

Item Number: 8
Application No: 16/00405/MOUT
Parish: Norton Town Council
Appn. Type: Outline Application Major
Applicant: Gladman Developments
Proposal: Residential development of up to 79no. dwellings together with formation of vehicular access - Site B (site area 3.65ha) (revised details to refusal 15/00098/MOUT dated 22.07.2015)
Location: Land Adjacent To Auburn Cottages Langton Road Norton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 17 June 2016
Overall Expiry Date: 27 May 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	Recommend Refusal
North Yorkshire Police Architectural Liaison Officer	Comments and recommendations made
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	Advise that a scheme of archaeological mitigation recording is undertaken and a WSI. Conditions to be attached.
Housing Services	Comments made
Natural England	No objection
North Yorkshire Education Authority	Comments made
Tree & Landscape Officer	Verbal no objection
Vale Of Pickering Internal Drainage Boards	No views received to date
Land Use Planning	Conditions to be attached
NY Highways & Transportation	Recommend conditions
Neighbour responses:	Mr Andrew Bellwood, Miss Janella Calvert, Mr Eugene Kelly, AM And FM Campion, Mr Paul Crossley, Mary, John & Jennifer Cowton, Mr P J Gray, Ms Amanda Wainwright,

1.0 SITE:

1.1 The site comprises 3.65 hectares of land on the western side of Langton Road. It is situated to the south of Norton. The land is currently in agricultural use and is categorised as Grade 3. This is made up of 1.3 hectares of Grade 3A; 2.1 hectares as Grade 3B, and 0.1 hectares as non agricultural. The area around the site is primarily in agricultural and equestrian use. It has an irregular shape and field boundaries and slopes gently towards Mill Beck to the south west, which is lined with mature trees and hedges. To the north west is agricultural land in separate ownership, with the access to Sutton Grange House forming the northern boundary. Sutton Grange Barn a grade II listed building lies to the north west of the application site. An application has been submitted on 0.9 hectares of land to the north of the access to Sutton Grange for up to 6 dwellings. To the north east of the site, and across Langton Road is an area of existing residential development. To the east is relatively flat agricultural land. A pair of semi detached dwellings is situated at the eastern corner of the site, together with a field in separate ownership.

2.0 PROPOSAL:

Members will be aware that a planning application for up to 79 dwellings, (ref 15/00098/MOUT), 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, by subsuming the house with urban development. As such, the development is contrary to paragraph 135 of the NPPF, and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
3. The development of the site would result in the loss of this open area of undeveloped land which has significant intrinsic landscape value and character, and which is atypical of the area. Furthermore it would harm the setting of this attractive approach to Norton, and breach the strong woodland setting (subject to a Tree Preservation Order), which currently provides a significant visual end stop at the approach to the town. As such it is contrary to the strategy of the Development Plan for the location and distribution of new housing at Malton and Norton, including Policies SP2, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.
4. By virtue of the separation of the application site from the built up area of Norton, the proposed development would be detrimental to the form and character of the town. Furthermore it would result in the development of a site in an unsustainable location in relation to local and neighbourhood facilities. As such it is contrary to the locational policies of the Development Plan including Policies SP1 and SP2 of the Ryedale Plan - Local Plan Strategy.
5. The development is not in accordance with the development plan, and furthermore, it is not considered that the benefits of the development would outweigh the harm to the setting and character of the listed building, the adjacent un-designated heritage asset (Sutton Grange) nor the loss of this important landscape setting to Norton. As such, the development is contrary to Policies SP2, SP12, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy, and the NPPF.

The refused application is subject to an appeal, which is being considered in the form of a public Inquiry commencing on June 7th 2016.

The applicants have re-submitted both applications. There are no discernible differences between the current applications and those previously determined, with the exception of an update to a number of the reports. The applicants were however asked by officers to clarify the changes. They responded as follows;

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:

o Site A - reduction in developable area and number of units from 8 to 6.

o 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.

Accordingly, in relation to the current application, permission is sought in outline for the erection of up to 79 dwellings together with the formation of a new access off Langton Road. All other matters are reserved. The application is accompanied by a Development Framework Plan, Dwg 6283-L-03b rev K. The applicants have confirmed that if planning permission is granted, this plan forms part of the application and can be conditioned to require development to be in general conformity with it. The plan shows a total site area of 3.65ha, however a developable area of 2.39ha. An equipped play area is shown in the north western part of the site, with landscaped buffers around the south western and south eastern boundaries. The proposed access will be relatively central along the site frontage. A cycle/footpath link is shown from Langton Road, and running in a western direction, and passing through the landscaped buffers along Mill Beck. It exits the site at Bazeleys Lane. An approximate area for a surface water attenuation basin is shown at the western extent of the site. Proposed additional landscaping is also shown, including a landscaped buffer along the western boundary of neighbouring properties identified as Auburn Cottages and Paddock house on the drawing.

The Design and Access Statement also includes an indicative master plan to demonstrate an appropriate development capacity linked to density. This is not however for determination at this stage. The application is also accompanied by the following detailed reports:

- Landscape and Visual Impact Assessment
- Transport Assessment
- Travel Plan
- Ecological Appraisal (including updated protected species survey)
- Arboricultural Assessment
- Flood Risk Assessment
- Noise screening report
- Archaeology Statement
- Statement of community involvement
- Heritage Assessment
- Socio Economic Report
- Planning Statement
- Foul drainage Analysis
- Air quality Assessment April 2016

Public Benefits

As part of the submitted Planning Statement, (section 6), the applicants have identified what they consider to be the planning benefits of the development, in relation to the three dimensions of sustainability as set out in the NPPF: social, economic and environmental. The full document is available to view on the Councils' Public Access System, however the main points made include:

- 35% affordable housing on-site
- boost the supply of land for housing, providing a mix of dwellings
- enhance and maintain the vitality of the community and support for services in Norton and the wider area.
- provision of 1.98 hectares of public open space.
- New public right of way for pedestrians and cyclists.
- employment
- tax payments and new homes bonus.
- green infrastructure and habitat creation

History

13/00568/FUL Permission granted for the erection of an above ground plant enclosure to serve below ground sewage pumping station on immediately adjacent land.

15/00098/MOUT Permission refused for up to 79 houses July 22nd 2016. Appeal in progress.

3.0 ENVIRONMENTAL IMPACT ASSESSMENT

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

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

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

The proposal subject to the screening request is relatively small scale at only up to 90 dwellings on agricultural land and its impacts will not be of a magnitude or complexity such as to indicate that there are likely to be significant effects. there would be traffic, emissions, noise and light impacts but they are not considered to be significant. the site is not part of an area protected under international or national legislation for its ecological, landscape, cultural or

other value. It lies within 2km of the River Derwent SAC/SSSI. Taking into account the distance from the site and the intervening developments, the Secretary of State is not persuaded that the proposal would undermine the attributes for which this has been identified to suggest that a significant environmental effect is likely.

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

Officers have screened the current application, and taking account of the secretary of states determination on application 15/00098/MOUT have determined that it is not EIA 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 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.
- Air Quality
- Contributors
- Community Infrastructure Levy

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 development limits for Norton.. 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

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. Indeed, at Planning Committee on May 10th 2016. 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.

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 2012-2017 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 SP 1 - 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.

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.

8.5 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.

8.6 The red line that de-lineates the north boundary of the application site (shown on Dwg Development Framework Plan -6283-L-03b rev K) is situated approximately 120m from the nearest dwelling. It is also of particular relevance that there is a group Tree Preservation Order on land to the immediate south of the existing built up edge of Norton. A separate application has been submitted by the same applicant on land to the south of the driveway that serves Sutton Grange Barn. That application seeks outline permission for up to 6 houses. Whilst many of the same documents have been submitted for both applications, the applications are independent. Accordingly the small site cannot be used to demonstrate that this application site is contiguous with the built up area of Norton. An application for development on the smaller site may have been submitted, but the houses have not been built.

In addition, the application on the adjacent site seeks permission for a limited number of up to 6 houses in an attempt to take account of the impact of the proposed development on the setting of Sutton Grange Barn which is Grade II listed. (Ref 96/32/GB) In addition, the Tree Preservation Order (TPO) extends to approximately 50m along Langton Road. The mature trees included in the TPO strengthen the feel of separation between the existing built up area and the open countryside (that comprises the application site) to the south. Whilst it is noted that the built development on the opposite side of the road extends further south, it is considered that the trees form a significant visual end stop to the town. The views of the approach to Norton, will be examined in more detail in the section of the report on the Landscape Visual Impact Assessment.

8.7 The Ryedale Plan - Local Plan Strategy includes principles for guiding development of the towns, (page 34 onwards). These are detailed above, however two key points that should be considered in relation to the applications area:

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

During consideration of the previous application on the site, officers raised concerns regarding the value of the site at the end/approach to Norton. At that time the applicant responded to officers concerns and included the following points:

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

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

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

9.0 IMPACT OF THE DEVELOPMENT ON THE HISTORIC ASSET

9.1 The site lies within the vicinity of Sutton Grange Barn, which is a grade II listed building. (ref 96/32/GB) The development site forms a sizable element of the context in which Sutton Grange Barn is experienced, and contributes to its distinctive identity. The application for the houses would substantially change the rural surroundings of the listed building, and affect the link between the historic use of the barn and its functional relationship with the rural landscape. This change would be permanent and irreversible. The Council's Building Conservation Officer was fully involved in the consideration of application 15/00099/MOUT and objected to it. She has been consulted on the current planning application and has responded as below.

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.

9.2 For information, her proof of evidence is available to view on the Councils' Public Access Website. However her response to application 15/00098/MOUT remains relevant in relation to the current application.

9.3 **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 85 dwellings to 79 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.

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. In this respect therefore my previous 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 north-western edge, southern edge and western edge of the site. The revised application description now indicates up to 79 dwellings down from 85.

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 field and I strongly object to this proposal. In my opinion the development site forms part of the wider agricultural setting of the listed building and links the function of the barn with the landscape. At present the field is undeveloped, green and rural. In my opinion the intrinsic rural agricultural qualities of the extended setting of the barn will be harmed by the effect of removing part of the rural landscape and its replacement with housing. The change in land use from agricultural to housing will be a high magnitude of permanent change and sever the link between the barn and its functional use. The barn will be subsumed in a swathe of housing development and be left as an island in an unfortunate degraded suburban landscape.

The large scale of development in terms of area and the large number of houses will have a suburbanising effect on the landscape. In addition, when taken in conjunction with Site A, there will be a cumulative harmful effect that will see the eastern and southern landscape around the heritage assets being impacted to a very major extent. This large scale of development and extent of permanent change will sever the link between the barn and its wider landscape setting. In addition, the density of development shown will result in a suburban/urban form that does not respond to the rural location of the site.

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 distance from the listed building and the mitigating landscape buffer. 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).

- 9.4 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.
- 9.5 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 enmeshed 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. The development

of the site is contrary to the requirements of Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy.

10.0 Archaeological Evaluation

- 10.1 The previous application was initially accompanied by a desk based archaeological evaluation. The County Archaeologist, was consulted on the application and advised that significant Romano-British activity is recorded along Langton Road, including cremation burials. It was therefore recommended that a scheme of archaeological evaluation be undertaken to identify and describe the nature and significance of any surviving archaeological remains. Accordingly, a programme of evaluation trenching was carried out.
- 10.2 The evaluation results over ten trenches indicate that there are two phases of archaeological activity represented on site, with the focus of Romano-British activity on the lower terrace and medieval activity on the upper terrace. Artefacts recovered include Romano-British 2nd to 3rd century AD, and medieval ceramics, small bone, small quantities of fired clay, ironworking slag and ceramic building material. The County Archaeologist formally raised no objection subject to recommended conditions including a requirement for a scheme of archaeological recording. During consultation on the current application, the previous response is re-iterated.

11.0 Landscape and Visual Impact Assessment

- 11.1 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 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 Site B comprises a medium sized field which is also grassland. The southern edge of Site B has Mill Brook running along it, which includes a corridor of scrub vegetation and trees associated with the brook. Sutton Grange and Sutton Farm are located to the northwest. The sites are at Approximately 25 metres AOD. The land falls towards Mill Beck along the southern boundary of Site B.

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.

- 11.2 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. The close proximity of these character areas to the site suggest that the site lies within somewhat of a transitional area drawing on a variety of characteristics. The report assesses the visibility of the sites using a series of key viewpoints from nearby settlements, properties, or local lanes, footpaths and roads.

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

- There are few peripheral residential receptors with direct views across the proposed developments. These are properties on Langton Road and Bazeleys Lane which either back onto the sites eastern and south eastern boundaries, from where there are views towards both sites. Properties on the opposite side of Langton Road adjacent to both sites eastern boundaries have partial views and are seen within the context of the main road and above a mature hedge. At year 1 effects assessed as Moderate Adverse.
- Views from properties within wider area are restricted by intervening landform and vegetation with generally only the tall features visible. Residents of a small number of properties within the wider landscape surrounding the sites, Whitewall, Welham Road, Millside and Hunters Way, parts of the proposed developments are only partially visible and seen in the context of existing views of the properties on Langton Road and the edge of Norton. At Year 1 assessed as Minor Adverse decreasing as landscaping matures to Negligible in year 10.
- No public footpaths within or directly adjacent to the sites although Langton Road and Bazeleys Lane both have footpaths along them. Views from these Locations are seen with differing amounts of vegetation or in context of Norton. Effects Moderate or Moderate /Minor
- To south of site, a public footpath runs over local ridgeline towards Langton. This runs over the higher ground adjacent to the southern edge of site B. Direct views towards the sites are restricted due to blocks of woodland and topography. Visual effects assessed as Negligible.
- Public Footpaths and bridleways to east of sites are within a ground level similar to both sites. Visual effects assessed as Negligible.
- National cycle route 166 runs along Bazeleys Lane adjacent to the southern boundary of Site B. Visual effects assessed as Minor.
- In terms of road users, there are restricted views towards the sites from Langton Road to the east. Development is beyond a wide verge and mature hedgerow. Visual effects in year 1 assessed as Moderate Adverse. Year 10 reduced to Moderate/Minor adverse as landscaping matures.
- Limited views towards the sites from Bazeleys Lane. Proposed development beyond hedgerow and mature trees. Moderate/minor adverse
- glimpsed views from minor estate roads to edges of sites Minor adverse.
- the roads on slightly rising land to the south are beyond intervening rows of mature hedgerows etc. Negligible.
- Places of work summary: The local landscape of this area is populated by many race horse stables. Some farm buildings are also located to the south of the sites. Views towards sites limited. Assessed as Negligible.

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

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

partially mature by year 10 and contribute to reduction in effects on character from the built form. However, the primary effects on landscape character would remain as described for year 1 and represent an irreversible change in the baseline character of major significance.

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

The significance of change in landscape character is therefore predominantly at the site scale, affecting land which is atypical of the wider landscape, of high quality and which in conjunction with cultural heritage value and evident time depth in the landscape, would be particularly harmed by housing of the scale envisaged. The characteristics of the sites - evident in photo viewpoints 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 Bazeleys Lane.(VP1 and VP2). Based on the site survey Bazeley's Lane is assessed as a recreational assets as a result of its quiet character and limited traffic usage. Although the sites themselves are not crossed by a PROW, the footpath/bridleway along Langton Road are immediately adjacent to the site and are well used due to the proximity of the edge of Norton on Derwent and 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.

- 11.5 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 Councils 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.
- 11.6 The sites are distinctly rural in character and provide an attractive 'soft' setting to the approach to Norton. The wider area is characterised by low lying intensively farmed land use and racehorse paddocks or gallops. Whereas the application sites form an irregular pocket of pastoral land use. It is surrounded by an area of woodland to the north. It is considered that the site is not representative of much of the countryside around Norton which tends to be relatively flat and open. It is considered that the area has a unique character not typical of other parts of the area. The woodland wraps around the northern part of the site, and is viewed together with the woodland which is situated to the immediate west of Sutton Grange Barns and continues in southerly direction following the course of Mill Beck. The site is irregular in shape, and falls gently towards Mill Beck. This irregularity, together with the surrounding mature trees gives the site an intimate feel that is relatively unique in this part of Ryedale. Whilst it is accepted that there are no public footpaths crossing the site, a double footpath runs along the site frontage. This affords views of the site during the winter, and through field gates during the summer months. As stated earlier, the fact that the direct views into the site are not constant can add to the enjoyment of the view. The relatively unchanged nature of the

site without regular field boundaries is such that the perception of those viewing it whilst walking or on a horse is that it has remained relatively unchanged in the last 200 years. This is in contrast to the opposite side of Langton Road where there is a strong edge to the rear of houses on Langley Drive, together with regular bounded ploughed fields. Indeed this 'unique' setting has been referred to in many of the letters of objection.

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

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

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

12.0 Ecology

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

- 12.2 An extended Phase 1 Habitat Survey was undertaken in August 2014. The application site was largely fallow arable, although the southernmost area comprised semi-improved grassland. Woodland, hedges and trees were surveyed as part of this, including a bat survey. Surveys did not find any evidence of Otters, Great Crested Newts, Water Voles or White Crayfish, or Bats, however Bullhead were recorded at Mill Beck. The applicants have updated their protected species surveys to accompany the current application. Natural England have been consulted on this report and have not raised any objection.
- 12.3 The grassland and arable land within the site was considered to be of negligible value. Greatest value was placed on the hedgerows, Mill Beck, woodland scrub and mature trees. The access to the site will pass through a hedge. The report identifies that all hedgerows on the site are dominated by native species and are therefore a habitat of principal importance. However none of the hedgerows were deemed to be important under the wildlife and landscape criteria of the Hedgerow Regulations 1997. The non technical summary of the submitted surveys concludes that providing surface water discharged into Mill Beck is of a suitable quality, then the development is unlikely to have any significant impact on the designating features of the River Derwent SAC or the SSSI. It is further concluded that hedgerows should be retained, except where required to form the access, and new planting should aim to use locally native species and create three dimensional structure. Woody vegetation should not be removed in the bird nesting season.
- 12.4 The Council's Countryside Officer has considered the submitted information, and has confirmed that there will not be an impact on protected species. There is some potential impact on Bullhead, and common birds, however any loss of habitat can be compensated for by the replacement and management of habitats. Natural England has also advised that if carried out in strict accordance with the submitted details the development will not damage or destroy features. If Members are minded to approve the application it is recommended that conditions be imposed in relation to hedge retention, improvement to existing hedgerows, additional native species planting with protection from lighting spill, foul drainage to discharge to main sewer, biodiversity, silt trap/attenuation basin, biodiversity enhancement, protection of birds during breeding season, and the control of Himalayan Balsam.

13.0 Arboricultural Considerations

- 13.1 The application is accompanied by an updated (March 2016), arboricultural report. The applicants confirmed that whilst the application is in outline, with only access for consideration at this stage, the Development Framework Plan forms part of the application. This plan shows a developable area of 2.39 hectares, and green infrastructure (including POS) of 1.26 hectares. The majority of the trees on this site are situated around the perimeter of the site, and the plan demonstrates that such areas will be retained. To facilitate the access into the site, sections of hedgerow on the eastern boundary of the site would require removal. However there is potential for replacement planting of hedgerows adjacent to the access road. The Council's Tree and Landscape Officer has not objected to the development in respect of arboricultural matters, and has recommended conditions to include the requirement for a plan and schedule of all trees and shrubs on the site and on adjoining land, together with a statement for the implication of trees on the site. It is noted however that the hedging to the front boundary of the site, is defined by a mature hedge, which is currently outgrown. It is of note that most of the year the hedge is clipped. There are also some trees opposite the junction to Langley drive in a small copse. The plan shows their removal, and whilst it is not considered they have any significant amenity value individually, they do add to the 'soft' landscaped setting of this approach to Norton. The development of the site, is likely to result in pressure for the hedge to be maintained as a formal lower clipped hedge due to the proximity of houses along the frontage of the site. This will add to the change in character on the approach to Norton.

14.0 Potential ground contamination

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

15.0 Designing out Crime

- 15.1 The National Planning Policy Framework (NPPF) states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. This is taken further in the National Planning Policy Guidance which states "Designing out crime and designing in community safety should be central to the planning and delivery of new development. The Police Designing Out Crime Officer has been consulted on the current application. He has raised a number of observations on considerations to be taken into account in the consideration of the layout. However in the absence of a detailed layout is unable to provide detailed comments, but will assess any detailed design submission against the observations made.

16.0 Drainage

16.1 Flood Risk Assessment

The site lies within flood zone 1, which is defined as having an annual probability of fluvial flooding of less than 1 in 1000 in any one year. There is some localised surface water flooding associated with topographical low points, however this will be mitigated by the location of the Strategic green areas and public open space. The report acknowledges that the SFRA for the area indicates that the sites are designated as within a Critical Drainage Area and sensitive to change. Furthermore rising groundwater and springs have caused localised flooding in the past. Accordingly foundations should be constructed when groundwater is suitably low, or controlled through dewatering, and designed such that the damproof membrane is raised above expected peak groundwater levels. The detention basin may need to be lined to mitigate the potential impact of rising groundwater.

16.2 Surface Water Drainage

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

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

Detention basins remain dry during periods of low rainfall and are located to receive runoff from conveyance systems prior to discharge into the watercourses/ditches at controlled flow rates. Basins can be sized to allow storage of excess flows until they can drain. Discharge will

generally be controlled via vortex flow control device or reduced sized orifice plate as appropriate. Essentially this works on the basis of a large pipe into the basin, and a small pipe out. The size of the basin will be dependent on detailed calculations of runoff from the development. It is understood that the size of the detention basin will vary, dependent on the volume of water that is required to be stored. It is noted that infiltration tests for soakaways have been carried out on the site. This demonstrated that infiltration is a viable SUDS technique on parts of the site, although unsuitable elsewhere. This is in particular in respect of part of the site that are closer to Mill Beck.

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

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

The Environment Agency have no objection to the development.

A letter has been received from one contributor who refers to "well documented problems with surface and ground water flooding, and this site's position adjacent to problematic Mill Beck." The letter further states that "it is imperative that drainage issues on this proposed development be addressed as a high priority and confirmed as of sufficient capacity. Should the development be approved, any balancing pond deployed must be appropriately sized to reduce the surface water runoff from the whole site to the required rate of not exceeding 2 litres per second per hectare on this green field site. Some of the required attenuation could be achieved by a condition requiring the adoption of suitable SUDS."

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

16.3 Foul Drainage

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

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

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

17.0 Air Quality

- 17.1 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.

- 17.2 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.

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.*

- 17.4 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.

- 17.5 The applicants have stated within the submitted Travel Plan that they will provide one electric charging point for use by residents and the wider community. It is not considered that such a level of provision is consistent with National or local plan policy. Nor will it provide a reduction in emissions. Accordingly, the Council's 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.
- 17.6 The applicants have, however, undertaken a Damage Cost Calculation in terms of air pollutant damage. This amounts to £17,939.00 and will be delivered via a Section 106 Agreement should Members resolve to approve the application.

18.0 Affordable Housing Requirements

- 18.1 Policy SP3 of the Ryedale Plan - Local Plan Strategy requires provision of 35% of new dwellings as affordable housing on-site as part of sites of developments of 5 or more dwellings or 0.2 hectare. The change in policy as a result of Ministerial guidance does not affect a site of this scale. The applicants have advised that they aim to deliver the full policy compliant amount of affordable housing. Accordingly if a reserved application is approved for 79 houses, (the application seeks consent for up to 79 houses), there will be a requirement for 27.65 affordable houses.
- 18.2 The Council's Housing Services Manager has advised that provision should result in a 45% social rent, 45% affordable rent and 10% intermediate tenure (Discount for Sale). They have also advised that the site should deliver a number of two bedroom, three person bungalows as a proportion of the affordable for rent housing. It is recommended that the 0.65 of a house requirement be made as a commuted sum, based on a two bedroom house at market value less the transfer price. Members may be aware however that the Housing and Planning Act 2016 has introduced changes to the definition of Affordable housing to include starter homes. However until more detailed Regulations are released, the exact details and how they may effect the delivery of affordable housing is not known.

19.0 Access

- 19.1 The application is in outline with all matters reserved with the exception of the access which comprises a single access point off Langton Road. The application is accompanied by a Transport Assessment and a Travel Plan. The Transport Assessment has taken account of the required visibility in relation to the proposed access road, and also the capacity of the wider area to absorb the additional traffic generated by the development. The Local Highway Authority has taken into account the Transport Assessment submitted by the applicant. The proposed access arrangements onto Langton Road are considered satisfactory allowing for both the required visibility and adequate capacity to serve the proposed site. The site access should be formed as a transition road or alternatively the internal road layout should allow for provision of an emergency link.
- 19.2 The impact on the wider road network has been assessed by the applicant and capacity modelling undertaken at key junctions. During the peak periods less than 10% of traffic from the proposed development is expected to leave/arrive to the south of the site which equates to less than 10 trips. During the am peak hour 6 trips are predicted to turn right out of the site and although some will continue south along Langton Road, some of these trips are likely to use Bazeley's Lane. However existing traffic volumes on Bazeley's Lane are not expected to change significantly as a result of the development.

- 19.3 To mitigate the impact of additional traffic heading towards Norton and Malton town centres it is proposed to seek a contribution from the applicant to fund a Travel Plan which will aim to reduce car trips from the site and promote alternative means of transport. Funding for additional traffic management measures in Malton and Norton is also recommended to implement schemes aimed at improving safety and removing trips from the Air Quality Management Area.
- 19.4 There are no highway authority objections to the proposed development.
- 19.5 The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant.
- a contribution towards improved warning signs in the vicinity of the site.
 - a contribution towards the travel plan
 - a contribution towards junction and traffic management improvements in Malton and Norton.

Members will be updated at their meeting on the required amount.

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

20.0 Sustainability of the location

- 20.1 In terms of sustainability, the applicants contend that the site is in a sustainable location. They have referenced guidance in both the Chartered Institute of Highways and Transportation (CIHT) document 'Providing for journeys on foot' 2000, and Manual for streets (MfS). The CIHT document indicates that a walking distance of 400m is acceptable for trips to bus stops and local shops, with 800m being the preferred maximum. MfS² emphasises that walkable neighbourhoods should have a range of facilities available within 800m. Nevertheless, the sustainability matrix submitted by the applicant includes a list of local and neighbourhood facilities which demonstrates that there are few facilities within the recommended range. Brooklyn play group, St Peters Church, and an open amenity area, are the only facilities listed that are within 800m. The ATM, Primary School, public house, post office, sports facilities, small park and pharmacy are all in excess of this figure, although consideration is being given to providing some school provision at Brooklyn.
- 20.2 The submitted information does state that the recommended distances should not be regarded as the upper limit for walking journeys, and MfS² uses the principle that walking offers the greatest potential to replace short car trips, particularly those under 2km. Accordingly the submitted information includes a list of the following facilities which are within 2km of the site;
- Morrisons and Asda Food store (1.7km/21 minutes Walk)
 - Malton Rail Station (1.7km/21 minutes walk)
 - Post Office (1.1km /13 minutes Walk)
 - Derwent Surgery (1.8km / 22 minutes walk)
 - Brooklyn Pre-school (650m/8 minutes)
 - Norton College (210m / 3 minutes walk)
 - Norton Community Primary School (850m /10 minutes Walk)
 - potential school provision at Brooklyn (650m/ 8 minutes walk.

- 20.3 Officers are of the opinion that whilst future residents may be prepared to walk on occasion to some of the facilities listed, the distances are such that significant use of the car is likely. This is due to the limited facilities within the recommended guidance in MfS² and the CIHT. It is accepted that the figures are not absolute maximums however the distances involved require those living on site to also have the time to walk to such facilities, and if young children are involved, such distances may not be feasible or indeed practical. Carrying shopping also makes it unlikely that the majority of trips will be on foot.
- 20.4 The submitted Transport Assessment states that Norton is served by frequent bus services which provides access to the town centre and Leeds. Reference is made to the nearest stop being on Howe Road and Field View some distance from the site. The applicants have advised that they are liaising with service providers to provide an additional bus stop nearer the site. However for bus use to significantly improve the sustainability of the location, the service needs to be provided long term, and with sufficient frequency. Three of the buses listed in the submitted information only operate one day a week, and the Malton - Foxholes bus is not a frequent service. The Malton -Norton bus is however a circular bus service which is regular and may enable some access to local facilities. Nevertheless an hourly service can be limiting if there is no alternative choice. Furthermore if residents need to access a variety of facilities a lack of frequency will limit usage. It is noted however that the Coastliner, and the train are a viable alternative for those working towards Leeds and Scarborough.
- 20.5 The applicants have submitted a Travel Plan with the aim of " reducing the potential negative transport related impacts of the development". This includes the following measures:
- providing a pedestrian and cycle access into the site from Whitewall / Beazley's Lane and Langton Road.
 - Funding a Personalised Travel Planning initiative
 - one electric charging point within the site.
 - Travel information notice board
 - travel welcome pack
 - encouragement of car share scheme
 - potential for car club car.
 - initiatives to promote travel by public transport.
- 20.6 Officers have considered the submitted details. However, whilst the proposals are welcomed in terms of improving sustainability, it is not considered that the proposals are sufficient to mitigate the increase in car travel that will be generated by a site that is so distant from most local facilities.
- 20.7 It is also noted that Policy SP17 -(Managing Air Quality, Land and Water Resources), of the Local Plan Strategy supports measures to encourage non-car based means of travel or the use of low emission vehicles. The Councils Environmental Health Officer has advised that a single charging point for electric vehicles is not sufficient and should be provided for all dwellings. Whilst the site is not within the Air Quality Management Area, some of the traffic generated by the development will inevitably feed into the designated area. (see section of report on air quality)

21.0 Public Open Space Requirements

- 21.1 On-site Public Open Space is required in relation to Policy SP11 of the Local Plan Strategy. This comprises 0.2 hectares in relation to Parks and Gardens, 0.8 hectares in relation to natural and semi natural open space, 1 No. local area for play, together with 0.37 hectares in relation to outdoor sports facilities. The Development Framework Plan includes a significant area of green infrastructure. The applicants have advised 1.76 hectares of public open space will be provided which will include an equipped play area. There is no specific specification for outdoor sport, however it is noted that the framework plan includes a proposed footpath/

cycle link will provide a form of recreation. Accordingly it is considered that the framework plan shows that the site is capable of delivering the required level of public open space.

22.0 Design

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

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

22.2 Policy SP16 Design of the Local Plan Strategy states:

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

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

22.3 Policy SP12 Heritage includes the following statement:

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

22.4 The policy also includes the following requirement;

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

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

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

- 22.6 The applicants Framework Plan states that the area of the site is 3.65 hectares, with the developable area measuring 2.39 hectares and green infrastructure, including public open space measuring 1.26 hectares. The north western corner of the site will comprise an equipped play area within a green setting. The south west and south eastern areas of the site also include extensive areas of green infrastructure with retained trees and hedges. A balancing pond for surface water will be sited in the south western corner of the site. Additional planting will be provided around the western boundaries of the existing properties which are situated to the eastern corner of the site. The impact of the development in relation to the setting of the historic asset, and the approach and setting to Norton are considered in the sections on landscape, and heritage.
- 22.7 If it is considered that the principle of the development is acceptable in all other respects, officers are of the opinion that the site can accommodate the number of dwellings proposed with sufficient landscaping and green infrastructure to benefit the needs of future occupiers. It is noted, however, that Policy SP4 - (Type and Mix of New Housing), requires that 5% of all new homes built on schemes of 50 dwellings or more shall be built as bungalows providing this is viable in conjunction with other requirements.

23.0 Neighbour Amenity

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

24.0 Agricultural Grade of Land

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

25.0 Contributors

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

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.*

25.2 In addition 8 letters of objection have been received, together. The letters are available to view in full on the Council website, however they include the following points:

- drainage concerns, due to well documented problems associated with Mill Beck
- adverse impact on the setting of the listed building
- 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.
- 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 A 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.
- No change in policy or material considerations since previous applications refused
- Object, but if approved ensure:
 - (i) Development does not effect existing drainage
 - (ii) Retention of ancient hedgerow
 - (iii) dwellings should be low level and designed in sustainable materials
 - (iv) Significant number of properties should be low cost and affordable.
 - (v) Character and integrity of stream should be preserved
 - (vi) appropriate measures to take account of traffic.
- Heritage asset under threat
- Setting and visual impact of the development would be detrimental to the 'gateway amenity value of this approach to Norton.
- 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.
- LPA agreed that the land would not be taken forward as part of the site selection process.
- 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.
- There are already major housing developments being processed and driving the prices of existing houses down.
- Evidence regarding the height of the water table and tendency for flooding in the area. Photographic evidence accompanies an objectors letter and is available to view on the Council's website.
- 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.
- From a gate in the field you can watch wild animals.
- The view from the top of the hill is stunning, the new development will spoil the view
- There are few places in Norton where families can walk which is suitable for pushchairs, wheelchairs, and for children to run safely etc. A lot of people just walk to the end of Bazeleys Lane and then back into town.
- Why is it necessary to build on the open countryside and not brown field sites.
- Bazeleys Lane, Auburn House, Furze and Paddock House etc have always been a separate hamlet. The development will create a bridge between Norton and this area.
- Traffic Management - Langton Road is not suitable for any increase in traffic and is dangerous. Cars unable to pass on some lengths, blind bend in one area. (Please note that the contributor response that raises management issues is length, however it is available to view in full on the public access website)
- Unlikely that traffic use will reduce in favour of boots and cycles.
- Increased traffic. Around 9am you are obliged to queue to go down Wold Street and then onto Church Street or Commercial Street.
- The development is too far out of time, and bus service is inadequate, and hardly used.
- The development will also increase traffic on Bazeleys Lane and Langley Drive. Bazeley Lane is a beauty spot, and is an unlit single track country lane, with no footpath.
- 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, surgery and other services 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.

25.3 It is considered that most of the points raised above have been addressed in the body of the report. In relation to capacity of supermarkets and surgery's etc, work was carried out with the then Primary Care Trust as part of the Infrastructure Delivery Plan in relation to work on the Local Plan Strategy. This has not revealed a need for new or additional surgery space. The current issue appears to be one of recruitment and retention of Doctors which is understood to be a national concern, and not a reason for refusing a planning application. In relation to supermarket provision, the Local Planning Authority is required to meet full needs for development requirements, and will take this into account should an application for further retail be submitted within Norton and /or Malton. In relation to Education, this is a matter for County Education to take account of. When the application was previously considered, contributions towards education were required, however such contributions are no longer sought towards education because of the implementation of the Community Infrastructure Levy.

26.0 Impact of the development on the racing industry

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

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

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

generated, horses should be able to continue to use this route. The developer has offered to provide funding to improve warning signs along Langton Road.

- 26.3 Nevertheless, in view of the importance of the racing industry to the area, and the continued objections raised on their behalf, the Highways Authority has been asked to provide further on the comments raised.

27.0 Community Infrastructure Levy

- 27.1 Since the consideration of the previous application, the Local Planning Authority has implemented the CIL. It is noted the County Education have advised that there is a shortfall of 118 places as a result of the development. However, this contribution through Section 106 can no longer be sought for education because it is a matter on the CIL Charges Schedule - Regulation 123 list.

28.0 Summary

- 28.1 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.

Furthermore, the site is poorly located having regard to existing facilities and services. This will result in a development in which residents would be heavily dependant on the use of the private car rather than alternative means of transport.

It is considered that the development of the site will give rise to public benefits to the supply of both market and affordable housing. However, these benefits do not outweigh the harm outlined above.

RECOMMENDATION: Refusal

- 1 The proposed development by reason of its proximity to Sutton Grange Barn will result in an unacceptable level of harm to the setting and significance of the listed building. The public benefits to be derived from the development do not outweigh the harm to the designated asset. The application is therefore contrary to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that decision makers must give special regard to the desirability of preserving the listed building or its setting. Furthermore the development is contrary to Section 12 of the NPPF, specifically paragraphs 129, 131, 132, 133, 134 and Policy SP12 of the Ryedale Plan - Local Plan Strategy
- 2 The proposed development will result in significant harm to the setting of the un-designated heritage asset of Sutton Grange, by subsuming the house with urban development. As such, the development is contrary to paragraph 135 of the NPPF, and Policy SP12 of the Ryedale Plan - Local Plan Strategy.
- 3 The development of the site would result in the loss of this open area of undeveloped land which has significant intrinsic landscape value and character, and which is atypical of the area. Furthermore it would harm the setting of this attractive approach to Norton, and breach the strong woodland setting (subject to a Tree Preservation Order), which currently provides a significant visual end stop at the approach to the town. As such it is contrary to the strategy of the Development Plan for the location and distribution of new housing at Malton and Norton, including Policies SP2, SP13 and SP20 of the Ryedale Plan - Local Plan

Strategy.

- 4 By virtue of the separation of the application site from the built up area of Norton, the proposed development would be detrimental to the form and character of the town. Furthermore it would result in the development of a site in an unsustainable location in relation to local and neighbourhood facilities. As such it is contrary to the locational policies of the Development Plan including Policies SP1 and SP2 of the Ryedale Plan - Local Plan Strategy.
- 5 The development is not in accordance with the development plan, and furthermore, it is not considered that the benefits of the development would outweigh the harm to the setting and character of the listed building, the adjacent un-designated heritage asset (Sutton Grange) nor the loss of this important landscape setting to Norton. As such, the development is contrary to Policies SP2, SP12, SP13 and SP20 of the Ryedale Plan - Local Plan Strategy, and the NPPF.

Background Papers:

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