



## PLANNING COMMITTEE

Tuesday 8 June 2021, following the Licensing Committee that commences at 6.00 pm

Council Chamber, Ryedale House, Malton

**For the purpose of public transparency and accountability, the meeting will be live streamed online. Details of how to access the live stream will be made available on the Council's website in due course. For health and safety reasons and in accordance with our risk assessment, members of the public are asked to follow the meeting via this method and cannot attend any physical meeting in person. Members of the public wishing to speak at the meeting will be able to do so remotely and details of how to do this will be provided after registrations to speak are received.**

### Agenda

17 Late Observations

(Pages 2 - 30)

# Agenda Item 17

RYEDALE  
DISTRICT  
COUNCIL



Please Contact: Hayley Atkinson

Extension 43393

Email: Hayley.atkinson@ryedale.gov.uk

All Members of the Planning Committee  
Council Solicitor  
Head of Planning  
Planning and Regulation Technical Support Manager

Ref: Agendas/Planning/20

4<sup>th</sup> June 2021

Dear Councillor

## **Meeting of the Planning Committee – 8<sup>th</sup> June 2021**

With reference to the above meeting I enclose for your attention the late observations received since despatch of the agenda.

All items for the late observations relate to:

Item 5 – Schedule of Items to be determined by the Committee

Item 6 – 20/01223/73M

Item 7 – 20/01252/MFUL

Item 11 – 21/00057/FUL

Item 12 – 21/00581/HOUSE

Item 13 – 20/01181/FUL

Yours sincerely



Mrs Karen Hood  
Planning and Regulation Technical Support Manager

# APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

## PLANNING COMMITTEE - 08/06/21

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6

**Application No:** 20/01223/73M

**Application Site:** Land At Scagglethorpe Manor Farm Main Street Scagglethorpe Malton North Yorkshire

**Proposal:** Variation of Condition 26 (Plans) of approval 09/01306/MFUL dated 01.02.2012 to allow amendments to the approved scheme

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7

**Application No:** 20/01252/MFUL

**Application Site:** Land East Of White Gate Sherburn Malton North Yorkshire

**Proposal:** Change of use of agricultural land for a temporary period of 5 years between the months of July and September of each year, for the use as visitor attraction with maze, childrens' funfair, fairground and refreshment stands with associated parking

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8

**Application No:** 21/00452/MFUL

**Application Site:** Wood House Farm Wood House Farm To Acres Lane Acklam Malton YO17 9RH

**Proposal:** Erection of agricultural building for dairy cubicle housing.

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9

**Application No:** 20/00088/FUL

**Application Site:** BATA The Mill Main Street Amotherby Malton North Yorkshire YO17 6TT

**Proposal:** Erection of extension to existing feed bins to allow installation of additional 12no. bulk outloading bins for animal feed storage, together with integral weighbridge.

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10

**Application No:** 21/00023/FUL

**Application Site:** Wellington House 63 Wood Street Norton Malton YO17 9BB

**Proposal:** Erection of a first floor and single storey rear extension to the annexe of Wellington House to create 2no. additional residents bedrooms to include a rendered finish; the insertion of an additional obscure glazed window at first floor level of the existing western elevation of Wellington House, and the installation of 2no. rooflights to Wellington House and 1no. rooflight to the existing single-storey rear extension.

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**APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL**

**PLANNING COMMITTEE - 08/06/21**

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**11**

**Application No:** 21/00057/FUL

**Application Site:** Livery At The Haybarn Barugh Lane Great Barugh Malton YO17 6XB

**Proposal:** Change of use of buildings to commercial livery stables, to include equine therapy and rehabilitation services, erection of 2no. additional stables, construction of 1no. horse walker, formation of riding arena and construction of a hardstanding area for parking and turning of vehicles (retrospective)

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**12**

**Application No:** 21/00581/HOUSE

**Application Site:** Pantiles 4 North Carr Terrington Malton North Yorkshire YO60 6PN

**Proposal:** Erection of a two storey side extension.

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**13**

**Application No:** 20/01181/FUL

**Application Site:** Land Off Hungerhill Lane Wombledon Kirkbymoorside

**Proposal:** Change of use of part of airfield land to allow the siting of 6no. timber clad static holiday units with decking together with formation of a site vehicular access, associated permeable gravel internal site road with car parking spaces for the individual units, site landscaping and fencing with proposed low level site entrance lighting

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**Item 6**  
**20/01223/73M**

**RECOMMENDATION:**                      **Approval** subject to the prior completion of a unilateral undertaking to confirm the works required by the Traffic Regulation Order; a deed of variation in relation to the existing Section 106 legal agreement in relation to affordable housing and the following conditions:-

20/01223/73M

Parish Council response

DM- please can this be added to the late pages for item 6

Thanks

**From:** Sheila Cook

**Sent:** 30 May 2021 17:58

**To:** Alan Goforth

**Subject:** Re: Planning Application 20/01223/73M Response by Scagglethorpe Parish Council

Dear Mr Goforth

Thank you for your email of 26 May inviting the Parish Council to comment on the latest proposals for the Manor Farm development in Scagglethorpe, and for your subsequent clarifications.

The Parish Council would ask you to pass on our thanks to the developers, the planning department and Highways for pausing to take another look at the road safety issues connected with moving the parking spaces of the terraced houses on to the Main Street/Bull Piece Lane side of the properties. The rat-run of Scagglethorpe and Settrington is now the unofficial north-south bypass for Malton and our narrow streets are just not designed for the kind of traffic coming through.

We do still have concerns for new and existing residents of that stretch of the road. The new residents will still have to pull out very close to a blind corner, and the proposed yellow lines may just encourage parking on the opposite side of the road causing problems for existing residents there. However, as Highways are happy with the proposed alteration, we will take their professional guidance and offer no further objection to the variation of the development plan.

Again, thank you to everyone for taking another look at this. We look forward to the development being completed.

Yours sincerely

Sheila Cook

for Scagglethorpe Parish Council

From: Charles Mackain-Bremner

Sent: 03 June 2021 21:03

To: Alan Goforth

Subject: Re: Planning Comment on application - 20/01223/73M

Dear Mr Goforth,

Though I think that double yellow lines will look odd in the village, I cannot raise a substantive objection to them. I hope that the developers will be able to proceed with the project as it looks like a really good addition to the village.

Regards,

Charles



**Head of Planning Services  
Ryedale District Council  
Ryedale House  
Malton  
YO17 0HH**

**Yorkshire Water Services  
Developer Services  
Pre-Development Team**

**PO BOX 52  
Bradford  
BD3 7AY**

**E-mail:  
planningconsultation@yorkshirewater.c**

**Your Ref: 20/01223/73M  
Our Ref: X003335**

**-  
o.uk**

**For telephone enquiries ring:  
on 0345 120 8482**

**4th June 2021**

Dear Sir/Madam,

**Land At Scagglethorpe Manor Farm Main Street Scagglethorpe Malton - Variation of Condition 26 (Plans) of approval 09/01306/MFUL dated 01.02.2012 to allow amendments to the approved scheme**

Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:

**Waste Water**

Yorkshire Water has no objection to the variation of condition 26.

- 1) The submitted proposed drianage layout 02 indicates a manhole connection for surface water and, upon receipt of additional information, it has been proved the private manhole outfalls to the local watercourse. We fully endorse this proposal.

Yours faithfully







YorkshireWater

**Joe Summers**  
**Pre-Development Technician**  
**Developer Services**



Awarded for excellence

20/01252 contributor

**From:** Niamh Bonner  
**Sent:** 03 June 2021 17:29  
**To:** Development Management  
**Cc:** Gary Housden  
**Subject:** FW: Amended version - FW: Land East Of White Gate Sherburn Malton North Yorkshire - 20/01252/MFUL  
**Importance:** High

Hi there

Please see late pages info from Cheryl Ward on the above app, including attachment.

Thanks

**From:**  
**Sent:** 02 June 2021 12:53  
**To:** Niamh Bonner  
**Cc:**  
**Subject:** Amended version - FW: Land East Of White Gate Sherburn Malton North Yorkshire - 20/01252/MFUL

Dear Niamh – please find amended version attached.

In connection with the above application I have bullet pointed (for ease) some comments we wish to put forward to Members ahead of next Tuesdays Planning Meeting:

- My client whose land is 10m from the development is bitterly disappointed that the Parish Council would appear from the report at first site to have withdrawn their objection when none of the 104 parishioners/residents on White Gates road who have signed the petition have removed their objections. As recently confirmed by my client this is not the case.
- The Parish comments forwarded to you on 7 May 2021 do not make complete sense and isn't what was understood from the Parish Chair was going to be forwarded to the LPA. Can they be queried please?
- The 2<sup>nd</sup> para. of the Parish comments acknowledge the number of objections being made. Although it is very unclear, we feel what they are trying to say is, the PC support local residents. If the residents remain severely unhappy with the proposed development it is still

the opinion of the PC that the development should not be approved. We wish Members and Officers to know this or at least have some clarification on this.

- In relation to the applicant's agent's comments we do not wish to engage in a planning argument within another professional via yourself, however, we would comment that regardless of whether the development is 'major development' or not, the 'need' for all development is required to be justified by the applicant/LPA.
- All Highway works, including those off-site and an Independent Stage 2 Road Safety Audit, are required to be carried prior to the construction works commencing on site.
- The Audit needs to be timed so that it is carried out during the months of July – September as any other time (certainly for White Gates road) would provide an unrealistic data set. Our request is based on the robust knowledge that the event will only take place during these months, which happens to be the busiest time of the farming calendar (as pointed out during our initial response).
- **Can we make the suggestion that The Highway Engineer is requested to be on hand at the Planning Meeting to answer any questions.**
- That all noise data to be collected **DAILY**, is at least made available to the PC, who can share the evidence with Parishioners.

In addition to the above, we feel that there is a better site that could come forward for the development which would have far less of an impact on the surrounding area and lessen noise and highway impact. Please find attached map pinpointing an alternative site to the east of Sked Dale road. Accordingly my client and the residents wish to ask for:

- **DEFERRED of the scheme for a Committee site visit** to assess the level of material planning harm that would be brought on the current site.
- The advantages of the proposed alternative site (same landowner) made recently possible by a newly constructed entrance 150 yards South of the traffic lights on the East side of Weaverthorpe road, are as follows:
- The new site would be less offensive to the residents of White Gate road, cause less aggravation for farm traffic, reduce the prospect of picnics and trespass on Springfield property, and cause less harassment for the dogwalkers on White Gate road.
- Finally it may even encourage the 104 people who signed the petition to remove their objections.

**Members/Officers - Please will you give this your serious consideration.**

**Suggested conditions** – should Members be minded to approve the ‘out of character’ development the following conditions are suggested:

- That there is sufficient staff on hand to clear up any mess/litter picking and ensure there is no ability to roam onto the adjacent private land.
- To restrict lighting with no zero upward spill – on the basis that the site falls wholly within the open countryside.
- Dog fouling is not permitted anywhere inside or outside of the site.
- Burgee/flag displayed last year to be taken down each day – last year this had a tendency to emit noise during the wind/evening causing nuisance to the nearest sensitive noise receptors.
- No sound including music and generators should be in operation outside of the permitted hours of the venue.
- For all Highway works to be secured by condition requiring all mitigation to be carried out PRIOR to approval being granted.

Thank you to Members and Officers for taking the above points into consideration.

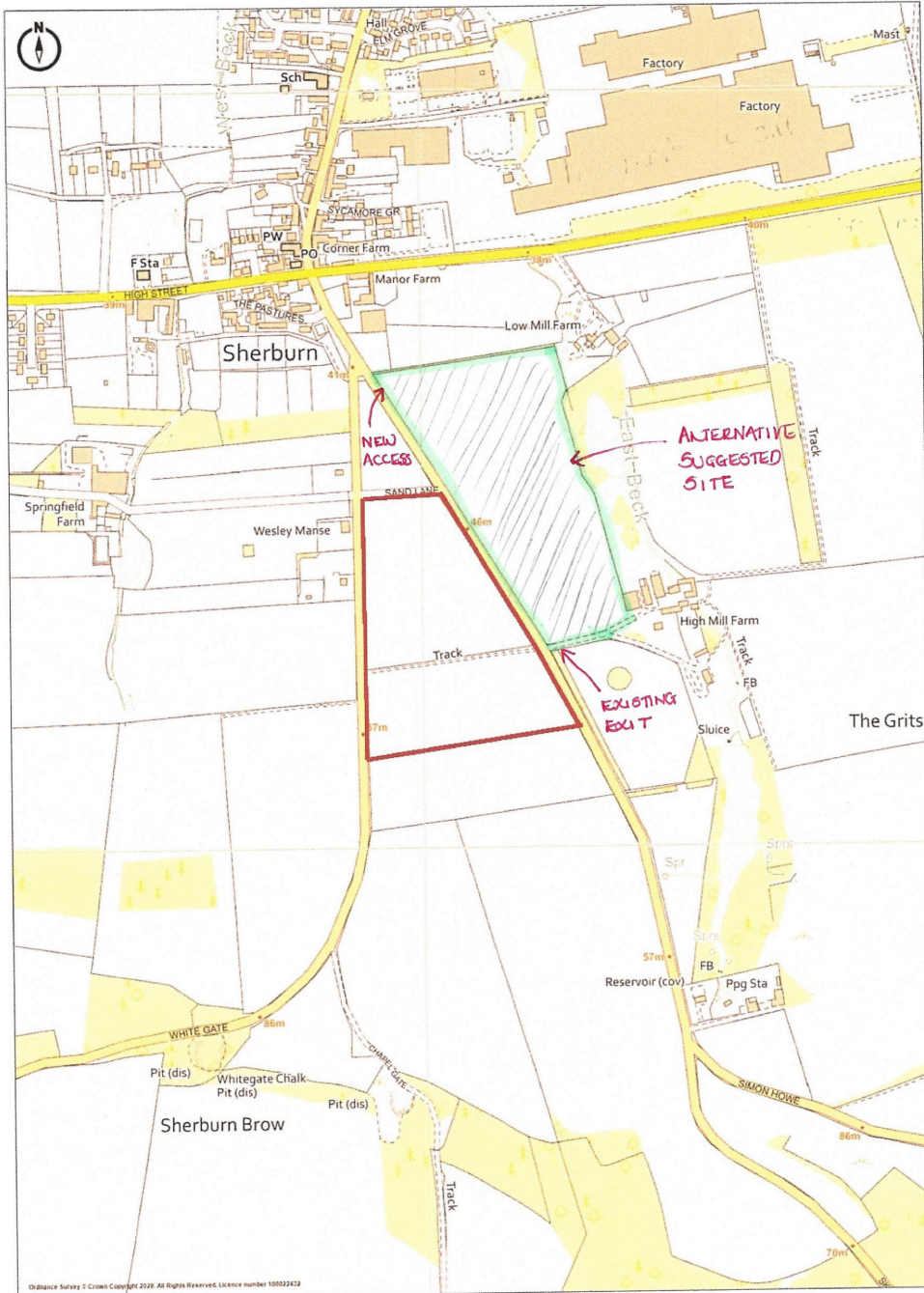
Kind regards

Cheryl Ward

On behalf of Mr James Barstow, Springfield Farm, Sherburn, YO17 8QH

Cheryl Ward Planning

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**Promapv2**  
 LANDMARK INFORMATION

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SITE OF PROPOSED MAZE, CHILDREN'S FUNFAIR/ FAIRGROUND  
 AND CAR PARK IN ITS WIDER CONTEXT  
 DRAWING NO. KK/13/02  
 DECEMBER 2020

 APPLICATION SITE

## Item 11- Letter 1

**From:** JOANNE ROWE  
**Sent:** 31 May 2021 23:09  
**To:** Martin Macbeth  
**Subject:** Re: Livery At The Haybarn, Barugh Lane, Great Barugh, Malton, YO17 6XB - 21/00057/FUL

Dear Martin,

Thank you for your email regarding the above application, and informing us that new information has been put forward. We would like to inform you there is some information that is incorrect.

The applicant is claiming that he rented The Haybarn house out to myself in march 2019 this information is incorrect. The applicant rented the house out to myself and My husband Mr Richard Dixon and it was first rented out to us on 21<sup>st</sup> December 2017 can provide paperwork if needed. We as a family have lived in this house since this date and we have had only one problem which was the boiler apart from this it has been a very peaceful place to live till this business started on 1<sup>st</sup> October 2020. The applicant is saying that I had my horses on the yard till summer which is also incorrect. I left this yard because of this business on 30<sup>th</sup> September 2020.

The applicant is stating that there is Legal Proceedings against myself and my Husband Mr Richard Dixon which is also not TRUE. We was suppose to leave the property on 21<sup>st</sup> of May 2021 as we received a letter from the Letting agency to say that there was being a termination of contract for the Haybarn. This was sent to us in November 2020 which is not long after this business started.

Unfortunately the property we are purchasing was not going to be completed by this date so our solicitor advised us to get in contact with Letting agency and ask for extension due to us having two children as well. This was granted and two conditions applied.

One condition was that the electrician visited the property to carry out the electrical work on 25<sup>th</sup> May  
second condition was for a boiler service to be carried out on 26<sup>th</sup> May.

Even though I had a consultants letter stating

' I would be grateful if routine work on the property she inhabits could be postponed in light of the current Covid situation'

This was completely ignored and forced entry was carried out on the above dates, myself and children had to leave the property so work could be carried out. Previous to this both myself and Husband have received numerous of emails which was to the point of Harassment and being bullied. One email my husband recieved was a threatening email. We can provide copies of these emails if needed.

## Item 11- Letter 1

The electrical supply has now been checked in The Haybarn house and the garage which we rent but nothing has changed and the Livery yard was not checked so will probably continue to cause ongoing problems for tenants.

I find in the statement that the applicant has a personal attack on myself probably due to the current situation regarding the electrical and water supply which we are still continuing paying the raised monthly payments which it will do when there is a lot of horses and using a solarium and theraplate when been told not too!

.The applicant is claiming the money for payment of the treatment plant which was not agreed between both parties. Should be same as all tenancy agreements that tenants are responsible for all their own bills. Because I approached the Applicant to solve this matter back in December the applicant is unwilling to provide photograph of meter readings. So therefore at this present moment in time myself and husband Richard Dixon are paying the bills for this unlawful business.

I believe Mr Boothman had put in two photographs of a delivery van which he claims are on two separate day which is also not true. The photos have been taken on same day looking at the snow etc. just the van on a different angle on the drive. Due to me shielding for 5 months because of Covid only way to get things was to deliver to the house. We live here so entitled to have deliveries.

If your going to do a business then you do it the right way and follow the law, you don t make a mockery out of the council planning and then blame others for your actions. Which is exactly what's happened here.

Joanne & Richard Dixon

Dr and Mrs R Crockatt Objection Planning Application 21/00057/FUL .

Comments and observations in response to Ryedale District Councils notification of the Supporting Statement submitted by the Applicant/Agent 26.5.21

#### Description of the business

This does not give context of the acreage of the site at Great Barugh or the number of sheep cared for or the fact they are mainly grazed by the river bank and indeed cared for in this area. ( 27.5.21 being an example). The relevance of this is the access and hard standing area which has not been used for corralling sheep since its construction in November but as a Car Park. Despite this the sheep crusher and haylage have sat in this area since November 2020 immediately next to our fence along with hay being delivered to the Livery, this area was not used as a store previously in fact horses were sometimes grazed there.

This area again impacts on the amenity and enjoyment of our property.

The Access track is referred to as the Farm Track there has never been planning permission for extension of the track into this area. This track was for access to the properties .The applicant owns more than 5 acres so we understand this is required.

Visits to the site are listed as being on a daily basis so the site is monitored by the applicant ,the applicant removes the sheep during lambing season for some 2-3 months so visits are not on a daily basis.

#### Diversification.

The Residential site was a diversification for the then owners of Whitehouse Farm and with the residential development came legal restrictions and subsequent planning control to protect the character of the development.

As previously stated on applying for change of use of agricultural land we were only given permission to create a wildlife garden with trees, hedging and pond .

Erection of a shed was permitted only if it was painted in a dark stain this was surrounded by three high walls and would not be seen by anyone other than ourselves. This is a marked contrast to the uncontrolled development of the Stables and Livery that has taken place and the impact on the surrounding properties and our enjoyment of them .**The Statement re the purchase of the Haybarn and the land says it was for the purpose of diversification and development of a Livery so why was planning permission not sought then or indeed covenants and restrictions explored.**

#### Plans for the Stable block

Several plans have been submitted the recent showing the 7 Stables and two stores. The store at the end was added in 2017 and no application has been made for this. The original application in 2001 was for two stables , Haybarn and tackroom. The retrospective application includes two field shelters that are permanently sited this leaves 3 remaining stables that are not accounted for on the retrospective planning application.



## Capacity

Previous statements by the Applicant have indicated up to seven horses were previously accommodated on the site it now says 9. As a development with no planning permission whatever the number of horses have been in the past this does not vindicate it being appropriate now. We have gone some 7 years with an unchecked and ever encroaching business development and the recent statements show little thought for addressing neighbours concerns.

In November 2020 there was a period with 10 horses on site with resultant poaching of the ground and a period of flooding of the fields there were at least 7 individuals accessing the site to deal with their horses.

The previous statements submitted dated 5<sup>th</sup> May states the tenants would wish to have up to three horses for boarding therapy. The current statement states the tenant utilises the property for up to three horses for boarding therapy.

A previous statement says horses for rehabilitation would stay 2-3 weeks it now says 3-6 weeks.

## Site Security.

Comprehensive details of security of the site are included, the Access track serves the three properties and prior to establishment of the Livery most people didn't even know our house existed. We now have and have had over the years a significant number of individuals up and down the track, parking looking straight in to our garden and towards our property.

There have been instances of individuals arriving at the site when neither the tenants or Livery clients are present and who knows if this is legitimate.

## Manure Trailer.

There has been no opportunity for us to formally object to the Livery, siting of the manure trailer etc, until now with a retrospective application. We have had various problems over the years with the Livery, parking, blocking our entrance, parking in our entrance. There have been very pleasant clients but also some rude and inconsiderate.

Our previous comments on the manure trailer were based on the applicants plan, highlighting the fact it states it will be emptied when full. The plan did not demonstrate other considerations such as the smell of urine prior to reaching full capacity. This again has been a problem after the trailer being emptied on the 24<sup>th</sup> April. On the 5<sup>th</sup> May we had had 4 days of an escalating smell, so much so I emailed the Enforcement Officer to request a site visit ASAP to experience this.

On this occasion it could be smelt from the road, so if it was being monitored why was it not dealt with. Our property including our garden is the closest to the Manure Trailer/ Stables not the Haybarn.

So many variables affect the smell/ nuisance from the trailer,number of horses on site,mix of horses and ponies,rain and water logging of fields resulting in horses being kept inside.Wind direction due to it's siting.

#### Traffic/ Transport

The previous statement on number of cars per day visiting the site was 3 or less and,would therefore be 21 per week at most .Our experience has been as follows ,the car park overlooks our garden and our garden room.In one week we observed 32 so 64 additional journeys up and down the drive to those made by residents.This doesn't include farm traffic.

There is no mention of visitors to horses receiving treatment just delivery and collection.Farriers etc.

#### Equine Therapy.

The Therapy may take part within the tack room ,but are any additional assessments on movement and conformation taking place in the arena.This area again looks across and can be seen from our property and brings activity to the front of the Stables.This has not been the case prior to construction of the fencing it was a drainage area.

Ms Gill Truscott,  
The Old Wheelhouse,  
Barugh Lane.  
Great Barugh,  
Malton.  
YO17 6XB

27<sup>th</sup> May 2021

**Response to Documents 2183002 and 2183003 for Planning Application  
21/00057/FUL**

Dear Martin,

Please find my response to the two new documents 2183002 & 2183003. Please add my response to the document data base for application 21/00057/FUL.

**2183002**

The Stable Block Floor Plan is incorrect in that there is a gap between the Stable Block and the first of the Mobile Shelters (converted into permanent stable), it shows it attached. The Stable Block has not been marked up to show the three additional stables added to the original stable block, therefore giving the misconception that this was the original stable block (Two Stables, Tack Room and Hay Store) that has planning permission. The tack room has already been converted without planning permission into the solarium facility, when the application was submitted this was still a tack room and therefore no additional work should have been done without a further planning submission. In his application asking for the site to be used for therapy work, this does not give him an automatic rite to convert a building from one use to another. Yet again the applicant has not followed the rules that apply to all of us regarding planning.

**218003**

When the applicant purchased the Haybarn property their searches would have shown that the Stables, Tack Room and Hay Store had only planning permission for personal use and was not to be used for commercial livery, as our searches showed when we purchased our property in 2018. Therefore the applicant would know he would have to apply for a change of use if he intended to use the stables and land for a livery income. Did he inform the RDC that he was now running a commercial livery from this site? Did he meet all the financial obligations for this change i.e. rates and tax? He certainly did not as far as planning permission goes for all the additions to the original stables.

The fourth para gives the impression that the stable block has not been altered since his ownership. There is no mention of the extension of the stables from two to five, as there is no mention of this in the planning application. The Stable block has been extended at both ends by the applicant. Thus the left hand end can now be seen from the road, which was one of the restrictions on the original planning. Does the applicant think that he does not need planning permission for the changes he has made to the original and lawful stable block or is he hoping nobody will notice this discrepancy?

The maximum number of horses since we moved in (Aug 2018) has been five until the new tenants arrived. Since then we have seen up to ten horses. The main difference is that the previous tenants (one lady with a horse and in March 2019 our neighbour brought in her horses (four in No) cleaned the paddocks of horses manure every day and ensured the manure trailer was emptied regularly. Also good practice was carried out to rotate the paddocks so they were never over grazed or fields of mud. As previously stated in my communications, 7 acres is not enough land for nine horses. Each horse should have between 1.25 to 1.75 acres and enough land so that the paddocks can be rotated, so stopping the paddocks from becoming over grazed (Animal Welfare act).

There is a lot of words about site security but no mention of fire prevention or a escape route for the horses. Also if the site is unmanned, apart from when the tenants or owners visit their horses, who is going to raise the alarm if a fire breaks out, who is going to let the horses out from the stables to escape the fire? Where are the fire points and fire extinguishers?

There is also no mention of an electrical safety certificate which is required by law for a commercial livery. We know there has been a problem with the electricians since we moved in with our neighbour having their electricity knocked off due to fault in stables. We know that this solarium has now been installed and being used, was this installed by a qualified electrician with the associated paperwork? Finally as the electrical installation was installed by the previous owner for lighting to the two stables, tack rm and hay store, has the cabling been upgraded so it is sufficient to take the additional load of the solarium lamps and theraplate?

I and my partner work in our garden and land (next to the stables) and since this new venture has been going since October 2020, have noticed the increase in flies, rats and smell from the stables. To state that we are not affected is totally untrue and especially untrue when the wind is from a westerly direction. I suggest the applicant comes to his stable for a day when the fields have not had the manure collected and the manure trailer is half full.

Yet again the applicant says there is not a problem with the additional traffic. There is no mention of the fact that the tenants both come to the site in their own vehicles, it gives the impression they use one vehicle. The owners of the other horses come to the site to look after their horses or ride. Deliveries of hay and food, visits by vets, visits by farrier and also visits by owners of horses under going treatment. In one day we have recorded twenty six vehicles associated with the stables. Also during the summer when the trees are heavy with leaves both the Horse boxes and farm vehicles damage the tree canopy. These trees are now under the process of being protected by a Tree Preservation Order, therefore this damage is unacceptable, as is any damage to the root system or use of weed killer on the track.

Gill Truscott.

**From:** anne blakemore

**Sent:** 26 May 2021 22:11

**To:** Martin Macbeth

**Subject:** Re: Livery At The Haybarn, Barugh Lane, Great Barugh, Malton, YO17 6XB - 21/00057/FUL

Dear Martin,

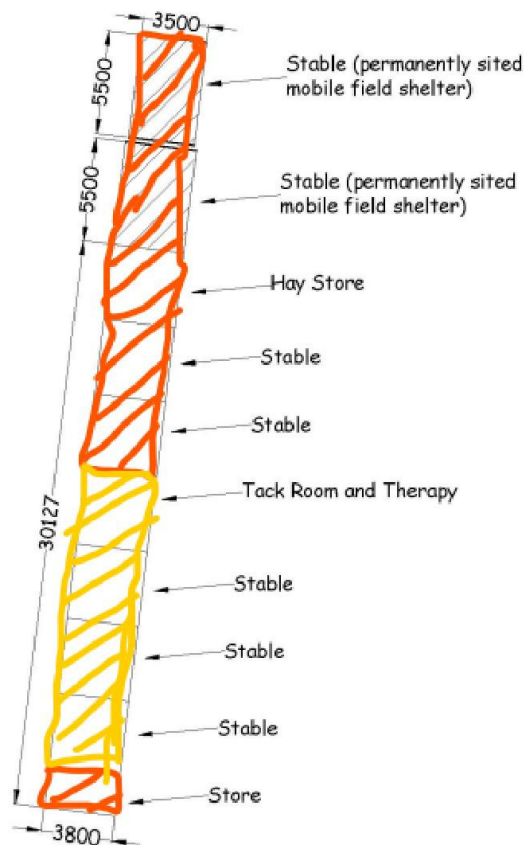
Thank you for your email.

I would like to comment on this latest submission as follows:

#### Stable Block Floor Plan

I have shaded in yellow the outline of the structures which were included in the original approved non-commercial planning approval.

I have shaded in red the unlawful additions. It is not clear if any planning application has been made for a substantial part of this .



Although totally irrelevant to this application I wish to make it clear that at no time did I ever dispose of stable waste in hedgerows but barrowed it on a daily basis to my neighbours' vegetable plot where it was put to productive use!

Please feel free to add this to the online comments

Kind Regards

Anne

Anne Blakemore

Annedd Wen

Y Stryd Fawr

Y Borth

Ceredigion

SY24 5LH

David Thompson

Long Cottage

3, North Carr

Terrington

York

YO60 6PN

07985 450157

May 29<sup>th</sup> 2021

Dear Sir,

**Objection to Revised Planning Application 21/00581/HOUSE – Pantiles Cottage, 4 North Carr, Terrington.**

Thank you for inviting comments on this revised planning application. I am the owner of Long Cottage (3, North Carr), one of the adjoining properties to Pantiles.

In summary, it seems to me that the changes proposed are relatively limited. And whilst Michael Punchedard's letter in support makes a number of valid points - with which I would agree – his letter doesn't resolve my key concerns. In consequence, I continue to support my objections to this, revised, planning application.

In more detail; taking my threefold reasons for objecting (as set out in letter of April 19<sup>th</sup>) in turn.

**First, the existing drainage systems are severely stretched, and further demands will be problematic.** Michael Punchedard's letter argues that the existing drainage systems function effectively. I agree; but that is not the point. The key issue is that the present drainage systems are stretched (as previous experience has demonstrated) in large part because of shifts in alignment since they were installed. **Adding** to the present load placed on the drains will increase the risks of malfunction with adverse consequences for the amenity of neighbouring residents. A significant enhancement of the drains would be needed to deal with this issue. This doesn't seem to be planned for (and were it to go ahead would be significantly disruptive). Michael Punchedard's argument that the proposed extension will not add to the load on the drains seems to me to be highly improbable at best.

**Second, the existing provision for parking is also severely stretched, with knock-on difficulties for access.** Michael Punchedard's letter argues that the present capacity is adequate. Again, the key point is that the present capacity is stretched and the proposed extension to Pantiles would make this

problem worse, potentially significantly so; again, there will be adverse consequences for the amenity of neighbouring residents.

**Finally, it is also questionable whether the design and scale proposed in the application are appropriate and in keeping with the character of the area around the North Carr cottages.** Michael Punchard's letter argues that the proposed development will not result in an adverse overshadowing effect on the north facing windows of 3, North Carr. I agree (although there **will** be some overshadowing of the north side garden). However, this wasn't the point I was making in my letter of April 19<sup>th</sup>. My objection related to the more general impact upon the scale layout and ambience of the North Carr cottages. At the time that the original development of North Carr cottages was carried out, a set of covenants were put in place to safeguard these issues (of scale, layout and ambience), reflecting their perceived importance. This application appears to be at variance with these intentions

I hope that the authority finds the considerations against approving this proposal persuasive. Nevertheless, if the authority were minded to approve the application I would ask that they consider attaching conditions to secure

- Provision of adequate drainage (to support the substantial increase in the size of the property)
- Provision of adequate car-parking and access space, similarly
- Sustaining the provision of trees and hedges to provide some reduction of the visual impact of the proposed extension

I hope that these comments are useful. I would be very happy to discuss further if that would be helpful.

Yours sincerely

David Thompson

To: Head of Planning and Housing

Ryedale District Council

Ryedale House

Malton

YO17 7HH



Item 13- 20/01181/FUL

DRAFT CONDITIONS

The LPA recommend that the following conditions be imposed in the event that the Inspector is minded to allow the appeal:

- 1 The development hereby permitted shall be begun on or before (three years from date of permission)

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents in terms of both the drawings and the text notations:

Site Location Plan scale 1:2500

Site Layout Plan, ref. WA-HL-P2 -1.1, dated 30.09.2020

Lodge plan (Plans & Elevations), ref. WA-HL-P2-1.2 dated 30.09.2020

Visibility splays Proposed Access, ref. WA-HL-P2-1.3 dated 06.06.2018

Landscape Sections, ref. WA-HL-P2-1.5

Boundary fence details (including warning signs detailed and their positioning), ref. WA-HL-P2-1.6 dated 30.09.2020

Aviation Transitional Slope Contour Map ref. WA-HL-P2-1.7, dated 30.09.2020

Reason: For the avoidance of doubt and in the interests of proper planning. To ensure compliance of the development with regards to Policies SP8 (Tourism), and SP20 (General Development Management Issues of the adopted Ryedale Plan- Local Plan Strategy.

- 3 The development hereby permitted shall ensure that:

- The tourist accommodation (6 lodge units only) is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and
- It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days;
- The owners/operators shall maintain an up - to -date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request

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

- 4 The land edged in Blue and the land edged in Red as shown in the Site Layout Plan, ref. WA-HL-P2 -1.1 is subject to the following requirements:

Within the Runway Strip as defined by CAA CAP 168 for a Code 1A non-instrument runway by there shall be no obstacles under any circumstances including fences and trees, positioned on or above the ground in accordance with Site Layout Plan, ref. WA-HL-P2 -1.1.

Within the extended 30 degree zones from the marked take off points 105 metres in from each end and which are sectors either side of the runway centre line identified as safety areas for the purposes of CAA CAP 793 (RESA CAP 168 3.68) there shall be no obstacles under any

circumstances including fences and trees, positioned on or above the ground in accordance with Site Layout Plan, ref. WA-HL-P2 -1.1.

No obstacles (including trees) shall penetrate or protrude through the Transitional Surface as identified in CAA CAP 168 for a Code 1A non-instrument runway.

No obstacles (including trees) shall penetrate or protrude through the Approach Surface as identified in CAA CAP 168 for a Code 1A non-instrument runway.

In the event of cranes being required during construction they either do not penetrate the Transitional Surface or notice is provided to the owner of runway 17/35 of the timing and duration of such events.

Reason: To ensure that the safe operation of the runway is not prejudiced, in accordance with Policy SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy which requires that adjacent land uses are not compromised by new development, and in accordance with the hereby approved plans.

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

the crossing of the highway verge and/or footway must be constructed in accordance with the approved details shown on drawing number WA-HL-P2 -1.1, dated 30.09.2020 and/or Standard Detail number E20 Rev A concrete farm crossing rural industrial access and the following requirements.

- Any gates or barriers must be erected a minimum distance of 18 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 18 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30 and fall away from the carriageway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawing number WA-HL-P2 -1.1, dated 30.09.2020 and in the submitted Design, Planning and Access Statement and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 18 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.
- All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users. In accordance with Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy.

- 6 There must be no access or egress by any vehicles between the highway and the application site at Hungerhill Lane until splays are provided giving clear visibility as shown on drawing number WA-HL-P2-1.3 dated 06.06.2018. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and in accordance with Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy.

An explanation of the terms used above is available from the Local Highway Authority.

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

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development. In accordance with Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy.

- 8 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Details of any temporary construction access to the site including measures for removal following completion of construction works;
2. Restriction on the use of Wombleton village access for construction purposes;
3. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. The parking of contractors' site operatives and visitor's vehicles;
  - a. 5. areas for storage of plant and materials used in constructing the development clear of the highway;
5. Details of site working hours;
6. Details of the measures to be taken for the protection of trees; and
7. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity, in accordance with Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy.

- 9 The Native Woodland Mix (NW) and Native Shrub Mix (NU), standard and feathered trees and native hedgerows shall be positioned in accordance with the approved Site Layout Plan, ref. WA-HL-P2 -1.1, dated 30.09.2020. A planting schedule comprising a list of species and the planting regime shall be submitted prior to the commencement of the development hereby approved. The scheme shall be implemented within the next available planting season post construction, or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the external landscaping of the scheme affords a good level enhancement the wider character of the site within the context of its wider landscape setting. This is also to meet wider objectives of biodiversity enhancement. This is in accordance with Policies SP8 (Tourism), SP13 (Landscapes), SP14 (Biodiversity) and SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy.

- 10 Notwithstanding the submitted details, a detailed scheme for the internal landscaping and surface treatments of the identified paths, roads, 'peripheral bunding' including samples, shall be submitted to and approved in writing, this shall be provided prior to the lodges construction and implemented within the next available planting season post construction, or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the internal landscaping of the scheme affords a good level of amenity

to the occupants, by providing an attractive appearance within the site, to enhance the wider character of the site, and when it is viewed from distance. This is also to meet wider objectives of biodiversity enhancement. This is in accordance with Policies SP8 (Tourism), SP13 (Landscapes), SP14 (Biodiversity) and SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy.

- 11 No development shall take place until details of the proposed means of disposal of foul drainage, including details of any off-site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and water quality in accordance with Policy SP17 of the Local Plan Strategy.

- 12 No work shall commence on site until a detailed scheme / strategy for surface water disposal has been submitted and approved by the Local Planning Authority.

Reason: To ensure no increased flood risk to the users of the development or elsewhere over the lifetime of the development in accordance with Policy SP17 of the Local Plan Strategy.

- 13 A complete operational drainage system shall be installed prior to any holiday lodge being occupied.

Reason: To ensure no increased flood risk to the users of the development or elsewhere over the lifetime of the development in accordance with Policy SP17 of the Local Plan Strategy.

- 14 Details of all external lighting on the site shall be submitted to and approved in writing prior to their implementation, and the so-approved lightening scheme shall be implemented in accordance with the submitted details.

Reason: This area is strongly rural, but with an aviation use proximal. The need to minimise lightening is both to preserve the rural ambience and to protect aviation safety. This is in accordance with Policy SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy which is concerned with protecting adjacent land uses and the ambience and character of places.

- 15 Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors. This is to ensure compliance with Policies SP17 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.

- 16 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Reason: To ensure that risks from land contamination to the future users of the land and

neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors. This is to ensure compliance with Policies SP17 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.

- 17 Unless otherwise agreed in writing by the Local Planning Authority, none of the lodges shall be occupied until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors. This is to ensure compliance with Policies SP17 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.

- 18 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to Local Planning Authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors. This is to ensure compliance with Policies SP17 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.

- 19 The samples of the external finish of the lodges (walls and roof treatment) shall be submitted to and approved in writing prior to the construction of the lodges. The so-approved finish shall be used on the lodges.

Reason: To ensure that the colour and texture of the timber stained cladding and roof shingles is appropriate and sympathetic the rural character and setting of the lodges, in accordance with Policies SP16 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.

#### INFORMATIVES:

- (1) Condition 5- Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf)

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

- (2) Whilst not a condition of planning permission, the proposed Travel Plan produced by HSP Consulting (submitted February 2021) have been supported by the Local Highway Authority in their approach to reducing the reliance on the private car.
- (3) In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled out application form we (the Environment Agency) will carry out an assessment. It can take up to four months before we are in a position to decide whether to grant a permit or not.  
Please follow the link provided for information and how to apply for a permit.

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

- (4) The Runway Strip includes a defined zone around the runway. It should be at least 32.4 metres wide from the centreline of the runway in the case of runway 17/35 in accordance with CAA CAP 168, and it also extends, notionally, 30m from the runway threshold (ends).

There are also zones of land forming 30° sectors from the marked take off points 105 metres in from each runway end to either side of the centre line of the runway extending away from the runway thresholds (ends). These are identified at either end of the runway as safety areas for the purposes of CAA CAP 793. (RESA CAP 168 3.68)

The Transitional Surface sometimes known as Slope of the Transitional Obstacle Limitation Surface, is a non-physical boundary. It starts at the outer side edge of the Runway Strip, and representing a 1:5 rising slope identified the area within which no obstacle is allowed to be higher (penetrate) that level rising up to a height of 45 metres.

The Approach Surface is an Obstacle Limitation Surface and commences at ground level at each end of the Runway Strip (thus 30m from the runway end) with a corresponding width and rising away from the Runway Strip and away from ground level at a slope of 1:20 and with a diverging angle of 10 degrees each side. It comprises a non-physical surface above which a plane may fly to land safely.

- (5) The proposed development is in or may have an impact on an Internal Drainage District. To comply with local land drainage bylaws, all or part of the development may require Land Drainage Consent(s), this is separate permission from planning consent. You are advised to contact the relevant Internal Drainage Board before works commence on site.