

Item Number: 7
Application No: 15/00099/MOUT
Parish: Norton Town Council
Appn. Type: Outline Application Major
Applicant: Gladman Developments
Proposal: Residential development of up to 6 no. dwellings together with formation of vehicular access - Site A (site area 0.9ha)
Location: Land To North Of Sutton Grange 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:

Building Conservation Officer	Object
Countryside Officer	Recommend conditions
Environmental Health Officer	Comments made
Sustainable Places Team (Yorkshire Area)	No objection
Archaeology Section	No known archaeological constraint to this development
Housing Services	No objections - Comments received regarding housing commitments
Natural England	No objection
North Yorkshire Education Authority	Contributions sought
Highways North Yorkshire	Recommend conditions
Parish Council	Recommend Refusal
Tree & Landscape Officer	Recommend conditions
Vale Of Pickering Internal Drainage Boards	No comments to make
Land Use Planning	Recommend Conditions

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

SITE:

The site extends to 0.9 hectares, and is situated on the western side of Langton Road. The site is separated from the residential development to the south of Norton by an area of mature trees which are subject to a Tree Preservation Order (TPO). This group TPO extends into the northern part of the application site. Planning permission has been granted in outline for the erection of 8 dwellings on land to the north west of the redline boundary. The dwellings are restricted by condition to a

maximum of one and a half storey. The access to Sutton Grange Barn runs along the northern boundary of the site. The barn is Grade II listed and is currently being converted to 5 dwellings, together with the erection of two new build to the rear of the main barn which were approved as part of an 'enabling' development. To the eastern side of Langton Road the built up residential development extends approximately 115m to the south. To the south of the site, the land is arable, (subject to application 15/00098MOU). Sutton Grange House lies to the south western corner of the site. It is a large detached house set within an extensive curtilage. Beyond this property is a large woodland area which continues, and runs along the course of Mill Beck.

PROPOSAL:

Permission is sought in outline for the erection of up to 6 dwellings together with a new access off Langton Road. All other matters are reserved. The original proposal was for 8 dwellings, however during the course of the application, the application was revised and the numbers reduced. The applicant submitted the following bullet points which detail the changes to the application.

- Reduction in number of dwellings from 8 to 6
- Development to be contained in the southern half of Site A to allow views through to the listed barn from Langton Road
- An agricultural arrangement of dwellings with a palette of materials to complement the listed barn (and its approved new build development) will be provided in the updated design and access statement.

The application is accompanied by a Development Framework Plan. This plan shows that the developable area is restricted to the southern half of the site with a frontage of approximately 50m, and depth ranging from approximately 75m to 65m. As such whilst the application boundary is 0.9 hectares, the developable area is limited to 0.18 hectares. The proposed access will be in the northern area of this "developable area". The Design and Access statement states:

Buildings will be arranged around a shared courtyard which is situated off a single access. The "U" shaped layout allows them to fit into the existing landscape framework whilst also retaining the mature trees and historic layout of the gardens of Sutton Grange.

Buildings of up to 1.5 storeys are proposed to allow the existing farm buildings to dominate the views and scale of this character area.

The application is however in outline, with only the access for consideration at this stage. However the Applicants have confirmed the Development Framework Plan is intended to form part of the planning application. They further state in an email dated 02 June 2015, "As it is a standalone plan, I am happy for it to be conditioned with regards to developable area, location of landscape buffers, height of buildings etc... if this provides the Council's Heritage Officer with a greater degree of certainty as to how the site will be developed." 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 applicant has however advised that the masterplan in the Design and Access Statement has been drawn by a specialist proving layout consultant who works on behalf of a number of house builders.

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.

Members will be aware that a separate planning application, (15/00098/MOUT) for up to 76 houses has been submitted on land to the south of this application site. The reports listed above relate to both sites. However the applications are independent of each other, and should planning permission be granted, the sites will not necessarily be developed by the same developer.

HISTORY:

Permission was refused in July 2014 for the erection of 15 dwellings on the site, for the following reason:

The proposed development by reason of its proximity to Sutton Grange Barn will result in an unacceptable level of harm to the setting and character of the Listed Building. Insufficient public benefits are derived from the development which outweigh the harm to the designated asset. The application is therefore considered to be contrary to Policy SP12 of the Ryedale Plan - Local Plan Strategy and the provisions of Section 12 of the National Planning Policy Framework, specifically paragraphs 129, 131, 132, 133, 134 and the statutory provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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)

Primary 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, with the exception of the 'saved' development limits in accordance with Policy SP 1 of the Ryedale Plan - Local Plan Strategy.

The Ryedale Plan – Local Plan Strategy (LPS) was adopted 5th September 2013, and therefore 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 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. 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.

Where specifically relevant to the application, the policies of the NPPF are referred to within the appraisal section of the report. Predominantly, but not exclusively, this includes those policies which cover the following:

- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- requiring good design
- promoting healthy communities
- Conserving and enhancing the natural environment.

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. Nevertheless, it is considered that the ability to demonstrate a five year deliverable supply has the effect 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. Paragraph 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 of relevance in the explanatory text (p35) 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 comprises 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 site is separated from the built up area of Norton by a woodland of mature trees which are subject to an area Tree Preservation Order. The red line around the northern boundary of the site is approximately 20m from the nearest dwelling fronting Langton Road. However the developable area has been reduced by the applicants to exclude the land covered by the TPO. As such the developable area is approximately 55m from the nearest dwellings on Langton Road. The mature trees included in

the TPO, strengthen the feel of separation between the existing built up area, and the open countryside 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 on the western side of Langton Road, form a significant visual end stop to the town. This feeling of separation is strengthened by the extensive wooded area to the west of Sutton Grange Barn which continues in a southerly direction alongside Mill Beck. It is this woodland that gives the application site a different character to other areas of open or green space elsewhere in Norton. This defined character will be further detailed in the landscape section of the report.

On that basis, development of this site would not in itself undermine the general locational strategy as outlined in Policy SP2, but there are significant and demonstrable form and character concerns which result in a development which detracts from the special character of this part of Norton, undermining other policies of the Ryedale Plan -Local Plan Strategy. These are discussed in turn below.

Landscape 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 numbered 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 not possible 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, Bazley's 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 would preclude the proposed development.

The Council has commissioned its own LVIA report for the two application sites. This report concludes that the proposed development on both sites will have a major significance on landscape character. It is considered that the landscape appraisal is inter-related with the locational factors detailed above in relation to the relationship of the site with Norton, and in the heritage section detailed below. The site is in agricultural use as pasture and is bounded by hedgerows, with woodland to the north. There are two surfaced footpaths adjacent to Langton Road which are used by pedestrians together with the racehorse. The footpath is also extensively used by those walking dogs. Numerous letters of objection to the development have articulated the importance of this rural setting to Norton. (3rd party letters can be viewed in full on the Council's website).

Heritage Assessment

The Council's Building Conservation Officer was consulted on the application as originally submitted, for the erection of up to 8 dwellings, and objected to the development for the following reasons;

Objection

This application site is located to the south of Norton just beyond the edge of the town. The site is on the west side of Langton Road and is at present a paddock. To the north of the site is a belt of trees with 20th century suburban housing beyond that. To the south of the site is agricultural land (subject

of a separate application). To the west of the site lies Sutton Farm Barn, formerly listed as Sutton Grange, a Grade II Listed Building. The east of the site is bounded by Langton Road with suburban housing on the other side of the road. Sutton Grange, a substantial 19th century house set in extensive grounds also borders the site to the south-west. The site is bounded by hedges and trees.

The application is for Outline Planning Permission for residential development for up to 8 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. 10m 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, historically harvested from the surrounding fields, 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 foldyard 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 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.

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. These are shown on the 1850 map which also shows the barn and the Grange together, set in a designed landscape of mature trees and gardens. 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 separated by a belt of trees. These trees provide an important screening effect and give a strong sense of separation from urban Norton to the north. This helps to maintain the rural character of the barn in it 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 (the development site), as a result, the contextual relationship of the barn to the surrounding landscape remains strong.

The barn therefore, 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.

The development site lies in the foreground of the listed building when considering the surroundings in terms of Langton Road, 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 are possible. Clear views of the entire 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 north of the access drive and boundary walls and hedges to 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 paddock to the east and fields to the south, views of the upper sections and roof of the listed barn can be glimpsed from Langton Road. Views of Sutton Grange can also be gained from Langton Road and there is 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.10m from the Grade II Listed barn at its nearest point. The application is in outline and for access with all other matters reserved. The application form states that it is an outline application for up to 8 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. It also makes reference under 'Design Principles' that the development should use a carefully selected building materials palette which reflects and compliments the historic setting of Sutton Farm. The indicative layout plan and accompanying text in the submitted information makes reference to an indicative landscape buffer from the western site boundary to c.50m to the east barn between the new development and the listed barn. Reference is also made to this being retained as open space which formed part of the designed parkland of Sutton Farm Barn .The proposed finished nature of this

retained green area is not described in the application but is noted on the indicative site layout plan as green infrastructure. Additional tree planting is shown on the western and southern boundary. This however is also indicative and falls within the developable area shown within the red line. Notwithstanding that, a buffer zone, may retain the immediate enclosed parkland setting, as it may provide enclosing boundary planting and retain the boundary of the designed parkland. This 'retained' strip however was included in the developable area with little information provided on the nature of this open space. I am of the opinion therefore that the applicants' haven't provided sufficient detail which demonstrates that this aspect of the scheme could be delivered successfully.

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 that developing the paddock to the east of the barn will affect significance by severing the barn from the landscape which it 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 in the foreground of the listed building when viewed from Langton Road, and the height of the listed building it is possible that there may be public views of the proposed development in conjunction with higher elements of the barn. This intervisibility is likely to present a distracting, modern and discordant effect and compete with the rural qualities of the barn.

In addition, the open rural approach to Sutton Grange will be severely compromised by housing development on higher land to the north. Views of Sutton Grange may also be obscured and development is likely to be seen in the same field of view as Sutton Grange providing a modern distracting element. 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 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'. 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 barn and house. 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 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 and that harm would be caused.

The applicants took account of the above mentioned, detailed objection in relation to the impact of the development on the setting of the historic asset, and an extension of time was agreed to enable them to provide further information in an attempt to address the objections raised. The additional information included the reduction in the number of dwellings from 8 to 6, agreement that the Development Framework Plan would form part of the application, and included a reduced developable area, together with an agreement that the dwellings would be limited to a maximum of

one and a half storeys. The Design and Access Statement and Heritage Appraisal was also revised, and included an illustrative plan that whilst not for consideration at this stage, provided an indication of how the site could be developed. The Conservation officer appraised the revised information but has maintained her objection on the following basis:

Objection

Further to my consultation response of 17th March 2015 please find below my comments responding to the additional information submitted by the applicant. The additional submitted information is:

- *a revised Heritage Statement,*
- *a revised Design and Access Statement*
- *a revised Development Framework Plan.*
- *a revised description reducing the number of units from 8 dwellings to 6 dwellings*

Written confirmation from the applicant confirms that the revised Development Framework Plan forms part of the planning application and therefore shows the developable area. The revised Heritage Statement is a supporting document but includes references to aspects in the Design and Access Statement that are for information only. Nevertheless, written communication from the applicants confirm that the building storey heights will be restricted to a maximum of one and a half storeys. My consultation response is therefore based on that approach.

I note that Historic England guidance on the Setting of Heritage Assets has been updated since my initial consultation response. I am happy that the guidance, as the applicants' revised Heritage Statement suggests, is largely a continuation of the philosophy and approach of the 2011 Settings document and does not present a divergence in either the definition of setting or the way in which it should be assessed. I consider therefore that my previous consultation response is still relevant .

I note that new information in the applicants revised Heritage Statement includes that the extended setting of the barn is 'positive in its contribution to the significance of the barn particularly in regard to the functional association with the surrounding agricultural fields' 3.3.11. I welcome, and would agree with this analysis for the reasons as set out on my previous consultation response, however I would disagree with the applicants in respect of the degree of contribution that the wider (extended) landscape setting provides. In my opinion, for the reasons set out in my earlier consultation response, the wider landscape setting can be given equal weight to the immediate setting, (as opposed to the applicants belief that it is secondary).

Previously, due to the lack of information submitted, it was not possible to adequately form an assessment of the impact that the proposal would have. The Development Framework Plan has been submitted in order to provide clarification on some of the aspects of the development. It indicates a landscape buffer of c.50m to the western edge of the site and a green wedge to the north. The revised application description now indicates up to 6 dwellings.

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

I still consider that harm will be caused by the fact of developing this paddock. The barn retains its rural character due to the open and green nature of the development site. I am of the opinion that how the barn is appreciated in its wider rural landscape forms a very important aspect of its setting, which in turn, contributes to the significance of the listed building. In my opinion, the intrinsic rural qualities of the wider setting of the barn will be harmed by removing part of the rural landscape and its replacement with housing development. This change will be a high magnitude of permanent change and will weaken the link between the barn and its functional use and thus harm its significance.

The contribution that setting makes to significance does not depend on their being public rights or an ability to access or experience that setting. Nevertheless, public views of Sutton barn and Sutton Grange are possible from Langton Road. In my opinion the fact of developing the site will adversely affect the setting of the barn by adding a competing visual element. The fact of positioning

development between the road and the Grade II listed barn compounds this harm as the adverse effect is experienced by a wider public.

I also have strong concern regarding the position of the dwellings in relation to Sutton Barn and Sutton Grange. At present there is inter-visibility between the two structures and this strengthens the historic and functional links between the two buildings. The position of the dwellings in between these buildings will weaken and interrupt this visual link and diminish their settings.

Notwithstanding my wider concerns regarding the change in land use, I consider that I can comment on the details of the proposed scheme which include the number of units, storey heights and landscape layout.

In my opinion the landscape buffer will go some way to mitigate the harm of the proposal and seeks to keep that part of the designed landscape as undeveloped. This is an improvement on the previous submission as clarification has been provided. The reduction in the number of houses from 8 to 6 is also an improvement on the previous submission as it is proposed to be a lower density scheme. The maximum storey height of one and a half storey provides more clarification on the development and this is an improvement on the previous ambiguous submission.

While the Housing Plot Arrangement shown in the submitted revised Design and Access Statement is not binding and therefore can only have limited weight, I have given some consideration to the information and do have concerns regarding the layout shown. In my opinion the position of the buildings on the plot is fussy and complicated and does not represent a convincing design in terms of a 'courtyard' development following an agricultural flavour. The mix of building lines is haphazard and fussy and compounded with the road shape may give a suburban appearance. The development is also likely to create additional movement, noise and associated domestic paraphernalia and I note that cars appear to be accommodated in the foreground of the properties adding to the magnitude of change from a static tranquil undeveloped paddock. Lighting and position of new boundaries is not detailed however it is likely that these will form part of a development scheme as will road name signs. The creation of a new vehicular and pedestrian access through the outgrown boundary hedge off Langton Road is also likely to have a suburbanising effect that will diminish the qualities of the existing natural boundary. These components together will have an adverse impact on the wider agricultural setting of the listed building and undesignated heritage asset as it will erode the natural qualities of the setting and add a suburbanising influence.

I am of the opinion that the wider landscape setting of the listed building will not be preserved by this development and that harm will be caused. The Planning (Listed Building and Conservation Areas) Act 1990 requires under Section 66 that the Local Planning Authority shall have special regard to the desirability of preserving the (listed) building or its setting.

According to the NPPF the harm identified should be assessed as being 'less than substantial' or 'substantial' in degree. In my opinion this proposal can be assessed as having 'less than substantial harm'. This judgement has taken into account that the fabric of the listed building will not be directly affected, the retention of the immediate designed setting, the mitigating landscape buffer, low density of units and restricted storey heights. According to the NPPF, this harm should be weighed against the public benefits of the scheme. For avoidance of doubt, it is clear in recent rulings that 'less than substantial' harm does not equate to a less than substantial planning objection (Barnwell).

It is considered that in view of this continued objection, the proposed development fails the tests in relation to the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and Policy 12 of the Ryedale Plan - Local Development Framework.

Design

Both National and local policy places weight on the importance of good design. The NPPF at Section 7 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.

As stated earlier in the report, the illustrative layout in the Design and Access Statement is not for consideration at this stage. The applicants *have* however confirmed that the Development Framework Plan is part of the application, and have also agreed to a restriction on a maximum height of the dwellings being one and a half storey's. Accordingly, if Members resolve to approve the application it is recommended that conditions be imposed tying the development to the developable area, shown on the plan, together with the green infrastructure, and new planting shown on that plan. The Design and Access Statement includes a vision and summary. The illustrative plan shows six dwellings arranged around a shared court yard off a single access. The dwellings will be up to 1.5 storeys high. Out of a total site area of 0.9 hectares, the developable area is 0.18 hectares, with the remainder of the site, comprising existing landscaping, including those trees which are within the area TPO, and green infrastructure.

Whilst the layout, is purely illustrative, it is noted that the Council's Building Conservation Officer has expressed concern regarding the layout, and in particular in relation to its likely impact on the setting of Sutton Farm Barn. In relation to the illustrative design she advises that "*the position of the buildings on the plot is fussy and complicated and does not represent a convincing design in terms of a 'courtyard' development following an agricultural flavour. The mix of building lines is haphazard and fussy and compounded with the road shape may give a suburban appearance. The development is also likely to create additional movement, noise and associated domestic paraphernalia and I note that cars appear to be accommodated in the foreground of the properties adding to the magnitude of change from a static tranquil undeveloped paddock. Lighting and position of new boundaries is not detailed however it is likely that these will form part of a development scheme as will road name signs. The creation of a new vehicular and pedestrian access through the outgrown boundary hedge off Langton Road is also likely to have a suburbanising effect that will diminish the qualities of the existing natural boundary*".

Accordingly, whilst the illustrative layout is not for consideration at this stage, officers do not consider that it is acceptable, and will not mitigate the concerns raised. Accordingly if Members resolve to approve the application, officers consider that the decision be subject to an informative to clarify that it is a redline outline, and whilst tied to the Development Framework Plan, design and layout are reserved.

Neighbour impact

In terms of neighbour amenity, it considered that the development of six one and a half storey dwellings could be accommodated without having a significant adverse impact on the existing amenities of neighbouring occupiers at Sutton Farm Barn, Langton Road and Heron Way and Millside. The greatest impact will relate to Sutton Grange House. This is by virtue of the location of the dwellings adjacent to the driveway to that property. The Development Framework Plan includes existing and proposed planting in this area. However the size of the developable area is such that the dwellings will be located relatively close to the driveway. This will change the relatively isolated access that the dwelling currently enjoys. It is also of note that the site is on higher land than that of Sutton Grange House. This could result in an overbearing and obtrusive impact on occupiers of Sutton Grange House. It is considered however, that given the number of houses proposed, and the restriction to one and a half storeys, the impact can be mitigated in relation to that dwelling by the sensitive location of the proposed dwellings and the provision of appropriate landscaping.

Access

Access into the development is for consideration at this stage. This will be in the form of a single access from Langton Road. It will be situated towards the centre of the site frontage. The Councils Tree and Landscape Officer has advised that there is no objection in principle to the location of the access in relation to the existing trees that are subject to the area Tree Preservation Order.

The Highways Authority has not objected to the proposed access. North Yorkshire Highways have advised that the proposed access has been correctly offset with the junction to Field View. However two of the traffic calming speed cushions on Langton Road will require re-locating to clear the entrance as part of the development.

North Yorkshire Highways have further advised that there may be potential to reduce the impact of the access on the verge, footway and horse walk by reducing the size of the radii and access road. It is noted that surface water from the development is to drain into the pipe for the adjacent site, however if this does not occur alternative arrangements will have to be considered.

The submitted Transport Assessment relates to this site and application 15/00098/MOUT combined, and therefore the Highway response to the larger site will take account of the combined impact on Butcher Corner, and any contributions towards mitigating the impact of the development. Nevertheless it is not considered that the scale of this development on its own will in itself have a significant adverse impact on the highway network.

Drainage

It is proposed that foul drainage will discharge to the main sewer in Langton Road. Surface water will be piped to the adjacent site with ultimate discharge into an attenuation basin. Alternative methods of surface water disposal will however be required if permission is not granted on the adjacent site.

Affordable Housing and Public Open Space Provision

The application site measures 0.9 hectares, and permission is sought in outline for the erection of up to 6 dwellings. Policy SP3 (Affordable Housing) of the Local Plan Strategy, includes the following requirement:

The Local Planning Authority will seek the provision of:

35% of new dwellings as affordable housing on site as part of developments of 5 dwellings or 0.2 ha or more...

Since the Local Plan Strategy was adopted however, the Government has issued a Ministerial Statement to Parliament that advised that tariff style contributions should not be sought on small sites. The Council resolved in line with this statement:

(i) Not to seek financial contributions from small residential sites through the planning process towards affordable housing on sites of five dwellings or less under Policy SP3 of the Ryedale Plan

(ii) To continue to negotiate the on-site provision of affordable housing in line with Policy SP3 of the Ryedale Plan with the exception that affordable housing contributions will not be sought from sites of 10 dwellings or less and which have a maximum combined gross floorspace of no more than 1,000 square metres in Malton, Norton and Pickering

(iii) To continue to negotiate the on-site provision of affordable housing in line with SP3 of the Ryedale Plan with the exception that on sites of between six and ten dwellings, in parishes outside of Malton, Norton and Pickering, financial contributions of an equivalent of 40% of provision will be sought on such sites in west and south west Ryedale.

(vi) Not to seek financial contributions towards open space from sites of ten dwellings or less.

It is noted that the applicants have stated that the site will deliver 35 % affordable housing provision in line with Policy SP3. However there is no policy requirement for the provision of open space or affordable housing on the application site.

Other material considerations

A preliminary ground investigation has been carried out. Based on historic land uses and the sites current use, overall risk is considered to be low for the current land use, and low to moderate for the

proposed re-development. Should permission be granted however, it is recommended that a condition be imposed, a further survey should be conditioned.

In relation to trees, an arboricultural assessment has been carried out. This demonstrates that the majority of tree stock can be retained due to its location around the perimeter of the site.

In relation to ecology, a number of Phase 1 habitat surveys for bats, breeding birds, and amphibians have been undertaken. The results found low levels of bats and birds. Natural England were consulted on the application and advised that if it is carried out in accordance with the submitted details the development would not have a significant impact on features of interest for which the River Derwent or SAC have been identified. However there is potential for biodiversity enhancement. It is considered that the retention of the existing trees and hedges, together with the amount of green infrastructure, there is potential for biodiversity enhancement. Accordingly it is considered that should permission be granted enhanced biodiversity should be conditioned.

In relation to the use of agricultural land:, Para 112 of the NPPF states:

Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

It is noted that most of Site A is classified as Grade 3A, with 0.2 hectares as non agricultural. It is therefore classified as best and most versatile. Nevertheless the developable area , and indeed land area available for agricultural use is only 0.7 hectares. Accordingly the loss of this land would be of low magnitude. On this application site, therefore, it is not considered that the loss of Grade 3A land would be a sustainable reason for refusal.

Contributors

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

- the development lies on a greenfield 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 Bazeleys 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's Public 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 lengthy, 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 are 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 the main points raised by the Town Council and other Contributors have been addressed in the report above. In relation to the capacity of the school, surgeries and supermarkets, it is not considered that the erection of 6 houses will have a material impact on their capacity.

Additional information

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, however it should be based on the reduced housing figure of 6 houses. Officers agree with this position.

In relation to AQMA, the Council's Environmental Health Officer has provided a joint response to both planning applications. Gladmans agreement to making a proportionate contribution towards the implementation of a scheme to restrict the movement of HGVs through the air quality area is welcomed.

In relation to the detailed additional information received in respect of heritage, and the 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*". Site A is not contiguous with the existing housing fronting Langton Road. However as demonstrated in the body of this report, an argument that it is not "in and adjacent to the built up area", as required by Policy SP2 is not being made in relation to *this* application.

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 site will deliver social, economic and environmental benefits which include the delivery of market housing, green space and the potential for biodiversity enhancement. Such benefits carry weight. However, the Council's Building Conservation Officer has objected to the development as set out earlier in the report, and it is considered that the development will result in the loss of land which has significant intrinsic landscape value and character.

The Council can demonstrate a 5 year supply of houses, and therefore there is no need to bring forward the site when the public benefits associated with the delivery of 6 houses does not outweigh the harm. Accordingly, the recommendation is one of refusal for the following reasons.

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. As such the development of the site 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 undeveloped area of 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 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 if 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