

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 7
Application No: 16/00404/MOUT
Parish: Norton Town Council
Appn. Type: Outline Application Major
Applicant: Gladman Developments
Proposal: Residential development of up to 6no. dwellings together with formation of vehicular access - Site A (site area 0.9ha) (revised details to refusal 15/00099/MOUT dated 22.07.2015)
Location: Land To North Of Sutton Grange Langton Road Norton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 17 June 2016
Overall Expiry Date: 30 April 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Building Conservation Officer	Object
Countryside Officer	Verbal no objection
Environmental Health Officer	Recommend conditions
Sustainable Places Team (Yorkshire Area)	No comments to make
Archaeology Section	no known archaeological constraint to this development.
Housing Services	No objection
Natural England	No further comments to make from previous application
North Yorkshire Education Authority	Comments made
Highways North Yorkshire	Recommend conditions as per 15/00099/MOUT
Tree & Landscape Officer	No views received to date
Vale Of Pickering Internal Drainage Boards	No views received to date
Land Use Planning	Conditions recommended
Parish Council	Recommend Refusal

Neighbour responses: Mr Andrew Bellwood, Mr P J Gray, AM And FM
Campion, Paul Crossley, Mr Eugene Kelly,

1.0 SITE:

- 1.1 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 north by an area of mature trees which are subject to a Tree Preservation Order (TPO), identified as TPO no. 335/2014. This group TPO extends into the northern part of the application site. Planning permission has been granted in outline for the erection of 8 bungalows on land to the north west of the redline boundary, and these properties are now nearing completion. The access to Sutton Farm Barn forms the northern boundary of the site. The barns are grade II listed, (96/32/GB), and

have recently been 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.

- 1.2 The southern access to the site is bounded by the access driveway to Sutton Grange House with arable land beyond it. Land to the south of this access is the subject of application 16/00405/MOUT. 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.
- 1.3 To the east of the application site, across Langton Road, is Norton college and existing residential development. Twelve single trees standing in front of Norton College are subject to TPO - 207/1994.

2.0 PROPOSAL:

- 2.1 Members will be aware that a planning application for up to 6 dwellings on the site was considered at Planning Committee on July 21st 2015. Members resolved to refuse the application for the following reasons:
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.
- 2.2 The abovementioned application is subject to appeal which is being considered in the form of a public inquiry commencing on June 7th 2016.

- 2.3 The applicants have re-submitted the application, and seek outline consent for up to 6 residential dwellings, together with the formation of an access. All other matters are reserved. There are no discernible changes between the current application and that previously submitted. However officers requested information from the applicant to detail the changes between the previous application, and the current application. The applicants advised the following:

This file note outlines the principal differences between the current proposals and the supporting documents for the original submission of applications 15/00098/MOUT (Site B) and 15/00099/MOUT (Site A). However, it should be noted that some changes were submitted and considered as part of the determination of the previous applications.

- Amended Framework Plans:

- ☐ *Site A - reduction in developable area and number of units from 8 to 6.*
- ☐ *Site B - reduction in developable area and number of units from 93 to 79, single point of access in a more central location and the relocation of POS to the northern boundary.*
 - An Archaeological Statement including the results of a geophysical survey and trial trenching has been submitted in lieu of the Desk Based Assessment.*
 - A Phase 1 Site Investigation has been submitted.*
 - An Air Quality Assessment has been submitted.*
 - A Design Code has been included in the Design and Access Statement including restricting development on Site A to a maximum of 1.5 storey in height.*
 - Updated Arboricultural Assessment – March 2016 survey results.*
 - Updated Landscape and Visual Impact Appraisal methodology and some of the character assessment information has been updated. Minor amends to text.*
 - The modelling and traffic assessment which supports the basis for the Transport Assessment has been revised to 2016 and 2021 assessment years.*
 - Revised Energy Statement in light of the Government abolishing the requirements for Code for Sustainable Homes accreditation.*
 - The Socio-Economic Reports have been updated to reflect the reduction in the number of dwellings.*
 - Where necessary the data supporting some of the technical reports has been updated and all reports have been updated to refer to the second go application following the refusal of the original application.*

- 2.4 It is noted that the reduction in housing numbers shown in the note above application, were carried out during the consideration of the previous application. That aspect is therefore *not* a new consideration.

- 2.5 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 80m 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 at the northern extent of this "developable area". The Design and Access statement states at section 02:

The Courtyard development character reflects the existing building character of the neighbouring Sutton Farm barns and buildings.

Buildings are 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.

2.6 The Design and Access further includes at 04. Design Principles:

In general, the use of smaller private frontages with large rear gardens should be the predominate theme within site A.

...The main emphasis within this area is protecting and enhancing the setting of the existing Sutton Grange and Sutton Farm buildings.

... The layout and materials selected for Site A would provide a layout and structure which compliments the agricultural buildings found within the grounds of Sutton Farm.

Emphasis will be given to the existing barns at Sutton farm by retaining existing views through the proposed and enhanced landscape, allowing the barn to remain the dominant building and main reference point to the area.

... A green filtered edge to the northern, north eastern and western edge of site A.

2.7 The application is however in outline, with only the access for consideration at this stage. It is noted that during the course of discussions on the previous application on this site, the applicant confirmed that the Development Framework Plan is intended to form part of the planning application. They further stated 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."

2.8 In addition, illustrative development layouts have been provided in the Design and Access statement, giving an indication of how the site could be developed. The applicant has advised however, that the illustrative Development Framework presents one iteration of how the sites could be developed. They are not for determination at this stage.

2.9 The application is also accompanied by the following detailed reports:

- Design and Access Statement
- Landscape and Visual Assessment
- Transport Assessment
- Ecological Appraisal
- Arboricultural Assessment
- Flood Risk Assessment and Surface Water Drainage Strategy
- Noise Screening Report
- Archaeology Assessment
- Statement of community involvement
- Heritage Assessment
- Socio Economic Sustainability Assessment
- Planning Statement and appendices
- Foul drainage analysis
- Air Quality Assessment
- Phase 1 Site Investigation.

Members will be aware that a separate planning application, (16/00405/MOUT) for up to 79 houses has been submitted on land to the south of this application site. The reports listed above I Para 2.6 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.

2.10 Public Benefits

2.11 As part of the submitted information, contained within section 6 of the Planning Statement, the applicants have set out the benefits that they consider would arise from the proposed development. In summary they include;

- Supply of new homes for local people
- A commuted sum equivalent to 35% affordable housing to be spent elsewhere in the settlement or District.
- Public open space and linkages -note this would be on Site B however and *not* Site A
- Economic benefits from expenditure by residents, jobs during construction, Council tax payments and new homes bonus
- Conservation and enhancement of biodiversity

3.0 HISTORY

3.1 Application 13/00835/MOUT application withdrawn 21:10:2013 for residential development

Application 14/00383/MOUT application refused for erection of 15no. dwellings

Application 15/00099/MOUT application refused for residential development.

4.0 PLANNING POLICY CONTEXT AND DECISION TAKING PRINCIPLES

4.1 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)
- The Helmsley Plan (2015).
- ‘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)

4.2 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)**

4.3 Development Plan

4.3.1 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.

4.3.2 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.

4.3.3 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.

4.3.4 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

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

4.5.1 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.

4.5.2 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.

4.6 The Presumption in Favour of Sustainable Development

4.6.1 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”.

4.6.2 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.”*

- 4.6.3** Policy SP 19 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”*

5.0 APPRAISAL

- 5.1** 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

6.0 Principle of residential development on this site

- 6.1** Planning law requires that application are determined in accordance with the development plan, unless there are material considerations that indicate otherwise. The development limits established through the Ryedale Local Plan (2002) have been saved through the Ryedale Plan - Local Plan Strategy. The site is not allocated for housing in the development

plan for residential development and falls outside the development limits. The principle of development will therefore be established by taking account of the relevant policies in the development plan, together with all other material considerations.

7.0 Housing Supply

7.1 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.

7.2 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”*

7.3 Currently Ryedale can demonstrate that it has a five year supply of deliverable housing sites. At 31st March 2016, a total net supply of 1442 plots with planning permission existed, together with land allocations (Helmsley Plan), with a potential capacity of 95 units. This gives a total 'raw' housing supply of 1537 plots which equates to 7.69 years supply, (based on the planned housing requirement of 200 per annum). The recent SHLAA Part 1 update (May 2016) illustrates that from this 'raw' supply, 1158 new homes will be delivered over the next five years. This equates to 5.8 years worth of deliverable housing supply, based on the planned housing requirement of 200 units per annum.

7.4 Members are aware however, 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 against the context of paragraph 49 of the NPPF.

7.5 The Development Plan is not out of date. Furthermore, the proposal is for 6 new homes, which even if a shortfall in supply did exist, would not make a substantive difference to the District's housing land supply position.

8.0 Location of Development

8.1 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 public consultation on preferred sites took place in November 2015. However it is not at an advanced stage, and the anticipated publication of the plan (May 2016) will be delayed towards the end of the year.

8.2 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.

8.3 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

8.4 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, including greenfield sites adjacent to the built up area. 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.

8.5 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 in line with the status given to the plan led system in legislation and national policy. 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 principles may be used to inform the consideration of 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. These houses are predominantly completed. The roofs of which are visible as on the northern side of the access to Sutton Farm Barns.

- 8.6** 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. There are also mature trees at the entrance to the driveway that leads to Sutton Grange.
- 8.7** Accordingly, whilst the development of the site would not in itself undermine the general locational strategy as outlined in Policies SP1 and SP2, 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.

9.0 LANDSCAPE ASSESSMENT

- 9.1** 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 16/000405/MOUT).

The LVIA 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.*

- 9.2** The LVIA states that Site A comprises a small field which is currently grassland and a 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.
- 9.3** 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'.

- 9.4 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.

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

9.6 The Council has commissioned its own LVIA 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 paddock, 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).

9.7 An extract from the LVIA commissioned by the Council states:

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 asset 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 sites and are well used due to the proximity of the edge of Norton on Derwent and eases 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. 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. 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 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 demonstrates that the development will be limited to part of the site only, and the site will be well landscaped. 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. Policy SP13 (Landscapes) requires quality, character and value of Ryedale's diverse landscapes to be protected and enhanced. In terms of landscape character, Policy SP13 requires development proposals to contribute to the protection and enhancement of distinctive elements of the landscape including...

- The distribution and form of settlements and buildings in their landscape setting
- The character of individual settlements, including building styles and materials
- The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
- Visually sensitive skylines, hill and valley sides
- The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.

As such the development of this site is contrary to the requirements of Policies SP13 - Landscapes and SP20 - Generic Development Management Issues of the Ryedale Plan-Local Plan Strategy.

10.0 HERITAGE

10.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 states at Section 66(1):

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.'

10.2 In relation to heritage, the key part of the NPPF relevant to the consideration of the application is, Chapter 12: Conserving and Enhancing the Historic Environment.

10.3 Policy SP12 of the Ryedale Plan - Local Plan Strategy is the relevant development plan policy.

10.4 During consideration of the previous application, confirmation was received from the applicant that the Development Framework Plan was for consideration as part of the application and therefore binding in terms of maximum number of houses, developable areas and landscaped areas. Confirmation has also been provided by the applicant in relation to the current application that the Development Framework Plan 6283-L-03a Rev K can be conditioned to ensure that the development will be in broad accordance with the plan. The Council's Building Conservation Officer has been consulted on that basis, and has confirmed that her comments remain the same as they were in relation to application 15/00099/MOUT, with the following clarification:

This application is a re-submission of a previous application which is the subject of a forthcoming public enquiry. There are no changes from the appeal application, therefore I attach my Proof of Evidence from the appeal scheme and my previous consultation response as this covers the issues arising. For the avoidance of doubt and for clarity, I have identified that this proposal would not preserve the setting of the Grade II listed Sutton Barn or the Non Designated Heritage Asset of Sutton Grange. According to the NPPF the level of harm identified should be assessed as being as 'substantial' or 'less than substantial'. In this case, I have identified the level of harm as 'less than substantial'. This according to the NPPF should be weighed against the public benefits of the scheme. Whilst I do not consider that there are any heritage benefits to the proposal, it is for the decision maker to determine whether any other planning benefits outweigh the harm.

Response to Application 15/00099/MOUT

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 form 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 (Bamwell).

- 10.5** Policy SP12 (Heritage) aims to conserve and where appropriate, enhance the distinctive elements of Ryedale's historic environment. In particular, Policy SP12 seeks 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 their built-up areas as well as surrounding historic landscape character and setting of the individual settlements. Policy SP12 also requires historic assets and their settings to be conserved. Proposals which will result in less than substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm to the asset. The full text of Policy SP12 is appended. As such, the development of this site is contrary to the requirement of Policy SP12 - Heritage.

10.6 In view of the above assessment, the proposed development fails to preserve the setting of the listed building. Recent decisions in the Courts, (including Barnwell Manor and the Forest of Dean) make it clear that the finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. In effect, a statutory presumption exists in favour of the preservation of a listed buildings setting. These judgements also serve to remind Local Planning Authorities that the desirability of preserving the settings of listed buildings emeshed in The Planning (Listed Buildings and Conservation Areas) Act 1990 should be given considerable importance and weight in the planning balance exercise (para 134 of the NPPF), which is to be undertaken where the harm is identified to a designated heritage asset as in this case.

10.7 In addition both National and local policy require that the impact of development on the significance of a non-designated heritage asset to be taken into account.

11.0 DESIGN

11.1. Policy SP16 of the Ryedale Plan - Local Plan Strategy states:

7.21 New development introduces changes to a place and good design helps to ensure that changes build on the existing qualities of an area, enhancing its attractiveness not only in terms of how a place looks also but how it feels to live, work and spend time in. As places change, good design will help them stand the test of time.

A well planned structure of streets, buildings, spaces and routes is considered one of the most enduring features of successful places. It is seen as central to the success of assimilating new development into existing areas and helps to ensure that as well as being attractive and interesting, places are easy to navigate and feel safe

11.2 *Policy SP16 also includes:*

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

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

11.3 The NPPF also requires 'good design' and states at para 56:

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.

11.4 The application is in outline, with all matters reserved, with the exception of the access. Confirmation has been received that the Development Framework Plan (6283-L-03a REV K) can be conditioned to ensure that the development will be in broad compliance with the plan. This demonstrates that the developable area is restricted to the southern part of the site, with a landscape buffer to the west.

11.6 The design and access states:

The courtyard development character area reflects the existing building character of the neighbouring Sutton Farm barns and buildings.

Buildings are 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 at Sutton Grange'

- 11.6** 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.
- 11.7** Whilst the layout in the Design & Access, 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" .

- 11.8** It is considered that the confirmation that the development framework plan forms part of the application is welcomed, in terms of identifying the developable area. However it is not considered that the illustrative layout is acceptable, and indeed does not demonstrate that the concerns in relation to the setting of the listed building have been mitigated.

12.0 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, Heron Way and Millside. The greatest impact will relate to occupiers of 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 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.

13.0 ACCESS

- 13.1** Access will be provided by a single access from Langton Road. North Yorkshire Highways have been consulted on the application and have advised that their comments remain the same as they made to application 15/00099/MOUT:

The proposed access has been illustrated on drawing no. 14531-002 Revision P1. This has been positioned to correctly offset with the existing junction with Field View (i.e. with right turning traffic off the major road not in conflict). Although the access point is close to the turn-around area opposite the site, it is not considered that the amount of traffic using this will create any significant issues with traffic exiting the new development at the same time. However, two traffic calming 'speed cushions' will require re-locating to clear the proposed entrance as part of any development scheme. Given the estimated number of properties proposed, there may be a possibility to reduce the impact of the access by making the entrance radii smaller to say, 6 metres, and access road to typically 4.8 to 5.0 metres wide, to keep the loss of verge, footway and horsewalk to a minimum.

The submitted transport assessment has combined both Sites A and B (15/00098/MOUT) and I would anticipate the Highway Authority response on Site B will address the total potential impact of additional traffic on Butcher Corner crossroads within Malton town centre, and possibly requiring a commuted sum contribution towards the Brambling Fields A64 interchange improvements.

I also note that surface water disposal from the site is directly linked by pipe into Site B. However, if this site is not approved/progressed, alternative arrangements will have to be considered.

However, no Highway Authority objections are raised to the proposed development (Site A), subject to conditions.

14.0 Drainage

- 14.1** 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.
- 14.2** Yorkshire Water Services have not objected to the proposed development subject to a condition recommending that details of the disposal of surface water are submitted to, and approved in writing by the Local Planning Authority.
- 14.3** The Environment Agency has confirmed that the site lies in Flood Zone 1, and does not trigger any constraints.

15.0 ECOLOGY

- 15.1** 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.

15.2 Since the last application was submitted, the applicants have submitted an up-to-date protected species survey. Natural England have been consulted and advised that they have no objection to the proposed development.

16.0 Agricultural Grade Land.

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.

17.0 Potential ground contamination

17.1 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 to require a further survey.

18.0 Arboricultural Considerations

18.1 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.

19.0 Archaeology

19.1 The application site has previously been subject to a desk based assessment and trial trenching. The reports assessed the archaeological potential and significance of the site. The results of the trial trenching were archaeologically negative. Therefore there is no known archaeological constraint to this development.

20.0 Impact of development on racing industry

20.1 A letter of objection has been received from a member of Norton's racing industry. They are particularly concerned about the impact of the traffic associated with the development on horses in the area, and in particular resulting in additional cars travelling along Bazeleys Lane which is very narrow. It is not considered that the traffic generated by vehicles from the proposed 6 houses on site 'A' would be sufficient to cause a significant material difference to the level of traffic that currently uses the lane. This is in particular because the Highway Authority considers that visibility from the site would be acceptable.

21.0 Air Quality

21.1 An Air Quality Assessment (AQA) has been submitted on behalf of the applicants, Gladman Developments. The Councils' Health and Environment Manager has been consulted on the application, and advises that the revised AQA is based on current significance criteria and utilises the document 'Land Use Planning and Development Control: Planning for Air Quality published by Environmental Protection UK/Institute of Air Quality Management (May 2015). The report concludes there will be a negligible and not significant impact on concentrations of nitrogen dioxide (NO₂), PM₁₀ and PM_{2.5} at all

fourteen existing sensitive receptors considered, 2021, with the development in place. Sensitivity analysis predicts that there will be a negligible and not significant impact on concentrations of NO₂, at thirteen of the fourteen existing sensitive receptors considered, in 2012, with the development in place. A slight impact is predicted at ESR 8 (Castlegate). The sensitivity analysis predicts that there will be a negligible impact on concentrations of PM₁₀ and PM_{2.5} at all fourteen existing sensitive receptors considered, 2021, with the development in place. The predictions at the two proposed receptor locations within the site for all three pollutants are assessed at 2021, as been below the annual mean air quality objective and not considered to be significant.

21.2 The document 'Land -Use Planning & Development Control: Planning For Air Quality' advises that a particular concern of many local authorities is that individual developments are often shown to have a very small air quality impact, and as a consequence, there are few mechanisms available to the planning officer to require the developer to achieve lower emissions. This, in turn, leads to concerns about the potential air quality impacts of cumulative developments as many individual schemes deemed insignificant in themselves contribute to a 'creeping baseline'. The basic concept is that good practice to reduce emissions and exposure is incorporated into **all developments** at a scale commensurate with the emissions. The emphasis should be on mitigation measures rather than just on the modelled impacts. These proposed development together constitute major development and as such should include as a principle of good practice electric charging points and other means of mitigation at a level commensurate with the damage cost calculation as calculated within the AQA. This together with a detailed travel plan with ongoing monitoring, to protect and improve air quality, is consistent with the Council's Local Plan.

21.3 Local Plan Policy SP17, which refers to the protection and improvement of air quality is set out below:

Air Quality will be protected and improved by:

- *Locating and managing development to reduce traffic congestion and air pollution and promote the use of alternative forms of travel to the private car;*
- *Supporting measures to encourage non-car based means of travel or the use of low emission vehicles;*
- *Reducing air quality from buildings through renewable energy provision and sustainable building standards in line with Policy SP18;*
- *Requiring development proposals within or adjoining the Malton Air Quality Management Area to demonstrate how effects on air quality will be mitigated and further human exposure to poor air quality reduced. All development proposals within or near to the Air Quality Management Area which are likely to impact upon air quality; which are sensitive to poor air quality or which would conflict with any Air Quality Action Plan will be accompanied by an Air Quality Assessment;*
- *Only permitting development if the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured.*

21.4 In addition the requirements for mitigation are in line with the National Planning Policy Framework (NPPF), Para 35 of which includes:

- an overall need to reduce the use of high-emission vehicles.

21.5 Accordingly, the Councils Health and Environment Manager has recommended that if permission is granted it be subject to condition requiring the submission of a Travel Plan to promote alternatives to single car occupancy, one EV charging point per dwelling, and an emission mitigation package for the sites:

22.0 Affordable Housing and Public open Space Contributions

22.1 During consideration of the previous application on the site, Members were advised of the following position in relation to required contributions;

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.

22.2 *Subsequent to the Ministerial Statement, West Berkshire DC and Reading Borough Council's made a successful challenge, and the contributions from small sites were re-instated. The Secretary of State appealed against West Berkshire DC and Reading Borough Council's successful challenge, and judgement was handed down on May 11th 2016. The Secretary of States appeal was allowed on all four grounds. National Planning Guidance has been updated to refer to the ruling. It is for the decision maker to determine what weight should be given to the Ministerial Statement. However the statement and change to the NPPG are up to date, and accordingly it is not considered that securing affordable housing, or public open space contributions from a site of this scale would accord with that National Planning Policy Guidance.*

22.3 Prior to the recent judgement, the Council's Housing Services Manager has responded to the consultation on the application stating that to satisfy the requirements of policy SP3 of the Ryedale Plan - Local Plan Strategy, the proposed scheme for up to 6 houses will require 2.1 units (35%), unless it can be demonstrated that this isn't viable.

22.4 It is of note that should Members make a judgement that affordable housing should still be required, Policy SP3 requires that such housing should be provided *on-site*, and *not* as a contribution. As such, the development is not policy compliant. However given the changes to the NPG, there is considered to be no national policy basis for the provision of either affordable housing or public open space.

23.0 Community Infrastructure Levy

23.1 Since the previous application was considered by Members, the Council has implemented the Community Infrastructure Levy. This site will be subject to that levy.

24.0 RESPONSES FROM TOWN COUNCIL AND OTHER CONTRIBUTORS

24.1 Norton Town Council has submitted a recommendation of refusal that applies to both applications as follows:

- *This development lies in a green field site which is of considerable importance to the town, and is outside development limits. Whilst no decisions have yet been made as to site selections for the town, this site is considered totally unsuitable.*
- *Congestion on Langton Road is already intolerable taking into account the position of Norton College and a certain lack of off street parking for residential properties towards the northern or town centre end of Langton Road. There is now the prospect of the extension to the Primary School being built on the Brooklyn site, situated on Langton Road, bringing even more congestion to this area.*
- *With a lack of infrastructure to support such a development this side of the level crossing, in order to access most services residents need to be able to access Malton which, with this proposal means either travelling via Norton Road or Castlegate, both of which would be unacceptable and only add to the concerns already in place with regard to Co2 levels.*
- *Impact on the sewage system in this area of town, the Victorian sewers are already over capacity and any further development would put residents in other areas at greater risk of having raw2 sewage impacting on their property whenever there is a period of heavy rain and the system is under pressure.*
- *Over development even with a reduction to the number of properties proposed, Members still believe this is too many for what are relatively small sites.*

24.2 Four letters of objection to the application have been received. The full detailed responses are available to view on Council's Public Access website, however the following includes some the broad parameters of the main points raised.:

- No change in policy or material considerations since previous applications refused
- sites lie outside the defined development limits for Norton.
- detrimental impact on setting of listed building and heritage assets.
- query whether it is appropriate to grant outline planning permission for sites near identified heritage asset.
- identified 5 year supply of deliverable housing, therefore no presumption in favour of granting permission.
- need to balance releasing sites for development and protecting character of settlements, their surroundings and safeguarding heritage assets.

- Prospect of Brooklyn site being developed for a school will generate more traffic and increase congestion
- Importance of retaining a green corridor for benefit of existing residents to enjoy. Little accessible green space in Norton.
- Character of Norton will be poorer if these developments are allowed.
- Evidence regarding the height of the water table and tendency for flooding in the area.
- Regular flooding of Langton Road area, lowest part of area.
- water standing on the road near the bend affects highway safety.
- Norton is a major racehorse training centre. 400 racehorses access on foot the two centralised gallops on Norton, by bridleway and horsewalk. Langton road is a crucial and key part of the infrastructure used by the racehorses as they walk to and from the gallops in Norton. It is essential that the infrastructure is perceived as safe or owners may remove their horses from training in the area.
- significant increase in traffic generated by the developments will adversely effect the horses.
- Development too far to services to enable people to walk.
- Bazeleys Lane is unsuitable for additional traffic., and is a single track road, and a designated bridleway. It could become busier if used as a short cut.
- North Yorkshire Highways have not consulted the racing industry on the effects of a substantial increase in traffic on Langton Road.
- Local amenities will require expanding.

24.3 A letter has also been received by a near neighbour who states that, whilst not objecting to, or supporting the planning application requests that:

- the development does not adversely impact on the existing drainage systems
- the ancient hedgerow fronting Langton Road is retained
- the dwellings on the application site are single storey, sustainable materials appropriate to rural setting and adjacent listed barn with a buffer of native planting
- a boarded fence is erected and maintained along the application boundary with Sutton Farm.
- Existing entrance to the site via Sutton Farm is removed
- address existing road congestion.

24.4 It is considered that the impact of the development in relation to access and drainage relate in the main to the larger application on site B. However the other points raised have been addressed in the body of this report.

24.5 In relation to the weight to be given to the impact on the racing industry, Members will be aware that this was not a reason for refusal of the previous applications on the site. This was in particular because the Highway Authority were satisfied that the proposed accesses were satisfactory from a point of view of visibility from the sites themselves. Furthermore, on the larger site there was a requirement for the erection of signs at the exit of the larger site to warn of potential horse walking in the vicinity of the site. The Highway Authority did not however consider that significant traffic generated by the development would use Bazeleys Lane. It is considered that the addition of traffic from the 6 houses on this site is unlikely to cause a discernible increase in traffic on Bazeleys Lane. However further clarification from the Highway Authority in relation to the larger site has been requested.

25.0 SUMMARY

- 25.1** It is considered that the Council has an up-to-date plan and in excess of a 5-year housing land supply. There is therefore no overriding need to release additional land for housing. The application site is an unallocated greenfield site outside the development limits for Norton, in an area of open countryside. The proposal is therefore contrary to the development plan when taken as a whole. In particular, there is significant harm to the distinctive and attractive landscape character of this site. There is also significant harm to the settings of both Sutton Grange Barn and Sutton Grange House. It is considered that the development of the site will give rise to public benefits to the supply of housing. However, these benefits do not outweigh the harm.

As such, 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