

Item Number: 8
Application No: 15/00098/MOUT
Parish: Norton Town Council
Appn. Type: Outline Application Major
Applicant: Gladman Developments
Proposal: Residential development of up to 79 no. dwellings together with formation of vehicular access - Site B (site area 3.65ha).
Location: Land Adjacent To Auburn Cottages Langton Road Norton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 8 May 2015
Overall Expiry Date: 15 June 2015
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

North Yorkshire Police Architectural Liaison Officer	Comments
Building Conservation Officer	Object
Countryside Officer	Recommend Conditions
Environmental Health Officer	Comments made
Sustainable Places Team (Yorkshire Area)	No objection or further comment
Archaeology Section	Advise Scheme of archaeological elevation
Housing Services	No objections- Comments received regarding housing commitments
Natural England	No objection comments received
North Yorkshire Education Authority	Contributions sought
Highways North Yorkshire	Recommend conditions and contributions
Parish Council	Recommend Refusal
Tree & Landscape Officer	Recommend conditions
Vale Of Pickering Internal Drainage Boards	No views required
Land Use Planning	Recommend conditions

Neighbour responses: Mr Peter Callaghan, Paul Sedman, B Sedman, Jackie McGibbon, S Young, K Sedman, Des Macphee, Martin Tuer, A J Tuer, , Mr Eugene Kelly, M Champion, Mr L Armstrong, Derek Brockless, D Henderson, S McClaren, J Gregg, K Fisher, Mr Mike Potter, Mr And Mrs Atkinson, Mr Atkinson, Mrs Lynne Carter, Paul A Crossley, Mr James Waite, Mr C.G. Cuthbertson, Mrs C.L. Davenport, J Power, Mr And Mrs Barker, Lindsay Burr, J Fisher, Mr P J Gray, John Hall, Anne Hall, Z M Rea, C Rea, L Carter, Mr Derrick Welburn, Mr & Mrs Chris & Hazel Young, Mr P Willison,

SITE:

The site comprises 3.65 hectares of land on the western side of Langton Road. It is situated to the south of Norton. The land is currently in agricultural use and is categorised as Grade 3. This is made up of 1.3 hectares of Grade 3A, 2.1hectares as Grade 3B, and 0.1 hectares as non agricultural. The area around the site is primarily in agricultural and equestrian use. It has an irregular shape and field boundaries, and slopes gently towards Mill Beck to the south west, which is lined with mature trees and hedges. To the north west is agricultural land in separate ownership, with the access to Sutton

Grange House forming the northern boundary. Sutton Grange Barn a grade II listed building lies to the north west of the application site. An application has been submitted on 0.9 hectares of land the north of the access to Sutton Grange for up to 6 dwellings. To the north east of the site, and across Langton Road is an area of residential development. To the east is relatively flat agricultural land. A pair of semi detached dwellings is situated at the eastern corner of the site, together with a field in separate ownership.

PROPOSAL:

Permission is sought in outline for the erection of up to 79 dwellings together with a new access off Langton Road. All other matters are reserved. The application is accompanied by a Development Framework Plan. As a result of discussions with the applicant, this plan is intended to form part of the application. The applicant has stated in writing that if permission is granted, it can be conditioned with regards to the developable area, location of landscape buffers etc. The design and access states that the application boundary is 3.65 hectares. However the developable area is 2.39 hectares. 1.25 hectares of green infrastructure will be provided. This will include a green frontage to Langton Road with open space on the northwest edge and along the southern edge providing a buffer to Mill Beck. Green corridors will link the open spaces and accommodate informal footpaths to surrounding Public Rights of Way and areas of informal open space. The Design and Access Statement also includes an indicative master plan to demonstrate an appropriate development capacity linked to density. This is not however for determination at this stage. The application is also accompanied by the following detailed reports:

- Landscape and Visual Impact Assessment
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Arboricultural Report
- Flood Risk Assessment
- Noise Assessment
- Archaeology Assessment
- Statement of community involvement
- Heritage Assessment
- Socio Economic Report
- Planning Statement
- Foul drainage Report.

Environmental Impact Assessment

The site was considered in relation to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It was determined by the Local Planning Authority that the proposed development was not of a type described in Schedule 1 of the Regulations. It was determined however that the development did fall within Category 10B of Schedule 2 of the regulations, and as such it was necessary to screen the development to determine whether significant environmental effects are likely, and hence whether an environmental assessment is required.. The Local Planning Authority subsequently determined that the proposed use would be of a significantly greater scale, and different in nature than the previous agricultural use. Furthermore, it is within the vicinity of Sutton Grange Barn, which is a grade II listed building. The Local Planning Authority considered that the development site forms a sizable element of the context in which Sutton Grange Barn is experienced, and contributes to its distinctive identity. The application for the houses would substantially change the rural surroundings of the listed building, and affect the link between the historic use of the barn and its functional relationship with the rural landscape. This change would be permanent and irreversible.

Accordingly, the Local Planning Authority resolved that an Environmental Assessment was required.

The Applicants however challenged this decision and sought a screening direction from the secretary of State. The Secretary of State did not however consider that the proposal is likely to have significant effects on the environment for the following reasons:

The proposal subject to the screening request is relatively small scale at only up to 90 dwellings on agricultural land and its impacts will not be of a magnitude or complexity such as to indicate that there are likely to be significant effects. there would be traffic, emissions, noise and light impacts but they are not considered to be significant. the site is not part of an area protected under international or national legislation for its ecological, landscape, cultural or other value. It lies within 2km of the River Derwent SAC/SSSI. Taking into account the distance from the site and the intervening developments, the Secretary of State is not persuaded that the proposal would undermine the attributes for which this has been identified to suggest that a significant environmental effect is likely.

There is a screening direction request for a linked proposal of up to 10 residential dwellings on an adjacent site, though the submitted planning application is for up to 8 dwellings. The proposals together are relatively small scale at a maximum of 100 dwellings and taking account the potential cumulative impacts the effects will not be significant. A Grade II listed building lies to the north west of the site and the setting of the barn and the surrounding area may be affected by the project. A heritage assessment provided as part of the supporting documentation states that the barn is currently being converted to domestic use, with additional new build residential properties within the asset's curtilage. Taking into account the size and location of the development it is not considered that the setting or surrounding area of the historic asset would be affected to the extent that a significant environmental effect is likely and an EIA is not warranted. It is noted that this determination by the Secretary of State relates to the provisions under the Environmental Assessment Regulations only, and does not pre-judge the material planning considerations.

PLANNING POLICY CONTEXT AND DECISION TAKING PRINCIPLES

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

The development plan for the area of Ryedale (not within the North York Moors National Park) consists of:

- The Ryedale Plan – Local Plan Strategy (2013)
- ‘Saved’ policies of the Ryedale Local Plan (2002) and the 2002 Proposals Map
- The Yorkshire and Humber Plan (Regional Spatial Strategy), York Green Belt Policies (YH9 and Y1)

Wider legislation places specific statutory duties on planning authorities.

Section 66 of the **Planning (Listed Buildings and Conservation Areas) Act 1990**, requires in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 40(1) of the **Natural Environment and Rural Communities Act 2006** (the ‘NERC’ Act), imposes a duty on public authorities in exercising their functions, to have regard to the purpose of conserving biodiversity.

All public bodies are required to comply with the rights and freedoms of the European Convention on Human Rights under the provisions of the Human Rights Act (1998)

Development Plan

None of the remaining 'saved' policies of the Ryedale Local Plan or the Yorkshire and Humber Plan are considered to be relevant to the assessment of this application. It is noted however that the development limits for Norton are shown on the 'saved' Proposals Map through Policy SP1 of the Ryedale Plan-Development Plan Strategy.

The Ryedale Plan – Local Plan Strategy (LPS) , adopted 5th September 2013, provides recently adopted development plan policies which are compliant with national planning policy (the National Planning Policy Framework – NPPF). The current Proposals Map is the 2002 adopted Proposals Map. The LPS contains strategic policies to manage development and growth across Ryedale to 2027. It seeks to integrate the need to address development needs whilst protecting the environment and landscape and securing necessary improvements to services and infrastructure. The Plan directs most new development to the Market Towns and recognises that green field extensions to the Towns will be required to address development needs. It confirms that as part of this strategic approach, Malton and Norton will be the primary focus for growth over the plan period and that within this, a greater focus (albeit not exclusive) will be placed on locating new development at Malton.

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

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

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP3 - Affordable Housing

Policy SP4 - Type and Mix of New Housing

Policy SP11 - Community Facilities and Services (In respect of public open space

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP15 - Green Infrastructure Networks

Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP18 - Renewable and Low Carbon Energy

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

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

National Policy Guidance

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

The NPPF provides national planning policy and is accompanied by practice guidance. Both are significant material planning considerations.

The NPPF makes it clear that it is the purpose of the planning system to contribute to the achievement of sustainable development. The Framework makes it clear that there are three dimensions to sustainable development which give rise to the need for the planning system to perform an economic role, a social role and an environmental role. Para 6 of The Framework states:

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Framework establishes a set of core land-use principles to underpin the planning system within its overarching purpose of contributing to the achievement of sustainable development which include that planning should:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The Presumption in Favour of Sustainable Development

Both the Development Plan and the National Planning Policy Framework include policies which promote a presumption in favour of sustainable development to be applied in the decision making process alongside the legislative requirement that decisions are made in accordance with the development plan unless material considerations indicate otherwise.

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

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

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

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

Policy SP19 of the Local Plan Strategy is consistent with the above national presumption but makes specific reference to the Local Plan and Neighbourhood Plans; working proactively with applicants and clarifies the application of the second bullet of the national presumption. It states; *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that*

proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions of the area.

Planning applications that accord with the policies in this Local Plan (and where relevant, with policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted”*

APPRAISAL:

The main considerations in relation to this application are:

- The principle of the proposed development.
- Impact of the development on the significance of the heritage asset.
- Highway Considerations including vehicular access, pedestrian, and general highway safety;
- Accessibility and sustainability
- Landscape appraisal
- Ecological
- Drainage considerations
- Arboricultural assessment
- Archaeology
- Affordable Housing provision;
- Drainage;
- Neighbour impact.
- Designing out crime;
- Potential ground contamination;
- Design considerations
- Impact of development on the racing industry
- Public Open Space; and
- Developer contributions.
- Contributors

Principle of Development

As detailed above, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The site is not allocated in the development plan for residential development and falls outside the 'saved' development limits. The principle of development will be established by taking account of the relevant policies in the development plan, together with all other material considerations.

Housing Supply

Members will be aware that a number of housing sites that lie outside the 'saved' development limits for Malton and Norton have been approved in recent years. This was because at the time of their consideration, the Local Planning Authority were unable to demonstrate a deliverable 5 year supply of housing.

Policy SP2 (Delivery and Distribution of new housing) of the Local Plan Strategy commits the authority to the identification and maintenance of a supply of deliverable housing sites sufficient to provide five years worth of housing against the planned annual requirement of 200 homes per annum. The policy also commits to the provision of an additional 20% supply of housing land (the equivalent of 200 homes over a five year period).

The policy is framed to reflect the requirements of national policy (paragraph 47 of the NPPF) which requires Local Planning Authorities to identify and maintain a five year supply of deliverable housing land with an additional supply buffer to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

The NPPF states (paragraph 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. It makes it clear that if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the NPPF confirms that for decision making, the presumption in favour of sustainable development means:

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

Currently, Ryedale can demonstrate that it has a five year supply of deliverable housing sites. At 31/3/15 a total net supply of 1461 plots with planning permission existed which equates to 7.31 years of housing land supply (based on the planned housing requirement of 200 units per annum). The recent SHLAA Part 1 update (May 2015) illustrates that from this ‘raw’ supply (which equates to a numerical 5 year supply plus an additional 46%), 1173 new homes will be delivered over the next five years. This equates to 5.92 years worth of deliverable housing supply.

Members should be aware that this supply position does not include applications which are approved in principle and which are currently awaiting the completion of Section 106 agreements. In addition, it does not include the supply of housing land allocated in the Helmsley Plan which Council is due to adopt in July 2015. The Housing land supply from these sources equates to circa 368 new dwellings, which will significantly increase the supply of housing land to support housing delivery against planned targets over the short-medium term.

Members are aware that the ability to demonstrate a five year deliverable supply of housing land is not in itself a reason for the refusal of a planning application. It is considered that the ability to demonstrate a five year deliverable supply has the effect of meaning that there is no immediate need to release a site on the basis of housing land supply as a material consideration on the decision making process. Accordingly Para 49 of the NPPF is not engaged.

Location of Development

Policies SP1-(General Location of Development and settlement Hierarchy) of the Local Plan Strategy identifies Malton and Norton as a Primary Focus for Growth. Pickering, Kirkbymoorside and Helmsley are identified as a secondary focus for growth together with a number of identified Service Villages as a tertiary focus for growth. Policy SP2 (Delivery and Distribution of new housing), identifies that at least 3000 new homes will be managed over the period 2012-20127 to this hierarchy of settlements. The Council is in the process of preparing the Local Plan Sites Document, and a public consultation on preferred sites will take place during the summer of 2015. However it is not at an advanced stage.

Policies SP1 - General Location of development and Policy SP 2 - Delivery and Distribution of Housing are key to the considerations in relation to the location of the site for residential development. Policy SP1 identifies Malton and Norton as a primary focus for growth. In relation to the section in the plan on guiding development at the towns, the following principles detailed in the explanatory text, (p35) that are relevant to the consideration of this application include:

- Retaining the compact and accessible traditional market town 'feel'
- Ensure development is sensitive and responsive to different historic character areas
- Higher density development in and to the Town Centres with lower density family housing in less central locations
- Creating sensitive new edges to the towns and repairing existing edges as they abut open countryside.

It is also noted that para 3.15 of the RLP states:

Within Malton and Norton, much of the post war housing growth has occurred at Norton, stretching out along the Scarborough, Beverley and Langton Roads. As a result the pattern of development has moved away from the town centres, particularly Malton Town centre. This Plan seeks to rebalance the twin towns by placing a greater focus, (albeit not exclusive) on locating new development at Malton, with an immediate focus on the release of Greenfield sites around Malton.

Policy SP2 (Delivery and Distribution of new housing), identifies the sources of new housing that will contribute to the supply of new homes across the District. The part of the policy that relates to delivery in Malton and Norton is as follows:

Malton and Norton

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

Whilst it is noted that the greatest focus is on locating development in Malton, the plan does not preclude the development of sites in Norton, and furthermore Malton/Norton together comprise Ryedale's principal town and primary focus for growth. Nevertheless, as detailed above, the key contributor to housing supply is:

Housing land allocations in and adjacent to the built up area.

It should be noted that reference to housing land allocations in Policy SP2 is because the anticipated supply of housing is to be made through residential allocations through the sites document. Whilst the site allocations document is still at an early stage, and can only be given limited weight at this time, the key strategic locational principle equally applies to speculative proposals in advance of the site allocations reaching an advanced stage. The south western edge of Norton is currently formed by residential development on Heron Way, Millside and Barley Close. To the immediate south of this, planning permission has been granted for the erection of 8 single and one and a half storey dwellings in a linear location. The application site is situated approximately 110m from the nearest dwellings. It is also of particular relevance that there is a group Tree Preservation Order on land to the immediate south of the existing built up edge of Norton. A separate application has been submitted by the same applicant on land to the south of the driveway that serves Sutton Grange Barn. That application seeks

outline permission for up to 6 houses. Whilst many of the same documents have been submitted for both applications, the applications are independent. Accordingly the small site cannot be used to demonstrate that this application site is contiguous with the built up area of Norton. An application for development on the smaller site may have been submitted, but the houses have not been built. In addition, the application on the adjacent site seeks permission for a limited number of up to 6 houses to take account of the impact of the proposed development on the setting of Sutton Grange Barn which is Grade II listed. (Ref 96/32/GB) Furthermore, the Tree Preservation Order (TPO) extends to approximately 50m along Langton Road. The mature trees included in the TPO strengthen the feel of separation between the existing built up area and the open countryside (that comprises the application site) to the south. Whilst it is noted that the built development on the opposite side of the road extends further south, it is considered that the trees form a significant visual end stop to the town. The views of the approach to Norton, will be examined in more detail in the section of the report on the Landscape Visual Impact Assessment. The Ryedale Plan - Local Plan Strategy includes principles for guiding development of the towns, (page 34 onwards). These are detailed above, however two key points that should be considered in relation to the applications area:

- *retaining the compact and accessible traditional Market Town Feel*
- *Creating sensitive new edges to the towns and repairing existing edges as they abut open countryside.*

The applicant has responded to officers concerns regarding the value of the 'green gap'. Their full response is available to view on the Council's website, however it includes the following points:

- *It is noticeable from looking at Google maps that Norton includes a number of areas of public open space and larger green spaces including formal POS, amenity green space, sports recreation facilities, cemeteries, allotments and private gardens.*
- *The plan demonstrates that there are a number of existing 'green gaps' along street frontage in Norton including along Scarborough Road, Welham Road and Beverley Road as well as pockets of other green space dispersed throughout the town.*
- *Should Site B be developed independently of Site A, then site A would be read as a small area of green space in the context of existing development along Langton Road, as per other areas of existing green space in Norton.*

Nevertheless for the reasons articulated above, it is considered that site A, together with the rest of the land within the area TPO, and the woodland wrapping around Sutton Grange Barn and house, and continuing alongside Mill Beck is very different in character to other areas within, and on the edge of the town. As such it is not just an 'incidental' parcel of land within an urban setting. It forms a significant landscaped buffer to the south of Norton which separates the application site, (site B), from the rest of Norton.

Accordingly, it is considered that the development fails to comply with principles on guiding development at the towns, and conflicts with the element of Policy SP2 as the proposal would not be 'in and adjacent to the built up area' of Norton.

Impact of the development on the historic asset

The site lies within the vicinity of Sutton Grange Barn, which is a grade II listed building. (ref 96/32/GB) The development site forms a sizable element of the context in which Sutton Grange Barn is experienced, and contributes to its distinctive identity. The application for the houses would substantially change the rural surroundings of the listed building, and affect the link between the historic use of the barn and its functional relationship with the rural landscape. This change would be permanent and irreversible. In view of this context, the Council's Conservation Officer has made a detailed assessment of the application. This is included in full below:

"This application site is located to the south of Norton. The site is on the west side of Langton Road and is at present a field. To the north of the site is a vehicular driveway bounded by post and rail fence. An open grassed paddock lies beyond that (subject of a separate application). To the south of

the site lies an agricultural field and residential properties. To the south-west of the site lies Mill Beck, beyond which are open fields. Sutton Grange, a substantial residential property set in extensive open grounds is located to the north-west of the site. Sutton Farm Barn, formerly listed as Sutton Grange, a Grade II Listed Building, lies c.95m at its nearest point to the development site. The east of the site is bounded by Langton Road with a mix of residential development and open fields beyond on the other side of the road. The site is bounded by hedges and trees and post and rail fence. There are 2 parallel pedestrian footpaths running along the western side of Langton Road adjacent to the development site, one of which is raised up on higher ground giving views across the site towards Sutton Grange, Sutton Barn and the open countryside beyond. The tree belt further to the north of the site provides screening of the development north beyond that.

The application is for Outline Planning Permission for residential development for up to 85 dwellings with all matters reserved except access.

The Planning (Listed Building and Conservation Areas) Act 1990 requires that under Section 66 that the Local Planning Authority shall have regard to the desirability of preserving the (listed) building or its setting or any features of architectural or historic interest which it possesses. Recent advice in the Barnwell Manor/East Northamptonshire case advises that 'considerable weight' must be attached to this duty.

The Grade II listed barn lies c. 95m at its nearest point, from the western boundary of the application site. For reasons outlined below, I am of the opinion that this application affects the setting of Sutton Farm Barn. This response seeks to analyse in more detail what the setting of the listed building is, how and to what degree the settings make as a contribution to the significance of the listed building and assess the effects of the proposed development on that significance. Sutton Farm Barn is a Grade II Listed Building with a date stone of 1789 with 19th and 20th century alterations. The list description states that it is a 'barn with stables and shelter sheds'. It is rare in Ryedale, in that it is an agricultural building that is principally listed in its own right. It is also rare in that it is a barn which has deliberate architectural presence and design intent. It is a large 9 bay barn, with 2 taller hipped end pavilions, the north-west pavilion having been converted into domestic accommodation historically. It has a slate roof and tooled squared stone and openings with arches of finely tooled voussoirs. This is not a vernacular structure and is clearly a building of status and presence. The barn has a central threshing floor for the production of its arable crop, and a granary or hay loft for the storage of this crop. The barn is also unusual in that it does not conform to the typical vernacular pattern of buildings grouped around a fold yard in a courtyard arrangement. Due to its large scale, subservient surrounding buildings and the lack of a typical farm grouping, it is a relatively isolated structure and was clearly designed to form the focus of the building group. The statement made by its large size and relative isolation is magnified by the fact that it is constructed on a shallow terrace and has a commanding presence over the ground below to the south-west. This sense of isolation and pre-eminence is also compounded by its open rural setting to the east. The barn has recently had an approval for conversion into 5No. dwellings, with 2 associated new build properties situated on the terrace to the south west below the barn and a converted joiners shop within the curtilage of the barn. The barn is considered to maintain its architectural and historic interest and the new build properties have been carefully designed and sited to respect the setting of the listed building. Building works for this scheme are currently underway. In addition, an outline approval for the erection of 8, one and a half storey dwellings to the north of the barn was approved in 2011.

The Planning Practice guide defines setting as the surroundings in which an asset is experienced. The English Heritage Guidance on Setting of Heritage Assets also states that the extent of an assets setting 'is not fixed and may change as the asset and its surroundings evolve'. My assessment of the setting of the barn seeks to take into account the historic map based evidence of the barn in a relatively enclosed designed landscape setting as at 1850. It also, however identifies that the current setting is more extensive than it might have been historically, and that this wider landscape setting also contributes to its significance.

In my opinion therefore, that the setting of the barn can be assessed in 2 ways, namely its immediate close setting and its wider landscape setting, both of which contribute to the barn's significance.

The North Yorkshire Historic Environment Record entry, notes that the area associated with the barn and house has significant legibility since 1850 and incorporates a landscape including the mill ponds and leet associated with the former corn mill at High beck to the north, and that the buildings at Sutton Farm and Grange were likely to be the site of a mediaeval grange. The first edition Ordnance Survey (OS) map, published in 1850 indicates the arrangement of buildings and highlights the prominence of the barn structure within a well designed setting. The woodland setting of the buildings is notable along with formally laid out gardens around Sutton House. The 1889-1891 OS map provides more detail of the area and indicates little change to the layout of the farm during the second half of the 19th century. The principle building within the Sutton Farm group comprises the barn and stable building which was clearly designed to be the focal point in the original farm operation. Clear from historic mapping, is that beyond the parkland in every direction lay the open fields. The relationship between the barn and Sutton House is clearly evident on the 1850 and 1911 maps and through information provided by the land valuation survey (Deadman 2007). As the earliest OS map dates to 1850, some 61 years after the barns construction, it is difficult to be precise whether this layout reflects the 1789 format of the landscape or whether it was a later, 19th century conceit. The integrity of this landscape around Sutton House and barn is strong and there are many landscape features that can be seen on the ground today including trees, walls, access routes and the natural river setting. The historic relationship between Sutton barn and the house is clearly evident and remains strong. Historically the 2 parcels of land which are the subject of the current development proposals, were 1 parcel of land which in part made up Sutton farm. They are still in the same ownership albeit separated by the vehicular access serving Sutton Grange.

Today, a sense of Sutton Barn's immediate setting is informed by the approach to the barn down a narrow drive framed by belts of woodland on either side. This is the same approach shown on the 1850 OS maps. This approach creates a rural experience that is unfortunately interrupted by the suburban development to the north of the barn. This development becomes apparent when the woodland belt disappears and its screening effect is removed. Notwithstanding the suburban encroachment on the northern side of the barn, the barn still has a very strong and close connection with a rural setting at other points in the immediate curtilage of the barn. This is informed by the presence of trees and greenery and the mill beck to the south-west, south and north-west. The south – east boundary is defined by stone walls associated with Sutton House (latterly Grange). A mature hedge borders the site to the east. To the north and north-east the immediate setting of the barn is defined by the vernacular garage outbuilding (historically likely an open cart shed) and the boundary hedge. The suburban development to the north of the barn can also be seen when looking north, introducing an urban intrusion that is not reflected on the other boundaries.

In my opinion the immediate setting of the barn can be summed up as having an enclosed private feel derived by the narrow tree lined drive, the large expanse of screening woodland belts and the outgrown hedges and boundary walls that create a sense of enclosure. It feels secluded and private much like it may have done on the 1850 map and, the groupings of buildings and boundaries remain little changed excepting the small section of visible suburban intrusion to the north. In my opinion the recent planning approvals outlined above will retain this setting.

In my opinion this immediate setting contributes to the significance of the barn in that it has strong evidential value of the former designed landscape and maintains the historic relationships between the barn and Sutton Grange.

Notwithstanding the immediate setting of the barn, the English Heritage guidance on Setting of Heritage Assets states that while many day to day cases will be concerned with the immediate setting of an asset, development within the extended setting may also affect significance, particularly where it is large scale, prominent or intrusive' 2.1. I am of the opinion that the wider landscape setting of the barn forms an important aspect of the surroundings in which the barn is experienced and greatly contributes to its significance.

The barn sits at the cusp of suburban Norton to the north and rural countryside to the south. Historic maps show fields beyond the parkland in every direction. These fields are still present excepting the

urban development to the north, which is screened by a belt of trees. These trees provide an important role in providing a strong sense of separation from urban Norton to the north and help to retain the rural character of the barn in its wider landscape setting. Open fields are present to the south and west beyond the beck, whilst a grassed paddock sits immediately to the east of the barn, as a result, the contextual relationship of the barn to the surrounding landscape remains strong. Due to the lightweight nature of the post and rail boundary treatments, the wider historical associations of the landscape can still be read and understood and the relationships between the structures and surroundings are still strong.

The barn can still largely be understood in its agricultural landscape setting and the links between the building and the land which it served are still readable. This is an important factor which contributes to the significance of the listed building as it directly ties the historic function of the building with the surrounding landscape. The open green qualities of the site make an important contribution to the rural setting of the barn and the barn appears as a part of the countryside which is not urbanised.

When looking north-west across the development site from Langton Road, The development site lies in the same field of view as the listed building and undesignated heritage asset, and although the Planning Practice Guidance states that 'the contribution that setting makes to the significance of the heritage asset does not depend on their being public rights or an ability to access or experience that setting', public views of the barn and house are possible. Clear views of the entire listed building are however, restricted by the distance from Langton Road and the roadside and western site boundary hedge, however, the large size and height of the barn do give public views of sections of upper walls and roof which are maximised when tree and hedge growth is not so verdant. These public views give an important glimpse into Norton's rural heritage and enables a wider public understanding of Norton's rural past.

The location of the barn outside the town also links the site back to its origins as a monastic grange which, were most often isolated and outlying. Although the nature of the landscape has changed and over time and the urban expansion of Norton has encroached onto the land to the north, the barn can still be understood as a marginal and outlying structure which evidences its early origins.

I am also of the opinion that Sutton Grange mansion house is an important property, and that Sutton Grange can be identified as an undesignated heritage asset. It is a building of architectural quality and character and it is clearly present on the first edition OS map (1850). The property still displays evidence of its landscape features shown on the 1850 map such as walled gardens, and large open area to the north where the carriage turn used to be situated. It lies within a landscape that, according to the North Yorkshire Historic Environment Record is likely to have been the site of a medieval grange whose historic landscape character still retains significant legibility. The house and the barn can be seen to have a historical functional relationship with each other and due to low boundary screening and close proximity, there is still inter-visibility between them. Stone walls and hedges form shared boundaries on the south-western edge of the barn and an interconnecting doorway (now blocked) in the western boundary wall of the barn and house, demonstrate historical and physical links. These physical links, historic links and visual connections between the Sutton Grange and the barn, strengthen the individual contribution that each building gives to this landscape, making the overall composition more than the sum of its parts. The development site lies immediately to the east and south of Sutton Grange.

Although public views can be important, significance, as outlined above, does not depend on public access. Notwithstanding that, due to the height of the barn and the open nature of the views across the proposed development site, and the raised public footpath, distant views of the upper sections and roof of the listed barn can be glimpsed from Langton Road. Clear but distant views of Sutton Grange can also be gained from Langton Road and there is currently an intervisibility between the house and barn strengthening their historic relationship.

Analysis of the proposal and its impact on the setting and significance of the listed building.

The proposed development site as outlined in the applicants red line, lies c.95m from the Grade II Listed barn and c.50m from Sutton Grange at the nearest points. The application is in outline for

access only with all other matters reserved. The application form states that it is an outline application for up to 85 dwellings including access. The submitted Design and Access Statement makes reference under 'Design Objectives' that the design of the site will provide due consideration to Sutton Farm Barn and its setting. The indicative layout plan and accompanying text in the submitted information makes reference to an equipped play area at the northern edge of the site and an open space corridor on the western perimeter of the site. The proposed finished nature of this is not described in the application but is noted on the indicative site layout plan. Proposed additional landscaping is shown at points on the western and eastern boundary. This however is also indicative as it falls within the developable area shown within the red line.

Notwithstanding the lack of detailed information, I consider that I can comment on the principle of developing this site for housing. In my opinion the intrinsic integrity of the wider landscape setting will be harmed by the disappearance of the rural landscape and its replacement with an urban landscape. I am of the opinion that this wider landscape setting forms an integral part of the significance of the barn and house and that developing the field to the south of the barn and house will affect significance by severing the barn and house from the landscape which they served. I have strong concern that the wider landscape setting of the barn will not be preserved and that harm will be caused. The change in land use from agricultural to housing will be a high magnitude of permanent change. It will have an enclosing and urbanising effect and sever the link between the barn and house and its wider rural landscape setting. Due to the location of the development site the interplay currently visible between the house and the barn will be interrupted by urban development. This intervisibility is likely to present a distracting, modern and discordant effect and compete with the rural qualities of the barn and house.

I am of the opinion that Sutton Farm and Grange will become an unfortunate island of degraded historic character subsumed within a suburban landscape. This will not preserve the setting of the listed barn or the Undesignated Heritage Asset of Sutton Grange.

In my opinion this application would not preserve the setting of the listed building. According to the Planning (Listed Building and Conservation Areas) Act 1990 Ryedale District Council should have special regard to the desirability of preserving the listed building, or its setting or any features which it possesses. Section 132 of the NPPF requires that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Section 137 states 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'. In my opinion this application does not achieve this aim. Section 135 requires that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. I am of the opinion that due to the large scale of the proposed development that this will have a harmful impact on the significance of the heritage assets identified.

For the reasons outlined above, I am of the opinion that this application is likely to cause harm to the wider landscape setting of the listed building and the non designated heritage asset. According to the NPPF the degree of harm caused to the listed building should be assessed as being of 'substantial' harm or 'less than' substantial harm. Due to this application being in outline only with most matters of detail reserved, I am not convinced that there is sufficient information provided to demonstrate that the site could be developed in a manner that is less than substantial harm. I am convinced however that the wider landscape setting of the barn and house would not be preserved, harm would be caused and that no aspect of this proposal makes a positive contribution or better reveals the significance of those assets."

Archaeological Evaluation

The application was accompanied by a desk based archaeological evaluation. The County Archaeologist, was consulted on the application and advised that a previous geophysical survey recorded a series of ditches and pits. The County Archaeologist advised that significant Romano - British activity is recorded along Langton Road, including cremation burials. It was therefore recommended that a scheme of archaeological evaluation be undertaken to identify and describe the nature and significance of any surviving archaeological remains. Accordingly, a programme of evaluation trenching was carried out.

The evaluation results over ten trenches indicate that there are two phases of archaeological activity represented on site, with the focus of Romano-British activity on the lower terrace and medieval activity on the upper terrace. There was a general absence of structural features which does not substantiate the presence of a deserted medieval settlement which was recorded in the Heritage Environment Record, and instead suggests that the focus of settlement was in the wider vicinity of the site. The County Archaeologist was re-consulted on the application, and has recommended conditions including a requirement for a scheme of archaeological recording.

Landscape and Visual Impact Assessment

The application is accompanied by a Landscape Visual Impact Assessment (LVIA) which is a combined report for this site and the land which lies to the south. (See application 15/00098/MOUT). The report is available to read in full on the Council's public access system. It is based on guidance contained within the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) published by the Landscape institute and the Institute of Environmental Management and Assessment, April 2013. There are two components which are:

- *Assessment of landscape effects; assessing effects on the landscape as a resource in its own right and;*
- *Assessment of visual effects; assessing effects on specific views and on the general visual amenity experienced by people.*

The LVIA states that Site A comprises a small field which is currently grassland and horse paddock. The report further states that Norton is located within a low lying valley associated with the River Derwent. This valley extends from the north, towards the west. The sites are at Approximately 25 metres AOD. The land falls towards Mill Beck. The land rises steadily to the south of the site approximately 1.4km to the south of the sites, a local ridge line at Sutton Wold rises to 80m AOD and is the most prominent ridge line within the local landscape.

The LVIA states that the sites fall adjacent to the boundary of 3 landscape character areas including the Howardian Hills, Vale of Pickering and Yorkshire Wolds. (These are identified respectively as 29, 26, and 27 in the LVIA). The report details the characteristics of each of these landscape character areas. Para 3.23 of the LIVA states that the landscape in which the proposed development would be located draws on the character of the National Howardian Hills and County Limestone Ridge but is also influenced by surrounding local landscape and urban/townscape characteristics. The LVIA further refers to Ryedale District Council's Report, 'The Landscapes of Northern Ryedale Landscape Character Assessment' 1995. It states that within this publication, the sites and area of landscape surrounding Norton is located within the 'Wooded Open Vale' Landscape Type. The 'Wooded Open Vale' is described as:

'has a strong rural character and although open, includes a number of woodland blocks that serve to provide local enclosure'.

The report assesses the visibility of the sites using a series of key viewpoints from nearby settlements, properties, or local lanes, footpaths and roads.

The submitted LVIA is very detailed and it is impractical to include all the assessment and findings in this report. However the report does provide a number of conclusions which include the following;

Summary of Residual Landscape Effects

- The Natural England assessments consider only the very broad context of the landscape and cover extensive landscape areas. At this scale it is considered that the residual landscape effects would be negligible.
- The existing landscape structure is a mature framework of hedgerows to the boundaries with a muted vegetated corridor along the route of Mill Beck. Due to this strong existing framework direct views across the sites are limited and have a well wooded backdrop. The assessed residual effects on this area would be Moderate to Minor.
- The locally contained nature of the sites, due to the local ridgeline to the south, and its relationship with the existing urban edge of Norton to the north, results in effects upon the wider landscape as relatively insignificant with the most notable effects limited to the sites themselves.

Summary of Residual Visual Effects

- The visual envelope is limited to close-by settlement edge properties with limited views through gaps in existing hedgerows. From more distant elevated parts of the surrounding area the sites fit into the well wooded existing edge of Norton. There are glimpsed views of the tops of some of the mature trees on the sites' edges.
- The current views from properties on Langton Road, Bazleys Lane, Millside, Field View, and Langley Drive and the more distant settlement edges on Whitewall, Welham Road and Hunters Way are likely to not be effected. Landscaping along the existing field edges would partially screen the proposed built development. Residual effects on these receptors are assessed as Moderate to Minor.
- Views from road users travelling along Langton Road, Bazleys Lane and Welham road may be able to gain some glimpsed views of the proposed development. These would be views within the context of intervening mature vegetation, local topography and the transient nature resulting in residual effects ranging from moderate to minor adverse depending on the extent of the view. Proposed Landscaping will aid screening.
- The limited number of receptors identified further from the site are identified as none to minor adverse.

The report concludes that in landscape and visual terms the assessment demonstrates that there would be no overriding effects that should preclude the proposed development.

The Local Planning Authority, has commissioned an independent Landscape Visual Impact Assessment and this concludes:

The proposed development on both sites will have a major significance on landscape character at the site level during construction, year 1 and year 10 and beyond. During construction adverse effects on landscape character would arise from the presence of construction activity forming a dominant influence on site character and change in land use from rural to construction activity. Unlike the completed buildings, construction effects would be both reversible and of short duration but the significance on landscape character of the sites would be major. In year 1 (post construction) housing would occupy the majority of both sites and represent an extensive complete change in character and land use at the site scale. These changes would be permanent and irreversible and of major significance. Similarly trees/hedges as mitigation planting or landscape infrastructure within the sites would be partially mature by year 10 and contribute to reduction in effects on character from the built form. However, the primary effects on landscape character would remain as described for year 1 and represent an irreversible change in the baseline character of major significance.

Effects on wider character of LCA 5 Limestone Ridge LCA would be of minor significance, reflecting the localized extent of change.

The significance of change in landscape character is therefore predominantly at the site scale, affecting land which is atypical of the wider landscape, of high quality and which in conjunction with cultural heritage value and evident time depth in the landscape, would be particularly harmed by housing of the scale envisaged. The characteristics of the sites - evident in photo view points 4 and 6 is such that these sites which are locally important and of particular high sensitivity in comparison with, for example other land in close proximity (for example to the east of Langton Road). The change in character would affect both the sites themselves and as explained by Ryedale District Council's Conservation Officer "the wider setting of the barn and house would not be preserved". The landscape assessment reinforces that view.

Viewpoints significantly affected by the proposed development are all within relatively close proximity and include locations on the edge of the Wolds AHLV adjacent to Bazleys Lane.(VP1 and VP2). Based on the site survey Bazley's Lane is assessed as a recreational assets as a result of its quiet character and limited traffic usage. Although the sites themselves are not crossed by a PROW, the footpath/bridleway along Langton Road are immediately adjacent to the site and are well used due to the proximity of the edge of Norton on Derwent and easements of access to open countryside, including the Wolds AHLV, Both pedestrians and horse riders (which are particularly prevalent in this area) experience close range views of Site B (represented by VP4 and VP6) which form a valuable part of the transition between the urban/rural environment and which would experience change of major significance.

Overall the proposed development would have a major significance on visual amenity at Viewpoints , 4 and 6 but limited non-significant effects from the wider landscape.

The significant landscape and visual effects identified in this LVIA will require weighing in the planning balance against other benefits of the proposed development.

This conclusion demonstrates that the LVIA submitted by both the applicants, and the Council's Landscape consultant concur that the impact of the proposed development on the wider landscape character areas, will be of minor significance. However the Council's consultant places greater emphasis on the intrinsic character of the site, and the importance that the sites, including the woodland, make to the setting of Norton, and its importance as a visual end to the town.

The sites are distinctly rural in character and provide an attractive 'soft' setting to the approach to Norton. The wider area is characterised by low lying intensively farmed land use and racehorse paddocks or gallops. Whereas the application sites form an irregular pocket of pastoral land use. It is surrounded by an area of woodland to the north. It is considered that the site is not representative of much of the countryside around Norton which tends to be relatively flat and open. It is considered that the area has a unique character not typical of other parts of the area. The woodland wraps around the northern part of the site, and is viewed together with the woodland which is situated to the immediate west of Sutton Grange Barns and continues in southerly direction following the course of Mill Beck. The site is irregular in shape, and falls gently towards Mill Beck. This irregularity, together with the surrounding mature trees gives the site an intimate feel that is relatively unique in this part of Ryedale. Whilst it is accepted that there are no public footpaths crossing the site, a double footpath runs along the site frontage. This affords views of the site during the winter, and through field gates during the summer months. As stated earlier, the fact that the direct views into the site are not constant can add to the enjoyment of the view. The relatively unchanged nature of the site without regular field boundaries is such that the perception of those viewing it whilst walking or on a horse is that it has remained relatively unchanged in the last 200 years. This is in contrast to the opposite side of Langton Road where there is a strong edge to the rear of houses on Langley Drive, together with regular bounded ploughed fields. Indeed this 'unique' setting has been referred to in many of the letters of objection.

The development of the site would therefore harm this very attractive approach to the town. Whilst the mature hedges and many of the trees will be retained, the character would be significantly eroded. The houses would be visible, and create an urbanisation of the area. This would be exacerbated by the formation of the access, and the comings and goings by construction vehicles during the length of the build, and cars and other vehicles afterwards. Given the distance of the site from many services and places of employment, it is likely that there will be a significant number of vehicular movements.

Furthermore, on leaving Norton in a southerly direction, the woodland creates a very attractive visual buffer that informs the approach to the countryside. If the application site is developed beyond this area, it will harm individual's appreciation of leaving the town to enter the countryside. It is noted that a significant number of objectors have referred to the character of the area which will be lost by the development. (All 3rd party letters can be viewed on full on the Council's website).

It is acknowledged that the Development Framework Plan includes large areas of green infrastructure and the retention of most existing trees and hedging. The retention of such landscaping and the provision of green infrastructure is welcomed. Nevertheless, the proposal would result in the loss of this area of land which has significant intrinsic value and it would harm the character and appearance of this very attractive approach to Norton, which is atypical of the area. As such the development of this site is contrary to the principles of Policies SP13 - Landscapes and SP20 - Generic Development Management Issues of the Ryedale Plan-Local Plan Strategy.

Ecology

The site is not subject to any statutory designations in relation to nature Conservation. However, the Mill Beck forms the south western boundary of the site which runs into the River Derwent. The River Derwent is a Special Area of Conservation, (SAC) and is also designated as a Site of Special Scientific Interest, (SSSI). The SAC designation is because the river hosts River Lamprey, Bullhead, Otter and Sea Lamprey. The river also hosts a variety of aquatic flora. Within the SSSI designation, the river is noted for its range of invertebrates, fish and breeding bird species. One further SSSI is situated at Three Dykes which is a small ancient earthwork of parallel ridges and hollows supporting a species-rich Jurassic Limestone grassland flora. A Site of Importance for Nature Conservation, (SINC) is identified on Bazleys Lane. This is 150m to the south of the survey area.

An extended Phase 1 Habitat Survey was undertaken in August 2014. The application site was largely fallow arable, although the southernmost area comprised semi-improved grassland. Woodland, hedges and trees were surveyed as part of this, including a bat survey. Surveys did not find any evidence of Otters, Great Crested Newts, Water Voles or White Crayfish, or Bats, however Bullhead were recorded at Mill Beck.

The grassland and arable land within the site was considered to be of negligible value. Greatest value was placed on the hedgerows, Mill Beck, woodland scrub and mature trees. The access to the site will pass through a hedge. The report identifies that all hedgerows on the site are dominated by native species and are therefore a habitat of principal importance. However none of the hedgerows were deemed to be important under the wildlife and landscape criteria of the Hedgerow Regulations 1997. The non technical summary of the submitted surveys concludes that providing surface water discharged into Mill Beck is of a suitable quality, then the development is unlikely to have any significant impact on the designating features of the River Derwent SAC or the SSSI. It is further concluded that hedgerows should be retained, except where required to form the access, and new planting should aim to use locally native species and create three dimensional structure. Woody vegetation should not be removed in the bird nesting season.

The Council's Countryside Officer has considered the submitted information, and has confirmed that there will not be an impact on protected species. There is some potential impact on Bullhead, and common birds, however any loss of habitat can be compensated for by the replacement and management of habitats. Natural England has also advised that if carried out in strict accordance with the submitted details the development will not damage or destroy features. If Members are minded to approve the application it is recommended that conditions be imposed in relation to hedge retention,

improvement to existing hedgerows, additional native species planting with protection from lighting spill, foul drainage to discharge to main sewer, biodiversity, silt trap/attenuation basin, biodiversity enhancement, protection of birds during breeding season, and the control of Himalayan Balsam.

Arboricultural Considerations

The application is accompanied by an arboricultural report. The applicants confirmed on June 2nd 2015 that whilst the application is in outline, with only access for consideration at this stage, the Development Framework Plan forms part of the application. This plan shows a developable area of 2.39 hectares, and green infrastructure (including POS) of 1.26 hectares. The majority of the trees on this site are situated around the perimeter of the site, and the plan demonstrates that such areas will be retained. To facilitate the access into the site, sections of hedgerow on the eastern boundary of the site would require removal. However there is potential for replacement planting of hedgerows adjacent to the access road. The Council's Tree and Landscape Officer has not objected to the development in respect of arboricultural matters, and has recommended conditions to include the requirement for a plan and schedule of all trees and shrubs on the site and on adjoining land, together with a statement for the implication of trees on the site. It is noted however that the hedging to the front boundary of the site, is defined by a mature hedge, which is currently outgrown. It is of note that most of the year the hedge is clipped. There are also some trees opposite the junction to Langley drive in a small copse. The plan shows their removal, and whilst it is not considered they have any significant amenity value individually, they do add to the 'soft' landscaped setting of this approach to Norton. The development of the site, is likely to result in pressure for the hedge to be maintained as a formal lower clipped hedge due to the proximity of houses along the frontage of the site. This will add to the change in character on the approach to Norton.

Potential ground contamination

The application was accompanied by a desk study. This assesses the potential land contamination of the site. The report identifies that the agricultural fields that comprise the site have remained largely undeveloped since approximately 1851. As such risk to end users is low. The report does however recommend an analysis of soil and groundwater to confirm this. In addition, monitoring of ground gas on the site is recommended due to the potential infilling of nearby historic quarries and gravel pits. This would be the subject of conditions should permission be granted. The Council's Environmental Health Officer concurs with this recommendation.

Designing out Crime

The National Planning Policy Framework (NPPF) states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. This is taken further in the National Planning Policy Guidance which states "Designing out crime and designing in community safety should be central to the planning and delivery of new development. The Police Designing Out Crime Officer has been consulted on the application on the application. He has raised a number of observations, however in the absence of a detailed layout is unable to provide detailed comments, and recommends that should permission be granted, it be subject to a condition requiring details of crime prevention measures to be submitted agreed in writing. In relation to the revised plan received after the submission of the application, he has advised that the removal of one of the access points is welcomed because it reduces the permeability of the site. He also advises that the play areas should not be to the rear of dwellings. This is an aspect that would be taken into account on a reserved matters application.

Drainage

Flood Risk Assessment

The site lies within flood zone 1, which is defined as having an annual probability of fluvial flooding of less than 1 in 1000 in any one year. There is some localised surface water flooding associated with

topographical low points, however this will be mitigated by the location of the Strategic green areas and public open space.

Surface Water Drainage

The submitted surface water drainage strategy advises that surface water drainage from the site will be controlled to mimic pre-development run-off rates, and will then discharge into Mill Beck. The following design philosophy is proposed:

- Surface water discharge into the local watercourse at the lower point of the site at a controlled rate
- prevention measures by the inclusion of water butts
- source control measures such as permeable paving
- site control features, in the form of an open detention basin, to accommodate surface water run-off generated by the site
- limit where possible the impermeable fraction of the site.

Detention basins remain dry during periods of low rainfall and are located to receive runoff from conveyance systems prior to discharge into the watercourses/ditches at controlled flow rates. Basins can be sized to allow storage of excess flows until they can drain. Discharge will generally be controlled via vortex flow control device or reduced sized orifice plate as appropriate. Essentially this works on the basis of a large pipe into the basin, and a small pipe out. The size of the basin will be dependent on detailed calculations of runoff from the development. It is understood that the size of the detention basin will vary, dependent on the volume of water that is required to be stored. It is noted that infiltration tests for soakaways have been carried out on the site. This demonstrated that infiltration is a viable SUDS technique on parts of the site, although unsuitable elsewhere. This is in particular closer to Mill Beck.

Yorkshire Water Services, The Environment Agency, the Internal Drainage Board, and the County Council SuDS and Development Control Officer have been consulted on the planning application. None of these agencies have objected to the application. Yorkshire Water Services have recommended conditions and further state:

The Drainage Strategy report prepared by Hydrock, report ref R/14531/002 issue 4 dated 12/02/2015 is satisfactory from Yorkshire Water's viewpoint. The report confirms surface water disposal via existing watercourse to the south of the site.

The Environment Agency have no objection subject to the following condition:

1 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. the scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include;

- *restriction of surface water run-off to the Greenfield runoff rate*
- *provide sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event, plus 30% to account for climate change, and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.*
- *details of how the scheme shall be maintained and managed after completion.*

A letter has been received from a contributor who refers to "well documented problems with surface and ground water flooding, and this site's position adjacent to problematic Mill Beck." The letter further states that "it is imperative that drainage issues on this proposed development be addressed as

a high priority and confirmed as of sufficient capacity. Should the development be approved, any balancing pond deployed must be appropriately sized to reduce the surface water runoff from the whole site to the required rate of not exceeding 2 litres per second per hectare on this green field site. Some of the required attenuation could be achieved by a condition requiring the adoption of suitable SUDS."

These concerns regarding existing flooding problems that have occurred in Hunters way, Norton (due to surcharging of the combined sewer) have also been raised by the Council's Environmental Health Officers. In view of this, Yorkshire Water Services and the Environment Agency were re-consulted and asked to take into account and respond in the light of the concerns raised. Nevertheless, they have not changed their response. Accordingly, it is not considered that existing drainage problems in the wider Norton area can be used as a sustainable reason to refuse the application.

Foul Drainage

Foul drainage will drain directly to public sewers in Langton Road by means of a new gravity based network. Yorkshire Water Services have advised;

Foul water domestic waste should discharge to the 375mm diameter public combined water sewer recorded in Langton Road, at a point adjacent to the site at a minimum of 10 metres from the rising main. From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network.

Yorkshire Water Services has confirmed that the sewer in Langton Road has capacity to accommodate the development.

Affordable Housing Requirements

Policy SP3 of the Ryedale Plan - Local Plan Strategy requires provision of 35% of new dwellings as affordable housing on-site as part of sites of developments of 5 or more dwellings or 0.2hectare. The change in policy as a result of Ministerial guidance does not affect a site of this scale. The applicants have advised that they aim to deliver the full policy compliant amount of affordable housing. It was originally stated that this would deliver 30 houses, however the application has been revised to relate to provision of up to 79 houses as opposed to 85 as originally submitted. Accordingly if a reserved application is approved for 79 houses, (the application seeks consent for *up to* 79 houses), there will be a requirement for 27.65 affordable houses.

The Council's Housing Services Manager has advised that provision should result in a 45% social rent, 45% affordable rent and 10% intermediate tenure (Discount for Sale). They have also advised that the site should deliver a number of two bedroom , three person bungalows as a proportion of the affordable for rent housing. It is recommended that the 0.65 of a house requirement be made as a commuted sum, based on a two bedroom house at market value less the transfer price.

Access

The application is in outline with all matters reserved with the exception of the access which comprises a single access point off Langton Road. The application is accompanied by a transport assessment and a travel plan. The transport assessment has taken account of the required visibility in relation to the proposed access road, and also the capacity of the wider area to absorb the additional traffic generated by the development.

In relation to the impact of the development on the wider area it is acknowledged that the traffic lights at Butcher Corner are over capacity. Accordingly development that feeds traffic through this area is required to make contributions in respect of the Brambling Fields infrastructure project. Local Planning Authorities can no longer take pooled contributions from more than 5 applications to a single infrastructure project. Nevertheless the development will have an impact on the central highway network and requires mitigation is therefore required if the development is to be considered

acceptable. The mini roundabout at the end of Langton Road is also at capacity. The Highways Authority has taken account of the Transport Assessment submitted by the applicant. During the peak hour periods less than 10% of traffic from the proposed development is expected to leave/arrive to the south of the site. During the am peak 6 trips are predicted to turn right out of the site and although some will continue along Langton Road, some of these trips are likely to use Beazley's Lane. However existing traffic volumes on Beazley's Lane are not expected to change significantly as a result of the development.

Most of the traffic from the development will therefore turn towards Malton and Norton. To mitigate the impact of additional traffic heading towards Norton and Malton town centres, North Yorkshire Highways have recommended a condition to seek contributions from the applicant to fund a travel plan to aim to reduce car trips from the site and promote alternative means of transport. Funding for additional traffic management measures in Malton and Norton are also recommended to enable the implementation schemes aimed at improving safety and removing trips from the Air Quality Management Area.

The applicants have stated that they agree in principle to make a contribution to mitigate the impact of the development at Wold Street mini roundabout and additional traffic through Malton town centre and the AQMA. Accordingly, should Members resolve to approve the application it is recommended that permission be granted subject to highway conditions and a Section 106 Agreement in respect of :

- A contribution of £2,000 towards improved warning signs in the vicinity of the site.
- A contribution £24,000 towards improvements at Welham Road/Castlegate Junction
- A sum of £10,000 per year for a period of 5 years from first occupation towards implementation of the proposed travel plan.
- A sum, to be determined, towards implementation of traffic management measures in Malton and Norton.

These measures are aimed at mitigating a defined capacity problem, and impact on the AQMA. However the sustainability of the location, and the appropriateness of a site that generates a significant number of vehicular movements is included in the next section of the report.

Sustainability of the location

In terms of sustainability, the applicants contend that the site is in a sustainable location. They have referenced guidance in both the Chartered Institute of Highways and Transportation (CIHT) document 'Providing for journeys on foot' 2000, and Manual for streets (MfS). The CIHT document indicates that a walking distance of 400m is acceptable for trips to bus stops and local shops, with 800m being the preferred maximum. MfS emphasises that walkable neighbourhoods should have a range of facilities available within 800m. Nevertheless, the sustainability matrix submitted by the applicant includes a list of local and neighbourhood facilities which demonstrates that there are few facilities within the recommended range. Brooklyn play group, St Peters Church, and an open amenity area, are the only facilities listed that are within 880m. The ATM, Primary School, public house, post office, sports facilities, small park and pharmacy are all in excess of this figure.

The submitted information does state that the recommended distances should not be regarded as the upper limit for walking journeys, and MfS uses the principle that walking offers the greatest potential to replace short car trips, particularly those under 2km. Accordingly the submitted information includes a list of the following facilities which are within 2km of the site;

- Morrisons and Asda Food store (1.7km/21 minutes Walk)
- Malton Rail Station (1.7km/21 minutes walk)
- Post Office (1.1km /13 minutes Walk)
- Derwent Surgery (1.8km / 22 minutes walk)
- Brooklyn Pre-school (650m/8 minutes)
- Norton College (210m / 3 minutes walk)

- Norton Community Primary School (850m /10 minutes Walk)

Officers are of the opinion that whilst future residents may be prepared to walk on occasion to some of the facilities listed, the distances are such that significant use of the car is likely. This is due to the limited facilities within the recommended guidance in MfS and the CIHT. It is accepted that the figures are not absolute maximums however the distances involved requires those living on site to also have the time to walk to such facilities, and if young children are involved, such distances may not be feasible or indeed practical. Carrying shopping also makes it unlikely that the majority of trips will be on foot.

The submitted Transport Assessment states that Norton is served by frequent bus services which provides access to the town centre and Leeds. Reference is made to the nearest stop being on Howe Road some distance from the site. The applicants have advised that they are liaising with service providers to provide an additional bus stop nearer the site. However for bus use to significantly improve the sustainability of the location, the service needs to be provided long term, and with sufficient frequency. Three of the buses listed in the submitted information only operate one day a week, and the Malton - Foxholes bus is not a frequent service. The Malton -Norton bus is however a circular bus service which is regular and may enable some access to local facilities. Nevertheless an hourly service can be limiting if there is no alternative choice. Furthermore if residents need to access a variety of facilities a lack of frequency will limit usage. It is noted however that the Coastliner, and the train are a viable alternative for those working towards Leeds and Scarborough.

The applicants have submitted a Travel Plan with the aim of " reducing the potential negative transport related impacts of the development". This includes the following measures;

- providing a pedestrian and cycle access into the site from Whitewall / Beazley's Lane and Langton Road.
- Funding a Personalised Travel Planning initiative
- one electric charging point within the site.
- Travel information notice board
- travel welcome pack
- encouragement of car share scheme
- potential for car club car.

Officers have considered the submitted details, however it is considered that whilst the proposals are welcomed in terms of improving sustainability, it is not considered that the proposals are sufficient to mitigate the increase in car travel that will be generated by a site that is so distant from most local facilities.

It is also noted that Policy SP17 -(Managing Air Quality, Land and Water Resources), of the Local Plan Strategy supports measures to encourage non-car based means of travel or the use of low emission vehicles. The Councils Environmental Health Officer has advised that a single charging point for electric vehicles is not sufficient and should be provided for all dwellings. Whilst the site is not within the Air Quality Management Area, some of the traffic generated by the development will inevitably feed into the designated area.

Submitted Sites Review

A site review has been submitted by the applicant, and concludes that the application site is closer to facilities within Norton than many other options.

The Council is currently preparing its Local Plan Sites Document, the second part of the Ryedale Plan, which will include the allocations for housing land. Part of that process is assessing the suitability of sites submitted to be allocations to meet the LPS residual land requirements.

A key part of this consideration process is the assessment of the sites have been assessed through the Site Selection Methodology (SSM) which has been subject to a number of public consultations, and adopted by Members as a means of providing the Local Planning Authority with an objective transparent framework by which to assess the relative merits of the sites. It is important to note that the Site Selection Methodology is not the sole means by which sites would be chosen to be taken forward as an allocation. The sites are also assessed by the application of planning judgement in terms of their ability to meet planned needs, taking into account what planning consents have been made, and the cumulative interaction of sites together on a settlement-by-settlement basis. Once sites progress through the first sift of sites, they are assessed through various questions. It was identified through the consultation undertaken on the SSM that of key importance is the accessibility of the site. This has been measured for Malton and Norton in terms of the walking time (5,10,15 >15 minute isochrones) to key facilities to the nearest: bus stop, commercial limits, employment land areas, primary school and secondary school, hospital, doctors surgery and railway station. Accessibility is however only one fact in consideration of the appropriateness of a particular site. Another key factor is the consideration around the impacts of developing the site in respect of the landscape character. This aspect of the submitted application will be considered elsewhere in the report.

The application site has been submitted (albeit in a larger site submission reference 476) to the Local Planning Authority for consideration as a site to be allocated for residential development. Site 476 has performed poorly through the SSM in matters of accessibility and landscape character. Despite having good accessibility to a secondary school, the site has poor accessibility to other key facilities, particularly, the nearest bus stop. It is noted in the material provided by Gladman Developments that the site's accessibility credentials do not meet the Manual for Streets (2007) publication, and they acknowledge that a bus stop would need to be moved/provided. But, no detail concerning the mechanism of this bus stop's delivery is provided, what impact it could have on existing stops, and whether the resulting service would provide a genuine means of people living in the development being able to access the key facilities and services in order to conduct their lives, this will depend on the frequency of the bus service. This will be likely to be beyond the control of developers, and will be out-with the scope of the planning application. Also, if a new stop is to be created, there is no guarantee of the permanence of the it.

The Site Review document submitted by the applicant refers to seven sites submitted in Norton (not considering Malton sites, when Malton and Norton are to be considered together). For the determination of this application the Council can only consider the development of the application site alone, and cannot consider the relative merits of other sites which have been submitted for consideration through the Development Plan production process.

In response to the Site Review provided by the applicants, most of these sites, in summary, have comparable levels of poor accessibility, others have flood risk issues or developability issues and landscape sensitivities. Indeed it has resulted in these sites not being suggested as sites suitable for development through the Site Selection Methodology. The exception is site 649 which has shown a potential through a master plan which addresses most of the issue identified with the site (intermediate accessibility, and need to provide a buffer to the industrial estate land for a primary school, formal open space) these can be achieved through appropriate site configuration. Also, the landscape character is more open, but does not positively contribute to the setting of the town. Development has the potential to enhance the edge of the settlement, as opposed to the northern element of site 476 which in the Council's view is of a different character, which in itself positively contributes to the character of the area.

Public Open Space Requirements

On site Public Open Space is required in relation to Policy SP11 of the Local Plan Strategy. This comprises 0.2 hectares in relation to Parks and Gardens, 0.8 hectares in relation to natural and semi natural open space, 1No. local area for play, together with 0.37 hectares in relation to outdoor sports facilities. The Development Framework Plan includes a significant area of green infrastructure. The applicants have advised 1.76 hectares of public open space will be provided which will include an equipped play area. In advance of the Community Infrastructure Levy, there is no specific

specification for outdoor sport, however it is noted that the framework plan includes a proposed footpath/ cycle link will provide a form of recreation. Accordingly it is considered that the framework plan shows that the site is capable of delivering the required level of public open space.

Design

Both Local and national policy details the need for good design. Indeed, para 56 of the NPPF states:

56 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy SP16 Design of the Local Plan Strategy states:

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

- *Reinforce local distinctiveness*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated.*

Policy SP12 Heritage includes the following statement:

Distinctive elements of Ryedale's historic environment will be conserved and where appropriate, enhanced. The potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited.

The policy also includes the following requirement;

To assist in protecting the District's historic assets and features, the Council will:

Seek to ensure the sensitive expansion, growth and land use change in and around the Market Towns and villages, safeguarding elements of the historic character and value within built up areas, including Visually Important Undeveloped Areas, as well as surrounding historic landscape character and setting of individual settlements.

The application is in outline, with only access for consideration at this stage. All other matters are reserved. Accordingly there are no details of the design of the proposed house types, or the layout. Nevertheless, the application is accompanied by a Development Framework Plan. The applicant has confirmed that this plan forms part of the application, and can be conditioned in relation to developable areas, and location of landscape buffers etc.. The application description has also been reduced from "up to 85 houses" to "up to 79" houses. The Design and Access Statement includes a masterplan which is not for consideration at this stage. The applicants have, however stated that the plan has "*been drawn by a specialist proving layout consultant who works on behalf of a number of house builders*" The Design and Access Statement states the development will comprise a green frontage, with a main street running through the centre of the development with houses ranging between 2, and 2.5 storey. Higher buildings will be positioned adjacent to the main street, facing onto internal public open spaces and at key points such as corner plots to provide focal points, with a variation in the step of roof lines to reflect local building style. This information is submitted to demonstrate how the site could be developed, but is not however for consideration as part of this application.

The applicants Framework Plan states that the area of the site is 3.65 hectares, with the developable area measuring 2.39 hectares and green infrastructure, including public open space measuring 1.26 hectares. The north western corner of the site will comprise an equipped play area within a green setting. The south west and south eastern areas of the site also include extensive areas of green infrastructure with retained trees and hedges. A balancing pond for surface water will be sited in the

south western corner of the site. Additional planting will be provided around the western boundaries of the existing properties which are situated to the eastern corner of the site. The impact of the development in relation to the setting of the historic asset, and the approach and setting to Norton are considered in the sections on landscape, and heritage.

If it is considered that the principle of the development is acceptable in all other respects, officers are of the opinion that the site can accommodate the number of dwellings proposed with sufficient landscaping and green infrastructure to benefit the needs of future occupiers. It is noted that policy SP4 -Type and mix of new housing, requires that 5% of all new homes built on schemes of 50 dwellings or more shall be built as bungalows providing this is viable in conjunction with other requirements.

Neighbour Amenity

The application is in outline only, and therefore it is not possible to fully consider the impact of development on neighbouring occupiers. It is considered that the impact in relation to those dwellings on the junction of Langton Road with Beazley's Lane is unlikely to be such that it would have a significant adverse impact on their existing amenities. The development will have some impact on the amenities of the occupiers of Sutton Grange. This is by virtue of the location of the dwellings adjacent to the access drive to Sutton Grange, together with further dwellings to the south east of that property. It is also accepted that there will be some noise from the proposed public open space. Nevertheless it is considered that the framework provides sufficient flexibility to ensure that such impacts are sufficiently mitigated. The nearest dwellings to the site are Auburn Hill Cottage and Paddock House. The northern and southern boundaries of those properties will be protected by green infrastructure and both existing and proposed planting. There is concern about the impact of a two storey dwelling on the Auburn cottage, if located as shown on the illustrative master plan. If Members resolve to approve the application, it is considered that a property in that location should be single storey, or located further from the boundary.

Agricultural Grade of Land

The submitted information states that the application site (site B), is made up of 1.3 hectares of Grade 3A and 2.1 hectares of Grade 3B land with 0.1 hectare as non agricultural. Policy in the Local Plan Strategy and the NPPF states that Local Planning Authorities should avoid the use of the best and most versatile land (BMV). Nevertheless it is known that a significant proportion of the land around Norton currently classified as Grade 3, is likely to be BMV, and it is not considered that the loss of 1.3 hectares of Grade 3A will have a significant impact on supply.

Contributors

An objection has been received from Norton Town Council. Their objection is based on the following grounds:

- the development lies on a green field site which is of considerable importance to the town, and is outside the current development limits. Therefore until such time as the sites allocations for the Ryedale Plan are set no further development should take place.
- Congestion on Langton Road is already problematic especially taking into account the proximity of not only Norton College but the local community Primary School as well. With this heavily used road, members fear that there will be a temptation to make use of Bazley's Lane, a totally inappropriate route when trying to avoid the congestion further in the town.
- This development would have a detrimental effect on the important local horse racing industry given that the designated horse path runs straight along this section of Langton Road.
- Impact on the sewage system the victorian sewers are already over capacity and any further development inputs residents in other areas, especially those living in the vicinity of Church Street, the lower end of St Nicholas Street and Welham Road at a much greater risk of

having raw sewage impacting on their property whenever there is a period of heavy rain and the system is under pressure.

- Lack of infrastructure to support another large scale development especially in Norton with no sustainable provision without having to access Malton.
- Over-development, while this is only an outline application both sites would seem to be allocating too many dwellings on what are relatively small areas.

In addition 36 letters of objection have been received, together with two representations. The letters are available to view in full on the Council website, however they include the following points:

- drainage concerns, due to well documented problems associated with Mill Beck
- adverse impact on the setting of the listed building
- A previous application on this land was refused because it was considered that insufficient benefits would be derived from the proposed development to outweigh the harm to the designated asset. The proposal to enclose the listed farm buildings raises other concerns.
- the small number of houses that the development will generate will not have a significant impact on the housing supply in the market towns, so there is no urgent justification for the proposal.
- the small paddock is the type that is always in demand near to residential development for ponies or hobby livestock.
- detrimental impact on the character of the open countryside unique to Norton
- Contrary to policies in the adopted Development Plan Strategy, the NPPF, NPPG and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- the site lies outside the defined development limits for Norton, and is in the open countryside
- the site assessment carried out by the LPA has initially ruled the site out due to its adverse effect on the setting of the heritage asset and the landscape setting of Norton.
- query whether it is appropriate to grant planning permission for residential housing estates in proximity to an identified and protected heritage asset in the absence of sufficient detail to fully assess the potential impacts.
- Why is it necessary to build on the open countryside and not brown field sites.
- Traffic Management - Langton Road is not suitable for any increase in traffic and is dangerous. Cars unable to pass on some lengths, blind bend in one area. (Please note that the contributor response that raises management issues is length, however it is available to view in full on the public access website)
- Unlikely that traffic use will reduce in favour of boots and cycles.
- Norton Primary School is beyond capacity, if Brooklyn Youth Centre is used to accommodate over capacity, this would cause further traffic and parking problems.
- the supermarkets and surgery and inadequate.
- affordable housing can reduce the value of existing houses in an area.
- Norton is not provided with an abundance of green space and residential creep along the roads to the south has the potential to create housing development out of scale with the town and destroy a 'green boundary' which allows the community a convenient place to walk away from high density housing without the need to drive first.

It is considered that most of the points raised above have been addressed in the body of the report. In relation to capacity of supermarkets and surgery's etc, work was carried out with the then Primary Care Trust as part of the Infrastructure Delivery Plan in relation to work on the Local Plan Strategy. This has not revealed a need for new or additional surgery space. The current issue appears to be one of recruitment and retention of Doctors which is understood to be a national concern, and not a reason for refusing a planning application. In relation to supermarket provision, the Local Planning Authority is required to meet full needs for development requirements, and will take this into account should an application for further retail be submitted within Norton and /or Malton. In relation to Education, this is a matter for County Education to take account. Nevertheless, they have been consulted in relation to the application, and have advised that based on the proposed number of dwellings there will be a

shortfall of 146 places. Accordingly a contribution of £288,915 is sought to mitigate the impact of the development in respect of education, if Members resolve to approve the application.

Impact of the development on the racing industry

A letter of objection has been received from a member of the racing industry. His objection includes the following points:

- There are 600 racehorses stabled in Malton and Norton. Those stabled to the north and west of Norton use Langton Road to reach the gallops. They follow a one way bridleway from Langton Road at Blink Bonny to Beverley Road, and return down the designated horse walk along Langton Road from the exit of Langton Wold Gallops, back to Norton and Home. Beazley's Lane itself is a bridleway and therefore horses have the right to be able to use this freely.
- There is already a conflict between the traffic in the narrow part of Langton Road near the school and, the junction with Commercial Street is at capacity. If more traffic is generated by the development, it will cause greater queuing, and vehicles will take a short cut along Beazley's Lane. This is a single track, with 'blind' bends on it. Too much traffic on Beazley's Lane will lead to accidents.
- The proposed cycle path joins Bazley on an 'S' bend in a dangerous location.
- The area in the vicinity of Langton Road and Beazley's Lane near Spring Cottage stables is low lying and water collects in this location. At certain times water has been standing for weeks with the water table permanently at ground level. More development will exacerbate this.
- Norton is on a flood plain, and there is substantial water along the whole area between Welham and Langton Road, and behind the development. Norton has experienced flood problems in recent years.

The value of the racing industry to the area is of great significance. However it is not considered that the level of traffic generated by this development in itself will have a significant impact on the safety of those riders in the area. This is in particular because the Highways Authority has advised that the visibility from the site itself is in accordance with recommended standards. It is acknowledged that there is a capacity issue in relation to the mini roundabout at the end of Langton Road. However if Members are minded to approve the application a condition a series of mitigation measures, including funding a Travel Plan, will be conditioned to help reduce the traffic at this point. Langton Road does have traffic calming installed and a 20mph zone along with relatively wide verges that provide an off carriageway route for horses along the site frontage. Although it would be necessary to negotiate the new site access, North Yorkshire Highways have advised that given the volumes of traffic generated, horses should be able to continue to use this route. The developer has offered to provide funding to improve warning signs along Langton Road.

Proposed benefits put forward by the applicant

The applicants have stated that there are no demonstrable adverse impacts from the development which will outweigh the benefits of the development of both sites. They have listed the following:

- Provision of affordable housing,
- accessibility of location, and improvements to bus service,
- provision of green infrastructure, public open space and footpath and cycle ways,
- preserving land as open space that formed part of 'designed' parkland to Sutton Farm Barn,
- new homes bonus,
- employment and economic benefits.

On July 9th Officers received further information from the applicants. Given the detail provided, it has been appended verbatim to enable Members to give full weight to its contents. The first part of the information is in table form and details the consultation responses made in relation to the application.

Much of this information has been covered in the body of the report. Of particular note, Gladmans confirm that they will accept the proposed contributions in respect of education and highways. In relation to air quality, they have taken note that the Council's Environmental Health Officer has advised that one EV charging point is not enough. However they state that the commitment to a contribution towards the implementation of a scheme to restrict the movement of HGVs through the AQMA ensuring that the additional 52 trips from the development will not exacerbate the air quality and congestion problems. Gladmans commitment to contributions aimed at restricting the movement of HGV's through the AQMA is welcomed, nevertheless, the development will still generate vehicular movements, and policy SP17 includes the following requirement:

Air Quality will be protected and improved by:

- Supporting measures to encourage non-based means of travel or the use of low emission vehicles.

Accordingly officers remain of the opinion that more charging points should be provided if permission is granted.

In relation to the detailed additional information received in respect of heritage, and landscape and visual impact assessment, officers have appraised the information. However they are seeking further responses from the Council's Building Conservation Officer and the Landscape Consultant who Prepared the LVIA on behalf of the Council. These responses will be available on the late pages, or reported at the meeting.

In relation to the additional information on the strategic planning context, five year housing land supply and sustainability accreditation, Gladman state that whilst the Council has an adopted Core Strategy that sets out a general direction for growth over the plan period, the plan is absent on exactly where development should be located, and therefore the presumption in favour of sustainable development applies to this application. Officers do not concur with this point, and consider that the plan should be read in totality with the merits of the site assessed against the policies of the Development Plan. Policy SP2 provides a clear steer for the distribution of housing both in location, and quantum for both allocations, and also the speculative applications that the Council had already started to receive in the lead up to the Examination of the Local Plan Strategy. This was the view of the Inspector who considered the recent Gladman's appeal at Kirkbymoorside.

In the following paragraph of their additional information Gladman's refer to the application of Policy SP1 and state that "*Malton and Norton are the Principle Town and the primary focus for growth in Ryedale over the Plan Period. As such, the acceptability of the principle of development on a site immediately adjacent to the existing settlement boundary should not be disputed*" However officers are of the opinion that the application site is physically and visually separate from Norton.

In relation to the presence of a robust 5 year supply, and recognising the Northamptonshire appeal, the Council does not contend that a 5 year supply alone is sufficient to refuse residential applications.. However, it does mean that in assessing the site against the policies of the Development Plan and any material considerations, the planning balance must be made to take account of the harm of the development when there is no immediate need to release the site.

Summary

The appeal site would deliver a range of social, economic and environmental benefits. These include provision for market and affordable housing, and employment during the construction phase of the development, together with site specific benefits including the proposed cycle link and public open space. Such benefits carry weight. However because the Local Planning Authority currently can demonstrate that it has a five-year land supply of deliverable housing sites, the provisions of NPPF Paragraph 49 do not apply, and the development should be determined in accordance with the development plan which is up-to-date and compliant with the NPPF. It is clear from what has been set out above that, whilst this application could contribute towards the assessed development needs of the District set out in the Local Plan Strategy (including the provision of affordable housing), the

development would not accord with several Policies of the Adopted Local Plan (including those for designated heritage assets, landscape and sustainable development) or the requirements of The 1990 Planning (Listed Building and Conservation Area) Act in relation to heritage impact. Accordingly, the planning benefits do not outweigh the harm, and the recommendation is one of refusal.

RECOMMENDATION: Refusal

- 1 The proposed development by reason of its proximity to Sutton Grange Barn will result in an unacceptable level of harm to the setting and significance of the listed building. The public benefits to be derived from the development do not outweigh the harm to the designated asset. The application is therefore contrary to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that decision makers must give special regard to the desirability of preserving the listed building or its setting. Furthermore the development is contrary to Section 12 of the NPPF, specifically paragraphs 129, 131, 132, 133, 134 and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
- 2 The proposed development will result in significant harm to the setting of the un-designated heritage asset of Sutton Grange, by subsuming the house with urban development. As such, the development is contrary to paragraph 135 of the NPPF, and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
- 3 The development of the site would result in the loss of this open area of undeveloped land which has significant intrinsic landscape value and character, and which is atypical of the area. Furthermore it would harm the setting of this attractive approach to Norton, and breach the strong woodland setting (subject to a Tree Preservation Order), which currently provides a significant visual end stop at the approach to the town. As such it is contrary to the strategy of the Development Plan for the location and distribution of new housing at Malton and Norton, including Policies SP2, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 4 By virtue of the separation of the application site from the built up area of Norton, the proposed development would be detrimental to the form and character of the town. Furthermore it would result in the development of a site in an unsustainable location in relation to local and neighbourhood facilities. As such it is contrary to the locational policies of the Development Plan including Policies SP1 and SP2 of the Ryedale Plan - Local Plan Strategy.
- 5 The development is not in accordance with the development plan, and furthermore, it is not considered that the benefits of the development would outweigh the harm to the setting and character of the listed building, the adjacent un-designated heritage asset (Sutton Grange) nor the loss of this important landscape setting to Norton. As such, the development is contrary to Policies SP2, SP12, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy, and the NPPF.

Background Papers:

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

