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PLANNING COMMITTEE

Tuesday 10 May 2022 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

1 Apologies for absence

2 Declarations of Interest

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

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

3 **Minutes** (Pages 3 - 7)

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 8 - 9)

6 **21/00284/FUL- The Lodge, Goose Track Lane, West Lilling** (Pages 10 - 32)

7 **21/00925/FUL- The Lodge, Goose Track Lane, West Lilling** (Pages 33 - 79)

8 **22/00052/OUT- Land Off Linkfoot Lane Access, Ashdale Road, Helmsley** (Pages 80 - 98)

Ryedale District Council, Ryedale House, Malton, North Yorkshire, YO17 7HH Tel: 01653 600666 Fax: 01653 696801 www.ryedale.gov.uk

- **21/01402/MFUL-** Land At OS Fields 5760 3770 3776, Upper Carr Lane, Pickering (Pages 99 142)
- **21/01640/MFUL- Canadian Fields, Gale Lane, Nawton, Helmsley** (Pages 143 174)
- **22/00097/FUL- Longlands Hall, Riggs Road, Ryton, Malton** (Pages 175 228)
- 12 Any Other Business
- 13 List of Applications determined under delegated Powers. (Pages 229 234)
- **Appeals** (Pages 235 249)

Planning Committee

Held at Council Chamber, Ryedale House, Malton Tuesday 12 April 2022

Present

Councillors Brackstone, Cleary, Docwra (Substitute), Graham (Substitute), Hope, Mason, Potter (Vice-Chair), Thackray and Windress

Substitutes: Councillor C Docwra and Councillor S M Graham

In Attendance

Catherine Ashton, Hayley Atkinson, Niamh Bonner, Alan Goforth Alpha Love-Koh and Jill Thompson

Minutes

161 Apologies for absence

Apologies were received from Councillor Andrews, Councillor Potter chaired the meeting. Apologies were received from Councillors Bailey and MacKenzie. Councillor Graham substituted for Councillor Bailey and Councillor Docwra substituted for Councillor MacKenzie.

162 **Declarations of Interest**

Councillor	Item
D #	40
Potter	12

The committee agreed that Councillor Cleary would chair the meeting for Item 12 following Councillor Potter's declaration of interest on this item.

163 Minutes

Decision

The minutes of the Planning Committee held on 15th March 2022 be approved and signed as a correct record.

Voting Record

- 6 For
- 0 Against
- 2 Abstentions

164 Urgent Business

Following Officer Recommendation Item 13 was removed from the Agenda.

Councillor Potter proposed Items 9, 10 and 11 be reordered to 10, 11, 9 to facilitate a more coherent discussion of applications 21/00284/FUL and 21/00925/FUL at the same address.

165 Schedule of Items determined by the Committee

The Service Manager Planning and Development submitted a list (previously circulated) of the applications for planning permission with recommendations thereon.

166 **21/00794/73- Forge Cottages, Barugh Lane, Great Barugh, Malton**

Decision

PERMISSION GRANTED- Subject to conditions as recommended

Voting Record

7 For

0 Against

1 Abstention

167 21/01661/MFUL- Wood House Farm To Acres Lane, Acklam, Malton

Decision

Minded to Approve. Authority delegated to Service Manager Planning and Development to determine the application following receipt of comments from the LLFA.

Voting Record

8 For

0 Against

0 Abstention

168 **22/00026/MFUL- Plots 11F To 13H, Malton Enterprise Park, Cherry Farm Close, Malton**

Decision

PERMISSION GRANTED- Subject to conditions as recommended plus additional informative.

Voting Record

- 8 For
- 0 Against
- 0 Abstention

Councillor Windress joined the meeting at 18:40.

169 21/00284/FUL- The Lodge, Goose Track Lane, West Lilling

Decision

DEFERRED FOR SITE INSPECTION

170 **21/00889/73A- 17, 18 And 19 Hillside Way, West Lutton, Malton**

Decision

PERMISSION GRANTED- Subject to conditions as recommended

Voting Record

- 8 For
- 0 Against
- 1 Abstention

171 21/00925/FUL- The Lodge, Goose Track Lane, West Lilling

Decision

DEFERRED FOR SITE VISIT

Voting Record

- 9 For
- 0 Against
- 0 Abstention

Councillor Potter left the meeting at 19:20.

172 21/01252/FUL- Land At Malton Lane, Allerston, Pickering

Decision

PERMISSION GRANTED- Subject to conditions as recommended

Voting Record

- 8 For
- 0 Against
- 0 Abstention

In accordance with the Members Code of Conduct, Councillor Potter declared a personal, non-pecuniary but not prejudicial interest. Councillors Potter left the meeting for the duration of the item, Councillor Cleary chaired the meeting for the duration of the item.

Councillor Potter re-joined the meeting at 19:35.

173 22/00052/OUT- Land Off Linkfoot Lane Access, Ashdale Road, Helmsley

Decision

REMOVED FROM THE AGENDA AT OFFICERS REQUEST

174 Any Other Business

There was no other business.

175 List of Applications determined under delegated Powers.

The Service Manager Planning and Development submitted for information (previously circulated) a list which gave details of the applications determined by the Service Manager in accordance with the scheme of delegated decision.

176 **Appeals**

Councillor Cleary questioned why Highways England were mentioned within the report when not relevant to the application.

Meeting Closed 19:40

Agenda Item 5

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 10/05/22

6

Application No: 21/00284/FUL

Application Site: The Lodge Goose Track Lane West Lilling YO60 6RR

Proposal: 'Erection of detached 3 bay garage building with first-floor accommodation

to form 1no. two bedroom annexe following demolition of existing building and change of use of stable to allow use as a home office to include the installation of 2no. roof lights to the front elevation and 2no. replacement

roof lights to the rear elevation

7

Application No: 21/00925/FUL

Application Site: The Lodge Goose Track Lane West Lilling YO60 6RR

Proposal: Erection of 1no. detached six bedroom replacement dwelling

8

Application No: 22/00052/OUT

Application Site: Land Off Linkfoot Lane Access Ashdale Road Helmsley North Yorkshire

Proposal: Erection of 2no. dwellings and access (Outline application. Site area

0.175ha)

9

Application No: 21/01402/MFUL

Application Site: Land At OS Fields 5760 3770 3776 Upper Carr Lane Pickering North

Yorkshire

Proposal: Change of use of land to form an extension to Upper Carr Holiday Park,

including the layout and formation of internal access roads and hard standings, the siting of an additional 127 static caravans each with parking, formation of a recreation area, provision of a new caravan sales area and associated car parking spaces for 8 no. visitors, siting of park manager's accommodation, reduction of the number of permitted units in the existing park from 100 to 75, construction of a relocated site access onto the A169

Malton Road and site landscaping including 2 no. lakes

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 10/05/22

10

Application No: 21/01640/MFUL

Application Site: Canadian Fields Gale Lane Nawton Helmsley YO62 7SD

Proposal: Replacing the 19no previously approved safari tent pitches with 19no

lodges, reorganisation of 28no existing approved lodges, installation of a spa complex to include installation of swimming pool and hydro pool, erection of 1no double quadrosphere dome for a restaurant and bar, 1no single quadrosphere dome for a yoga and relaxation room, an entrance and reception building, 4no thermal cabins, 3no treatment rooms, 2no plant

rooms and ancillary works

11

Application No: 22/00097/FUL

Application Site: Longlands Hall Riggs Road Ryton Malton YO17 6RZ

Proposal: Erection of 1no. five bedroom replacement dwelling following removal of

the existing dwelling, alterations and renovations to the stable and annexe building to provide additional living accommodation for the main dwelling with one bedroom annexe accommodation to include the erection of a single storey link extension, erection of 1no. one bedroom ancillary dwelling associated to the replacement dwelling with double garage and conversion and alterations to modern barn to allow formation of leisure facilities for

domestic purposes

Agenda Item 6

Item Number: 6

Application No: 21/00284/FUL

Parish: Lillings Ambo Parish Council

Appn. Type: Full Application **Applicant:** Mr and Mrs Try

Proposal: Erection of detached 3 bay garage building with first-floor

accommodation to form 1no. two bedroom annexe following demolition of existing building and change of use of stable to allow use as a home office to include the installation of 2no. roof lights to the front elevation

and 2no. replacement roof lights to the rear elevation.

Location: The Lodge Goose Track Lane West Lilling YO60 6RR

Registration Date: 12 March 2021

8/13 Wk Expiry Date: 7 May 2021 **Overall Expiry Date:** 30 March 2022

Case Officer: Niamh Bonner Ext: 43325

CONSULTATIONS:

Lillings Ambo Parish Council Support

Highways North Yorkshire Recommend condition

Representations: Mr Paul Wreglesworth, Professor Yvonne Birks, Evelyn

Peterson, Diane Morse, Elizabeth Hudson, Stuart Smith, Andrew Morse, Peter Burnett, Claire Wesley, Mr And Mrs McBurney, Donna Evans, Graham Evans, Richard Birks, Dr Tom Milligan, Mrs Elaine Magee, David Sked, Lloyd Parsons, Nigel Verity, Parry Rex, Paul Hurley, Mr Alan Plews, Mrs Michelle Plews, Phillip Marsden, Valerie Marsden, Karina Milligan, Mr Nick Edwards,

UPDATE REPORT MAY

This proposal was originally brought to Planning Committee on the 12th April 2022, where it was deferred for site visit. The site visit undertaken on Monday 25th April 2022.

Members in attendance included Cllr Andrews, Cllr Cleary, Cllr Docwra, Cllr Hope, Cllr Thackray, and Cllr Windress.

As noted in the Officer's presentation at the April meeting, agreement has been made with the agent to update the description to the following which has now been actioned in the system:

'Erection of detached 3 bay garage building with first-floor accommodation to form 1no. two bedroom annexe following demolition of existing building and change of use of stable to allow use as a home office to include the installation of 2no. roof lights to the front elevation and 2no. replacement roof lights to the rear elevation.'

It was noted that the North Yorkshire Highways Team commented to confirm no objection subject to the imposition of a construction management plan condition relevant for small sites. However, given this proposal is recommended for part refusal/part refusal, the Case Officer has sought confirmation from the Highways Officer if they believe this would be necessary for the limited works associated with the garage conversion. A response is being awaited and Members will be updated.

There are no further updates.				

Item Number: 9

Application No: 21/00284/FUL

Parish: Lillings Ambo Parish Council

Appn. Type: Full Application

Applicant: Mr and Mrs Try

Proposal: Erection of detached 3 bay garage building with first floor accommodation

to form 1no. two bedroom annexe following demolition of existing building and change of use of stable to allow use as home office to include the

installation of dormer window and 2no. rooflights

Location: The Lodge Goose Track Lane West Lilling YO60 6RR

Registration Date: 12 March 2021 **8/13 Wk Expiry Date:** 7 May 2021 **Overall Expiry Date:** 30 March 2022

Case Officer: Niamh Bonner Ext: 43325

CONSULTATIONS:

Lillings Ambo Parish Council Support

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Representations: Mr Paul Wreglesworth, Professor Yvonne Birks, Evelyn

Peterson, Diane Morse, Elizabeth Hudson, Stuart Smith, Andrew Morse, Peter Burnett, Claire Wesley, Mr And Mrs McBurney, Donna Evans, Graham Evans, Richard Birks, Dr Tom Milligan, Mrs Elaine Magee, David Sked, Lloyd Parsons, Nigel Verity, Parry Rex, Paul Hurley, Mr Alan Plews, Mrs Michelle Plews, Phillip Marsden, Valerie Marsden, Karina Milligan, Mr Nick Edwards,

SITE:

The Lodge is a two and a half storey dwelling, set in expansive grounds, to the north of the village of West Lilling, accessed via Goose Track Lane. The site falls within outside of the village development limits, therefore in land which would be considered as the 'Wider Open Countryside' in the Ryedale Plan, Local Plan Strategy. The site is considered to be highly visible within the street scene.

The dwelling is of a significant scale, with the original main dwelling incorporating an attractive traditional form. Ordinate Survey Maps indicate the date of this dwelling to be from the latter part of the 19th Century, not shown as present on the 1851 maps but present on the 1891 map.

This dwelling, whilst attractive has however been unsympathetically extended over time, with a flat roof dormer to the principle southern roofslope. The two storey side extension is set down and set back from the host dwelling to appear subservient and relates well in scale and form, however the first floor level has been completed with hanging tiles which does not assimilate well with the traditional property. There is also a flat roof extension running almost the full length of the rear of the property, which whilst significant in span is modest in depth and does not appear highly visible from public views.

The main original dwelling spanned c11.30 metres from east to west and c9.6 metres in depth. The two storey addition to the east spanned c7.25 metres from east to west and c7.5 metres in depth, set back from the principle elevation by c2 metres, with the ridge height set down by c1.4 metres with a pitched roof mirroring the main roof form. The single storey element to rear spans c17.3 metres along the rear of

the dwelling c2 metres in depth from the rear elevation.

Functional amenity space is located to the rear of the property where parking is undertaken and garaging is present. The existing garage spans c6.5 metres x 11.9 metres in footprint, with a maximum height of 3.84 metres to the ridge and c2.25 metres to the eaves. More formal garden space is present to the west and south including a high status approach to the dwelling via an avenue style driveway and a tennis court. A traditional former stable building is also present to the north west of the dwelling within the garden space. Agricultural land also falls within the ownership of the site to the north and west.

West Lilling is characterised by traditional residential development, with a strong pattern of traditional roadside cottages. The Lodge, sited to the north of the village represents in architectural terms a higher status dwelling within the village.

PROPOSAL:

This proposal seeks planning permission for the erection of detached 3 bay garage building with first floor accommodation to form 1no. two bedroom annexe following demolition of existing building and change of use of stable to allow use as home office to include the installation of dormer window and 2no. rooflights

A significant level of negotiation has been undertaken with the Planning Agent on the concurrently pending scheme (21-00925-FUL) and amendments have been submitted for both applications.

This has been subject to formal reconsultation with the Parish Council. In advance of formal neighbour reconsultation a number of letters of correspondence were received. All neighbours who had not made comments by that stage on the revised plans were then formally reconsulted on the scheme in March of 2022 and this period has concluded.

The amendments to this application include the repositioning of the proposed garage/annex building and limited amendments to its appearance. The proposed garage annex building would span 7.988 metres x 13.5 metres in footprint, with a pitched roof design with an overall roof height of 6.665m. This would be completed with brick and slate roof tiles. The building would now be positioned so that the principle front elevation is orientated south eastwards, at a distance of c3.8 metres and c13.35 metres from the northern and eastern boundaries of the domestic curtilage respectively. The plans indicate the proposed garage/annex in the context of the scheme for the replacement dwelling proposed for the separate application (21/00925/FUL.)

The proposed stable building to be converted would no longer include a proposed dormer window at first floor level and the shower room has been omitted, but mezzanine storage would remain above and a WC would be present. This would incorporate the installation of new rooflights.

On the 4th April 2022, a request for a minor amendment to the description has been made to the Planning Agent/Architect, to better reflect the amendments made to the proposed office building, omitting the dormer and including 4no. rooflights on the proposed home office building. No response has been received in advance of the agenda being published and Members will be updated on this point. This relates to only a very minor amendment to tally with the submitted plans and would not require any readvertisement.

HISTORY:

21/00925/FUL: An application for the erection of 1no. detached six bedroom dwelling following the removal of 1no. detached six bedroom dwelling is currently under consideration.

21/00561/FUL: Erection of steel framed building for storage of garden equipment following demolition of existing timber shed. Approved.

3/78/18/PA Extension to dwelling to form additional study and utility room areas, toilet and breakfast room at The Lodge, Gilling. Approved.

3/119/54/PA Alterations and demolition of existing outbuildings, construction of 2 garages and the erection of a brick wall at, The Lodge, Lilling, York. Approved

POLICIES

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

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

National Planning Policy Framework

National Planning Practice Guidance

REPRESENTATIONS:

The Parish Council did not respond to the original consultation request dated 17th March 2021.

The Parish Council confirmed they recommend approval of the scheme in a consultation response dated 23rd March 2022 in which they noted "The Parish Council supports this planning application."

26 Letters of support have been received in relation to the scheme between 17th February 2022 and 7th March 2022. These are available for Members to review in full on the planning file on the Public Access. These incorporate the following summarised points and each of the 26 responses specifically referenced both this application and 21-00925-FUL. Therefore some of these responses relate more specifically to the application for the replacement dwelling.

- Support the demolition of the existing house and replacement with the proposed scheme, including new garage and home office
- House requires updating to modern standards in an economic way, was built at a time where no thought to sustainability was given. This will provide a sustainable family home.
- I have been in the home and seen the extent of the deterioration especially the damp throughout the property and in my opinion starting again is the only option....Such is the state of the property, I cannot understand how you expect a family with young children to continue to live in.
- Current extension is poorly executed and not in keeping with the main house. The interior has no redeeming features. No other family would buy that house on that plot without having the wish to write again. The mismatch between the quality of the house and the setting unusual.
- The property is not in a Conservation Area, nor listed.
- The proposal due to its form, design and scale would not change the character of the village nor look out of place, but would result in an enhancement of the immediate setting, whilst respecting the past.
- The design would be visually unobtrusive, unpretentious and appropriate to the nature of the village, as well as respectful and characteristic. It would also fit with the local architecture of Sheriff Hutton.
- Continued use of distinctive white colour commended.
- The proposal will result in more energy efficient design.
- The village has suffered from planning agreeing to other structures not in keeping for the village.
- The plans would ensure that a similar buildings of stature would continue the landmark at that very important corner of the village known as the 'Lodge, the big White House.'
- Request outside lighting is not intrusive due to dark sky location.
- Request large trees are preserved as much as possible.
- Would provide a long term home for a member of the community and local business man.
- Cannot understand the delay
- Strongly opposed to the property been replaced with contemporary, modern design....something out of keeping with the village like the unit referenced on application 20/01120/MFUL (Cornborough Road) which I understand you are pushing as an example of what you wish to see any replacement dwelling for the Lodge to take reference from... Struggle

to see why the Council is advocating for ultra modern architecture...(These) plans suggest an extremely modern building that looks more like industrial units than a dwelling. Whilst it might be possible to get away with that at Cornborough - where almost all of the houses are remote and screened from the road - but in Lilling this would be a totally inappropriate eyesore and completely at odds with the rest of the village.

- (Case Officer Note: The referenced Paragraph 80 application Cornborough application was discussed with the Architect and Planning Agent as a design that was reflective of high quality contemporary architecture, responsive to its surroundings. This was not recommended as a design to be simply reproduced in this location. Alternative traditional rural vernacular design was also discussed and detailed advice was provided on this also.)
- Would not support an ultra modern property within our village of older more traditional homes as it would appear out of character.
- Mr Try canvassed me prior to submitting any proposal to planning and in the proposals he has submitted has captured everything we discussed.

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of the development
- ii. Form and Character
- iii. Impact upon neighbouring amenity
- iv. Other matters, including consultation responses.

i. Principle

The Design and Access Statement confirms "The owner's intentions are to renovate the garage and create living accommodation for the duration of the build. The gate and access closest to the property is not currently used, and will not be used in the future, with no intention of the annexe being separated from the house."

Policy SP21 of the Ryedale Plan, Local Plan Strategy notes: "Where further residential accommodation within the curtilage of an existing dwelling is proposed to complement the existing living arrangements, such as to provide a 'granny annexe' the proposed development shall remain ancillary to the existing house and shall not be separately occupied. Accommodation that has a separate access and the ability to be fully self-contained is discouraged."

The proposed annex would incorporate approximately 86.6 square metres of usable domestic accommodation floor space at first floor level and could be entirely self-contained. It is however noted that the garage/annex would incorporate a close relationship with the host dwelling, both the current existing dwelling and that proposed (under 21-00925-FUL) would utilise this as the main area of garaging. There are two accesses to the site however due to their positioning, it is not considered likely that formal subdivision would be occur. It is Officer's view that that subject to the standard annex conditions, a proposed annex use in this location could in principle align with the spirit and requirements of Policy SP21 of the Ryedale Plan, Local Plan Strategy. However this would be subject to full assessment of the character and form of the proposed design which will be undertaken below.

The proposed home office is also considered acceptable in principle, as this would make use and retain a traditional building associated with this property. The self limiting floor space and omission of the shower room will aid in ensuring that this remains ancillary to the host dwelling.

ii. Form and Character

Policy SP16 (Design) of the Ryedale Plan Local Plan Strategy notes:

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:

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

Policy SP20 also requires that "New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses".

Paragraph 126 of the NPPF notes: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Paragraph 130 of the NPPF notes. "Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 39 c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)"

Concern was originally raised with the Planning Agent on the 4th May 2021 with the proposed scheme, most critically, the overall scale, form, massing and design of the proposed garage/annex building.

Concern was also raised that this may be of a scale that could reasonably function as a separate dwelling particularly should the ground level garage be converted. However on balance, Officers are now satisfied that this would be unlikely to be the case for the reasons outlined in Section i above. The concern over the overall scale, form and massing of the development in terms of design and the form and character of the site remain.

It was advised by the Case Officer within this email that (prior to the formal submission of 21-00925-FUL) "If you were considering a new replacement dwelling ...it may be logical to consider potentially including any necessary annexed accommodation within the footprint. You could possibly alternatively consider converting the stable to an annex and accommodating office provision within the dwelling?"

It was also highlighted that the proportions of the proposed two storey building, including a substantial footprint and overall roof height of c6.6m would result in resulting in significant massing of development that would appear disproportionate and not subservient in comparison to the scale of the

overall original dwelling. It was also noted that this continues to remain a concern to Officer's whether in relation to the existing or proposed dwelling.

It was also highlighted that the proposed design failed to appear sensitive to the traditional character and form of the host dwelling, it was noted that this proposed scheme would appear very prominent in and out of character with the streetscene. It was highlighted that this is considered to be in discordance with Policy SP16 of the Ryedale Plan which notes that "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… the density, size and scale of buildings…and elements of architectural detail."

It was advised that the principle of annexed accommodation in this location could potentially be supported if it were of a more appropriate scale, footprint and design and the Agent was asked to reconsider this proposal.

Following these concerns amended garage/annex and home office plans were submitted on the 28th June 2021) with additional site photographs as the Agent's view was that this was "screened significantly by the mature trees visible from Goose Track Lane." This included the garage/annex building being reduced by c0.55 metres in width and c0.19 metres in height.

It was confirmed by the Case Officer that this had not overcome the identified issues in a response on the 5th August 2021. It was noted "In my view the photos you have provided serve to emphasize the prominence the proposal (if enlarged in height by 2.5 metres and further increased in width as proposed) will have, particularly when considering how it would affect the setting of the original building. I appreciate there is another separate application relating to that at the moment, however whether it is this building or another, this would not represent a subservient ancillary building. I have attached a couple of my own photos from the end of April which in my view clearly illustrate its prominence within the street scene.

My advice in the previous email dated 4th May still remains, you may wish to consider including annexed living accommodation within the existing/proposed main dwelling or by considering a more appropriate scale, footprint and design."

It was confirmed that the LPA would be obliged to proceed to a decision of a part refusal/part refusal.

The most recent revised plans (submitted on the 25th November 2021) on which the application is currently being considered relate to the dimensions as laid out in the proposal section, with a maximum height of 6.665 metres and a footprint of 7.988 metres x 13.5 metres. This has increased marginally in footprint and height beyond the previously submitted schemes and would now be completed in brickwork. The positioning of this proposed building has now been amended to a positioned at a greater distance from Goose Track Lane and it has been reorientated so that the principle elevation faces south east.

The positioning away from Goose Track Lane and reorientation of the dwelling would allow for a more open remaining view of the existing dwelling, which is an improvement, as is the use of brick instead of the originally proposed render.

However notwithstanding these improvements, the scale of this building and its design detailing does not relate to the traditional character, form and design of the host dwelling, or reinforce local distinctiveness, nor does it relate to contemporary high quality architecture. The scale of the building remains in design terms at odds with the host dwelling as it does not reflect the proportions of what would be expected as an ancillary building. The repositioning, whilst further away from the streetscene would not sufficiently reduce the prominence of the building so as to overcome the issues with the scale, form and design. The proposed building appears functional in form and design, with little architectural merit beyond the appropriate materials.

It is not considered that this relates to high quality design. It is also considered that this would fail to be subservient to or respect the character of the original property, in conflict with Policies SP16 (Design)

and SP20 (Generic Development Management Issues) of the Ryedale Plan, Local Plan Strategy.

In an email dated 14th January 2022, the Case Officer wrote to the Agent to confirm "I would also note that in relation to the proposal for the annex, I had sought confirmation on whether you could reconsider the height of the proposed building as had been indicated before. I note that the submitted plans incorporate its repositioning, an update to confirm brickwork and the amendment to the roof pitch. I appreciate this may make the roof appear more proportionate, but it actually has again slightly increased its overall height. Was lowering the overall height of the building – which is only a garage/plant room/lobby at ground floor level not possible?" No specific response was received on this point.

Officers provided detailed advice on the two concurrent schemes and following this, a virtual meeting was undertaken on the 8th February 2022 with Ryedale District Council's Planning and Design Manager, the Case Officer, the Architect and the Planning Agent. The advice relating to the main dwelling (application 21-00915-FUL) was given and this is important context for this separate application under consideration.

The LPA had previously advised the Agent and Architect that they potentially gain Officer support for this replacement dwelling if they proceeded one of two ways. The first would be approaching this in design terms to achieve a scheme that better reflects the rural village context and the village's predominant built character with its strong local vernacular. The Case Officer had made reference to the Council's Rural Design Guide to try and assist in this matter. The discussed alternative to this would be a very high quality contemporary design approach and it was confirmed In our view the current scheme would not accord with either of these two approaches. The LPA Officers then during this meeting noted that whichever way the Applicant chose to proceed, the garage/annex building should take its design cues from that approach. Discussions around attached designs occurred, including stepped down outrigger style elements.

Following this meeting, the Agent and Architect sought input on an alternative Georgian/Victorian Style scheme for the replacement dwelling. This was positively received following further input from the Council's Building Conservation Officer. It was latterly confirmed that the Agent/Architect wished to proceed with the present scheme for both the dwelling and the garage/annex building.

The Case Officer responded on the 17th February to note the following on this alternative scheme "I think this indicated design would present a positive potential way forward in terms of design and in principle, subject to final plans, scale, positioning and detailing, we could be broadly supportive of a scheme with this form. It presents a higher status building, which would be commensurate with the plot and it would incorporate Georgian and Victorian style elements, appearing to present a building that has evolved over time, with the benefits of a classic design.

However, in terms of render, which could be acceptable in principle, I think we would encourage you to move away from a stark white render in this location and opt for a more muted, tonal colour. We can provide advice on this at a later point. Imperatively, as we discussed in the meeting, the detailing will be of critical importance, particularly windows and other openings. Careful consideration will also need to be given to an appropriately designed annex/garage building to accord with this alternative design approach."

On Friday 11th March the Planning Agent representing the Applicant confirmed that they wished this to proceed to Planning Committee with the current plans.

Consequently, it remains our view that a high quality scheme for the garage/office building has not been submitted. Therefore, whilst the principle of annexed accommodation in this location can be supported, the present scheme is not considered to meet with the design requirements of Policies SP16 or SP20 of the Ryedale Plan, Local Plan Strategy, nor the NPPF.

It is considered that the revised home office plans are acceptable and can be supported in terms of form and design.

iii. Impact upon neighbouring amenity

The proposed development would not result in any harm to neighbouring amenity.

iv. Other matters, including consultation responses.

It is not considered that this proposal would have any impact upon access nor highway safety due to the continued use of the existing accesses and significant parking areas within the site.

It is noted that the North Yorkshire Highways Team commented to confirm no objection subject to the imposition of a construction management plan condition relevant for small sites. However, given this proposal will be recommended for part refusal/part refusal, the Case Officer will check with the Highways Officer if they believe this would be necessary for the limited works associated with the garage conversion.

In conclusion, it is acknowledged that this proposal for a garage/annex building is acceptable in principle. However, fundamentally for the reasons outlined above, this proposal is not considered to accord with the requirements of policies SP16 (Design) and SP20 (Generic Development Management Issues) of the Council's Local Development Framework Development Policies Document and the National Planning Policy Framework (NPPF). For the reason outlined below, Officer's recommend that this proposal is refused.

RECOMMENDATION: Partial Approve/Refuse

1 CONDITION FOR APPROVAL - Conversion of existing stable to proposed home office building.

The development hereby permitted shall be begun on or before (insert date)

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

2 CONDITION FOR APPROVAL - Conversion of existing stable to proposed home office building.

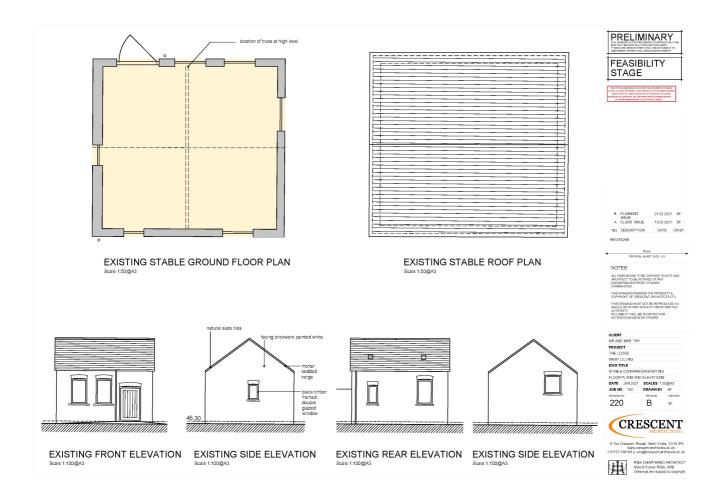
The development hereby permitted shall be carried out in accordance with the following approved plan(s):

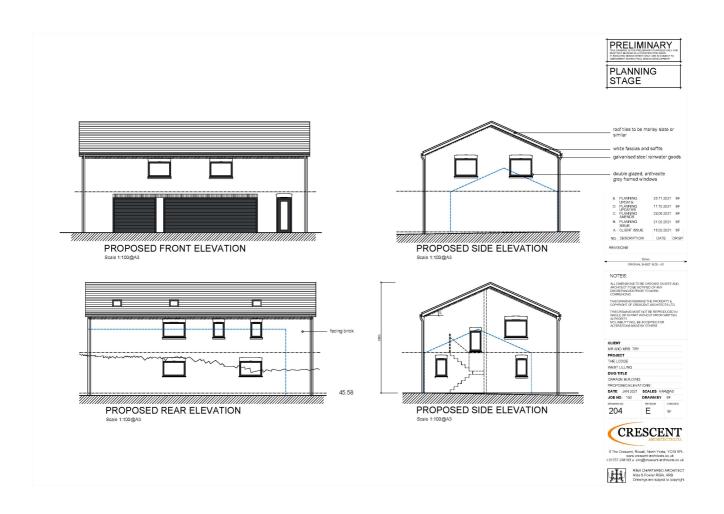
Existing Site Location Plan and Proposed Block Plan (Drawing no. 200 Rev D) Only insofar as it relates to the Stable Conversion hereby approved. Stable Conversion Proposed (Drawing no. 221 Rev C)

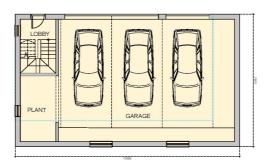
Reason: For the avoidance of doubt and in the interests of proper planning.

REASON FOR REFUSAL – Proposed Garage/Annex
The proposed garage/annex development by virtue of its scale, positioning, massing, design and detailing would fail to be subordinate or sympathetic to the traditional character of the host property or commensurate as an appropriately scaled ancillary building, whilst also impacting the character of the streetscene in which it would appear prominently. The proposal is therefore contrary to policies SP16 (Design) and SP20 (Generic Development Management Issues) of Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework (NPPF).







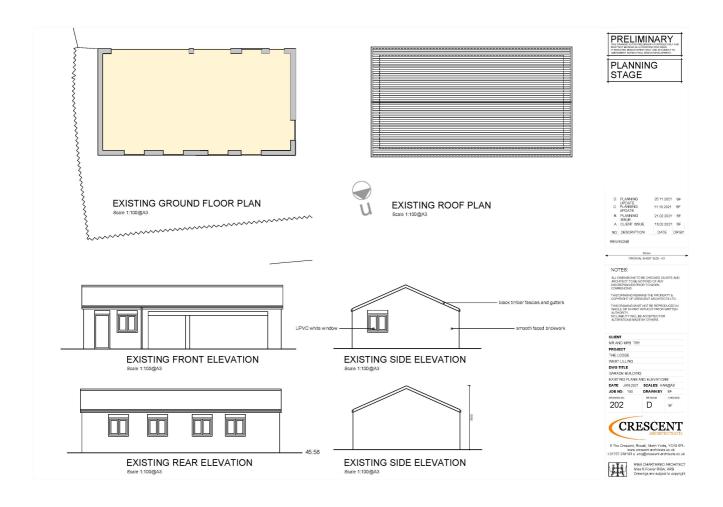


PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

















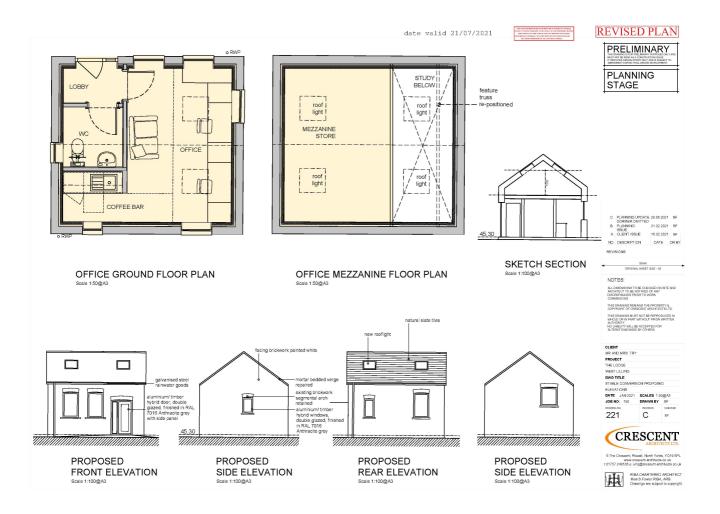




CRESCENT

RIBA CHARTERED ARCHITECT
Miss S Fowler RIBA, ARB
Drawings are subject to copyright.







File ref: 190 - Planning, Design and Access Statement Our ref: Stage 3 - Planning Date: Tuesday, 09 March 2021

PLANNING DESIGN AND ACCESS STATEMENT

1. PROJECT:

The Lodge, West Lilling – Garage demolition and new annexe, and outbuilding renovation to home office.

2. Design Principles and Concepts

The existing garage building is a brick built single storey building which houses three cars and some storage. The proposal is to demolish this building and to rebuild it as a two-storey annexe. There will be space for three cars at ground floor level and a plant area. There is a staircase to living accommodation above.

There are two bedrooms, an en-suite and family bathroom, open plan living and dining area.

The proposal is to provide living accommodation for a live-in nanny or support staff, and to be connected to the use of the main house.

The outbuilding due to be renovated is to provide a home office, with kitchenette and ground floor WC.

The key design principles are:

- a. considered use of natural light to all new rooms,
- b. ensuring privacy for inhabitants and well as neighbouring properties,
- c. considering the energy use and environmental aspects of materials to be used through use of cladding, highly efficient glazing and insulation.

The materials to be used for the new annexe are intended to reflect the style of the existing house, incorporating the style of existing brickwork. The outbuilding will remain as existing I appearance, with the addition of a small dormer to provide light to the mezzanine floor.

3. Context of Proposal

The proposed garage annexe is to be located within the existing residential plot, on the former position of the garage. The site is located well in the village, with good access to local amenities and facilities.

The current owner of the property is working towards a self-build proposal and seeks to propose a scheme that sits well on the site.

4. Consultation

No current applications have been submitted by our company and no pre-application enquiry has been made in relation to the scheme.

Crescent Architects Ltd, registered in England and Wales, Company Number 10927519. Registered Offices in England: 3 & 4 Park Court, Riccall Road, Escrick, York YO19 6ED Tel: 01757 248183 www.crescent-architects.co.uk email: eng@crescent-architects.co.uk

5. Existing Photographs



6. Flood Risk Assessment

According to the Environment Agency records the site is at a low risk of flooding.

Parish comments

From:

Sent: 13 April 2021 07:38 **To:** Development Management

Subject: Comments for Planning Application 21/00284/FUL

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 13/04/2021 7:37 AM from Ms Lillings Ambo Parish Council.

Application Summary

Address: The Lodge Goose Track Lane West Lilling YO60 6RR

Erection of detached 3 bay garage building with first floor accommodation to form 1no. two

Proposal: bedroom annexe following demolition of existing building and change of use of stable to allow use

as home office to include the installation of dormer window and 2no. rooflights

Case Officer: Niamh Bonner

Click for further information

Customer Details

Name: Ms Lillings Ambo Parish Council

Address: The Byre, Thornton Field House, Thornton Le Clay, Malton YO60 7QA

Comments Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning

Application

Reasons	for	comment:
IVE d S U I I S	101	COHHILIEHL.

Comments: Lillings Ambo Parish Council has No Objections.

Kind regards

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 23/03/2022 2:34 PM from Ms Lillings Ambo Parish Council.

Application Summary

Address:	The Lodge Goose Track Lane West Lilling YO60 6RR
Proposal:	Erection of detached 3 bay garage building with first floor accommodation to form 1no. two bedroom annexe following demolition of existing building and change of use of stable to allow use as home office to include the installation of dormer window and 2no. rooflights
Case Officer:	Niamh Bonner

Click for further information

Customer Details

Name:	Ms Lillings Ambo Parish Council
Address:	The Byre, Thornton Field House, Thornton Le Clay, Malton YO60 7QA
Commente Dataile	
Comments Details	

Commenter Type:	Neighbour
Stance:	Customer made comments in support of the Planning Application
Reasons for comment:	
Comments:	The Parish Council supports this planning application

Kind regards

Agenda Item 7

Item Number: 7

Application No: 21/00925/FUL

Parish: Lillings Ambo Parish Council

Appn. Type: Full Application **Applicant:** Mr and Mrs P Try

Proposal: Erection of 1no. detached six bedroom replacement dwelling **Location:** The Lodge Goose Track Lane West Lilling YO60 6RR

Registration Date: 26 July 2021 8/13 Wk Expiry Date: 20 September 2021 **Overall Expiry Date:** 30 March 2022

Case Officer: Niamh Bonner Ext: 43325

CONSULTATIONS:

Foss Internal Drainage Board Recommend conditions

Lillings Ambo Parish Council Supports

Representations: Professor Yvonne Birks, Mr Paul Wreglesworth, Mr Alan

Plews, Paul Hurley, Mrs Elaine Magee, Mrs Michelle Plews, David Sked, Lloyd Parsons, Nigel Verity, Karina Milligan, Andrew Morse, Rex Parry, Stuart Smith, Evelyn Peterson, Diane Morse, Elizabeth Hudson, Peter Burnett, Claire Wesley, Mr And Mrs McBurney, Donna Evans, Graham Evans, Richard Birks, Mr Nick Edwards, Dr Tom Milligan, Phillip Marsden, Valerie Marsden,

UPDATE REPORT MAY

This proposal was originally brought to Planning Committee on the 12th April 2022, where it was deferred for site visit. The site visit undertaken on Monday 25th April 2022.

Members in attendance included Cllr Andrews, Cllr Cleary, Cllr Docwra, Cllr Hope, Cllr Thackray and Cllr Windress.

It was noted that the North Yorkshire Highways Team were not specifically consulted on this application, due to it being a replacement dwelling with the same access arrangements maintained. They have been contacted to confirm if they would also recommend a construction management plan for this proposal as they have done for 21-00284-FUL. A response is being awaited and Members will be updated. It is however considered likely that if this were approved, suitable off street parking for materials and contractors could be easily achieved given the nature of the site.

There are no further updates.

Item Number: 11

Application No: 21/00925/FUL

Parish: Lillings Ambo Parish Council

Appn. Type: Full Application **Applicant:** Mr and Mrs P Try

Proposal: Erection of 1no. detached six bedroom replacement dwelling **Location:** The Lodge Goose Track Lane West Lilling YO60 6RR

Registration Date: 26 July 2021 **8/13 Wk Expiry Date:** 20 September 2021 **Overall Expiry Date:** 30 March 2022

Case Officer: Niamh Bonner Ext: 43325

CONSULTATIONS:

Foss Internal Drainage Board Recommend conditions

Lillings Ambo Parish Council Supports

Representations: Professor Yvonne Birks, Mr Paul Wreglesworth, Mr Alan

Plews, Paul Hurley, Mrs Elaine Magee, Mrs Michelle Plews, David Sked, Lloyd Parsons, Nigel Verity, Karina Milligan, Andrew Morse, Rex Parry, Stuart Smith, Evelyn Peterson, Diane Morse, Elizabeth Hudson, Peter Burnett, Claire Wesley, Mr And Mrs McBurney, Donna Evans, Graham Evans, Richard Birks, Mr Nick Edwards, Dr Tom Milligan, Phillip Marsden, Valerie Marsden,

SITE:

The Lodge is a two and a half storey dwelling, set in expansive grounds, to the north of the village of West Lilling, accessed via Goose Track Lane. The site falls within outside of the village development limits, therefore in land which would be considered as the 'Wider Open Countryside' in the Ryedale Plan, Local Plan Strategy. The site is considered to be highly visible within the street scene.

The dwelling is of a significant scale, with the original main dwelling incorporating an attractive traditional form. Ordinate Survey Maps indicate the date of this dwelling to be from the latter part of the 19th Century, not shown as present on the 1851 maps but present on the 1891 map.

This dwelling, whilst attractive has however been unsympathetically extended over time, with a flat roof dormer to the principle southern roofslope. The two storey side extension is set down and set back from the host dwelling to appear subservient and relates well in scale and form, however the first floor level has been completed with hanging tiles which does not assimilate well with the traditional property. There is also a flat roof extension running almost the full length of the rear of the property, which whilst significant in span is modest in depth and does not appear highly visible from public views. The majority of the dwelling is completed with white painted bricks and slate roof tiles.

The main original dwelling spanned c11.30 metres from east to west and c9.6 metres in depth. The two storey addition to the east spanned c7.25 metres from east to west and c7.5 metres in depth, set back from the principle elevation by c2 metres, with the ridge height set down by c1.4 metres with a pitched roof mirroring the main roof form. The single storey element to rear spans c17.3 metres along the rear of the dwelling c2 metres in depth from the rear elevation.

A functional amenity space is located to the rear of the property where parking is undertaken and garaging is present. More formal garden space is present to the west and south including a high status approach to the dwelling via an avenue style driveway and a tennis court. Agricultural land also falls within the ownership of the site to the north and west.

West Lilling is characterised by traditional residential development, with a strong pattern of traditional roadside cottages. The Lodge, sited to the north of the village represents in architectural terms a higher status dwelling within the village.

PROPOSAL:

This proposal seeks planning permission for the erection of 1no. detached six bedroom replacement dwelling

A significant level of negotiation has been undertaken with the Planning Agent and a scheme with a limited range of amended design details has been submitted received by the Local Planning Authority on the 25th November 2021.

This has been subject to formal reconsultation with the Parish Council. In advance of formal neighbour reconsultation a number of letters of correspondence were received. All neighbours who had not made comments by that stage on the revised plans were then formally reconsulted on the scheme in March of 2022 and this period has concluded.

This scheme would incorporate a replacement 2.5 storey building. This would incorporate one central 2.5 storey section that would span c19m from east to west with a depth of 12 metres from north to south. A further single storey element is proposed to the west with a pitched roof design resulting in the property incorporating a maximum span of c24 metres. This main 2.5 storey section would include an overall maximum height of c9.1 metres, with an eaves height of c5.15 metres and would incorporate a hipped roof form, with a central flat roof section on which solar panels would be positioned. The northern elevation is indicated as the front elevation on the proposed plans, with a centrally placed set of French doors, covered by a timber framed canopy present to form the main access. The southern rear elevation incorporates a centrally placed feature window, spanning from ground to first floor within a pitched roof section. This relates to a reversal of the current principle and rear elevations.

As part of revised plans, the fenestration has been altered to appear more consistently positioned, with an originally proposed Georgian style porch omitted along the northern elevation, a pitched roof element to the northern elevation at first floor level omitted and a band of blue engineering brick between ground and first floor level removed.

This replacement dwelling would be located in the existing footprint of the existing dwelling which as noted, incorporates a main original section, with subservient extensions added over time.

The dwelling would be constructed with natural slate roof tiles and white render, on a brick base, with 'blue engineering brick' or similar indicated on the proposed plans. The dwelling would be completed with Anthracite Grey aluminium framed doors and windows.

HISTORY:

21/00284/FUL: Erection detached 3 bay garage building with first floor accommodation to form 1no. two bedroom annexe following demolition of existing building and change of use of stable to allow use as home office to include the installation of dormer window and 2no. rooflights. Pending Consideration. 21/00561/FUL: Erection of steel framed building for storage of garden equipment following demolition of existing timber shed. Approved.

3/78/18/PA Extension to dwelling to form additional study and utility room areas, toilet and breakfast room at The Lodge, Gilling. Approved.

3/119/54/PA Alterations and demolition of existing outbuildings, construction of 2 garages and the

POLICIES

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
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPG)

REPRESENTATIONS:

The Parish Council did not respond to the original consultation request dated 30th July 2021.

The Parish Council confirmed they recommend approval of the scheme in a further consultation response dated 11th March 2022 in which they noted: "The proposed house is to be of similar size, height and colour of the original. It will be well insulated and include modern technology such as solar panels and possibly air or ground source heating. It will be a large property set in a substantially large plot, surrounded by fields and adjacent to Goose Track Lane. The neighbours have no objection to the proposed plans. Lillings Ambo Parish Council will, therefore, support this application."

26 Letters of support have been received in relation to the scheme between 17th February 2022 and 7th March 2022. These are available for Members to review in full on the planning file on the Public Access. These incorporate the following summarised points and each of the 26 responses relates to both this application and 21-00284-FUL.

- Support the demolition of the existing house and replacement with the proposed scheme, including new garage and home office
- House requires updating to modern standards in an economic way, was built at a time where no thought to sustainability was given. This will provide a sustainable family home.
- I have been in the home and seen the extent of the deterioration especially the damp throughout the property and in my opinion starting again is the only option....Such is the state of the property, I cannot understand how you expect a family with young children to continue to live in
- Current extension is poorly executed and not in keeping with the main house. The interior has no redeeming features. No other family would buy that house on that plot without having the wish to write again. The mismatch between the quality of the house and the setting unusual.
- The property is not in a Conservation Area, nor listed.
- The proposal due to its form, design and scale would not change the character of the village nor look out of place, but would result in an enhancement of the immediate setting, whilst respecting the past.
- The design would be visually unobtrusive, unpretentious and appropriate to the nature of the village, as well as respectful and characteristic. It would also fit with the local architecture of Sheriff Hutton.
- Continued use of distinctive white colour commended.
- The proposal will result in more energy efficient design.
- The village has suffered from planning agreeing to other structures not in keeping for the village.
- The plans would ensure that a similar buildings of stature would continue the landmark at that very important corner of the village known as the 'Lodge, the big White House.'
- Request outside lighting is not intrusive due to dark sky location.
- Request large trees are preserved as much as possible.
- Would provide a long term home for a member of the community and local business man.
- Cannot understand the delay
- Strongly opposed to the property been replaced with contemporary, modern design....something out of keeping with the village like the unit referenced on application

20/01120/MFUL (Cornborough Road) which I understand you are pushing as an example of what you wish to see any replacement dwelling for the Lodge to take reference from... Struggle to see why the Council is advocating for ultra modern architecture...(These) plans suggest an extremely modern building that looks more like industrial units than a dwelling. Whilst it might be possible to get away with that at Cornborough - where almost all of the houses are remote and screened from the road - but in Lilling this would be a totally inappropriate eyesore and completely at odds with the rest of the village.

- (Case Officer Note: The referenced Paragraph 80 application Cornborough application was discussed with the Architect and Planning Agent as a design that was reflective of high quality contemporary architecture, responsive to its surroundings. This was not recommended as a design to be simply reproduced in this location. Alternative traditional rural vernacular design was also discussed and detailed advice was provided on this also.)
- Would not support an ultra modern property within our village of older more traditional homes as it would appear out of character.
- Mr Try canvassed me prior to submitting any proposal to planning and in the proposals he has submitted has captured everything we discussed.

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of the development
- ii. Design, Form and Character
- iii. Impact upon neighbouring amenity
- iv. Other matters, including consultation responses.
- i. Principle

The Ryedale Local Plan Strategy is the Development Plan and includes a settlements hierarchy. Policy SP1 (General Location of Development and Settlement Hierarchy) states that development in the non-service villages will be restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities.

Policy SP2 (Delivery and Distribution of new housing) supports the principle of replacement dwellings in the Wider Open Countryside.

The proposed replacement dwelling will involve the demolition of the existing dwelling and its replacement with a new house. The Design and Access Statement indicated that the existing dwelling "does not retain heat, it requires care and renovation and does not suit modern day family living." The Design and Access Statement also notes the property was "Rated on a recent EPC as Grade F, the property is not holding heat. In fact, according to current usage estimates the property required over 2000 litres of oil a week...this energy usage is not sustainable and demonstrates a property in need of renovation." The proposed scheme would be proposed due to the poor design and energy efficiency of the existing dwelling. The Design and Access Statement continues to note "The new house is to be well insulated, with an emphasis on energy efficiency to all elements. The proposed scheme will look to integrate a renewable energy system, which is yet to be determined."

The current state of repair of the dwelling is acknowledged and the Case Officer has been able to appreciate this during an internal site visit.

The principle of a replacement dwelling in this location is considered to be acceptable subject to consideration of the following matters. As a replacement dwelling, if approved, this would not be subject to a Local Needs Occupancy Condition.

ii. Design, Form and Character

Policy SP16 (Design) of the Ryedale Plan Local Plan Strategy notes:

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:

- The type, texture, and colour of materials, quality and type of building techniques and elements of architectural detail
- *Topography and landforms*
- 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.

Policy SP20 also requires that "New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses".

Paragraph 126 of the NPPF notes: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Paragraph 130 of the NPPF notes. "Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 39 c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);"

Concern was originally raised with this scheme on the 15th September 2021 when the Case Officer noted the following in an email to the Planning Agent:

"Following detailed review, whilst we are accepting in principle of a replacement dwelling in this location, we have very strong concerns in terms of the proposed design. The original building is a highly attractive and high status building in West Lilling and if it was not unsympathetically extended, it is likely that this would have been considered a non-designated heritage asset. However following a visit inside the house with the Applicant, I do appreciate and accept the rationale behind seeking a new build.

However, whilst a new build may be acceptable in principle, this must still accord with the Council's Local Plan Policies in relation to design and character, Policies SP16 and SP20 of the Ryedale Plan, Local Plan Strategy (copied below.) Following detailed review, the LPA conclude that the proposed dwelling is at odds with traditional vernacular design in Ryedale, as detailed in the Council's Rural Design Guide. This document is available to review at the following link: https://www.ryedale.gov.uk/content/uploads/2021/07/Ryedale_Rural_Design_Guide_Consultation_Dr aft-1.pdf Nor in our view does the proposal achieve a high standard of contemporary architecture which could also potentially be supported.

In its current form we could not support the design. The proposed form and proportions of the building, with a significant monolithic two storey element and sizeable flat apex to the hipped roof, fenestration which appears nondescript in terms of its design and disproportionate, together with certain aspects of the materials, including the significant use of blue engineering brick in our view does not 'reinforce local distinctiveness' as required by Policy SP16 of the Ryedale Plan, Local Plan Strategy. It is very much a mix of architectural styles, including nods of Georgian detailing which ultimately in our view results in a design of poor quality. There would no longer the 'sense of arrival' or clear demonstration of the principle elevation with the grand feature entrance which the current property incorporates. The site is also in a very prominent position in the village and therefore in our view, an inappropriate design would have a harmful streetscene impact.

At present, in its current form, we would have no option but to refuse this application due to its discordance with Policies SP16 (Design) and SP20 (Generic Development Management Issues) of the adopted Ryedale Plan, Local Plan Strategy due to design, form and character, including the resultant impact upon the streetscene. I would urge you to reconsider a high quality traditional design in this location, that is reflective of the traditional village vernacular as I think this would be a more appropriate design response in this location."

Further advice was given in a further email dated 29th September 2021 and the offer made to informally review any sketches should that be of assistance to the Agent.

Revised plans were received on the 25th November 2021 which incorporated limited amendments to the overall scheme. These included:

- The porch on northern elevation no longer incorporating a Georgian style design on the dwelling which is not of an overall Georgian Style. This has been replaced with a oak framed canopy. The previous unusual window above this has regularised.
- An oak frame element to the single storey section to the southern elevation has been introduced.
- The brick course of blue engineering brick between the ground and first floor level has been omitted, this remains on the base of the property.
- The windows to the east were enlarged, providing a better solid to void ratio.

However, following careful review with colleagues including the Planning and Development Manager and the Council's Building Conservation Officer, it was considered that whilst some limited improvement were made, these did not overcome the fundamental issues with the proposed design outlined above.

It is acknowledged that the site is large, with expansive grounds and has the capacity to absorb a significantly scaled dwelling and in principle, a larger replacement dwelling is not of significant concerns to Officers. However the execution of this needs to be carefully considered and a high quality scheme secured. The proposed form and proportions of the building remained monolithic and this has created a significantly scaled, 19 metre long 2.5 storey uniform central section, which includes a hipped roof form that is forced to incorporate an awkward flat apex.

It is considered that the overall design is more reflective of an anonymous and rather bland modern building in a town location, with a monolithic form, fenestration detailing, materials (including white render and anthracite windows), roof form and feature glazing to the south akin to approach to design which are regularly found in office, apartment or motel buildings in any town/built up locations. Indeed, it is not immediately clear from the proposed aesthetic that the building is indeed a dwelling. It is not considered that the proposed design is reflective of the local distinctiveness referenced in Policy SP16 Design, nor fitting within a highly visible site within the village that presently incorporates a dwelling of a higher design status, albeit with some unsympathetic later extensions. The character of many of Ryedale's rural villages, including West Lilling, is comprised of traditional vernacular architecture. Whilst officers and members have acknowledged that high quality contemporary architecture can add to the visual interest and character of a place, the proposed design, in officers view, the proposed design neither reinforces traditional local vernacular and local distinctiveness nor does it propose a modern building of a high quality of design. In officers view, the proposed design would

detract from and undermine the built character and qualities of West Lilling in clear conflict with SP16 of the Development Plan.

Officers provided detailed advice on the two concurrent schemes and following this, a virtual meeting was undertaken on the 8th February 2022 with Ryedale District Council's Planning and Design Manager, the Case Officer, the Architect and the Planning Agent. The advice relating to the main dwelling (application 21-00915-FUL) was given and this is important context for this separate application under consideration.

The LPA had previously advised the Agent and Architect that they potentially gain Officer support for this replacement dwelling if they proceeded one of two ways. The first would be approaching this in design terms to achieve a scheme that better reflects the rural village context and the village's predominant built character with its strong local vernacular. The Case Officer had made reference to the Council's Rural Design Guide to try and assist in this matter.

The discussed alternative to this would be a very high quality contemporary design approach and it was confirmed in our view the current scheme would not accord with either of these two approaches. As detailed in the Case Officer notes, this was not a recommendation to 'copy' another design recently approved at Cornborough Road, as this would be highly unlikely to receive Officer support in this very different edge of village context. For clarity, this advice related to seeking a high quality contemporary style that could fit the site specific context of The Lodge, should the Applicant not wish to purse a high quality traditionally styled building.

The LPA Officers then during this meeting noted that whichever way the Applicant chose to proceed, the garage/annex building should take its design cues from that approach. Discussions around attached designs occurred, including stepped down outrigger style elements.

Following this meeting, the Agent and Architect sought input on an alternative Georgian/Victorian Style scheme for the replacement dwelling. This was positively received by the LPA following further input from the Council's Building Conservation Officer.

The Case Officer responded on the 17th February 2022 to note the following on this alternative scheme "I think this indicated design would present a positive potential way forward in terms of design and in principle, subject to final plans, scale, positioning and detailing, we could be broadly supportive of a scheme with this form. It presents a higher status building, which would be commensurate with the plot and it would incorporate Georgian and Victorian style elements, appearing to present a building that has evolved over time, with the benefits of a classic design.

However, in terms of render, which could be acceptable in principle, I think we would encourage you to move away from a stark white render in this location and opt for a more muted, tonal colour. We can provide advice on this at a later point. Imperatively, as we discussed in the meeting, the detailing will be of critical importance, particularly windows and other openings. Careful consideration will also need to be given to an appropriately designed annex/garage building to accord with this alternative design approach."

On Friday 11th March the Planning Agent representing the Applicant confirmed that they wished this to proceed to Planning Committee with the current plans.

Consequently, it remains our view that a high quality scheme for the replacement dwelling has not been submitted. Therefore, whilst the principle of a replacement dwelling in this location can be supported, the present scheme is not considered to meet with the design requirements of Policies SP16 or SP20 of the Ryedale Plan, Local Plan Strategy, nor the expectations of national policy which requires the planning system to create high quality, beautiful and sustainable buildings.

It is therefore considered as outlined above that this proposed development is inappropriate in terms of design. The building is not visually attractive as a result of good architecture, the proposed design is concluded to be unacceptable in terms of overall cumulative massing, design, positioning and detailing. It is not considered that this scheme is sympathetic to local character or that it reinforces local

distinctiveness nor relates well with the higher status character of The Lodge, resulting in development that will detract from and harm the character and streetscene of the village. It is therefore considered to be in discordance with Policies SP16 and SP20 of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework. Members are reminded that the NPPF is very clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

iii. Impact upon neighbouring amenity

The proposed development would not result in any harm to neighbouring amenity.

iv. Other matters, including consultation responses.

It is not considered that this proposal would have any impact upon access nor highway safety due to the continued use of the existing accesses and significant parking areas within the site. It is noted that the North Yorkshire Highways Team were consulted on the other scheme which included garaging and they recommended a construction management plan condition. A view from the North Yorkshire Highways Team as to whether this should be replicated on this permission if Members are minded to recommend approval will be sought.

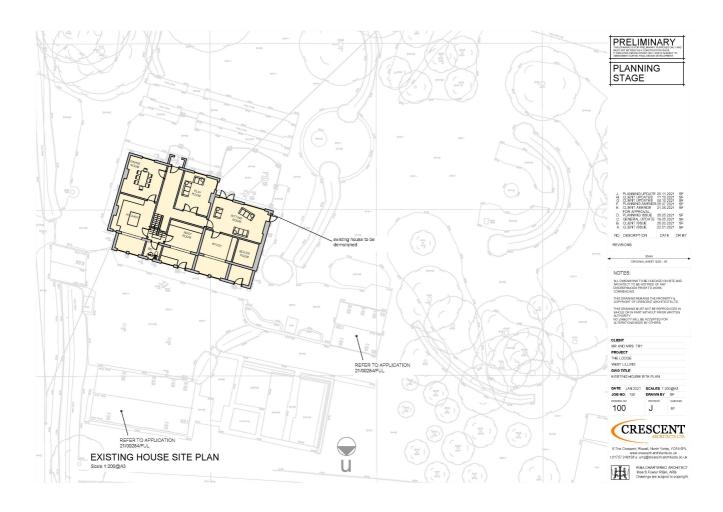
The Internal Drainage Board recommended a condition in relation to this scheme.

In conclusion, it is acknowledged that this proposal for a replacement dwelling is acceptable in principle and this could be undertaken without undue impacts upon access and highway safety, neighbouring amenity, drainage, etc. it is also acknowledged that this would undoubtedly result in a better standard of accommodation for the current occupiers and would be a more sustainable dwelling. However, fundamentally for the reasons outlined above, this proposal is not considered to accord with the requirements of policies SP16 (Design) and SP20 (Generic Development Management Issues) of the Council's Local Development Framework Development Policies Document and the National Planning Policy Framework (NPPF). For the reason outlined below, Officer's recommend that this proposal is refused.

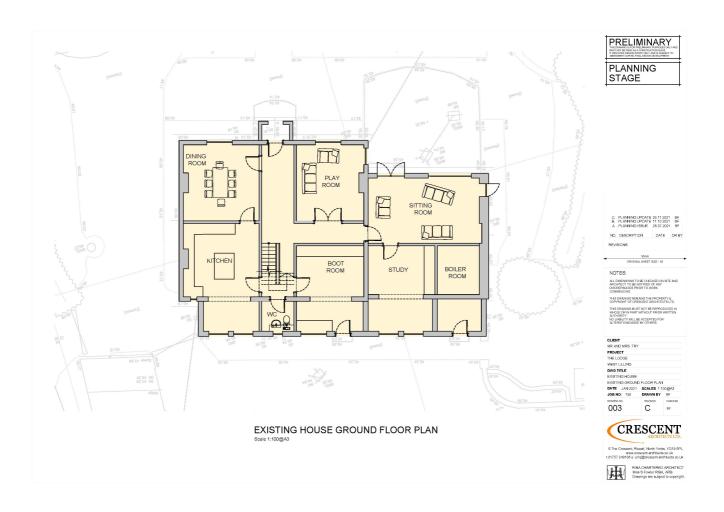
RECOMMENDATION: Refusal

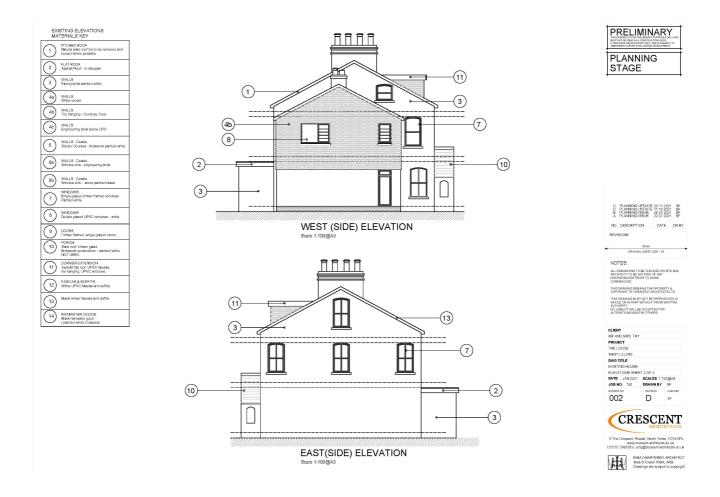
The proposed development by virtue of its overall design, including cumulatively, the form, mass, positioning, fenestration detailing and materials is not a high quality design and fails to respect the context provided by its surroundings. It does not reinforce local distinctiveness, or relate to the higher status character of The Lodge within the attractive, traditional village setting of West Lilling. As such, the proposed development would result in unacceptable harm to the character and appearance of the village and its streetscene. The proposal is therefore contrary to Policies SP16 (Design) and SP20 (Generic Development Management Issues) of the Council's Local Development Framework Development Policies Document and the National Planning Policy Framework (NPPF).







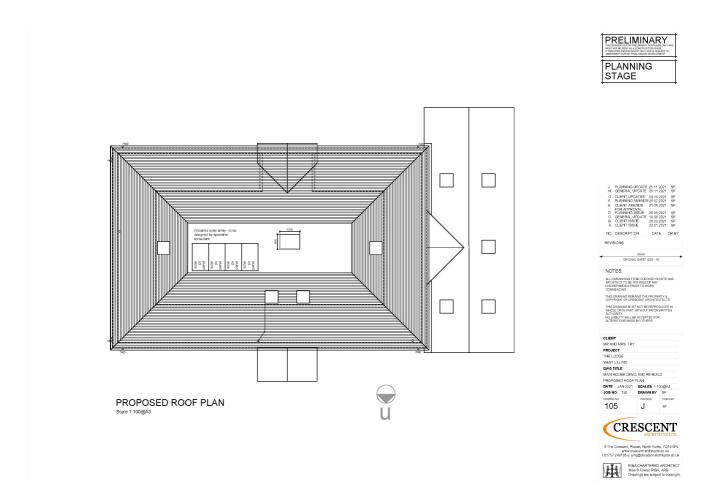


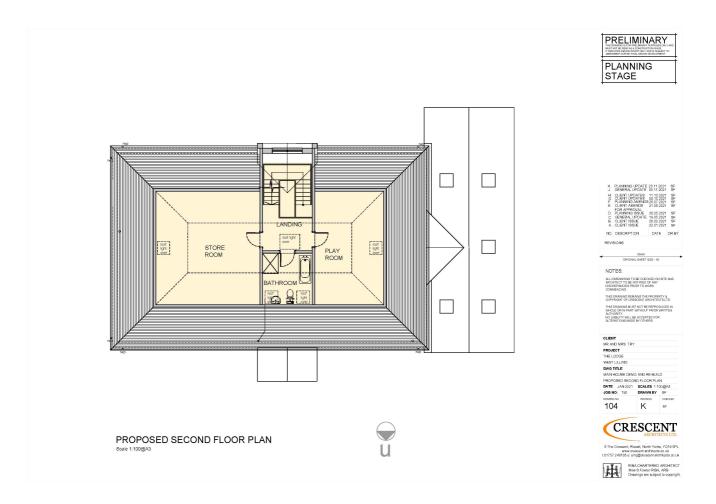


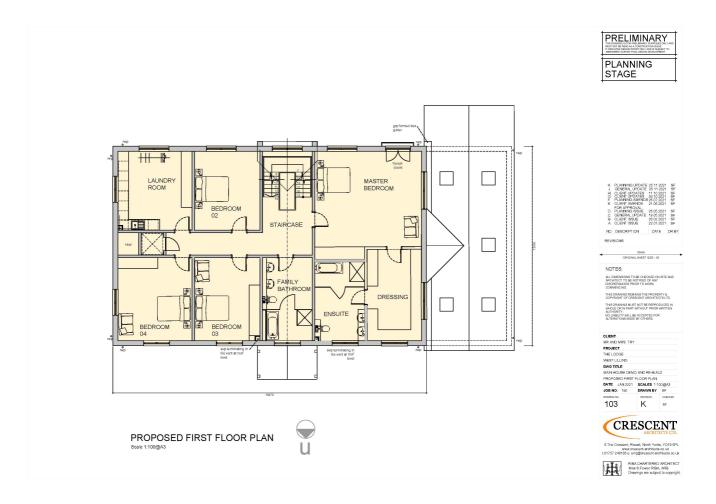


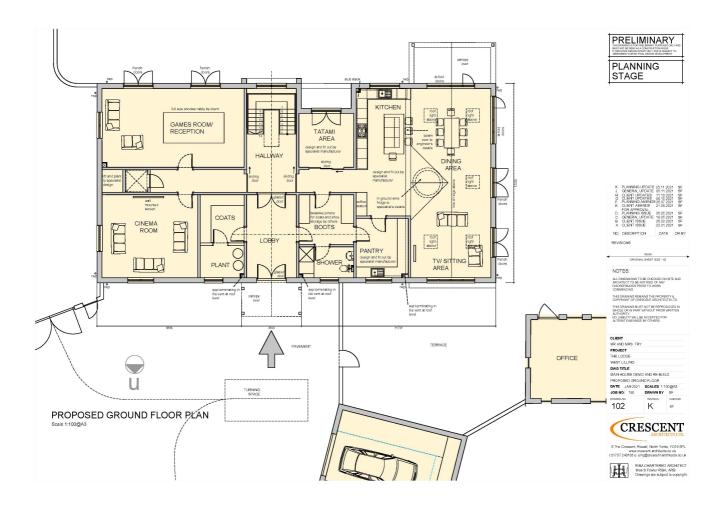














Planning, Design and Access Statement

Demolition and Replacement of Existing Dwelling



At: The Lodge Goose Track Lane West Lilling **YO60 6RR**

> On behalf of: Mr & Mrs Try

Prepared: November 2021







Contents

1.	Introduction	3
2.	Description of Site and Proposed Development	
3.	Planning History	5
4.	Planning Policy	5
	National Planning Policy Framework (NPPF) (2021)	6
	National Design Guide	8
	Local Plan	<u>S</u>
5.	Planning Considerations	10
	Principle of Development	10
	Design	11
	Access & Highways	13
	Impact on the Character of the Area	13
	Drainage and Flood Risk	16
	Impact on Amenity	17
	Sustainability	17
6	Conclusion	19



1. Introduction

- 1.1. This Planning, Design and Access Statement is submitted to support a full application for the demolition and replacement of the existing dwelling. The planning application is made on behalf of Mr & Mrs Try.
- 1.2. The site boundary is identified below in Image 1.



Image 1: Location plan showing application site boundary.

2. Description of Site and Proposed Development

- 2.1. The site is located to the north of the village of West Lilling. The site is currently occupied by a nineteenth-century two-storey detached dwelling that occupies a large domestic curtilage. The property has been altered and extended over the years and retains little of its original fabric. The alterations / extensions hane not been executed well from a design and implementation perspective. This has resulted in a property totally unsuitable for modern family living.
- 2.2. The existing dwelling is located close to the road and is accessed via a private driveway.



- 2.3. The current configuration as a result of the changes to the original dwelling means that the property does not retain heat and does not meet the requirements of modern-day living.
- 2.4. The property has been assessed as Grade F in a recent Energy Performance Certificate (EPC) (shown in Image 2 below), which is poor. This means that the existing property is costly to run and inefficient. According to recent usage, the property requires over 300 litres of oil per week to get the building to a comfortable temperature through the Autumn and Winter months. The householders are having difficulty getting trades to service and maintain the existing outdated heating system.

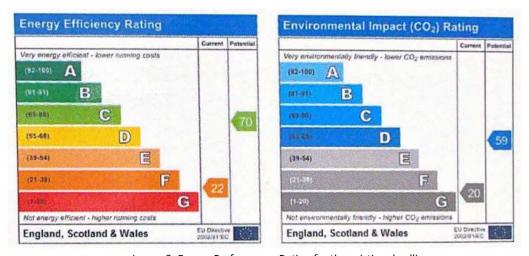


Image 2: Energy Performance Rating for the existing dwelling

- 2.5. The proposed dwelling will have an new green energy efficient heating system and far better insulation. The proposed scheme will incorporate a new renewable energy system. Mechanical ventilation and heat recovery will be installed, and underfloor heating will be accommodated. It is proposed to use modern building materials possibly an ICF system to maximise the insulation value of the new property and therefore energy efficiency.
- 2.6. The proposal is for the demolition of the existing dwelling and replacement with a new dwelling that is better suited to the family's needs. The aerial photograph below shows the site in its immediate context.





Image 3: Aerial View of Application Site

3. Planning History

- 3.1. Based on information available on Ryedale District Council's website, a planning history search of the application site has been carried out as follows:
 - Ref: 21/00561/FUL Erection of steel-framed building for storage of garden equipment following demolition of existing timber shed Approved 15.07.2021
 - Ref: 21/00284/FUL The repositioning and erection of detached 3 bay garage building with first-floor accommodation to form 1no. two bedroom annexe following demolition of existing building and change of use of stable to allow use as a home office to include the installation of 2no. rooflights – Pending Consideration

4. Planning Policy

4.1. Applications are to be determined in accordance with the policies in the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states, 'if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.' This is recognised in Paragraph 11 of the National Planning Policy Framework (NPPF), with Paragraph 12 stating that the Framework 'does not change the statutory status of the development plan as the starting point for decision making'.



National Planning Policy Framework (NPPF) (2021)

4.2. The National Planning Policy Framework ('NPPF') published in July 2021, sets out the Government's planning policies for England and advises how these are expected to be applied. It sets out the national requirements for the planning system, but only to the extent that it is relevant, proportionate, and necessary to do so. Paragraph 38 of The National Planning Policy Framework is of key importance with reference to the consideration of planning applications and states:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

- 4.3. Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise (Paragraph 47). Decisions should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 4.4. The relevant sections of the NPPF are:
 - Section 2. Achieving Sustainable Development
 - Section 4. Decision-making
 - Section 5. Delivering a Sufficient Supply of Homes
 - Section 6. Building a Strong, Competitive Economy
 - Section 8. Promoting healthy and safe communities
 - Section 11. Making effective use of land
 - Section 12. Achieving well-designed places
- 4.5. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development is summarised to mean "meeting the needs of the present without compromising the ability of future generations to meet their own needs"
- 4.6. Paragraph 8 of the NPPF recognises three objectives of sustainable development. These are interdependent and can also support each other. These are:
 - a) An economic objective to help build a strong responsive and competitive economy. It should also promote sufficient land of the right types is available in the right places and at the right time to support grown innovation and improved productivity.; and by identifying and coordinating the provision of infrastructure.

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- b) The Social objective to help build strong, vibrant, and healthy communities through ensuring sufficient number and range of homes can meet the needs of future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 4.7. Paragraphs 10-14 of the NPPF refer to the presumption in favour of sustainable development. Paragraph 14 confirms that the presumption in favour of sustainable development is at the heart of the NPPF. With reference to decision-taking, paragraph 11 advises:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole."
- 4.8. Paragraph 38 of the NPPF states that:

'Local planning authorities should approach decisions on proposed developments in a positive and creative way. They should use the full range of planning tools available....and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'

4.9. Paragraphs 74 -77 relate to the issue of maintaining housing supply and delivery. The paragraphs advise of the requirements of local planning authorities to maintain a minimum of a 5-year housing supply against their housing requirement set out in adopted strategic policies. The supply of sites should also include a buffer to accommodate any historic undersupply of housing. Figures should also be regularly monitored to maintain the supply of housing and ensure it remains above the 5-year threshold.

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- 4.10. Paragraph 92 advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places.
- 4.11. Paragraph 108 recognises parking standards for developments should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.
- 4.12. Paragraph 111, refers to the consideration of traffic impact arising from new development, advising that "development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe".
- 4.13. Paragraph 120 recognises that planning policies should give weight to several criteria including promoting the development of under-utilised land and buildings to help meet needs for housing where land supply is constrained, and available sites could be used more effectively.
- 4.14. Paragraphs 153-158 identify the need for new development to be planned for in ways that avoid increased vulnerability from climate change. It recognises that development can reduce greenhouse gas emissions through location orientation and design. In determining applications, Councils should consider landform, layout, building orientation amongst others to minimise energy consumption.
- 4.15. Paragraph 159 recognises inappropriate development in flood risk areas should be avoided by directing development away from high-risk areas. This is expanded on in paragraph 161 which notes sequential testing is a requirement to ensure development is in a low-risk flood area. In addition, paragraph 167 notes that LPAs should ensure that flood risk is not increased elsewhere as a result of the proposed development.
- 4.16. The NPPF states that 'The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.' (paragraph 2)

National Design Guide

- 4.17. The National Design Guide (NDG) was produced by MHCLG and published on 1st October 2019. The NDG reinforces the aim of the NPPF to create high-quality places and buildings and illustrates how well-designed places can be achieved in practice and can be used by all those involved in the shaping of places, including decision making.
- 4.18. The NDG (Paragraph 8) states that "The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities...This includes people at different stages of life and with different abilities..."



- 4.19. The NDG addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities in the form of ten characteristics:
 - Context enhances the surroundings
 - Identity attractive and distinctive
 - Built Form a coherent pattern of development
 - Movement accessible and easy to move around
 - Nature enhanced and optimised
 - Public Spaces safe, social, and inclusive
 - Uses Mixed and integrated
 - Homes and Buildings functional, healthy, and sustainable
 - Resources efficient and resilient
 - Lifespan made to last
- 4.20. The focus is on place-making. The ten characteristics contribute towards three overarching and cross-cutting themes creating a physical character, sustaining community, and addressing climate issues.

Local Plan

- 4.21. The Development Plan comprises the Ryedale District Council Ryedale Plan Local Plan Strategy (RPLS) (2013). The Development Plan also includes the Adopted Proposals Maps and retained saved policies from the Ryedale Plan (2002).
- 4.22. The relevant policies are as follows:
 - Policy SP1 General Location of Development and Settlement Hierarchy
 - Policy SP2 Delivery and Distribution of New Housing
 - Policy SP13 Landscapes
 - Policy SP14 Biodiversity
 - Policy SP16 Design
 - Policy SP17 Managing Air Quality, Land and Water Resources
 - Policy SP18 Renewable and Low Carbon Energy
 - Policy SP19 Presumption in favour of Sustainable Development
 - Policy SP20 Generic Development Management Issues



5. Planning Considerations

Principle of Development

5.1. The application site lies on the edge of an 'other village' as defined by the Ryedale Local Plan Strategy Policy SP1. As such, the property (in policy terms) is considered to lie in 'Wider Open Countryside'.

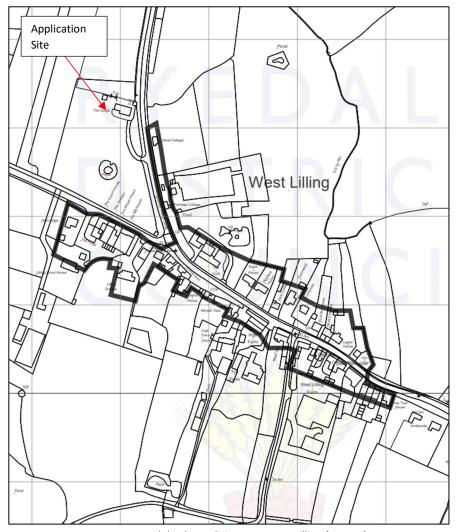


Image 4: Ryedale Plan Policies Map West Lilling (Extract)

- 5.2. The role of the 'Wider Open Countryside' is to protect the landscape and support and rejuvenate the rural land-based economy.
- 5.3. Policy SP1 of the RPLS states that development in the open countryside would be restricted to that:
 - Which is necessary to support a sustainable, vibrant and healthy rural economy, or



- Which can be justified in order to secure significant improvements to the environment or conservation of significant assets in accordance with the National Enabling Development Policy and Policy SP12 of this plan, or
- Which is justified through the Neighbourhood Planning Process.
- 5.4. The proposal would see the replacement of an existing dwelling. Policy S2 (Delivery and Distribution of New Housing) specifically allows for replacement dwellings in the Wider Open Countryside. This identifies that providing the dwelling is a replacement, then irrespective of where it is located (within settlement/open countryside) the new dwelling is a) supported in principle, and b) is not subject to any occupancy restrictions.
- 5.5. The proposal, therefore, complies with the policy principles set out in the adopted Development Plan.

Design

- 5.6. The relevant policy in respect of design is Policy SP16 which requires developments to create high-quality durable places that are accessible, well-integrated with their surroundings and which reinforce local distinctiveness.
- 5.7. To accord with the policy, and reinforce local distinctiveness, the location, siting, form, layout scale and detailed design of new development should respect the context provided by its surroundings.
- 5.8. The NPPF in Section 12 relates to achieving well-designed places. Paragraph 130 b) states planning policies and decisions should ensure that developments "are visually attractive as a result of good architecture, layout and appropriate and effective landscaping."
- 5.9. The NDG (paragraph 39) states that "well designed places are based on a sound understanding of the features of the site and the surrounding context...integrated into their surroundings so that they relate well to them...influenced by and influence their context positively..."
- 5.10. The layout of the proposal is shown on the accompanying plans and in the image below.

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Image 5: Layout Plan

- 5.11. The accompanying Design and Access Statement prepared by Crescent Architects Ltd sets out the design principles and concepts with a particular emphasis on energy efficiency. The key elements of the proposal and the design rationale behind the proposal is set out. Photographs from the locality have been included to illustrate the choices made by the applicant.
- 5.12. The proposal has been sensitively designed to reflect the character of the existing dwelling and characteristics in the village. The materials chosen will be used to match those of the existing property (known as 'The Lodge') and will be rendered in a white chalk finish, which will offer improved thermal capabilities when used with modern brickwork or ICF construction. Engineering bricks will add detail to the dwelling and be used in conjunction with stone cills and an oak porch canopy structure. The history of the existing property is reflected in the eaves and detailed mouldings are proposed together with a seamless guttering system.
- 5.13. The development is in keeping with the site's surroundings and does not detract from the character of the village. The dwelling will be screened from the public highway by existing mature hedgerows and trees.
- 5.14. Having regard to the above, it is considered that the proposal is acceptable and would not have any detrimental impact on the character or the appearance of the area. As such, it is considered that the above design complies with Policy SP16 (Design) of the Ryedale Local Plan, Local Plan Strategy.



Access & Highways

- 5.15. Policy SP20 of the Local Plan Strategy covers a number of issues that relate to the development management process.
- 5.16. Policy SP20 states that "Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads."
- 5.17. The access is shown on the accompanying plans. Parking and turning are provided to ensure that vehicles can manoeuvre to access and egress safely in a forward gear.
- 5.18. It is considered that development of the site could be achieved which would be acceptable in terms of access, highway safety, and have adequate parking and servicing provision as access in and out of the property is unchanged.
- 5.19. The development would, therefore, comply with the requirements for the proposed development to be safe and accessible in terms of highway impacts as detailed within Section 9 (Promoting Sustainable Transport) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework. The proposal would not be detrimental to highway safety and would accord with policy SP20 of the RLPS and advice contained within the NPPF.

Impact on the Character of the Area

- 5.20. Policy SP13 (landscapes) states that development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.
- 5.21. West Lilling lies in the National Landscape Character Area of the Vale of York (28) and the Vale Farmland with Plantation Woodland and Heathland (28) as defined in the 'North Yorkshire and York Landscape Characterisation Project.' (May 2011).



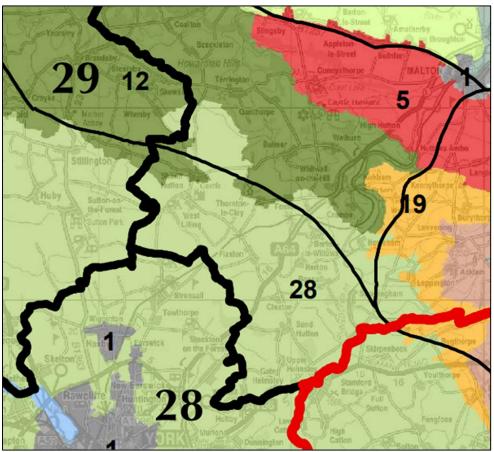


Image 6: North Yorkshire and York Landscape Characterisation Project Relationship of Primary Landscape Units to National Character Areas (Extract)

- 5.22. The key characteristics of the landscape character are:
 - A patchwork of low lying, predominantly arable fields, often delineated by a network of mature hedgerows and interspersed with patches of regular-shaped mixed and coniferous plantation woodlands;
 - Large heathlands are key features on sandy soils
 - Distant visual containment is provided by higher Landscape Character Types to the east and west;
 - Strong sense of openness throughout much of this Landscape Character Type;
 - Scattered settlement pattern of towns, villages and farmsteads within the landscape around the main historic City of York;
 - A network of trunk roads linking the larger settlements and towns.
- 5.23. The LCT has moderate visual sensitivity overall. Whilst there is a strong sense of openness within much of the farmland as a result of the flat or gently undulating topography, patches of plantation woodland disrupt views to adjacent Landscape Character Types in places;
- 5.24. The Guidance states that new development within historic villages may not be consistent with the historic form of the village and vernacular materials and design of buildings. It is,



therefore, necessary to conserve and enhance the local vernacular and protect the scattered settlement pattern of villages and farmsteads.

5.25. The replacement dwelling is proposed on a large plot. The site is discrete. The established trees and hedges to the east further assist to screen the development.





Image 7: Application site and relationship to surroundings

5.26. The proposed replacement dwelling will serve to enhance the immediate landscape setting, not detract from it. The proposal will remove the unsympathetic extensions and alterations which detract from the character of the original house.



5.27. The proposal would see the redevelopment of the plot with a new dwelling which would make a positive contribution to the character and appearance of the area. As such the proposals accord with Policy SP13.

Drainage and Flood Risk

- 5.28. Policy SP17 of the Local Plan and the National Planning Policy Framework advises that development should be located in areas where there is the lowest probability of flooding.
- 5.29. The application site is identified as lying within Flood Zone 1 which is the lowest risk of flooding from rivers and the sea. The site is therefore in a sequentially preferable location where development is sought to be focused.

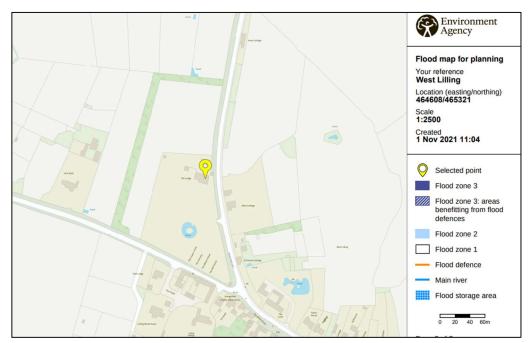


Image 9: Flood Risk Map (Source: Environment Agency)

- 5.30. Surface water will be discharged to soakaways, as existing. The Applicant intends to incorporate rainwater harvesting in to the property with the details and location of the tank, yet to be determined.
- 5.31. Foul drainage is currently discharged to a septic tank but the intention is for the property to be connected to the main drainage network.



Impact on Amenity

- 5.32. In respect of visual impact and impact on amenity, policy SP20 applies. This policy states that "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 ..."
- 5.33. Policy SP16 seeks to create high-quality places which are accessible, well-integrated and protect amenity and well-being. Policy SP20 also seeks to control the character, design and safety of new development.
- 5.34. The property occupies a large plot where there are no immediate neighbouring properties. There is considerable distance between the proposed development site and neighbouring properties. The proposal would therefore have no negative impact upon adjacent residents through the loss of privacy, overshadowing, overbearing, noise nuisance or disturbance. All the neighbours have been consuted throughout the process and they have all been supportive of the objective of regenerating the property and making it relevant to today.
- 5.35. It is not considered that the proposed development would impact the amenity of neighbours and as such would comply with Policies SP16, SP20 (generic development management issues) of the Local Plan Strategy and the NPPF.

Sustainability

- 5.36. Sustainability is the central theme running through the National Planning Policy Framework (NPPF) and proposals for sustainable development should be approved without delay. There are three strands to sustainability: social, economic, and environmental. The NPPF advises that to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously.
- 5.37. The proposed replacement dwelling will have some economic benefit through the employment created on-site during the construction phase of the development together with the supply chain. In terms of social sustainability, a replacement dwelling will be provided which meet the needs of present and future generations and fosters well-designed and beautiful places.
- 5.38. Policy SP18 of the RLPS relates to Renewable and Low Carbon Energy. It is expected that all new development will demonstrate that the levels of the Energy Hierarchy have been considered, considering the feasibility and viability issues associated with the delivery of decentralised and low carbon energy. For all new build residential development, proposals need to demonstrate that it meets the highest 'Code for Sustainable Homes' standard (or its successor) that is feasible and viable on site. Environmentally, the proposed development seeks to adhere to high standards of construction.



6. Conclusion

- 6.1. The proposal would represent a sustainable form of development by replacing an existing dwelling with an energy-efficient, sympathetic design. This would result in a family home which would remove the unsympathetic alterations and extensions to create a family home more suited to modern life.
- 6.2. The proposal is of a scale and design that would also respect the character of the area. The orientation and location have been adapted to position the dwelling away from the road and reduce the impact of the noise and vibration of passing lorries and heavy machinery.
- 6.3. The proposed development will not pose a risk to highway safety. And other matters of acknowledged importance, including residential amenity and flood risk.
- 6.4. The NPPF introduces a presumption in favour of sustainable development, and this is currently a key material consideration in planning decisions. The proposed development is sustainable and is considered to satisfy the requirements of both national and local planning policies and guidance.
- 6.5. With regard to the provisions of both national and local planning policies and the material considerations relevant to the site, it is deemed that the site is acceptable for the proposed conversion and that this planning application should be approved.



File ref: 190-PL-2021-11-25 Our ref: 3-Planning Date: Thursday, 25 November 2021

BY EMAIL
FAO Naimh Bonner
Ryedale District Council
Ryedale House,
Old Malton Road,
Malton,
North Yorkshire,
YO17 7HH

Dear Naimh,

Re: The Lodge, West Lilling - 21/00925/FUL

Please find attached a pdf copy of the following drawings:
190-001 House 25.11.2021 Rev D Existing Elevations Sheet 1
190-002 House 25.11.2021 Rev D Existing Elevations Sheet 2
190-003 House 25.11.2021 Rev C Existing House Ground Floor Plan
190-004 House 25.11.2021 Rev C Existing House First and Second Floor Plan
190-100 House 25.11.2021 Rev J Existing House Site Plan
190-101 House 25.11.2021 Rev K Proposed Site Plan
190-102 House 25.11.2021 Rev K Proposed Ground Floor Plan
190-103 House 25.11.2021 Rev K Proposed First Floor Plan
190-104 House 25.11.2021 Rev K Proposed Second Floor Plan
190-105 House 25.11.2021 Rev J Proposed Roof Plan
190-106 House 25.11.2021 Rev K Proposed Elevations Sheet 1
190-107 House 25.11.2021 Rev K Proposed Elevations Sheet 2
190-108 House 25.11.2021 Rev G Existing Site Location and Proposed Block Plan

In addition, we enclose document, 190 - Planning, Design and Access Statement - House v1, which is to be read in conjunction with Planning, Design and Access Statement, produced by Fretwell's Planning and Development.

I trust the enclosed is in order. If you have any questions, please contact us without delay.

Kind regards

Suzanne Fowler, Director

RIBA Chartered Architect
For and on behalf of Crescent Architects Ltd
Email: suzanne@crescent-architects.co.uk
cc. Mr and Mrs Try

Crescent Architects Ltd, registered in England and Wales, Company Number 10927519. Registered Offices in England: 3 & 4 Park Court, Riccall Road, Escrick, York YO19 6ED Tel: 01757 248183 www.crescent-architects.co.uk email: eng@crescent-architects.co.uk





File ref: 190 - Planning, Design and Access Statement - House v1 Our ref: Stage 3 - Planning Date: Friday, 05 November 2021

PLANNING DESIGN AND ACCESS STATEMENT, AND FLOOD RISK ASSESSMENT

1. PROJECT:

The Lodge, West Lilling - Existing house demolition and replacement dwelling

2. Design Principles and Concepts

The existing house

The existing house dates to the nineteenth century and unfortunately, following a series of extensions and alterations, the property has a great deal of floor area, but has lost its kerb appeal. The result of years of extension and alteration is that the property does not retain heat, it requires care and renovation and does not suit modern day family living.

To the top floor, one large flat roof dormer has been installed.

Whilst the top floor provides additional bedrooms, these do not contribute to the aesthetic of the property and remain in the large part unused by the current owners due to the lack of insulation, and the poor standards of construction by comparison to today's requirements.

Rated on a recent EPC as Grade F, the property is not holding heat. In fact, according to current usage estimates, the property requires over 300 litres of oil a week, during our recent relatively mild winter, and after installing a new tank, to get the building to a comfortable temperature. This energy usage is not sustainable and demonstrates a property in need of renovation.

At first floor, a double storey extension provides additional accommodation that is reached through a series of corridors. The new bedrooms provide beautiful views towards the West of the plot and is well screened by the mature trees.

At ground floor level the former front entrance to the property is no longer in use, with guests arriving at the rear, parking in the existing yard, and entering through the utility room which has been added to extend the kitchen and provide additional boot area.

This extension has a flat roof which requires attention and repair

The proposal

The proposed new build house is to comprise six good sized bedrooms, and a layout that is compatible with modern family life.

The open plan footprint to the ground floor permits a grand entrance approached from the North and the parking yard. The well-placed boot room leads through to the two-storey high, feature staircase. The focus of the spaces is on natural light and ventilation, and the space has a bright glazed wall connecting the house to its surrounding landscape.

The kitchen and dining areas are positioned to enjoy the South facing aspect, with a private snug space and separate games room and cinema room.

The house orientation and location has been adapted to position the dwelling away from the main road and reduce the impact of noise and vibration from passing lorries and heavy machinery.

Crescent Architects Ltd, registered in England and Wales, Company Number 10927519. Registered Offices in England: 3 & 4 Park Court, Riccall Road, Escrick, York YO19 6ED Tel: 01757 248183 www.crescent-architects.co.uk email: eng@crescent-architects.co.uk



The new house is to be well insulated, with an emphasis on energy efficiency to all elements. The proposed scheme will look to integrate a renewable energy system, which is yet to be determined.

Mechanical ventilation and heat recovery will be installed and where possible underfloor heating will be incorporated to each floor.

Given the family intend to develop this house as their forever home, they are keen to ensure that the materials used match into those of the former house with reference to the property being called "The White House" the general aesthetic will be a rendered off-white finish.

The use of engineering brick will serve to add detail and be used in conjunction with stone cills and oak built porch canopy. To the eaves we will draw upon the history of the property and look to install detailed mouldings in conjunction with a seamless gutter system.

Below we have listed the key elements and the design rationale behind the choice.

Proposed Element	Photo from locality	Design principle
PITCHED ROOF Natural slate roof tile		The proposed roof is to be slate. Where possible, the existing tiles will be reused.
FLAT ROOF - EDPM Firestone or similar flat roof finished in grey - suita- ble for access		A flat roof will allow for a reduced height dwelling, with an accessible area for installation of solar panels in the future, to permit storage for the plant associated with a heat recovery system and to improve the natural daylight to the top floor storage spaces.
WALLS - Brick Brickwork to be blue engineering brick or simi- lar.		Existing brickwork details show a mix of brickwork details which have been painted over. The design rationale is to incorporate a contrasting brickwork to use above the windows with a soldier course, and up to cill height to the perimeter of the building.
WALLS - Render MonoCouche Weber Ren- der - white chalk- or similar		Use of brickwork and render is a traditional combination in the area. We are proposing a render that is through coloured and should require little maintenance whilst offering improved thermal capabilities when used with modern blockwork construction.



WALLS - Details Soldier Courses to be Blue engineering brick or similar.



Use of contrasting blue bricks can be found near to the proposed dwelling.

Whilst the example given indicates a modern version of a Georgian sash styled UPVC window, our proposal is to improve the quality of the home and introduce as much daylight as we can with simple glazed panels, using Aluminium frames which can be manufactured to large opening sizes, double and tripled glazed to improve thermal efficiency.

WALLS - Details Window cills to be blue stone or similar



The existing property has stone cills that have been painted which are difficult to maintain. We have looked to use a blue stone, to tie in with the engineering brick and provide reference to the original dwelling architecturally.

The existing extension to the property has casement style windows.

WINDOWS Aluminium framed, double glazed windows by specialist manufacturer. Finish RAL 7016 (Anthracite Grey)

ROOF LIGHTS

pivot windows



Velux or similar centre



The use of rooflights is allowing for the interior spaces to use vaulted ceiling heights, particularly over the dining area. This will also aid and improve natural light and work to enable passive ventilation during the summer months.

DOORS Aluminium framed, double glazed windows by specialist manufacturer. Finish RAL 7016 (Anthracite Grey)

Existing doors are a mix of timber and UPVC. The use of Aluminium will allow greater heat resistance and better overall performance without the need for significant maintenance.

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PORCH Oak framed porch by specialist manufacturer.		Porch to reference style of local porch canopies over entrance. This is an example taken from near to the property.
CANOPY Oak framed roof support by specialist manufacturer.	See image above	Outside covered area for the children to play with supervision from the kitchen.
BALUSTRADE Panoramic glazed wall mounted balustrade.		Frameless glazed balustrade to provide connection from bedrooms to landscape and mature gardens. (Image taken from manufacturer's website for example.)
EAVES MOULDINGS Exterior eaves cornice fa- cade mouldings or similar.		A historic reference to the oversized eaves of the main house, and a detail taken from the era of the property with a modern low maintenance use of treated timber, painted white.
FASCIAS & SOFFITS Where indicated the White fascias and soffits will be timber.		Existing facsias and soffits are finished in timber.
RAINWATER GOODS galvanised steel rainwater goods		The use of larger sized rainwater goods, will help to assist in better management of rainwater during intense downpours, and this will reduce the need for future maintenance.

3. Context of Proposal

The existing house sits close to the main road and is accessed via a private driveway.

There are several outbuildings for which we are already seeking permission to update and improve, with a view to creating the space the family will need for many years to come.

The overall context for the proposal is to create an energy efficient family home to suit modern requirements, that will be their forever home, near their local and established family run business. The owner's intentions are to renovate the garage and create living accommodation for the duration of the build.

The gate and access closest to the property is not currently used, and will not be used in the future, with no intention of the annexe being separated from the house.

4. Consultation

Application 21/00284/FUL, for works to the office building and garage, was submitted in February 2021.

Application 21/00561/FUL, for a steel framed storage building, was submitted in March 2021.



5. Existing Photographs



6. Flood Risk Assessment

According to the Environment Agency records the site is at a low risk of flooding.

From: Lillings Ambo

Sent: 11 March 2022 15:31

To: Development Management; Karen Hood

Subject: 21/00925/FUL - The Lodge, Goose Track Lane, West Lilling

Lillings Ambo Parish Council met to discuss the above plans and have made these observations.

The proposed house is to be of similar size, height and colour of the original. It will be well insulated and include modern technology such as solar panels and possibly air or ground source heating. It will be a large property set in a substantially large plot, surrounded by fields and adjacent to Goose Track Lane. The neighbours have no objection to the proposed plans.

Lillings Ambo Parish Council will, therefore, support this application.

Agenda Item 8

Item Number: 8

Application No: 22/00052/OUT
Parish: Helmsley
Appn. Type: Outline

Applicant: Ms Hannah Dunsdon

Proposal: Erection of 2no. dwellings and access (Outline application. Site area

0.175ha).

Location: Land off Linkfoot Lane, Helmsley, North Yorkshire

Registration Date: 10 January 2022 **8/13 Wk Expiry Date:** 4 March 2022

Overall Expiry Date: 4 March 2022 (extension of time requested until the 13 May 2022)

Case Officer: Ian Irwin Ext:

CONSULTATIONS:

Local Highway Authority	Responded on the 9 February 2022 and confirmed that 'The Local Highway Authority considers the proposed access arrangements to facilitate access to the proposed erection satisfactory subject to the trimming back of bushes/ hedge line to facilitate the required visibility of X 2.4 metres back into the access by 90 metres in both directions along the A170'. A further response was received on the 26 April 2022 requesting additional conditions related to new accesses, and a construction management plan to be attached also to any grant of permission.
Lead Local Flood Authority	Responded on the 24 February 2022 and the 21 April 2022 and
(LLFA)	confirmed that the scheme was 'minor' and as such they had no comments to make upon the proposed development.
Ecology	Responded on the 23 February 2022 and confirmed that any loss of hedgerow would need to be compensated for either on or off-site by incorporating new, native species hedgerow. It was also noted that nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended) so any removal of hedgerow, shrubs or dense vegetation should be completed outside of the bird breeding season (March to August) or after a competent person has first confirmed that no nesting birds are present. A further response, provided on the 2 March 2022 stated that 'Taking account of the location of the site and the absence of features which might suggest protected species could be present, I don't think we would ask for a Preliminary Ecological Appraisal in this instanceHowever, the applicant needs to consider how they would deliver net gains for biodiversity in line with the requirements of the NPPF. Natural England's small sites metric (The Small Sites Metric - JP040 (naturalengland.org.uk) provides a useful tool for establishing what this might involve. This can be resolved at the detailed planning application stage but the applicant should be aware that this will be a requirement and may wish to seek professional advice'.
Yorkshire Water	Were consulted on the 23 February 2022. No response was received.
Helmsley Town Council	Responded on the 22 February 2022 and confirmed 'no comment' in relation to the application.

Due to one objector considering the description of the development was not clear, the application was re-advertised and given a new description. The original description read 'Erection of 2no.dwellings (Site area 0.175ha)- approval sought for access) and was changed to read 'Erection of 2no. dwellings and access (Outline application. Site area 0.175ha). Any further responses received from consultees or Members of the public are noted within the relevant parts of the report.

Representations received:

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 Section 15(4) which state that the following notice shall be given by a Local Planning Authority: a) by site display in at least one place on or near the land to which the application relates; or b) by serving the notice an any adjoining owner or occupier. In this case a site notice was erected in the vicinity of the site on the 21 January 2022. Additionally, 10 neighbour notification letters were issued. Due to the change in description, each of these neighbours was re-consulted.

Three responses were received in total. One queried whether their own parking arrangements would be affected by the proposal. The second objected to the scheme, and mistakenly believed that the proposal was for access only, with no residential housing proposed. The objection confirmed that in their view, Linkfoot Lane is used a thoroughfare to Helmsley and has been subject to various traffic calming measures, increased signage and a traffic light crossing to assist with traffic flow and issues surrounding speeding. It was suggested that increasing the number of access points for two households would contribute to the existing volume of traffic and cause 'difficulties' along with posing a 'danger to the public and motorists entering and existing Linkfoot Lane'. The proposed driveways in proximity to the existing access to Linkfoot Close would in the view of the objector cause additional traffic management issues, potential dangers to walkers, motorists and cyclists.

It was further noted that the existence of traffic lights caused traffic to gather during busy periods and this scheme would contribute to these build ups, which cause pollution and nuisance. Additionally, it was suggested that the development would not be in accordance with the Local Plan, as it was noted the 'ambition to reduce emissions and move to more sustainability, the addition of driveways that caused further traffic pile-up, pollution and support of additional road vehicles would seem counter-intuitive to policy'. Additional concerns over visibility, noise, disturbance and loss of amenity would occur and that the site is overgrown and would not meet objectives of the Helmsley Local Plan, which seeks to provide sufficient land to provide a mix to provide a mix of housing which meets existing and future needs whilst safeguarding and enhancing the landscape of the National Park and retaining the historic character of the town including the setting of Duncombe Park Estate, Helmsely Castle and the North York Moor National Park. Finally, concerns related to the site being a 'wild grazing area' were noted and that this area was now a habitat for birds and wildlife of Helmsley. It was considered that a full environmental and sustainability assessment of adding accessing points and the destruction of existing hedgerows and habitats was suggested as necessary to determine the application.

A further objection raised concerns that visibility splays could not be maintained on land that is not owned by the developer.

As a consequence of the re-consultation another additional comments objection to the application were received from a previous objector. This suggested that an access already existed to the site from Ashdale Road and consequently the proposed accesses are unnecessary. It was also considered that the creation of these accesses would create 'traffic management issues relating to turning and additional traffic'. Specific concern was raised in relation to visibility levels also. Concerns were also raised that the A170 was subject to a number of speeding vehicles. In relation to the two proposed dwellings, concerns were raised related to loss of privacy and overlooking, loss of green space and a need for the site to have sufficient space for vehicles to turn around within the site.

BACKGROUND:

The application is to be determined by Planning Committee as an objection has called the application in on material planning grounds.

SITE:

The site subject of this application is presently a piece of 'greenfield' land albeit it is in a poorly maintained visual state. It is 0.175ha in size and is almost rectangular in shape. The site is located within Helmsley and as such there are residential properties in the vicinity of the site. The nearest of these are the following. 'Linfitt' immediately adjacent to the West, the Helmsley Methodist Church, also immediately adjacent to the West of the site as well as the following other properties. Number 44 'The Limes' is located immediately to the East whilst Number 46 'The Limes' is immediately to the South. Cherry Tree House immediately to the South-West. The remaining homes comprising the 'Limes' are located beyond these properties to the South and East.

The A170 is immediately to the North of the site. Beyond that, immediately to the North is a residential housing estate known as Linkfoot Close. Orchard House is also beyond the A170 to the North-West.

PROPOSAL:

The proposal before the Local Planning Authority is an outline proposal for two dwellings, along with access. All other aspects (those that are defined as reserved matters) would, by definition be 'reserved'. The applicant has submitted a site plan with one, suggesting independent access points for each of the proposed properties. Beyond that, there is no details provided in terms of design and scale of the proposed properties as well as intended building materials, landscaping etc. as to be expected by such outline applications.

HISTORY:

00/00357/OUT - Residential Development - approved 15 May 2000

91/00320/OLD - Erection of dwelling and formation of new access - approved 16 January 1992

88/00330/OLD – Erection of two detached dwellinghouses at land off Linkfoot Lane – approved 6 June 1988.

POLICIES:

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)

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

Local Plan Strategy – Policy SP2 Delivery and Distribution of New Housing;

Local Plan Strategy - Policy SP4 Housing Type and mix of New Housing;

Local Plan Strategy – Policy SP12 Heritage;

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.

Other Material Considerations

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 6 – Building a strong, competitive economy

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

Helmsley Plan (2015)

Policy SD1 - Presumption in favour of Sustainable Development;

Policy H1 – New Residential Development;

Policy H2 – Windfall Development;

Policy H9 – Design;

Policy H10 – Renewable Energy and Sustainable Building;

Policy H11 – Green Infrastructure;

Policy H13 – Open Space Provisions.

Main Considerations

- Principle of the development;
- Design and Character of the Area;
- Landscape Impact;
- Highways Safety and Access;
- Drainage and Flood Risk;
- Amenity;
- Ecology/Biodiversity.

Principle of the development

Policy SP1 of the Ryedale Local Plan, entitled 'General Location of Development and Settlement Hierarchy' confirms the Council's approach to the type of development considered appropriate for locations across the district. The site is noted to be located within Helmsley which is considered as a 'Local Service Centre' within the aforementioned plan. Given this status, the settlement is expected to be subject to 'Limited housing growth to address local employment and housing and community requirements'.

As a Local Service Centre, Helmsley falls within the second highest level of the settlement hierarchy which are considered as market towns. The principal of the settlement hierarchy is to try and ensure that development is distributed appropriately, to locations with appropriate infrastructure and additionally to ensure that the rural nature of the district, particularly those locations lower down the hierarchy, is maintained.

Policy SP2 entitled 'Delivery and Distribution of new housing' sets out the districts aim in terms of housing delivery and importantly, the areas where they wish to see housing schemes come forward. In areas defined as Local Service Centres, sites to be considered sources of housing, are confirmed as following, 'Housing Land Allocations in and adjacent to the built up area, Conversion and redevelopment of Previously Developed Land and buildings within Development Limits, Replacement

dwellings, Sub-division of existing dwellings, Infill development (small open sites in an otherwise continually built up frontage), 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3, Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3 along with, Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate'.

Helmsley has a development plan (the 'Helmsley Plan') of its own which includes Policy H2 entitled 'Windfall Development'. It states, 'Proposals for new residential development on sites located within the defined Development Limit will be supported where the site comprises a small infill gap and/or fulfils the relevant policy requirements set out in the Ryedale Local Plan Strategy or North York Moors Core Strategy and Development Policies Document. Particular regard will be had to the following features in the consideration of windfall residential schemes in Helmsley:

- Ensuring that proposals conserve those elements which contribute to the historic character of Helmsley, especially the burgage plots and other important open spaces within the town;
- The setting of the town's built heritage including Duncombe Park and Helmsley Castle; and
- Important open views to the countryside. Residential development outside the defined Development Limit for Helmsley will be restricted to those of an essential or exceptional nature as set out in the relevant policies contained in the Ryedale Plan: Local Plan Strategy or North York Moors Core Strategy and Development Policies Document'.

This policy recognises that some such sites could become available throughout the plan period and in this case, the site is considered to represent a small infill site and is within the settlement development limits. It is therefore considered that not only is the site within a settlement considered suitable for such development type, but additionally and importantly, it also complies with the criteria set out in the Local Plan. The site is considered a small, open site, but importantly, located on an existing built up frontage.

Given these circumstances, in regard to the principle of the development, the scheme is considered to accord with both the Helmsley and Ryedale Local Plan, specifically policies SP1, SP2 and Policy H2 of the Helmsley Plan and can be supported.

Design and Character of the Area

Policy SP16 entitled 'Design' states that 'to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings'. In addition, Policy SP20 entitled 'Generic Development Management Issues' requires that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses.

Policy H9 of the Helmsley Local Plan entitled 'Design' confirms that 'All new development should respect the existing settlement character, patterns and layouts and the principles of building design to ensure that the historic character and local distinctiveness of the built environment is maintained and the landscape of the National Park is conserved and enhanced. Opportunities within the Conservation Area which enhances its significance will be supported'.

Policy H10 is entitled 'Renewable Energy and Sustainable Building'. It confirms that 'Proposals for new residential development should demonstrate that they have been designed to reduce the need for energy consumption and that the buildings utilise energy more efficiently. Proposals that generate renewable energy and/or low carbon sources of energy will be supported where they do not harm the character of Helmsley.

All proposals for non-residential development above 1000sq metres must demonstrate that it meets the highest BREEAM standard (or its successor that is feasible and viable on site)'.

Chapter 12 of the NPPF, entitled 'Achieving well-designed places' states at Paragraph 126 that, 'good design is a key aspect of sustainable development'.

The application site is noted to be part of a wider residential area. Presently, it is a piece of grassland, with a number of properties in proximity to it along with the A170 to its North.

As an outline application, no details are provided in terms of potential design and accordingly, such matters, as 'reserved' as they are, would be assessed upon the submission of such an application were this outline proposal approved. The application is noted to be for two dwellings and whilst the design details cannot be considered at this stage, there is no reason to doubt that an appropriate scheme could be made for the site in terms of materials, fenestration, scale (size of the properties) etc. The application form indicates the intention to use natural stone and pantiles. Such will be established and confirmed at the 'reserved matters' stage.

However, it is considered prudent to ensure that were this application approved, a condition restricting the permission to no more than two dwellings, would be appropriate. Such is therefore drafted in the suite of draft conditions below.

The objection raised against this application suggests concerns with regard to the impact the development would have on the designated Conservation Area. It can be confirmed that the site is neither within or adjacent to this designated part of the town and consequently there are no concerns with the scheme in this regard.

Because this is an outline application, full details of the design and materials to be used in the development, were it approved at this stage, would be provided at the Reserved Matters stage. The development will then have to consider the relevant policies and ensure it seeks to accord with them to have the ability to be supported at an officer level. However, that is for a later stage in the determination process and not relevant at this outline part of the process. In terms of renewable energy and sustainable building related to Policy H10 of the Helmsley Plan, we have no details as to how the houses would ensure compliance with this policy. However, it would be for the applicant to demonstrate this at the Reserved Matters stage should they so wish (for example with the inclusion of solar panels etc.) but in any event any new home must be constructed in accordance with building regulations which require a minimum efficiency in terms of their 'sustainability'.

The proposed access points are standard for such types of development and are considered to reflect the local area. There are no detrimental visual impacts considered relative to the proposed accesses. Accordingly, there are no significantly detrimental impacts in terms of design nor the character of the area and as such, the scheme is considered acceptable.

Landscape Impact

Policy SP13 entitled 'Landscapes' requires that proposed development protects and enhances the quality, character and value of Ryedale's diverse landscape. It is recognised that in this case, the site is not located in an area with any landscape designation. The site is located within Helmsley, adjacent to various existing residential dwellings and the A170.

Policy H8 of the Helmsley Plan is entitled 'Important Open Views and Spaces'. The policy states, 'New development should respect the views, vistas and skylines that are influenced by the town's key historic buildings including All Saints Church, the Feversham Arms Memorial, the Town Hall, Duncombe Park and its Parkland, the remaining burgage plots to the west of Church Street/ Castlegate and the long distance views of the town which play an important role in the character of the town and the setting of the North York Moors National Park'.

In that context, a scheme proposing essentially 'more of the same' albeit in a very small scale, could not be seen to have any significant landscape impacts. The site is not located within any landscape designation and given it is well within the development limits set by the Local Plan, it is not considered that the proposed development would or could be considered harmful.

Whilst the specific scale of the properties that would be proposed for the site would be detailed at a reserved matters stage there are no significant concerns at this stage. The residential scheme would be

seen in the context of its immediate residential setting and it is likely it would be comfortably assimilated into the local landscape. Nevertheless, as an outline application, no formal consideration of this aspect of this scheme can be given and so therefore, at this stage, there are no landscape concerns with this proposal and accordingly, the scheme is presently considered to accord with Policy SP13 and would not be contrary to Policy H8 of the Helmsley Plan.

Highways Safety and Access

Policy SP20, entitled 'Generic Development Management Issues' states that "Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads".

Paragraph 111 of the NPPF affirms that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

It is recognised that usually, access is a 'reserved matter' in outline applications unless either it is considered absolutely necessary by the Local Planning Authority that such is included (it is not in this case) or if the applicant wishes to include it as is the circumstance in relation to this application. The applicant proposes two independent vehicular access points. One for each proposed dwelling.

The accesses suggested have been considered by the Local Highway Authority. They have raised no highway safety or congestion concerns but have requested conditions be attached in relation to access and visibility splays. Such would be required to have details submitted prior to the commencement of any development, were this application approved.

The concerns raised by objectors related to highway safety are noted (and referred to earlier in this report). These referred to several specific matters but were noted to refer to in part concerns related to the potential impact two additional accesses would have upon road safety.

The local knowledge is useful but in itself it is not enough to demonstrate that such would be so significantly harmful that the scheme as proposed should be refused. Perception of impacts are understood, whether these be positive or negative. However, in planning terms, it is important that when considering any impact, it is whether such is demonstrable. In this instance, whilst the concerns raised are noted to be that the scheme would result in harm, these are not demonstrated.

Both the Local Plan and the National Planning Policy Framework require that development would not result in detrimental road safety impacts or indeed congestion. Whilst the concerns of the objector are noted in this case, the Local Highway Authority does not concur. In such a circumstance, it is considered that the application could not reasonably be refused in light of this professional, highway engineer assessment given the facts of the case. It is recognised that the Local Highway Authority have been consulted once again in relation to this scheme and requested some additional conditions, not originally sought, be attached were this application granted planning permission. Such are included within this report as draft conditions.

Another concern raised, relates to the scheme not being 'sustainable' as it would result in further traffic movements being generated. Thus the application would be contrary to the sustainability aims of the Local Plan. Again, whilst these concerns are noted, they cannot be reconciled by officers.

Sustainability relates to more than just car usage. Indeed the hierarchy of settlements is based on various factors and one is aimed at making the district more sustainable by directing development to settlements where local services are available in relative close proximity to where people live – hence why there is far less principle support for development in the open countryside.

The scheme proposed is located within a Local Service Centre, Helmsley, which is within the second highest level of the settlement hierarchy. Essentially, this means that this is precisely the type of

location where development would principally be supported in terms of sustainability.

Finally, the concerns raised in terms of visibility splays being maintained when the developer does not own all the land are also noted. However, the land to which these accesses is proposed is owned by the Local Highway Authority. They would not agree to the proposed access points were there any concern and whilst future development can and may change the local area, the application is determined upon its own merits, not upon what 'could be'. The visibility splays are considered achievable by the Local Highway Authority and as such they can be established. The longer term insurance that they will be remain in place in this instance is because the Local Highway Authority would not seek to compromise those splays – in the same way that the access to Linkfoot Lane is made onto the A170 and was through the highway verge, owned by the County Council. It is a very common occurrence and there is no concern in the viability of the proposed access points in terms of visibility splays given the Local Highway Authority response.

The concerns related to speeding vehicles on the A170 are not planning matters and are to be dealt with by the Police – the question related to any development is whether it would exacerbate highway safety and/or congestion issues. The Highway Authority have offered no objection in relation to these matters.

Accordingly, the scheme is considered to be acceptable in highway terms. The Local Highway Authority response is noted and ultimately it is considered that the proposal accords with both the Local Plan, specifically Policy SP20 and the NPPF and can be supported.

Drainage and Flood Risk

Policy SP17 'Managing Air Quality, Land and Water Resources' confirms what and how development proposals should manage surface and waste water.

Chapter 14 of the NPPF entitled 'Meeting the challenge of climate change, flooding and coastal change confirms in paragraph 159 that, 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

The site subject of this application is not in an area of high risk to either surface or river flooding and it is noted that both the Lead Local Flood Authority and Yorkshire Water were consulted upon the application.

The Lead Local Flood Authority have confirmed that they have no comments to make whilst Yorkshire Water have not provided a response. It is considered prudent to ensure that any waste and surface water drainage schemes are separated whilst the formal connection to the wider sewage network would be for the applicant to arrange with Yorkshire Water privately.

It is considered prudent to include a condition on any approved scheme to require foul and surface water to be dealt with by separate systems. This will ensure proper management of surface and foul water on site. Officers are of the view that accordingly, given the site is at very low risk of flooding there are no demonstrable, significant detrimental impacts likely in terms of drainage and flood risk were this scheme approved and developed.

Consequently, the application is considered to accord with Policy SP17 of the Local Plan and the NPPF and therefore merits support.

Amenity

Policy SP20 entitled 'Generic Development Management Issues' has a specific section entitled 'Amenity and Safety'. It states that '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'.

Criterion 'f' of Paragraph 130 of the NPPF states that decisions should ensure that development 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

The nearest residential properties have been noted earlier in this report. However, for ease of reference they are confirmed to be the following – Linfitt' immediately adjacent to the West, the Helmsley Methodist Church, also immediately adjacent to the West of the site as well as the following other properties. Number 44 'The Limes' is located immediately to the East whilst Number 46 'The Limes' is immediately to the South-West. The remaining homes comprising the 'Limes' are located beyond these properties to the South and East.

The A170 is immediately to the North of the site. Beyond that, immediately to the North is a residential housing estate known as Linkfoot Close. Orchard House is also beyond the A170 to the North-West.

The objection received in relation to the application also specifically raises amenity as a concern. Amenity cannot be fully considered as we do not know the scale and type of housing that is proposed. However, the general concern that this scheme coming forward would somehow create such detrimental impacts upon local amenity is difficult to reconcile. The built environment is essentially based upon buildings being in proximity to one another – particularly residential development. This ultimately creates the settlements of the district. To refuse an application on the basis that such would occur in this case, is not a view that officers could support.

Notwithstanding, it is difficult to assess, in full, what amenity impact would occur given the specifics of the properties that could be erected on site if permission was granted is not yet know – which the objector could not do either in the absence of this information. Nevertheless, the notion of two dwellings being constructed and occupied on site can be considered in principle as to whether the impact upon amenity would be harmful.

The site is considered to be of sufficient size to accommodate two dwellings and thus a reserved matters application will be able to ensure appropriate separation distances from nearest existing properties is achieved. Whilst the specific detail can be assessed at that stage, the site is not considered likely to result in residential development any closer in proximity to neighbouring properties than what exists presently in the locality.

In such circumstances, at this stage then there are no concerns in relation to amenity and there is no reason to doubt that at the Reserved Matters stage a scheme could be produced that would be acceptable. There is therefore no concerns in relation to Policy SP20.

Ecology/Biodiversity

Policy SP14, entitled 'Biodiversity' states 'Biodiversity in Ryedale will be conserved, restored and enhanced by:

- Co-ordinated and targeted activity by public, private, voluntary and charitable organisations
 to support the implementation of the Yorkshire and Humber Biodiversity Strategy and Delivery
 Plan; the Ryedale Biodiversity Action Plan and the Howardian Hills Area of Outstanding
 Natural Beauty Management Plan Providing support and advice to landowners to encourage
 land management practises that support the objectives, priorities and targets of these plans and
 strategies
- Minimising the fragmentation of habitats and maximising opportunities for the restoration and enhancement of habitats and improving connectivity between habitats through the management of development and by working in partnership with landowners and land managers
- Maintaining, creating and improving ecological networks and Green Infrastructure routes to assist the resilience of habitats and species in the face of climate change
- Supporting, in principle, proposals for development that aim to conserve or enhance

biodiversity and geodiversity through the prevention of loss of habitat or species and the incorporation of beneficial biodiversity features

- Requiring a net gain in biodiversity to be provided as part of new development schemes
- Resisting development proposals that would result in significant loss or harm to biodiversity in Ryedale Encouraging the use of native and locally characteristic species in landscaping schemes

Investment in the conservation, restoration and enhancement of biodiversity in Ryedale will be targeted at –

- The landscape-scale projects identified in the Yorkshire and Humber Biodiversity Delivery Plan which are wholly or partially within Ryedale:
- Howardian Hills Area of Outstanding Natural Beauty and Western North York Moors Belt
- North York Moors Grassland Fringe
- Vale of Pickering
- West Wolds
- Lower Derwent Valley
- Yorkshire Peatlands
- The habitats and species identified in the Ryedale Biodiversity Action Plan including those habitats which are particularly distinctive in the following areas:
- Ancient woodland in the Howardian Hills
- Species rich grassland, a traditional feature of strip fields around Ryedale's villages
- Marsh wetland in the Vale of Pickering
- Fen meadows in the Howardian Hills
- Floodplain swamps in the Derwent Floodplain and streamside swamps in the Howardian Hills and Wolds Chalk grassland on the Wolds
- Acid grassland at the foot of the Wolds; southern edge of the Vale of Pickering and Howardian Hills
- Limestone grassland in the Howardian Hills
- Ponds in the Vale of Pickering and at Flaxton
- Dry wooded valleys along the Fringe of the Moors
- Wet woodland in the Vales of Pickering and York; the Howardian Hills
- Wood pasture and Parkland associated with large country houses
- Heathland remnants in the Howardian Hills and southern Ryedale

In considering proposals for development –

- Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them. Proposals for development which would result in loss or significant harm to:
- Habitats or species included in the Ryedale Biodiversity Action Plan and priority species and habitat in the UK Biodiversity Action Plan
- Local Sites of Nature Conservation Importance or Sites of Geodiversity Importance
- Other types of Ancient Woodland and Ancient/Veteran Trees

will only be permitted where it can be demonstrated that there is a need for the development in that location and that the benefit of the development outweighs the loss and harm. Where loss and harm cannot be prevented or adequately mitigated, compensation for the loss/harm will be sought. Applications for planning permission will be refused where significant harm cannot be prevented, adequately mitigated against or compensated for.

Loss or harm to other nature conservation features should be avoided or mitigated. Compensation will be sought for the loss or damage to other nature conservation features which would result from the development proposed.

Protected sites, including internationally and nationally protected sites and Sites of Importance for Nature Conservation are identified on the adopted Proposals Map'.

Policy H11 of the Helmsley Plan is entitled 'Green Infrastructure'. It states that 'All development proposals within the Plan area should require a net gain in biodiversity and for green infrastructure networks to be enhanced where possible. This will provide opportunities for activity and relaxation and should include the expansion and enhancement of green infrastructure assets. Where there is existing green infrastructure this should be protected.

The development briefs in Appendix 1 set out the opportunities of the allocated sites in linking with these green infrastructure networks. Development proposals on non-allocated 'windfall' sites should address opportunities to link with and enhance green infrastructure networks where possible and in proportion to the scheme. 'Windfall' development proposals will not be expected to provide Green Infrastructure where a meaningful contribution cannot be made due to the absence of available greenspace'.

Chapter 15 of the National Planning Policy Framework (NPPF) entitled 'Conserving and enhancing the natural environment' confirms the national guidance on such matters. Paragraph 174 states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'.

The County Ecologist has been consulted on this case and it is noted that an objector considers the site to be of ecological value as a 'wild grazing area' and requiring formal assessment to ensure no significantly detrimental impacts upon the ecology of the area.

The site is recognised to be a greenfield site although it appears rather poorly maintained. It is not within or close to any designated area. The County Ecologist has confirmed that in taking account of the absence of any features that may suggest the presences of protected species a preliminary ecological appraisal is not necessary. In the determination of its duties, Local Planning Authorities must carefully consider what information they require from applicants. Information should be based on whether such is necessary to assist in the determination of the application. In this case, given the site specifics and the County Ecologist opinion, the submission of an ecological assessment prior to the determination of this application is not considered necessary in this case.

The views that the site is a wild grazing area is noted. However, there is no formal or informal designation attributed to the site. Whilst it may be of value to some local residents, the site cannot be given any weight in the planning balance in terms of its ecological value. Nevertheless, officers recognise the site has some although undefined value from an ecological perspective.

The County Ecologist has recommended that the applicant should demonstrate a net biodiversity gain by submitting details prior to the commencement of any works on site. Equally, any hedgerow lost (which would be necessary to facilitate two access points) should be compensated for. That will require

a landscaping scheme too, which would be subject to an appropriate planning condition – again, for details to be submitted prior to commencement of any works on site.

Overall, in terms of the ecology/biodiversity of the site, this scheme is not considered to detrimentally impact upon the value the site has in regard to these matters. The development is not considered contrary to the development plan, Helmsley neighbourhood plan as well as the NPPF and in addition, through the appropriate imposition of conditions, the development could ensure that the site achieves a net biodiversity gain.

Accordingly, the scheme is considered to comply with the Local Plan in terms of ecology and biodiversity.

Conclusion

The site history is recognised but has no weight in the planning decision given that there is no extant permission in place. Nevertheless, based upon the material considerations relevant the scheme is considered acceptable. The site is located within existing development limits and upon a site that complies with the plan in terms of it being part of an existing built up frontage and being a small infill site.

As an outline application the development cannot be assessed in terms of the scale, design and visual appearance of the proposed properties. However, these are issues that can be considered at the 'Reserved Matters' stage. It is considered that the scheme, if approved, should be subject to the conditions detailed below. These will ensure that the scheme is not only acceptable, but controls the development to no more than two dwellings.

The scheme is considered to accord with the development plan, Helmsley Neighbourhood plan and the NPPF and is recommended for approval.

RECOMMENDATION: Approval subject to the conditions recommended below being imposed and included on any subsequent decision notice.

Conditions

1. The development permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990.

2. An application for approval of all reserved matters, design, layout, landscaping and scale shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990.

Approved Plans

- 3. The development hereby approved shall be carried out in accordance with the application detail and accompanying drawings as submitted and hereby approved:
 - i. Location Plan, dated November 2021;
 - ii. Proposed Access Plan, dated July 2021.

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Prior to commencement

4. Prior to the commencement of the hereby approved development, a report should be submitted detailing the biodiversity value of the site and its value following development of two dwellings upon it. The report should demonstrate how the site will achieve a net biodiversity gain. Once the report is approved it shall be implemented in full.

Reason: In the interests of the amenity and ecology of the area and to comply with Policy SP14 of the Ryedale Local Plan.

5. Prior to the commencement of the development a plan shall be submitted to the Local Planning Authority for approval detailing visibility splays of 90 metres in both directions, set 2.4 metres back into the site from the proposed access points. Once approved, the accesses shall remain maintained for their purpose for the duration of the development.

Reason: In the interests of highway safety and to comply with Policy SP20 of the Ryedale Local Plan.

- 6. Prior to the commencement of the hereby approved development, plans shall be submitted to demonstrate that the accesses will be constructed in accordance with highway standard design. Additionally, it shall also be demonstrated that:
 - Plans showing proposed provision to prevent surface water from the site/plot discharging onto the existing highway.
 - The final surfacing of any private access within 2 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - Measures to enable vehicles to enter and leave the site in a forward gear.

Once approved these details shall be implemented in full and adhered to for the lifetime of the development.

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

- 7. Prior to the commencement of the development, details of a Construction Management Plan shall be submitted to the Local Planning Authority for written approval. The plan shall include the following
 - i. Details of any temporary construction access to the site including measures for removal following completion of construction works;
 - ii. Information pertaining to the restriction on the use of any access for construction purposes;
 - iii. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - iv. The parking of contractors' site operatives and visitor's vehicles;
 - v. Areas for storage of plant and materials used in constructing the development clear of the highway;
 - vi. Details of site working hours;
 - vii. Details of the measures to be taken for the protection of trees; and
 - viii. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue occurring related to highways.

Reason: In the interests of highway safety.

Prior to Occupation

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling constructed as part of this approved development. The landscape management plan, once approved, shall be strictly adhered to.

Reason: In the interests of the amenity of the area and to ensure that completed landscaping is of an appropriate standard and to comply with Policy SP13 of the Ryedale Local Plan.

Ongoing Conditions

9. No demolition or construction works shall take place outside the hours of:

07:30-18:00 Monday to Friday; 09:00-13:00 Saturday; and

No Activity on Sundays or Bank Holidays

Reason: In the interests of the amenity of the area and to comply with Policy SP20 of the Ryedale Local Plan.

10. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution and to comply with Policy SP17 of the Ryedale Local Plan.

11. There shall be no vehicular access to or egress from the site other than via the approved access points.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to comply with Policy SP20 of the Ryedale Local Plan.

12. No vegetation clearance works shall take place during the bird breeding season (1 March to 31 August (annually) inclusive). Where works must take place during this period all vegetation should first be checked by a suitably qualified ecologist.

Reason: In the interests of the Ecology of the area and to comply with Policy SP14 of the Ryedale Local Plan.

13. The hereby approved development shall comprise of no more than 2 dwellings.

Reason: In the interests of the amenity and visual amenity of the area and to comply with Policies SP1, SP2 and SP20 of the Ryedale Local Plan.

14. Any gates or barriers must be erected a minimum distance of 2 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.

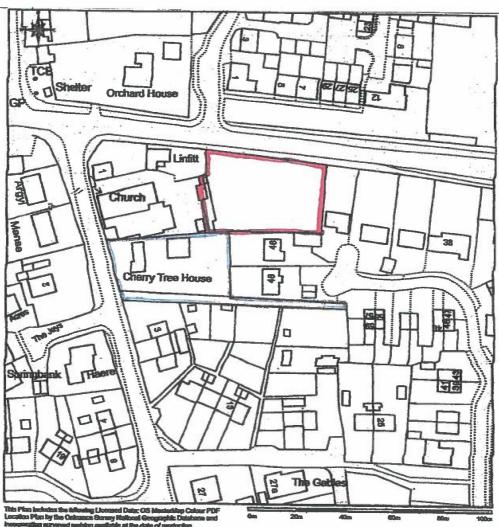
Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Note to Developer

- 1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements/consents are in place prior to the commencement of development and to take appropriate advice thereon if required.
- 2. Any wastewater assets intended for adoption by Yorkshire Water shall be subject to the applicant and developer liaising with them to ensure the process progresses in line with their procedures.
- 3. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

 $https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport\%\,20 and \%\,20 streets/Roads\%\,2 C\%\,20 highways\%\,20 and \%\,20 pavements/Specification_for_housing___ind_est_roads___street_works_2 nd_edi.pdf\ .$

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.



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Outline planning application for the construction of 2no houses off Linkfoot Lane, Helmsley

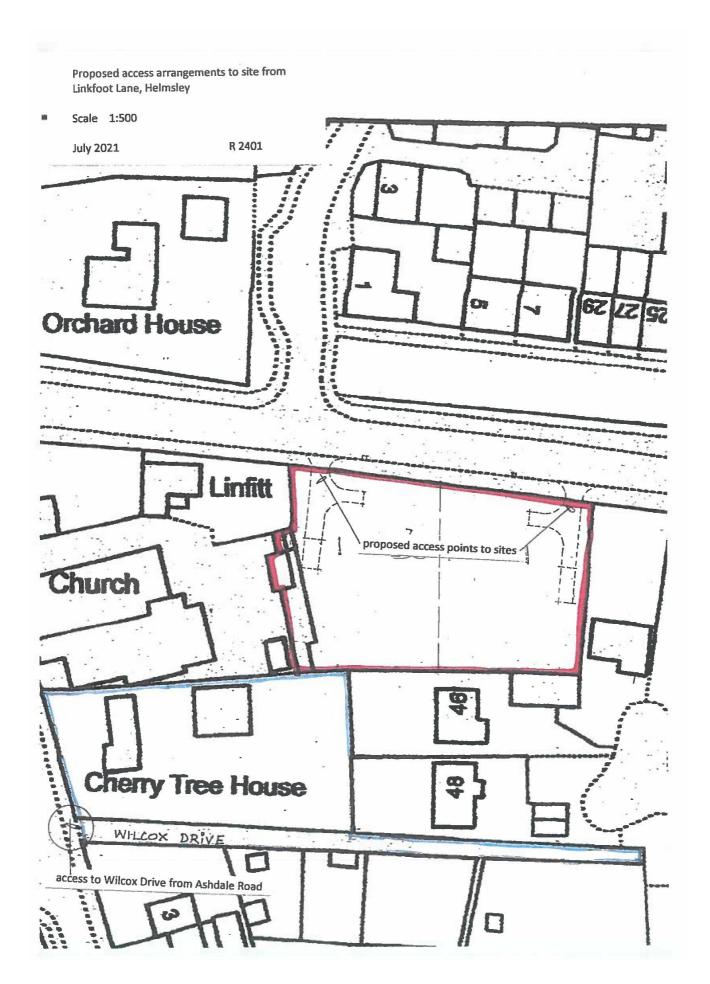
Site location plan

Scale 1:1250

November 2021



plans ahead by emapsil



Page 96

Please scan PARISH response on 22/00032/HOUSE, 22/00052/OUT, 22/00104/FUL, 22/00105/LBC, 22/00148/HOUSE and 22/00132/HOUSE

From: Helmsley Town Council Sent: 22 February 2022 14:02 To: Development Management

Subject: Planning application responses

Ηi

Helmsley Town Council considered the following planning applications at its meeting on the 21st February 2021 and resolved to respond 'no comment' to each.

- **a)** <u>22/00032/HOUSE</u> Erection of rear single storey s ide and rear extension following demolition of existing garage and installation of 2no roof lights to attic. 28 Station Road.
- **b)** 22/00052/OUT Erection of 2no. dwellings (site area 0.175ha) approval sought for access. Land off Linkfoot Lane, Access Ashdale Road.
- c) 22/00104/FUL & 22/00105/LBC Installation of timber sliding sash window following removal of existing ATM cash machine, fascia mounted signage and wall mounted projecting sign. 1-2 Market Place.
- d) 22/0148/HOUSE Erection of two-storey extension to the rear 21 Station Road.
- e) 22/00132/HOUSE Alterations to dwelling to include installation of grey render & timber cladding & erection of entrance lobby to south elevation & single-storey extension to north elevation (revised scheme to planning approval 19/00745/HOUSE dated 20.08.2019). Chandela 1 Southlands

Kind regards

Victoria

Please note that the clerk is part-time Monday to Thursday. Office visits by appointment only please.

Helmsley Town Council

The Old Vicarage

Bondgate

Helmsley

YORK YO62 5BP

Agenda Item 9

Item Number: 9

Application No: 21/01402/MFUL

Parish: Pickering Town Council Appn. Type: Full Application Major

Applicant: Mr Atkinson (Flower of May Holiday Parks Ltd)

Proposal: Change of use of land to form an extension to Upper Carr Holiday Park,

including the layout and formation of internal access roads and hard standings, the siting of an additional 127 static caravans each with parking, formation of a recreation area, provision of a new caravan sales area and associated car parking spaces for 8 no. visitors, siting of park manager's accommodation, reduction of the number of permitted units in the existing

park from 100 to 75, construction of a relocated site access onto the A169

Malton Road and site landscaping including 2 no. lakes

Location: Land at OS Fields 5760 3776 Upper Carr Lane Pickering North

Yorkshire

Registration Date: 13 October 2021 **8/13 Wk Expiry Date:** 12 January 2022 **Overall Expiry Date:** 18 February 2022

Case Officer: Alan Goforth Ext: 43332

CONSULTATIONS:

Initial consultation

Sustainable Places Team (Environment-Agency) Objection (further information required in

relation to the non-mains foul drainage system)

Pickering Town Council No objections

Highways North Yorkshire No objection recommend conditions
Vale Of Pickering Internal Drainage Board No objection recommend condition

NYM National Parks No objection request condition on external lighting

NYCC Natural Services

Yorkshire Water Land Use Planning
Lead Local Flood Authority (LLFA)

Environmental Health
Tree & Landscape Officer
Caravan (Housing)

Condition and informatives
Recommend conditions
Recommends conditions
No response received
No response received
No response received

Re-consultation (further drainage information)

Sustainable Places Team (Environment-Agency) No objection recommend conditions

Representations (1): Mr and Mrs P J Norman (objection)

BACKGROUND:

The application is to be determined by Planning Committee as a major development because the application site exceeds 1 hectare in size. In addition a representation received in response to the consultation exercise has raised objections based on material planning considerations.

As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the application has been screened and the Local Planning Authority has determined that the proposal

does not constitute EIA development and need not be accompanied by an Environmental Statement.

SITE:

The application site amounts to approximately 6.8 hectares of land immediately to the north and east of the Upper Carr Holiday Park. The site is within the open countryside approximately 1.5 miles south of Pickering and 7 miles north of Malton.

Upper Carr Holiday Park provides static units for owners with consent for the siting of up to 100 units and this proposal would form an extension to the existing park.

The application site is bounded by the A169 Malton Road to west, agricultural land to the north and east and the existing holiday park and Upper Carr Lane to the south. The site is broadly flat agricultural land (majority being classified as Grade 4 poor quality agricultural land) with boundaries on all sides comprising hedgerows and hedgerow trees.

Access to the existing holiday park is currently gained off the A169 then via Upper Carr Lane on the southern side of the park. Access to the application site can be gained via a field gate in the western boundary providing access off the A169 or via Upper Carr Lane through the existing park.

Land use within the area is predominately for agricultural or tourism/holiday purposes interspersed with sporadic residential development. The Black Bull Caravan Park is immediately to the west of the application site on the opposite side of the A169 and Pickering Lodges is located immediately to the south of Upper Carr Lane. It is also noted that the Ryedale Exhibition and Leisure Village to the west of the application site on the opposite side of the A169 was granted planning permission in 2013 for 133 lodges and associated facilities which is subject to lawful commencement but not yet completed. Flamingo Land theme park, zoo and resort is located some 3km to the south west. The residential receptors nearest the application site comprise Lilac Cottage to the west; Brookside House to the south west and Willow Dene to the south.

There are a number of land drains, watercourses and becks in the area and the majority of the application site is within Flood Zone 3. Pickering Beck is approximately 1.3km to the west of the application site. Beyond the eastern boundary of the application site lies Outgang Drain, an ordinary watercourse managed by the Vale of Pickering Internal Drainage Board. There is a pond 10 metres north of the application site boundary and two other ponds are located within 150 metres of the application site.

There are no national or local nature conservation, heritage or landscape designations associated with the site. The boundary of the National Park is approximately 1.5km to the north east of the site.

HISTORY:

The planning history relevant to the application site is as follows:

21/00871/MFUL- Change of use of agricultural land to form an extension to Upper Carr Holiday Park, including the layout and formation of internal access roads and hard standings to allow the siting of an additional 127 static caravans, formation of a 0.82 hectare recreation area, revisions to the layout of the existing Upper Carr Holiday Park to provide a new caravan sales area and associated car parking spaces for 8 no. visitors, reduction in the number of permitted units from 88no. to 57no. formation of a relocated access onto Carr Lane and site landscaping including 2 no. lakes. WITHDRAWN 13.10.2021.

N.B. The application was subject to an objection from the Local Highway Authority due to unacceptable visibility at the existing access. The application was withdrawn to allow the applicant to reconsider the proposed access arrangements and liaise with the Local Highway Authority in relation to a revised proposal.

The planning history associated with the existing Upper Carr Holiday Park dates back to the 1970's. Permission was first granted in 1973 for 60 caravans. This was increased to 100 in 1976. Numerous

permissions have been granted over the years but with no increase in the overall figure of 100 units. In the last 20 years the site has primarily provided for static caravans.

PROPOSAL:

Planning permission is sought for the change of use of land to form an extension to Upper Carr Holiday Park, including the layout and formation of internal access roads and hard standings, the siting of an additional 127 static caravans each with parking, formation of a recreation area, provision of a new caravan sales area and associated car parking spaces for 8 no. visitors, siting of park manager's accommodation, reduction of the number of permitted units in the existing park from 100 to 75, construction of a relocated site access onto the A169 Malton Road and site landscaping including 2 no. lakes.

The proposed development comprises the following:-

- Construction of a new junction in the north west site boundary to provide access onto the A169 Malton Road;
- Change of use of agricultural land to the north and east of the existing park to form an extension to the existing Upper Carr Holiday Park;
- Formation of 127 new concrete bases for the siting of static caravans (37no. in northern extension and 90no. in the eastern extension);
- Formation of new internal access roads (4.5m wide);
- The formation of a permeable blockwork surfaced car parking bays;
- Formation of two new waterbodies in the eastern extension of the park;
- Creation of a recreation area on the western side of the northern extension;
- Installation of new drains to facilitate the management of surface water;
- Installation of Klargester Biodisc BM or similar specification package water treatment plant for the management of foul water;
- Provision of new landscape planting within the application site and along the site perimeter;
- Establishment of a caravan sales area adjacent to the northern boundary including the provision of a small sales office measuring 4.4 metres in length by 3.4 metres in width with external decking to entrance;
- Siting of warden's accommodation comprising single storey lodge measuring 12.8 metres in length by 6.1 metres in width with external patio area in the north west of the site.
- Reduction in the number of holiday homes provided in the existing holiday park from the currently permitted 100 to 75; and
- Cessation of use of the existing caravan park access off Upper Carr Lane for all but emergency use.

As a result of the proposed reduction in the number of units within the existing site the proposed development would result in a net gain of 102 static units (202 units across the whole holiday park). No touring or camping pitches are to be provided.

Each static unit within the application site would be single storey with dimensions of 12.4 metres in length by 4.9 metres in width with external decking. Externally the units would be clad in muted colours. There would be 7 metres spacing between each unit and each unit would be set back 4 metres from the internal access road.

The planning application is accompanied by a Planning Statement; Transport Statement (& Supplementary Transport Note); Flood Risk Assessment and Drainage Assessment; Flood Evacuation Management Plan; Landscape and Visual Impact Assessment; and Ecological Appraisal.

POLICIES:

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 SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP8 Tourism

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 SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

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

REPRESENTATIONS:

The LPA has received one representation from the occupants of Lilac Cottage, Malton Road, Pickering. The representation states the following:

"Traffic generation

Lilac Cottage is only a few metres from the edge of the A169 and has bedroom windows that face directly onto the proposed entrance this is going to cause problems with noise of accelerating vehicles and headlights particularly during the hours of darkness in the late evening the lights will flash across the full width of our property.

Highway safety

The A169 is already an extremely busy and dangerous road particularly during the weekends, the addition of another tee junction is only going to increase the risk of accidents on this stretch where we already have junctions in to Upper Carr lane and the Black Bull holiday park. Our particular concern is that any vehicle having to take avoiding action to miss a vehicle pulling out unexpectedly could potentially end up coming in to our property.

There will also be a significant increase in the number of pedestrians crossing to access the footpath to the Black Bull pub or walk in to Pickering, crossing this road can be quite difficult during busy periods from our observations pedestrians often don't realise how close they have been to getting hit by a car when they cross".

APPRAISAL:

Principle of development

Policy SP1 states that development in the open countryside will be restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. Tourist-orientated schemes are a form of development which could be considered to be necessary to support the above policy objective. At the national level paragraph 84 of the NPPF supports a prosperous rural economy and states that planning decisions should, inter alia, enable "sustainable rural tourism and leisure developments which respect the character of the countryside".

Tourism makes a significant contribution to the local economy and local planning policy (Policy SP8) seeks to develop tourism in a sustainable way which does not undermine some of the very special

qualities that visitors come to enjoy and experience. Policy SP8 supports tourist accommodation in the wider open countryside that, inter alia, involves "New touring caravan and camping sites and static caravan and chalet self-catering accommodation and extensions to existing facilities that can be accommodated without an unacceptable visual intrusion and impact on the character of the locality".

The site is in relatively close proximity to the scenic landscapes of northern Ryedale and the type of accommodation proposed would contribute to the range and choice of tourist accommodation available to visitors to the District.

Local policy provides support in principle for sustainable tourist accommodation where the scale, nature of activity and visual intrusion can be accommodated, for example, in terms of the character and sensitivities of the locality, wider landscape and the road network.

The proposed development relates to an extension to an existing and established site and is considered acceptable in principle subject to consideration of the landscape and visual impact, highways safety, flood risk, local amenity, biodiversity and occupancy restrictions. The caravan sales is considered to be ancillary to the holiday park business and the manager's accommodation is appropriate for a park of this size subject to occupancy being tied to the holiday park business.

Landscape and visual impact

The site is located within the open countryside. Policy SP20 requires new development to respect the character and context of immediate locality and the wider landscape character and to ensure the proposed uses are compatible with the ambience of the surrounding locality. In addition, Policy SP8 requires that new or extended caravan sites do not give rise to unacceptable visual intrusion or adverse impacts upon the character of the locality.

The existing holiday park has consent for 100 units but as part of this proposal will be limited to 75 units as shown outlined in blue on the proposed site plan. The application site is a substantial extension to the existing park into the fields to the north and east of the site and allows for 127 static units.

The application is accompanied by a Landscape and Visual Impact Assessment which considers the likely effects of the proposed development on both the landscape and visual receptors. There are no landscape designations associated with the site.

The Vale of Pickering has some expansive open views despite the low lying topography. The existing site is relatively well screened by mature hedges and hedgerow tree planting, which act as a partial screen for the static caravans and soften long distance views of the site.

The land use in the locality is predominately agricultural but with relatively large scale tourist/holiday parks nearby. There are no public rights of way immediate to the site or residential receptors with direct, uninterrupted views of the site. There will are fleeting views of the extension site from the A169 and this would continue to be the case but to a lesser extent with regards to the north western part of the extension site. The north western part of the extension site incorporate a buffer from the road which includes the landscaped recreational space and sales area and as a result the static units would be enclosed by planting on the western side and in excess of 100 metres from the public highway.

The proposed site layout is not overly regimented and the individual units are arranged with an appropriate density and spacing. The proposal confirms a muted colour scheme for the exterior cladding of the units which will be controlled by details approved by condition. The careful selection of a mixed palette of muted colours for the cladding would minimise uniformity and assist in screening out the lighter coloured units situated within the existing holiday park particularly when viewed from the north. The mitigation also includes additional tree planting, additional hedgerow planting and management of existing hedgerows which combined with a sympathetic colour scheme for the static units would assist in integrating the proposed development into the surrounding landscape.

It is considered that the site design provides scope for a comprehensive scheme of landscaping based on indigenous species of sufficient density to reduce the visibility of the static caravans. A condition shall

secure a detailed scheme of landscaping.

The North York Moors NPA does not raise any concern in relation to any impact on the setting of the National Park and a condition shall be applied to control external lighting in the interest of reducing light pollution.

The LVIA finds that development would result in a low magnitude of change on local landscape character and therefore give rise to an overall minor level of adverse landscape effect. The visual impact would range from moderate adverse to negligible with greater impacts immediately after the completion of construction which would be lessen as planting establishes over 5-10 years reducing impacts to a range from negligible to minor beneficial.

Taking account of the existing land use in the area and existing and proposed planting the extended site will not be overly prominent or incongruous within the local landscape. The proposed use of the land would not interrupt any key views or erode the appearance of the area to an unacceptable degree and it is considered an appropriate and compatible land use in landscape and visual terms. The proposed development would not result in any landscape harm or visual intrusion and would not conflict with the aims of Policies SP8, SP13, SP16 and SP20.

Highways impact

Policy SP20 seeks to ensure that new development does not have a detrimental impact on road safety.

The proposal involves a net increase of 102 static caravans on the site overall with site access via the A169 Malton. The A169 Malton Road is a strategically important principle road, connecting Malton and Pickering carrying some 13,000 vehicles per day of which approximately 15% are Heavy Goods Vehicles. The A169 is a two way single carriageway subject to a 60mph speed limit. The representation from the local resident has cited highway safety as a concern.

The earlier application (see planning history) proposed that access for the extended Holiday Park would continue to be via the existing Upper Carr Lane/A169 junction. However, in light of the volume and speed of traffic on the A169 and the proposed intensification of use of the existing access it was deemed that the visibility to the south was unsatisfactory and the proposal was unacceptable in terms of highway safety. The application was withdrawn in order to address the objection from the Local Highway Authority.

The current planning application is accompanied by a Transport Statement and Supplementary Transport Note and the applicant's assessment involved analysis of collision data and results of a speed survey. The revised application proposes that the whole holiday park as extended is served by a new site access located directly onto the A169 Malton Road, with the existing vehicular access off Upper Carr Lane being closed off to holiday park traffic except for emergency access.

The applicant's Transport Statement considers potential trip generation of the additional caravans. It states that the proposal would generate an additional nine two-way vehicle trips during the AM peak hour and up to 29 additional two-way vehicle movements during the PM peak hour and over the day some new 280 trips. The highways officer acknowledges that this would be a significant increase in traffic generation compared to the current site although it is accepted that traffic flows for holiday accommodation are seasonal and there is likely to be reduced occupation at certain times of the year with a corresponding reduction in traffic generation.

The applicant has demonstrated that appropriate visibility splays onto the A169 would be available at the location proposed for the new site access. The applicant has also undertaken a capacity check on the proposed new site access and demonstrated this would operate well within capacity with the new development traffic. It is also noted that the site will not generate touring caravan movements.

The highways officer recommends that provision is made for pedestrians to continue to access the site via Upper Carr Lane allowing a route to and from the existing bus stops on the A169 to the south of the

development site. Alternatively a new footway could be provided along the southbound verge of the A169 from the new site access that connects to the bus stops.

There are no Local Highway Authority objections to the proposed development subject to conditions being imposed in relation to the formation of the new access; creation and maintenance of visibility splays; off-site highway mitigation measures (pedestrian route, removal of layby, closure of park access off Upper Carr Lane & warning signage); provision of parking and turning areas; a travel plan; and construction management plan.

It is considered that, taking account of anticipated traffic movements associated with the proposed development and proposed access and visibility, subject to the recommended highways conditions the proposed development would not give rise to a materially significant adverse impact on highway safety either individually or cumulatively and there would be no conflict with Policy SP20.

It is also considered that sustainable modes of transport are available in close proximity to the site in terms of the network of Public Rights of Way and proximity to nearby bus stops with regular stops during weekdays and weekends.

Flood Risk and Drainage

The majority of the application site is within Flood Zone 3 (High Risk). The recreational area proposed to be created within the western side of the site is in Flood Zone 1 (Low Risk). The application is accompanied by a Flood Risk Assessment (FRA). The proposal is classified as a 'more vulnerable' use.

The applicant's FRA is based on detailed information provided by the Environment Agency which indicates flood waters up to 0.342m depth and 0.386m/s velocities during the 1 in 100 year +20% climate change scenario (1% AEP). This is isolated to the western and southern areas of the application site.

The FRA recommends that all finished floor levels are sited approximately 600mm above ground level and all static caravans are securely tethered to the ground. The inherent design of static caravans allows for this but it shall be secured by condition for completeness.

The existing holiday park is a largely within Flood Zone 3 and currently operates in accordance with a flood evacuation and management plan which will be carried over to the extension site. A condition shall be imposed to require the site is operated in accordance with an up to date flood evacuation and management plan at all times.

The FRA identifies that the proposed development would result in the loss of approximately 2 hectares of land that is currently wholly permeable, to be replaced by internal access roads which would be impermeable and hard standings which would be semi-permeable.

The conclusion of the FRA is that no particular source of flooding has been identified as a risk to the site and the proposed development would not increase the risk of flooding elsewhere subject to incorporating the abovementioned mitigation and a suitable surface water management strategy.

The applicant's Drainage Assessment calculates that the greenfield run off rate should be restricted to 8.21/s (with flow control device) with a required surface water storage volume calculated as being 594 cubic metres. Soakaway testing has proved the site to be suitable for partial infiltration with a restricted discharge to the existing watercourse. The proposed roads within the site would have a 300mm layer of Type 3 voided stone beneath the sub-base to provide 680 cubic metres of storage and allow partial infiltration of surface water. In addition trenches would run adjacent to the new roads to collect surface water run off with discharge to the drain to the south of the site.

The LLFA state that the submitted documents demonstrate a reasonable approach to the management of surface water on the site and there are no objections from the Environment Agency, Yorkshire Water or the IDB subject to standard conditions.

With regard to foul drainage the closest public sewer is 1.35km north of the site and is therefore not a viable option. At present foul water is treated by an onsite plant which discharges treated effluent to the adjacent watercourse. The package treatment plant will be upgraded to facilitate the extension to the holiday park and the Environment Agency have recommended conditions in relation to foul drainage.

It is considered that the development can incorporate a suitable drainage scheme and would not increase flood risk at the site or elsewhere and that suitable mitigation can be incorporated subject to conditions and the proposal complies with Policy SP17.

The NPPF and Policy SP17 require the LPA to direct development to areas with lowest probability of flooding (a risk based sequential approach). The sequential test should demonstrate that there are no reasonably available sites in the area with a lower probability of flooding that would be appropriate for this type of development. National Planning Policy Guidance classifies the proposed development as a 'more vulnerable' use and, being located within Flood Zone 3, an 'exception test' is also required.

National Planning Practice Guidance (NPPG) encourages a pragmatic approach to sequentially testing of proposed expansions of existing sites stating that "When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere".

It is noted that Policy SP8 supports the proposed development in this location and there are no national or local nature conservation, heritage or landscape designations associated with the site. There are few opportunities for holiday park development in the open countryside that are outside sensitive areas.

With regard to the sequential approach the NPPG acknowledges the impracticalities of locating additions to existing business sites/premises outside of areas at risk of flooding that may prevent the effective operation of that business. It is considered that extensions to existing static holiday caravan sites should be considered in this way as, while static holiday caravans could physically be located almost anywhere, they require the support of holiday park services, staffing and infrastructure to operate. The existing holiday park is well established and benefits from existing drainage systems; landscaping, internal access roads; reception building (with games room and laundrette); and a children's play area.

It is considered that the proposed additional units would not be suitable in a location away from the existing onsite facilities and infrastructure. Therefore, while it is always most ideal to locate development in the lowest possible flood risk, the development cannot occur anywhere else in this instance other than on land adjacent the existing holiday park. Therefore, there are no reasonably available sites for the proposed development in areas of lower flood risk and the proposal passes the sequential test.

The application is accompanied by a site-specific flood risk assessment (FRA) which informs the 'exception test'. Paragraph 164 of the NPPF states that 'To pass the exception test it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

With regard to (a) and the sustainability benefits there are several economic benefits to the proposed development, including additional tourism spend in the District and retention and creation of employment at the holiday park and additional spend supporting businesses that supply the holiday park.

In addition there are benefits arising from the development in terms of road safety and sustainable travel. The new access would have improved visibility and remove holiday park traffic from Upper Carr

Lane. It is also noted that the park would no longer be accessed by vehicles towing touring caravans. In addition the off-site highway improvements include the provision of warning signs; a pedestrian crossing point on the A169; and footway links connecting to the nearby bus stops.

There are also biodiversity benefits arising from the extensive native tree, hedge and shrub planting, formation of waterbodies and habitat creation.

It is considered that the identified benefits outweigh the flood risk.

With regard (b) the discussion earlier in this report has established that subject to incorporating the recommended mitigation; surface water drainage strategy; and the flood evacuation and management plan the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

It is considered that the proposed development incorporates a flood resistant and resilient design that is appropriate given its location within Flood Zone 3. It is considered that the proposed development would give rise to wider sustainability benefits and would not increase flood risk at the site or elsewhere and complies with Policy SP17 and satisfies both elements of paragraph 164 and 165 of the NPPF ('the exception test').

Impact on local amenity

As required by Policy SP20 (Generic Development Management Issues) 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 existing site is well established although there are residential receptors in relatively close proximity to the application site. There have been concerns raised by the occupants of Lilac Cottage which is situated to the west of the site across the A169 from the proposed access. The concern is in relation to potential disturbance and nuisance arising from noise of vehicles using the access and headlights particularly during the hours of darkness.

Lilac Cottage is a single storey dwelling which is separated from the application site and access by the A169. Road traffic using the A169 is the dominate noise source in the area. It is considered that noise from vehicles entering and leaving the site would be negligible. Lilac Cottage stands at an oblique angle in relation to the access and also benefits from an establish hedge along its eastern boundary. It is not anticipated that the number of vehicles leaving the site during the hours of darkness would have a material impact in terms of loss of amenity for occupants from car related light nuisance.

In terms of any potential noise disturbance from holidaymakers staying within the extended holiday park it is considered that the impact would be negligible particularly given the separation distance and intervening road, static units and planting. To address any potential for light pollution from static sources any additional external lighting associated with the site shall require approval from the LPA prior to installation.

It is considered that there would be no impact outside of the site in terms of pollution, disturbance, overlooking, loss of privacy or visual intrusion. It is considered that the proposed development would not conflict with the aims of Policy SP20 in relation to the protection of amenity.

Ecological impact

The application is accompanied by a Preliminary Ecological Appraisal (PEA) which identifies habitats and species within or adjacent to the site. For the majority of the species identified the application site does not provide suitable habitat and no further surveys have been recommended.

However, there is a pond 10 metres north of the application site boundary and records indicate that populations of great crested newt are found within that pond. A further two ponds are located within 150 metres of the application site. In response the applicant has undertaken a presence/absence survey and

population size class assessment and the result is that a Natural England Development Licence is required and a provisional method statement has been submitted. The development also includes compensation measures to be undertaken to create a minimum of 0.5 ha of optimum terrestrial and aquatic great crested newt habitat within the application site. These matters shall be secured by condition. In addition, in respect of birds, the PEA recommends restrictions on the timing of clearance works.

The County Ecologist is satisfied subject to conditions to secure the mitigation identified in the Preliminary Ecological Appraisal.

Occupancy restrictions

Policy SP8 states that one way in which sustainable tourism can be achieved is by encouraging all year round tourism subject to occupancy conditions set out in Policy SP21. The existing Holiday Park already operates on the basis of offering year-round holiday accommodation and this would apply to the extension site the subject of this application.

Local Policy SP21(e) relates to time-limited occupation and states "New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions: • The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and • It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and • The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request".

To comply with Policy SP21 it is considered appropriate to impose a condition restricting occupancy at the site to holiday purposes only to prevent the occupation of any holiday accommodation as a person's primary residence.

Conclusion

The principle of the use of the land as an extension to an existing and established holiday park aligns with national and local planning policy relating to the sustainable development of tourism and the rural economy. The proposal represents an appropriate expansion of an established caravan park that would improve the viability of the business, retain and create employment at the site and attract visitors to the District. Taking account of the location of the development in terms of proximity to sensitive receptors, public highways and the effectiveness of screen planting it is considered that the additional static units can be accommodated without giving rise to unacceptable visual intrusion or an adverse impact on the character of the open countryside.

The proposed development would not have an unacceptable impact on landscape and visual amenity, residential amenity, biodiversity and highway safety. Furthermore the development would provide wider sustainability benefits (economic; tourism; highway safety & biodiversity) which outweigh the flood risk which, in any event, can be suitably mitigated and managed through a surface water management scheme secured by planning conditions. In light of the above assessment, it is considered that, on balance, the proposal is acceptable and that it complies with Policies SP1, SP8, SP13, SP16, SP17, SP19, SP20 and SP21 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. 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

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

Site Location Plan ref. 2020.40.71/1, dated 04.10.2021

Planning application boundary ref. 2020.40.71/2, dated 04.10.2020

Site Plan as Proposed Scheme B ref. FM UC 1809 5 E, dated January 2022

Plans, Elevations and Section of Proposed Park Manager's Accommodation ref. FM UC 1809 6, dated September 2021

Plan, Elevations and Section of Proposed Caravan Sales Unit ref. FM UC 1809 7, dated September 2021

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

The development must not be brought into use until the access to the site at the A169 Malton Road has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The access must be formed with radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 10 metres into the site must be constructed in accordance with Standard Detail E60 Rev and the following requirements.

- Any gates or barriers must be erected a minimum distance of 16 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 10 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in compliance with Policy SP20.

There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 160 metres measured along both channel lines of the A169 from a point measured 2.4 metres down the centre line of the new site access road. In measuring the splays, the eye height must be from 1.05 to 2 metres and the object height shall be from 0.6 metres to 2m. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in compliance with Policy SP20.

- The following schemes of off-site highway mitigation measures must be completed as indicated below:
 - Provision of pedestrian route from the development site to the existing bus stops on the A169 located to the south of the site. To be implemented prior to first occupation.
 - Provision of a scheme to remove the existing layby, area of hard standing adjacent to the proposed site entrance and return it to highway verge. To be implemented prior to first occupation.

- Provision of a scheme to close off the existing vehicular access on Upper Carr Lane and reinstate the highway verge and provide pedestrian access and vehicular access for emergency only. To be implemented prior to first occupation.
- Provision of warning signs, dropped kerbs and a pedestrian crossing point on the A169 with footway links that connect to the development.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users in compliance with Policy SP20.

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in compliance with Policy SP20.

- Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -
 - Agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
 - A programme for the delivery of any proposed physical works;
 - Effective measures for the on-going monitoring and review of the travel plan;
 - A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
 - Effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel

Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport in compliance with Policy SP20.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport in compliance with Policy SP20.

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- 1. Restriction on the use of Upper Carr Lane access for construction purposes;
- 2. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- 3. The parking of contractors' site operatives and visitor's vehicles;
- 4. Areas for storage of plant and materials used in constructing the development clear of the highway;
- 5. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- 6. Protection of carriageway and footway users at all times during demolition and construction:
- 7. Protection of contractors working adjacent to the highway;
- 8. Details of site working hours;
- 9. A detailed method statement and programme for the building works; and
- 10. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in compliance with Policy SP20.

- The development hereby approved should not commence until a scheme of foul drainage is submitted to and approved by the Local Planning Authority. The scheme should include details such as:
 - 1. An assessment of the feasibility of connecting to the public sewer, prepared in consultation with the relevant statutory undertaker;
 - 2. The design of all on and off-site foul sewage infrastructure including the route and diameter of all new pipe work to be installed;
 - 3. A timetable for the provision of the approved infrastructure, including a requirement for all necessary foul drainage infrastructure to be installed and commissioned prior to the occupation of any of the approved units.

The development shall be carried out in accordance with the approved details and timetable for completion.

Reason: To ensure that the development is served by satisfactory arrangement for the disposal of foul sewage and to comply with the requirements of Policy SP17.

There shall be no permanent or temporary structures, building or planting within 6 metres of existing watercourses to allow for maintenance access.

Reason: In the interest of satisfactory drainage in compliance with Policy SP17.

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage in compliance with Policy SP17.

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in compliance with Policy SP17.

Development shall not commence until a scheme detailing surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall then be implemented as approved prior to the occupation of any of the approved units.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in compliance with Policy SP17.

Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 8.2 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep 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 in compliance with Policy SP17.

No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system in compliance with Policy SP17.

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 in compliance with Policy SP17.

Notwithstanding the submitted details, the static units shall be single storey only with their heights and elevational treatment including external materials and colour finish for walls and roof submitted to and approved in writing by the Local Planning Authority prior to their installation on site. The external walls of the units shall have a matt, non-reflective colour finish.

Reason: In the interests of visual amenity, and to satisfy the requirements of Policies SP16 and SP20.

Unless otherwise agreed in writing with the Local Planning Authority, the materials and colour finishes to be used on the exterior of the manager's accommodation and caravan sales unit shall be in accordance with the details contained within the approved drawings.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20.

The development hereby permitted shall be carried out in accordance with the Mitigation, Method Statement and Compensation detailed in Sections 7, 8 & 9 in the Great Crested Newt Survey Report March – May 2020, produced by Wold Ecology Ltd.

Reason: In the interests of protected species at the site and to satisfy the requirements of Policy SP14.

Notwithstanding the submitted details, prior to the installation of any bases for the static units plans showing full details of a minimum of 0.5ha of optimum terrestrial and aquatic great crested newt habitat within the application site shall be submitted to and approved in writing by the Local Planning Authority. The habitat shall thereafter be established and managed in accordance with the details approved.

Reason: To secure the long-term protection of the species and habitats and to satisfy Policy SP14.

The development hereby approved shall be implemented in accordance with the ecological mitigation contained in the following sections of the Preliminary Ecological Appraisal (PEA) dated August 2020: 8.2.5.1 to 8.2.5.3 (bats, including provision of at least 4 bat boxes on boundary trees); 8.4.5.1 to 8.4.5.5 (birds, including provision of 8 nesting boxes); 8.8.3.7 (buffer zones adjoining drains); 9.2.3.2 (root protection zone for hedgerows); 9.2.3.6 & 9.2.3.7 (planting-up gaps in the northern and southern boundary hedges); 9.3.2 (Method Statement to protect watercourses from pollution and siltation); 9.4.1 (root protection zone for trees).

Reason: To secure the long-term protection of the species and habitats and to satisfy Policy SP14.

Notwithstanding the submitted details, prior to the installation of any bases for the static units plans showing full details of all landscaping and planting for the application site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the numbers, species, heights on planting and positions of all trees and shrubs including existing items to be retained and shall include details of all seeding and turfing and detail of any bunds/raised landforms to be created. A programme for the timing of all planting, seeding and/or turfing and earthworks and a maintenance schedule shall be agreed by the Local Planning Authority. The landscape planting shall thereafter be laid out, carried out and maintained in accordance with the details approved. Any trees/shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development and the setting of the development in accordance with Policies SP8, SP16 & SP20.

Prior to any hardstanding being laid within the application site full details of all of the ground surfacing materials to be used for roadways, bases, parking areas and paths within the application site shall be submitted to and approved in writing by the Local Planning Authority. No additional hard surfacing shall be laid within the site without the prior written approval of the Local Planning Authority.

Reason: To ensure a satisfactory appearance and to satisfy Policies SP16 and SP20.

Full details of all external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the reduction of light pollution in accordance with Policy SP20.

The development hereby approved shall be implemented in accordance with the Flood Risk Assessment (ref: Drainage Assessment Report produced by Mason Clark Associates, dated 15.01.2020, No. 17609-LRP-001-R0).

Reason: To manage and prevent the risk of flooding to and as a result of the development in compliance with Policy SP17.

Finish floor levels of the static units and manager's accommodation hereby approved shall be set no lower than 600mm above existing ground levels and tethered to the ground.

Reason: To reduce the impact of flooding on the proposed development and future occupants, and to satisfy the requirements of the NPPF.

There shall be no raising of ground levels in the parts of the site in Flood Zone 3.

Reason: To ensure that there is no loss of storage from the flood plain, and that flood flows are not diverted onto others in compliance with Policy SP17.

The site shall be operated in accordance with the Flood Evacuation Management Plan at all times which shall be kept up-to-date in accordance with Environment Agency guidance.

Reason: To reduce any potential risk of flooding to the site and to satisfy the NPPF.

The permission hereby granted shall only authorise the use of the application site for the stationing of 127 static holiday units, in the positions shown on the Site Plan as Proposed Scheme B ref. FM UC 1809 5 E, dated January 2022. The permission hereby granted shall not authorise the use of the land for touring caravans; motor homes or camping.

Reason: Additional units would result in a cramped and unsatisfactory site layout and the control is in the interest of landscape and visual amenity in compliance with Policies SP13, SP16 and SP20.

Notwithstanding the submitted details the maximum number of static caravans on the total site enclosed by the red and blue lines shown on the Site Plan as Proposed Scheme B ref. FM UC 1809 5 E, dated January 2022 shall not exceed 202 units. There shall be no use of the land for touring caravans; motor homes or camping.

Reason: In the interests of visual amenity, highway safety, neighbouring amenity, and to satisfy the requirements of Policies SP16 and SP20.

- The development hereby permitted shall ensure that:
 - The tourist accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and
 - It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days;
 - The owners/operators shall maintain an up to -date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request

Reason: To ensure that the static caravans are not occupied on a permanent residential basis, which would be contrary to the requirements of Policies SP1 and SP8 of the adopted Ryedale Plan-Local Plan Strategy. This condition is imposed in accordance with the requirements of Policies SP8 and SP21.

The occupation of the manager's dwelling shall be limited to a person solely or mainly employed, or last employed in the Upper Carr Holiday Park business, or a widow or widower of such a person, or any resident dependant(s). The dwelling shall at no time be sold off separately from the business.

Reason: To ensure that the proposed dwelling is occupied by persons connected with business as the site is located in open countryside where residential development would not normally be permitted and to comply with Policies SP1, SP2 & SP21.

INFORMATIVES:

Ecology

- The applicant should be mindful of the advice regarding the Ash tree referred to in sections 8.2.3 & 8.2.4 of the Preliminary Ecological Appraisal (PEA) dated August 2020, in case this tree needs to be removed in future.
- The applicant should be mindful of the advice concerning Hedgehogs contained in section 8.7.4 of the Preliminary Ecological Appraisal (PEA) dated August 2020. The installation of hedgehog boxes is left to the applicant's discretion.
- The applicant should be mindful of the advice concerning timing of hedgerow removal contained in section 9.2.3.1 of the Preliminary Ecological Appraisal (PEA) dated August 2020.

Site Licence

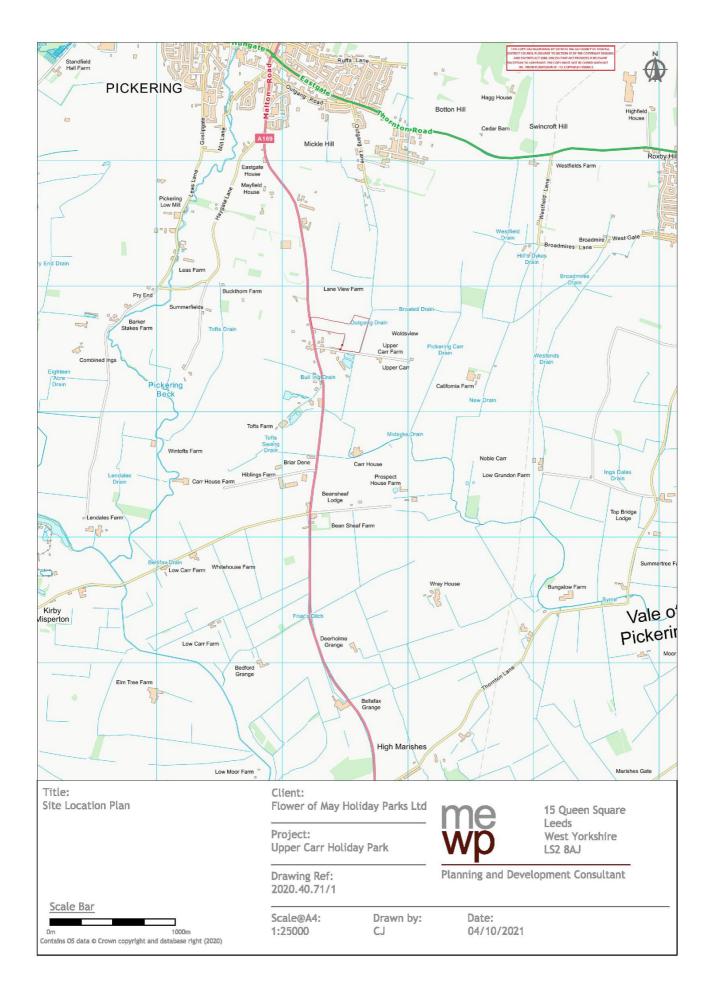
• The applicant should contact the Council's Housing Services department to obtain a new caravan site licence.

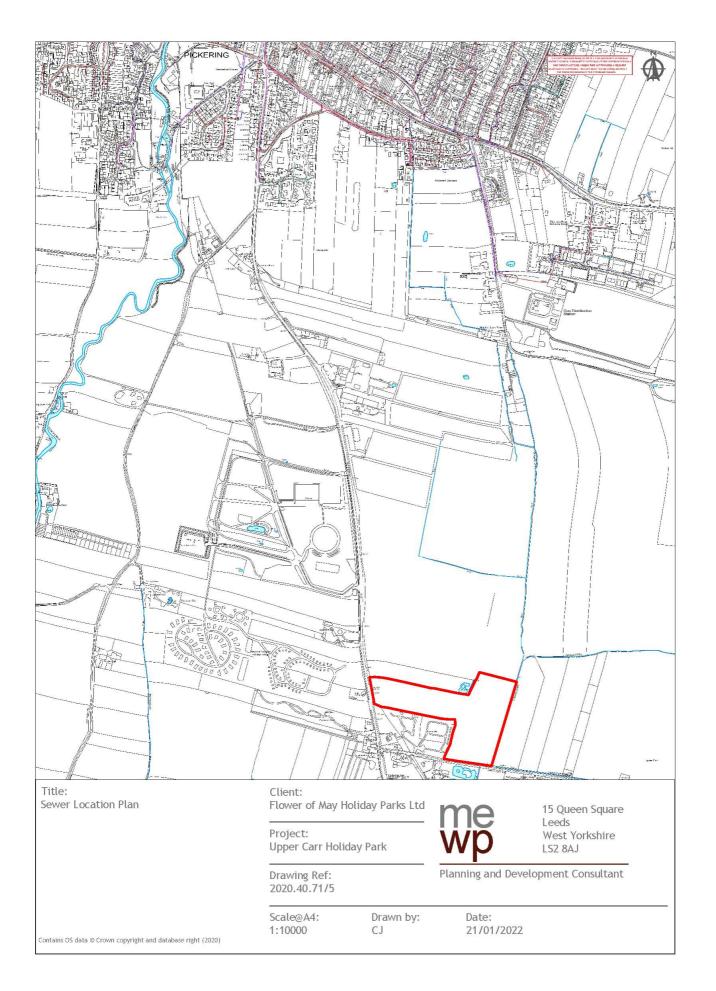
Internal Drainage Board

• Separate Land Drainage Consent from the Board will be required for new surface water discharge, any changes to existing watercourses and planned road bridge / culvert over existing watercourse.

Environmental Permitting

•	This development may require a permit under the Environmental Permitting Reg	ulations
	(England and Wales) 2016. The applicant is directed to the advice contained	in the
	Environment Agency's consultation response dated 30 March 2022.	







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Notes

Application boundary

Land under the applicant's control

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Scale Bar

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Flower of May Holiday Parks

Project:

Upper Carr Holiday Park

Planning Application Boundary

Drawing Ref: 2020.40.71/2

Scale@A3: 1:2500

Date: 04/10/2020 Drawn by: CJ

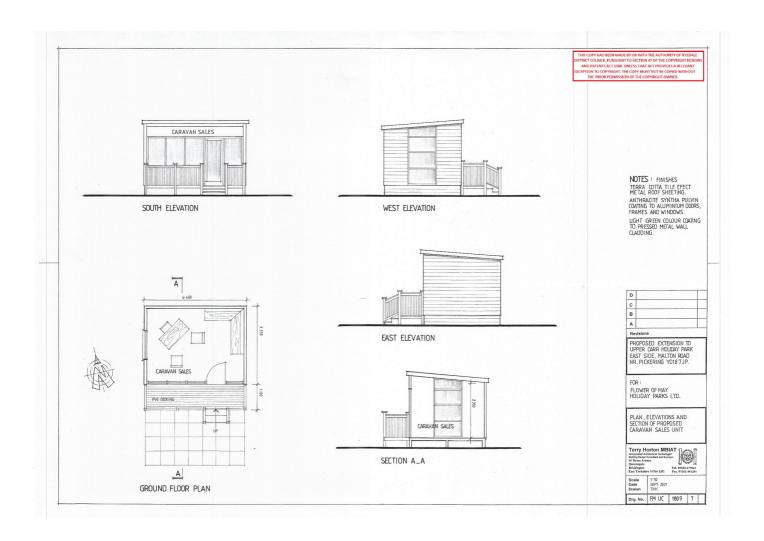


15 Queen Square Leeds West Yorkshire LS2 8AJ

Planning and Development Consultant









Change of Use of Land to Form an Extension to the Existing Holiday Park

Upper Carr Holiday Park

Planning, Design & Access Statement











Planning and Development Consultant

Report Title: Planning, Design & Access Statement

Client: Flower of May Holiday Parks

Proposal: Change of Use of Land to Form an Extension to the Existing Holiday

Park and Relocation of Site Access

Prepared by: Chris Jarvis

Date of Issue: 06th October 2021

Reference: 2020.40.71

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TABLE OF CONTENTS

1.	Introduction	1
2.	Background	1
	Relevant Legislation	2
3.	Format of the Application	2
4.	Site Location & Description	4
	Site Location	
	Site Description	
5.	Planning History	
6.	Description of Proposed Development	5
7.	Summary of Potential Environmental Effects and Proposed Mitigation	
	Biodiversity	
	Flood Risk	
	Landscape and Visual Impact	
0	Traffic & Transport	
8.	Planning Assessment Sustainable Development	
	Economy	
	Society	
	Environment	
9.	Summary and Conclusions	
Ap Ap Ap Ap Ap Ap	opendix 2 - Drainage Strategy opendix 3 - Sequential & Exception Test opendix 4 - Flood Evacuation Management Plan opendix 5 - Preliminary Ecological Appraisal opendix 6 - Protected Species Survey opendix 7 - Transport Statement & Supplementary Transport Note opendix 8 - Landscape & Visual Impact Assessment opendix 9 - Planning History opendix 10 - Relevant Planning Policy & Material Considerations opendix 11 - Ryedale District Council Pre-application Response opendix 12 - MAGIC Site Check Results	
20 20 FA FA	rawings 020.40.71/1 - Site Location Plan 020.40.71/2 - Planning Application Boundary MUC18095 - Site Plan as Proposed Scheme B MUC18096 - Plan, Elevations and Section of Proposed Park Managers Accommo MUC18097 - Plan, Elevations and Section of Proposed Caravan Sales Unit 0-10211-01 - Topographical Survey	datior



1. Introduction

- 1.1 This Planning, Design and Access statement has been prepared on behalf of Flower of May Holiday Parks Ltd in support of an application for the change of use of land to allow for the extension of an existing holiday park on land to the north and east of Upper Carr Holiday Park, Upper Carr Lane, Pickering, North Yorkshire YO18 7JP.
- 1.2 This statement and accompanying documents provide details of the proposed development, an assessment of the potential effects of the proposed development and means by which these effects may be mitigated. The statement identifies relevant planning policy and other material considerations and considers the appropriateness of the proposed development in that context. The statement demonstrates that the proposed works comply with the requirements of planning policy and other material considerations and should be granted planning permission.

2. Background

- 2.1 The applicant company was formed in 1992 and now owns and operates nine holiday parks across East and North Yorkshire. These Parks provide a mixture of holiday types including camping and touring caravan sites, static units for rental and, as is the case with the Upper Carr Holiday Park, static units for owners.
- 2.2 The planning history of Upper Carr Holiday Park stretches back to the early 1970s. It is understood that planning permission was first granted for the siting of 60 caravans and toilet blocks at the existing Holiday Park in 1973 (Ref 5/2/860B). This consent was extended in 1976 to allow for the siting of up to 100 caravans (Ref:3/102/144/PA). Neither of these applications specified whether those 100 units would be static or touring and the submitted documents are not available from the local planning authority's online planning register. Subsequent applications were made to vary the type of accommodation allowed including both touring caravans and lodges. However, the number of units, up to a maximum of 100, was maintained. The existing site operated for many years in accordance with planning permission 3/102/144Q/FA (the 1989 permission) which allowed for the siting of 20 chalets and 80 touring caravans.
- 2.3 Planning permission was granted in 2008 (ref 07/01039/73) to vary condition 5 of the 1989 permission to allow the use of part of the existing site for the siting of static caravans. Information accompanying this application suggested that 18 static caravans would replace 25 touring pitches, although this was not limited by condition.
- 2.4 Planning permission was granted in 2011 for the change of use of a section of the caravan park originally permitted for 20 holiday chalets to allow the siting of 26 static holiday caravans (Ref 11/00562/FUL). This was subject to condition 3 which limited the total number of units across the existing site to no more than 100 (statics, touring and chalets).
- 2.5 A further permission was granted in 2015 for the siting of 29 static holiday caravans on an area previously used for touring caravans and camping (Ref 15/00641/FUL). This permission related to only part of the existing site and was granted subject to conditions which restricted the number of static units in the application site to 29m however, the overall permitted number of pitches remained unchanged.
- 2.6 It is therefore considered that, given the planning history, a detailed list of which is provided at Appendix 10, the existing site has, historically, been able to accommodate up to 100 units.
- 2.7 The existing Holiday Park has developed over a near fifty-year period to provide owner holiday accommodation. It should be noted that the existing holiday park operates in accordance with current planning permissions and none of the existing units are occupied as the primary place of residence of any owner.



2.8 Planning Application 21/00871/MFUL was submitted to Ryedale District Council on 4th June 2021. Following constructive discussions with the Highways Authority, that application has been withdrawn and the application to which this Statement relates has been submitted in direct response to, and incorporating the advice of, North Yorkshire Highways.

Relevant Legislation

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- 2.9 Regulation 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs) prohibits the grant of planning permission for Environmental Impact Assessment (EIA) Development.
- 2.10 Schedule 1 of the EIA Regs sets out those forms of development for which the undertaking of EIA is mandatory and planning applications for which must be accompanied by an Environmental Statement (ES). The proposed development set out in this application does not fall within any of the descriptions of development set out at Schedule 1 of the EIA Regs.
- 2.11 Schedule 2 of the EIA Regs describes those forms of development for which EIA may be required and establishes a series of thresholds and criteria against which the proposal should be assessed to determine the need for EIA. Whilst establishing the thresholds and criteria, the Regulations are also clear that the determining factor in the need for EIA is the likelihood of significant effects. Therefore, even when development falls within the definitions set out in Schedule 2, it does not automatically follow that EIA is required.
- 2.12 The development set out in this application comprises an extension to an existing caravan park. Part 12(e) of Schedule 2 of the EIA Regs describes Permanent camp sites and caravan sites and applies a threshold of 1 hectare to determine that a site falls within the Schedule. The existing Upper Carr Holiday Park extends to some 2 hectares with the proposed extension covering an additional area of some 6.8 hectares. The proposed development therefore falls within Schedule 2. Paragraph 018 of the online Planning Practice Guidance (PPG) is clear in stating that "(o)nly a very small proportion of Schedule 2 development will require an Environmental Impact Assessment."
- 2.13 Nevertheless, the key determinant of the need for EIA is the likelihood of significant effects occurring as a result of the proposed development. This Statement and the accompanying technical reports on highways, flood risk, drainage, ecology and landscape all demonstrate that the proposed development is not located in an area defined as being "sensitive" in the EIA Regs, would not give rise to significant effects and proposes appropriate mitigation measures and controls which can be secured through planning conditions. The submitted application clearly demonstrates that the proposed development, whilst falling within Schedule 2 of the EIA Regs, would not give rise to significant environmental effects and does not, therefore, comprise EIA development.

3. Format of the Application

- 3.1. This supporting statement describes the development and proposed use and seeks to demonstrate that the proposal comprises sustainable development.
- 3.2. The format of the application provides a description of the site at Section 4 and a detailed planning history at Section 5. A description of the proposed built and operational development is provided at Section 6 along with a summary of potential environmental affects and proposed mitigation measures at Section 7. Section 8 provides an assessment of the planning merits of the proposed development (relevant policies and other material considerations are reproduced in detail at Appendix 10). Section 9 of the report draws together the foregoing sections and demonstrates that the proposal meets the definition of sustainable development.



- 3.3. Detailed assessments have been undertaken in support of the application specifically in respect of the following matters:
 - Biodiversity (including preliminary ecological appraisal and great crested newt survey)
 - Flood Risk (including drainage, sequential and exception test)
 - Landscape
 - Transport
- 3.4. The planning application therefore comprises the following documents:

Document Type	Reference (where applicable) & Date	Description
Planning Application Forms	n/a	Completed planning application forms
Planning, Design & Access Statement	2020.40.71 October 2021	Statement setting out details of the proposed development and how that development complies with the requirements of adopted planning policy and material considerations.
Drawing	FM UC 1809 5 Jan 2019	Site Plan as Proposed
Drawing	FMUC18096 Sept 2021	Plan, Elevations and Section of Proposed Park Managers Accommodation
Drawing	FMUC18097 Sept 2021	Plan, Elevations and Section of Proposed Caravan Sales Unit
Drawing	2020.40.71/1 30/10/2020	Site Location
Drawing	2020.40.71/2 30/10/2020	Planning Application Boundary
Drawing	06-10211-01 02/06/2010	Topographical Survey
Report	17609-L-RP-002-R0 28/01/2020	Flood Risk Assessment
Report	17609-L-RP-001-R0 15/01/2020	Drainage Assessment Report
Report	n/a April 2020	Sequential and Exception Test Technical Note
Report	n/a March 2020	Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal
Report	n/a March - May 2020	Great Crested Newt Survey Report
Report	LTP/20/4085 November 2020	Transport Statement & Supplementary Transport Note
Report	BG/UC001 December 2020	Landscape & Visual Impact Assessment



4. Site Location & Description

Site Location

- 4.1. The application is located immediately to the north and east of the existing Upper Carr Holiday Park, to the east of the A169 Malton Road, approximately 2km to the south of the centre of Pickering. An approximate grid reference for the application site is 480400; 481568.
- 4.2. The site is located wholly within the administrative areas of Ryedale District Council and Pickering Town Council.
- 4.3. The location of the site can be categorised as being broadly agricultural in nature, however there are several camping and holiday parks in the vicinity of the application site; Pickering Lodges is located immediately to the south of Upper Carr Lane, with the Black Bull Caravan Park immediately to the west, on the opposite side of the A169. In addition, the Ryedale Exhibition and Leisure Village, granted planning permission in 2013 for 133 lodges and associated facilities, has been started, but not yet completed, on land immediately to the west on the opposite side of the A169. Flamingo Land theme park, zoo and resort is located some 3km to the south west.
- 4.4. The boundary of the North York Moors National Park is approximately 1500 metres to the northeast of the application site.
- 4.5. A review of the information available on the government's MAGIC website shows that there are no nationally or internationally designated sites within the application area for the protection of biodiversity, the landscape or heritage.
- 4.6. Along with the boundary of the National Park, there are a number of other designated features within the 2km of the application site, including:
 - 15 no. Grade II Listed buildings, the closest of which are located at Barr Farm, some 430 to the south west of the application site;
 - 1 no. locally designated Site of Importance for Nature Conservation located some 1300m to the north of the application site at Outgang Road; and
 - 1 no. candidate Site of Importance for Nature Conservations some 1200m to the south west of the application site off Tofts Road.
- 4.7. In addition, the site lies within the SSSI Risk Impact Zone for Haugh & Grindale Slacks SSSI. Whilst within the risk impact zone, the SSSI itself is located to the north of Pickering, some 4km to the north of the application site. It should also be noted that the nature and scale of the development set out in this application does not trigger the need to consult Natural England.

Site Description

- 4.8. The application site comprises approximately 6.8 hectares of agricultural land of which approximately 4 hectares is recorded as being Grade 4 agricultural land, the remaining 2.8 being recorded as Grade 3. It is not known whether this Grade 3 land is 3a or 3b and therefore whether that comprises Best and Most Versatile Land.
- 4.9. Topographic survey of the site shows that it is broadly flat with a gentle incline from east to west at an elevation of around 22-23m above ordnance datum, bounded along all sides by hedgerows and hedgerow trees.
- 4.10. Access to the application site can currently be gained via field access points taken from either the A169 or Upper Carr Lane.
- 4.11. Along the western boundary of the application site lies Outgang Drain, an ordinary watercourse managed by the Vale of Pickering Internal Drainage Board.
- 4.12. The site lies within an area which has been identified as having a varied risk of flooding, small parts of the site are identified as having no flood risk, however, the bulk of the site is identified as falling within Flood Zones 2 and 3. This matter is discussed in further detail below and additional information is provided at Appendices 1-4 in the form of a flood risk



- assessment, drainage strategy, sequential and exception test and flood evacuation management plan.
- 4.13. The site lies outside any areas designated for their importance for nature conservation, heritage or landscape. Matters relating to biodiversity are discussed below and in Appendices 5-6 whilst an assessment of the potential impacts upon the landscape are discussed below and provided at Appendix 8.
- 4.14. Immediately adjacent to the application site is the existing Upper Carr Holiday Park. The existing park comprises a permitted holiday park with consent for the siting of up to 100 static caravans and this application would form an extension to those existing operations. The boundary between the application site and the existing holiday park is formed by a hedgerow and drain. This drain is an agricultural field drain and does not comprise an ordinary watercourse.
- 4.15. Access to the existing site is currently gained from Upper Carr Lane via the A169 Malton Road. The A169 forms part of the primary highway network whilst Upper Carr Lane is an unclassified road.
- 4.16. Bus stops are provided to the south of the Black Bull public house on both the north and southbound carriageways of the A169. Both these stops are served by the 840 Coastliner Tadcaster Whitby route which stops here 11 times Mon-Fri, 9 times on Saturdays and 5 times on Sundays. This route also stops close to the nearest rail station located some 11.3km to the south west in Malton.

5. Planning History

5.1 A review of the Ryedale District Council online planning register indicates that the application site has no planning history. Land immediately adjacent to the application site and within the control of the applicant has a longstanding planning history for use as a camping and caravan site, stretching back to the early 1970s. A detailed summary of the planning history of the existing Upper Carr Holiday Park site is provided at Appendix 9 of this report.

6. Description of Proposed Development

- 6.1. This application proposes the change of use of approximately 6.8 hectares of land to form an extension to the existing Upper Carr Holiday Park, including the layout and formation of internal access roads and hard standings to allow the siting of an additional 127 static caravans, revisions to the layout of the existing Upper Carr Holiday Park to provide a new caravan sales area and associated car parking spaces for 8 no. visitors, reduce the number of permitted units at the existing holiday park from 100 to 75 and construction of a relocated site access onto the A169 Malton Road. The proposed development would thereby lead to a net gain of 102 static units.
- 6.2. No additional built development is proposed as part of this application and the extended site would make use of the existing facilities currently provided at the Upper Carr Holiday Park.
- 6.3. In detail the planning application proposes the following development:
 - Construction of a new junction to provide access onto the A169 Malton Road;
 - Change of use of land to form an extension to the existing Upper Carr Holiday Park;
 - Formation of 127 new concrete bases for the siting of static caravans;
 - Formation of new internal access roads;
 - The formation of a permeable blockwork surfaced car parking bays;
 - Formation of two new waterbodies;
 - Creation of a recreation area;
 - Installation of new drains to facilitate the management of surface water;
 - Installation of Klargester Biodisc BM or similar specification package water treatment plant for the management of foul water;



- provision of new landscape planting within the application site;
- Establishment of a caravan sales area including the provision of a small sales office;
- Siting of warden's accommodation measuring 12.8 x 6.1m (external) with additional wooden patio area.
- 6.4. In addition, a small number of changes would be made to the existing holiday park. These do not require the express grant of planning permission but are included here for the sake of completeness:
 - Reduction in the number of holiday homes provided in the existing park from the currently permitted 100 to 75 (outside Section 55 of the Town and Country Planning Act 1990); and
 - Cessation of use of the existing caravan park access for all but emergency use.

7. Summary of Potential Environmental Effects and Proposed Mitigation

7.1. This section identifies the likely main impacts of the proposed development and the means to be employed to ensure that these impacts are effectively mitigated. Detailed assessments of the proposed development are set out in the attached appendices.

Biodiversity

- 7.2. The applicant has undertaken Preliminary Ecological Appraisal (PEA) of the application site.
- 7.3. The PEA identifies that the following habitat types are found within the site:
 - Scrub;
 - Semi improved neutral grassland;
 - Arable;
 - Amenity grassland;
 - Species poor hedge with trees;
 - Defunct species poor hedge; and
 - Running water.
- 7.4. The PEA identifies that a number of species were targeted for consideration, these being:
 - Bats:
 - Great crested newt
 - Badger
 - Reptiles
 - Birds
 - Hedgehog
 - Water vole.
- 7.5. The PEA goes on to identify that, for the majority of those species listed above, the application site does not provide suitable habitat and no further surveys have been recommended. However, in respect of birds, the PEA recommends restrictions on the timing of clearance works. The PEA also identifies that one pond is found within 10m of the site boundary and records indicate that populations of great crested newt are found within that pond. A further two ponds are located within 150m of the application site. The PEA therefore recommends that a presence/absence survey and population size class assessment are undertaken.
- 7.6. Presence/absence surveys comprising six field surveys were undertaken during April/May 2020. The results of these surveys are reported at Appendix 6 of this Statement and confirm the presence of a medium sized population of great crested newts at Pond 1, within 10m of the application boundary. The two further ponds were found to contain fish, including stickleback, which would indicate that they were unsuitable for great crested newts. The report concludes that a Natural England Development Licence would be required for the



- proposed development, including a minimum of two years post development monitoring to determine the impacts of the development on local populations. Section 8.0 of the Great Crested Newt Survey Report sets out a provisional method statement to support a Natural England License application including those methods to be employed to avoid potential harm to great crested newts.
- 7.7. The report goes onto identify compensation measures to be undertaken to create a minimum of 0.5 ha of optimum terrestrial and aquatic great crested newt habitat within the application site.

Flood Risk

- 7.8. The accompanying Flood Risk Assessment (FRA) (Appendix 1) identifies that the application site is at only medium or low risk of flooding from surface water, non-main watercourses, groundwater, existing sewers, reservoirs or the sea. However, the FRA confirms that a large part of the application site falls within an area identified as being within flood zone 3 and being at high risk of flooding from rivers and watercourses. The planning policy implications of this are considered further in Section 8 of this statement.
- 7.9. Detailed modelling information provided by the Environment Agency indicates that, in the southern and western parts of the application site, flood waters reach a depth of 0.342m whilst a significant area of the north eastern part of the site remains unaffected by flooding. the FRA recommends that all finished floor levels are sited approximately 0.6m above ground level and all static caravans are securely tethered to the ground.
- 7.10. The FRA identifies that the proposed development would result in the loss of approximately 2 hectares of land that is currently wholly permeable, to be replaced by internal access roads which would be impermeable and hard standings which would be semi-permeable. The FRA recommends that the proposed development would not increase the risk of flooding elsewhere subject to the design of a suitable surface water management strategy. Such a strategy is provided at Appendix 2 of this report. The submitted drainage strategy has calculated that the greenfield run off rate should be 8.2l/s. Based upon that run-off rate; the required surface water storage volume has been calculated as being 594m3. Appendix C of the drainage strategy provides a schematic drainage layout.
- 7.11. The FRA also concludes that the proposed development would be acceptable subject to an exception test which also requires a flood evacuation and management plan. Appendix 3 of this report provides a consideration of the sequential and exception tests and finds that "the improvement of the accommodation facilities at Upper Carr Caravan Park will contribute to the provision of improved tourism assets which deliver direct benefits to the local community. This would outweigh the flood risk determined for the Development Sites." The existing holiday park currently operates in accordance with flood evacuation and management plan. Appendix 4 provides an amended plan to take into account the proposed extension to the existing site.

Landscape and Visual Impact

- 7.12. Appendix 8 of this report provides a Landscape Assessment which sets out a detailed assessment of the likely effects of the proposed development on both the landscape and visual receptors. The assessment also proposes planting mitigation details likely to reduce or minimise potential adverse effects.
- 7.13. The site lies within the Vale of Pickering National Character Area (Area 26) described as: "A low-lying basin of flat or gently undulating topography, lying between North Yorkshires uplands to the north, west and south, and the Scarborough coast on its eastern side. As such it has physical links with many surrounding areas, particularly through river catchments.....This is a landscape of rivers and wetlands which have been artificially drained and modified for productive farming...There are strong visual links between the



- Vale of Pickering and its surrounding uplands: the North York Moors and Cleveland Hills to the north, the Howardian Hills to the west and the scarp of the Yorkshire Wolds to the south ."
- 7.14. At a County level the site lies within Open, Carr/Vale Farmland 22) as identified in North Yorkshire and York Landscape Characterisation Project (2011). The area is described as:
 - "The Open Carr Vale Farmland is predominantly flat landscape at the foot of the Limestone Foothills and Valleys which provide a sense of enclosure to the north. It is underlain by glacialacustrine clays and sands which were deposited by the former lake Pickering which occupied much of the area during and subsequent to the last glaciation. Following the last glaciation Lake Pickering drained away leaving behind a complex of rivers and marshes. Names in the area bear testimony to this with frequent mention of carrs, ings moors and marshes. These features have now all been drained resulting in a landscape that is crossed by a network of canalised water courses, cuts and drainage dykes which regulate the water table. A patchwork of arable and pastoral fields prevails. This landscape is crossed by a network of relatively straight roads and wide verges with all managed predominantly thorn hedges. Settlement pattern is scattered comprising relatively isolated farmsteads".
- 7.15. At a local level, the application site is located within Area K of Ryedale District's Vale of Pickering Landscape Character Assessment (Gillespies; 1999). Area K is defined as linear farmland "confined to the south side of Pickering where it forms a boundary with the Fringe of the Moors regional character area, a boundary that is approximated by the A170. It extends southwards into the vale to form an area that extends eastwards from the Riseborough Hill, passing to the north of Flamingoland at Kirby Misperton...
 - This is typically a gently sloping landscape which rises from approximately 23mAOD in the south to 28mAOD in the north. Although subtle this gentle variation is notable in comparison to much of the rest of the vale, much of which is extremely flat and low-lying."
- 7.16. The assessment considers the potential impacts of the proposed development on both the landscape and visual impact and confirms that there are no landscape designations associated with the site.
- 7.17. At the landscape scale, the assessment finds the landscape to be of medium value, with a medium susceptibility to change giving rise to a medium sensitivity. The assessment goes on to find that the introduction of the additional small-scale development would result in a low magnitude of change on local landscape character and therefore give rise to an overall minor level of adverse landscape effect.
- 7.18. A zone of theoretical visibility (ZTV) model accompanies the application showing those areas from which the proposed development could be visible. The ZTV shoes that views are not possible from the west, and from the south and east only the upper parts of the development could be viewed. The ZTVs at the proposed development is not likely to be visible. The report concludes that the model is likely to reflect actual views as it is based on accurate LIDAR data which includes topography, intervening woodland and built development.
- 7.19. Nevertheless, to confirm the findings of the ZTV further assessment of potential visual impacts has been undertaken based upon eight viewpoint assessments. These viewpoint assessments onled that, immediately post construction, visual impacts would range from moderate adverse to negligible. After 5-10 years, all these impacts would range from negligible to minor beneficial.
- 7.20. Notwithstanding the likely effects of the proposed development upon both the landscape and visual receptors, the assessment recommends various mitigation measures. Measures proposed to ensure that the proposed development would not have an unacceptable impact upon the landscape or visual amenity include the careful choice of muted colours for the proposed units, landscape mitigation measures such as those set out on drawing FM/UC/1809/5 which provide for additional tree planting, additional hedgerow planting and



management of existing hedgerows. It is anticipated that these measures would "significantly enhance local visual amenity and biodiversity...".

Traffic & Transport

- 7.21. Appendix 7 of this report comprises a transport assessment and supplementary transport note which together consider the potential effects of the proposed development on highway capacity and safety. Following the receipt of comments of NYCC Highways Authority in respect of planning application 21/00871/MFUL, the applicant has prepared a supplementary transport note and revised the proposed access location to overcome the concerns of the Highway Authority. This application is made in direct response to those concerns
- 7.22. The assessment describes Malton Road as a two-way single carriageway... approximately 6.5m in width... subject to a derestricted (60mph) speed limit. The assessments finds the public highway to be rural in nature, mainly providing access to sparse commercial properties.
- 7.23. The assessment also finds that, whilst there are edge of carriageway markings intended to discourage parking, there are no waiting/parking restrictions in the vicinity of the junction between the A169 and Upper Carr Lane.
- 7.24. The assessment provides details of the sustainable modes of transport available in close proximity to the site, demonstrating that there is an extensive network of Public Rights of Way in close proximity to the site, and that, whilst there are no dedicated cycling facilities within the vicinity of the site and the national cycle network does not extend in to the area around the application site, it would remain attractive to leisure cyclists, with large parts of the Ryedale District (including areas within the boundary of the North York Moors National Park) located within a 25 minute cycle ride of the site. As described above, the application site is also well served by its proximity to nearby bus stops served by the 840 Coastliner route, with regular stops during weekdays and weekends.
- 7.25. The assessment finds that between 1st January 2015 and 31st December 2019, a total of 6 collisions occurred within the study area resulting in some 13 casualties. The assessment finds that none of those accidents occurred as a result of the operation of the A169/Upper Carr Lane junction and that the proposals should not have a detrimental impact on the local transport or affect the safety of pedestrians and cyclists.
- 7.26. The assessment considers the likely number of trips to be generated by the proposed development based on information obtained from the TRICS database. The database has highlighted three developments which are considered comparable to the proposals set out in this application. Details of those sites are provided in the assessment; however, it should be noted that they provide a mixture of tent and touring caravan pitches. In contrast, Upper Carr Holiday Park is an owners only static caravan park and the site will not generate the caravan movements identified in the TRICS database.
- 7.27. Nevertheless, the assessment finds that, during peak holiday months in the summer, the proposals would be expected to add an additional nine two-way vehicle trips during the AM peak hour and up to 29 additional two-way vehicle movements during the PM peak hour. However, the assessment finds that this would not result in a significant impact upon the local highway network.
- 7.28. Considering advice received from NYCC Highways, the assessment has also considered the suitability of the proposed new access onto the A169 to accommodate the additional demand generated by the proposed extension to the existing holiday park.
- 7.29. Speed survey was undertaken to the north and south of the proposed access along the A169 in September 2021. This has confirmed that the critical speed measurements on the northbound and southbound carriageways are 51.0mph northbound and 52.0mph southbound. Based upon these speeds, a stopping sight distance of 2.4m x 160m is required



- to achieve a satisfactory junction design. Drawings included with the supplementary transport note demonstrate that the required visibility splays can be achieved without a need for the acquisition of third-party land.
- 7.30. As a result, the Assessment finds that the proposed extension to Upper Carr Holiday Park would not have an unacceptable impact upon the operation of the local highway network.

8. Planning Assessment

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."
- 8.2. The National Planning Policy Framework (NPPF) was published in July 2021 and sets out the government's planning policies for England and how these are expected to be applied. Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates that applications must be determined in accordance with the development plan unless material consideration indicate otherwise. Paragraph 2 also confirms that the NPPF is a material consideration in planning decisions.
- 8.3. The development Plan comprises the policies contained within the Ryedale Plan Local Plan Strategy adopted 5th September 2013 and the Ryedale Plan Local Plan Sites Document adopted 27th June 2019.
- 8.4. The relevant policies of the development plan and other material considerations are reproduced at Appendix 11 of this report and this section considers the planning merits of the proposed development in the context of those policies.

Sustainable Development

- 8.5. Paragraph 7 of the NPPF identifies the purpose of the planning system to contribute to achieving sustainable development. Paragraph 8 goes on to define the overarching objectives of the planning system by which sustainable development would be achieved. These objectives are:
 - Economic;
 - Social; and
 - Environmental.
- 8.6. This presumption in favour of sustainable development is replicated in the development plan through policy SP19 of the Local Plan Strategy which seeks to support sustainable development proposals unless material considerations indicate otherwise.
- 8.7. The following sections set out how the proposed development would contribute to the stated objectives of sustainable development.

Economy

- 8.8. The economic aim of the NPPF seeks to help build a strong, responsive and competitive economy to support growth and innovation.
- 8.9. Whilst not directly relevant to the determination of this application, a Written Ministerial Statement (WMS) published on the 14th July 2020 following the easing of lockdown restrictions emphasised the contribution of the caravan and holiday park industry to the UK economy. The Secretary of State for Housing and Local Government commented that "the majority of UK businesses closed in March 2020, including caravan and holiday parks. This has had a significant impact on the financial viability of over 2,200 businesses in this sector that employ around 46,000 staff. These parks are a mainstay of their local economies, providing employment and supporting local services and businesses."



- 8.10. Guidance on the Visit England website acknowledges the important part that sustainable rural tourism and leisure development plays in a prosperous rural economy but has specific considerations to take into account.
- 8.11. Research undertaken on behalf of Visit England (along with Visit Scotland and Visit Wales) and Ryedale District Council demonstrates how the tourist economy continues to make a very significant contribution to both the UK economy as a whole and more locally to the towns and villages in Ryedale.
- 8.12. The Visit England research found that in 2019 some 122.8m overnight tourist trips were made in England, Scotland and Wales generating a spend of some £24.7billion.
- 8.13. With specific reference to England, 2019 saw just over 99 million trips made. Caravan and camping holidays generated over 10 million trips, over 10% of total trips in England across the year. Of these camping and caravan trips, over 14% were by static caravan owners (nearly 1.5 million trips).
- 8.14. The report finds that nearly £11 billion pounds was spent on holiday trips during 2019. Almost 15% of that total, just over £1.6 billion was spent on caravan or camping trips with almost 11% or £174 million being spent by static caravan owners.
- 8.15. It is therefore clear that Holiday Parks such as Upper Carr continue to play an important economic role in their communities, a fact reflected in the text of the WMS. This is likely to be strengthened by the current Covid-19 pandemic. Restrictions on international travel have already seen an increase in demand for UK holidays following the easing of lockdown restrictions and static pitches across the applicant's holiday parks.
- 8.16. Historic evidence also demonstrates an increase in UK holidays during periods of economic contraction, this is demonstrated by the Visit England report which shows how overseas holidays accounted for less than 40% of all GB holidays following the financial crisis of 2008/2009 rising to around 45% of all holidays in 2018. It is therefore highly likely that 2021 and subsequent years will see an increase in demand from GB residents for UK holidays.
- 8.17. Data published by Tourism South East Research on behalf of Ryedale District Council estimates that the total value of tourism activity in Ryedale in 2019 was around £378 million and supported around 6,486 full time equivalent jobs (the research estimates that this equates to 8961 actual jobs), 39% of total jobs in the District.
- 8.18. The proposed development would secure the longer-term employment of the existing 2no. staff at the site and lead to the creation of a further 7 no. jobs as well as supporting the administrative and ancillary posts employed at the applicant company's head office in Scarborough.
- 8.19. Policy SP8 of the Local Plan Strategy also recognises the contribution that tourism makes to a sustainable economy. The supporting text to Policy SP8 recognises that it is essential that the District's tourism industry can continue to develop in a sustainable way but that in a rural area such as Ryedale, new facilities cannot always be directed to the most sustainable locations. The text also recognises that it is important that new facilities strike a balance where their scale, nature and location can be accommodated.
- 8.20. The supporting text acknowledges the growth in demand for year-round availability of holiday parks and, in principle supports that form of development, subject to occupancy conditions. This position will, no doubt, have been reinforced by the recent WMS referred to at para 8.9.
- 8.21. Policy SP8 itself seeks to encourage sustainable tourism in Ryedale by supporting, amongst other things, year-round tourism (subject to occupancy restrictions) and the role of Pickering, Helmsley and Thornton-le-Dale as key destinations and gateways to the tourist attractions of northern Ryedale.
- 8.22. In the wider open countryside, policy SP8 supports the extension of existing static caravan sites where they can be accommodated without unacceptable visual impact.



8.23. By any measure, the proposed development clearly meets the economic aim of sustainable development set out in the NPPF and is, as a matter of principle, supported by Policy SP8 of the Local Plan Strategy.

Society

- 8.24. The social aim of sustainable development seeks to support strong communities, fostering a well-designed and safe built environment with access to services and open spaces, supporting the community's health, social and cultural well-being.
- 8.25. The location of the proposed development allows for the development of an attractive, well-designed facility which would provide an appropriate level of amenity to holiday home owners. The Holiday Park is easily accessible by means other than the car, located near local bus stops which are frequently serviced by services travelling to and from local service centres including Pickering and Malton, where additional train services are available.
- 8.26. Drawing UC_L_005 which forms Appendix 5 of the accompanying landscape assessment shows the network of public footpaths and bridleways surrounding the application site. Footpath access is clearly available from the application site to both Pickering and Thornton-le-Dale along with the nearby Flamingo Land. Importantly the public rights of way network provides direct access from the application site into the North York Moors National Park, the boundary of which is situated some 1.5km to the north east.
- 8.27. Nevertheless, the Visit England Guidance previously referred to in the NPPF recognises that access is an important issue to ensure the success of tourism sites. It also recognises that many small-scale rural tourism developments are car dependent, but that the use of the car does not make a proposal unsustainable.
- 8.28. The transport statement accompanying the planning application demonstrates that, whilst the current access has operated safely, the proposed new access can also be operated safely and without giving rise to capacity issues on the public highway. However, the new access location would bring about significant improvements to visibility for those vehicles leaving the site, together with improved forward visibility along the A169 as vehicles turn into the application site.
- 8.29. The social aims of the NPPF are reflected in Policy SP16 of the Local Plan Strategy which seeks to create high quality places which are accessible, well integrated and, amongst other things, protect amenity and well-being. Policy SP20 also seeks to control the character, design and safety of new development, preventing the occupation of any holiday accommodation as a person's primary residence. The existing site already operates on this basis and the proposed development, whilst offering year-round holiday accommodation, would be subject to the same restrictions. The proposed development has been designed to maximise amenity both for local residents and occupiers of the proposed Holiday Park. Inclusion of a designated recreation area, creation of varied habitats within the overall scheme, including wetland, hedgerow and grassland and commitment to maintaining screening boundaries all contribute to the provision of a well-designed development which respects the character of the area and seeks to preserve the amenity of local residents.
- 8.30. Paragraph 111 of the NPPF provides planning authorities with a clear direction that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highway safety, or the cumulative impacts on the road network would be severe." The Transport Assessment accompanying this application demonstrates that the proposed new site access would provide satisfactory visibility in both north and southbound directions, the proposed new junction would operate at well below capacity and the proposed development would give rise to less than 30 two-way peak hour vehicle trips. The assessment finds that, on this basis, the proposed development would not have a significant impact on the operation of the local highway network.



- 8.31. The application site is located some 1.5km to the south of the North York Moors National Park. The purposes of National Parks are twofold; to conserve and enhance natural beauty, wildlife and cultural heritage and to promote opportunities for the public's understanding and enjoyment of the special qualities of the Parks. The application site serves the purposes of the National Park as it is located outside the Park boundary yet is easily accessible to the National Park through the extensive network of Public Rights of Way, thereby providing opportunities for the public enjoyment of the special qualities of the Park whilst conserving natural beauty, wildlife and cultural heritage.
- 8.32. The proposed development complies with the transport requirements of paragraphs 110 and 111 of the NPPF, the detailed requirements of the adopted Tourism Policy SP16 and the Access, Parking and Servicing requirements of Adopted Policy SP20 of the Local Plan Strategy. The proposed development thereby plays an important social role in sustainable development, complies with and supports the stated objectives of the NPPF.

Environment

- 8.33. The NPPF defines the environmental objective of sustainable development as contributing to protecting and enhancing our natural, built and historic environment, making effective use of land, helping to improve biodiversity and mitigating to climate change. All these matters are addressed below.
- 8.34. In respect of designated and non-designated heritage assets, Appendix 13 provides an extract from the government's MAGIC website and reference has been made to the Heritage Gateway website, both show that it is unlikely that the proposed development would have a significant impact upon built heritage.

Biodiversity

- 8.35. Paragraph 180 of the NPPF sets out those principles which must be applied when determining planning applications including preventing development which would give rise to significant harm to biodiversity which cannot be adequately mitigated, protecting Sites of Special Scientific Interest, protecting irreplaceable habitats and securing measurable net gains for biodiversity. Many of these requirements are replicated in Policy SP14 of the Local Plan Strategy including the need to provide a net gain in biodiversity.
- 8.36. The submitted Preliminary Ecological Appraisal, along with the subsequent great crested newt survey report demonstrate that the proposed development would not have a significant impact upon biodiversity. Regarding great crested newts, the report proposes a method of working which would minimise impacts upon that protected species and recommends the creation of a minimum of 0.5ha of optimum terrestrial and aquatic great crested newt habitat.
- 8.37. It should be noted that the Environment Bill has yet to be enacted and the proposed statutory requirement to support all applications with the DEFRA Biodiversity Net Gain Metric 2.0 does not yet apply. This was recently reinforced by the Planning Inspector in Planning Appeal reference 3251121 who, at paragraph 42 of his decision, attached greater weight to the adopted development plan. The proposed development thereby complies with the requirements of both the NPPF and Policy SP14 of the Local Plan Strategy regarding both the provision of measurable net gains and the protection of biodiversity generally.
- 8.38. The accompanying ecological survey reports demonstrate that the proposed development conserves and protects biodiversity and the creation of appropriate great crested newt habitat would help to improve biodiversity.

Flood Risk

8.39. Paragraph 163 of the NPPF requires planning applications to ensure that development does not increase the risk of flooding downstream and, where appropriate, is supported by a site-specific flood risk assessment.



- 8.40. Paragraph 167 goes on to require the siting of development in the lowest areas of flood risk, development that is designed to be flood resilient, incorporates sustainable drainage systems, safely manages residual risk and includes an emergency plan providing safe access and escape routes.
- 8.41. It is acknowledged that parts of the application site are in an area identified as being at risk of flooding from rivers and the sea. This application is therefore supported by a suite of documents which, together, assess the flood risk of the site, consider the likelihood of increasing flood risk elsewhere, propose appropriate mitigation measures and apply the requirements of planning practice guidance in respect of the Sequential and Exception Tests.
- 8.42. The flood risk assessment sets out in detail the likely flood scenarios at the application site, proposing that all static caravans should be securely tethered to the ground and floor levels should be at around 600mm above ground level. The surface water drainage strategy proposes a means of managing surface water at the site such that run-off rates would not be increased above the green field rate of run-off.
- 8.43. In their pre-application response, Ryedale District Council incorrectly considered the proposal to fall within the highly vulnerable flood risk category as "Caravans, mobile homes and park homes intended for permanent residential use.". This classification is incorrect. The current Upper Carr Holiday Park is subject to a condition restricting occupancy and it is expected that, should the development proposed in this application be approved, a similar condition would be applied. The proposed development therefore falls within the "more vulnerable" classification of flood risk as "Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan." A Flood Evacuation Management Plan is provided at Appendix 4 of this Statement.
- 8.44. More vulnerable developments are considered acceptable in flood risk zones 2 and 3 subject to the Exception Test.
- 8.45. Policy SP17 of the local Plan Strategy mirrors the approach set out in the NPPF, requiring the management of flood risk and water resources and the undertaking of a sequential, risk-based approach to the consideration of development proposals and the application of the Exception Test where necessary.
- 8.46. Appendix 3 of this statement comprises a technical note on consideration of the Sequential and Exception Tests. The Technical Note considers the nature and scale of the proposed development, the designated flood risk at the site and applies the Sequential and Exception Tests in accordance with Planning Practice Guidance.
- 8.47. The NPPF requires that, for the Exception test to be passed, applications should demonstrate that both:
 - The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - The development will be safe for its lifetime taking account of the vulnerability of its user, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.
- 8.48. Appendices 1 and 2 of this statement provide a flood risk and drainage assessment. Together with Appendix 4, those documents demonstrate that the proposed development is safe for both users and the wider community, providing adequate management of the flood risks on site and ensuring that flood risk is not increased elsewhere.
- 8.49. In respect of the wider sustainability benefits of the proposed development, this statement and accompanying documents clearly demonstrate the sustainability of the proposed development in respect of the local economy, biodiversity, access and landscape considerations. The economic benefits of the proposed development are set out in detail at paragraphs 8.5-8.21 of this Statement. Taken with the pragmatic approach endorsed by



Planning Practice Guidance regarding the extension of existing sites, this Statement and accompanying appendices demonstrate that the proposed development passes the Exception Test and complies with the policy requirements of the NPPF and Policy SP17 of the Local Plan Strategy.

Landscape

- 8.50. Paragraph 174 of the NPPF seeks to protect and enhance valued landscapes and recognises the intrinsic beauty of the countryside. Paragraph 176 attaches great weight to conserving and enhancing scenic beauty in National Parks and other areas which have the highest landscape status. Policy SP13 of the Local Plan Strategy seeks to protect the quality, character and value of Ryedale's landscape including the setting of the North York Moors National Park. Policy SP16 requires development proposals to create high quality places which, amongst other things, reinforce local distinctiveness, protect amenity and promote well-being and incorporate appropriate landscaping features to enhance the setting of the development.
- 8.51. Appendix 8 of this statement comprises a landscape assessment which considers the potential landscape and visual impacts of the proposed development. The assessment identifies that the application site lies outside those areas designated for their landscape. But specifically includes consideration of impacts from Public Rights of Way located within the National Park area.
- 8.52. The landscape assessment considers the landscape character of the application site and surrounding area, considering it to be of medium value with a medium level of susceptibility to the type of development proposed in this application. The sensitivity of the landscape is therefore judged to be Medium.
- 8.53. The landscape assessment finds that the proposed development would not be prominent in the landscape, resulting in a Low magnitude of change. With a Medium sensitivity and Low magnitude of change, the assessment finds that the overall impacts upon the landscape would be Minor adverse.
- 8.54. The visual impact assessment of the development considers the impact of the proposed development on the visual amenity of the surrounding landscape. A Zone of Theoretical Visibility model is included with the Assessment which demonstrates that views into the site are not available from the west and that only scattered views of the upper part of the site area available from the south and east. However, the ZTV confirms that the site may be visible from elevated south facing slopes to the north, which fall within the North York Moors National Park boundary.
- 8.55. Field survey was undertaken to confirm these views across eight photo viewpoints, three of which were located within the National Park Boundary. The visual assessment concludes that those viewpoints closest to the application site are of Medium or Low Sensitivity to change and, following establishment of landscape mitigation measures and muted colours for caravans, predicted visual effects would range from Minor beneficial to Negligible. Those highly sensitive viewpoints within the National Park Boundary were assessed to have a Negligible magnitude of change and the post construction effects were considered to be Minor beneficial.
- 8.56. The assessment also considers the potential impact on residential amenity for those properties closet to the application site and finds that the potential impacts upon Lilac Cottage to the west and Brookside House to the south west would be negligible as there are no views to the application site from either of these properties. Willow Dene, to the south of the application site, has first floor views to the application site and it is predicted that that a Minor effect would be experienced from those rooms as a result of setting back the existing hedgerow and relocated access.
- 8.57. It is clear therefore that the proposed development could take place without giving rise to significant effects upon the landscape and visual amenity, nor would the proposed



- development affect the setting of the National Park. The proposed development therefore complies with the requirements of Policy 170 of the NPPF and the detailed requirements of policies SP13 and SP16 of the Local Plan Strategy.
- 8.58. This assessment demonstrates that the proposed development supports the stated objectives of the NPPF with regard to the economic, social and environmental roles of sustainable development, would make a significant contribution to the sustainable development aims of the NPPF and complies with, and is supported by, the policies of the adopted development plan. The proposed development therefore comprises sustainable development.

9. Summary and Conclusions

- 9.1 This planning application proposes the change of use of land and establishment of an extension to an existing Holiday Park to provide a further 127 new units (a net increase of 102 units over existing permissions) and ancillary works to establish a new access, internal access roads etc.
- 9.2 Development such as that proposed in this application is supported by Policy SP8 of the adopted Ryedale District Council Local Plan Strategy which encourages sustainable tourism which minimises its environmental impact and explicitly supports extensions to existing facilities in the open countryside which can be accommodated without an unacceptable visual intrusion and impact on the character of the area.
- 9.3 This application clearly demonstrates that the proposed development is sustainable when considered against the objectives of the NPPF and incorporates appropriate mitigation measures which would effectively mitigate any potential environmental impacts. A comprehensive assessment of the landscape and visual impacts of the proposed development clearly demonstrate that the proposed development could be undertaken without giving rise to significant landscape impacts or visual intrusion, even when considered from the high value landscape of the North York Moors National Park to the north.
- 9.4 This Statement and accompanying reports demonstrate that the proposals set out within the application fall within the definition of sustainable development and there are no other material factors which would indicate that the proposal conflicts with any policies of the NPPF or the adopted Development Plan. On that basis, and in accordance with the NPPF, the proposal should be approved without delay.

From: Development Management

Sent: 16 November 2021 19:48

To: Development Management

Subject: Consultee Comments for Planning Application 21/01402/MFUL

Consultee comments

Dear Sir/Madam,

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 16/11/2021 7:47 PM from Mrs Angela Dawson (townclerk@pickering.gov.uk) on behalf of Pickering Town Council.

Application Summary

Reference: 21/01402/MFUL

Address: Land At OS Fields 5760 3770 3776 Upper Carr Lane Pickering North Yorkshire

Proposal: Change of use of land to form an extension to Upper Carr Holiday Park, including the layout and formation of internal access roads and hard standings, the siting of an additional 127 static caravans each with parking, formation of a recreation area, provision of a new caravan sales area and associated car parking spaces for 8 no. visitors, siting of park manager's accommodation, reduction of the number of permitted units in the existing park from 100 to 75, construction of a relocated site access onto the A169 Malton Road and site landscaping including 2 no. lakes

Case Officer: Alan Goforth

Click for further information

Comments Details

Comments: The planning committee felt that previous concerns had been addressed and have no objections to this application.

Kind regards

Agenda Item 10

Item Number: 10

Application No:21/01640/MFULParish:Nawton Parish CouncilAppn. Type:Full Application Major

Applicant: Luxury in York

Proposal: Replacing the 19no previously approved safari tent pitches with 19no

lodges, reorganisation of 28no existing approved lodges, installation of a spa complex to include installation of swimming pool and hydro pool, erection of 1no double quadrosphere dome for a restaurant and bar, 1no single quadrosphere dome for a yoga and relaxation room, an entrance and reception building, 4no thermal cabins, 3no treatment rooms, 2no plant

rooms and ancillary works

Location: Canadian Fields, Gale Lane, Nawton, Helmsley, YO62 7SD

Registration Date: 7 January 2022 **8/13 Wk Expiry Date:** 8 April 2022 **Overall Expiry Date:** 16 May 2022

Case Officer: Ian Irwin Ext:

CONSULTATIONS:

Lead Local Flood Authority	Responded on the 12 January 2022 and stated that in terms of
_	•
(LLFA)	flood risk, the site was in an area of 'Low risk' (Flood Zone 1) and
	that the development was 'acceptable in regard to the level of
	flood risk'. Further information was, however, sought in relation
	to maintenance plans, exceedance flow routes, percolation testing
	and an overall more detailed drainage strategy. Additional data
	was therefore provided by the applicant's drainage consultants
	and a final response was received on the 1 April 2022. This
	confirmed that the scheme demonstrated a 'reasonable' approach
	to the management of surface water on the site and that
	accordingly a condition requiring all the detailed data be
	approved and built in accordance with those submissions.
Local Highway Authority	A response was received on the 23 February 2022 and confirmed
Local Highway Authority	no objection was raised in principle. However, two queries were
	raised. They stated 'The proposed site exit onto Gale End Road
	(private track) was previously only used for emergency access
	and maintenance access to the adjacent sheds. The road is only
	single-vehicle width and has limited visibility to the south (right),
	due to the brow of a hill on Gale Lane. Its proposed
	intensification of use, therefore, cannot be supported, and the
	main site access direct onto Gale Lane should be used for both
	visitor access and egress'. The Local Highway Authority further
	stated 'It is unclear whether the proposed facilities for the spa
	complex are considered ancillary to the site primary activity, or
	not ancillary. I have expressed concerns in the past that
	non-ancillary activities at the site result in an influx of visitor
	traffic, thereby creating pressure along Gale Lane. Confirmation
	of how this element of the proposed development will operate is
	therefore awaited'.
	The applicant provided a response which confirmed that the Gale
	End Road access referred to would only be used in emergencies.
	They further confirmed that the land use was already established
	They restrict comminde that the faile age was already established

	and that the only material difference would be the introduction of a small spa facility – all the other aspects are already approved and essentially due to be replaced with improved facilities of these already established uses (such as the lodges instead of tents and an improved restaurant facility). Accordingly, the Local Highway Authority responded for the final time on the 8 April 2022. They requested the imposition of conditions, were the application approved.
	conditions, were the application approved.
Tree & Landscape Officer	Were consulted on the 1 February 2022. No response has been received.
Housing (EHO)	Responded on the 26 January 2022 and confirmed no objection to the application. An informative was requested in relation to the need to obtain a caravan site licence if permission was granted.
Nawton Parish Council	Responded on the 2 February 2022 and confirmed no objection to the application.
Beadlam Parish Council	Responded on the 8 February 2022 and confirmed that the Parish Council objected to the application on the basis that the development would generate extra traffic movements. Furthermore, it was considered that light pollution was also a concern.
Environmental Health	Were consulted on the 1 February 2022. No response has been received.

Representations received:

A site notice was placed at the site entrance on the 14 January 2022. Three neighbour notification letters were issued on the 11 January 2022. Two responses have been received which object to the application. The first relates to a lack of public transport links and therefore visitors requiring the use of a car. The objector also considered that Gale Lane was too narrow to accommodate traffic movements associated with the development and the drains are unable to cope with surface water. They concluded by suggesting that the application would result in a significant impact in the quality and safety of the residents and pedestrians on Gale Lane. The second objection also raised concerns over an increase in traffic that the development would create in their view which in turn would increase risk to pedestrians and have a 'detrimental impact on residents'.

BACKGROUND:

The application is to be determined by Planning Committee as a major development because the site area of the application site is in excess of 1 hectare.

SITE:

The site, Canadian Fields, an established holiday accommodation site located in open countryside approximately 1 kilometre South of Nawton. The site is noted to be located within an area of land designated as an area of High Landscape Value.

The site is located within a Flood Zone 1 (with a less than 1 in 1000 chance of flooding) and has overhead power lines crossing a portion of the site. These run from the South-West to the North-East and it is noted the applicant intends to liaise with the relative authority to bury these.

A further caravan park is located to the North-East (Wrens Caravan Park). A residential property known as 'Birchfield House' is also located to the North, approximately 22 metres from the nearest part of the

application site boundary. 'Kensa Park' is located to the South-West of the site, approximately 102 metres from the nearest part of the site and 'Blackthorns' is located to the South, approximately 206 metres away. The site has an area of 3.4 hectares.

PROPOSAL:

The scheme proposed would see the removal of all existing, permitted tents and as the applicant describes it, the 'reorganisation' of the site. Presently, the site has permission for 19 tents, which the applicant would like to replace with 19 lodges which would be intended to complement the approved 28 lodges. The applicant seeks also to change the layout for what would be a total of 47 lodges were the 19 lodges to replace the permitted tents.

Effectively then, were this application approved, it would result in all holiday accommodation on site being held within the definition of a 'caravan' but appearing in a lodge 'style'. Full details of their construction materials, specification and colour would be submitted as required by a draft condition attached to this report.

The other element of the proposed scheme is to introduce new development and refurbish existing buildings. The new development would be to create a 'spa' on site. Those existing buildings which feature on site as a reception and kitchen would be incorporated into this. The reception would be re-furnished but remain clad in Western Red Cedar Shiplap weatherboarding. Windows would feature aluminium frames, coloured anthracite grey. Doors would also be coloured anthracite grey and be constructed of either aluminium or UPVC. This would then become the proposed spa entrance.

The existing kitchen building would be modified with the intention of accommodating a new main reception and kitchen. It is proposed that it connects to a newly proposed bar and restaurant building. The roof would remain as existing, a pantile roof. Windows would once again feature aluminium frames, coloured anthracite grey. Doors would also be coloured anthracite grey and be constructed of either aluminium or UPVC.

The proposed modified kitchen and reception building would be as previously mentioned, intended to connect to a newly proposed bar and restaurant building – which would replace such existing facilities on site. This new structure was 200 sq. metres and would replace an existing tented restaurant. This structure is proposed to feature two quadrosphere domes, constructed of glulam beams and UPVC membrane coloured white and would be 5.07 metres in height. Walls would be Western Red Cedar Shiplap weather boarding with windows of aluminium frames, coloured anthracite grey. Once again door would be constructed of either aluminium or UPVC and coloured anthracite grey.

The applicant proposes the site to offer guests and customers a Spa facility. This would comprise a range of buildings offering different spa treatments. The primary building would be a yoga/relaxation building would be 100 sq. metres in size. It would also feature quadrosphere domes, constructed of glulam beams and a UPVC membrane coloured white. It would be 5.07 metres in height. Once again, Western Red Cedar shiplap weather boarding would be used to finish the walls with windows of aluminium frames, coloured anthracite grey. Once again door would be constructed of either aluminium or UPVC and coloured anthracite grey.

The applicant proposed four thermal cabin buildings. These would be for treatments conducted as part of the proposed Spa facility. Each cabin would be 24 sq. metres in size and again are proposed to be constructed of Western Red Cedar shiplap weather boarding to finish the walls, with windows of aluminium frames, coloured anthracite grey. Once again door would be constructed of either aluminium or UPVC and coloured anthracite grey.

The applicant proposes treatment rooms which would include a prep/store area. These areas would be comprised of a further four new structures. Each structure would be 8 sq. metres in size, meaning a total of 32 sq. metres of floorspace. Western Red Cedar Shiplap weather boarding would be used to finish the walls and to maintain continuity, windows would be of aluminium frames, coloured anthracite grey with doors of either aluminium or UPVC also coloured anthracite grey.

Finally, the applicant proposes to construct two plant rooms. These would cover a total of 8.6 sq. metres in size. To maintain continuity, the applicant proposes the plant rooms to feature Western Red Cedar Shiplap weather boarding would be used to finish the walls and to maintain continuity, windows would be of aluminium frames, coloured anthracite grey with doors of either aluminium or UPVC also coloured anthracite grey.

Whilst the number of people that can use the existing restaurant is unrestricted, the applicant has advised that the newly proposed restaurant would have 60 covers.

The Spa has various elements and has an approximate capacity of 24 people per day given treatment room capacity etc. Guests on site offered the opportunity to receive treatments as part of the holiday experience. Where appointments were not taken by guests, the general public could, if they so wish, make a booking.

Car parking for the lodges will be adjacent to each lodge with the remaining main parking area in the site with a total of 30 spaces considered required for staff and the general public for the restaurant and spa facilities. The total provision of parking spaces on site is 35 spaces.

Access would remain as existing, utilising the existing arrangements off of Gale Lane with an additional emergency access available on the southern boundary of the site. This would not be used in by customers but would be for emergency purposes only and at all times would remain gated unavailable for access and egress unless the aforementioned emergency situation was to occur.

HISTORY:

20/00061/FUL - Siting of 4no. Modular timber structures and 1 no. shepherds hut with associated decking to replace 5no. existing safari tent pitches. Approved 16 March 2020.

16/01839/MFUL – Change of use of agricultural land to allow siting of 28no. holiday lodges in association with Canadian Fields campsite together with formation of site roads, car parking and turning areas and associated landscaping. Approved 15 September 2017.

14/00949/FUL - Erection of pre-fabricated building for use as camp kitchen to serve camp cafe (retrospective application). Approved 4 September 2019.

14/00779/FUL – Change of use of reception, toilet, office and laundry store building to reception, toilet, office, laundry store and first floor wardens accommodation for use solely in connection with the operation of Canadian Fields campsite (retrospective application). Approved 11 September 2014.

14/00777/FUL - Change of use from canteen tent ancillary to the campsite for customers staying on the campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite (retrospective application).

13/01122/73AM – Removal of Condition 06 of approval 11/01280/73AM dated 09.03.2012 to allow a year round opening season for the holiday occupation of the tents. Approved 16 December 2013.

11/00686/MFUL – Change of use of agricultural land to allow the siting of 19 no. tents on decking bases, erection of toilet and reception block and canteen marquee, change of use of agricultural building to winter tent store, formation of vehicular access, gravel site roads and paths, car parking and landscaping. Approved 28 September 2011.

POLICIES:

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)

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

Local Plan Strategy - Policy SP8 Tourism

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

Local Plan Strategy – Policy SP21 Occupancy Restrictions

Other Material Considerations

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision making

Chapter 6 – Building a strong, competitive economy

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

Main Considerations

- Principle of the development
- Landscape Impact
- Design, appearance and scale of development
- Impact on residential amenity
- Highways
- Flood Risk and Drainage
- Ecology and Biodiversity

Principle of the development

Policy SP1 entitled 'General Location of Development and Settlement Hierarchy' confirms the Council's approach to the type of development considered appropriate across the district. Accordingly, settlements and geographical areas are defined within this hierarchy and it is to this that proposals should be considered in the first instance. In specific relation to areas designated as 'Wider open countryside' the policy clearly confirms that development in such locations will be 'restricted to that:

- which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
- which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or
- which is justified through the Neighbourhood Planning process'.

The Local Plan document does confirm that in relation to its 'approach and ambitions' in relation to

such 'open countryside' locations, these criterion;

- 'Support economic diversification that complements the character of the landscape and surrounding activity
- Support development that is necessary to support a sustainable and healthy rural economy
- Protecting the valued landscapes of the North York Moors National Park; the Howardian Hills Area of
 Outstanding Natural Beauty; the Yorkshire Wolds; the Fringe of the Moors and the wider Vale of
 Pickering
- Utilising the natural and cultural assets of northern Ryedale as an economic driver, in particular the important archaeological landscapes of the Vale of Pickering and the Wolds'.

Policy SP8, entitled 'Tourism' affirms that the Council 'will seek to encourage tourism which minimises its environmental impact on the district'.

It further states that to achieve these aims, the Local Planning Authority will support;

- *'The provision of a range and choice of quality tourist accommodation;*
- The business plans and operational requirements of existing tourist and visitor attractions, and event arenas where appropriate*;
- Encouraging all year round tourism subject to the occupancy conditions set out in Policy SP21;
- Tourism in areas where potential is significantly underdeveloped, in particular, Malton and Norton and the Wolds:
- Cultural and creative businesses in Ryedale inspired by Ryedale's unique environment;
- The role of Pickering, Helmsley and Thornton-le-Dale as key visitor destinations as well as gateways to tourism and recreational opportunities in northern Ryedale including the North York Moors National Park. The impact of tourism on these communities will be managed particularly in relation to car parking, traffic management, local facilities and services.

And by maximising the opportunities to further develop tourism, outdoor education and recreation using the District's natural, cultural and historic assets as an economic driver, including the potential provided by:

- The archaeological landscapes of the Vale of Pickering and the Yorkshire Wolds;
- The protected landscapes of the North York Moors National Park and Howardian Hills Area of Outstanding Natural Beauty;
- Ryedale's religious and Medieval history;
- Malton's Roman, Medieval and Georgian heritage;
- *Malton and Norton's longstanding association with horse racing;*
- Outdoor adventure in northern Ryedale including Dalby Forest the Great Yorkshire Forest;
- Local food production;
- Farm and rural diversification;
- Biodiversity and the development of nature tourism.

New tourist attractions will be supported where they do not undermine the character of the area or prejudice the quality of the natural or built environment. Attractions that will attract large numbers of visitors should be accessible by a choice of means of transport'.

Chapter 6 entitled 'Building a strong, competitive economy' of the National Planning Policy Framework (NPPF) states that "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". When specifically referring to the rural economy, it also states that planning decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other

land-based rural businesses; and c) sustainable rural tourism and leisure developments which respect the character of the countryside".

It is considered that in this instance, the proposal, relates to an existing tourism accommodation site and as such, in principle, tourism use is established at the site.is, in principal given the land use is already established. Essentially, this application seeks to primarily reorganise an already existing tourism development site. There is the intention to improve existing facilities, such as replacing the existing kitchen tent with a building. So whilst this would be recognised as 'new' development, the 'use' is recognised as having already been permitted on site and such would not materially change the way the site is used or introduce a new 'use'. Such restaurant facilities are not uncommon on tourism accommodation sites and offer guests the opportunity to eat within the lodge or the more communal restaurant building. Given such is already available on site, this would not represent any material change in use on site.

There is only one element that could be considered to introduce something 'new' and that relates to the proposed Spa facilities. The Local Plan recognises the role that tourism development has within the local economy and given the holiday use is already permitted on site, this represents a strong material consideration in the determination of this application and is accordingly afforded significant weight in the planning balance. Indeed, this would offer something different and enhances the offer for guests on site.

Policy SP8 confirms that the Local Planning Authority will support plans for tourism development and indeed tourist attractions. In this case it is recognised that fundamentally, this application relates to tourism accommodation with ancillary elements. Accordingly, there is no need for a range of transport means to be offered by the applicant given the established use on site and indeed that the spa is proposed as ancillary to this. So whilst there could be visitors to this facility from those not staying as guest on site, this is not expected to be 'large numbers of visitors' which Policy SP8 refers to when seeking such alternate transport methods to bring people to site. Fundamentally, the proposals are considered commensurate in scale with the tourism accommodation, they are not of a scale in their own right that can be considered inappropriate for the overarching accommodation development permitted on site.

In principle then, the application is considered acceptable in light of the site history and that fundamentally, this proposal, which would not alter that, accords with Policies SP1, SP8 and the NPPF and merits support.

Landscape Impact

Policy SP13 entitled 'Landscapes' requires that proposed development protects and enhances the quality, character and value of Ryedale's diverse landscape. Criterion 'C' of paragraph 130 of the NPPF states that planning decisions should ensure that proposals are 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'.

As has been confirmed, the site is located within an area of high landscape value. The application site is noted to have an extant planning permission for tourism accommodation but it is mixed between lodges and tents. This application seeks to bring this to an end, with only lodges being utilised on site. Additionally, existing facilities would be subject to either enhancement with improved cladding and materials along with some new replacement facilities and indeed one specific new 'use' sought on site as an additional facility for the business.

In landscape terms, whilst the high landscape value area is noted, the approved use on site is recognised as 'fall-back' position, essentially allowing the site to be utilised as approved regardless of this application being determined or not. Whilst the impact upon the landscape would in any event need to be demonstrably harmful the fall-back position in this particular case is noted.

Notwithstanding, officers recognise that the proposed lodges in themselves would not be so harmful as to merit their refused use. The applicant proposes to utilise Western Red Cedar Shiplap

weatherboarding in the new structures and indeed in upgrading those that would be retained on site. This material is considered acceptable and would be an improvement in terms of the visual appearance of those structures presently on site.

The material difference in visual appearance between the tents and proposed lodges is considered to be an improvement in landscape terms. The applicant has confirmed that the caravans proposed will be in a 'lodge' style. Whilst the specific details of the lodges are not yet fully known, the principle is considered to be likely to be an improvement on tents subject to assessment of those designs which can be secured by formal planning condition. That condition is attached to this report and details would be submitted in accordance with that condition for formal approval were permission granted.

In terms of the other buildings proposed, these would replace existing facilities with improved, bespoke facilities. Firstly, a newly proposed bar and restaurant building. This new structure would be 200 sq. metres and would replace an existing tented restaurant. A yoga/relaxation building would be 100 sq. metres in size. The applicant has also proposed four thermal cabin buildings. The applicant also proposes treatment rooms which would include a prep/store area. These areas would be comprised of a further four new structures. Each structure would be 8 sq. metres in size, meaning a total of 32 sq. metres of floor space. Finally, the applicant proposes to construct two plant rooms. These would cover a total of 8.6 sq. metres in size.

Individually and cumulatively these are not considered to represent any significant impacts upon the landscape of the area. When considering that those structures already on site and indeed the approved use of the wider site to have tents erected around it, these proposed would be, in view of officers an enhancement to the site by using appropriate materials an introducing improved accommodation. The 'fall-back' must be given significant material weight in the planning balance and it is recognised that ultimately, these facilities exist on site with the exception to the spa and treatment room facilities. It is noted that the restaurant also intends to serve drinks but that will be subject to a separate licence, outside of the planning remit.

Those existing facilities are rather tired in visual appearance and whilst well-screened from public view their replacement with improved buildings is desirable. It is recognised that the proposed restaurant and yoga buildings would feature a 'dome' type design with white membrane to finish the roof. These are far more modern and a departure from the more muted design principles that have evidently guided the site previously. Whilst design is considered in the next section of this report, from a landscape perspective these buildings are noted. Indeed, the dome features would be likely to reflect some light and at 5.07 metres at the ridge, would be limited in visual appearance by this scale.

As has been made clear, the site is rather well screened and only limited views of the site can be achieved from Gale Lane. These buildings would, however are seen as a collective and ultimately the white roofs would offer a different visual appearance to the almost entirely cedar based material proposed on site. This contrast would be interesting to guests but offer very limited impacts on the wider landscape. The ultimate test for such consideration is what harm would a scheme achieve and whether such can be demonstrable. Even then, the planning balance may outweigh any harm in favour of the proposal. In this instance, there are no obvious and clear demonstrable landscape impacts considered likely. The site remains well-screened and the buildings would be seen as part of a wider collective group of structures, rather than incongruous development in open countryside.

It is noted that the applicant submitted a preliminary landscape assessment which recommended improving landscaping on site, especially at the field boundaries. Further planting was recommended within the site. As such is recommended by the applicants own submission, it is considered that this detail can be provided at a later stage and as such, a condition requiring this information to be submitted is attached to this draft suite of conditions.

Accordingly then, the scheme is considered to accord with Policy SP13 of the Local Plan and the NPPF and can be supported.

Design, appearance and scale of development

Policy SP16 entitled 'Design' states that 'to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings'. In addition, Policy SP20 entitled 'Generic Development Management Issues' requires that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses.

Chapter 12 of the NPPF, entitled 'Achieving well-designed places' states at Paragraph 126 that, 'good design is a key aspect of sustainable development'.

Paragraph 130 advises that 'Planning Policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) Optimise the potential site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

Paragraph 134 says that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

As has been noted throughout this report, the extant permissions on site are recognised. However, in relation to design, the consideration remains whether the proposed design is acceptable as proposed in this application.

The cedar weatherboarding is considered acceptable and would be an improvement on a tent in both material and design. In relation to design, the buildings proposed are considered improvements to those structures existing on site and even those to be retained would be enhanced by the introduction of the cedar material to clad them or those already constructed of this material will see improvements to their fenestration. This aspect would no doubt refresh the site and improve its facilities. The applicant's intentions to include solar panels are also commendable, offering a more sustainable aspect in terms of contributing to the needs of the site in terms of its power needs.

The design of many of the proposed structures is considered rather simple, with relatively well-proportioned buildings of generic, symmetrical shape (such as squares and rectangles). The only aspect that introduces something rather different is the newly proposed restaurant and spa buildings. These would incorporate what are described by the applicant as 'quadrosphere domes' which would be constructed of glulam beams and a UPVC membrane coloured white. Whilst these are certainly a

departure in design terms from the rather generic structures proposed, they are considered far more interesting from a design perspective and would offer a welcome contrast between themselves and the wider site.

Whilst it is readily recognised (as it was in the previous section of this report) that such will not be to everyone's particular tastes, that is not the planning test that dictates whether a scheme is acceptable in planning terms or not. Rather, it is whether the design would be so 'bad' and demonstrably bad, as to justify the refusal of the whole scheme. Such a bar is considered very high and in circumstances such as this, where the design is recognised to be more modern it will always be considered less acceptable to some than others.

This is understood as design is particularly subjective. However, the proposals are considered by officers to be acceptable and comply with both the Local Plan and the NPPF. In many respects, the applicant's intentions are considered to refresh and improve the site and it is considered they these proposals do achieve that. In that respect then, the scheme is considered to achieve a suite of supportable design principles and in that regard would result in a development that would be an improvement upon that already approved for use on site.

The design of the 'caravans' is noted to be 'lodge' style, conforming with a number of similar types of development across both the district and country. In respect of the intended scale, proportions and materials of these structures, they are acceptable. Therefore, these are principally considered acceptable subject to further formal assessment as per the condition as worded below.

Accordingly, the application is therefore considered to accord with Policy SP16 of the Local Plan and the NPPF and merits support.

Impact on residential amenity

Policy SP20 entitled 'Generic Development Management Issues' states, in relation to amenity, 'New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/potential risks posed by contamination in accordance with recognised national and international standards and guidance'.

Criterion 'f' of Paragraph 130 of the NPPF states that decisions should ensure that development 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

The nearest residential dwelling to the site is noted earlier in this report to be 'Kensa Park' approximately 100 metres to the South. Whilst another, similar type development for caravans, known as 'Wrens Caravan Park' is located to the immediate North of the site. Residential dwellings are located in the area, with the closest to the North and others to the South as detailed earlier in this report.

It is recognised that all told, the existing, approved development is permitted to accommodate the same number of 'pitches' but in this case, rather than tents being erected, there would be lodges in their place. Accordingly, the previously referred to potential amenity impacts are plausible issues that can occur. However, in this instance, the number of 'pitches' would remain the same, only the accommodation type would alter. Nevertheless, the 'type' of accommodation can still lead to differing amenity issues. In

this case, in direct relation to the accommodation, there are no significantly demonstrable impacts considered likely. No such issues have been raised by the public consultation, nor has the Environmental Health Officer (EHO) raised any concerns when offered the opportunity to comment upon the application.

In terms of potential amenity impact, these must be considered to amount to an impact that would be demonstrably harmful. Indeed, it is considered that more likely, a lodge style form of accommodation would be preferable over a tent in terms of being less likely to be create issues that could have an impact upon the amenity of the area.

In any event, the case officer considers it prudent to impose a condition that would require any external lighting details that could be considered necessary for the site at a later stage to be submitted for formal approval. Such approval would be required prior to any such lighting being installed on site.

Overall though, it is recognised that the site is proposed for holiday use, is already permitted for such use and would not feature permanent residents. It would also not have any increase in the maximum onsite number of guests were this application approved.

Cumulative impacts have also been considered in this case given the proximity of a similar business to the application site. Notwithstanding that the fundamental use has already been approved and these cumulative impacts previously considered it is recognised that this scheme would introduce some new aspects to the site, not previously considered by the Local Planning Authority. These new aspects have been previously referred to in this report, but for clarity are confirmed to comprise the proposed construction of a spa facility.

This element of the application is considered very small-scale and given it is considered so minor, with treatments to take place inside purpose made structures, there are no reasons to believe that the amenity of the wider area would in any way be compromised by this activity.

Accordingly, it is considered that the scheme complies with the objectives of Policy SP20 and the NPPF and merits support.

Highways

Policy SP20, entitled 'Generic Development Management Issues' states that "Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads".

Paragraph 111 of the NPPF affirms that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

Access would remain as is, with no change in those arrangements. However, it is noted that previously, the Local Highways Authority did raise some concerns with regard to the intensification of the sites use. As has been established in case law, the use of pure numbers utilising an access is not considered sufficient to demonstrate 'harm'. The extant, permitted use on site is not restricted in terms of numbers visiting the site and it is not considered that this application, which would not increase the number of pitches available for accommodation purposes could reasonably justify any condition to restrict these.

The final Local Highway Authority response is noted, it requested two conditions to be imposed on any subsequent grant of permission. These have been noted by the Local Planning Authority.

Additionally, the two objections received in relation to this application are also noted to refer to concerns related to potential highway impacts. It is also noted that a neighbouring parish council has also objected to the application on these grounds (Beadlam Parish Council). Whilst these are

understood, they are not demonstrated in terms of harm, rather they are assertions based upon the application and their perception of what impact it could create.

In consideration of these concerns, whilst they are appreciated the applicant is not proposing any additional capacity in terms of the number of pitches available to the total number of guests that could stay on site. In that respect, it cannot reasonably be considered that there would be any greater highway impact than there is now. The use of the land for tourism accommodation is already well established and it is not considered reasonable to refuse the scheme now given that established use on highway grounds. This positions is strengthened still further by the fact that the Local Highway Authority have not offered any objection to the scheme.

In terms of the proposed improved restaurant this is an approved and established use on the site and it is not restricted from being used by those not staying on site so there is no material change in circumstances were this newly proposed restaurant approved and implemented. The existing restaurant is noted to be unrestricted in numbers that could use it and it is not considered reasonable to restrict this proposed restaurant by planning condition. Nevertheless, it will self-regulate with the applicant confirming it has a capacity of 60 covers.

The Spa is confirmed to have a capacity of 24 treatments per day with car parking capacity for staff and the general public being estimated to be for 30 spaces and provision on site for 35. As has been noted, the scale of the Spa facility is considered such that it is commensurate with the tourism accommodation. It is very modest in scale and as such could not reasonably be said to have any real impacts and certainly would not result in 'significant' impact upon either road safety or congestion.

The only aspect of the scheme that would have any impact on the numbers in use on site relates to the proposed spa facility. In regards to this, the facility would be anticipated to be utilised by onsite guests, but could be used by those not staying on site. It is not considered necessary nor reasonable to restrict this facility for guests only and in that regard then a condition could not be imposed as it would fail to meet the 'tests' when considering the imposition of such conditions upon any grant of planning permission.

In relation to this then, the issue is how material a change there would be to justify the potential imposition of condition(s). The spa facility proposed is very modest in scale and whilst the concerns of objectors are noted, these are not considered sufficient to reasonably amount to concern from officers that could justify such condition(s) being attached to any decision notice should the application be granted planning permission. The scale of the development relative to potential use is not considered so harmful as to merit concerns from a highway perspective. It is simply not necessary nor reasonable to impose such a condition and accordingly, it would plainly fail to meet at least two of the six tests and is therefore not recommended within the draft suite of conditions.

The established use of the site as a tourism accommodation development, with associated, ancillary type development is now well-established. This scheme offers no material change in vehicle access nor intensification of use and as such it is not considered that the development would have any demonstrable impact upon the local highway network.

The concerns raised that guests would require a car to either arrive at site or tour the area are noted but not reasonable reasons to refuse the scheme before the Local Planning Authority. The district, by its nature is very rural and access to a vehicle for personal travel is essential. Local, public transport links are recognised to be varied in frequency and type across the district but it is not for the Local Planning Authority nor this application to resolve these matters and enhance them. Whilst it is recognised that the use of private motorcar is not to everyone's preference, it is a legal method of transport and part of the reason why guests seek to visit the district is precisely because it is a rural area with a beautiful landscape. Accordingly, the fact that private vehicles will almost certainly be used to visit the site in each case is noted, it is not a basis upon which to refuse this application given extant policy direction at national and local levels.

It has been previously noted in this report that tourist attractions that generate significant numbers of visitors should consider alternative methods of transport to get guests to the site. As has been

established, this is not such a development, it is for tourist accommodation with some ancillary elements associated with it. As such, there is no need for alternate methods of transport to be provided in this case.

The application is therefore considered accord with Policy SP20 of the Local Plan and would not result in a development contrary to the NPPF.

Flood risk and drainage

Policy SP17 'Managing Air Quality, Land and Water Resources' confirms what and how development proposals should manage surface and waste water.

Chapter 14 of the NPPF entitled 'Meeting the challenge of climate change, flooding and coastal change confirms in paragraph 154 that 'New development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards'.

Paragraph 159 states that, 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

Paragraph 162 of the NPPF states that, 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'.

Paragraph 167 states that, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.

Paragraph 169 states that 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards:
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits'.

The Lead Local Flood Authority (LLFA) sought further information from the application and they subsequently provided this. The LLFA have confirmed that the site is in an area of low flood risk and the development is acceptable relative to this.

The applicant intends to install a drain to the north of the site for surface water drainage. This will require consent from the LLFA and is recognised as outside of the planning process. Nevertheless, the facts of this case are useful to understand. The site will incorporate attenuation ponds, located in two locations to the North and North-West of the site.

These will be discharged to at a controlled rate, which is agreed by the LLFA and to which the detailed submissions confirm. Accordingly, these details are recommended to be included as 'approved' details as part of condition 2 within the draft conditions included in this report. The sites low risk of flooding is noted and the intended surface water drainage plans recognised as being considered acceptable by the Lead Local Flood Authority.

Foul drainage is intended to be achieved by connecting to the mains. This connection is on the northern boundary of the site. Whilst it is not a matter of the Local Planning Authority to deal with, it is noted as part of the wider development proposal.

Ultimately, there are no concerns raised by consultees in terms of surface water drainage and it is considered therefore, that the scheme is acceptable in terms of its drainage plans and would be in compliance with Policy SP17 of the Ryedale Local Plan and the NPPF.

Conclusion

The site is recognised to benefit from an extant permission and in terms of capacity for holidaymakers, this application would not offer any increase. Rather, it would only alter the accommodation 'type' on site from tents to that of lodges. Such is already on site, but this would ensure all accommodation for guests was uniformly lodges.

The only aspect that is actually 'new' in terms of the introduction of a new element of the already approved tourism accommodation site, is the proposed spa facility. All other aspects would replace existing facilities.

Accordingly, given the existing fall-back position that is afforded significant weight in the planning balance, the resultant application is rather minor in its nature.

The concerns raised by the objectors are noted but whilst these concerns are understood it is considered in planning terms, the fundamental use of the site is already well-established. Given the extant, legal use of the site already approved, the consideration relative to highways would be whether a material change in use would occur. This is not considered to be the case and the Local Highway Authority have not offered any objection to the scheme.

The proposed development is considered to be acceptable in terms of landscape, design, drainage and amenity considerations and as such would comply with the Ryedale Local Plan as well as the NPPF. Specifically, policies SP1, SP8, SP13, SP16, SP17, SP19, SP20 and SP2. As such, it is recommended for approval.

RECOMMENDATION: Approval subject to the following conditions;

- 1. The development permitted shall be begun either before the expiration of three years from the date of this permission.
 - 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 application form dated the 17 December 2021 and the following approved plan(s):

- i. Cover Letter, dated 17 December 2021:
- ii. Location Plan, ref. H2 210803/3, dated 14 December 2021;
- iii. Proposed Site Layout, ref. H2 210803/1 Rev. C, dated 24 April 2022;
- iv. Existing Site Layout, submitted 21 December 2021;
- v. Demolition Plan, submitted 25 April 2022;
- vi. Preliminary Landscape and Visual Assessment, darted 20 December 2021;
- vii. Entrance Plan, ref. LYCF1003, dated 10 December 2021;
- viii. Reception and Kitchen Plan, ref. LYCF1004, dated 14 December 2021;
- ix. Plant room Plan, ref. LYCF1009, dated 13 December 2021;
- x. Restaurant and Bar Plan, ref. LYCF1007, dated 14 December 2021;
- xi. Spa Plan, ref. LYCF1002, dated 10 December 2021;
- xii. Thermal Cabin Buildings Plan, ref. LYCF1005, dated 13 December 2021;
- xiii. Treatment room Plans, ref. LYCF1006, dated 13 December 2021:
- xiv. Yoga and Relaxation Plan, ref. LYCF1008, dated 14 December 2021;
- xv. Alphau Quadrosphere technical specifications, submitted 29 April 2022;
- xvi. Drainage Design Report, Northpoint Consulting, Reference 151410, Revision 0, Dated 30/03/2022.

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

Prior to commencement

3. Prior to the commencement of the hereby development, details of the lodges specifications including dimensions, construction materials and finished external colours shall be submitted to the Local Planning Authority for written approval. Once received, those details shall be implemented in full and strictly adhered to for the lifetime of the development.

Reason: In the interests of the character of the area.

4. Prior to the commencement of the development, all access, parking, manoeuvring and turning areas for all users at Canadian Fields shall be constructed in compliance with details submitted and approved in writing by the Local Planning Authority. Once the details are approved, they shall be implemented and maintained as approved for the duration of the development. They shall also be kept clear of any obstruction at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to and comply with Policy SP20 of the Ryedale Local Plan.

- 5. Prior to the commencement of the development a Construction Management Plan shall be submitted to the Local Planning Authority for written approval. The plan shall include the following details:
 - i. Details of any temporary construction access to the site including measures for removal following completion of construction works;
 - ii. Restriction on the use of Gale Lane (at specific School arrival and leaving times) access for construction purposes;
 - iii. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - iv. The parking areas defined for contractors' site operatives and visitor's vehicles;
 - v. Areas for storage of plant and materials used in constructing the development clear of the highway;
 - vi. Details of site working hours; and
 - vii. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Once approved the construction management plan shall be implemented and adhered to in full during the construction phase.

Reason: In the interest of highway and public safety of the area and complying with Policy SP20 of the Ryedale Local Plan.

Ongoing Conditions

6. There shall be no more than 47 lodges constructed upon site for holiday accommodation purposes.

Reason: In the interests of the visual amenity of the area.

7. The hereby approved application shall be for holiday accommodation only and not as a person's sole or main place of residence.

Reason: In order to comply with Policy SP21 of the Ryedale Local Plan.

8. Prior to the installation of any external lighting at the site shall be limited to that required for the security purposes and the safe movement of pedestrians and vehicles. Details shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. Once approved the lighting shall be installed and maintained in accordance with the approved details for the duration of the development.

Reason: In the interests of the reduction of light pollution and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

9. There shall be no vehicular access or egress to and from the site other than via the existing approved access.

Reason: In the interests of road safety.

10. Foul and Surface water shall be drained on separate systems at all times.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

11. The hereby approved accommodation shall be for commercial holiday let for at least 140 days a year and no let must exceed 31 days.

Reason: In order to comply with Policy SP21 of the Ryedale Local Plan.

12. The owners/operators of the hereby approved development shall maintain an up-to-date register of all lettings/occupation. This shall be available for inspection upon request of the Local Planning Authority.

Reason: In order to comply with Policy SP21 of the Ryedale Local Plan

13. Within 3 months of the commencement of the hereby approved development, a landscape scheme for the site that indicates numbers, species and location of all trees and shrubs to be planted shall be submitted to the Local Planning Authority for written approval. The details submitted shall include details of the phasing of planting as well as an aftercare and management plan, including details of how any tree or shrub that fails within 5 years of planting will be replaced like for like and shall be based upon the preliminary landscape and visual assessment submitted, dated 20 December 2021. Once approved, the scheme shall be implemented and adhered to for the duration of the development.

Reason: To enhance the appearance of the development hereby approved and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

14. No amplified music shall be played on site outside of the hours of 7.00am - 11.00pm.

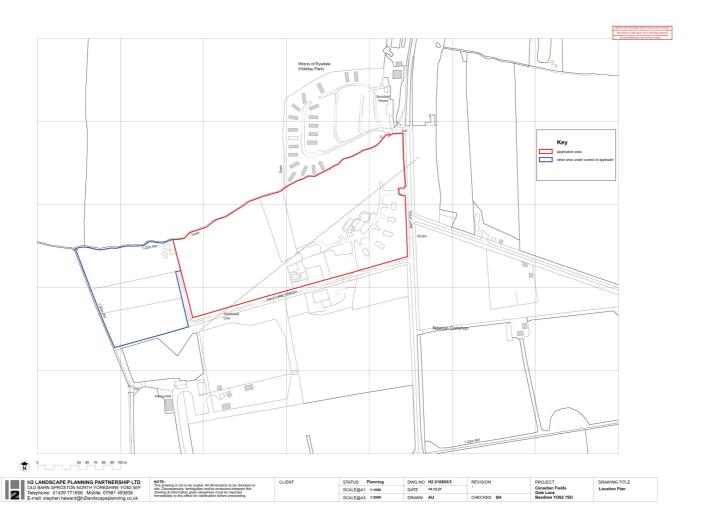
Reason: In the interests of the amenity and character of the area.

15. The restaurant, bar and spa buildings shall not operate outside of the hours of 7.00am – 11.00pm.

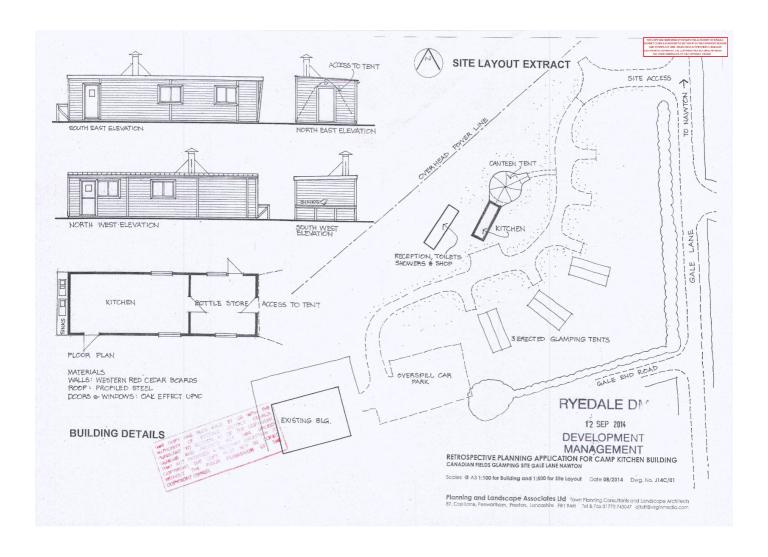
Reason: In the interests of the amenity and character of the area.

Note to developer

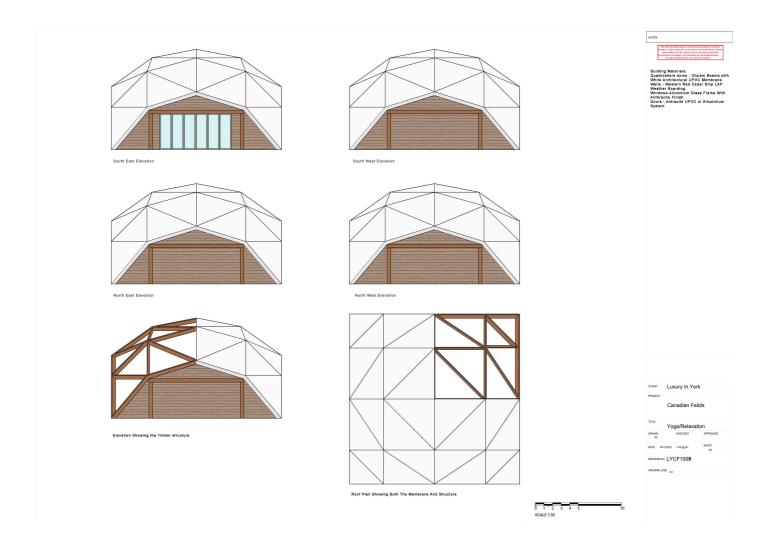
1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.

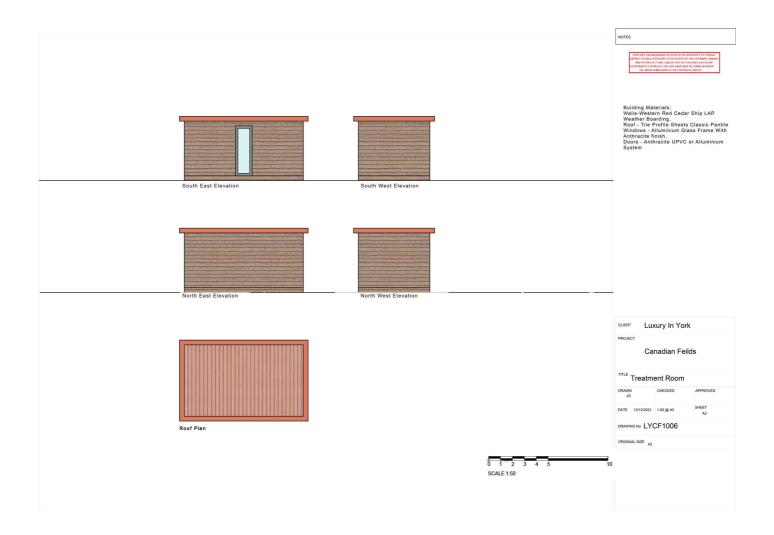


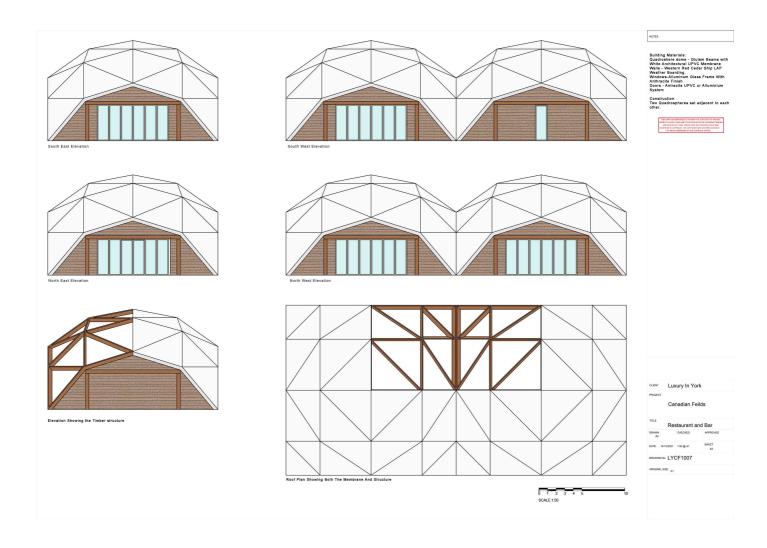


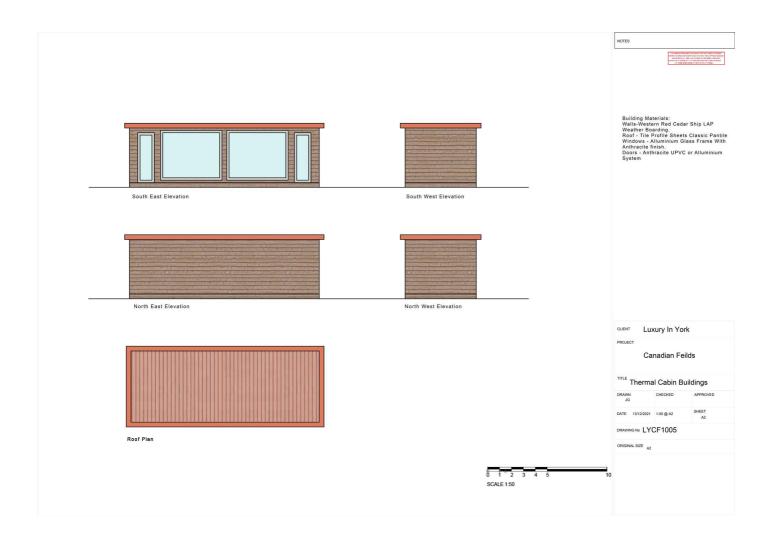




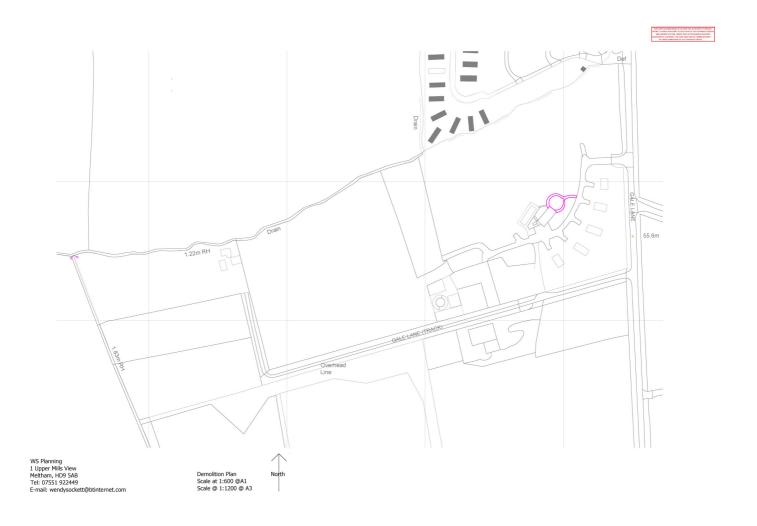




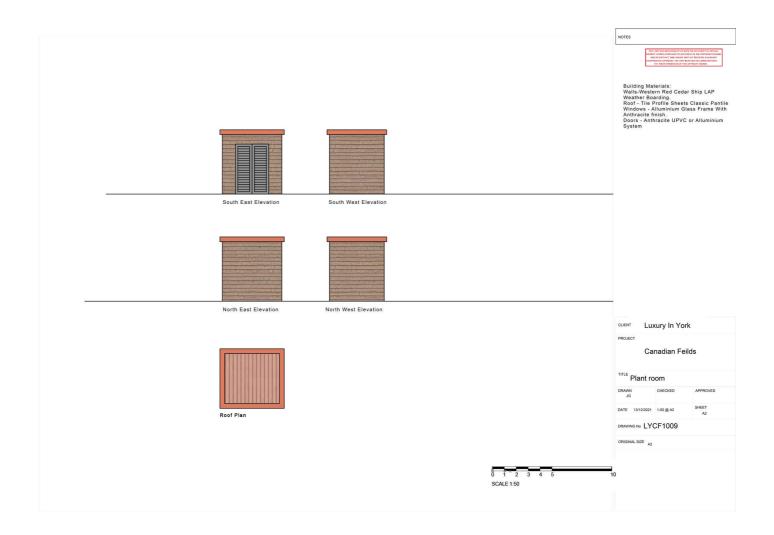












From: dm

Sent: 08 February 2022 13:21

To: Development Management

Subject: Comments for Planning Application 21/01640/MFUL

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 08/02/2022 1:21 PM from Mrs Sandra Thurlow.

Application Summary

Address: Canadian Fields Gale Lane Nawton Helmsley YO62 7SD

Proposal: Replacing the 19no previously approved safari tent pitches with 19no lodges, reorganisation of 28no existing approved lodges, installation of a spa complex to include installation of swimming pool and hydro pool, erection of 1no double quadrosphere dome for a restaurant and bar, 1no single quadrosphere dome for a yoga and relaxation room, an entrance and reception building, 4no thermal cabins, 3no treatment rooms, 2no plant rooms and ancillary works

Case Officer: Ian Irwin

Click for further information

Customer Details

Name: Mrs Sandra Thurlow

Address: South View High Lane, Beadlam, Helmsley, North Yorkshire YO62 7SY

Comments Details

Commenter Type: ie Site/press notice

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Beadlam Parish Council feel that the extra traffic along Gale Lane is going to be an issue, as the road is narrow and busy.

It is only going to get busier with Ryedale School's recent planning approval for all-weather pitches to be used out of school hours.

Light pollution is also a concern

Is this going to be a closed complex or asis now the restaurant open to the general public?

.

Kind regards

From: dm

Sent: 02 February 2022 18:14

To: Development Management

Subject: Consultee Comments for Planning Application 21/01640/MFUL

Consultee comments

Dear Sir/Madam,

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 02/02/2022 6:13 PM from Ms ANNE TWINE on behalf of Nawton Parish Council.

Application Summary

Reference: 21/01640/MFUL

Address: Canadian Fields Gale Lane Nawton Helmsley YO62 7SD

Proposal: Replacing the 19no previously approved safari tent pitches with 19no lodges, reorganisation of 28no existing approved lodges, installation of a spa complex to include installation of swimming pool and hydro pool, erection of 1no double quadrosphere dome for a restaurant and bar, 1no single quadrosphere dome for a yoga and relaxation room, an entrance and reception building, 4no thermal cabins, 3no treatment rooms, 2no plant rooms and ancillary works

Case Officer: Ian Irwin

Click for further information

Comments Details

Comments: NO OBJECTIONS

Kind regards

Agenda Item 11

Item Number: 11

Application No: 22/00097/FUL

Parish: Habton Parish Council **Appn. Type:** Full Application

Appn. Type: Full Application **Applicant:** Mr & Mrs Taylor

Proposal: Erection of 1no. five bedroom replacement dwelling following removal of

the existing dwelling, alterations and renovations to the stable and annexe building to provide additional living accommodation for the main dwelling with one bedroom annexe accommodation to include the erection of a single storey link extension, erection of 1no. one bedroom ancillary dwelling associated to the replacement dwelling with double garage and conversion and alterations to modern barn to allow formation of leisure facilities for

domestic purposes

Location: Longlands Hall Riggs Road Ryton Malton YO17 6RZ

Registration Date: 3 February 2022

8/13 Wk Expiry Date: 31 March 2022 **Overall Expiry Date:** 10 March 2022

Case Officer: Niamh Bonner Ext: 43325

CONSULTATIONS:

Yorkshire Water Land Use Planning

Sustainable Places Team (Environment-Agency Yorkshire Area) Comments

NYCC Natural Services Comments

Tree & Landscape Officer Building Conservation Officer Habton Parish Council

Highways North Yorkshire No objection

Ren	resen	tatio	ns:

SITE:

The application site, Longlands Hall comprises a large farmhouse together with a range of traditional outbuildings and a modern agricultural building, set in approximately 17 hectares of land.

The site is located within the area of Ryton and accessed via a long driveway taken from Riggs Road, it is located approximately 5km to the north of Malton Town Centre. The site is surrounded by open countryside, and there are no immediate residential dwellings adjacent to the site, with the wider area predominantly characterised by a pattern of sporadic farmsteads and small groups of development. The nearest neighbours are located c240m to the west/south west and c290m to the north west of the residential dwelling. The site is located within the Vale of Pickering Landscape Character Area and in land designated as the 'Wider Open Countryside' under the Ryedale Plan, Local Plan Strategy.

The property incorporates a two and a half storey dwelling of a significant scale, with the majority of the building incorporating an attractive and traditional vernacular form. The dwelling incorporates a central section, with a pair of two storey extensions to the east and west added to the dwelling over time, which are set back and set down from the original section. Other extensions have been added over time, including a pair of balanced single storey extensions to the southern elevation, which forms the principal elevation of the building and more functional additions to the rear. The original central section spans c10.4m in width, but including the pair of historic side extensions, the two storey section of the dwelling spans a total of c21m in length, with a maximum width of c12.1m. The property incorporates a range of roof styles, predominantly pitched roof forms of varying pitches with the single storey

elements to the front incorporating flat roofs with lantern roof lights. The majority of the dwelling is completed with brickwork and a pantile roof.

Traditional farm outbuildings are positioned closely to the north of the dwelling creating an enclosed courtyard, which is attractively landscaped. It is noted that of the outbuildings, one two storey element has been granted permission for conversion to an annex, but the rest remain in undeveloped with some in active agricultural use for a small number of livestock. Directly to the north of these traditional rural buildings, falling within the red line of the application site is a small paddock where livestock graze.

To the west of the traditional outbuildings is a modern farm building, spanning c16.5m x c23m in footprint. This incorporates a pitched roof design with a maximum roof height of c6.9m. This is completed with low concrete walls, wooden cladding and a corrugated metal roof.

The site location plan indicates the wider area of agricultural land falling under the same ownership. Formal garden space is present to the south west and south. The vast majority of the application site falls with Flood Zone 3 as designated by the Environment Agency.

Public Rights of Way are located to the north and north west of the site, c320m from the current dwelling at the nearest point.

PROPOSAL:

This proposal seeks planning permission for the erection of 1no. five bedroom replacement dwelling following removal of the existing dwelling, alterations and renovations to the stable and annexe building to provide additional living accommodation for the main dwelling with one bedroom annexe accommodation to include the erection of a single storey link extension, erection of 1no. one bedroom ancillary dwelling associated to the replacement dwelling with double garage and conversion and alterations to modern barn to allow formation of leisure facilities for domestic purposes

Negotiation has been undertaken with the Planning Agent and a scheme with a limited range of amended design details has been received by the Local Planning Authority in April 2020. These have not been subject to formal reconsultation as they relate to no increases upon scale or massing, with limited design alterations which will be further discussed below.

This proposed scheme would incorporate a replacement 2.5 storey building on the footprint of the existing dwelling, completed predominately with brickwork, to include stone quoins, cills and lintels, with a slate roof. This would incorporate one central principal 2.5 storey section that would span c15.95m from east to west with a depth of c12.5m from north to south. This element would incorporate a ridge height of c12.5m and would incorporate a pitched roof design with traditional gable chimney stacks, feature glazing at ground floor level, sliding sash windows above and 3no. palladian style curved roof dormers to incorporate sash windows on the southern elevation, set down and set back from the ridge. Two small terraces (with footprints of c1.75m x c4.8m) would be present along the northern roofslope to serve the master suite, these would be completed with glazed balustrading inset along the original roofslope.

To the east of this central section is an angled two storey element/wing which would create additional floorspace. This would incorporate a sectional hipped roof form, set down from the main ridge height by c 2.2m and also set back from the principal elevation to emphasise subservience, with additional chimney stacks. This eastern elevation would include the main entrance to the dwelling, but in design terms would not form the principal elevation, which would remain the south. Other design elements to ensure this element is subservient in addition to the ridge height (which was further set down during the design process) is the slightly more simple fenestration at this point, completed with stone cills and lintels unlike the quoins in the central section and further delineation of the eastern elevation by insetting a section of the rear to prevent visual massing. The simplification of the window detailing was requested by Officers and forms an amendment to the scheme. On the principal elevation a single storey projecting orangery is proposed extending from the eastern wing, to be completed with stonework and feature glazing. To the western elevation, a single storey orangery style element is also present.

The house would connect physically with the existing traditional outbuildings and modern farm building, which as noted would be fully converted to form additional domestic accommodation. Essentially through the use of connecting links it would be possible to circulate through the proposed replacement dwelling and these converted buildings internally. The Design and Access Statement notes that "At present the former agricultural buildings are used for ad hoc storage and for some animal accommodation — albeit the holding is very much a 'hobby farm'." This statement is commensurate with what was present during the site visit.

The proposed orangery element to the west of the replacement dwelling would be attached via a simple glazed link to the already converted two storey outbuilding, which under these plans would continue to form additional living space. Within this two storey former outbuilding, at first floor level there would be a small self contained internal annex area, with a bedroom, living room and kitchen area spanning c42 square metres. This could only be accessed internally from within the dwelling and essentially relates to a suite.

This two storey former outbuilding would then connect with the large modern farm proposed for conversion into the leisure complex by a further simple glazed link. The dwelling would also be connected to the outbuilding closest to the east wing via a single storey brick built link, with windows to mirror the main dwelling when viewed from the south. The outbuildings would be converted using their original form, however further sections of glazed links would be installed. The first would be a limited section internally within the courtyard to the west of the eastern run of outbuildings. The second would be a longer element, to the north of the outbuildings to facilitate permeability, running eventually to the large modern farm proposed for conversion into the leisure complex to the west.

The proposed conversion of the large modern barn to the west of the site into a leisure complex is noted. The Design and Access Statement notes "The existing barn is no longer required to farm the land. The farm land to the north and west of the application site is let under notice to an adjacent farmer and hence there is no longer a requirement to store equipment, vehicles or feed within the building. Whilst it remains in a sound structural condition, the applicants see value in re-using the building for leisure purposes for their family." This would provide an indoor pool, spa, plant storage and a sports court. As noted, this element would be linked via the two glazed links to the former outbuildings and the main dwelling. This building would incorporate a small glazed extension to the eastern elevation to form a spa, which would open out onto an outdoor pool. This building would predominately remain in its current form visually, with new roof lights, limited new openings and new sections of standing seam zinc cladding to the east and south. Solar panels are also proposed.

A small section of additional land to the south of this farm building proposed for conversion would become additional domestic curtilage.

Approximately 23.75m to the east of the proposed dwelling would be the proposed 1 bedroom annex with car parking and domestic storage. This would be an 'L' shaped pitched roof design, with an open plan living room/kitchen, hall, office and utility at ground floor level, with a bedroom suite above to include a small external terrace to the north. The garage would provide covered space for two cars with storage above, accessible only via an external staircase. A small section of garden would be provided to the east. The building would be completed with timber cladding and a pantile roof with small pitched roof dormers. A dovecote style element creates a light source for the internal stairs and the use of PV tiles is noted.

It is indicated that the small paddock area to the north of the site would be replanted as an orchard and a ha-ha would be installed to limit the need for additional boundary treatments.

HISTORY:

The following applications are considered relevant to the current proposal:

00/00690/FUL: Erection of conservatory and sun room extension to south elevation. Approved 14/01117/GPAGB: Change of use of agricultural building to a dwellinghouse (Use Class C3) Refused

18/00362/FUL: Change of use and alteration of barn to form a 2 bedroom detached residential annexe following the demolition of existing storage sheds. Approved

18/00511/HOUSE: External alterations to include erection of a part single storey part two storey extension to the west elevation, alterations to existing single storey extension on south elevation to form flat roof with roof lantern, together with erection of an entrance door portico following demolition of conservatory and repositioning of rear porch and some alterations to existing windows and doors. Approved.

POLICIES:

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

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

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

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 SP18 Renewable and Low Carbon Energy

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

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

National Planning Policy Framework

National Planning Practice Guidance

REPRESENTATIONS:

The Parish Council confirmed in their response dated 1st March 2022 that "concerns were raised about the scale of development in a rural setting, heritage and flood risk. it is recommended that this application be considered by the planning committee."

The Parish Clerk was asked whether this "was considered to be an objection from the parish, or if it is the raising of concerns?" The Parish Clerk confirmed on the 18th April "it was expressed as a concern."

Notwithstanding this, following detailed review of the scheme of delegation, it is considered appropriate to bring this to Members of Planning Committee.

No further third party representations have been received.

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of the development
- ii. Design, Form and Character
- iii. Impact upon neighbouring amenity
- iv. Flood Risk
- v. Ecology
- vi. Other matters, including consultation responses.

i. Principle

The Ryedale Local Plan Strategy is the Development Plan and includes a settlements hierarchy. Policy SP1 (General Location of Development and Settlement Hierarchy) states that development in the non-service villages will be restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities.

Policy SP2 (Delivery and Distribution of new housing) supports the principle of replacement dwellings in the Wider Open Countryside.

As noted, the proposed replacement dwelling will involve the demolition of the existing dwelling and its replacement with a new house, with the retention and conversion of the existing traditional partially converted outbuildings and existing modern farm building.

The existing dwelling is an attractive large farm house, which has experienced predominantly sensitive alterations over time and remains an attractive example of vernacular architecture. However, the principle of a replacement dwelling in this location is considered to be acceptable and in accordance with the requirements of Local Policy, subject to consideration of the following matters. As a replacement dwelling, this would not be subject to a Local Needs Occupancy Condition.

The principle of conversion of the existing two and single storey traditional outbuildings is also considered acceptable and subject to final detailing would help to maintain the traditional character of the site.

The retention and conversion of the existing large farm building, which incorporates a functional agricultural appearance is proposed and this is identified as no longer serving an agricultural need in this location.

It is considered that not every building of this type would be suitable for such a conversion. However in these site specific circumstances, as this would form additional ancillary accommodation in association with an established domestic dwelling (albeit proposed for replacement) and due to its proximity to and relationship with the main building, this is considered appropriate in principle. This is also subject to final detailing.

In terms of the proposed internal annex suite and proposed annex contained within the new detached building, Policy SP21 of the Ryedale Plan, Local Plan Strategy notes: "Where further residential accommodation within the curtilage of an existing dwelling is proposed to complement the existing living arrangements, such as to provide a 'granny annexe' the proposed development shall remain ancillary to the existing house and shall not be separately occupied. Accommodation that has a separate access and the ability to be fully self-contained is discouraged."

The proposed annex within the detached building would incorporate approximately 142 square metres of usable domestic accommodation floor space at ground and first floor level and could be entirely self-contained, although only one bedroom would be provided, which is indicative of this being a bonafide annex. The proposed building would incorporate the only covered garage space for the main building as no other garaging is present within the wider site, which again illustrates the likely close relationship. The site incorporates only one electrically gated access and it is considered unlikely that these elements would ever be separated in the future. It is Officer's view that that subject to the standard annex condition and a condition to preclude the conversion of the garaging hereby approved into additional residential accommodation, the proposed one bedroom annex in the detached building would in principle align with the spirit and requirements of Policy SP21 of the Ryedale Plan, Local Plan Strategy. The personal circumstances of the Applicant's family as outlined in the Design and Access Statement is noted, which provides a justification for the necessity of this element, notwithstanding this, this element of the proposal would be considered policy compliant. However this in principle support would be subject to full assessment of the character and form of the proposed design which will be undertaken below.

The proposed annex suite within the main dwelling, utilising the existing floor space is also considered acceptable. This would only be accessible internally from within the existing dwelling, so essentially relates to a functional suite for a care professional or family member. This also, would be subject to the relevant condition.

ii. Design, Form and Character

Policy SP13 Landscapes of the Ryedale Plan Local Plan Strategy notes:

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

- The distribution and form of settlements and buildings in their landscape setting
- The character of individual settlements, including building styles and materials
- The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
- Visually sensitive skylines, hill and valley sides
- The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure

Policy SP16 (Design) of the Ryedale Plan Local Plan Strategy notes:

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:

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

Policy SP20 also requires that "New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses".

Paragraph 126 of the NPPF notes: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Paragraph 130 of the NPPF notes. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 39 c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Following review of the revised plans with limited amendments to the eastern wing, the Building Conservation Officer noted "I have no comments to make."

The scheme as outlined above relates to a significant proposal, focused around the creation of a substantial new dwelling. The proposed new dwelling, whilst of a larger footprint maintains the original position and orientation of the existing dwelling. The form and design would relate to a higher status dwelling in terms of style and architectural detailing, which Officer's believe can be assimilate within this significantly scaled plot. It is considered that this wider scheme is locally distinctive and has been sensitively and cohesively designed with a carefully considered approach.

It is noted that the proposed main dwelling would incorporate a traditional design, with high quality traditional materials and elements of architectural detailing that would relate to a high quality form and appearance. Conditions seeking details and samples of materials would be recommended.

Whilst the proposed dwelling includes significant vertical proportions and footprint, the proposed scale of the dwelling avoids appearing monolithic due to the inclusion of the subservient eastern wing, which as notes, is set down and set back from the principal building line. This eastern wing is then itself 'broken up' due to the insetting of a section towards the rear. The design approach to this area with more simplistic fenestration is also welcomed in terms of maintaining the higher status and primacy of the central section. A condition to seek further details of the fenestration and external joinery would be recommended.

The retention of the traditional outbuildings and courtyard form is welcomed and it is considered that the simple glazed links allow for an appreciation and visual understanding of the original form of these, whilst allowing better permeability around the new internal accommodation. The proposed enclosing of the area between the two storey converted outbuilding and the modern agricultural building with the glazed links also aids in sheltering and limiting visibility of the outdoor swimming pool.

The physical amendments proposed for the conversion of the disused agricultural building are considered appropriate, with limited amendments made to the northern and western elevations. The cladding of the eastern and partial cladding of the southern elevations with zinc is also considered acceptable in design terms. The use of solar panels on the southern roof slope is noted. It is considered that this retains the modern agricultural character of the building.

The proposed annex/garage/store as outlined above is considered acceptable in principle. The proposed design is considered commensurate with an ancillary garden style building, through the use of timber cladding and pantiles, visually linking with the pantiles of the outbuildings. This provides a visual contrast in comparison with the slate roof tiles and formal materials of the host dwelling, which together with the design and scale render this proposed building as notably subservient in comparison to the host dwelling, which is welcomed.

As noted, there are limited public view points or neighbouring dwellings in very close proximity to this site. In terms of more distant landscape views. It is considered that the proposed replacement dwelling could be relatively prominent within the wider area as topographically this is quite a flat landscape. The network of public rights of way (c320m to the north of the dwelling at the nearest point) would provide a position where views could be achieved and the site is currently more open along the south, on the approach taken via the driveway. This driveway also serves properties positioned much closer to the highway, including Philadelphia Cottages and Sleightholme Farm (all positioned a minimum of c240m from the existing dwelling.) However it is acknowledged that this is a considered to be a very well-designed replacement dwelling, undertaken with consideration of local distinctiveness and vernacular design. It also maintains the original positioning of Longlands Hall and would be completed with high quality traditional materials. Following careful review, it is not considered that the scheme this would relate to harmful landscape character impacts or cause material harm to the streetscene.

It is also noted that from certain wider views, ie. from the north and north west, the retained modern and traditional outbuildings will appear consistent with the existing arrangement and that the existing landscaping would serve to soften the appearance of the proposed scheme. It is also noted that a full landscaping scheme will be provided which would include (but would not be limited to) the new orchard planting to the north. It is considered appropriate to also seek a condition to prevent new external lighting unless agreed with the Local Planning Authority, to prevent potentially harmful light pollution in this predominantly unlit location.

Following review of the proposals, it is considered that a condition to remove certain PD rights is necessary to ensure the high quality appearance secured by the scheme would remain.

The Scheme is accompanied by an Arboricultural Impact Assessment (Yew Tree & Gardens 12/1/2022.) This reviews the existing planting within the site and categorises the retention value and health of these trees. This indicates some trees which would require removal due to health and some which would require removal to facilitate the proposed development. 2 trees would be removed from the north west of the site and 1 tree would be removed from the south west of the dwelling due to their condition. 5 small trees would be removed centrally from within the internal courtyard which are not particular visible from public views. 4 trees would be removed from the south of the proposed annex/garage building. 2 trees and a small section of hedgerow would be removed from the west of the garage/courtyard. Areas where hand digging to limit impact upon root zones are indicated as well as other areas for tree protective fencing.

The Arboricultural Impact Assessment concludes the following:

"The proposed development will require the removal of a small number of trees in the semi mature age class and a short section of early mature age class hedge. All other surveyed tree and hedge stock may be retained in the development.

- 2. The proposed development layout would require limited incursions into the RPA of semi /early mature tree stock in one area of the site. Given the age of the trees, current site conditions and the use of a suitable working method (as per section 5d), these trees can be retained within the development.
- 3. A total of three surveyed trees require removal irrespective of any development due to their current condition.
- 4. The proposed development layout includes significant volumes of indicative tree planting. This planting would provide effective mitigation for the limited removals required in the development
- 5. No other trees are impacted upon by the development and no significant future conflicts with retained trees have been identified."

The Tree and Landscape Officer noted the following in their formal response dated 27th April 2022 "The AIA is a clear and detailed report which sets out clear justifications for the removal of trees and proposed working methods to minimise harm to trees where the roots are impacted upon and tree planting to mitigate loss of trees.

There are no high quality trees being removed that would be considered worthy of protection. The category U tree are in such condition that they would be removed for good arboricultural reasons anyway. The trees that will be removed are young to early mature in age so the visual impact relatively small. Loss of tree cover and amenity will be mitigated by the planting of new trees and hedges. The proposed hand digging and other methods to limit the impact on a small number of trees which will have root incursion is acceptable.

Having considered the tree report and proposal in full I have no objections to this proposal subject to conditions for:

- 1. Landscaping clearly indicating the location of the new trees/hedges/shrubs, details of size, species, etc
- 2. Tree protection in accordance with the Tree Report
- 3. No storage of materials within RPAs etc
- 4. Working method (as per section 5d of report)."

These conditions will be included. It is however noted that the scheme indicates the inclusion of new orchard planting to the north which is considered to be a positive addition.

iii. Impact upon neighbouring amenity

The proposed development would not result in any harm to neighbouring amenity due to the significant distances between this property and neighbouring dwellings.

iv. Flood Risk

The proposal has been accompanied by an 'Interim Flood Risk Assessment' (Mason Gilliband Architects January 2022)

The Environment Agency noted in their response dated 3rd March 2022 "The proposed development falls within Flood Zone 3, which is land defined in the planning practice guidance as being at high risk of flooding.

The application is for a replacement residential dwelling with additional living accommodation as part of the stable and annex building, which are considered to be a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change.

Provided the proposed development is built in accordance with the submitted FRA (ref Interim Flood Risk Assessment dated February 2021, by Mason Gillibrand Architects) and associated drawings (which show no ground floor sleeping accommodation) then we have no objections.

We strongly recommend that finished floor levels are raised a minimum of 600mm above existing ground levels."

Although not specifically requested by the Environment Agency, the application will be conditioned to be built in accordance with this document. Further advice was given on Flood Risk and resilience which will be linked as an informative. The EA noted the FRA as being dated February 2021, but this is actually dated January 2022 and is the sole FRA related to this site which has been submitted.

The EA response provided confirmation of when the Sequential Test and Exception Test should be undertaken, replacement dwellings and annexes were not ruled out, although householder developments such as extensions, garages, etc were. For the avoidance of doubt, the scheme will be considered against these tests.

The proposed scheme for the replacement dwelling is considered sequentially acceptable due to it being in the location of an existing domestic dwelling. There would be no sequentially preferable location within the application site for this development. This would also not relate to a net increase in the number of new residential dwelling. The conversion of the existing outbuildings and modern building are considered sequentially acceptable due to them already being present and available. The proposed garage/annex building which is detached and positioned to the east is considered necessary to support the existing dwelling and also could not be located in a sequentially preferable area. It is noted that this could provide first floor level accommodation beneficial in a flood event.

In terms of the 'Exception Test' as outlined within para. 160 of the PPG, the following aspects should be demonstrated:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

It is considered that this wider scheme would not relate to a net increase in residential development in this location, therefore it is considered that part a is not as relevant in this instance as a dwelling subject to this level flood risk is already present. However, the proposed scheme would be constructed to higher environmental standards and would have benefits including renewable energy, improved ecological provision, new planting and it would also relate to high quality design. The proposed annex will also support the wider family living arrangements. This scheme will furthermore secure this future retention of the traditional outbuildings through the sensitive conversion. The EA support for this proposed scheme indicates that the requirements of part b can be achieved. This is therefore considered to pass the sequential and exception tests.

No specific request for a flood evacuation plan was recommended by the EA and in this instance, given this relates to the replacement of an existing dwelling this will not be requested.

v. Ecology

In an email response dated 14th February 2022 The NYCC Ecologist noted "Thank you for consulting the NYCC ecology team regarding this application. The main house, stable block and barn have all been assessed by an experienced bat surveyor, who has concluded that all three buildings have negligible potential to support roosting bats. No further surveys are required.

However, the report noted the presence of 10 Swallow nests in the stables without proposing any mitigation for the loss of nesting places. Many traditional Swallow nesting sites are lost as a result of conversion of agricultural buildings, so the applicant will need to consider what mitigation measures might be feasible.

Should Ryedale District Council be minded to approve this application, we recommend:

- A Condition to provide 2 integral bat boxes in the new development, as per section 5.2 of the bat report (Initial Bat Scoping Survey Report, Longlands Hall, Ryton by Oatlands Ecology dated August 2021).
- A Condition to adhere to the guidance on timing of works in relation to nesting birds contained in section 5.4 of the bat report.
- An Informative to be mindful of the precautionary advice provided in section 5.3 of the bat report"

A further document was provided by the Agent on the 17th March 2022 to include additional ecological measures that they would undertake within in terms of swallows. These include areas within the dovecots and above the garage.

In an email dated 21st March 2022, the NYCC Ecologist noted: "This is excellent. A lot of Swallow nesting places are lost through barn conversions and we rarely see satisfactory mitigation. The architect has clearly given this careful thought, which is much appreciated. Please condition as per proposed measures."

The relevant conditions will be included.

vi. Other matters, including consultation responses.

It is not considered that this proposal would have any impact upon access nor highway safety due to the continued use of the existing accesses and significant parking areas within the site. It is noted that the North Yorkshire Highways Team confirmed in their response dated 2nd March 2022 that "As the purpose of the proposal is associated with the existing domestic use there are no local highway authority objections to the proposed development."

A final response is still being awaiting by the Council's Environmental Health Team in terms of the potential contamination of the site. It is considered highly likely that they will recommend the standard contamination conditions due to the historic land uses of the site. Some contamination work was undertaken as part of the partial conversion of the existing annex but the wider site may require further assessment given the scope of this application. Members will be updated if necessary at the meeting.

Whilst the concerns raised by the Parish Council are noted, as outlined above, Officers are of the view that the proposed development is significant but that it remains acceptable in principle, in terms of form and design, landscape impacts, access and highway safety, ecology, amenity and flood risk amongst other aspects. For the reason outlined above, Officer's recommend that this proposal is approved subject to the relevant conditions.

RECOMMENDATION: Approval

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

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

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

Site Location Plan (Drawing no. 6048/b/b/01)

Proposed Site Plan (Drawing no. 6048/c/b/02)

Proposed Ground Floor Plan (Drawing no. 6048/c/b/10)

Proposed First Floor Plan (Drawing no. 6048/c/b/11)

Proposed Second Floor Plan (Drawing no. 6048/c/b/12)

Proposed Elevations East & South (Drawing no. 6048/c/b/20 Rev A)

Proposed Elevations North & West (Drawing no. 6048/c/b/21 Rev A)

Proposed Former Stables North Elevation (Drawing no. 6048/c/b/30)

Proposed Stables Internal Courtyard Elevations Garden Room Elevations (Drawing no. 6048/c/b/31)

Proposed Stables Internal Courtyard Elevations Internal Barn Courtyard Elevations (Drawing no. 6048/c/b/32)

Proposed Barn Elevations (Drawing no. 6048/c/b/40)

Ancillary Proposed Plans and Elevations (Drawing no. 6048/c/b/100)

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

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

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

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

Class D: Erection or construction of a domestic external porch

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

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

The self-contained residential annexes hereby approved (contained internally within the dwelling and externally within the new detached building) shall not be sold off or let off separately from the dwelling currently known as Longlands Hall. The annexes shall only be used by relatives/dependants/guests of the occupiers of the main dwelling and shall not be occupied as a separate or self-contained dwelling unit.

Reason: In order to ensure that the self-contained annex is available for its intended use and is not used as a separate dwelling, which would be contrary to Policy SP2 and SP20 in terms of its location and relationship to the existing dwelling.

Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 or any subsequent Order, any garages within the site shall not be converted into additional domestic accommodation without the granting of an appropriate planning permission.

Reason: In order to ensure that the self-contained annex contained within the detached building would not be extended without an appropriate permission, as this would be contrary to the requirements of Policy SP2 and SP21.

6 Prior to the above ground construction of the development hereby approved, details and samples of all materials to be used on the exterior of the buildings that are the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

Notwithstanding the submitted details, prior to their installation, details of all windows, doors and garage doors and roof lights, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority. These shall be shown on a 1:10 scale drawing.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Prior to installation, full details of any additional external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height and illuminance level. All lighting shall be installed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the character of the area in accordance with Policies SP13 and SP20 of the Local Plan Strategy.

9 Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the dwelling/detached annex hereby approved, the provision of surface and foul water discharges must be completed to the satisfaction of an approved Building Control Officer.

Reason: To ensure that no discharges take place until proper provision has been made for their disposal and to satisfy the requirements of Policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy

Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in

writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Unless otherwise agreed in writing by the local planning authority, the new residential accommodation hereby approved shall not be occupied (or the site shall not be brought into use) until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- The development shall be carried out in full accordance with the following ecological measures:
 - i) Section 5.2 of the bat report (Initial Bat Scoping Survey Report, Longlands Hall, Ryton by Oatlands Ecology dated August 2021) and the ecological enhancements proposed (2no. bat boxes)
 - ii) Section 5.4 of the bat report (Initial Bat Scoping Survey Report, Longlands Hall, Ryton by Oatlands Ecology dated August 2021) and the requirements of timing of works in relation to nesting birds.
 - iii) The proposed ecological enhancements in relation to nesting swallows as detailed within the additional information provided by the agent on the 17th March 2022 (Mason Gillibrand Architects March 2022) to include nesting areas retained within the dovecot and above the garage.

Informative: The Applicant is reminded to be mindful of the precautionary advice provided in section 5.3 of the Initial Bat Scoping Survey Report, Longlands Hall, Ryton by Oatlands Ecology dated August 2021.

Reason: In the interest of ecological protection and mitigation in accordance with Policy SP14 of the Ryedale Plan, Local Plan Strategy.

The development shall be carried out in full accordance with the mitigation measures contained within the Interim Flood Risk Assessment' (Mason Gilliband Architects January 2022).

Informative: the Environment Agency consultation response dated 3rd March 2022 should be fully reviewed as it provides useful guidance and links to construction techniques and other flood risk resilience measures.

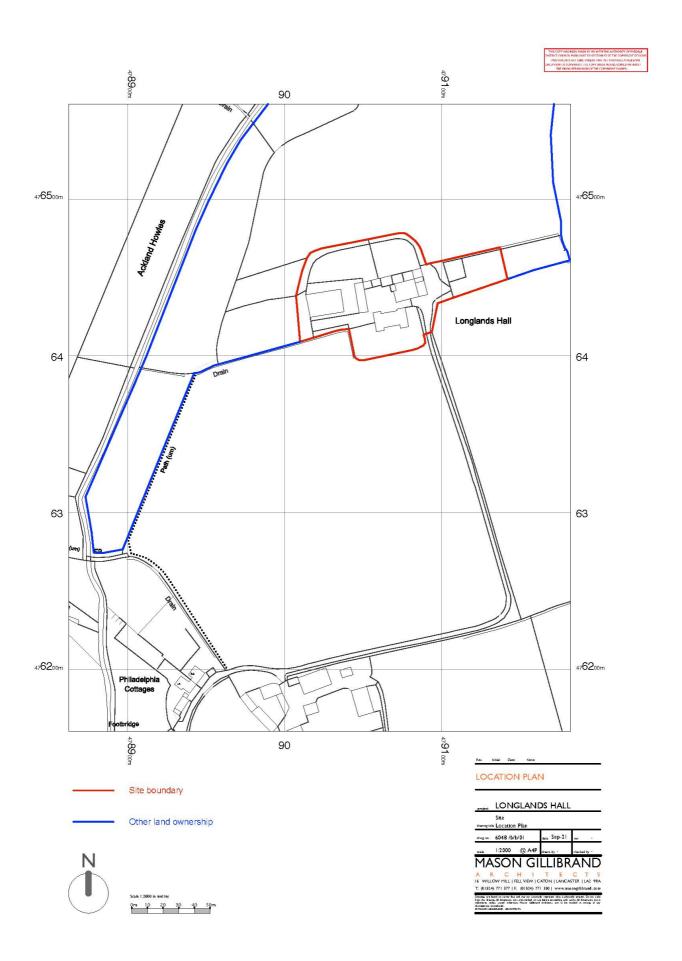
Reason: in the interest of safety and to mitigate flood risk in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy

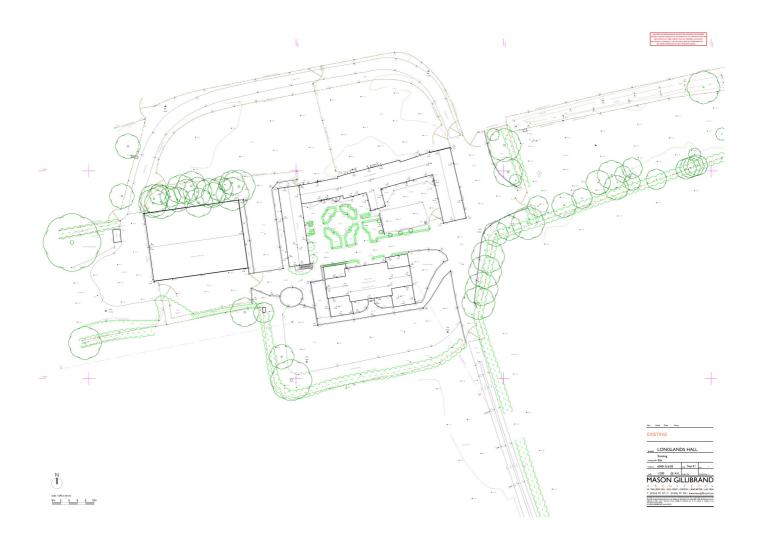
Prior to the above ground construction of the development hereby permitted, unless otherwise agreed in writing with the Local Planning Authority, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall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

Reason: To enhance the appearance of the development hereby approved in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy

Prior to the commencement of the development the tree protection measures shall be installed in full accordance with the approved details contained within the Arboricultural Impact Assessment (Yew Tree & Gardens 12/1/2022.) These shall remain in place for the lifetime of the construction works. No storage of any construction materials will be undertaken within the approved root protection areas and the proposed development shall be undertaken in accordance with the working methods outlined in Section 5D of the above referenced report.

Reason: To enhance the appearance of the development hereby approved and to preserve the existing mature trees within the site to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy.





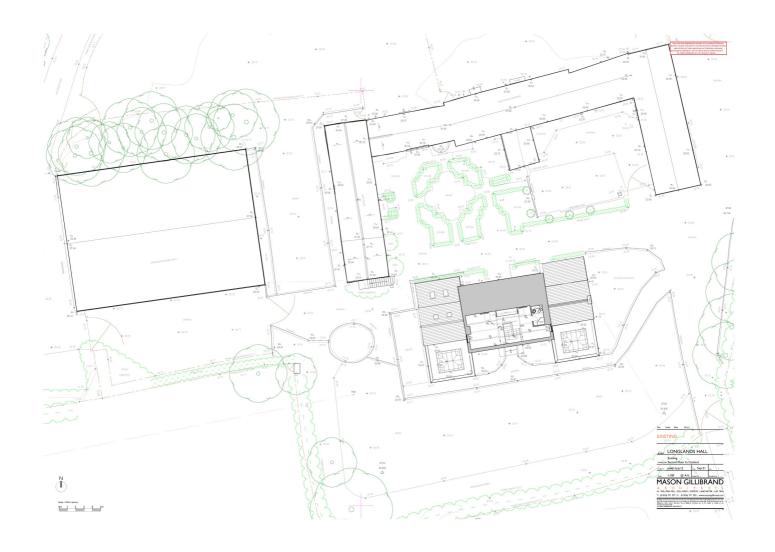


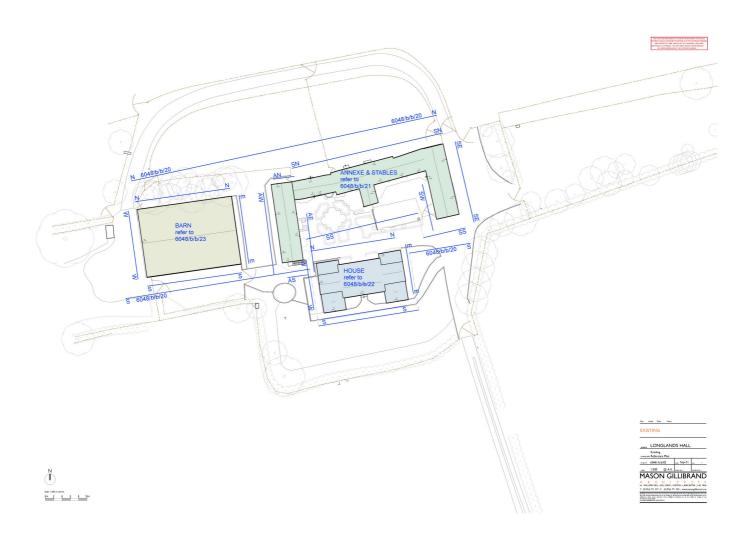




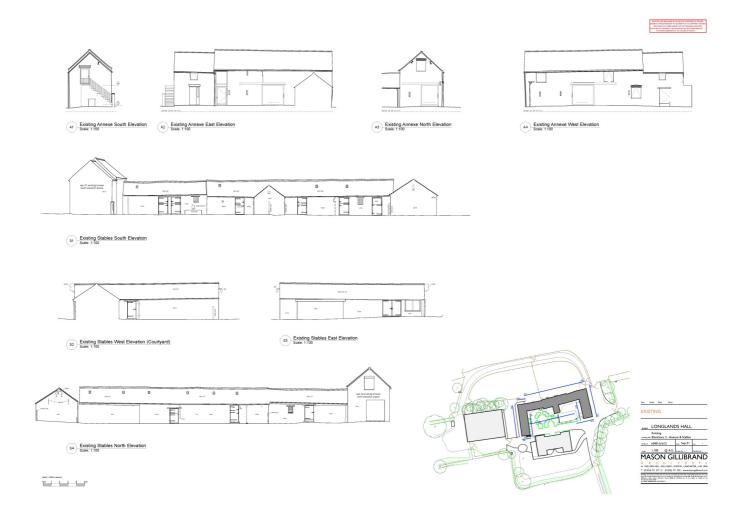




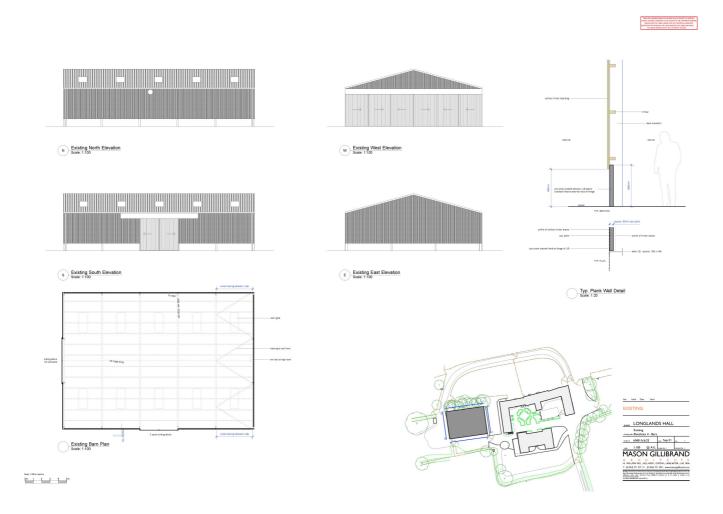


























Proposed - Site Elevation South



B Proposed - Site Elevation North











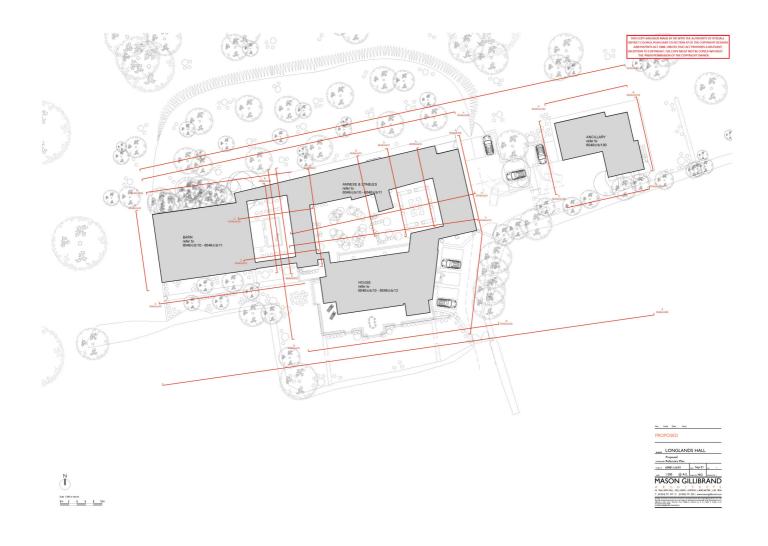












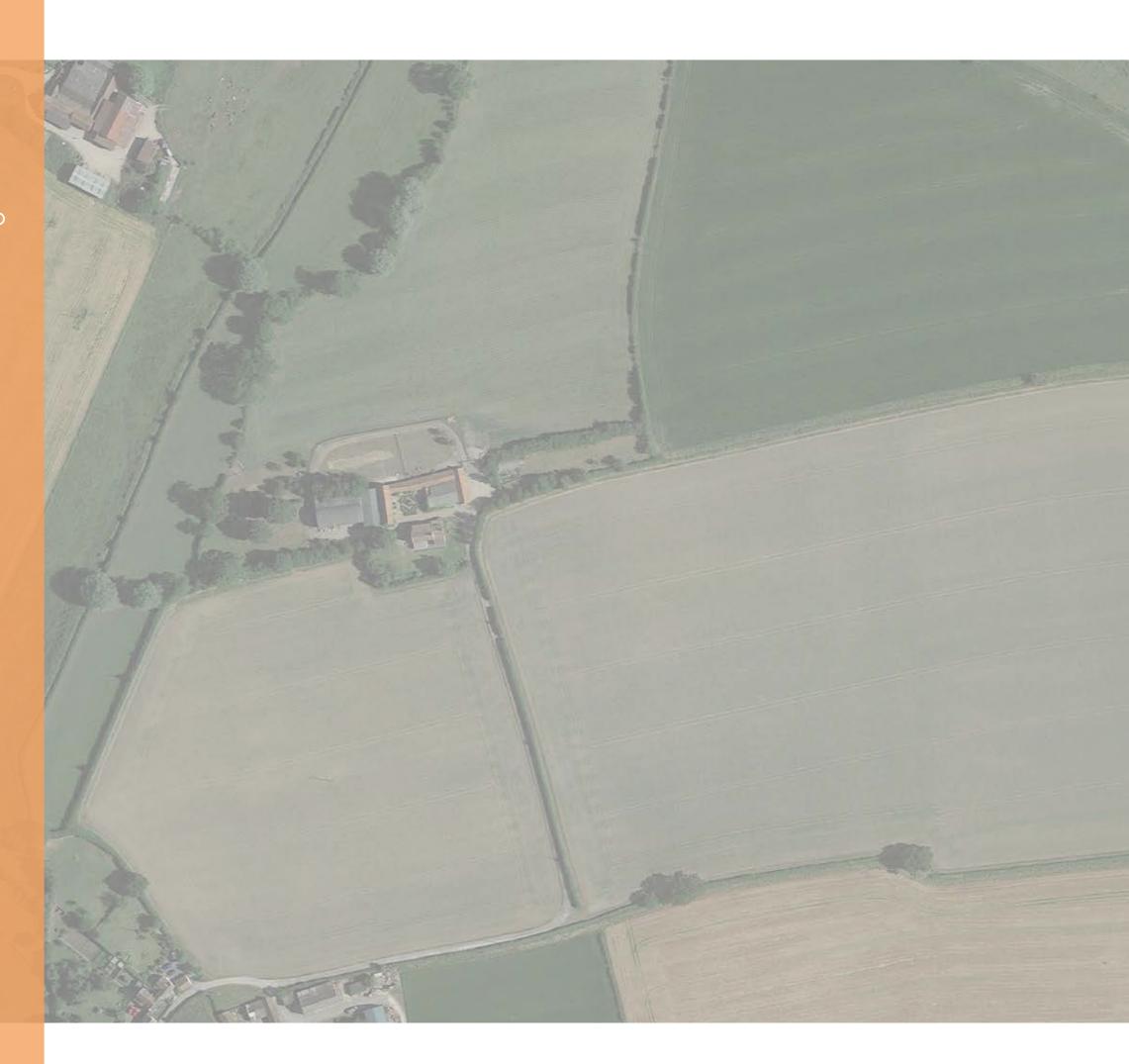
"REPLACEMENT DWELLING, RENOVATION AND EXTENSIONS TO FORMER STABLES AND MODERN BARN, DETACHED ANCILLARY BUILDING"

at: Longlands Hall, Ryton, Malton, North Yorkshire, YO 17 6RZ

Page 214

MASON GILLIBRAND ARCHITECTS

Willow Mill, Fell View,
Caton,
Lancaster
LA2 9RA



INTRODUCTION

This statement has been written to accompany a Full Planning Application to Ryedale District Council, seeking consent for a demolition and rebuild of an existing dwelling, the change of uses of the surrounding stables and barns to form ancillary domestic spaces, and the erection of an ancillary building. It should be read in conjunction to the application drawings.

MASON GILLIBRAND ARCHITECTS

Mason Gillibrand Architects have been in practice since 1986 and work over the North of England, North Wales and the Scottish Borders. We have developed a regional reputation for inspirational design in some of the most sensitive locations, often working on traditional, historic buildings.

We have a particular reputation for working on, and transforming old properties to provide high quality living accommodation, particularly within the rural setting.

We are based in a converted water mill in the village of Caton in the lovely Lune Valley, Lancashire.

We take an holistic approach to all of our design work, starting with the very fundamental aspects of how a site and building are situated within their context and their orientation. We are passionate about the design process and engaging with our clients to fully understand how buildings are used and how they might be improved.













EXAMPLES OF PAST PROJECTS BY MASON GILLIBRAND ARCHITECTS

BRIEF

A detailed brief was provided by the applicant which included being sensitive to the existing buildings and their character, but making them usable, with this we have undertaken a design journey to arrive at this preferred scheme. As recent planning history will show, the buildings, and house in particular have undergone quite substantial changes. Most notable can be seen on approach; the south facing elevation with two single storey extensions at either end. These current extensions are rendered along with part of the north elevation of the house and are not fitting to the area or the context that the site sits in.

Aesthetics aside, the overall layout of the existing house is disjointed, and lacks connection with the other buildings (annexe/former stables/modern barn), neccessary in order to fully utilise the existing buildings, and in doing so frame the courtyard between.

It must be mentioned that the young daughter of the applicant has critical medical needs. She has a rare kidney disorder called Bartter Syndrome which results in her needing 18 syringed doses of medication a day that are done through a surgical conduit directly into her stomach and overnight she is connected to a pump. This involves 24/7 care, which is problematic with the current dwelling inadequate. It is hoped a replacement dwelling along with a separate ancillary building (for additional carers) can provide the accommodation neccessary.

There is need for the applicant's parents to live on site, offering respite to offer assistance and look after their granddaughter when needed. A detached accommodation, doubling up as a garage would be able to offer this.

UNDERSTANDING THE SITE AND ITS LOCALITY

Longlands Hall is situated 1km north north west from a hamlet called Ryton, in North Yorkshire. The nearest town is Malton, approximately an 11 minute drive south from the application site. The Civil Parish is Habton and the district is Ryedale. For a wider context, Longlands Hall is situated approximately halfway between the notable settlements of Scarborough and York.

The name Ryton means Farm/Settlement on or near to the River Rye. The name actually describes the historic and present context of the application site, with fields, farms, pastures and other agricultural buildings attributing to the surrounding areas character. Ryton is a rural area delineated by small, sparsely distributed farmsteads and other agricultural clusters. The topography is relatively flat.

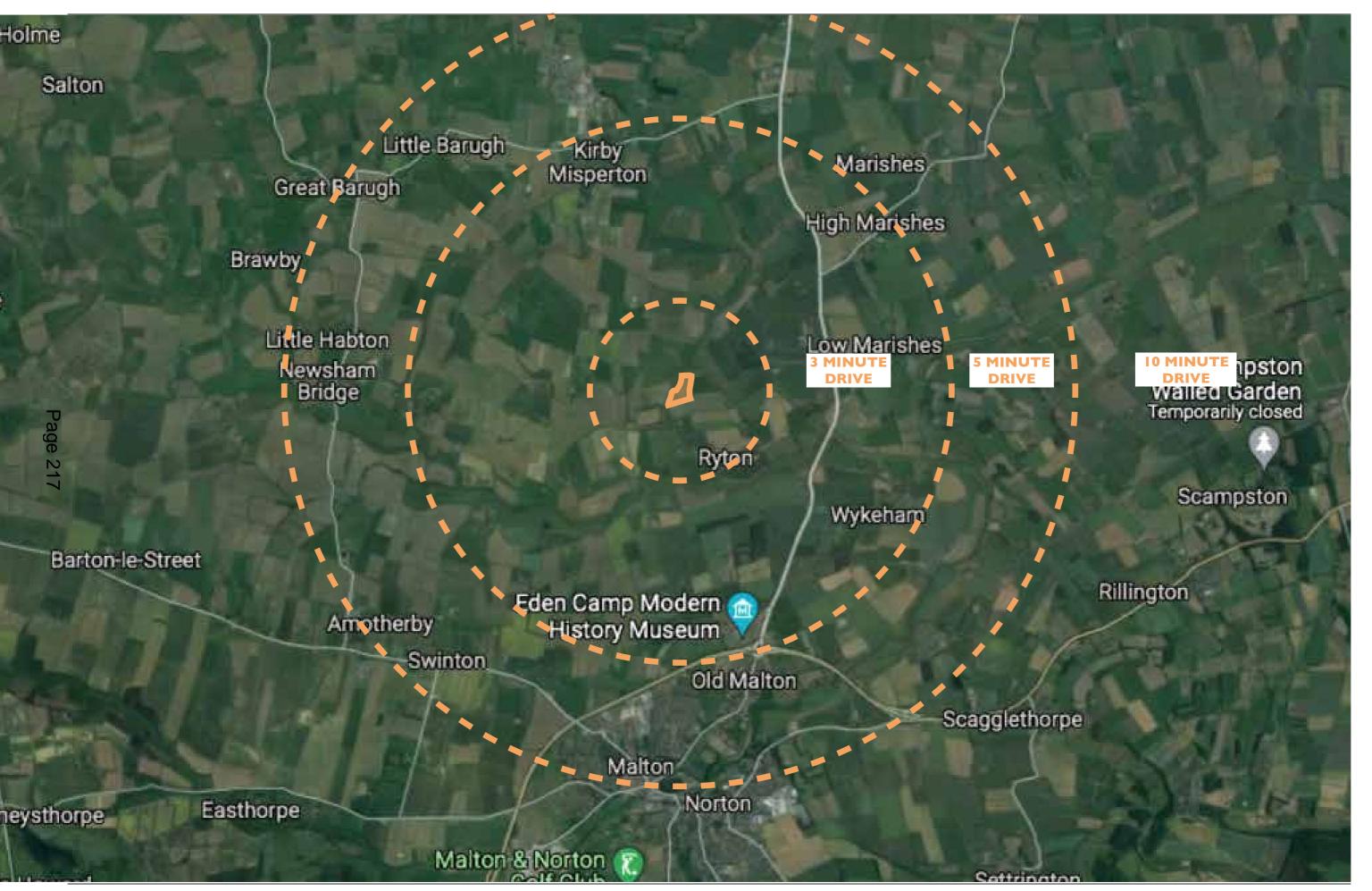
A small watercourse known as Ackland Beck passes the western boundary of the site,

this converges with Costa Beck to the East and later the River Rye.

There is approximately 17 acres of land associated with Longlands Hall, which is accessed via a private single gravel track drive which follows the boundary of a neighbouring field, There is approximately 17 acres of land associated with Longlands Hall, which is accessed the track leads to a typical single carriageway which provides access to the surrounding farms. This single carriageway leads to Riggs road, which is the main road through Ryton, it joins the A169 300m from the A64, just a few kilometers north of Malton.

The Hall dates back to the early 19th century with the site being used as an agricultural holding. Over the last 25 years the previous owners have, over time, began to refurbish the farmhouse and stables to the north. Thus adding additional ancillary domestic spaces to serve the farmhouse including the change of use of the red brick old stables in to an annexe and the farm house has received its fair share of ad hoc additions and alterations.





Longlands Hall is an existing farmstead, made up of a farmhouse with modern additions, one converted barn which is now a two storey residential annexe, a number of small single storey adjoining stables framing a courtyard to the north of the farm house and a modern portal frame, timber clad barn to the west of the site.

The farmhouse has solid red brick masonry which are load bearing walls and the roof finish is clay pantiles. The single storey elements have flat roofs with aluminium framed glass lanterns with stone copings. The walls are render with a off white colour. Windows throughout are timber framed painted white.

The annexe is a former barn building and it has red brick masonry walls that match with the farmhouse. The annexe also have red clay pantiles on its two sections of roof which step down towards the farm house. Windows and door treatments are also timber framed, painted a French grey colour.

The remaining stables consist of both random stone and red brick masonry walls with red pantiles roofs. Doors and windows are timber and are of an agricultural style, doors are vertically boarded with some instances being full height and other are stereotypical stable doors.

To the west, the modern barn is of steel construction with timber cladding above 1.2m and pre-cast concrete planks construction below 1.2m. The roof construction is metal corrugated sheeting with corrugated plastic rooflights. Large hung barn doors slide open on the west gable elevation and the south elevation



OS MAPS

Page 219

The following maps have been compiled to show the historical changes in and around the site over the last 150 years pre-satellite imagery.

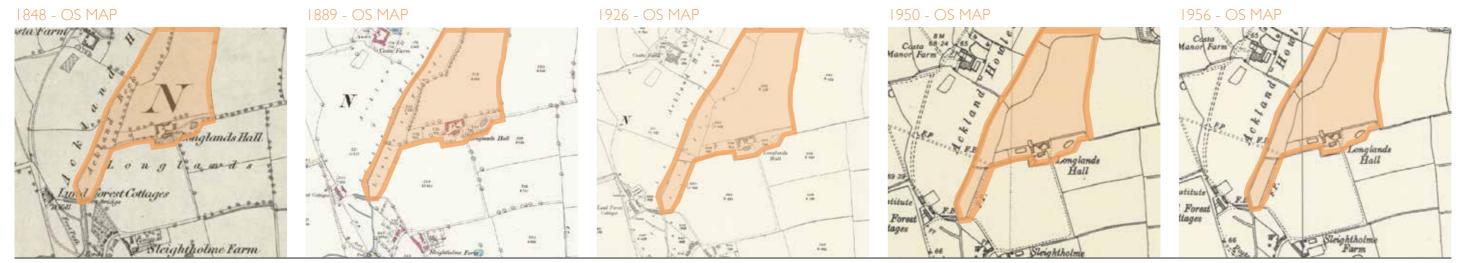
The 1848, 1889, 1926, 1950 and the 1956 Ordnance Survey maps show the general arrangement of the farm house to the south and ancillary agricultural buildings to the north. Very little has changed, with most notable changes coming within the last decade as can be seen through its planning history.

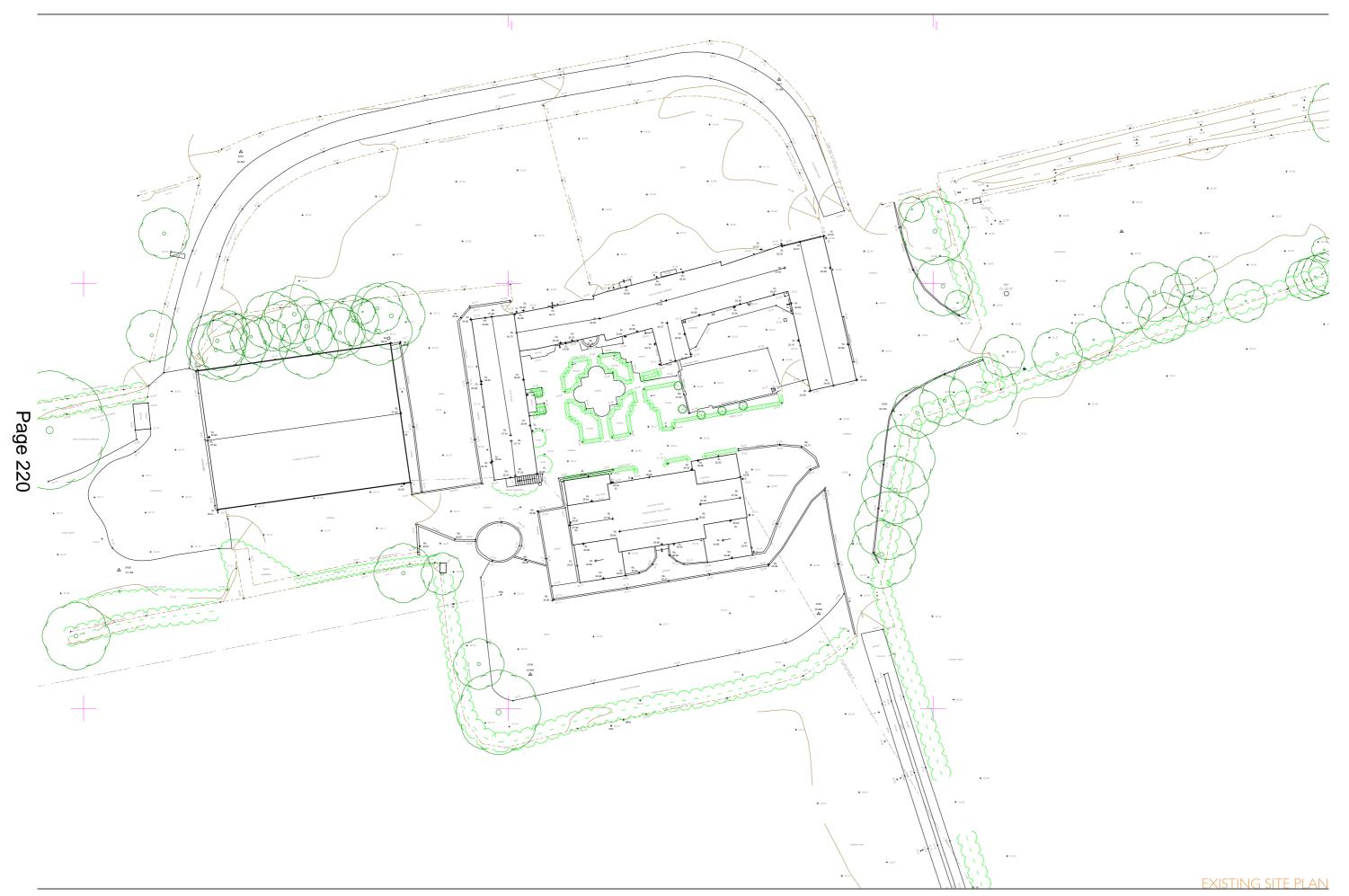
PLANNING HISTORY

Please refer to the supplementary planning statement for more information on previous planning applications for Longlands Hall:

00/00690/FUL	Erection of Conservatory and Sun Room	Approved
18/00362/FUL	Change of use to form residential annexe	Approved
18/00511/HOUSE	External alterations to include erection of a part single storey part two storey extension to the west elevation, alterations to existing single storey extension on south elevation to form flat roof	Approved

External alterations to include erection of a part single storey part two storey extension to the west elevation, alterations to existing single storey extension on south elevation to form flat roof with roof lantern, together with erection of an entrance door portico following demolition of conservatory and repositioning of rear porch and some alterations to existing windows and doors.





SITE PHOTOGRAPHS

The following images have been taken from across the site to demonstrate the existing site, the condition of the buildings, the use of the buildings and the surrounding context.



MAIN HOUSE APPROACH



VIEW LOOKING OUT FROM MAIN ENTRANCE GATE



APPROACH



VIEW TOWARDS EAST ELEVATION FROM FIELD



COURTYARD VIEW FROM MAIN HOUSE (LOOKING NORTH)



MAIN GATE ENTRANCE (C), CORNER OF FORMER STABLES (R), CURRENT GARAGE ACCOMMODATION



ACCESS

There is no change for access to the site. This is via a single gravel track along the perimeter of the field, on from a lane adjoining Riggs Road.

UTILITIES

The proposed scheme utilises the existing services found on site. A desktop study involving searches has been carried out.

FOUL WASTE AND DRAINAGE

The foul sewage will be disposed of using the existing biodisc tank, sized appropriately to cope with the accommodation. Other surface water drainage will utilise soakaways.

FLOOD RISK

Page 223

Please refer to the flood risk assessment.





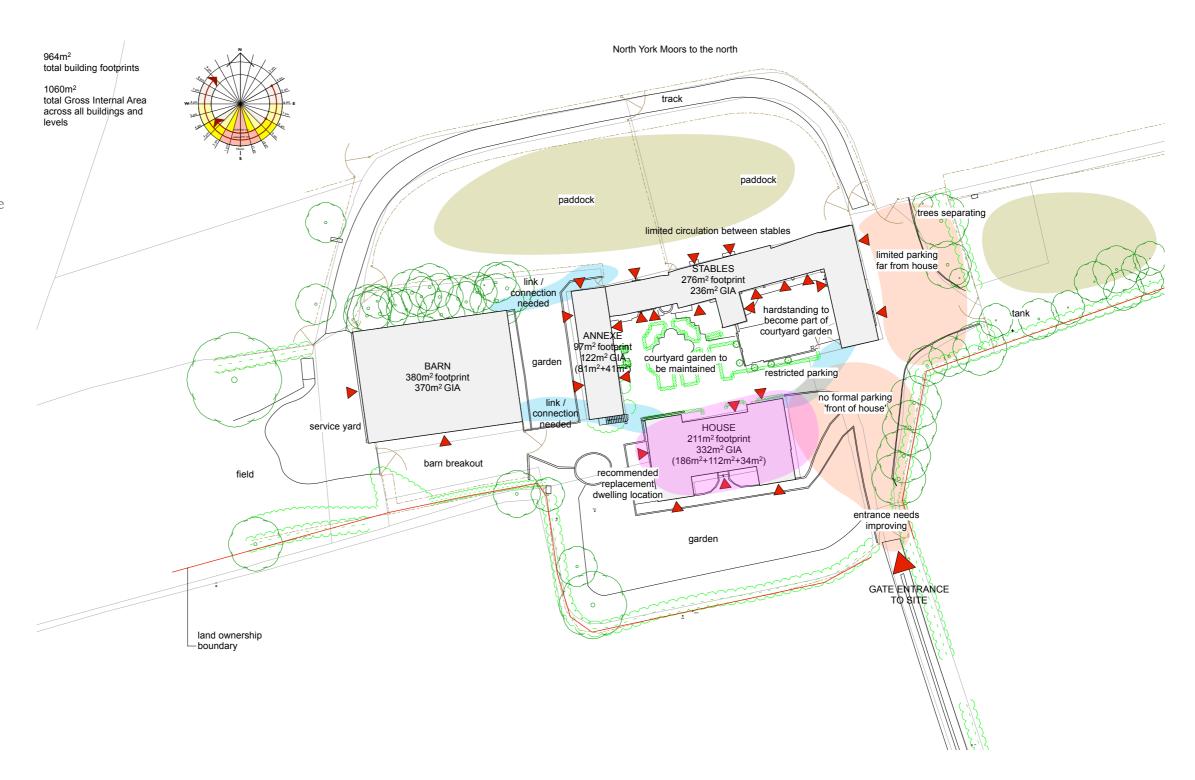


10



DESIGN

Through close examination of the existing buildings and their context, a number of existing constraints and issues were identified to enable the proposed scheme to address accordingly. The diagram to the right seeks to demonstrate this analysis, which in turn feeds back in to the overall design proposals which satisfy the client brief, mitigating the existing constraints.



The applicants seek to gain permission for a series of changes across the site. These can be summarised as four elements which are detailed below.

Central to the scheme is the main courtyard, which with the alterations is maintained. A further internal courtyard is created adjacent to the modern barn. Combined, the changes seek to tie the house, stables and barn together in a sympathetic manner, respectful of its setting, and history.

The proposals for Longlands include the following four elements:

Replacement Dwelling

This involves the demolition of the existing house, the erection of the new build house on the same footprint as the existing, associated landscaping to tie in with the overall scheme. The new build house will be built for purpose, to meet the clients needs

Former Stables and Annexe

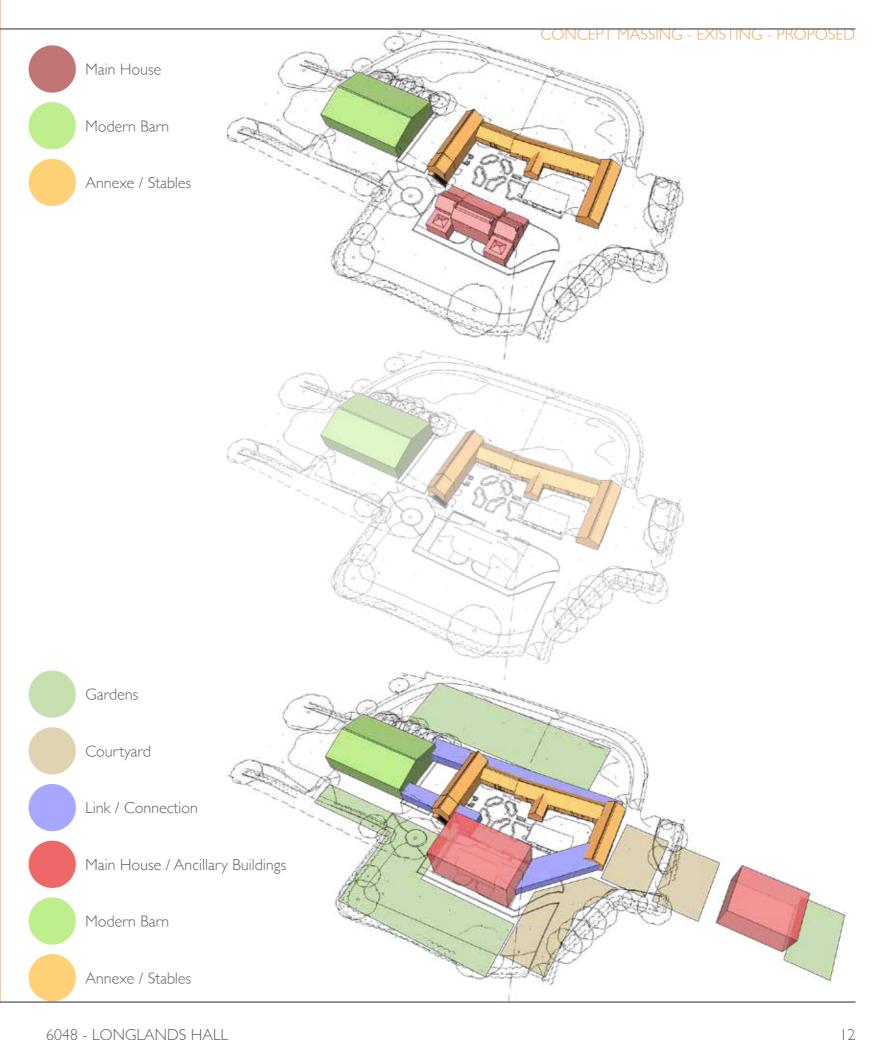
Renovation and alteration to existing to provide library, home study, dining, games room, cinema and enhanced 'back door' to main house. This includes the creation of a new link creating easy access between the main house, former stables and modern barn.

Modern Barn

Barn currently used as storage to become a home leisure facility. This will include a swimming pool, gym, indoor games court, and changing facilities.

Ancillary Building

In the east of the site, the erection of an ancillary building. The purpose of this is to provide accommodation for the applicant's parents, who assist in the 24/7 care of the applicant's young daughter. This approach also offers respite for the applicant. This accomodation will include a garage.





DEVELOPMENTAL IMAGES

(some trees omitted for clarity)





SE corner approach





Approach 2

Please see comments from Habton PC for application 22/00097/FUL

From: Jos Holmes

Sent: 01 March 2022 13:17 **To:** Development Management

Subject: habton parish council planning consultation comments

hi, following the meeting last night, the parish council has the following comments : 21/01666/mful no objection

22/00097/ful. concerns were raised about the scale of development in a rural setting, heritage and flood risk. it is recommended that this application be considered by the planning committee.

best wishes, jos Holmes, clerk.

Agenda Item 13

RYEDALE DISTRICT COUNCIL

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

1.

Application No: 21/00556/FUL **Decision: Approval**

Parish: Habton Parish Council Applicant: Christine Boyes

Location: Ryelean Newsham Lane Little Habton Malton North Yorkshire YO17 6UA

Proposal: Change of use of agricultural buildings to B2 use, erection of building as replacement

to existing and formation of hardstanding area

2.

Application No: 21/01420/HOUSE **Decision: Approval**

Parish: Harome Parish Council
Applicant: Mr & Mrs Spence

Location: Hall Garth Main Street Harome Helmsley YO62 5JF

Proposal: Erection of part single and part two storey rear extension to dwelling, conversion of

the first floor of the barn to provide additional living accommodation, erection of greenhouse to south elevation of the barn, installation of replacement windows and

doors to barn and replacement render to side elevation of the dwelling

3.

Application No: 21/01542/HOUSE **Decision: Approval**

Parish: Ampleforth Parish Council

Applicant: Mr & Dr D & P S Jefferis & Smith

Location: Ampleforth House Back Lane Ampleforth North Yorkshire YO62 4DE

Proposal: Erection of single storey rear extension, installation of replacement windows and

doors and erection of detached single garage

4.

Application No: 21/01556/HOUSE **Decision: Approval**

Parish: Malton Town Council Applicant: Sarah Marsden

Location: 4 Greengage Close Malton YO17 7FP **Proposal:** Erection of a sunroom to side elevation

5.

Application No: 21/01620/OUT **Decision: Approval**

Parish: Edstone Parish Meeting

Applicant: Mr David Hellowell (N & J Hellowell)

Location: Wandles Farm Great Edstone To Salton Great Edstone Kirkbymoorside YO62 6PE **Proposal:** Erection of 1no. three bedroom single-storey agricultural workers dwelling (site area

0.10ha) - all matters reserved

6.

Application No: 21/01646/FUL **Decision: Approval**

Parish: Malton Town Council

Applicant: Mrs Joy Hudson (Fitzwilliam Sports Association)

Location: Fitzwilliam Sports Association Clubhouse Old Malton Road Malton North

Yorkshire YO17 7EY

Proposal: Siting of a storage pragier 229

Application No: 21/01650/FUL **Decision: Approval**

Parish: Buttercrambe With Bossall Parish Meeting **Applicant:** Mr A Braithwaite (Ellers Farm Distillery Ltd) **Location:** Land At Ellers Farm Buttercrambe Malton

Proposal: Change of use of an agricultural building to form a bar, function room, reception area

and retail shop in association with the distillery

Application No: 22/00053/FUL **Decision: Approval**

Parish: Sherburn Parish Council

Applicant: Mr Paul Stephens (WD Stephens)

Location: Fosters Wold Farm Weaverthorpe Malton North Yorkshire YO17 8EP

Installation of a 54kW ground mounted solar PV array on agricultural land adjacent **Proposal:**

to existing ground mounted solar PV array

9.

Application No: 22/00063/HOUSE **Decision: Approval**

Parish: Hovingham Parish Council **Applicant:** Mr C and Mrs S Kirk

Brinkburn Farm Brookside Hovingham YO62 4LG **Location: Proposal:** Erection of single-storey extension to rear elevation

10.

Decision: Approval Application No: 22/00064/LBC

Parish: Hovingham Parish Council **Applicant:** Mr C and Mrs S Kirk

Location: Brinkburn Farm Brookside Hovingham YO62 4LG

Proposal: Internal and external alterations to include erection of single-storey extension to rear

elevation

11.

Application No: 22/00078/FUL **Decision: Approval**

Parish: Scagglethorpe Parish Council

Applicant: Mr Ian Haydon

Location: Beck House Farm Beck House To Malton Road Scagglethorpe Malton YO17 8ED **Proposal:**

Erection of 1no three bedroom managers dwelling and erection of 1no polytunnel

fish hatchery for the commercial coarse fishing

12.

Application No: 22/00157/GPAGB **Decision: Refusal**

Parish: Flaxton Parish Council **Applicant:** Mr Neil Speakman

Location: Leckby Farm York Lane Flaxton North Yorkshire YO60 7QZ

Change of use and alteration of agricultural building to form 1no. four bedroom **Proposal:**

dwelling (Use Class C3) with associated landscaping

Application No: 22/00138/GPAGB **Decision: Approval**

Parish: Sheriff Hutton Parish Council Applicant: Mr And Mrs Singleton

Location: Mill Hill Farm Cornborough Road Sheriff Hutton North Yorkshire YO60 6QL Proposal: Change of use of agricultural building to form 1no. five bedroom dwelling (Use

Class C3) with associated landscaping

14.

Application No: 22/00159/FUL **Decision: Approval**

Parish: Pickering Town Council

Applicant: Mr Liam Plunkett (Home-Made Yorkshire Ltd)

Location: The Lettered Board 7 Smiddy Hill Pickering North Yorkshire YO18 7AN **Proposal:** Change of use and alteration of public house and ancillary accommodation into a

mixed use development comprising public house to ground floor and formation of

4no. self-contained holiday letting units to include erection of single-storey

extension to rear

15.

Application No: 22/00160/LBC **Decision: Approval**

Parish: Pickering Town Council

Applicant: Mr Liam Plunkett (Home-Made Yorkshire Ltd)

Location: The Lettered Board 7 Smiddy Hill Pickering North Yorkshire YO18 7AN **Proposal:** Internal and external alterations to allow the change of use of public house a

coposal: Internal and external alterations to allow the change of use of public house and ancillary accommodation into a mixed use development comprising public house to

ground floor and formation of 4no. self-contained holiday letting units to include

erection of single-storey extension to rear.

16.

Application No: 22/00142/HOUSE Decision: Approval

Parish:Ampleforth Parish CouncilApplicant:Mrs Shirley Stroughair

Location: 16 Fairfax Close Ampleforth North Yorkshire YO62 4DW **Proposal:** Erection of a single storey extension to form an entrance porch

17.

Application No: 22/00152/FUL Decision: Approval

Parish: Allerston Parish Council

Applicant: Mr Pickering (Woodhead Brothers Farms Ltd)

Location: Warren House Farm Warren House Road Allerston Pickering North Yorkshire

YO18 7PN

Proposal: Change of use of agricultural land to permit the siting of 5no. touring caravans or

motorhomes and 10no. tents and the erection of a replacement utility building

18.

Application No: 22/00154/HOUSE Decision: Approval

Parish: Norton Town Council Applicant: Mr & Mrs J.C. Denly

Location: 34 St Nicholas Street Norton Malton YO17 9AQ

Proposal: Erection of a replacement building to form a home office and store following

demolition of existing outbuildings.

Application No: 22/00166/TPO Decision: Approval

Parish: Malton Town Council

Applicant: Mick Young

Location: Sedums 20 York Road Malton North Yorkshire YO17 6AX

Proposal: Yew tree (T55)-reduction of height and spread of the canopy by 25% to lessen

shading of the property within TPO 247A/1999.

20.

Application No: 22/00170/HOUSE Decision: Approval

Parish: Sheriff Hutton Parish Council

Applicant: Mr John Hamilton

Location: The Sycamores North Garth Lane Sheriff Hutton North Yorkshire YO60 6SF **Proposal:** Erection of an extension to existing garage on eastern gable end to form a hobby

workshop and erection of a detached garage in the south eastern corner of the rear

garden

21.

Application No: 22/00187/73 **Decision: Approval**

Parish: Sherburn Parish Council Applicant: Mr John Cooper

Location: The East Riding St Hildas Street Sherburn Malton North Yorkshire YO17 8PG **Proposal:** Variation of Conditions 05 and 06 and Removal of Condition 09 of planning

approval 21/00152/FUL dated 18.06.2021

**

22.

Application No: 22/00191/FUL **Decision: Approval**

Parish: Slingsby Parish Council Applicant: Mr Peter Harrison

Location: Building North West Of The Lawns Slingsby Malton

Proposal: Erection of an extension to an existing agricultural building for general purpose

agricultural storage and housing of livestock

23.

Application No: 22/00193/FUL Decision: Approval

Parish: Pickering Town Council

Applicant: Mr Howard Nankivell (Rangeford Villages)

Location: The Pavilion Mickle Hill Pickering North Yorkshire YO18 7ND

Proposal: Erection of a detached single storey building encompassing existing store building

forming mobility scooter and bin storage and detached prefabricated cycle store

24.

Application No: 22/00200/FUL Decision: Approval

Parish:Middleton Parish CouncilApplicant:Mr & Mrs L Thompson

Location: The Paddock Costa Lane Pickering North Yorkshire YO18 8LP **Proposal:** Erection of an agricultural building to provide storage for produce

Application No: 22/00221/HOUSE Decision: Approval

Parish: Habton Parish Council Applicant: Mr & Mrs Simpson

Location: Bridge Farm House Riggs Road Ryton Malton North Yorkshire YO17 6SA **Proposal:** Erection of a part two storey/part single storey extension following demolition of

conservatory, installation of replacement dormers with catslide roofs, amendments to

all fenestrations (windows and doors) and installation of solar PV panels

26.

Application No: 22/00264/FUL **Decision: Approval**

Parish:Scackleton Parish CouncilApplicant:Mr Anthony McCallum

Location: Land At Scackleton Lane Scackleton

Proposal: Erection of a potting shed.

27.

Application No: 22/00244/HOUSE Decision: Approval

Parish: Wintringham Parish Council

Applicant: Ms Annie Kirby

Location: Deighton House Main Street Wintringham Malton North Yorkshire YO17 8HX **Proposal:** Erection of a two-storey extension to side (revised details to extension approved by

21/00696/HOUSE dated 08.07.2021)

28.

Application No: 22/00246/LBC **Decision: Approval**

Parish: Malton Town Council

Applicant: Mr Mark Thompson (FW Estate)

Location: Wentworth Arms Hotel 111 Town Street Old Malton Malton North Yorkshire YO17

7HD

Proposal: Property Flood Resilience measures as per the 'materials section of the application

form' and the Heritage & Design Statement

29.

Application No: 22/00250/LBC Decision: Approval

Parish: Malton Town Council

Applicant: Mr Martin Hall (Fitzwilliam Malton Estate)

Location: 17 Yorkersgate Malton North Yorkshire YO17 7AA

Proposal: Installation of partition walling and pocket sliding door into existing partitioned

layout and installation of air conditioning system

30.

Application No: 22/00251/TPO Decision: Approval

Parish: Norton Town Council

Applicant: Mr David Tatham (Sutton Farms)

Location: Land Adjacent To Number 122 Langton Road Norton Malton North Yorkshire **Proposal:** Remove 2no. scrub sycamore trees within TPO No. 335/2014 as requested by North

Yorkshire Highways - 5 Day Notice (Retrospective application)

31.

Application No: 22/00265/HOUSE Decision: Approval

Parish: Ampleforth Parish Council Applicant: Mr And Mrs HW Jones

Location: Spring Cottage Main Street Ampleforth YO62 4DA

Proposal: Erection of single space of south east elevation.

Application No: 22/00266/LBC Decision: Approval

Parish: Henderskelfe Parish Meeting

Applicant: Mrs Victoria Howard (Castle Howard Estate Ltd) **Location:** Castle Howard Estate Castle Howard York YO60 7DA

Proposal: Redecoration of all external joinery to the House from white to the original colour

determined by paint analysis

33.

Application No: 22/00274/HOUSE **Decision: Approval**

Parish: Pickering Town Council Applicant: Mr Robert Blundell

Location: Mallaig Swainsea Lane Pickering North Yorkshire YO18 8AP

Proposal: Erection of a single storey side extension to south elevation, replacement windows

and external render finish to dwelling together with the erection of a detached double

garage.

34.

Application No: 22/00279/HOUSE Decision: Approval

Parish: Swinton Parish Council **Applicant:** Mr & Mrs M Fairweather

Location: Rosedene High Street Swinton Malton North Yorkshire YO17 6SL

Proposal: Erection of flat roofed single storey rear extension with roof lantern following

demolition of existing conservatory

35.

Application No: 22/00280/HOUSE Decision: Approval

Parish: Broughton Parish Meeting

Applicant: Mr A Jackson

Location: 11 Manor Park Broughton Malton North Yorkshire YO17 6OL

Proposal: Erection of single storey rear extension, enlargement of existing dormer windows to

include formation of first floor balcony.

36.

Application No: 22/00281/HOUSE Decision: Approval

Parish: Norton Town Council

Applicant: Mr A Colgan

Location: The Old Barn House Beverley Road Norton Malton North Yorkshire YO17 9PJ

Proposal: Erection of rear single storey extension

37.

Application No: 22/00287/HOUSE Decision: Approval

Parish: Cropton Parish Council

Applicant: Mr Stuart Bell

Location: The Barn Back Lane Cropton Pickering North Yorkshire YO18 8HJ

Proposal: Replacement of 7no. timber windows to white wood grain PVC-U flush casement

windows.

Costs Decision

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Costs application in relation to Appeal Reference: APP/Y2736/X/21/3284182

Coulton House Farm, Coulton, Hovingham, York YO62 4NE

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is by Mr Paul Judson against Ryedale District Council.
- The appeal was in relation to a Lawful Development certificate application for 'The erection of an extension to the existing building for the housing of livestock'.

Decision

- 1. The application for an award of costs is refused.
- 2. Planning Practice Guidance (PPG) states that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary loss and expense in the appeal process.

The application for costs and the reply to the Council's response

- 3. Although a LDC was granted it was not in the form which the appellant was seeking. It is considered that there was no proper reason why it was not granted in the form sought. Accordingly it is contended that the LPA acted unreasonably. This appeal should not have been needed; the LPA has acted unreasonably and their reasons given for granting it in this way does not stand up to scrutiny.
- 4. It is stressed that the LDC application related only to operational development and there is no dispute that the structure is lawful. The LDC should have been granted in the terms requested and there would have been no need for this appeal.
- 5. The LPA has misapplied fundamental principles of planning and established case law. It has failed to acknowledge that a building erected on agricultural land, which has become lawful with the passage of time, can be used for any agricultural purpose. It is contended that it has misapplied the case of *Sumner v SSCLG 2010*.
- 6. In that case although the building operations for the erection of a building became lawful after 4 years, the use to which it was put did not. The facts of *Sumner* are different to those in this case, as the use to which the building was put, in contrast to this case, was *not* the authorised use of the land on which it was built.
- 7. It was nevertheless cited by the LPA to justify the untenable position that the use of an agricultural building for the keeping of pigs, on land with a lawful and unrestricted use for agriculture, involved some form of 'change of use'. The appellant gave the LPA an opportunity to reconsider its position prior to determination but decision was issued, unreasonably restricting the use of the building.

8. For these reasons the LPA is considered to have acted unreasonably and this unreasonable conducthas necessitated this appeal and directly caused the Appellant to incur expenditure in the appeal process.

The Council's response to the application

- 9. The Appellant asserts that the LPA 'acted unreasonably when granting the Certificate in a form other than that sought by the Appellant.' The basis for this unreasonable behaviour is that the LPA 'misapplied fundamental principles of planning law and established case law'. The appellant's application is therefore based wholly upon the strength of their own legal argument.
- 10. As demonstrated in the LPA's appeal statement the decision to grant the LDC in the form as provided was well founded and, as a result, the costs application for costs should fail. Without prejudice to the above, even if there are disputing opinions over the interpretation of planning law, this does not mean the LPA have acted unreasonably in the appeal process and for the purposes of awarding costs.
- 11. Overall, it is considered that the LPA has demonstrated that its substantive argument, as set out in the previous correspondence with the appellant, is correct. It was entitled to amend the description of the development in the way it has done.

My assessment

- 12. Although the LDC was not in the form which the Appellant was seeking, as indicated in my appeal decision the LPA was entitled, under section 193(4) of the Act, to issue it in that form. Based on my conclusions in my appeal decision I do not consider that this amounted to unreasonable behaviour in relation to the appeal process.
- 13. Neither do I accept the appellant's contention that the appeal was not needed. The LDC was issued in the form prescribed by the appellant and the appeal was made against it. The appellant was clearly entitled to appeal and thus it was inevitable from that point that the appeal would have to run its course. It was, therefore, clearly necessary.
- 14. The LPA set out in detail the reasons why it was issued in that form and this is evident from the appeal submissions. There were clear and proper reasons why the LDC was granted for the operational development but not for the use to which the building was being put: the keeping of livestock, pigs. I have concluded in my appeal decision that, in my view, the Council's reasons for issuing the LDC in the form prescribed was sound and I disagree with the appellant's contention that the reasons do not stand up to scrutiny.
- 15. I also agree with the LPA that, despite disputed opinions over the interpretation of planning law, this does not mean the LPA acted unreasonably in the appeal process.
- 16. It follows that I do not consider that the LPA's actions in this appeal process were unreasonable. Nor do I consider that their behaviour has led to any unnecessary loss or expense for the appellant.
- 17. In dealing with this costs application I have taken into account all of the appeal and costs submissions made by the parties. However, none of these carries sufficient weight to alter my conclusion that an award is not justified. Nor is any other matter of such significance so as to change my decision.

Formal Decision

18. For the above reasons the application for costs is, therefore, refused.

Anthony J Wharton

Inspector

Appeal Decision

Site visit made on 18 March 2022

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/Y2736/X/21/3284182 Coulton House Farm, Coulton, Hovingham, York YO62 4NE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a decision to partially grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Paul Judson against the decision of Ryedale District Council.
- The application Ref 21/00729, dated 6 May 2021, was notified by notice dated 20 August 2021.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development was sought is: 'The construction of a building at Coulton House Farm without planning permission'.
- **Application for Costs:** An application for costs has been made by Mr Paul Judson against Ryedale District Council. This is the subject of a separate decision.

Decision

1. The appeal is dismissed. See formal decision below.

Background information

- 2. The appeal building was erected as a 2-bay extension to a 4-bay agricultural building which was subject to a prior notification approval under reference 11/00195/AGNOT ('the AGNOT' or 'main building'). The application was made pursuant to Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 1995 ('Class A of the GDPO'). Article A2 of Class A of the GDPO sets planning conditions to permissions granted under this part of the GDPO. The relevant condition for the building states:
 - 'A.2—(1) Development is permitted by Class A subject to the following conditions—(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 below or for the storage of slurry or sewage sludge.'
- 3. The 'AGNOT' building was completed and the approved use was as a Dutch Barn. The details were shown on the approved 'AGNOT' plan and the building was subject to the above Condition A.2-(1). However, confusion has arisen over what building(s) the 'AGNOT' permission applies to. Paragraph 5 of the Appellant's original grounds of appeal dated September 2021 referred to the 'AGNOT' plan. In the absence of a red line, the Council considered that the plan showed that the 'AGNOT' permission related to all buildings shown on the plan. These included the Grain Store, Cart shed, Garage and Dutch Barn.

- 4. This interpretation was disputed by the Appellant and it is stressed that the 'AGNOT' permission and associated restriction of the keeping of livestock (in this case pigs) only applies to the Dutch Barn. The Council accepts that the permission only related to the Dutch Barn but that this does not alter their case in relation to the use of the appeal extension for the keeping of livestock as being unlawful.
- 5. Following the construction of the additional bays, a LDC application, (reference 20/000965/CLEUD) was made on the basis that the combined 'AGNOT' building together with the extension was lawful, including for the use of the accommodation of livestock (pigs). This was refused on the basis that the northern element of the building (the 'AGNOT' initial Dutch Barn) was subject to the 'AGNOT' approval and, therefore, Condition A2. The decision was unchallenged.
- 6. On the application form for this LDC application, the existing development is described as being for 'the construction of a building at Coulton House Farm without planning consent'. However, in the statement of facts submitted in support of the LDC application, it is indicated that confirmation was being sought that the 'siting and construction of the extension to the agricultural building and for the housing of livestock' was lawful. On the appeal form at Section E, where a description of what is being sought by the LDC is requested, the answer is 'Works to erect an agricultural building for the housing of livestock'. By implication, therefore, it is clear that in seeking to establish whether the building of the extension was lawful it was also seeking to establish that the use for the keeping of livestock was also lawful.
- 7. The LPA granted a LDC but in the following terms:

'In respect of building operations for the erection of an extension to the existing building for agricultural storage (excluding housing livestock, slurry or sewage sludge) as shown outlined in red on the submitted 1:2500 scale site location plan on the basis that they were substantially completed more than four years before the date of this application'.

8. Thus, although the LPA accepted that the operational development carried out was lawful, it considered that its use for the keeping of livestock (namely pigs) was not lawful. This is now challenged by the appellant and I now turn to the gist of the cases made on behalf of the appellant and by the Council.

The gist of the case for the Appellant

- 9. It is contended that the LDC application sought only a certificate in respect of the building operations for the erection of an agricultural building. As the LDC was granted in terms which included a modification/substitution of the description in the application of the works, including reference to specific use, it is considered that it amounts to a refusal in part of the application giving rise to this right of appeal under section 195(4) of the 1990 Act.
- 10. The appeal is submitted on the basis that the extension does not have the benefit of any planning permission, whether granted expressly or under permitted development (PD) rights, which has been confirmed by the LPA when determining the Refusal. It has also confirmed that the structure itself has been erected for a period in excess of 4 years and so has become lawful with the passage of time.
- 11. It is indicated that the LDC sought was limited to the lawfulness of the building as a building operation. It did not make mention of use as there was no need: the structure is an agricultural building erected on agricultural land and so can be used for agricultural purposes. However, the LDC has been granted in terms which restrict

the lawful agricultural use to which the building can be put. It is contended that such lawful use can only be restricted by planning condition but, as the building is unauthorised (no planning permission has been granted for it and it falls outside the scope of the PNA Approval), there can be no condition imposed on it restricting its agricultural use to storage or preventing its use for the keeping of livestock.

- 12. It is stressed that although the building is an extension to the building authorised by the PNA Approval, internally it is physically separated from it and so can be used independently of the part to which it is attached. It is also indicated that it is designed for the purposes of agriculture and has been erected on land which has a lawful use for the purposes of agriculture. This is not disputed by the LPA. It is, therefore, considered that it can be used for agricultural purposes without restriction and without having to rely on section 75(3) of the Town and Country Planning Act 1990 which provides that a building in respect of which planning permission has been granted can, in the absence of use for a specified purpose, be used for the purpose for which it has been designed.
- 13. It is stressed that the keeping of pigs, for which the building has been used, is without doubt an agricultural use, as are other uses such as agricultural storage. If a building with a lawful use for the purposes of agriculture is used first for agricultural storage and then for the keeping of pigs, this does not involve a material change of use from agriculture to some other use for which planning permission is required. Both are agricultural uses.
- 14. However, it is possible to restrict the lawful agricultural use to which an agricultural building is put by way of condition. If the condition were then to be breached, enforcement action could be taken to remedy this breach of planning control (whether by enforcement notice or breach of condition notice).
- 15. By way of example, if pigs were to be kept in the building to which the PNA Approval applied, which is subject to a condition preventing the keeping of livestock imposed by para A2(1) of Class A, part 6 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 2015 (as amended), this would involve a use in breach of a condition in respect of which enforcement action could be taken.
- 16. However, as the building was not subject to the PNA approval, and there is no condition imposed restricting its use for the keeping of livestock, as no planning permission has been granted in respect of it, its use for the keeping of pigs is contended to be lawful. As it is acknowledged that the structure itself is lawful, and because there is no restriction imposed on the agricultural use to which it can be put, then the appeal should be upheld and the LDC should be granted in the terms sought by the application.

The gist of the case for the Council

17. The Council stresses that it has a right to modify the description of the LDC under section 193(4) of the 1990 Act. It is indicated that the confusion relating to the 'AGNOT' plan in no way alters the substance or strength of the Council's case as set out in their Appeal Statement. The Council strongly maintains that the lawful use of the extension is derived from the building which it extends, in this case the Dutch Barn. Therefore, the extension is subject to the same conditions governing the 'AGNOT' permission.

- 18. It is accepted that there is no dispute that the 'AGNOT' has been implemented and that Condition A2, applied to the Dutch Barn only (the main building). The Council also accepts that the built form of the extension itself has become immune from enforcement action due to the passage of time. However, it maintains that the use of the extension can still be enforced against because the keeping of livestock within the extension constitutes an unlawful material change of use.
- 19. The Council stresses that the starting point for determining whether a material change of use has occurred is to ascertain the correct planning unit, and the present and previous primary uses of that unit. Reference is made the case of *Burdle v Secretary of State for the Environment* [1972] and that the tests begin with the unit of occupation and turn on the concept of physical and functional separation.
- 20. The Council also refers to the principle held by the courts that if a building has become immune from enforcement through the passage of time, it does not mean the use of that building is to be regarded as being lawful. Therefore, it is argued that the immunity gained by the operational development of the extension itself does nothing to make the use of the building lawful. Instead, it is argued that the question is whether the use of the extension is lawful on its own merits.
- 21. Reference is made to the Appellant's argument that the land on which the extension sits is in agricultural use, that the keeping of pigs is agricultural use and therefore there has been no material change of use. The Council accepts the keeping of pigs is an agricultural use but maintains that the use of the extension to keep pigs represents a material change of use compared to the lawful permitted use of the extension.
- 22. Firstly, the Council indicates that the extension did not previously exist and there is no evidence that the land on which the building rests was being used for the purpose to which the building is now being put orany other use for that matter. Secondly, it is argued that the keeping of pigs in the 'main building' is unlawful based on Condition A2(1)(a) of the GDPO. It is contended that 'the main building' is a distinct planning unit compared to the wider agricultural planning unit because of the restriction to the types of agricultural use that can occur within it.
- 23. Thirdly reference is made to the case of *Sumner v Secretary of State for Communities and Local Government [2010] EWHC 372 (Admin)* which confirms that the lawful use of a building which has become immune from enforcement must be a use which is ancillary to the lawful use of the land on which the building sits. Despite the Appellant's argument that this case does not apply in the present case, they are in fact relying on this case to the same extent as the Council. The only issue between the parties is the question of what is the lawful permitted use of the land on which the extension sits and where this derives from, 'the main building' or the wider agricultural planning unit.
- 24. The Appellant maintains that the extension is part of the wider planning unit which is in unrestricted agricultural use. Therefore, the keeping of pigs in the extension is lawful because it is ancillary to this use. However, the Council's strong position is that the extension forms part of the planning unit defined by the use of the 'main building', for which there are restrictions upon its agricultural use.
- 25. The Council stresses that this is a matter of planning judgment and that the Appellant is wrong to suggest that the LPA has misinterpreted planning legislation or case law. It is a question of application and of fact and degree. The land on which

the extension now sits was part of the curtilage of the 'main building, and the extension is now part of that building, as a matter of fact and degree.

- 26. This land is subject to the AGNOT and therefore condition A2. As a result, the extension is adjacent to and has open access to land which has restricted agricultural use. This extension also shares a roof with this land and there is no significant physical or functional separation. In addition, the Dutch Barn is physically separated from the surrounding agricultural planning unit. The extension is therefore part of the planning unit to which the AGNOT applies, that is, the Dutch Barn.
- 27. The extension clearly relates physically to the 'main building' rather than the wider agriculture unit. The 'main building particularly the southern portion, and extension form a single unit of occupation which is separated from the wider agricultural planning unit. The extension is, therefore, part of the planning unit defined by the Main Building, rather than the wider planning unit.
- 28. As a result, it is contended that the extension derives its lawful use from the use of the Dutch Barn, the 'main building', not the surrounding wider agricultural unit. The keeping of pigs in the 'main building' is unlawful. Therefore, the keeping of pigs in the extension represents an unlawful use that is not ancillary to the use of the 'main building'. Instead, the keeping of pigs introduces a new use introduced into the planning unit.
- 29. The keeping of pigs also changes the character of the usage of the 'main building' and its curtilage from what has gone on previously. This has a material effect as it now involves the keeping of livestock within 400m of a dwelling house, contrary to the conditions laid down by Parliament in Class A of the GDPO. Therefore, the combination of the new uses is materially different from the original use, regardless of whether the original use of the 'main building' continues unchanged.
- 30. Overall, there has been a material change of use that requires planning permission. This use has not become immune from enforcement due to the passage of ten years since the extension has not been erected for that long. The Council's decision to refuse the LDC to the extent it relates to use is well founded and the Appellant has produced no evidence to justify why this is not the case.
- 31. Instead, the Appellant's argument is based on the bare assertion that the extension derives its lawful use from the wider agricultural unit without any analysis of what the correct planning unit is, or appreciation that the 'main building' and therefore the extension, is distinct in terms of use.
- 32. Further, the Appellant asserts that Part 6 Class A Schedule 2 of the GDPO 2015 does not apply to the extension but gives no explanation as to why. In the proper course of events, there is no reason why the extension should not have been subject to its own AGNOT application. Had the extension then been constructed and used in accordance with the Permitted Development rights under Class A, its lawful use would not have included the keeping of livestock.
- 33. The Appellant's suggestion that the land or building would have always been available for unrestricted agricultural use is therefore false. In turn, the keeping of livestock within the extension has been an unlawful use.
- 34. Reference is made by the Council to Article 3(5) of the GDPO which states:
 - '(5) The <u>permission granted by Schedule 2</u> does not apply if—
 (a) in the case of permission granted in connection with an existing

building, the building operations involved in the construction of that building are unlawful;

(b) in the case of permission granted in connection with an existing use, that use is unlawful.

- 35. As a result, the unlawful use of the extension leads to a loss of the Appellant's PD rights. Further, the unlawful use for the keeping of livestock has not gained immunity from enforcement under the ten-year rule. Therefore, no matter how the Appellant chooses to present their case, the use of the extension for the keeping of livestock is unlawful and this fact has been properly reflected in the LDC granted by the Council. The Council's refusal of the LDC (as applied for) is, therefore, well founded.
- 36. In conclusion it is argued that if an individual chooses to erect a building, without planning permission, intended to be used for a purpose which had no planning permission, then he inevitably runs the risk that he must remove the building if enforcement action was taken in time against it, or cease the use if enforcement action was taken against that use.

My assessment

Introduction

- 37. There is no dispute that, physically, the appeal building (the subject of the LDC application) was initially erected unlawfully as an extension to the 'AGNOT' or 'main building' and that, at the time it was built, it did not have the benefit of any express planning permission. There is also no dispute that the extension, as operational development, has become lawful on the basis that it was erected in excess of 4 years prior to the appeal LDC application having been made. It is also a matter of fact that Condition A2, applied to the Dutch Barn (the AGNOT- main building).
- 38. It is argued on behalf of the appellant that the LDC application only sought a certificate in respect of the building operations. I have noted that, on the LDC application form, what was sought is described as 'the construction of a building at Coulton House Farm without planning consent'. However, as referred to above, the statement of facts submitted in support of the application indicated that confirmation was being sought to confirm that the 'siting and construction of the extension to the agricultural building and for the housing of livestock' was lawful. On the appeal form what was being applied for was described as 'Works to erect an agricultural building for the housing of livestock'.
- 39. Thus it is evident that, that although stating that the LDC was sought for operational development only, it was implicit that the appellant wished to establish that the use of the extension to the Dutch Barn to house livestock (pigs) was also lawful. This is also clear from the Appellants detailed arguments in referring to the agricultural use of the extension. It is evident that in granting the LDC in the prescribed format, the Council had to consider whether both the operational development and the use to which the extension was being put were lawful. I consider that this was the correct approach.
- 40. As a matter of fact, the Council did only grant the LDC for what the Appellant claims to have been applied for. It granted an LDC for the 'siting and construction of the extension' and in doing so indicated that it 'shall not be used for the accommodation of livestock'. Thus, it issued the LDC on the basis that, although it

accepted that the operational development was lawful, the existing use of the extension for the keeping of livestock was unlawful.

41. For the reasons set out above, on behalf of the appellant, it is contended that this is not the case and that the keeping of livestock (pigs) is a lawful agricultural use within the overall planning unit of the appellant's agricultural land. I disagree with this contention and set out my reasons below.

The main issue

42. It follows from the above that the main issue in this case is whether or not the keeping of livestock in the extension was a lawful use of the building on the date that the LDC application was made.

Reasons

- 43. The courts have held that, as a matter of principle, if building operations have become immune from enforcement through the passage of time, it does not mean that the use of that building is also necessarily to be regarded as being lawful. Therefore, I agree with the Council that 'the immunity gained by the operational development of the extension itself does nothing to make the use of the building lawful'. I also agree that the question is whether or not the use of the extension is lawful on its own merits.
- 44. Clearly there can be no argument that the land on which the extension sits is in agricultural use and that the keeping of pigs is an agricultural use. However, it does not automatically follow that the use of the extension to the Dutch Barn for the keeping of pigs is a lawful agricultural use.
- 45. When erected the extension was unlawful and due to it being located within 400m of a protected building and in the proper course of events, if the appellant wished to use the appeal building for the housing of livestock, planning permission would have been required. It is also the case that if another 'AGNOT' application had been made for the extension and had then been constructed and used in accordance with the permitted development rights under Class A, its lawful use would not have included the keeping of livestock. I agree with the Council, therefore that the appellant's contention that the land or building would have always been available for unrestricted agricultural use is, therefore, misguided.
- 46. Having considered all of the detailed arguments set out in the respective cases I acknowledge the Council's argument that the starting point for determining whether a material change of use has occurred is to normally ascertain the correct planning unit and to establish the present and previous primary uses of that unit. Reference is made to the case of *Burdle* and that the tests begin with the unit of occupation and turn on the concept of physical and functional separation.
- 47. In this case I consider that, although the Dutch Barn can be said to be part of the larger agricultural holding, there can be parts of that holding which are more restricted in terms of their agricultural use than others. This applies to the Dutch Barn which, because it is located within 400m of a protected building is precluded from being used to house pigs or any livestock for that matter.
- 48. Having inspected the Dutch Barn and its extension, I noted that there were no full height walls separating the 4 bays of the barn from the 2 bays of the extension. There was a low level partition only and, although built at different times, the Dutch Barn and its extension are perceived as being a single unit. As a matter of fact and

degree, therefore I agree with the Council that the extension forms part and parcel of the Dutch Barn, the original 'AGNOT' building.

- 49. My conclusion in this respect is reinforced by the Appellant's previous LDC application (20/000965/CLEUD) which sought a LDC for the whole building, the Dutch Barn and the extension. At that time the LDC was applied for on the basis of the whole building. Thus, irrespective of any disagreements regarding what constituted the correct planning unit(s), at that time the Appellant must have applied for the LDC on the basis that the whole building was lawful for the keeping of livestock (namely pigs).
- 50. Based on my conclusion above, therefore, I can understand the Council's argument that in keeping pigs in the extension, there has, in effect been a material change in use of the building. As a matter of fact and degree there is a significant material difference in the character of usage of the extension for the keeping of pigs than for a typical Dutch Barn or for a simple agricultural storage or garaging use. I accept that both uses are clearly for agricultural purposes but planning regulations relating to agricultural use do not simply allow any agricultural use on any agricultural land.
- 51. In certain circumstances, where the keeping of livestock is concerned, express planning permission is required and any PD rights (PD) are conditioned. Because the Dutch Barn was within 400m of a protected building (nearby residences) Condition A.2 of Article A2, of Class A of the GDPO was applied. I agree with the Council, therefore, that the keeping of pigs in the extended building, which physically forms part of the Dutch Barn is unlawful based on that condition.
- 52. However, that is not the only reason, in my view, why the use of the extension cannot be lawful. There is no doubt that the extension did not previously exist and there is no evidence that the land on which the building rests had previously been used for the keeping of livestock. If the Appellant had wished to use any building (or part of a building) for the keeping of livestock within 400m from a protected building (in this case nearby dwellings which do not form part of the agricultural holding) then planning permission would have been required for that use.
- 53. There is no express planning permission in place for such a use of the extension in this particular location on the Appellant's agricultural holding. Nor are there any PD rights applicable to the use for the keeping of livestock in the extended building. Even if a further 'AGNOT' application had been made, the keeping of livestock would not have been permitted because of its proximity to the nearby dwellings.
- 54. It follows, therefore, that the appeal building was unlawful when built and used for the keeping of pigs. As is now clear, the building itself became immune from enforcement action and on that basis the Council issued a LDC for the operational development only, as carried out. It had previously refused an LDC for the combined Dutch Barn and the extension on the basis of the 'AGNOT' condition. However, in my view, it could also have refused a LDC for the combined building or extension alone, on the basis that the use for the keeping of pigs has not gained immunity from enforcement action under the 10 year rule.
- 55. As well as finding that a lawful operational development does not necessarily mean that the use of a building is lawful, the case of *Sumner v Secretary of State for Communities and Local Government* [2010] EWHC 372 (Admin) confirms that the lawful use of a building which has become immune from enforcement must be a use which is ancillary to the lawful use of the land on which the building sits. I consider

that the lawful use of the extension can only be the same as that for the initial Dutch Barn. Although the extension itself has become immune from enforcement action, its use for the keeping of livestock was unlawful when it was constructed and I consider that such a use remains unlawful to-date.

- 56. In addition I find that the Appellant's assertion that the extension derives its lawful use from the wider agricultural unit to be poor. Even if the planning unit arguments are not determinative in themselves, other than stating that the land is agricultural land and that the keeping of livestock is an agricultural use, the appellant has not put forward any other convincing arguments that the keeping of livestock on this particular part of the Appellant's holding was lawful on the date of the LDC application.
- 57. I also agree with the Council that if an individual chooses to erect a building, without planning permission, intended to be used for a purpose which also has no planning permission, then inevitably there is a risk that the building should be removed. In this case whilst accepting that the operational development has become lawful through the passage of time, the same cannot be said of the use to which the extension has been unlawfully put; that is for the keeping of pigs.

Conclusion

- 58. In conclusion I also agree with the Council that the unlawful use of the extension leads to a loss of the Appellant's PD rights and that no matter how the Appellant chooses to present the case, the use of the extension for the keeping of livestock is unlawful and this fact has been properly reflected in the LDC granted by the Council. In my view, the Council's issuing of the LDC on the basis of the operational development only being lawful was, therefore, well founded. It follows that the appeal must fail and that the keeping of livestock in the extension was not a lawful use on the date that the LDC application was made.
- 59. In reaching my conclusions I have taken into account all of the submissions made on behalf of the Appellant and the Council. These include all of the initial documents; the appeal statements; the legal arguments; the full planning history and the final submissions. However, none of these carries sufficient weight to alter my conclusions on the main point at issue and nor is any other factor of such significance so as to change my decision.

Formal Decision

60. The appeal is dismissed. No change will be made to the partially granted certificate of lawful use or development (LDC) as issued by the Council.

Anthony J Wharton

Inspector

Appeal Decision

Site visit made on 18 February 2022

by Simon McGinnety MSc BSc (Hons) M.Arbor.A

An Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal Ref: APP/TPO/Y2736/8402 Oakfield House, Flaxton, York, North Yorkshire YO60 7RE

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order (TPO), and against a grant of consent to undertake work to a tree protected by a Tree Preservation Order subject to conditions.
- The appeal is made by Mr Tim Orton against the decision made by Ryedale District
- The application Ref: 20/01044/TPO, dated 11 October 2020 was issued as a split decision by notice dated 26 January 2021.
- Consent was refused for the felling of an oak tree (T25); and consent was granted for the removal of an oak tree (T24) with a condition to replant.
- The condition in dispute states: On completion of the tree removal (T24), a new tree shall be planted no later than the end of the next available planting season following completion of works. The tree/s shall be 12-14cm in girth (Heavy Standard as per British Standard BS3936 Nursery Stock) and must be staked and tied in accordance with good arboricultural practice. The species shall be ENGLISH OAK; planted within 1m of the removed tree. If within a period of 5 years from the date of planting a replacement tree is removed, uprooted, is destroyed or dies, another tree of the same size and species shall be planted at the same place or in accordance with any variation for which the local planning authority gives written approval.
- The reason given for the condition is: To maintain the continuity of tree cover in the location and to compensate the visual amenity value of the surrounding area once the replacement has matured.
- The appeal is against the refusal to fell an oak tree (T25) and the condition to replant an oak tree (T24).
- The relevant TPO is the Ryedale District Council No. 70 Tree Preservation Order 1985 Trees at former Claxton Hall, Claxton, which was confirmed on 14 May 1985.

Decision

1. The appeal is dismissed.

Main Issues

- 2. The main issues are:
 - In respect of the felling of the oak tree (T25); the effect of the proposed felling of the tree on the character and appearance of the area; and whether sufficient justification has been demonstrated for the proposed felling.

• In respect of the appeal against the condition; whether the condition requiring a replacement tree is both reasonable and necessary having regard to the effect on the character and appearance of the area.

Reasons

Character and appearance

- 3. Oakfield House is a large and detached property with expansive gardens to the south and the north. The house, on land of the former Claxton Hall, is accessed by a private road that services the adjacent property, Claxton Manor, and a gated access to an adjacent sporting goods shop.
- 4. The house is set within mature grounds, and the surrounding area is characterised by large and mature specimen trees, including a group of oaks adjacent to the driveway. Furthermore, there are young trees in land to the west of the property, a conifer plantation set to the far north and a conifer hedge along the eastern boundary. The mix of species and the age of the specimen planting gives the area a mature and verdant appearance, and as a group, the trees within the grounds make a significant contribution to the landscape and character and appearance of the area.
- 5. While the house is set back from the public road and is accessed via a private drive, there is a sporting goods shop to the east of the appeal house. At the time of the site visit, it appeared that the sporting goods shop was open to the public and there were numerous cars within the car park indicating relatively high usage.
- 6. T25 is a youthfully mature oak tree set in a raised lawned area to the south of Oakfield House and adjacent to the driveway into the property. The tree has a good, attractive form, however, with its present age and size and the presence of other vegetation, including the conifer hedge to the east, it is not clearly visible from any public highways or public footpath.
- 7. It is marginally visible from the adjacent properties, including Claxton Manor and Grange Farm Cottages, where it makes some contribution to the visual amenity. Moreover, while it is not visible at present from the adjacent sporting goods shop, I anticipate that as the tree grows, it is likely to become so.
- 8. Similarly, T24, an oak tree that has already been removed, would from the evidence available have had a limited effect on the landscape from areas of public highway and public footpath. Based on images provided with the application and the girth of the remaining stump, it is likely that the tree had a similar effect upon the character and appearance as T25. Furthermore, it would have been clearly visible from the sporting goods shop to the east.
- 9. T25 and the replacement tree for T24 are unlikely to make a significant visual impact from areas of public highway or footpath, and as individual trees, their impact on the wider landscape is minimal to moderate. However, the removal of T25 and the failure to replant T24 would give rise to some localised harm to the character and appearance of the area, particularly with consideration to the historical context of the site and the composition of the mature sylvan

landscape of the immediate area. As such there should be adequate reasoning and justification for the felling and for not replacing T24. It is to those reasons to which I now turn.

Justification

- 10. The condition of T25 is good and there is no tree report in front of me to suggest otherwise. The concern that the tree will become a danger due to its position and species type is unfounded, and I only afford this minimal weight. Similarly, with the proposed replacement for T24, I do not consider that there are any arboricultural reasons to assume that an oak tree would be predisposed to branch failure and as such, this also carries minimal weight.
- 11. The visibility of the trees to the public and the effect of their removal on the character and appearance of the area is primarily where this appeal has been determined and this issue is afforded significant weight.
- 12. Whilst neither tree is obviously visible as an individual specimen, T25 is visible to the adjacent properties at Claxton Manor and Grange Farm Cottages. Furthermore, it is probable that it will become more visible as it matures. Moreover, the replacement for T24 would be clearly visible from the adjacent sport shop. As it develops, it would also become visible from the properties at Claxton Manor and Grange Farm Cottages. Resultingly, while I accept that the trees are unlikely to be clearly visible from public highways and footpaths, they do provide a reasonable degree of public benefit.
- 13. I do not consider that the condition to provide a 12-14cm standard oak as a replacement for T24 is an onerous requirement and I accept the Council's reasoning for the condition. A replacement oak will, in time, prevent some erosion of the tree group and secure the continuity of the tree cover and the verdant character of the area. I do not consider that the stipulation for the replacement tree to be within 1m of the removed tree is necessarily of great importance, but neither is it sufficient to allow the appeal. Furthermore, replanting with yew or holly as suggested would not provide the same level of effect in terms of growth rates or stature.
- 14. In summary, both T25 and the proposed replacement for T24 will contribute to the character and appearance of the area as they grow. Moreover, given the age of the trees and potential longevity of the species, it is likely that this will increase in future years.
- 15. With any appeal of this kind a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant harm to the amenity of the area. In this case, the proposed felling of the T25 and failure to replant T24 would result in harm to the character and appearance of the area, and in my judgement, insufficient justification has been demonstrated to support the felling or varying the condition.
- 16. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Simon McGinnety

INSPECTOR