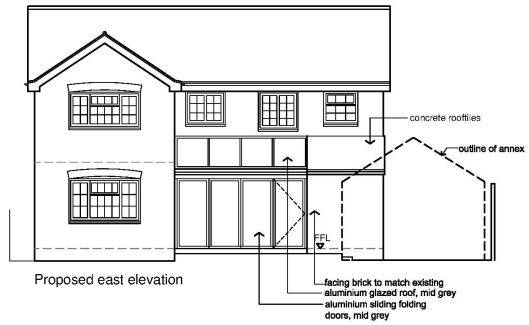
Issue
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Proposed north elevation



Proposed east elevation



Existing north elevation



Existing east elevation

materials:
 Concrete panellie rooflines
 PVC windows & door with brick on end heads
 black PVC rainwater goods to match existing
 Facing brick walls

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 Drawing Title:

Proposed Elevations- Extension

Scale	Date	Revision Number	Drawing Number
1:100	MAY-2018	060R55	P004

PLANNING APPLICATION

date valid 26/9/2018

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Design statement

Doc Ref:	060 RSS
DATE:	Revision A 5/9/2018
Site Location	7 Russett Road, Malton, YO17 7YS

Description of proposal

Demolition of the existing garage and the addition of a single storey granny annex and the addition of a single storey rear extension to the main house.

Site Description

On site is a two storey modern detached family home with a detached garage set back from the road. The existing house is facing brick with concrete pantile pitched roof. There is a large forecourt which is hard landscaped and used for parking.

The garage is set back to the rear of the site and is currently used for storage.



Photograph 1. View of the main dwelling from the garden



Photograph 2. View of the set back garage to be demolished

Proposed Development

The proposals are for the addition of a self contained, single storey one-bedroom granny annexe. The applicants mother currently lives with the family of four in the main house. The annexe will provide independent living accommodation for the mother. Accommodation is to consist of one double bedroom and an open plan living area. All within an external area of 35m².

Also proposed is a single storey rear extension to form an open plan kitchen diner, the additional area added will be 14m².

Design & Appearance

The existing garage is to be demolished and replaced with granny annexe, which will be sited no closer to the north boundary than the existing garage. The annexe will be larger in footprint and mass than the demolished garage. There is an existing high boundary fence along the north boundary which will be retained.

The annexe will have a pitched roof with tiles to match the existing house and a gable end with the entrance door facing onto the driveway. This will be in keeping with the gable ends to the main house and typical of the front elevation of an outbuilding.

The palette of materials will be as per the main dwelling with concrete pantile and facing brick to match the main dwelling and PVC windows.

The rear extension would be a lean to, constructed from facing brick to match the existing, the roof would be part tiled, part glazed. Aluminium bifold doors would provide access to the rear garden.

Pre application advice

Pre application advice was provided reference 18/00554/PREAPP. The comments were generally in favour of proposed design and amount of development. It was noted that the granny annexe should be used as intended for elderly relatives and that it would not be suitable as separate occupation.

Access

The proposed annexe is compliant with current approved document Part M for the use of dwellings as follows;

There is a level access and level threshold to the front door of the annexe and the door width will provide a 775mm clear opening width.

The WC allows for wheelchair access, in compliance with Part M of the Building Regulations.

The bathroom's size and location allows it to be easily converted into a wet room with a shower chair with direct access from the bedroom.

Flood Risk

According to the Flood Map for Planning on the GOV.UK website, the site falls within FLOOD ZONE 1 and as the site is smaller than one hectare a flood risk assessment is not required.

Conclusion

In keeping with national planning guidance NPPF GP1, the proposals are of a design that is compatible with the character of the area and neighbouring buildings.

The rear extension and annexe would be sympathetic to the character and appearance of the host building in terms of scale, form and materials.

The height of the annexe has been kept to a minimum and it should not result in an overbearing presence to number 9 Russett Road.

The proposals provide additional living area and independent living accommodation for an elderly parent, with a degree of privacy, which could easily be adapted to suit later impaired mobility.



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	PLANNING COMMITTEE
DATE:	23 OCTOBER 2018
REPORT OF THE:	SPECIALIST SERVICES LEAD GARY HOUSDEN
TITLE OF REPORT:	HOWARDIAN HILLS AREA OF OUTSTANDING NATURAL BEAUTY: DRAFT MANAGEMENT PLAN 2019-2024
WARDS AFFECTED:	AMOTHERBY, AMPLEFORTH, DERWENT, HELMSLEY, HOVINGHAM, RYEDALE SOUTH WEST, SHERIFF HUTTON AND SINNINGTON

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The Howardian Hills Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee (JAC) has prepared a draft Management Plan for consultation to cover the period 2019-2024.

1.2 This report is for Members to agree the Council's response to the formal consultation document (Appendix 1).

2.0 RECOMMENDATION

2.1 That Members:

(i) agree the District Council's response to the consultation on the draft Howardian Hills AONB Management Plan 2019-2024 at Appendix 1 of the report.

3.0 REASON FOR RECOMMENDATION(S)

3.1 There is a statutory duty on Local Authorities to prepare and have in place an up-to-date Management Plan for Areas of Outstanding Natural Beauty in their area. It is appropriate that this Council provides a response to the current consultation prior to considering the final Management Plan for adoption.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks associated with this report. An agreed response at this formal consultation stage will help to ensure that finalisation and adoption of the Management Plan progresses in accordance with the established timetable to meet

the funding conditions imposed by DEFRA. Failure to meet the agreed timetable by the end of March 2019 could potentially result in a loss of funding for the AONB.

5.0 POLICY CONTEXT AND CONSULTATION

Background

- 5.1 In 1992 the Howardian Hills Joint Advisory Committee (JAC) was established to guide and co-ordinate the management of the Howardian Hills AONB. The constituent Local Authorities agreed that the JAC should co-ordinate the production and implementation of the Management Plan for the Howardian Hills on their behalf. A Management Plan for the AONB provides an agreed approach to the conservation and enhancement of the AONB based on partnership and co-operation, and provides an important framework to co-ordinate the plans and strategies of a range of partners.
- 5.2 Members will be aware that Ryedale District Council together with Hambleton District Council, North Yorkshire County Council, Local Parish Councils and other key stakeholders such as the National Farmers Union, the Forestry Commission and Natural England are members of the JAC. Day-to-day work is undertaken by the small team of staff in the AONB Unit.
- 5.3 The current AONB Management Plan was adopted by the constituent Local Authorities in 2014. There is a statutory duty to review and adopt the AONB Management Plan every five years. The current consultation represents a further review of the AONB Management Plan which aims to refresh and roll the document forward to 2024.

Consultation

- 5.4 The draft Management Plan has been produced following informal consultation with stakeholder representatives during 2018. The draft Management Plan is predominantly an update of the previous adopted Management Plan, with relatively minor changes to its Vision, Key Vision Aims, layout and presentation. The draft Management Plan is also supported by a State of the AONB Report (containing statistics and indicators), a Strategic Environmental Assessment Screening Report and a Habitats Regulations Assessment Screening Report.
- 5.5 Public consultation on the draft Management Plan runs from 28th September 2018 to 11 November 2018. The JAC will consider comments received on the draft Management Plan during December 2018 and make any changes necessary. The revised Management Plan will then be circulated to constituent Local Authorities in late January 2019 with a formal request from the JAC to adopt the revised Management Plan. The final document will need to be formally adopted by Ryedale District Council to meet the statutory requirements for production. It is anticipated that this will be achieved via a report to Council in February 2019.

REPORT

6.0 REPORT DETAILS

- 6.1 A copy of the draft Management Plan 2019-2024 and supporting documents is available at the Howardian Hills AONB website [here](#). Appendix 2 of this report summarises the Vision and Aims of the Plan.

6.2 The draft Management Plan generally follows a very similar format to the current adopted plan. This format was considered to afford a much easier and more focussed document than earlier versions. The draft Management Plan is again divided into three main parts:

Part One: Introduction

6.3 This includes the insertion of a new introductory section “Policy and Legal Framework for AONBs” which provides a welcome summary of the history and context within which AONBs operate.

Part Two: “Achieving a Vision”

6.4 Following articulation of the “Vision for a Living landscape”, this section sets out issues, aims and objectives and is focussed around the following topics:

- Natural Capital & Ecosystem Services
- Natural environment
- Historic environment
- Local Communities
- Agriculture
- Forestry & Woodland
- Development and the rural economy
- Roads, Transport and Traffic Management
- Recreation, access and tourism
- Awareness and promotion

6.5 There has been some minor re-articulation of the Vision and Aims of the current Management Plan, although these are relatively minor, providing clarification and updates to make the aims more succinct and/or relevant rather than to substantially alter them (e.g. referencing the spread of tree diseases and uncertainties regarding the policy context given the UK’s withdrawal from the EU).

6.6 One of the key principles of DEFRA’s major policy document ‘A Green Future: Our 25 Year Plan to Improve the Environment’ (2018) is to adopt a Natural Capital approach in decision making. Natural Capital is defined as

“the sum of our ecosystems, species, freshwater, land, soils, minerals, our air and our seas. These are all elements of nature that either directly or indirectly bring value to people and the country at large. They do this in many ways but chiefly by providing us with food, clean air and water, wildlife, energy, wood, recreation and protection from hazards.”

6.7 The Natural Capital approach requires understanding of the:

- range of economic and social benefits provided by natural assets and their associated ecosystem services;
- way in which these benefits depend upon the various assets and services;
- state/condition and location of natural assets in relation to the benefits derived from them.

6.8 Whilst further information and guidance on the Natural Capital approach is expected to emerge in the coming years, the draft Management Plan sets out that this approach will be used to refine its approach to management in the future and identifies objectives relating to improving knowledge of the AONB’s Natural Capital. This new concept of the Natural Capital approach and preparing for its use recurs throughout the Draft Management Plan.

Part Three: "Implementation"

- 6.9 In general, most of the objectives of the current Management Plan have been rolled forward. Some have been re-articulated to reflect the some of the changes set out above or where this improves the clarity / succinctness of the plan. The majority of changes relate to updates to actions which is appropriate given that the plan is a roll forward of an existing document.
- 6.10 The Partnership Indicators that have been used for many years to monitor performance of the AONB Partnership have now been superseded by Key Performance Indicators drawn up by the National Association for AONBs as a mechanism for reporting AONB family achievements to DEFRA. These include indicators on area of land enhanced for biodiversity and historic environment features, number of partnerships influenced, number of planning applications scrutinised and income secured. These indicators will be used from April 2019 onwards as the measure of AONB Partnership action.
- 6.11 The proposed Ryedale District Council response to the draft Management Plan is included in Appendix 1 to this report. Given that the draft Management Plan is largely an update of the current plan, that there are no significant changes to format or objectives, and that informal consultation has already taken place with stakeholders the number of comments is relatively low. The most significant comment proposes a change of wording to provide a more positive and supportive stance towards potential enhancements to the A64 (Objective RTT5), whilst still having regard to the special qualities of the AONB and minimising environmental impact, as follows:

~~"Ensure that any *Support* proposals for improvement of the A64 Trunk Road through the AONB *subject to these being* are fully justified and sensitive to local characteristics. Proposals should aim to minimise environmental impact, make maximum use of the existing road alignment and utilise new techniques such as 'green bridges' where possible"~~

- 6.12 On the basis of the above, it is considered appropriate that the District Council express general support for the revised Draft Management Plan subject to the points outlined in Appendix 1.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

a) Financial

There are no new financial implications associated with this report. It should be noted that the proposed revisions to the Management Plan and in particular the revised actions do not commit the Council to providing additional financial support to the AONB unit which is over and above the core funding that the Council currently contributes.

b) Legal

The Council has a statutory duty to ensure that a Management Plan for the AONB is in place – in effect this means that the Council needs to adopt the Final Management Plan prior to the end of March 2019, when the previous plan expires. Failure to do so may:

- i) put at risk funding for the AONB from DEFRA; and
- ii) mean that decisions made by the Council (as in its role as Local Planning

Authority) in relation to the AONB may not be safe from challenge during the period until the Management Plan was adopted.

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
There are no other implications associated with this report.

8.0 NEXT STEPS

- 8.1 The final Howardian Hills AONB Management Plan for 2019-2024 will be prepared in January 2019 whereupon Ryedale District Council will be invited to consider the document for formal adoption prior to the end of March 2019. It is proposed that this will be via a report to Council in February 2019.

Gary Housden
Specialist Services Lead

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Background Papers:

- Howardian Hills AONB draft Management Plan 2019-2024 (2018)
 - Howardian Hills AONB Management Plan 2014-2019 (2013)
- [The above documents are available from the Howardian Hills AONB website at:
<http://www.howardianhills.org.uk/about-us/management-plan-and-work-programme/>]
- [“A Green Future: Our 25 Year plan to Improve the Environment”, \(2018\) DEFRA](#)

Ryedale District Council Responses to the draft Howardian Hills AONB Management Plan 2019-2024

Section	Response
General Style and Content	<ul style="list-style-type: none"> The new introductory section on “Policy & Legal Framework of AONBs” is a welcome addition
‘The Vision’ and the Natural Capital & Ecosystem Services Objectives (p26-33)	<ul style="list-style-type: none"> p31 – final para on Improved soil health is welcomed p32 & 33 – the Natural Capital diagram and HHAONB Natural Capital Asset table requires headings/labels to explain their presence here
‘A Rich Heritage’ (p35-44)	<ul style="list-style-type: none"> No further comments
‘Living and Working in the AONB’ (p45-64)	<ul style="list-style-type: none"> p58 - Inclusion of an explicit general principle of support for enhancements to the A64 (subject to taking into account AONB designation and minimising environmental impact is welcomed p64 - Objective RTT5 [and again on p94] – request rewording of this to read “Support proposals for improvement of the A64 Trunk Road through the AONB, subject to these being fully justified and sensitive...” . This would better reflect the general principle set out on p54
‘Enjoying the AONB’ (p65-69)	<ul style="list-style-type: none"> No further comments
‘Awareness and Promotion’ (p70-71)	<ul style="list-style-type: none"> No further comments
‘Implementation’ section, including the Action Programme (p72-100)	<ul style="list-style-type: none"> p85 – The new action to support appropriate Enabling Development where this would conserve and enhance the AONB’s most significant heritage assets (HE2.2) is welcomed p94 - As above for Objective RTT5
‘Landscape Management & Priority Sites’ document Are there any sites you think should be included or excluded?	<ul style="list-style-type: none"> No. The document is comprehensive and there are no further sites which the Council would recommend for inclusion.
Do you think that the State of the AONB Report and large map are useful	<ul style="list-style-type: none"> Yes - these documents provide useful information to assist understanding of the AONB and its Management Plan
Other Comments	<ul style="list-style-type: none"> Subject to the above points, the Council is supportive of the Draft Howardian Hills AONB Management Plan 2019 - 2024

Extract from the draft Howardian Hills AONB Management Plan 2019-2024

Vision

The Howardian Hills will continue to be a tranquil and well-managed rural area. It will still be notable for its extensive woodland, rolling agricultural fields, large country houses and designed parklands. The threats to the natural and cultural resources of the AONB will have been mitigated by the adoption of appropriate resilience strategies and these assets will be sympathetically managed within a diverse and prosperous rural economy. Active and resilient communities will have increased opportunities for people of all ages to live and work in the area. Residents and visitors alike will be able to enjoy and appreciate the AONB in an environmentally sustainable way.

Key Vision Aims:

- Farming, forestry and local businesses will be environmentally, socially and economically sustainable, thriving and developing due to the Special Qualities of the AONB and the opportunities they bring.
- All SSSIs will be in Favourable Condition, with the long-standing water quality issues on the River Derwent resolved.
- All conifer plantation areas within Ancient Woodland SINCs will have been restored, or be in the process of restoration, to resilient native broadleaves.
- All grassland SINCs will be in sustainable grazing/cutting regimes.
- Areas of Priority Habitats within the AONB will have been expanded, buffered and linked via a more diverse landscape, to form a coherent network of green infrastructure that is resilient to climate change impacts.
- Designated Heritage Assets (Scheduled Monuments, Listed Buildings, Registered Parks & Gardens) will be in sustainable management, in the Low/Not at Risk category as defined by Historic England.
- There will be a more diverse mix of housing units/tenures, and more services will be delivered at community level or remotely e.g. via the internet or as yet undeveloped technologies, thereby reducing the need to travel.
- A network of public and community transport links will be in place to cater for the majority of travel needs.
- The need for personal and business road transport will be much reduced, and this will be powered by more sustainable fuels as part of a low-Carbon economy.
- All Rights of Way will be easy to use, with the minimum of barriers to all types of user.
- A wide cross-section of society will enjoy and appreciate the Special Qualities of the AONB, for their intrinsic value and for the physical and mental wellbeing that they provide.



TIMETABLE OF MEETINGS MAY 2019 TO MAY 2020

COMMITTEE	MAY 2019	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	JAN 2020	FEB	MAR	APR	MAY	Day
Council	16*	27			5	10		5		20 & 27**		2	16*	Thurs
Policy & Resources		6	25		26		14			6	19			Thurs
Overview & Scrutiny (Including Audit)		13	24 Wed			3 & 24	21		23	13	26	23		Thurs
Planning Committee and Licensing Committee	21	18	16	13	10	8	5 & 26	17	21	18	17	15 Wed	12	Tues (6pm)
Resources Working Party			11		12	31			16		5			Thurs
Parish Liaison Meeting		12			18			11			4			Wed (7pm)
Member Development					11	2	6	4	8***		11	1		Wed

All meetings start at 6.30pm unless otherwise indicated.

NOTES

- * Annual Council at 3 pm
- ** Reserve date for business not transacted on 27 February 2020
- *** Budget Briefing

Scheduled Elections

PCC Election	- Thursday 7 May 2020
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Bank Holidays

Spring Bank Holiday	- Monday 27 May 2019
Late Summer Bank Holiday	- Monday 26 August 2019
Christmas Bank Holiday	- Wednesday 25 & Thursday 26 December 2019
New Year's Day Holiday	- Wednesday 1 January 2020
Council Offices closed	- Wednesday 25 December 2019 to Wednesday 1 Jan 2020 inclusive
Easter	- Friday 10 April and Monday 13 April 2020
May Day	Monday 4 May 2020

RYEDALE DISTRICT COUNCIL

APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS 15th October 2018

1.

Application No: 17/00688/73AM **Decision: Approval**
Parish: Malton Town Council
Applicant: Taylor Wimpey (North Yorkshire) Ltd (Mr Mark Fletcher)
Location: Land At Allotments Broughton Road Malton North Yorkshire
Proposal: Variation of Conditions 20 (Contamination) and Condition 35 (Approved Plans) together with the Removal of Conditions 02,03, 04, 05, 06, 07, 08, 09, 10,12,14,16,18,19,22,23,25,27,31,32, and 34 of approval 13/01141/MFUL dated 09.04.2015

2.

Application No: 18/00240/FUL **Decision: Approval**
Parish: Foxholes Parish Council
Applicant: Mr Fisher
Location: Land To South Of Cottage Farm Main Street Foxholes Driffield North Yorkshire
Proposal: Erection of a 4 bedroom detached dwelling together with formation of vehicular access.

3.

Application No: 18/00356/FUL **Decision: Approval**
Parish: Sinnington Parish Council
Applicant: Mr Paul Grayson
Location: Land At Sinnington Plot 1 Sinnington Cliff Road Sinnington Pickering
Proposal: Siting of 2no. storage containers, amendments to existing vehicular access including set back gates and access track formed from quarry rubble and tarmac chippings (retrospective application)

4.

Application No: 18/00598/FUL **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr R Hopkinson
Location: Wellington House 63 Wood Street Norton Malton YO17 9BB
Proposal: Erection of a single storey pitched roof extension to form 3no. additional resident's bedrooms (overall net increase of 2no. resident's bedrooms) following internal alterations to form Manager's accommodation.

5.

Application No: 18/00634/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam (Malton) Estate (Mr Thomas Storrar)
Location: TPO Trees At Old Malton Road Malton North Yorkshire
Proposal: To undertake crown lift of up to 4m on the field side and up to 2m on the road side over a maximum period of 3 years on the following trees:- T8,T9, T11, T13, T14, T15, T16, T17, T18, T21, T22 T23, T24, T25, T26,T27, T28, T29, T30,T31,T32,T33, T34, T35, T36, T37, T38, T39 and T40.

6.

Application No: 18/00677/HOUSE **Decision: Approval**
Parish: Oswaldkirk Parish Meeting
Applicant: Mr And Mrs E Stainthorp
Location: 5 Manor View Oswaldkirk North Yorkshire YO62 5YJ
Proposal: Erection of a single storey side extension

7.

Application No: 18/00681/HOUSE **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Mr Andrew Moutrie
Location: Deer Keepers Lodge Parkside Lane Hovingham Helmsley YO62 4JD
Proposal: Erection of a part two storey/part single storey extension including garaging and raised terrace to south elevation following removal of existing rear wall, wood store and garden wall to include some regrading of land, erection of retaining walls and areas of resurfacing in a mix of materials (revised details to approval 17/01213/HOUSE dated 02.01.2018 as amended by 18/00077/AMEND dated 05.03.2018)

8.

Application No: 18/00682/LBC **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Mr Andrew Moutrie
Location: Deer Keepers Lodge Parkside Lane Hovingham Helmsley YO62 4JD
Proposal: External alterations to include erection of a part two storey/part single storey extension including garaging and raised terrace to south elevation following removal of existing rear wall, wood store and garden wall to include some regrading of land, erection of retaining walls and areas of resurfacing in a mix of materials (revised details to approval 17/01214/LBC dated 02.01.2018)

9.

Application No: 18/00684/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam (Malton) Estate (Mr Keith Davies)
Location: 45-47 Talbot Hotel Yorkersgate Malton YO17 7AJ
Proposal: Installation of surround and display of externally illuminated lettering to Yorkersgate entrance door together with the display of 1no. non-illuminated painted sign

10.

Application No: 18/00685/ADV **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam (Malton) Estate (Mr Keith Davies)
Location: 45-47 Talbot Hotel Yorkersgate Malton YO17 7AJ
Proposal: Installation of surround and display of externally illuminated lettering to Yorkersgate entrance door together with the display of 1no. non-illuminated painted sign

11.

Application No: 18/00688/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr James Binns
Location: 42 Welham Road Norton Malton YO17 9DP
Proposal: Erection of detached double garage following removal of the existing detached garage together with erection of a single storey rear extension adding to the existing rear extension

12.

Application No: 18/00697/ADV **Decision: Approval**
Parish: Malton Town Council
Applicant: The Milton Rooms
Location: Milton Rooms Market Place Malton North Yorkshire YO17 7LX
Proposal: Display of 2no. non-illuminated hanging banner signs to front elevation

13.

Application No: 18/00698/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: The Milton Rooms
Location: Milton Rooms Market Place Malton North Yorkshire YO17 7LX
Proposal: External alterations to include display of 2no. non-illuminated hanging banner signs to front elevation

14.

Application No: 18/00715/FUL **Decision: Approval**
Parish: Rillington Parish Council
Applicant: Mr & Mrs M Bean
Location: Land To Rear Of 44 Scarborough Road Rillington Malton North Yorkshire
Proposal: Erection of 4no. detached three bedroom bungalows and 2no. detached double garages.

15.

Application No: 18/00728/LBC **Decision: Approval**
Parish: Weaverthorpe Parish Council
Applicant: Mrs Jill Wilson
Location: Stable Building At Rarey Farm Main Road Weaverthorpe Malton North Yorkshire
Proposal: Display of 1no. timber non-illuminated wall mounted business name and information sign and 1no. temporary vinyl non-illuminated wall mounted sign to advertise gallery exhibitions

16.

Application No: 18/00729/ADV **Decision: Approval**
Parish: Weaverthorpe Parish Council
Applicant: Mrs Jill Wilson
Location: Stable Building At Rarey Farm Main Road Weaverthorpe Malton North Yorkshire
Proposal: Display of 1no. timber non-illuminated wall mounted business name and information sign and 1no. temporary vinyl non-illuminated wall mounted sign to advertise gallery exhibitions

17.

Application No: 18/00746/FUL **Decision: Approval**
Parish: Aislaby, Middleton & Wrelton Parish
Applicant: Mr & Mrs Edwards
Location: Land At Back Lane South Middleton Pickering North Yorkshire
Proposal: Erection of a four bedroom dwelling with detached double garage

18.

Application No: 18/00769/TPO **Decision: Approval**
Parish: Staxton/Willerby Parish Council
Applicant: Mr Andy Curruthers
Location: Spangle Cottage The Old School Courtyard Staxton Scarborough North Yorkshire YO12 4SZ
Proposal: Crown lift sycamore

19.

Application No: 18/00752/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Trustees For Methodist Church Purposes (Mr Paul Emberley)
Location: Chapel House 12 Saville Street Malton North Yorkshire YO17 7LL
Proposal: Change of use and alteration of upper floors from ancillary office, storage and staff facilities for the ground floor barbers shop (Use Class A1) to lettable offices and meeting rooms (Use Class B1(a)) with formation of a separate access from Saville Street utilising an existing redundant entrance together with erection of a single storey extension within the rear yard area to provide wc and kitchenette facilities for the staff of the ground floor retail space/barbers

20.

Application No: 18/00753/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: Trustees For Methodist Church Purposes (Mr Paul Emberley)
Location: Chapel House 12 Saville Street Malton North Yorkshire YO17 7LL
Proposal: External and internal alterations to ground and upper floors to allow the conversion of upper floors from ancillary office, storage and staff facilities for the ground floor barbers shop (Use Class A1) to lettable offices and meeting rooms (Use Class B1(a)) with formation of a separate access from Saville Street utilising an existing redundant entrance with new staircase to access upper floors, removal of existing ground floor staircase together with erection of a single storey extension within the rear yard area to provide wc and kitchenette facilities for the staff of the ground floor retail space/barbers.

21.

Application No: 18/00768/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr Kim Ward
Location: Holly Tree Cottage Main Street Sheriff Hutton YO60 6SS
Proposal: Erection of a single storey side extension, detached single garage, replacement of existing front artificially leaded UPVC windows with timber Yorkshire Light style windows and replacement of front and side UPVC entrance doors with timber doors and installation of 1.8m high entrance gates to drive

22.

Application No: 18/00770/FUL **Decision: Refusal**
Parish: Amotherby Parish Council
Applicant: Mr & Mrs J Humpleby
Location: Land At The Pump House Amotherby Malton
Proposal: Change of use, alteration and extension of detached triple garage to form a two bedroom dwelling with attached garage, parking/amenity area and sharing of the existing vehicular access with The Pump House

23.

Application No: 18/00774/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Leanne Robson
Location: 22 Westerdale Pickering North Yorkshire YO18 8DS
Proposal: Erection of single storey rear extension

24.
Application No: 18/00776/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Yorkshire Housing
Location: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 And 24 Vivis Lane Pickering YO18 8TB
Proposal: Replacement of existing windows and doors with UPVC windows and composite doors
-
25.
Application No: 18/00779/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Marcin Matuszewski
Location: 32 Northway Pickering YO18 8NN
Proposal: Erection of two storey rear extension following demolition of existing single storey extensions, erection of replacement attached garage with pitched roof following demolition of existing flat-roofed garage and erection of a front porch with side steps
-
26.
Application No: 18/00781/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Pickering Medical Practice (Mrs S. Gorman)
Location: Pickering Medical Practice Southgate Pickering North Yorkshire YO18 8BL
Proposal: Change of use of upper floor of existing adjacent dwellinghouse to form part of the medical practice with erection of pitched roof to connect with existing surgery and erection of 2no. single storey side extensions to existing surgery building.
-
27.
Application No: 18/00784/FUL **Decision: Approval**
Parish: Norton Town Council
Applicant: C & A Brack (Mr C Brack)
Location: 5 Church Street Norton Malton North Yorkshire YO17 9HP
Proposal: Retention of site for use as a hand car wash with retention of associated equipment to include two containers, car port, two static signs and entrance/exit gates
-
28.
Application No: 18/00788/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr A Hall & Miss D McCann
Location: 3 Middlecave Drive Malton YO17 7BB
Proposal: Erection of a part two storey/part single storey side extension and a single storey rear extension
-
29.
Application No: 18/00792/HOUSE **Decision: Approval**
Parish: Settrington Parish Council
Applicant: Mrs Rosemary Mitchell
Location: Brook Farm Barn Back Lane Settrington Malton North Yorkshire YO17 8NP
Proposal: Formation of a door opening with timber stable type door to rear (east) elevation and relocation of existing doorway to front (west) elevation with timber stable type door with replacement of adjacent stone, brick and cement with reclaimed stone and lime mortar
-

30.
Application No: 18/00793/LBC **Decision: Approval**
Parish: Settrington Parish Council
Applicant: Mrs Rosemary Mitchell
Location: Brook Farm Barn Back Lane Settrington Malton North Yorkshire YO17 8NP
Proposal: Formation of a door opening with timber stable type door to rear (east) elevation and relocation of existing doorway to front (west) elevation with timber stable type door with replacement of adjacent stone, brick and cement with reclaimed stone and lime mortar

31.
Application No: 18/00787/LBC **Decision: Approval**
Parish: Habton Parish Council
Applicant: Mr R Dixon
Location: Garforth Hall Ryton Rigg Road Ryton Malton YO17 6RY
Proposal: Internal alterations to include removal of kitchen stud partition walls, kitchen cupboard doors and tiled fireplace and hearth to allow fitment of kitchen units and installation of a wood burning stove

32.
Application No: 18/00795/73 **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Johnson
Location: 11 Marshall Drive Pickering North Yorkshire YO18 7JT
Proposal: Variation of Condition 02 of approval 17/00544/HOUSE dated 29.06.2017 to allow a rendered finish rather than stone finish to the two story extension

33.
Application No: 18/00796/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Miss Carrie Render
Location: 10 Rowan Avenue Malton North Yorkshire YO17 7DG
Proposal: Erection of a part two storey/part single storey side extension

34.
Application No: 18/00799/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Dr & Mrs Capes
Location: Sunnyside 119 Ruffa Lane Pickering YO18 7HT
Proposal: Alterations to the existing garage to form additional residential accommodation together with erection of a detached garage

35.
Application No: 18/00814/73A **Decision: Approval**
Parish: Weaverthorpe Parish Council
Applicant: Mr P Wilson
Location: Stable Building At Rarey Farm Main Road Weaverthorpe Malton North Yorkshire
Proposal: Variation of Conditions 03 and 10 of approval 13/00552/FUL dated 20.05.2014 to allow inclusion of a village shop within part of the approved tea room area by replacement of Drawing no. PW/2013/1/2A by Drawing no. PJW/2018/02

36.

Application No: 18/00823/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr N Marwood
Location: 27 Castle Side Sheriff Hutton YO60 6RF
Proposal: Erection of a single storey rear extension

37.

Application No: 18/00834/LBC **Decision: Approval**
Parish: Lillings Ambo Parish Council
Applicant: Mr & Mrs J Crawford
Location: East Lilling Grange New Road West Lilling North Yorkshire YO60 6RW
Proposal: Erection of single storey extension to the north-east corner of the building (revised details to approval 17/00763/LBC dated 16.08.2017)

38.

Application No: 18/00836/73 **Decision: Approval**
Parish: Claxton Parish Council
Applicant: Fox Hill Park (Mr Stuart Bulmer)
Location: Fox Hill Touring Caravan And Camping Site Claxton Malton YO60 7RX
Proposal: Variation of Condition 02 of approval 05/00411/MFUL dated 02.12.2005 to allow for an extended opening season for the caravan site from 01 March to 31 January in each year and to allow for the storage of a limited number of caravans on site outside these dates on the site amenity area as shown on Drawing Number 235-01 AR10 006 Site Block Plan dated 06.08.2018

39.

Application No: 18/00837/73 **Decision: Approval**
Parish: Claxton Parish Council
Applicant: Fox Hill Park (Mr Stuart Bulmer)
Location: Fox Hill Touring Caravan And Camping Site Claxton Malton YO60 7RX
Proposal: Variation of Condition 01 of approval 16/00800/FUL dated 15.06.2016 to remove the formal restriction of 14 June 2021 and allow the wardens log cabin to remain on site for its approved use and only be required to be removed and the land restored to its former condition if the current touring caravan and camping business ceased or materially changed unless an extension of the period for its retention was first approved in writing by the Local Planning Authority

40.

Application No: 18/00858/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: South Lund Properties (Mr David Dale-Sunley)
Location: Land East Of Outgang Road Outgang Lane Pickering North Yorkshire
Proposal: Erection of building forming 2no. units for B1/B8 use adjacent to the building approved under 17/00398/FUL dated 14.07.2017 together with formation of additional car parking and landscaping

41.

Application No: 18/00876/TPO **Decision: Approval**
Parish: Leavening Parish Council
Applicant: North Yorkshire County Council (Mr Trevor Grigg)
Location: Leavening County Primary School Malton Road Leavening Malton YO17 9SW
Proposal: Horse chestnut - crown reduce by 2m and crown lift by 3m on school building side. Crown reduce height by 3m back to broken stem site. Targeted reduction by up to 2m over all on exposed end weighted branches to reshape canopy.

42.

Application No: 18/00886/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr William Morris
Location: 25 Undercliffe Pickering North Yorkshire YO18 7BB
Proposal: Installation of replacement timber front door

43.

Application No: 18/00898/FUL **Decision: Approval**
Parish: Nawton Parish Council
Applicant: Mr & Mrs Featherstone
Location: The Flat Ashtree House High Street Nawton Helmsley North Yorkshire YO62 7TT
Proposal: Reinstatement of former first floor opening to include fitting of door and installation of guard rail to existing external steps on the south west elevation
