

## **PLANNING COMMITTEE**

Wednesday 7 May 2014 at 6.00 pm

Council Chamber, Ryedale House, Malton

### **Agenda**

- 1 **Apologies for absence**
- 2 **Minutes for the meeting held on 8 April 2014** (Pages 3 - 9)
- 3 **Urgent Business**  
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**  
Members to indicate whether they will be declaring any interests under the Code of Conduct.  
  
Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Schedule of items to be determined by Committee** (Page 10)
- 6 **12/00884/MFUL - Teasdale Potato Store, Hungerhill Lane, Wombleton, Kirkbymoorside** (Pages 11 - 74)
- 7 **12/00868/FUL - Land At OS Field 0054, Main Road, Weaverthorpe, Malton** (Pages 75 - 91)
- 8 **13/01252/HOUSE - Pear Tree House, Main Road, Helperthorpe, Malton** (Pages 92 - 104)

- 9 **14/00086/FUL - Land At The Rear Of Feathers Hotel, Market Place, Helmsley**  
(Pages 105 - 117)
- 10 **Publication of the Community Infrastructure Levy (CIL) Draft Charging  
Schedule (Part B report)** (Pages 118 - 153)
- 11 **The Ryedale Local Development Scheme (Part A report)** (Pages 154 - 157)
- 12 **Any other business that the Chairman decides is urgent.**
- 13 **List of Applications determined under delegated Powers.** (Pages 158 - 164)
- 14 **Update on Appeal Decisions** (Pages 165 - 167)

## Planning Committee

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Held at Council Chamber, Ryedale House, Malton  
Tuesday 8 April 2014

### Present

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Councillors Cussons, Mrs Goodrick, Hope, Maud, Raper (Chairman), Mrs Sanderson, Windress (Vice-Chairman) and Woodward

Substitutes:

### In Attendance

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Jo Holmes, Matthew Mortonson, Shaun Robson, Rachel Smith, Jill Thompson, Mel Warters and Anthony Winship

### Minutes

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191 **Apologies for absence**

Apologies were received from Cllrs' Richardson and Clark.

192 **Minutes of meeting held on the 11th March 2014**

**Decision**

That the minutes of the meeting of the Planning Committee held on 11 March 2014 be approved and signed by the Chairman as a correct record.

193 **Urgent Business**

The Development Manager appraised members' of the DCLG's consultation document on planning performance and planning contributions to affordable housing.

It was agreed that a response to the consultation would be prepared and circulated for comment by the Head of Planning and Housing in advance of the submission. Members' were made aware of the 6 week consultation period which expires on the 4 May 2014.

194 **Declarations of Interest**

The following Members' indicated that they would be declaring interest under the Members' Code of Conduct in respect of the following items.

<b>Councillor</b>	<b>Application</b>
Cussons	12
Windress	6
Hope	9
Goodrick	7
Sanderson	6,16
Maud	6
Raper	6

195 **Schedule of items to be determined by Committee**

The Head of Planning & Housing submitted a list (previously circulated) of the applications for planning permission with recommendations there on.

196 **13/01425/FUL - Land To Rear Of 43, Scarborough Road, Rillington**

**13/01425/FUL** - Erection of 2 no. semi detached three bedroom dwellings with attached single garages, 2 no. detached 4/5 bedroom dwellings with integral garages and formation of vehicular access.

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended.

In accordance with the Members' Code of Conduct Councillors Windress, Mrs Sanderson, Maud and Raper declared a personal non pecuniary but not prejudicial interest.

197 **13/00728/FUL- The Croft, Main Street, Welburn, Malton**

**13/00728/FUL** - Erection of 3 no. 4 bedroom dwellings and 1 no. detached garage following demolition of existing dwelling, and formation of vehicular access.

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended.

In accordance with the Members' Code of Conduct Councillor Mrs Goodrick declared a personal non pecuniary but not prejudicial interest.

198 **13/01222/FUL - 60 Main Street, Ebberston, Scarborough**

**13/01222/FUL** - Change of use and alteration of detached garage to form 1no. 2-bedroom holiday cottage.

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended.

199 **13/01461/FUL - Land At Cornborough Road, Sheriff Hutton, Malton**

**13/01461/FUL** - Siting of two bedroom timber cabin for use as a temporary rural workers dwelling to include formation of access track and hardstanding, and provision of a domestic curtilage (retrospective application).

**Decision**

**(1) PERMISSION REFUSED** – As recommended.

**(2)** That the Council Solicitor in conjunction with the Head of Planning & Housing be authorised to take enforcement action:

(i) to secure the removal of the timber cabin, access track, hardstanding, bunding and existing building and stables;

(ii) to secure compliance with the previously approved plans in respect of the agricultural building constructed under ref. 13/00803/FUL

In accordance with the Members' Code of Conduct Councillor Hope declared a personal non pecuniary but not prejudicial interest.

200 **14/00124/FUL - Westfield Farm, Low Lane, Westow, Malton**

**14/00124/FUL** - Erection of an agricultural livestock building.

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended.

201 **14/00125/FUL - Westfield Farm, Low Lane, Westow, Malton**

**14/00125/FUL** - Siting of a two bedroom mobile home for use as a temporary agricultural workers dwelling.

Decision

**PERMISSION GRANTED** – Subject to conditions as recommended.

202 **14/00135/73A - Wombleton Grange Farm, Common Lane, Wombleton, Kirkbymoorside**

**14/00135/73A** - Variation of condition 01 of approval 13/00805/FUL dated 11.12.2013 to add the following operating hours to those approved "between 08:00hrs and 17:00hrs on Sundays or Bank Holidays with a period between 07:30hrs and 08:00hrs to allow warm up and between 17:00hrs and 18:00hrs to cool down" removal of operation restrictions on Sundays and Bank Holidays.

Decision

**PERMISSION REFUSED** – For the following reason:

(i) The Local Planning Authority considers that by virtue of issues related to noise and dust that the proposed variation of condition 01 of approval 13/00805/FUL, to allow the operation of the grain dryer on Sundays and Bank Holidays in addition to the hours permitted in approval 13/00805/FUL, would on balance result in material harm to the amenity of nearby properties. The proposal would therefore be contrary to the requirements of Policy SP20 of the Ryedale Local Plan Strategy as identified above.

**Decision contrary to officer recommendation.**

In considering the application within the context of the policies of the recently adopted Local Plan Strategy read as a whole and all other material considerations, Members' of the Planning Committee considered there to be greater impacts arising from the proposal on the residential amenity of the neighbouring dwelling as identified in the Reasons for Refusal.

In the exercise of its statutory discretion to determine planning applications in accord with the development plan unless material considerations indicate otherwise the Planning Committee weighed all the material considerations of this case in the decision making balance and reached a planning judgment that weighed in favour of refusal.

In accordance with the Members' Code of Conduct Councillor Cussons declared a personal non pecuniary but not prejudicial interest.

203 **14/00150/FUL - Ellis Patents, High Street, Rillington, Malton**

**14/00150/FUL** - Installation of a 10,000 litre capacity fuel oil tank on agricultural land immediately adjacent to existing commercial site boundary (retrospective application).

**Decision**

**PERMISSION REFUSED** – Delegation to Development Manager to draft detailed reason for refusal based on impact on amenity of near by dwellings.

**Decision contrary to officer recommendation.**

In considering the application within the context of the policies of the recently adopted Local Plan Strategy read as a whole and all other material considerations, Members' of the Planning Committee considered there to be greater impacts arising from the proposal on the residential amenity of the neighbouring dwelling as identified in the Reasons for Refusal.

In the exercise of its statutory discretion to determine planning applications in accord with the development plan unless material considerations indicate otherwise the Planning Committee weighed all the material considerations of this case in the decision making balance and reached a planning judgment that weighed in favour of refusal.

204 **Enforcement Report - The Brow, Leavening, Malton**

**Decision**

The Council Solicitor in consultation with the Head of Planning and Housing to issue an enforcement notice pursuant to section 172 of the Town And Country Planning Act 1990 (as amended) requiring the removal of the fence.

205 **Enforcement Report - Corona Cottage, Main Street, Hovingham**

**Decision**

The Council Solicitor in consultation with the Head of Planning and Housing to issue an enforcement notice pursuant to section 172 of the Town And Country Planning Act 1990 (as amended) requiring the removal of the fence.

**Decision**

Members' agreed the District Council's response to the consultation as outlined in the report with the following additions.

1. Amend response to site MJP 30 to include reference to the spring on the site which provides a private water supply to properties at East and West Knapton and for the Council to make the point that it will also object to the development of the site on the basis of water supply if the security of the supply is jeopardised
2. To request that the joint plan is 'future proofed' in terms gas extraction should the terminology change over time or new technological processes are designed to extract gas from unconventional sources
3. To request that the Joint Plan recognises that some settlements are split by the National Park boundary (such as Helmsley and Thornton-Le-Dale in Ryedale) and that there are landscape sensitivities associated with those parts of the settlement adjacent to but not within the National Park.

In accordance with the Members' Code of Conduct Councillor Mrs Sanderson declared a personal non pecuniary but not prejudicial interest.

**207 Any other business that the Chairman decides is urgent.**

There was no Urgent Business.

**208 List of Applications determined under delegated Powers.**

The Head of Planning & Housing submitted for information (previously circulated) which gave details of the applications determined by the Head of Planning & Housing in accordance with the scheme of Delegated Decisions.

**209 Update on Appeal Decisions**

Members' were advised of the following appeal decisions.



APP/Y2736/A/13/2209283 Spring Barn, Flaxton, YO60 7RP  
APPY2736/C/13/2203840 9-11 Westgate, Rillington, YO17 8LN

**Meeting Closed at 8.45pm**

# Agenda Item 5

## APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 07/05/14

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6

**Application No:** 12/00884/MFUL

**Application Site:** Teasdale Potato Store Hungerhill Lane Wombledon Kirkbymoorside

**Proposal:** Change of use and alteration of existing potato store to wood fuel handling/storage and distribution within Area 1 and a mixed use of potato storage/touring caravan storage within Areas 2 and 3 to include installation of a 5m high sliding door to south elevation to serve Area 1

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**Application No:** 12/00868/FUL

**Application Site:** Land At OS Field 0054 Main Road Weaverthorpe Malton North Yorkshire

**Proposal:** Erection of an agricultural livestock building to include formation of vehicular access

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**Application No:** 13/01252/HOUSE

**Application Site:** Pear Tree House Main Road Helperthorpe Malton North Yorkshire YO17 8TQ

**Proposal:** Erection of part two-storey/part single-storey extension to east elevation

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**Application No:** 14/00086/FUL

**Application Site:** Land At The Rear Of Feathers Hotel Market Place Helmsley York

**Proposal:** Erection of a two bedroom dwelling for the hotel manager to include a parking space on existing concrete hard standing and demolition of existing prefabricated garage.

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## RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

### SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

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**Item Number:** 6  
**Application No:** 12/00884/MFUL  
**Parish:** Wombledon Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Ryedale Potatoes Ltd  
**Proposal:** Change of use and alteration of existing potato store to wood fuel handling/storage and distribution within Area 1 and a mixed use of potato storage/touring caravan storage within Areas 2 and 3 to include installation of a 5m high sliding door to south elevation to serve Area 1  
**Location:** Teasdale Potato Store Hungerhill Lane Wombledon Kirkbymoorside

**Registration Date:** 18 September 2012      **8/13 Week Expiry Date:** 18 December 2012  
**Case Officer:** Shaun Robson      **Ext:** 319

#### CONSULTATIONS:

<b>Howardian Hills AONB JC</b>	Recommend condition
<b>Parish Council</b>	Object
<b>Highways North Yorkshire</b>	Recommend condition
<b>Parish Council-Nawton</b>	Object
<b>Economic Development</b>	Object
<b>Environmental Health Officer</b>	Recommend condition

**Neighbour responses:** Dr And Mrs N Walters,SJ And KF Hampton,Julie Forbes,Peer Robinson,Dr Tim Hughes,Doreen & Glyn Roberts,Mr O P Lane,John Thorndycraft & Angela Fawcett,Dr & Mrs J Doyle,Mr & Mrs P Ashton,Mr & Mrs R S Ham,Mrs A Holland,Mr & Mrs J Chapman,Mr Clifford Snaith,Mrs Rowena Robinson,Sarah Steele,Mr Paul Clay,Gillian Osborne,David & Brenda Willoughby,Mrs Foster,Hazel Smith (Headteacher),Philip Coote,Mr Ian Nicholls,Rachel McAlley,Mr Giles Pinkney,Judy And Douglas Oates,Peter And Linda Robinson,Mr Kenneth Rankin,Lee Hutchinson And Sally Taylor,  
**Overall Expiry Date:** 4 February 2013

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#### INTRODUCTION:

Members may recall that this application was deferred originally at the Planning Committee on the 12th February 2013 in order present the application back to Members once a draft Section 106 Agreement had been received from the applicant, detailing how they proposed to restrict the routing of vehicle deliveries to the site. The legality of such an agreement has been investigated.

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In light of the adoption of the Ryedale Plan – Local Plan Strategy, the report has been revised to reflect the policy change.

**SITE:**

The application site is located on part of the Wombledon Airfield and is on the site of the former Potato Store which gains direct access onto Hungerhill Lane. Wombledon village is located approximately 1km to the south.

The site is located in the ‘wider open countryside’ in Local Plan terms, and is partially screened by existing landscaping when viewed from the adjacent highway. Views of the existing potato store are available from the current access position. The site has a partial bund screen to its southern side and is open on its west and part of its northern boundaries to the airfield.

Views of the existing potato store and its curtilage can be seen when approaching the site from the south and also when viewing the site from higher ground from the north-west, Common Lane and further a field via Wash Beck Lane and Hungerhill Lane. The potato store has a footprint of approximately 3000m<sup>2</sup> and measures some 6.6 metres to eaves and 7.9 metres to apex and is clad in green profiled sheeting.

There is an existing camping and caravan site approximately 400 metres to the south-west of the site off Moorfield Lane, and the adjacent former scrap yard which has been granted permission for caravan/recreational uses.

**PROPOSAL:**

The planning application seeks full permission for a change in the use of the existing potato storage building to a mixed use, which will result in the sub-division of the building, for the following uses: -

- The storage, handling and distribution of wood fuel;
- Internal storage of touring caravans;
- Potato store

It is also proposed to install a new sliding door to the south elevation of the building. The door is 15m wide.

The storage, handling and distribution of wood fuel

It is proposed to use the eastern end of the building (approximately 750m<sup>2</sup> of the 3000m<sup>2</sup> building capacity) for the small scale storage, handling and distribution of imported wood fuel. This part of the proposal is envisaged to have a varied usage between 5 – 6 days per week subject to the demand for the wood fuel.

A new sliding door is to provide access to this area of the building.

Storage of Touring Caravans/Potato Store

It is proposed to utilise the remaining part of the building for the storage of touring caravans or continue the lawful use as a potato store.

**HISTORY:**

10/00830/MFUL: Change of use of woodland to allow the siting of 8no. timber clad static holiday chalets and 9no. eco-camping pods, formation of vehicular access, stone access road and parking areas, installation of bollard down lighting and formation of 2no. wildlife ponds and woodland paths and erection of toilet block - APPROVED AT COMMITTEE 26/10/2012 - Pending the completion of a Section 106 Legal Agreement

08/00986/FUL: Alterations to boundary hedgerow to improve visibility splays to existing access and engineering works to extend hard standing area within the site - REFUSED – Appeal dismissed

08/00303/MFUL: Change of use and alteration of potato store to building for manufacture of wood fuel pellets to include erection of single-storey open fronted storage extension, formation of office and staff facilities within existing building, debarker and log processor within sunken covered bunker, external log and processed wood storage areas, alteration to vehicular access, weighbridge, staff and visitor parking, alteration to existing southern boundary mounding (berm) and landscaping - REFUSED - Appeal dismissed

07/00611/MFUL: Change of use and alteration of potato store to building for manufacture of wood fuel pellets to include erection of attached two-storey office and staff facilities building, wood chipping and debarking lines and wood chip bunker, silos for wood pellets and sawdust, fuel bunker and bundled diesel fuel tank, formation of vehicular access for HGVs with weighbridge, alterations to existing vehicular access, staff parking, external log storage areas, site perimeter mounding (berm), landscaping and excavation of pond - Application Withdrawn

95/00514/OLD: Erection of extension to potato store - APPROVED 21/06/1995

95/00513/OLD: Erection of extension to potato store - APPROVED 27/02/1995

94/00571/OLD: Erection of extensions to potato store for workshop, working area and generator shed - APPROVED 28/07/1994

93/00557/OLD: Erection of general purpose building/Potato Store - APPROVED 18/06/1993

**POLICY:**

National Planning Policy Framework (NPPF)

Section 3 - Supports the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well designed new ones

National Planning Practice Guidance (NPPG)

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy  
Policy SP6 - Delivery and Distributing of Employment Land and Premises  
Policy SP9 - The Land-Based and Rural Economy  
Policy SP13 - Landscapes  
Policy SP16 - Design  
Policy SP19 - Presumption in Favour of Sustainable Development  
Policy SP20 - Generic Development Management Issues

**PUBLICITY:**

21 letters of objection to the application were received from residents and the Parish Council prior to the Planning Committee on 12th February 2013. The objections specified some or all of the following points:-

- The inappropriate development of an industrial use in a rural area;
- The surrounding road network is inadequate for such a proposal;
- An unacceptable fire risk will be created by the proposal;

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- Light pollution will be created by virtue of the application;
- The proposed development conflicts with the Wombleton Parish Plan;
- The proposed development conflicts with policies EN6, E7 of the Ryedale Local Plan, and Policies SP1, 6, 9, 18 and 19 of the Ryedale Plan - Local Plan Strategy;
- Impact on tourism within the area;
- Noise disturbance;
- Highway safety due to the increase in the number of HGV movements in the area.

Following the Planning Committee, 14 further letters of objection have been received from residents, Wombleton Parish Council, Nawton Parish Council, Harome Parish Council and the Wombleton Residents Action Group objecting to the application citing some or all of the following points:-

- The proposed hours of operation are not compatible with the existing tourism uses in the area;
- The development does not presently restrict vehicular movements of number of vehicles;
- Vehicular movements past Welburn Hall School will create a highway hazard;
- A Section 106 for the routing of vehicles is unenforceable.

#### **APPRAISAL:**

The main issues in the consideration of the application are: -

- Principle of development;
- Previous site history;
- Impact on highway safety;
- Noise and light pollution;
- Impact on tourist accommodation;

#### Principle of development

The existing lawful use of the application site for “the storage, sorting and distribution of potatoes and the storage of farm machinery used in connection with the growing of potatoes”. The lawful use is a material planning consideration which Officers are of the view carries significant weight in the determination of this planning application.

Paragraph 28, Section 3 (Supporting a prosperous rural economy), National Planning Policy Framework, states:

*“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.”*

Policy SP6 supports small scale conversions of existing buildings and the expansion of established businesses in the ‘Wider Open Countryside’. The policy supports new employment development of B2 (general industrial) and B8 (storage and distribution) on unallocated land, which are of an appropriate scale to their surroundings, have regard to their visual impact and have suitable highway access arrangements without an unacceptable impact.

The proposed use would take place within the existing potato store building, which was erected in 1993 and which has been subsequently extended. The building itself is of permanent construction and is structurally sound. Moreover, no significant alterations are required in order to facilitate the current proposal other than the installation of an additional door to the south elevation. The minor alterations will ensure that the building will remain in keeping with its surroundings.

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### Previous Site History

The application site has been subject of a number of applications, more recently two separate applications for a similar use to the current submission. Those applications (08/00303/MFUL & 08/00986/FUL) consisted of the following proposals: -

1. Alterations to boundary hedgerow to improve visibility splays to existing access and engineering works to extend hard standing area within the site;
2. Change of use and alteration of potato store to building for manufacture of wood fuel pellets to include erection of single-storey open fronted storage extension, formation of office and staff facilities within existing building, debarker and log processor within sunken covered bunker, external log and processed wood storage areas, alteration to vehicular access, weighbridge, staff and visitor parking, alteration to existing southern boundary mounding (berm) and landscaping.

Both of the applications were refused by Members and subsequently upheld by the Inspectorate following an appeal by the applicant.

In terms of the extensive alterations to the access arrangements which included the loss of a large section of hedgerow and extension to the existing hard standing within the site, the Inspector considered that the works as a whole would harm the appearance of the area.

With regard to the change of use, the Inspector considered that the development would result in an unacceptable impact on the surrounding area and that the flexible nature of the proposal did not overcome concerns in relation to the potential noise impact to the surrounding area. Therefore the proposal did not accord with National or Local Plan policy.

The current proposal represents a significant reduction in the level of activity proposed under application ref. 08/00303/MFUL as well as a reduced requirement for alterations to the access arrangements thus resulting in a lower level of harm to the surrounding area.

### Impact on Highway Safety

The planning application is accompanied by supporting documentation which includes an indication of the traffic movements to and from the site in connection with the various proposed uses.

The supporting information identifies that in connection with the wood fuel storage element, a requirement is envisaged for the transport of an average 20 tonnes of material per week. This equates to approximately 2 HGV movements **per week**. The level of activity in terms of vehicular movements associated within the proposed caravan storage (up to approximately 100 touring caravans, and continued potato storage) has not been indicated as this is subject to demand and cannot be readily quantified. However, the level of combined activity of all the uses together would be significantly less than the previous submission (under application ref 08/00303/MFUL) that forecast the proposed operation would generate 10 cars, 5 large HGVs, 3 small HGVs and 5 tractors **each day**.

A number of concerns have been received from residents of Wombleton as well as Wombleton Parish Council and neighbouring Parish Council's in relation to the impact on the highway network, specifically the surrounding country lanes, if the proposal is approved.

Whilst the issues raised present a genuine concern, the County Highway Officer did not object to the application subject to the imposition of conditions requiring: -

- Maintenance of the access arrangement onto Hungerhill Lane;

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- Details of works required to the access arrangement being approved prior to the commencement of the use;
- Details of the visibility splay emerging onto Hungerhill Lane to be agreed prior to the commencement of the use; and
- The securing of a routing agreement through a Section 106 Agreement which will restrict the deliveries associated with the wood fuel activity to the use of the A170 Welburn, Flatts Lane, Wash Beck Lane and Hungerhill Lane.

The original request from the Highway Officer was to restrict the vehicular movements to the site through a specific route. The applicant proposed that this would be controlled through the enforcement of contract agreements with penalty's and termination clauses.

Members considered, at the Committee on the 12th February 2013, that the application should be deferred in order for the applicant to produce a draft Section 106 Agreement for further consideration. Members considered that any agreement for their further consideration should also include the route of all HGV vehicles to the site and a driver's code of conduct.

Members will recall that whilst the Inspector had previously dismissed both Appeals in 2009 the principle of a routing agreement with an appended 'Drivers Code' was considered to be possible as a way of controlling traffic. The Inspector stated that:-

*"I consider the undertaking is sufficiently detailed and would provide the necessary safeguards to be satisfied that the drivers would **very likely** follow the prescribed route."*

The applicant has subsequently provided a 'draft' Section 106 Agreement with a 'driver's code' attached.

Further discussions have taken place with the NYCC Highway Officer since the application was deferred. The outcome of the further discussions is that a condition restricting the area for the storage of the pellets would be sufficient to address highway concerns in terms of vehicular movements. This view is based on the small amount of HGV vehicular movements anticipated.

Therefore whilst a 'draft Section 106' has been prepared by the applicant, NYCC Highways consider that an appropriately worded condition restricting the internal layout of the building to specific areas is an appropriate mechanism to control traffic associated with the development.

It is considered, by NYCC Highways upon further reflection that given this small number of proposed vehicular movements associated with the wood pellet storage that a restrictive condition of this nature is an adequate control.

The current Highway advice is that there is now **no need** for a lorry routing agreement to be secured by means of a Section 106 planning obligation.

Whilst a Routing Agreement could still be entered into, in this instance it is considered that a specific condition that can be readily enforced is more appropriate.

With regard to a Section 106 Routing Agreement, concerns have been raised relating to their legality and enforceability. The following is considered of relevance:-

- (i) Historically NYCC, and other Councils, have secured lorry routing Section 106 principally in relation to quarry development;
- (ii) Officers are not aware that the legality of lorry routing agreements has been established in the Courts;
- (iii) The legality of lorry routing agreements can only be determined definitively by the High Courts;



- (iv) The Planning Inspector on the earlier appeal had been sympathetic to the use of a lorry;
- (v) On reflection, and given the low levels of vehicle movements it is further considered that an appropriately worded condition is more suitable in this case. Large vehicle movements would be restricted indirectly by conditioning the size of the wood pellet storage area.

In terms of the requirement for the visibility splays to be agreed, this requirement may result in the loss of a section of the hedgerow to the south of the existing access arrangement. Whilst the specific length of hedgerow has not been identified, the Council's Tree and Landscape Officer has been consulted in relation to the loss of a length of hedgerow and has not objected. It is considered, therefore, that the loss of the hedgerow is not significant and that a condition requiring the replacement of a hedgerow outside the required visibility splays be imposed.

It is considered, therefore, that subject to the issues discussed above that the proposed development differs significantly from the previous appeal proposals and that the previous concerns in relation to the detriment to the surrounding countryside are acceptable in relation to this submission. Subject to conditions.

#### Noise and light pollution

The planning system is concerned with protecting residential amenity from such impacts as noise and other sources of disturbance on amenity. As such it deals with any unacceptable adverse effect on the use and enjoyment of land.

In this location, it has been established that background noise level is low. This is particularly so in the evening and night time when levels are very low. Residents are used to very low levels of noise during the night in this rural area. There is a history of complaints due to previous night time activities at this site.

However, this application seeks to establish a number of uses from the existing building within a quiet rural area. The applicant has not identified any specific hours of operation for the caravan storage or the potato storage although the hours of operation of the wood fuel storage activity has been specified as 5 -6 days per week between the hours of 8.00am – 8.00pm Monday – Saturday and at no time on Sundays or Bank Holidays.

The Environmental Health Officer has stated that:

*“...my main concerns regarding the change of use to wood fuel handling etc, is the impact on the timber chalet/camping pod development approved for the adjacent site. Their uses are not considered to be compatible. It is not clear what the owner is intending to do regarding the chalets etc., proposal so it has to be assumed that the development will take place. Nor is it clear whether the two uses will be under the same ownership. In the light of this I would have concerns regarding noise, dust and general disturbance to the occupants of the adjacent site, and would like to see restriction placed on these new uses to limit the hours of operation of vehicles and machinery and deliveries (including chillers/fans and generators) unless they can be demonstrated to be inaudible at the boundary of the campsite to 8am-8pm Monday to Friday 8am-1pm Saturdays and no operation on Sundays and Bank Holidays.”*

Whilst concerns have been expressed it is considered that subject to the imposition of appropriate conditions no issues exist in relation to the current application in terms of noise/disturbance to the wider area.

In terms of lighting or the potential of light pollution, the applicant has not submitted any details in relation to the installation of any illumination. If illumination were required, planning consent would be required prior to their installation by way of a planning condition.

Impact on tourist accommodation

A number of objections have been received from residents and existing tourist businesses in relation to the impact of the proposal.

The Council's Visitor Economy Officer has stated the following: -

*"In my view, the proposed activity at Wombleton airfield will have a negative impact on nearby businesses, and the wider economy."*

The application for storage and transportation of wood fuel pellets will result in significant levels of noise, which is bound to impact on the caravan and campsite just a short distance away. The proposed operating times throughout the week and weekend will have a substantial impact on local businesses and residents. I understand that although the application states there will only be a small amount of increase in traffic to the site, I find it extremely doubtful that there will not be more lorries taking materials to the airfield, given the level of proposed activity. Due to concerns about this traffic through Wombleton, the proposed route is now through Welburn. Whilst this is a bus route (for the infrequent 126 service), I do not think that it is ideal to have a number of lorries using these 'rural' roads, and particularly past a school.

The nearby Wombleton Caravan and Camping Park is marketed to visitors wanting peace and seclusion, and the storage and subsequent transportation of wood fuel pellets a short distance away will conflict with the visitors' expectations. The operation of machinery so close to this site is likely to have a serious effect on the economic and environmental plans of this business.

In short, the operation of the machinery and extra traffic will cause disturbance to visitors to the area, is likely to result in a number of complaints, will affect the local environment, and could threaten the existence of successful business. As tourism is so vital to the economy of this area, this proposal is unacceptable due to the negative impact on the environment, nearby businesses, and the wider economy of the district."

Whilst a number of concerns have been received in relation to the perceived impact of the activity, no evidence has been produced to substantiate such claims. It is considered that an opinion based on the perceived impact of noise and vehicular movements that have not been supported by the appropriate consultee (namely Environmental Health) cannot be sustained as a valid reason to refuse a proposal.

Conclusion

The proposed use of this agricultural building is considered to be in accordance with the relevant Local Plan Policies. Moreover, the NPPF is strong in its support for economic growth in rural areas.

Therefore, the application is recommended for approval subject to the following conditions:-

**RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

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

---

**PLANNING COMMITTEE**

7 May 2014

- 2 No machinery (Generators or Fans) shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times 08:00 - 20:00 Monday - Friday, 08:00 - 13:00 Saturday nor at any time on Sundays Bank or Public Holidays without the written permission of the Local Planning Authority.

Reason:- To ensure that the amenities of nearby residents are not unreasonably affected.

- 3 There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Hungerhill Lane. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) The existing access shall be improved by so that the access road extending 13 metres into the site shall be constructed in accordance with standard detail E2.

(iii) Any gates or barriers shall be erected a minimum distance of 13 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 13 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 5 No caravans and/or wood pellets shall be stored outside of the building hereby consent for their storage without express consent of the Local Planning Authority.

Reason: In accordance with Policies SP13 and SP16 of the Ryedale Plan - Local Plan Strategy.

- 6 The internal storage areas restricting the area for wood pellet storage shall be restricted to drawing no. 2012-13-352 (Proposed), unless otherwise agreed in writing with the Local Planning Authority.

Reason:- This condition is imposed in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 No external lighting shall be installed on the building without the prior approval of the Local Planning Authority.

Reason: This condition is imposed in order to ensure that the use, hereby approved, does not impact on the amenity of the surrounding area in accordance with Policy SP20 of the Ryedale Plan – Local Plan Strategy.

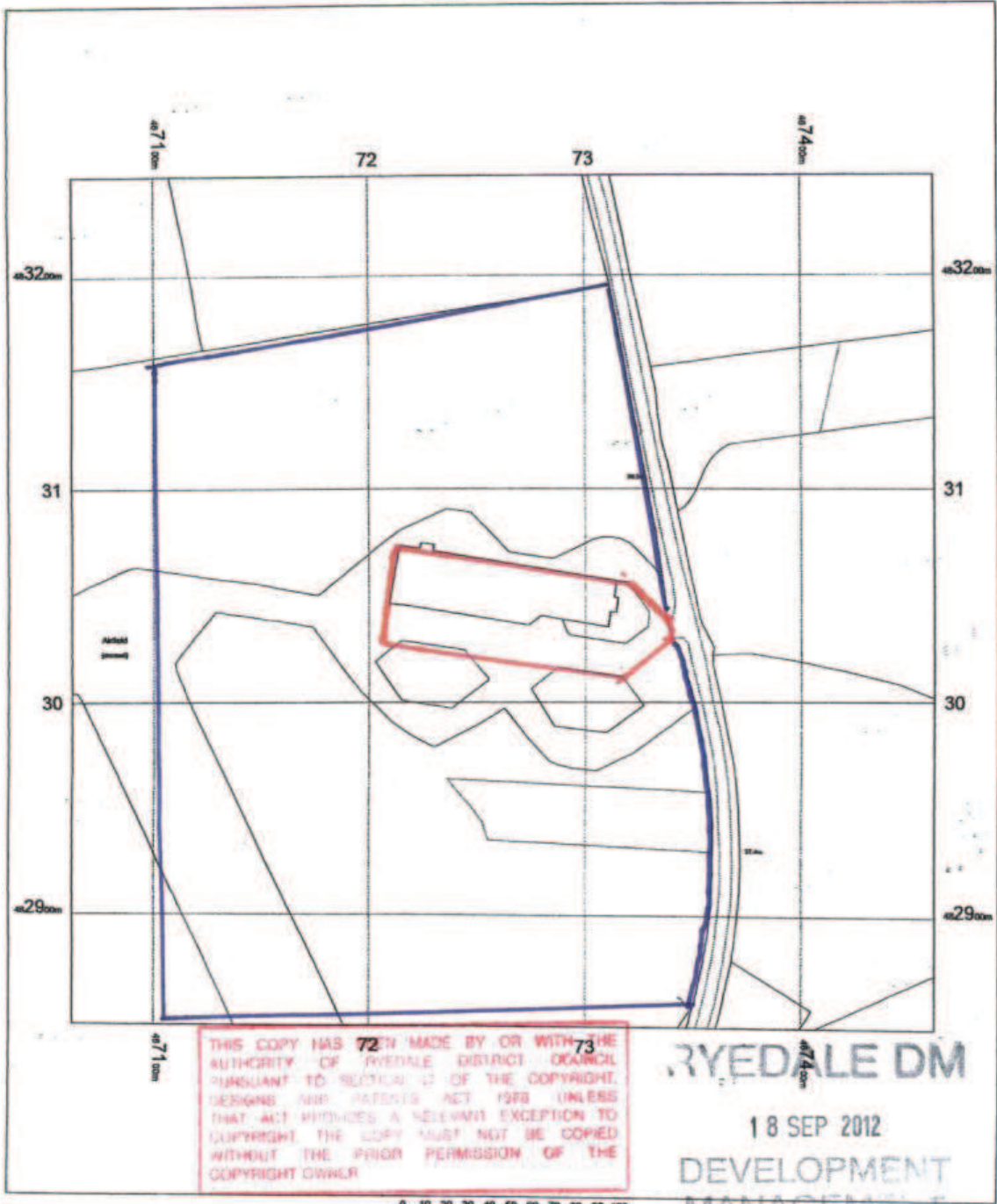
- 8 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Dwg No. 2012-13-352 Proposed  
Dwg No. 2012-13-352 Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

**Background Papers:**

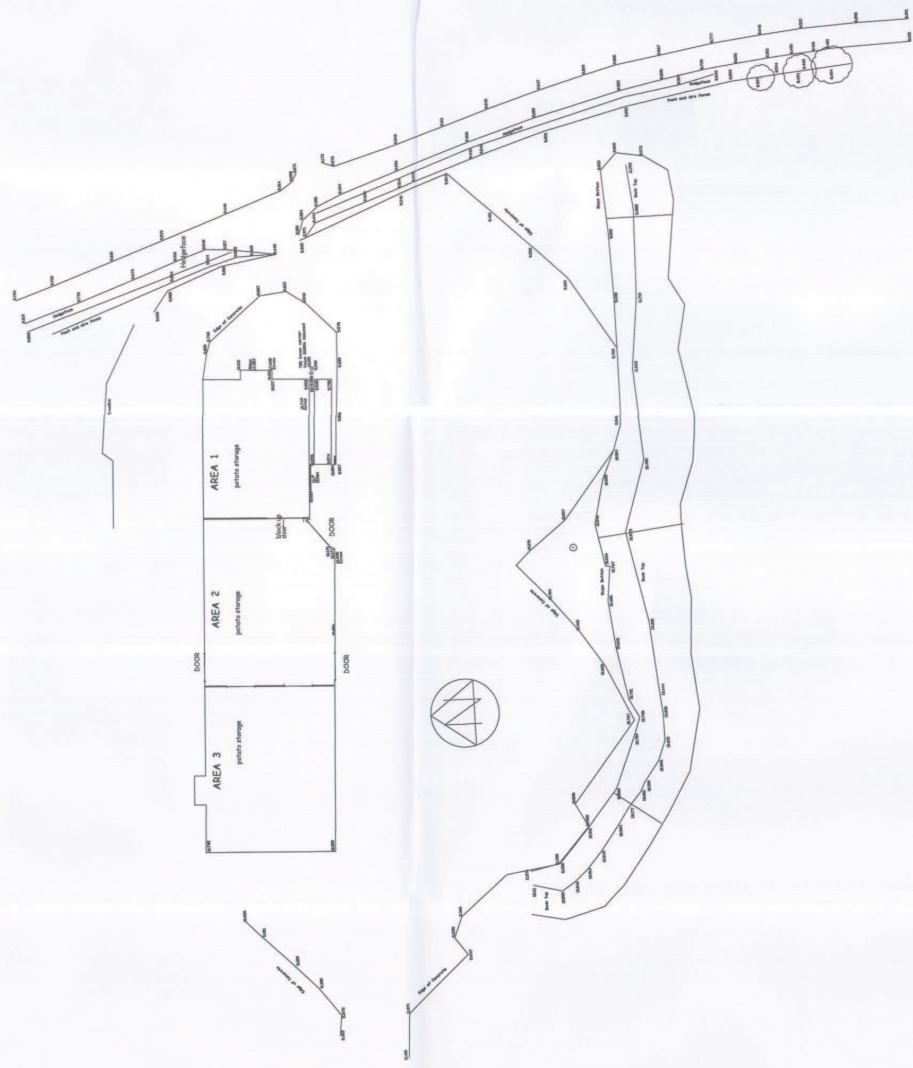
Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
Regional Spatial Strategy  
National Planning Policy Framework  
Responses from consultees and interested parties



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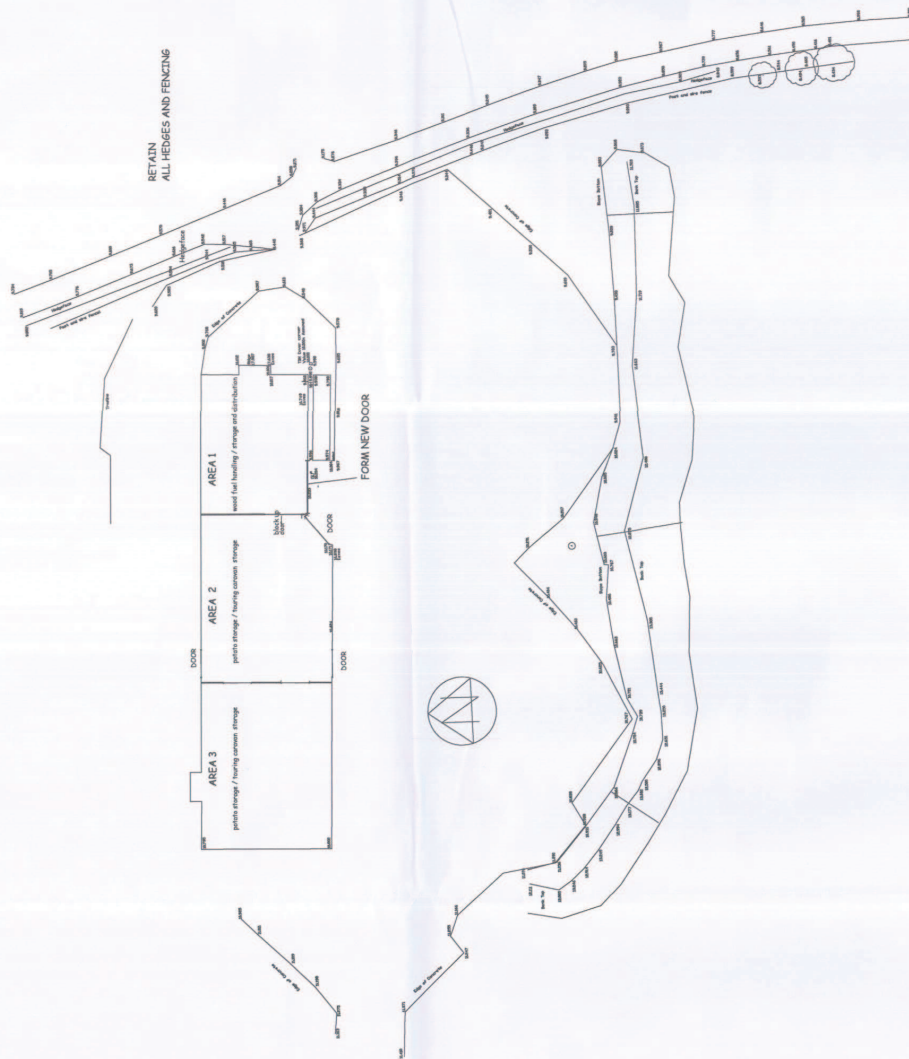


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PROJECT	Proposed change of use of building to street foot walking / storage of heavy vehicles AT THE POTTS STORE HANMERSELL LANE, WOODLETON
DATE	18 SEP 2012
SCALE	AS SHOWN
DRAWING No.	PROP-03-001 EXISTING
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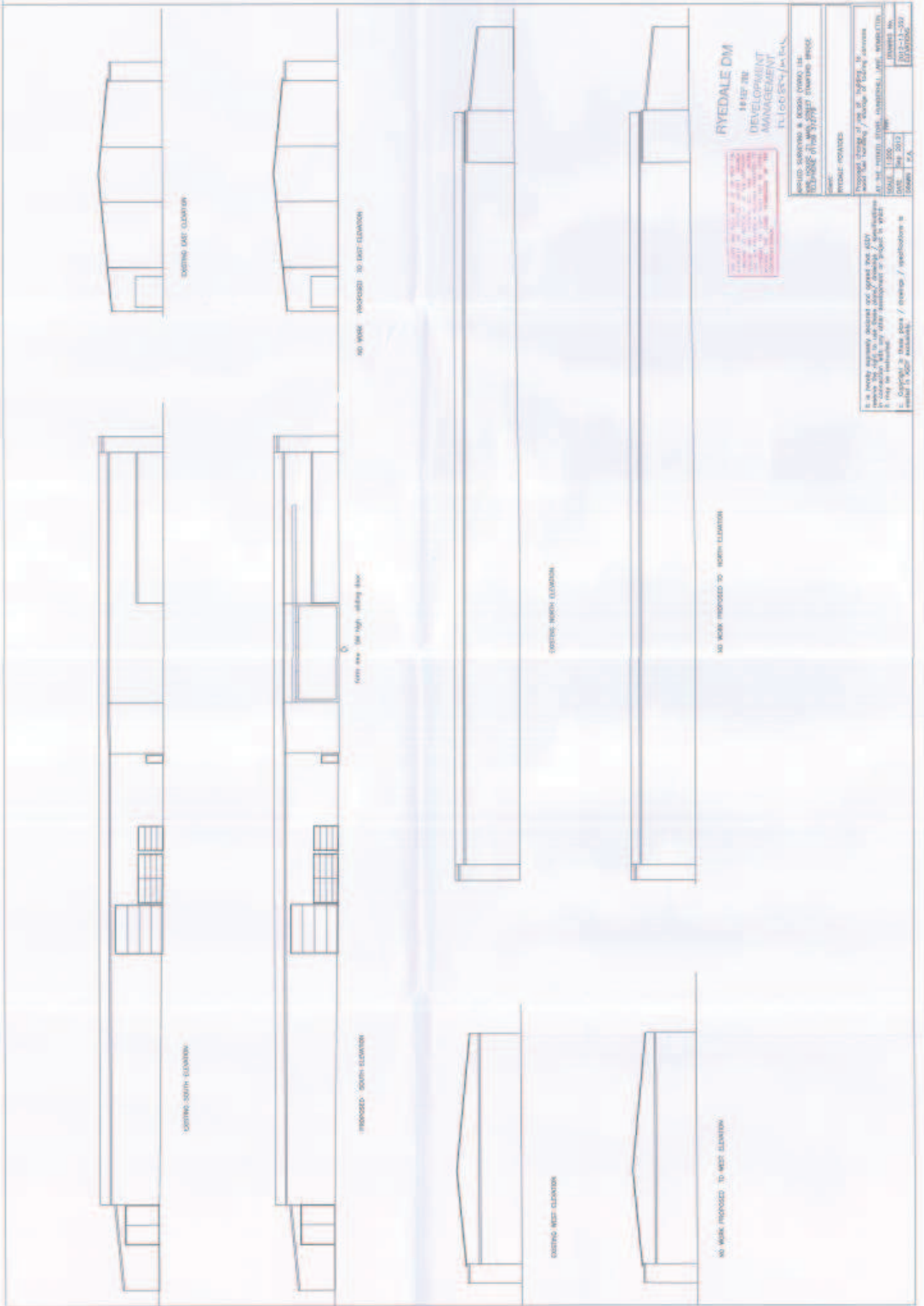
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## Appeal Decisions

Hearing held on 15 & 16 July 2009

Site visit made on 16 July 2009

by **J I McPherson**

JP BSc CEng CEnv MICE MCIWEM MCMI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Bristol BS1 6PN

☎ 0117 372 6372  
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Decision date:  
28 August 2009

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### Appeal A - Ref: APP/Y2736/A/09/2098908

#### Potato Building, Wombleton Airfield, Wombleton, North Yorkshire, YO62

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Land Energy Limited against the decision of Ryedale District Council.
- The application Ref 08/00303/MFUL, dated 06 March 2008, was refused by notice dated 29 August 2008.
- The development proposed is the change of use of buildings and land from the storage and distribution of potatoes to the manufacture of wood pellets, including an extension, the provision of plant, landscaping, outside storage, internal servicing and alterations to the access.

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### Appeal B - Ref: APP/Y2736/A/09/2101905

#### Potato Store, Hungerhill Lane, Wombleton, North Yorkshire, YO62

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ryedale Potatoes against the decision of Ryedale District Council.
- The application Ref 08/00986/FUL, dated 17 October 2008, was refused by notice dated 05 February 2009.
- The development proposed is to improve the visibility at the entrance to the site, to form a side extension for a potato box store and to form new hard standing areas within the site.

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### Application for costs

1. At the Hearing an application for costs was made by Ryedale Potatoes against the Ryedale District Council. This application is the subject of a separate Decision.

### Decisions

2. I dismiss Appeal A.
3. I dismiss Appeal B.

### Appeal A – The Wood Pellet Scheme

#### The Proposals

4. The appeal site forms part of the old wartime Wombleton Airfield and it contains a large industrial style building of some 3,000m<sup>2</sup> which is currently used for the storage, sorting and distribution of potatoes. Much of the rest of the site is covered by hard standings, but there is also an earth bund to the south of the building, beyond a part grass and part concrete apron.
-

5. The appeal proposal is to change the use of the site to the production of wood pellets that would be used as an alternative to fossil fuels for both domestic and commercial purposes. An open fronted side extension of some 180m<sup>2</sup> is also proposed.
6. When fully operational, the process would involve sourcing some 30,000 tonnes per annum (tpa) of trees from the commercial and private woodlands in the area and 15,000 tpa of short rotation coppice (SRC), plus 12,000 tpa of forest brash therefore equating to a total input of a little over 45,000 tpa.
7. Tree trunks would be stockpiled on the site and then loaded into the de-barking and chipping machine which would be housed in an underground enclosure in the production area to the south of the existing building. From there, the resultant chippings and bark would be deposited in separate piles for transfer by a front loader into hoppers that would be formed in the floor of the proposed side extension.
8. The bark and forest residue (brash) would be burnt on site in a combined heat and power (CHP) plant to provide both heat and electricity for the whole site, but there would also be a back-up generator.
9. Some of the heat would be used to dry the chips, which would be ground in a two stage process to a fine sawdust, conditioned with water and then moulded into pellets for use as fuel in commercial and domestic heating installations. The plant would produce about 25,000 tpa of finished product, which would leave the site by road; as would the approximately 120 tonnes of ash.
10. The pelletising plant, CHP plant and the ancillary equipment, such as the standby generator would all be housed within the western end of the existing building. They would operate 24 hours a day, seven days a week, except for an anticipated three week maintenance shutdown in the summer and about a one week shutdown in the winter. With the available storage capacity, the external deliveries, collections, de-barking and chipping operations would be carried out only between 08:00 and 17:00 hours on Mondays to Fridays.
11. The current access would be improved by increasing the visibility to the south. Cars would park on the north side of the building, thereby allowing pedestrians to enter the proposed offices at the front. The materials delivery vehicles would enter the production area over a weighbridge to the south of the building, and the finished product would exit the same way.

#### **Main Issues**

12. The main issues in this appeal relate to the landscape impact of the development, highway safety considerations, the noise likely to be generated, tourism and employment, emissions to the air, as well as renewable energy, sustainability, alternatives sites and other uses of the appeal site.

#### **Development Plan**

13. The Development Plan for the area includes the Yorkshire and Humber Plan - RSS to 2026 and the saved policies of the Ryedale Local Plan - March 2002.

## Reasons

### *Landscape Impact*

14. The appeal site is some 1km to the south of the centre of Wombledon Village. It is surrounded by open countryside where the normal policies to protect the appearance of the countryside apply. However, this scheme would re-use this large existing rural building (with a relatively minor side extension) for a business use, as advocated by Local Plan Policies EMP11 and AG5.
15. Nevertheless, there would be some increased impacts on the appearance of the area. The opening up of the visibility splay to the south and the new access arrangements with their stockade fencing and gates, together with the proposed reception and office area with their new doors, windows and signage would all introduce a more commercial appearance to the front of the site and would be clearly seen from the road. The incoming logs would be stockpiled up to about 4m high just inside the gates and, although piles of logs may be akin to forestry operations in the countryside, in this case they would draw further attention to the business use of the site. Although further from the road, so would the sizeable piles of chipped wood and bark and their respective conveyors. The relatively small lean-to extension to the building would continue the roof slope down and would not be particularly obtrusive.
16. As originally proposed there would be a chimney protruding nearly 6m from the roof, and the Appellants accepted that the water vapour plume from it would be visible at air temperatures below about 10<sup>0</sup>C, which in North Yorkshire could be a significant proportion of the time. This would further attract attention to the nature of the business. However, at the hearing, it was suggested that a condenser could be fitted that would reduce the dew point, and thereby prevent the formation of a vapour plume above approximately -5<sup>0</sup>C. If this were the case, the chimney would be replaced by a louvered outlet on the roof which would probably be about 2m high. At the site visit, it was suggested that the present air exhaust structure on the western end of the roof might be adapted for this purpose.
17. The significant quantities of stone that have already been brought onto the site would be used in the construction works. The surplus soil would be used to extend the existing earth bund at the south, which would partially wrap around the western end of the site. This new bund could of course be planted, and the revised 'red line plan' also makes provision for a strip of landscape planting further out to the north west, in the general direction of the residential property at Cote Garth. This latter landscaping would be some way beyond, but cross the line of, one of the old runways which is still in use by light aircraft. Bearing in mind the extent of the runway, which was used during World War II by Halifax bombers, I very much doubt if the proposed planting some distance beyond the end of the runway would materially affect its use by light aircraft. But in any case, as suggested at the hearing, a gap could be left in the planting in line with the end of the runway. With or without this gap, there would be continuing views of the building and some of the production area for a long time to come from the more elevated view point on the road close to Cote Garth. Although at a distance of some 500m, the on-site operations with their associated plant and vehicle movements would be apparent from this location. There would be virtually no effect when viewed

from the Wombleton Caravan Park about 400m to the south west, even if standing on the edge of the airfield outside the caravan park's perimeter tree screen.

18. In summary therefore, there would be harm to the appearance of the area when viewed from the highway just outside the site, and also from near Cote Garth. In this respect the scheme would be contrary to Local Plan Policy AG5(v) and to national planning policy in PPS7.

#### *Highway Safety*

19. It is estimated that about 80% of the trees would come from within a 27 km (17 mile) radius and the rest from within 53 km (33 miles). The SRC, brashings, and possibly miscanthus grass in the future, would be more likely to come by tractor and trailer from the closer locations, but that there are no definitive sources so both the HGV and the tractor and trailer traffic could most conveniently access the site from practically any direction.
20. From the north, the most direct access from the main A170 would be through either Wombleton Village or Welburn Village, or possibly through Harome Village. From the B1257 to the south, the most direct routes would be through Nunnington Village, or alternatively through Slingsby and Muscoates. As the Highway Authority, North Yorkshire County Council says, these are all typical rural lanes which in many cases have unrestrained edges and poor vertical and horizontal alignments significantly below the current standards. There are also sections with limited carriageway widths and sharp bends, together with reduced visibility at junctions. There are however no traffic restriction orders in place on the relevant roads.
21. The Appellants acknowledged the general unsuitability of the highway network in general and proposed to restrict all HGV and tractor and trailer traffic to just one route from the site to the A170 at Welburn Cross Roads. This would be via Hungerhill Lane, Wash Beck Lane, Flatts Lane and Back Lane, therefore avoiding the more direct route through Wombleton Village. Along this route they proposed to carry out some road improvements that would be required through a planning condition intended to preclude operation of the site until these works had been completed. They envisaged enforcement of the route through a Section 106 unilateral planning obligation.
22. Whilst planning conditions cannot fetter the free use of the public highway by HGVs, or any other class of vehicle, legal obligations are sometimes used for this purpose, for instance with minerals or waste developments, and they are recognised in MPS2. In order to ensure a particular route is used, the person or body bound by the legal undertaking must of course have adequate control over the operation of the vehicles in question. In this case, all large vehicles coming to and from the site would be under a contract to the operator of the site.
23. The finalised Section 106 unilateral obligation defines the operator as Land Energy Ltd, the appellants, and their successors, and it requires them to comply with, and enforce, the appended Drivers' Code, or any variation agreed with the Council. Furthermore any cumulative code breach would require termination of the haulier's contract, and the term 'cumulative code breach' is defined in terms of the Drivers' Code. Among other things, the Drivers' Code

- requires all drivers of commercial vehicles visiting the site to adhere to the prescribed route which is shown on a plan and it also sets out an enforcement procedure. Accordingly, and despite the Council's contrary view, I consider the undertaking is sufficiently detailed and would provide the necessary safeguards to be satisfied that drivers would very likely follow the prescribed route.
24. The Appellants' Transport Statement gives the number of vehicles visiting the site during its 48 weeks of operation a year as 2,988 HGVs, 2,071 tractors and trailers and 3,500 cars; but these figures need to be doubled to give the number of vehicle movements on the highway. On average therefore, there would be some 25 HGV movements per day, 17 tractor and trailer movements per day and 29 car movements per day, although during the conditions session, it was indicated that at certain peak periods the HGV and tractor and trailer numbers might well increase to double the average, or more. In this connection, I see no reason to consider any major increases in production capacity on the site because the plant would be sized for the proposed throughput and planning permission would be required for any significant changes.
25. Whilst the anticipated average HGV movements might well be only about 3 or 4 per hour, taking into account also the tractors and trailers, and the peak traffic flows, there would be periods of significantly greater traffic generation.
26. The proposed route to Welburn Crossroads is not markedly different from the rest of the roads in the immediate area. For instance HGV's could not turn from Hungerhill Lane into Washbeck Lane if there were other vehicles waiting to turn right towards Wombledon. There is also restricted visibility in both directions for vehicles turning from Wash Beck Lane into Flatts Lane, and also limited visibility to the south at the junction with Back Lane. Large vehicles waiting on the A170 to turn right into Back Lane at the Welburn Crossroads would also obstruct the free flow of traffic on this fast section of A road. Although there are no detailed measurements, there are certainly a number of sections along this approximately 2.4 km (1.5 mile) route where the road widths would not permit the free passing of two HGV's, eg widths of less than 5.5m on some straight sections. Part of the proposed route is used by a regular double decker bus service, and there are no records of personal injury accidents except at Welburn Crossroads, though on examination the latter are not particularly relevant. Even so, as it stands, I consider the route to be unsuitable for the anticipated traffic movements from the development which would therefore be likely to harm highway safety, contrary to Local Plan Policies AG5(iv) and T3.
27. The Appellants proposed the formation of some additional passing places within highway land along the route. From the indicative plan, it seems that there would not be intervisibility between these sites in all cases, but they have not been fully detailed and there were still suggestions for changes during the site visit. The Appellants also proposed improving the width of the Back Lane carriageway at the Welburn Crossroads sufficiently to allow one large vehicle to enter whilst another waited to exit. Once these proposals had been properly worked up, it may be that the resulting route would be adequate to avoid undue harm to highway safety, but I am not satisfied with the proposals at present, and they are far too imprecise to be required through a Grampian-Style planning condition.

28. I have reached the above conclusions on the information before me relating to the appeal proposal itself. The Appellants also referred to the traffic generated by the site in its former potato storage and processing use, together with that from the other claimed uses that operated from the site. It is clear that the potato use has not been fully operational for some time and it seems that the other pig rearing, agricultural contracting and straw storage uses have come and gone. If however the appellants' traffic generation figures are accepted, on its own, the potato use would have produced less traffic than the proposed use, and I am far from convinced that the greater traffic generation from all the combined uses ever occurred at the same time. I do not therefore consider the past traffic generation very helpful to my consideration of the appeal proposal, although I do acknowledge that the latter would create an opportunity to control traffic flows along some of the less desirable routes to the site.

*Noise*

29. Noise would be generated in the outside production area from the delivery and collection lorries and from the tractors and trailers bringing in brash and SRC from the local area. There would also be a front loader to move the wood, the chips and the bark. The de-barker/chipper would be housed in a below ground 'bunker' with a reinforced concrete roof; the logs being dropped into the feed hopper. The screw conveyors delivering the chipped wood and the bark should be quite quiet.
30. There was no internal layout of the building showing the proposed plant. However, it was explained at the hearing, that it was intended that the main processing plant would all be located in the western 'third' of the building, the finished product would be transferred by conveyor to the eastern 'third', behind the proposed office and storage area, and the centre 'third' would be used for the loading of the finished product into HGVs for delivery to the customers. During the hearing, it was suggested that the collection HGVs could avoid reversing whilst on the site, and so avoid the operation of their reversing beepers, by coming in through the eastern door in the southern wall of the centre section of the building and exiting by the western door on the same side. On site however, it was suggested that it would be more operationally efficient for the collection vehicles to drive round the western end of the building and enter through the north door so that, after loading, they could drive straight out of the opposite door on the southern side.
31. Indicative sound power levels have been identified for most of the noise sources inside and outside the building, although in some cases a value has been assumed and the plant would have to be designed to meet it. The assessment was also based on the originally proposed vent stack and not the possible louvered outlet from a condensing system discussed at the hearing.
32. The noise assessment calculated the noise levels at Cote Garth as 23-24 dBLA<sub>eq</sub> (1-hour) during the working day and 19 dBLA<sub>eq</sub> (continuous) at night, when there would be no outside working. These values assumed a distance of 600m to Cote Garth, which is about right from the centre of noise generation, but they also assumed a 10dBA reduction for predominantly soft ground absorption, as advocated in the Department for Transport advice on road traffic noise for a noise source about 1.5m above ground level. Whilst much of the noise may come

from the bottom part of the building, the roof is more like 6m high and that is where the stack or louvered outlet, and its related noise source, would be. Allowing for this, the revised reduction would be more like 6.6 dBA if the centre of the noise were at a height of 5m above ground. Furthermore, no allowance had been made for the fact that Cote Garth stands on ground that is about 10m higher than the appeal site. It would have been highly preferable for all these values to have been settled in technical discussions before the hearing but, on the basis of what I heard, it seems likely that the noise levels at Cote Garth from the proposed development would be about 28-29dBLA<sub>eq (1-hour)</sub> during the working day and a perhaps about 23 or 24dBLA<sub>eq (continuous)</sub> at night. In comparison, the un-challenged background levels were measured as 32.8dBAL<sub>90</sub> during the daytime and 22.4dBAL<sub>90</sub> at night.

33. The normal method of assessing such industrial sounds is set out in BS4142 where it says that complaints are unlikely if the new sound is less than 3dBA above the background. However the BS also cautions that this cannot be safely applied with background levels below about 35dBA, as in this case. A further guide may be taken from the 30dBLA<sub>eq</sub> quoted in BS8233 as providing good sleeping conditions. Even with an open window, inside a bedroom there would be a further 10-15dBA reduction. I therefore consider both the day and night noise levels would be acceptable at Cote Garth, providing there was no undue tonal element; a matter on which I have scant information.
34. Whilst the noise assessment concentrated particularly on Cote Garth, the Wombleton Caravan Park comes to within about 400m of the centre of noise generation. By adapting the Cote Garth sound levels during the hearing, I concluded that the daytime noise level would be perhaps a little over 30dBLA<sub>eq (1-hour)</sub>, which is just about the measured daytime level. The measured background noise demonstrates that this is a quiet site, but even when only some of the 100 or more caravan and tent pitches are occupied, there would still be a significant bustle of activity and I do not consider the noise from the development would be very noticeable, especially taking into account the use of the intervening runway by light aircraft.
35. By the same adaptation process, I came to the view that the night time noise level at this edge of the park, where the tents are, would probably be about 22dBAL<sub>90</sub>. Neither the boundary tree screen nor the fabric of the tents would provide any material attenuation so that figure should be compared with the measured background night time noise level of 21.2dBAL<sub>90</sub>. Adding one sound to another of the same magnitude is likely to raise the total by about 3dBA, but that would still be well below both the 30dBA advised in BS8233 for good sleeping conditions and the World Health Organisation's recommended level.
36. Nevertheless, I am still concerned about the likely tonal quality of the sound which could add significantly to the impact at the caravan site. There is no information on the tonal quality of the fixed plant, although it was suggested at the hearing that the reversing 'bleepers' on the front loader, and any other mobile plant, could be of the 'white noise' variety, from which the sound does not carry very far. I am far from convinced that the normal reversing beepers on contractors' HGVs and tractors and trailers would be of the same 'white noise' type and, although with the proposed one way system, the HGVs should normally be able to avoid reversing, I have my doubts if that would always be

- the case. I also suspect that the tractor and trailer units would probably need to reverse to unload their SRC and brash.
37. The possibility of attaching suitable conditions to a planning permission in order to prevent undue harm from noise was considered at the hearing. Because the noise from the site may well be below that of the background at the noise sensitive locations, it would not be possible to measure it directly. As an alternative, noise limits that would adequately protect these locations could be set at closer locations. In this case, at the site visit, the appellants suggested a daytime limit of 27 dBAL<sub>Aeq (1 hr)</sub> and a night time limit of 16 dBAL<sub>Aeq (5min)</sub> at a point on the site boundary in line with the caravan park. I have no doubt that such limits would indeed protect the noise sensitive locations but, being below all the measured background levels that I have seen for the area, I conclude that they too would be unmeasurable. I am also most concerned that these proposed limits would be significantly below those previously anticipated by the appellants some considerable distance further away from the site, yet there was no explanation of how they would be met.
38. The existing generator used in connection with the potato business is sited on the north side of the building with virtually no acoustic attenuation and its noise has, in the past, caused complaints from the Wombleton Village residents. This generator would be replaced with one sited within the acoustic envelope of the building and the village would mostly be shielded by the building itself from noise generated in the production area. If, as suggested at a very late stage, the HGVs collecting the finished product were to drive round and enter the building from the north, that would introduce more noise on the side nearest the village. To guard against undue effects, it was suggested during the site visit that a condition could be attached using the same noise levels as on the boundary in line with the caravan site, but at a point on Hungerhill Lane opposite the northern extremity of the site. Whilst such values would undoubtedly protect the amenities of the village residents, as discussed above, they would be unmeasurable and therefore not practicable.
39. In both cases, it was suggested that a condition should require no overall tonal spike in the noise, as defined by no octave band or third octave frequency (measured in dBLeq (5min)) exceeding the adjacent one by more than 10 dBA. Such a condition might well control the tonal qualities of the noise but it would be impractical if, as outlined above, the values cannot be measured.
40. With the piecemeal development of the scheme even during the hearing, I am far from satisfied that the true noise levels have been adequately determined. The assumed plant and the proposed operating procedures have changed since the original noise assessment and I have no evidence to show how the appellants could reasonably be expected to meet the noise levels they themselves suggested for the boundary of the site. I conclude that there is still the prospect of undue noise disturbance, particularly to the occupants of the caravan park, contrary to Local Plan Policy AG5(iv) and to national planning policy set out in PPG24.



*Tourism and Employment*

41. In line with national planning policy, Policies YH1 and E1 of the RSS encourage continued growth of the regional economy, and Policy E6 advocates sustainable tourism.
42. The appeal proposal would generate about 10 or 12 full time jobs and in both the Yorkshire and Humber Region, and in Ryedale District, unemployment has risen substantially in the last year or two. However, it seems that the former potato use, together with the other activities operated from the site, used to generate very comparable numbers of jobs.
43. It is clear that any material effect upon the present quiet camping conditions at the Wombleton Caravan Park could reduce the numbers of visitors, thereby harming the tourist industry as a whole, and at the same time the local economy which is supported in part by these visitors. As indicated above, I am not sufficiently convinced that the proposal would avoid creating such harmful noise impacts.

*Emissions*

44. The pellet producing process is one of the prescribed processes covered by Local Authority Pollution Prevention and Control (LAPPC) under the Environmental Permitting (England and Wales) Regulations 2007. As such the associated CHP plant would also be covered. All the emissions to air from the proposed scheme, apart from water vapour, would therefore require permitting by the Local Authority. Despite the advice in paragraph 2 of PPS23 that consideration should be given to submitting parallel applications for planning permission and pollution control permits, no such application has been made. The same paragraph says that controls under the planning and pollution control regimes should complement, rather than duplicate, each other. In this case, I see no reason why the emissions to air should not be left to the permitting authority.
45. That leaves the discharge of water vapour for assessment at this stage. I have already considered the prospective vapour plume in connection with the appearance of the area, and this could be largely suppressed by the much greater proportion of air flowing through a condenser. But the same overall quantity of water vapour would still have to be discharged from the louvered outlet on the roof and it was suggested that, under certain atmospheric conditions, this could form a horizontal cloud that would obscure visibility for pilots landing light aircraft on the adjoining runway. I have no details of the conditions necessary for this temperature inversion to occur, but it seems to me that on the few occasions when it might happen, the volume of water from the site is unlikely to form a sufficiently high proportion in the atmosphere to greatly affect the local climatic conditions.

*Renewable Energy, Sustainability and Alternative Sites*

46. National policy is to increase the proportion of energy from renewable sources and PPS22 strongly supports such an approach. The annex on wood fuel notes that wood is regarded as CO<sub>2</sub> neutral because the CO<sub>2</sub> produced in combustion is recycled. In any case, the full 25,000 tpa output of the plant would be

equivalent to some 12.5million tonnes of heating oil but, when burnt, it would produce only about 20% of the equivalent CO<sub>2</sub>.

47. At paragraph 24 of the PPS, it notes the need to transport biomass crops and advises that generation plants should be located in as close proximity as possible to the identified sources of the fuel. This advice seems to me just as appropriate in the production of wood pellets as for the direct burning of biomass for energy production in the CHP plant.
48. As already noted, there is no specific source of the trees, SRC, brashings or miscanthus for this scheme, but the appellants have carried out their own assessment of the availability of these various raw materials from the surrounding area and concluded that there would be an adequate supply within a radius of 53 km (33 miles), with a large majority coming from within 27 km (17 miles). Simply looking at the Ordnance Survey map shows considerable areas of woodland within these distances in most directions. It may be that not all these woodlands are suitable for exploitation, for instance if they happen to be ancient woodlands or are on inaccessible sites, but I see no reason to doubt the Appellants' claim that an adequate supply could not be sourced locally. In addition, I note that the Forestry Commission has also indicated that nationally there are something like 2M tonnes of additional timber that could be utilised every year.
49. The annex to PPS 22 comments that the raw material is usually converted into wood chips before use as a fuel, but I accept the point made on behalf of the Appellants that the use of chips can lead to moisture content and handling difficulties, particularly in smaller installations. I do not therefore consider it unsustainable to process the material further into pellets, which do not have these drawbacks.
50. The total input of about 45,000 tpa of raw material would produce only about 25,000 tonnes of pellets, which themselves would occupy a proportionately smaller volume, and therefore require less vehicle movements for transport to the end users. It must therefore be more sustainable to process the raw materials close to their source, rather than to do so close to their use. Although the Appellants cited no back-up for their figures, they did indicate that their production could be used within not too great a distance of the site, and they should at least have some 'feel' for the market, as they currently operate one plant in Wales and have planning permission for two more.
51. There is normally no requirement in planning law to seek out and compare alternative sites unless only one such development can reasonably be permitted in a particular area, eg by policy motorway service areas can generally only be sited at certain distances apart. I am not convinced that this is such a case, and at least the appeal site is brownfield land where PPS22 encourages renewable energy developments to be sited.
52. I therefore conclude that the proposal would comply with Policy ENV5 of the RSS which encourages more renewable energy capacity. Local Plan Policy RE3 deals with combustion plants for electricity generation, but in my view the CHP plant is simply a subsidiary element of the overall proposal which is, in reality, for the production of wood pellets.

*Other Uses*

53. Some concern was raised at the hearing about the possible consequences of allowing this development if it should subsequently lead to a different use of the site, with greater environmental impacts. I have considered the impacts of the scheme that is before me. I have not identified its use class, which was variously canvassed as B2 or sui generis. That would be a matter for a later determination should the need arise but, in any case, the intention of the Use Classes Order is to allow similar, but different, business users to operate without the need for planning permission on the assumption that similar uses would have similar impacts. I do not therefore find this a convincing argument against allowing the appeal.

*Other Matters*

54. Having seen the grassland and concrete surrounding the existing building, I can well see why Natural England considered there to be no material wildlife concerns, with which I agree. Similarly, there has been a desk study into contaminated land which raised no concerns, and again I see no reason to disagree.
55. If the heavy vehicle traffic to and from the site were via the proposed route it would not pass through the Wombleton Village Conservation Area and its listed buildings. I therefore see no other reason for either to be affected. Fire safety is a matter for later consideration under Building Regulations, no doubt in conjunction with the local fire service.

**Conclusions**

56. The scheme would comply with national and local policies on renewable energy and sustainability, and the emissions to the air would be controlled under the LAPPC regime. There would however be harm to the appearance of the surrounding countryside, and the mitigation measures to prevent highway safety hazards are not adequately detailed for full consideration. Likewise, the evolving nature of the scheme did not give me sufficiently reliable evidence on the issue of noise, which could still cause unacceptable conditions for nearby holidaymakers and lead to other harmful effects for the tourist industry.
57. For these reasons, I conclude that Appeal A should be dismissed.

**Appeal B – The Improved Access Scheme**

**The Appeal Proposals**

58. The application leading to Appeal B relates to more or less the same site as Appeal A and it has three elements, namely:-
- improvements to the access,
  - the erection of a side extension to the main building, and
  - the removal of five presently grassed areas within the concrete apron and their surfacing with the stone that is already stockpiled on the site.
59. The proposed side extension was however withdrawn before consideration by the Council so I will determine the appeal on the basis of just the two remaining elements.

60. This appeal assumes the continued lawful use of the site for the storage and distribution of potatoes.

### **Main Issues**

61. The main issues in this appeal relate to highway safety, the appearance of the area and the amenities of the nearby residents.

### **Reasons**

#### *Highway Safety*

62. The proposed access improvements include reducing the present boundary hedge to a maximum height of 0.9m both to the north and south of the present access onto Hungerhill Lane. Both a new post and wire fence and a new hedge would be provided further into the site, thereby increasing the visibility splays in both directions. Once the new hedge had reached about 1.8m the original one would be removed.

63. As described under Appeal A, Hungerhill Lane is a rural road, subject only to the national speed limit of 60mph for a single carriageway. In practice a speed survey showed 85%ile traffic speeds of 54.4 mph northbound and 52.8 mph southbound for which the 'Y' distance for the visibility splays should be 169m and 160m respectively. In agreement with the County Council as Highway Authority, the 'X' distance can be taken as 2.4m. The northern visibility splay is already available without the need to remove the present hedgerow, but the southern one is not. Nevertheless, there is a considerable visibility distance to the south and, with no accident record from the previous use of the site, the Highway Authority has not requested any improvements.

64. I see no particular highway safety benefits in improving even further the northern visibility splay. There would however be some benefits in improving the southern splay to provide a safe access to the local highway network, as sought by Policy T3 of the Ryedale Local Plan, but that is subject to the works not being 'detrimental to the rural character of the District'.

#### *Appearance of the area*

65. Increasing the visibility splays at the access would increase the area of open land beside the highway which would give it a more urban feel than the current rural character of the lane. At least for a period, the reduced height of the existing hedge and the post and wire fence would also reduce the screening effect for the on site operations. These access improvements would therefore have a detrimental effect on the appearance of the area.

66. Within the site itself, the sizeable grass 'lozenges' significantly reduce the visual impact of the large areas of wartime concrete. Views of these areas are mainly limited to views from the highway through the access but, if the front hedge were reduced in height as proposed, they would become much more apparent, at least for a time.

67. Bearing in mind the very limited highway safety benefits of the access works it would be possible to dismiss that element of the appeal and limit the visual envelope of the grassed areas on which it is proposed to lay stone.

68. Stoning the present grassed areas would firstly involve excavating considerable volumes of material which it is proposed to place on the inside of the earth bund that runs along the southern side of the site, without increasing its height. The sections on the submitted plan give an idea of the areas of the bank that would be covered and therefore denuded of the existing established vegetation.
69. Thereafter the approximately 2,500 tonnes of stone that is already stockpiled on the site would have to be crushed to a workable size and then placed in the excavations. This would result in a very substantial area of 'industrial looking yard' all round the existing 3,000m<sup>2</sup> building, thereby increasing the unsympathetic appearance of the present development in the countryside.
70. Accordingly, even without the access improvements, I consider the proposed stoning of the current grassed areas would be harmful to the appearance of the surrounding area. In this connection, Local Plan Policy SG5(v) seeks to avoid harm to the appearance of the area, very much in line with the aims of national planning policy to protect the appearance of the countryside set out in PPS7.

*Residential Amenity*

71. The plant necessary to carry out the excavations, stone crushing and placing would all make significant noise. The Council suggested a condition that would prevent audible noise at the site boundary outside the working day. Whilst acknowledging that the complete work may be possible in little more than a week, I consider suitable noise limits would still be necessary, even during the working day, in order to prevent undue disturbance, for instance at the Wombleton Caravan Park where, as noted in Appeal A, the background noise levels are very low.
72. If the stone is to be crushed, particular care would be needed to avoid undue dust emissions from the site but, with adequate precautions, that should be possible.

*Other Matters*

73. The Appellant explained that he had been seeking a source of stone to infill the grassed areas for some time and that he took the opportunity to acquire the currently stockpiled material when it became available from other development sites in the area. He argued that stoning the grassed areas would make the manoeuvring of HGVs in and out of the building as part of the potato business operations much easier. Whilst it might improve the access, the business has apparently operated for years and I am not convinced of any pressing need at present for such increased manoeuvring space.
74. In the absence of planning permission for the stoning operations, the Council is likely to pursue enforcement action to have the stockpiled stone removed from the site. This would clearly require a significant number of HGV trips to some other location and, as detailed in my consideration of Appeal A, the immediately surrounding highway network is far from suitable for such vehicles. However, that could be a controlled one-off operation and, once complete, the appearance of the countryside would be preserved.

## Conclusions

75. There would be very little highway safety benefit from the access improvements but, if carried out, they would harm the appearance of the area, at least for a while. With or without the access works, stoning the present grassed areas would denude the southern bund of its established vegetation for a period and also create a much larger industrial-style yard around the existing building, thereby also harming the appearance of the area. Proper sound levels are also required in order to set an appropriate daytime noise limit to protect residential amenity in the area. Against these considerations, I see no material benefit to the lawful use of the site in stoning the proposed areas the possible need to remove the stone off-site could be managed without greatly harming highway safety.
76. For the reasons given above, I conclude that the appeal should be dismissed.

*J I McPherson*  
INSPECTOR

## GENERAL DOCUMENTS

- G1 Letter of Notification and the List of the Persons Notified  
G2 Attendance Sheets for 15 & 16 July 2009

## APPEAL A – PELLET SCHEME DOCUMENTS

- A1 **Appellant's Bundle of Appeal Documents**
1. Planning Application and Original Site Location Plan
  2. Decision Notice and Committee Report
  3. Covering Letter & Revised Site Location Plan
  4. Report on Community Involvement
  5. Policies on Renewable Energy and Climate Change
  6. Noise Assessment
  7. Further Noise Comments
  8. Transport Assessment
  9. Further Traffic Information inc draft S106 etc
  10. Design Intent Statement
  11. Revised Design Intent Statement
  12. Design & Access Statement
  13. Report on Biodiversity
  14. Correspondence with the Environment Agency
  15. Report by Gammel Engineering on the Proposed Development
  16. 2 Artist's Impressions of the Site
  17. Comparison of Propose and Existing Traffic
  18. Committee Report and Decision re Site Access Application
  19. Regional Site Context
  20. Planning Permission for Existing Potato Store (7 Sept 1994)
- A2 Application Plans
- |                       |             |               |
|-----------------------|-------------|---------------|
| 1. Location Plan      | LAN 095.1   | (in doc A1.1) |
| 2. Details - Existing | 2-0010EP002 | A             |
| 3. Details - Existing | 2-0010EP003 | A             |

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	4. Proposed Site Plan	2-0010PP001D	B
	5. Proposed Main Production Area	2-0010PP002	A
	6. Plan - Proposed Office Layout	2-0010PP003	A
	7. Proposed Site Elevations	2-0010PP004	A
	8. Proposed Weighbridge, Berm and Wood Processor	2-0010PP005	A
	9. Proposed Site Entrance	2-0010PP006D	B
	10. Details - Existing	2-0010EP001	A
A3	Revised Red Line Plan – LAN 095.1 dated 07/05/08		
A4	Copies of Relevant Development Plan Policies		
	RSS Policy YH1 – Overall Approach		
	RSS Policy YH2 – Climate Change and Resource Use		
	RSS Policy YH3 – Working Together		
	RSS Policy YH6 – Local Service Centres and Rural and Coastal Areas		
	RSS Policy YH7 – Location of Development		
	RSS Policy E1 – Successful and Competitive Regional Economy		
	RSS Policy E5 – Safeguarding Employment Land		
	RSS Policy E6 – Sustainable Tourism		
	RSS Policy E7 – Rural Economy		
	RSS Policy ENV5 – Energy		
	RSS ENV6 – Forestry, Trees and Woodlands		
	LP Policy AG4 – Farm Diversification		
	LP Policy AG5 – Re-use of Rural Buildings		
	LP Policy EMP10 – Small Industrial/Business Developments within Settlements		
	LP Policy EMP11 – Industrial/Business Developments in the Countryside		
	LP Policy ENV6 – Tree Preservation Orders		
	LP Policy ENV7 – Landscaping		
	LP Policy T3 – Access to the Local Highway Network		
	LP Policy T4 – Accesses onto 'A' Roads		
	LP Policy RE3 – Combustion Plants for Electricity Generation from Burning Crop Residues.		
A5	1. Permission for 16 Timber Clad Static Holiday Units at Fosters Scrapyard		
	2. Permission for the retention of 118 caravan pitches etc at Wombleton Caravan Park		
A6	Highway Authority's Comments on the Appellant's Transport Statement		
A7	Appellants' summary of the data in the Transport Statement		
A8	Photos of Timber Delivery HGV on the Local Road Network		
A9	Comparison of Previous and Proposed Vehicle Movements by Dr Walker		
A10	Sustainability Presentation by Dr Doyle		
A11	Council's Summary of Permitting etc Requirements		
A12	Letter from HSE to Mr Lane		
A13	Draft Section 106 Obligation		
A14	Appeal Decision A/06/2017543		
A15	Statement from the Appellants about the Enforceability of and the Changes to be made to the S 106 Obligation		

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- A16 Council's Suggested Conditions
- A17 Council's further Suggested Conditions
- A18 Plan marked at Site Visit with possible Noise Monitoring Locations

**APPEAL B – ACCESS SCHEME**

**DOCUMENTS**

- 1 Application Plans
  - 1. Site Location Plan
  - 2. Improvements to the Site           2008-9-28 Site Plan  
Entrance, Lean-to Extension  
and Stone Infilling
  - 3. Ditto                                       2008-9-28 Building
- 2 Written Costs Application by the Appellants
- 3 Written Costs Response by the Council
- 4 Contaminated Land Desk Study





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PLANNING STATEMENT IN SUPPORT OF PLANNING APPLICATION  
FOR CHANGE OF USE OF POTATO STORE , HUNGERHILL LANE  
WOMBLETON NORTH YORKSHIRE FOR RYEDALE POTATOES LTD  
SEPTEMBER 2012

Please note that in accordance with paragraph 109 of the 2010 DCLG Guidance on Information Requirements and Validation this application does not contain a Design and Access Statement . Although this proposed development includes a new vehicle access door , this is considered to be a minor alteration of an existing building , where the alteration does not increase the size of the building and no part of the building or the development is in a designated area .

RYEDALE DM

18 SEP 2012

DEVELOPMENT  
MANAGEMENT

12/00884/MFUL

Planning Consultant for Economic Development, Residential and Tourism projects.



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## POTATO STORE , HUNGERHILL LANE , WOMBLETON , NORTH YORKSHIRE

PLANNING STATEMENT TO ACCOMPANY A FULL PLANNING APPLICATION FOR CHANGE OF USE OF BUILDING FROM POTATO STORAGE TO STORAGE , HANDLING , AND DISTRIBUTION OF WOOD FUEL AND STORAGE OF TOURING CARAVANS , AND PROVISION OF NEW ACCESS DOOR.

### 1.0 INTRODUCTION

1.1 This report supports a full planning application by Ryedale Potatoes Ltd. for change of use of part of an existing potato storage building for the storage , handling , and distribution of wood fuel , in the form of woodchips , pellets , briquettes , or logs , to be sold into the local and sub - regional domestic and light commercial market , and also includes minor alterations to provide a new access door. The remainder of the building would continue to be used for potato storage and/ or the storage of touring caravans .

1.2 The purpose of this report is to evaluate the relevant planning merits and material planning considerations relating to this application.

1.3 This statement should be read in the context of the submitted plans and drawings , which show the design and layout of the proposed change of use , including the disposition of the various uses within the building .

1.4 It also provides an assessment of the proposed development in the context of its rural location , the recent planning history of the site , and the relevant planning policies and related guidance at both the national and the local level . The proposed layout follows an assessment of all these factors , and is now considered to be a sustainable form of development which deserves the support of the Local Planning Authority .

Planning Consultant for Economic Development, Residential and Tourism projects.

## 2.0 APPLICATION SITE

2.1 The application building is a large warehouse style building approximately 3000m<sup>2</sup> in size whose existing approved use is for the storage, sorting and distribution of potatoes. Approximately 1800 tonnes of potatoes have been stored in the building recently, although its maximum capacity is 8000 tonnes. The site, which is located at the eastern side of Wombleton airfield, has hard standings, with some grass and concrete aprons. The site is approximately 1 kilometre south of Wombleton village in a relatively remote location surrounded by open countryside. There are no residential properties in the immediate vicinity.

2.2 This application in part relates to the use of approximately 750 m<sup>2</sup> at the eastern end of the former potato store for the storage, handling and distribution of wood fuel. This is shown as Area 1 on the attached drawings where the southern elevation would be slightly altered to accommodate a new vehicle access door, 10 m wide, by 5m high. The remainder of the building [amounting to some 2250 m<sup>2</sup>] and shown on the attached drawings as Areas 2 and 3, would continue to be used for the storage of potatoes, with an additional use for the storage of touring caravans. The building gains direct access onto Hungerhill Lane.

2.3 The application site is partially screened by existing landscaping when viewed from the adjacent highway although the building can be seen from the existing access position, and there are distant views of the building and the wider airfield.

2.4 Natural England have previously examined the application site and have considered that it does not contain any significant wild life assets. Similarly, previous development proposals have shown that there are no issues relating to land contamination at this site, and the site is not shown on Environment Agency records to be in a flood risk area.

## 3.0 PLANNING HISTORY

3.1 The relevant planning history is as follows:-

April 1994 - Erection of General Purpose Building/Potato Store - Approved

September 1994 - Erection of Extensions to Potato Store for Workshop, Working Area, and Generator Shed - Approved

April 1995 - Erection of Extension to Potato Store - Approved

August 1995 - Erection of Extension to Potato Store - Approved  
07/00611/MFUL - Change of Use of Potato Store to Manufacture of Wood Fuel Pellets to include Offices , Ancilliary Plant , Altered Vehicular Access , External Storage Areas , Landscaping - Withdrawn November 2007  
08/00303/MFUL - Change of Use as above - Refused August 2008 - Appeal Dismissed August 2009  
08/00986/FUL - Access Improvements , Side Extension and Hard Standing Area - Refused February 2009 - Appeal Dismissed August 2009  
10/00830/MFUL - Change of Use of Woodland to Allow Siting of 8 Timber Holiday Chalets , 9 Eco - Camping Pods , New Access and Toilet Block - Approved October 2010

#### 4.0 PREAPPLICATION CONSULTATION

4.1 In accordance with Government advice and recognized best practice to improve the effectiveness of the planning system , pre - application liaison with the Local Planning Authority has taken place last year . This took the form of a meeting in August 2011 with Mr. Gary Housden , the senior planning officer for Ryedale District Council .

4.2 In addition telephone discussions have taken place with Mr. James Kennedy , North Yorkshire County Council Highway Engineer . Further discussions have taken place recently with Mr. Davies , the ecologist for the Council to consider whether there is any nature conservation issue that applies .

#### 5.0 PROPOSED DEVELOPMENT

5.1 The planning application which accompanies this report seeks full planning permission for the change of use of part of the existing potato store for the small - scale storage , handling , and distribution of wood fuel imported to the site , and the use of the remainder of the building for the storage of touring caravans in addition to the continuing storage of potatoes . This application does not include any on - site manufacturing or heat generating processes. The wood fuel storage and distribution activity will vary from 5 - 6 days per week depending on levels of market demand . The storage of touring caravans is mainly a winter based activity , but will vary depending on customer demand , and the need for potato storage capacity at any given time .

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5.2 The existing potato store has a floorspace approximately 3000 sq. metres in size , and this proposal relates to the use of nearly 750 sq. metres at the eastern end of the building for wood fuel storage . It is also proposed to introduce a new commercial vehicle access door into the southern elevation of the building , as shown on the attached drawings. The remaining 2250 m<sup>2</sup> of storage capacity in the building will continue to be used for the storage of potatoes with an additional use of mainly winter storage of up to 100 touring caravans when demand for potato storage is low . If demand for potato storage capacity is high the level of touring caravan storage will be much reduced .The existing single storey office accommodation will continue be used as an ancillary facility .

5.3 The proposal is small - scale , relating in part to the internal storage of approximately 1000 tonnes of wood fuel per annum. This compares with 8000 tonnes per annum for the potential potato storage activity in this area of the building [Area 1] , and 30000 tonnes of wood fuel pellet manufacture and storage for the whole building proposed in 2008 as part of planning application 08/00303/MFUL. This earlier proposal actually required the throughput of approximately 45000 tonnes of raw wood material per year , thereby generating a much higher level of HGV traffic.

5.4 The current proposal is based on a business plan to sell wood fuel into the local and sub - regional domestic and light commercial market , and therefore the customer catchment area is estimated to cover the area from the river Tees south to the river Humber. Wood fuel imports to the site will come from as far away as Girvan in Scotland and Bridgend in Wales. It is estimated the proposal will create the equivalent of 1 full time job directly, with additional employment in the haulage sector.

5.5 This proposal would leave nearly 2250 sq. metres of the existing total warehouse floorspace for the continuing storage of potatoes in Areas 2 and 3 , or up to 100 touring caravans , a separate activity which will generate the equivalent of 0.5 full time jobs . These combined activities still represent a very low key use of the building in terms of any environmental impacts and can be compared to a previous maximum throughput of 30000 tonnes of stored potatoes per year for the whole building . The additional use of Areas 2 and 3 for the temporary storage of touring caravans will depend on the commercial demand for potato storage , but this will provide the applicants with both commercial flexibility and a useful form of business diversification , whilst ensuring a viable economic use for the building .

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5.6 As a result the proposed development will have a negligible effect on the character and appearance of the surrounding countryside or on the nearest residential neighbours . The commercial activities proposed here are a mixture of storage activities related to agriculture , renewable energy , and tourism [which are all appropriate uses of this rural building] all contained inside the building , and there are no manufacturing or industrial processes taking place to have any impact outside .

## 6.0 ACCESS AND TRAFFIC

6.1 The existing vehicular access onto Hungerhill Lane is considered to be entirely acceptable for the type and scale of development proposed and will not generate an unacceptable level of vehicle turning movements into and out of the site . It is wide enough to accommodate two - way traffic movements and adequate parking and turning facilities are provided within the site . The current access has good visibility for the use proposed and the low level of traffic likely to be generated .

6.2 The proposed change of use of Area 1 for wood fuel storage will normally require deliveries of approximately 20 tonnes per week on average. However , even with activity concentrated during the autumn and winter months [the period of peak demand] , the amount of commercial traffic generated is expected to be very low , in the order of two 25 ton lorry deliveries per week . It is not expected that there would be deliveries to the site during the summer months. Deliveries to customers will be by 12.5 ton lorries , generating approximately eight vehicle movements per working week , in and out. New commercial deliveries to and from the site would thus be at a very low level , particularly compared to the traffic generated when the whole building was used for potato storage , and compared to the estimated traffic generation from the previous proposal for wood pellet manufacture . Nonetheless the applicant is still prepared to limit new HGV traffic into the site from the A170 at Welburn Crossroads if required by the Local Highway Authority.

6.3 Areas 2 and 3 will continue in use for potato storage [ the existing authorized use of the whole building which was granted planning permission in 1994] unless commercial demand for such storage is low , in which case they will be used for the [mainly winter] storage of up to 100 touring caravans . This proposal therefore encompasses a mixture of storage uses

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for Areas 2 and 3 , wherein the following scenarios are possible :-

1. all potato storage , as per the existing approved use .
2. all touring caravan storage [up to 100 caravans] .
3. a mixture of potato storage and touring caravan storage .

These uses are dependent on market conditions , and are in addition to the wood fuel proposal for Area 1.

6.4 Taking these new proposals for the whole building together , the level of commercial traffic in and out of the site will be significantly lower than can occur under the existing approved use of the whole building for potato storage , when up to 30000 tonnes of potatoes can be stored in the building per annum . The wood fuel proposal will reduce potential traffic levels considerably , and any use of Areas 2 and 3 for touring caravan storage [up to a maximum of 100 caravans] instead of commercial potato storage will replace many HGV movements with a low level of [customer] car traffic .

6.5 It can therefore be clearly seen that the proposed mixed development , combining small - scale wood fuel storage handling and distribution with potato storage and/or the storage of touring caravans will generate significantly fewer commercial traffic movements than can occur at present [under the existing permitted use of the whole building as a potato store], and significantly fewer than previously proposed in 2008 under planning reference 08/00303/MFUL , which was considered to be unacceptable by both the Local Planning Authority and subsequently the Planning Inspector . The level of car traffic from customers delivering and collecting their touring caravans is also of a very small scale , given that most traffic movements will be in the spring and autumn , with caravans largely stored over the winter . Although some continuing potato storage is likely , it will generate a lower level of HGV traffic than before .

6.6 This current application is therefore a substantially better proposition in highway management terms than either the existing permitted use for the whole building or that proposed in 2008 , both in terms of the immediate impacts on Hungerhill Lane , and the wider traffic impacts on the local road network , including the A170 , because they are likely to generate a much lower level of traffic than can occur at present . In these circumstances the existing access arrangements are satisfactory for these proposals and should be acceptable to both the Local Planning Authority and the Local Highway Authority .

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## 7.0 PLANNING POLICY AND RELATED GUIDANCE

7.1 Given the small - scale nature of the proposal , it does not conflict with any of the relevant planning policy and guidance at either the local or the national level , including the emerging Ryedale Plan - Local Plan Strategy [RLPS] or the recently published National Planning Policy Framework [NPPF]. By facilitating the re - use and appropriate sustainable diversification of a longstanding commercial enterprise , on a brownfield site within an existing storage building , this proposal is consistent with both the existing and emerging planning policy framework at the local and the national level .

7.2 The Regional Spatial Strategy [RSS] for Yorkshire and Humber was adopted in May 2008 , and although it is the Governments intention to revoke the RSS , it remains for the time being part of the Development Plan. The RSS recognises that the region must increase renewable energy capacity , through the promotion of renewable and low - carbon energy. The delivery of these targets , which this planning application will assist , “will lead to wider economic and environmental benefits , reduced greenhouse gas emissions , provision of a secure and diverse energy supply for businesses and residents and reduced instances of fuel poverty”. The RSS here quotes PPS1 - Planning for Climate Change , and reminds local planning authorities that they should support local renewable and low - carbon energy projects.

7.3 Policy EN6 - Forestry , Trees , and Woodland , looks for increased planting for biomass , and in particular encourages the management of woodland for fuel. Policy E7 - Rural Economy - requires local planning authorities to “help diversify and strengthen the rural economy by facilitating the development of rural industries , businesses , and enterprises in a way that : -

- supports rural diversification schemes which bring economic , social , and environmental benefit
- gives priority to the re - use of existing buildings
- ensures appropriate scales and types of development and levels of traffic generation “.

The current proposals tie in closely with and gain support from all of these key RSS planning policies.

7.4 The most recent part of the local development plan is the 2012 Ryedale Plan - Local Plan Strategy [RLPS] , which like the new NPPF is based on a



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presumption in favour of sustainable development . This document , which is due to undergo public scrutiny has a number of policies and objectives directly relevant to this proposed development . For example , it recognizes that climate change is a significant local challenge , and seeks not only to support sustainable development that mitigates and adapts to climate change , but also wants to see more local renewable energy generation and usage . In particular , in paragraph 2.4 , it seeks to realize the potential of natural renewable energy sources , and to develop low carbon energy supplies .

7.5 Similarly , in its vision for the local economy , the new Ryedale Plan states there is a clear need to diversify the economic base of the area , and this includes a vision which includes seeing the countryside adopting new functions , including appropriate new forms of energy production . Part of the strategy of this document , set out in paragraph 3.3 , seeks to encourage activity in the countryside that diversifies and strengthens the rural economy . As part of this the new Ryedale Plan looks to develop tourism and support renewable energy production . For example , Policy SP1 directs the location of development , and seeks to limit development in the open countryside . However it does allow development that is necessary to support a “sustainable , vibrant and healthy rural economy”. These current proposals comply with this policy . Policy SP6 controls the distribution of employment uses , and offers support to the small scale conversion of existing buildings to support appropriate rural diversification schemes - again these current proposals comply with this policy .

7.6 Policy SP9 is particularly relevant to the rural economy , and seeks to support a variety of development , including [as in this case] appropriate rural diversification activity - this clearly ties in with these current proposals - whilst Policy SP18 looks to support renewable and low carbon energy , including efforts to lower carbon emissions from and energy usage in existing buildings . The storage and distribution of woodfuel products into the local domestic and light commercial market proposed here is entirely consistent with this policy approach in the new Ryedale Plan .

7.7 Finally , Policy SP19 looks to ensure that new development respects the character and context of the immediate locality and the wider locality , and will not have a detrimental effect on road safety . These current proposals are fully compliant with these emerging policies in the new Ryedale Plan .

7.8 In terms of other local planning policy the previous Ryedale Local

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Development Framework [RLDF] , which informs the emerging RLPS , highlighted the need to support the rural economy. However , until detailed local planning policies are available as part of the RLPS , it remains appropriate to consider these proposals against relevant policies in the previous 2002 Ryedale Local Plan [RLP]. Chapter 6 of the RLP -Industrial and Business Development - states in Paragraph 6.1.6 that “there is a need to provide additional job opportunities in the rural areas through farm diversification and the re - use of rural buildings to strengthen the rural economy”. Similarly , Paragraph 6.2.1 includes objectives “to expand and diversify the rural economy and to meet the assessed industrial and business needs of the District in a way which minimises CO2 emissions , and maintains or enhances environmental quality”. In Paragraph 6.5.1 , it is recognised that “the continued viability of existing businesses is vital to the economy of the area and their development and expansion will be encouraged provided that the development would not cause unacceptable environmental problems or unacceptable increases in traffic , or have an unacceptable effect on the character or appearance of the area”.

7.9 To reiterate , the accompanying planning application proposals are very small - scale , relating to the re -use of an existing brownfield warehouse building , and which are both self - contained and bring no adverse environmental impacts , whether the concern is about residential amenity , character and appearance of the surrounding area , or traffic generation on the local road network. As such , these proposals can be judged favourably against various Ryedale Local Plan Policies , including ENV1 - New Development Outside Development Limits though not saved] , EMP6 - Expansion of Existing Business , and EMP11 - Proposals for New Industrial and Business Development Outside the Development Limits of Settlements. In Paragraph 7.7.3 the RLP states “the re - use and adaptation of existing rural businesses for industrial and commercial uses.....can play an important role in helping to diversify the rural economy and to provide local employment opportunities”.

7.10 Policy AG5 - Re - use of Rural Buildings for Business , Commercial Use..... links to Policy EMP11 , and is so directly relevant to this current application as to deserve being quoted at length , thus : -  
“Outside the development limits of settlements defined on the Proposals Map , applications for the re - use or adaptation of rural buildings for business , commercial.....uses will be approved providing that : -  
1. The buildings are of a permanent construction and are structurally sound

- 
2. If the buildings are in the open countryside , the conversion will not involve major external alteration , rebuilding , or extensions
  3. The form , bulk and general design of the building is in keeping with its surroundings
  4. The proposed new use would not have a material adverse effect on the amenities of the occupants of nearby properties or give rise to unacceptable highway conditions.

7.11 Also relevant is Policy T3 - Access to the Local Highway Network , where again the small - scale nature of this application , and as a result the very low level of resultant traffic generation , confirms that these proposals will not have an adverse effect on the local road system. It can thus be seen that this current planning application is substantially in compliance with , and is therefore supported by , these key Ryedale Local Plan policies.

7.12 This policy support was until recently echoed in PPS4 - Planning for Sustainable Economic Growth , wherein for example , Policy EC6 - Planning for Economic Development in Rural Areas is relevant to these proposals in stating that local planning authorities should “ support the conversion and re - use of appropriately located and suitably constructed existing buildings in the countryside....for economic development”. In addition , they should “support diversification for business purposes that are consistent in their scale and environmental impact with their rural location “. Similarly , Policy EC10 - Determining Planning Applications for Economic Development - required that local planning authorities “should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably”. Furthermore , Policy EC12 - Determining Planning Applications for Economic Development in Rural Areas - required that in determining planning applications for economic development in rural areas , local planning authorities should “approve planning applications for the conversion and re - use of existing buildings in the countryside for economic development.... where the benefits outweigh the harm “. Whilst PPS4 has now been superseded by the recent NPPF , it nonetheless contains very sound rural planning advice which remains relevant to these proposals .

7.13 The proposed development , in terms of encouraging the use of renewable energy and reducing the need for touring caravans to travel long distances , is clearly sustainable . For example , it complies with PPS22 -

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Renewable Energy , which although it too has been superseded by the recent NPPF still offers very sound planning guidance in its encouragement for more renewable energy capacity. Government planning policy confirms that renewable energy development should be encouraged where , as in this case , the technology is viable and environmental , economic , and social impacts are small and can be addressed satisfactorily. With these proposals , although the storage of wood fuel is simply using material imported to the site without any manufacturing taking place , this kind of business activity will become a growing player in the green energy market , and demand for storage facilities of this type will inevitably increase as the market for the various wood fuel products develops.

7.14 The previous Ryedale Local Development Framework [RLDF] , in its Draft Core Strategy published for public consultation in 2010 recognised in Paragraph 5.4 that there is a general need to secure renewable energy from a range of sources which should stimulate new economic uses for the wider countryside. The proposed partial use of the application building for storage , handling , and distribution of wood fuel products sits very comfortably with this aspiration. Similarly , various objectives of the RLDF Core Strategy document support this current planning application , not least no. 10 , which requires that new development has as low an impact on the environment as possible , and should contribute to mitigating climate change by reducing green house gas emissions. Again this current application finds support in the earlier RLDF which recognised that new economic activity must be encouraged in order to achieve a sustainable and healthy rural economy.

7.15 The RLDF focused on the need to respond to climate change , and in Paragraph 7.23 seeks to reduce green house gas emissions by , for example , “supporting low carbon energy [biomass] supplies”, including the development of the kind now applied for , which will be needed if ambitious Government targets for carbon dioxide emissions [80% by 2050] are to be achieved. In C.S.15 - Responding to Climate Change , the RLDF stated that renewable and low carbon energy schemes will be supported in principle , providing that environmental and community safeguards are met - as they are in this case.

7.16 The Government has now formally adopted the new National Planning Policy Framework [NPPF] , wherein it is clear that for sustainable development there is a presumption in favour , and that proposals such as

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this should be approved . The NPPF seeks to ensure that the planning system supports sustainable economic growth , and in particular , paragraph 17 states that one of the core planning principles to underpin decision - taking is to “proactively drive and support economic development “. The NPPF goes on to state in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system . Paragraph 28 gives further guidance on supporting a prosperous rural economy , specifically encouraging the promotion of the development and diversification of agricultural and other land - based rural businesses . The additional proposal to store touring caravans is very sustainable in this context , because it provides not only an acceptable additional use for an underused potato warehouse , but one which offers additional support to the very important local tourist industry , and assists in reducing long distance transit journeys where caravans are towed , reducing both traffic congestion and vehicle emissions as a result . Similarly , the existing potato warehouse facility can continue to support local agriculture where market conditions require this .

7.17 The NPPF is also directly applicable to this planning application in terms of “supporting the transition to a low - carbon future and requires the planning system to “encourage the use of renewable resources for example by the development of renewable energy”. Further to this , paragraph 97 requires local planning authorities to have a positive strategy to promote energy from renewable and low - carbon sources . Specifically , in paragraph 98 , local planning authorities are required , when determining planning applications , to not require applicants for energy - related development to demonstrate the overall need for renewable or low - carbon energy and also recognize that even small - scale projects provide a valuable contribution to cutting greenhouse gas emissions . Finally , paragraph 186 requires that local planning authorities should “approach decision - taking in a positive way to foster the delivery of sustainable development”.

7.18 It is clear that the Government view is that sustainable development deserves the support of local planning authorities , especially where it sustains economic growth , and therefore the new national planning policy introduces a strong presumption in favour of sustainable development. More specifically , the new NPPF underlines the Governments support for renewable and low - carbon energy , and that when determining planning applications of this kind , the presumption in favour of sustainable development applies. The nature and small - scale of this current

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development proposal makes it sustainable , and entitles it to the support set out in the new National Planning Policy Framework.

## 8.0 APPRAISAL OF PLANNING MERITS OF PROPOSAL

8.1 In terms of its impact on the surrounding area , these proposals are very minor in nature , and do not compare with the much larger wood fuel pellet manufacturing project that was refused planning permission in 2009 under reference 08/00303/MFUL , or even with the current approved use of the whole building for large scale potato storage .

8.2 The current proposal provides the opportunity to diversify and thereby strengthen an existing rural enterprise , and relates to the use of Area 1 [approximately 750 sq. metres of floorspace ] , around one quarter of the existing building, for the storage ,handling and distribution of a relatively small amount [1000 tonnes] of imported wood fuel per year . The rest of the building will continue to be used for potato storage , or for the storage of up to 100 touring caravans , or more likely , a mixture of the two uses , depending on economic conditions . This combined business activity is sustainable , serving to provide domestic and commercial consumers with greater variety in their choice of energy supply , offering a low carbon renewable energy option that is well suited to the rural market , provide a service to the local tourism industry that is environmentally friendly, and continue to provide a potato storage facility for local agriculture . This kind of development is clearly encouraged by the various levels of planning policy , whether it be at the local , regional , or national level.

8.3 Yet because of the small - scale of the operation , with no on - site manufacturing , no resultant emissions , and a very low level of traffic generation , this development will not have an adverse impact on either the appearance of the surrounding countryside , the amenities of local residents , or the safety of the local road network , thereby overcoming the core objections to the previous [larger] project which was refused planning permission in 2008 and dismissed on appeal in 2009. The additional use of the remainder of the building for the part time storage of touring caravans [mainly through the winter period] , will not materially change this scenario . Hence this current proposal does not present any of the concerns that led to the decision of the Local Planning Authority , and latterly the Planning Inspectorate , to reject the previous wood fuel pellet manufacturing project on this site.

8.4 The need for business diversification in this case is also partly in response to the current economic situation , giving an increasing need to re - establish viability into the rural economy, The existing potato storage business has reduced substantially in recent years , and there is now a growing demand for renewable energy in the form of wood fuel. Here , the wood fuel is in demand more in the autumn and winter period , so there is a need for storage of bulk and bagged wood fuel , either as woodchips , pellets , briquettes , or logs .

8.5 This proposal makes a clear contribution to providing green energy , helping to meet local and sub - regional demand for wood fuel , serving both the domestic and the light commercial market. In doing so it is clearly a sustainable form of development. National policy is to increase the proportion of energy from renewable sources , and the former PPS22 strongly supported such an approach. The annex on wood fuel therein notes that wood is regarded as CO2 neutral because the CO2 produced in combustion is recycled. The 1000 tonnes of wood fuel deliveries from this site would be the equivalent of up to 50000 tonnes of heating oil which , when burnt , would potentially produce only some 20% of the equivalent CO2. The proposed development here occupies a brownfield site well located in the middle of the target market catchment area - accordingly , it is the kind of sustainable development which is encouraged by PPS22.

8.6 Similarly , the proposed additional storage of approximately 100 touring caravans is a passive , non - polluting storage use that provides a sustainable service in support of rural tourism . Touring caravan owners will be able to use their equipment without the constant need for long distance towing to and from home . Such a facility is inherently sustainable because it reduces the environmental impact of touring caravan usage , especially with regards to traffic congestion and increased vehicle emissions . It has the additional advantage of containing the caravans out of sight within the building , and therefore has no effect on the character or appearance of the surrounding countryside . As an additional use to the existing approved potato storage in the remainder of the building it offers the applicants commercial flexibility and business diversification .

8.7 In terms of the relevant Development Plan policies , and the thrust of new Government planning policies in the NPPF , this proposed development meets the economic and environmental tests set therein . It is a small - scale

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rural enterprise with excellent green credentials that will not cause any adverse effects on the local environment , local residents , or local road network. It proposes the mixed use of an existing commercial storage building on a brownfield site that is entirely acceptable in planning terms.

8.8 The proposed development has only a very small impact on the physical layout , appearance , and functionality of the existing potato warehouse , the most obvious change being the requirement for a new commercial vehicle access door . No other alterations are proposed .This means that the proposal is a flexible one in that should local economic conditions change , it would be physically easy for the building , or part of it , to revert to its former approved use as a potato warehouse .

## 9.0 CONCLUSION

9.1 The planning merits and credentials of these proposals , in the provision of a small scale local supply of wood fuel products for domestic consumption together with an additional touring caravan storage facility to support the local tourism industry confirm this is a sustainable form of development which complies with the requirements of the new National Planning Policy Framework . Until the emergence of the new Ryedale Local Plan this is the key planning policy consideration , and there are no significant adverse impacts that would outweigh the environmental and economic benefits that this proposal will bring . Therefore the NPPF presumption in favour of sustainable development should apply in this case , and planning permission should be granted .

9.2 The small - scale nature of the current proposals are such that they will have no adverse effect on the amenities of residents in the nearby village of Wombleton, nor on the appearance of the surrounding countryside, whether by reason of commercial activity , additional traffic generation , visual appearance , or noise coming from the site or the proposed use of the building. Similarly , visitors to local tourism facilities will not have their enjoyment disrupted by these proposals , all matters of concern at the earlier planning appeal , which have now been properly addressed by this current planning application.

9.3 The low environmental impact of these proposals , will result in an entirely appropriate mix of commercial storage in this rural location , with less environmental effect than that created by the existing authorised use



[potato storage] in the whole of the existing building. It will not detract from the character or appearance of the surrounding countryside , providing a welcome and sustainable form of rural business diversification . It will therefore comply with the relevant planning policy and guidance , including the RSS , RLDF , the emerging Ryedale Local Plan , and the new National Planning Policy Framework .

9.4 This statement , together with the submitted drawings and application forms , demonstrates that these small - scale proposals are entirely acceptable in planning terms , complies with the new National Planning Policy Framework , and that planning permission should therefore be granted for this proposal .



Applegarth, South Side, Kilham, East Yorkshire, YO25 4ST  
Tel: 01262 420933 Mobile: 07973 459913  
E-mail: p-parker5@btconnect.com

LPA Ref. 12/00884/MFUL

Mr. Shaun Robson  
Development Manager  
Development Management  
Ryedale District Council  
Old Malton Road  
Malton  
North Yorkshire  
YO17 7HH

16<sup>th</sup> December 2013

Dear Mr. Robson

Re. Proposed Change of Use Teasdale Potato Store Hungerhill Lane  
Wombledon Airfield North Yorkshire

Further to our recent discussions I write to confirm that the proposed lorry routing referred to in the submitted Section 106 Agreement is as shown in red on the attached map extract which you supplied for my use now marked "Plan A". This route is as set out in the e.mail from James Kennedy [North Yorkshire County Council Highways Department] dated 3<sup>rd</sup> October 2013 , and runs from the A170 to the application site via Back Lane , Flatts Lane , Wash Back Lane and Hungerhill Lane .

I trust that the outstanding legal agreement can now be progressed and this planning application can be reported back to the Planning Committee for determination in the near future .

With regard to the further requirement by NYCC Highways for the provision of a 2.4m by 160m visibility splay , this will be provided , with replacement hedging planted 1m behind the visibility splay . These details are shown on the attached 1:2500 site plan edged in red and blue , and on t

Chartered Planning Consultant for Economic Development, Residential and Tourism projects.  
Director P.A Parker MRTPI Registered Office: 10 Quay Road, Bridlington, East Yorkshire, YO15 2AP.  
Registered in England and Wales. Registered No. 8506366.



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the attached drawing no. 2013/14/425 . I assume that any grant of planning permission will be conditioned accordingly .

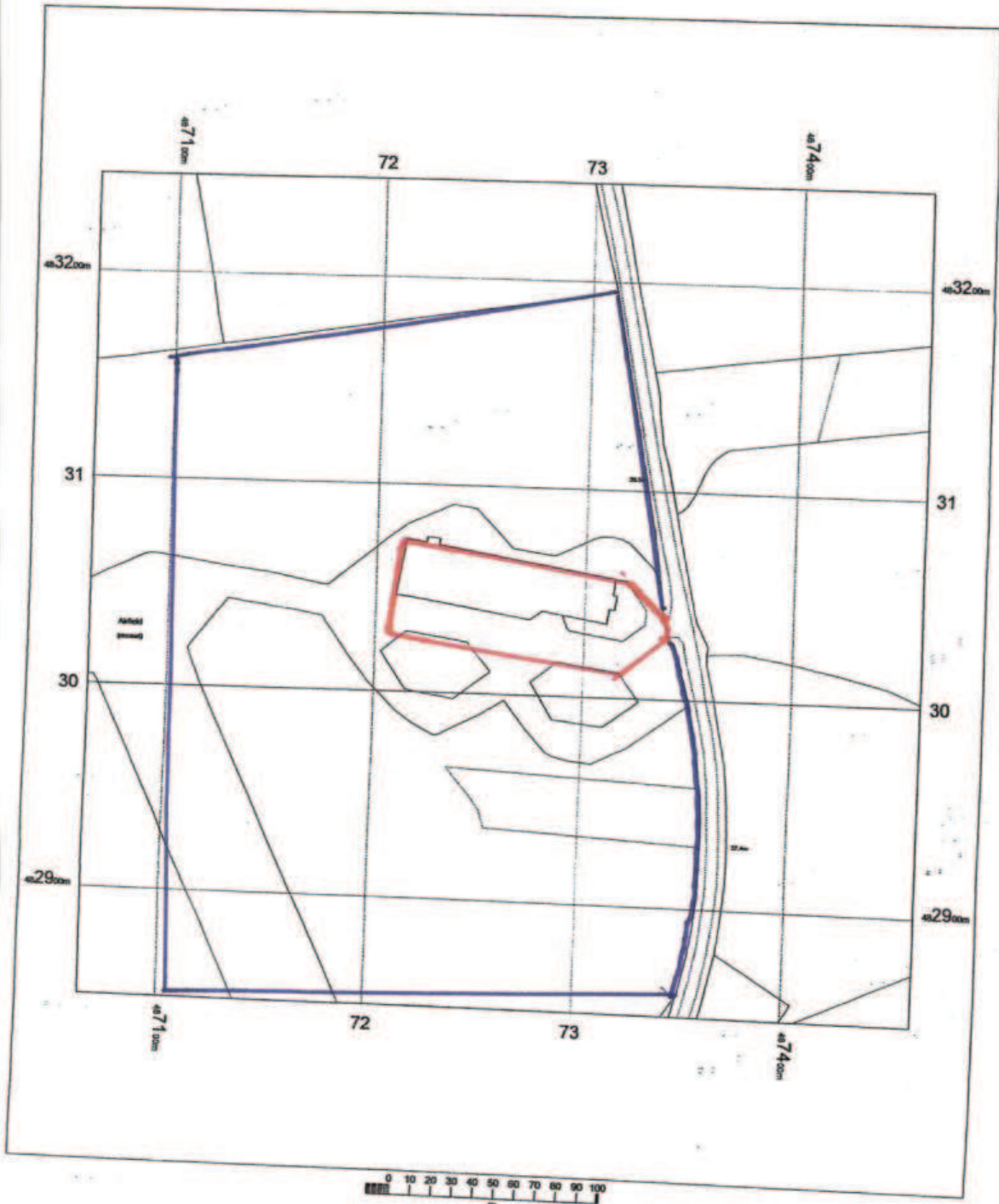
Your report to the Planning Committee dated 12<sup>th</sup> February 2013 stated that “ In terms of the requirement for the visibility splays to be agreed.... It has been indicated that the loss of the hedgerow is not considered to be significant subject to a condition requiring the replacement of a hedgerow within the site away from the existing and altered access arrangement . It is considered , therefore , that subject to the issues discussed above that the development differs significantly from the previous appeal proposals and that the previous concerns in relation to the detriment to the surrounding countryside are not considered to be concurrent in relation to this submission”.

I support your view on this matter , and it is apparent that the currently proposed development has considerably less visual impact than the previous proposals [LPA refs. 08/00986/FUL and 08/00303/MFUL] which went to appeal . Even though the planning inspector was concerned about the visual impact of the earlier proposals , that concern was based in part on the cumulative impact of that earlier scheme , which included much more industrial development and activity . By comparison this current proposal is much less intensive , and the access alterations now required by the highway authority are limited , with replacement hedgerow planting proposed to mitigate the visual impact of the access visibility improvements so that in due course the appearance of the site frontage will be enhanced .

I trust that on the basis of these additional details you are able to report this application back to the Planning Committee at the earliest opportunity , confirming your previous recommendation of approval .Thank you for your help in this matter

Yours sincerely

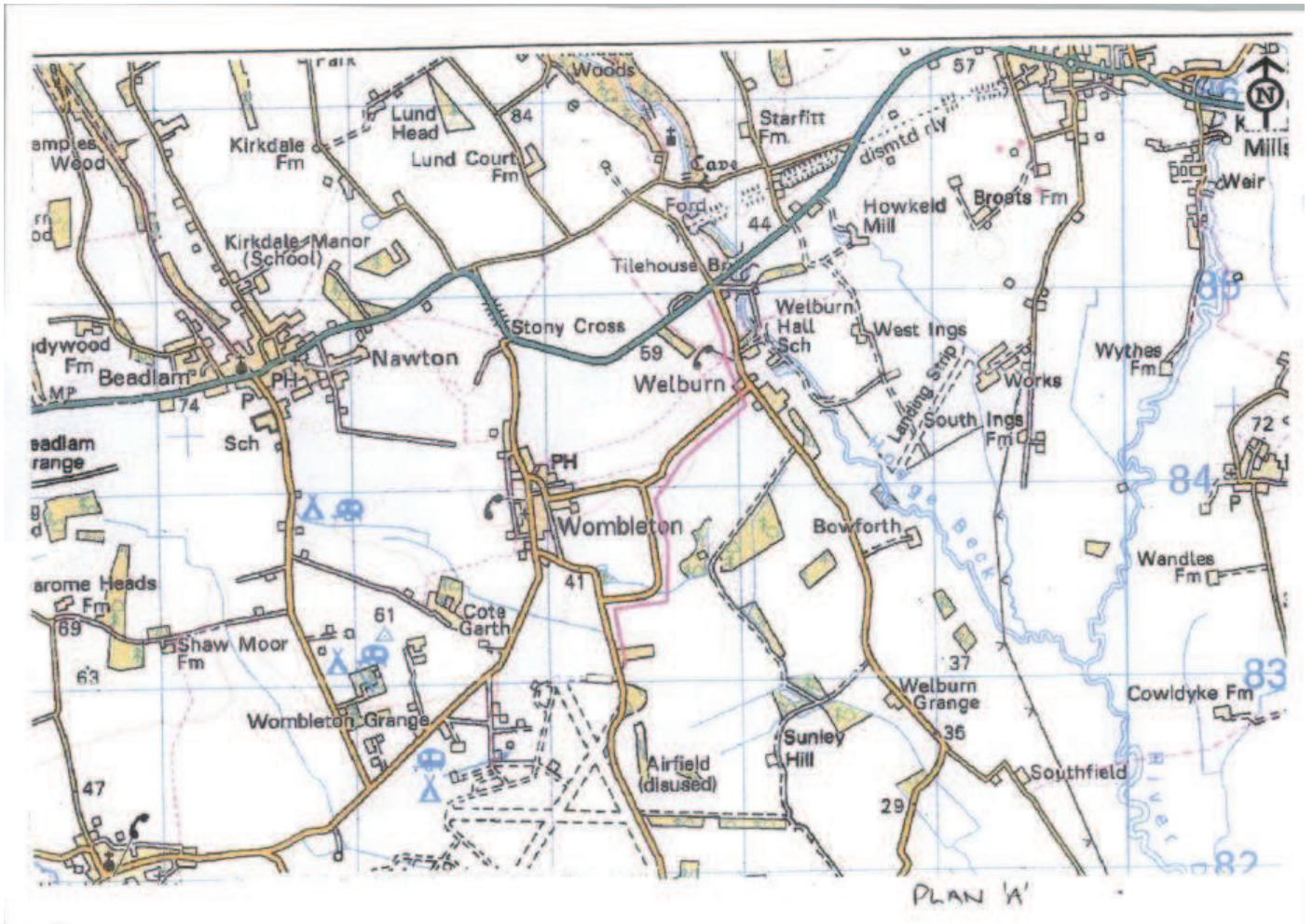
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Director P.A Parker MRTPI Registered Office: 10 Quay Road, Bridlington, East Yorkshire, YO15 2AP.  
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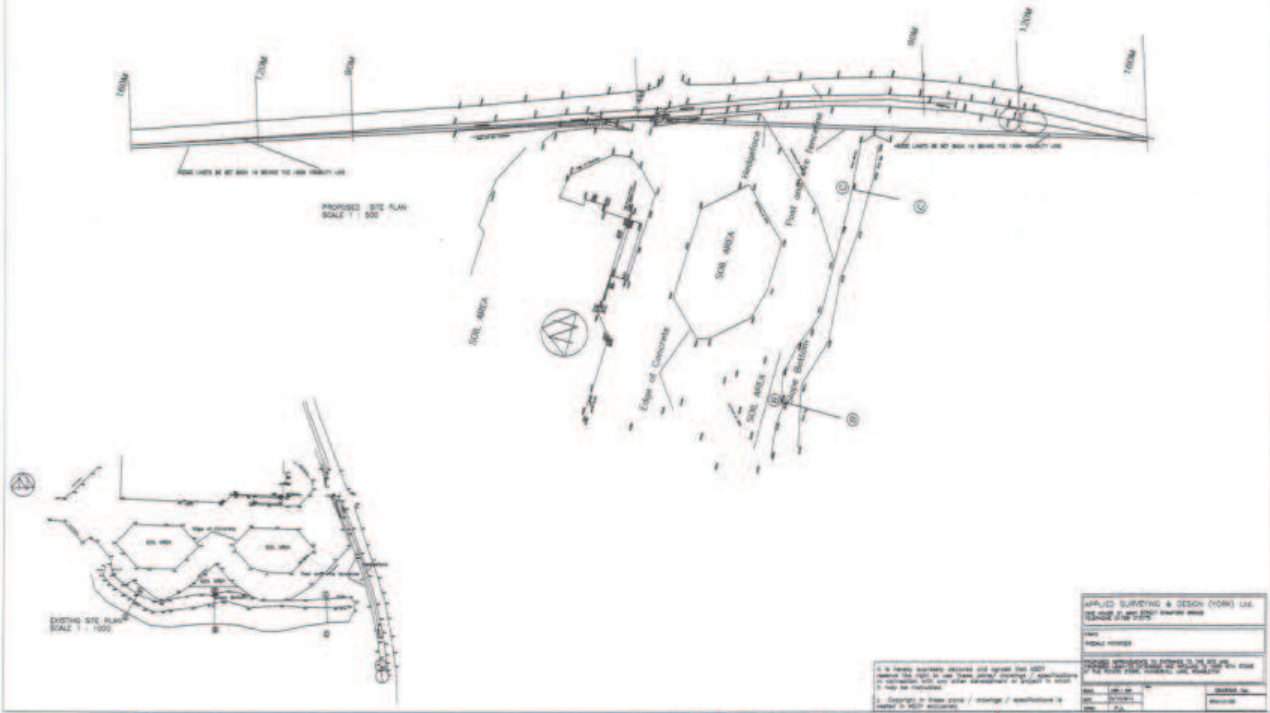
OS Mastermap  
 11 September 2012, ID: BW1-00175704  
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IN ORDER TO IMPROVE THE VISIBILITY AT THE ENTRANCE TO THE SITE  
 REMOVE EXISTING HEDGE AND FENCE AND FORM NEW HEDGE AND FENCE TO BE 1M BEHIND THE VISIBILITY LINE



DRAWING NO 2013/14 / 425

RSS

OBJECT

# WOMBLETON

Mrs M L Slater, Parish Clerk,  
Ryecroft,  
Main Street,  
Wombledon,  
North Yorkshire.  
YO62 7RX.  
Tel 01751 432272.  
Email [louise@wombledon.wanadoo.co.uk](mailto:louise@wombledon.wanadoo.co.uk)

FAO Karen Hood, Senior Technical Officer,  
Ryedale District Council,  
Ryedale House,  
Malton,  
North Yorkshire. YO17 7HH.

RYEDALE DM

18 OCT 2012

DEVELOPMENT MANAGEMENT 17<sup>th</sup> October 2012.

SM  
18/10

Dear Sirs,

**RE 12/00884/MFUL Ryedale Potatoes Ltd at Teasdale Potato Store, Hungerhill Lane, Wombledon Change of use and alteration of existing potato store to wood fuel handling/storage and distribution within Area 1 and a mixed use of potato storage / touring caravan storage within Areas 2 and 3 to include installation of a 5m high sliding door to south elevation to serve Area 1**

At the recent meeting when this application was discussed a large number of residents attended and made numerous objections – not one resident spoke in favour of the application. Following lengthy discussions my Council strongly recommends rejection of the application for the following reasons:-

### 1 Insufficient information

Relating amongst other matters to times of the operation, time of deliveries in and out, details of how the wood fuel would be stored – wrapped or loose and whether anything be kept outside the property if so this would be visually obtrusive, security measures which would be required, outside lighting which would be required, how it would be managed and by whom.

### 2 Concerns relating to safety and fire risk

The mixture of storage of potatoes, caravans and wood fuel concerned residents and Councillors. When moving caravans using vehicles powered by petrol / diesel and the storage of caravans which may have calor gas on board next to wood fuel storage there were significant fire and safety risks involved.

**3 Impact on adjoining site which has planning permission for camping, caravans and ecopods, Wombledon Caravan Park and tourism in general in the area.**

Mrs M L Slater, Parish Clerk, Ryecroft, Main Street, Wombledon, YO62 7RX  
Tel 01751 432272.

Councillors: Mrs S Sharples (Chairman), Mr T Steele (Vice Chairman), Mr P Lerew, Mr B Grice, Mrs A Oliver

# WOMBLETON

Councillors are very concerned that the proposed change of use and alterations would have a harmful effect on the local tourist industry due to its appearance together with the increased and different type of traffic, noise and operating hours. The site is outside the development area and in open countryside. It is also surrounded by tourist sites including Wombleton Caravan Park and Lane Energy Ltd's adjoining site on which permission was obtained in 2010 for change of use of woodland to allow the siting of 8 no. timber clad static holiday chalets and 9 no. eco-camping pods. (Matters raised in the dismissed appeals APP/Y2736/A/09/2098908 and 2101905 remain applicable)

#### **4 No mains services on site at all.**

The use of a generator for electricity would cause noise nuisance. This would have an impact on local residents and the tourist industry. (Matters raised in the dismissed appeals APP/Y2736/A/09/2098908 and 2101905 remain applicable)

#### **5 Highways safety concerns.**

Traffic passing through village and / or from Welburn cross roads both of which have previously been deemed unsafe and inappropriate by the Planning Inspector in relation to the rejection of an appeal against the rejection of previous applications at the site. Traffic would include caravans both in and out, deliveries of wood fuel in, deliveries of wood fuel out and large tractors containing potatoes. It would not be possible to use Nunnington bank with much of this traffic. Councillors are of the opinion that highways safety issues apply to this application. (Matters raised in the dismissed appeals APP/Y2736/A/09/2098908 and 2101905 remain applicable)

#### **6 The whole enterprise is not eco friendly**

Supplies are coming from as far as Scotland and Wales. Further handling here is unnecessary. In addition Councillors were not convinced that it was commercially viable to deliver loads of this size for such long distances

#### **7 The proposed change of use from agricultural to industrial in open countryside**

Councillors and local residents are very opposed to this.

To summarize my Council is of the opinion that the application should be rejected. It is in conflict with relevant planning policy and guidance. The new Ryedale Plan seeks to steer new development to the more sustainable and accessible locations in the district to protect the District's high quality environment, develop tourism and limit development in the open countryside. The proposed Plan retains this basis, identified by the planning inspector on 28<sup>th</sup> August 2009, for protecting Wombleton and its surroundings from inappropriate industrial developments.

SP6 supports subject to conditions conversion to support "appropriate rural diversification". My council is of the opinion this proposed change of use is inappropriate having regard to the circumstances and location. Policy AG5 allows re-use of rural buildings for business or

Mrs M L Slater, Parish Clerk, Ryecroft, Main Street, Wombleton, YO62 7RX  
Tel 01751 432272.

Councillors: Mrs S Sharples (Chairman), Mr T Steele (Vice Chairman), Mr P Lerew, Mr B Grice, Mrs A Oliver



# WOMBLETON

commercial use in certain circumstances. My Council is of the opinion that this proposed new use would have a material adverse effect on the amenities of the occupants of nearby properties and tourists and give rise to unacceptable highway issues and therefore should be refused. Policy T3 relates to traffic generation. My Council is of the opinion that the statements of the Planning Inspector in relation to the dismissal of the previous appeals relating to this site on highway safety remain relevant. (Matters raised in the dismissed appeals APP/Y2736/A/09/2098908 and 2101905 remain applicable)

Yours faithfully,  
(Louise Slater)

**Clerk to Wombledon Parish Council.**

Mrs M L Slater, Parish Clerk, Ryecroft, Main Street, Wombledon, YO62 7RX  
Tel 01751 432272.

Councillors: Mrs S Sharples (Chairman), Mr T Steele (Vice Chairman), Mr P Lerew, Mr B Grice, Mrs A Oliver

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**Glenys Yates**

---

**From:** Louise Slater [louise@wombleton.wanadoo.co.uk]  
**Sent:** 30 October 2012 13:59  
**To:** Development Management  
**Subject:** Fw: Teasdale Potato Store - Hungerhill Lane and application no 12/00884/MFUL

**Importance:** High

Please find attached a letter I have sent to the Enforcement Department today. Please confirm that this information will also be given to members of the Planning Comte when they consider the application.

Regards

Louise Slater

**From:** Louise Slater  
**Sent:** Tuesday, October 30, 2012 1:57 PM  
**To:** Enforcement RDC E Weatherstone  
**Subject:** Teasdale Potato Store - Hungerhill Lane and application no 12/00884/MFUL

RYEDALE TOWN  
31 OCT 2012  
DEVELOPMENT  
MANAGEMENT

30th October 2012

Wombleton Parish Council.

Dear Ms Weatherstone,

RE Teasdale Potato Store, Hungerhill Lane, Wombleton and application no 12/00884/MFUL

I have been asked by my Council to forward to you complaints by a number of residents in relation to deliveries and distribution from the above site of wood pellets. There is an application currently pending for the storage and distribution of wood fuels but no decision has yet been made. I have been asked to request that you investigate the claims made as a matter of urgency please and let me know the outcome. You may be aware this is a sensitive site and residents are very unhappy that Mr Teasdale appears to have already commenced his wood fuel storage and distribution prior to any decision being made by the Planning Authority. In addition I will be forwarding this to the Planning Department and asking that the Planning Committee be made aware of this apparent breach.

Yours sincerely,

Louise Slater

Mrs M L Slater, Clerk to Wombleton Parish Council



Mrs M L Slater, Parish Clerk.  
Ryecroft,  
Main Street,  
Wombledon,  
North Yorkshire.  
YO62 7RX.  
Tel 01751 432272.  
Email [louise@wombledon.wanadoo.co.uk](mailto:louise@wombledon.wanadoo.co.uk)

FAO G Housden, Head of Service – Planning Services.  
Ryedale District Council,  
Ryedale House,  
Malton,  
North Yorkshire. YO17 7HH.

11<sup>th</sup> February 2013.

Dear Sirs,

**RE 12/00884/MFUL Ryedale Potatoes Ltd at Teasdale Potato Store, Hungerhill Lane, Wombledon Change of use and alteration of existing potato store to wood fuel handling/storage and distribution within Area 1 and a mixed use of potato storage / touring caravan storage within Areas 2 and 3 to include installation of a 5m high sliding door to south elevation to serve Area 1.**

I write on behalf of my Council in response to the Planning Officer's Report recently received on the above application. **I have been asked to request that a copy of this letter be given to each member of the Planning Committee individually.** I should be grateful if you would acknowledge safe receipt of this letter and also that it has been circulated to members of the Committee.

My Council is **extremely concerned about many of the issues raised in the Planning Officer's report.** In particular it refers to numerous inconsistencies, the apparent disregard of relevant objections and the recommendation itself together with the suggested conditions. I would urge the Planning Committee to **read the full versions of the numerous objections raised by my Council, the Highways Department NYCC, the Environmental Health Officer RDC and the Economic Development Officer RDC.** It is my Council's opinion that these objections together with previous objections relating to the site itself raised by RDC Planning Officers and a Planning Inspector are **very valid and relevant objections which should be considered by the Committee and can only lead to one decision – the rejection of this application.**

Mrs M L Slater, Parish Clerk, Ryecroft, Main Street, Wombledon, YO62 7RX  
Tel 01751 432272.

Councillors: Mrs S Sharples (Chairman), Mr B Grice (Vice Chairman), Mrs A Oliver, Mr R Colley and Mrs S Turnbull.

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# WOMBLETON

The points I wish to draw Members' attention to are as follows:-

1. My letter dated 17<sup>th</sup> October 2012 sets out in detail the objections raised by my Council to this application.

2. The Planning Officer states in his report that Highways North Yorkshire recommend conditions and goes on to state that whilst issues raised "present a genuine concern" the County Highway Officer has not objected. In his email to Rachel Smith, Development Management Officer RDC dated 6<sup>th</sup> November 2012 09.52 James Kennedy (NYCC Highways Inspector) states "if demand for the wood pellets is greater ...or even just increases over time..... is there anything to prevent the applicant selling 20 tonnes per day for example and then we would have well over 100 HGV movements per week. With that level of traffic I would argue that the roads leading to the site are unsuitable." As Members will be aware it would be impossible to restrict the growth of this proposed business once the permission has been given as the refusal would be subject to a successful Appeal for attempting to restrict the growth of the business.

3. In addition my Council is of the opinion that any proposed s106 agreement would be unenforceable. One of the points it relies on in this belief is the RDC Planning Officer's opinion in the report to the Planning Committee dated 27<sup>th</sup> August 2008 in relation to the previous application no 08/00303/MFUL which was

"Officers remain concerned that the mechanisms being promoted for the identification of a single approach route to the site would not be legally enforceable through the planning system through either condition of Section 106 Agreement."

In addition to this the applicant has already been unable to prevent large lorries accessing the site via the village in relation to deliveries already witnessed by a number of residents. One particular delivery driver actually asked a resident where the site was to enable him to deliver his load.

My Council has evidence of this already. In October 2012 I was asked to pass on residents' concerns to RDC Enforcement Department that the applicant had already commenced his wood fuel handling/storage business at the premises, I did so on 30<sup>th</sup> October 2012 at 13.57. Due to insufficient resources within this department the complaint was not investigated for some months. The response dated 3<sup>rd</sup> January 2013 stated no "strong evidence" had been found and that the case had been closed. Further new evidence was given on 7<sup>th</sup> January. A response on 18<sup>th</sup> January stated I needed to supply photographic evidence and times in addition to the dates supplied to enable further action to be taken. It is obvious to residents and my Council that business has already commenced with large 40' curtain sided vehicles delivering the fuel – using the village as a preferred route, outwards delivery has also been witnessed again using the village as a route.

Mrs M L Slater, Parish Clerk, Ryecroft, Main Street, Wombledon, YO62 7RX  
Tel 01751 432272.

Councillors: Mrs S Sharples (Chairman), Mr B Grice (Vice Chairman), Mrs A Oliver, Mr R Colley and Mrs S Turnbull.

# WOMBLEDON

4. The previous application no 08/00303/MFUL for the change of use to manufacture of wood fuel pellets was refused by RDC Planning Committee on 29<sup>th</sup> August 2008 for nine reasons. The first four relate to the site, its position and the surrounding roads which would be used to access the site. These are as relevant now as they were in 2008. There is nothing to suggest that these do not continue to apply today and they are:-

01 The Planning Authority considers that the public highway from both the A170 and B1257 leading to the site is of insufficient width to accommodate the increase in heavy traffic without serious damage to the carriageway and verges of the highway and loss in amenity value.

02 The Planning Authority considers that the public highway from both the A170 and B1257 leading to the site is not of sufficient width, suitable gradient or suitable construction to cater for the traffic which would be likely to be generated by this proposal.

03 The Planning Authority considers that the proposed development would give rise to additional vehicles waiting on the A170 and leaving and rejoining the traffic stream on an open stretch of road where vehicles speeds are high and would this cause interference with the free flow of traffic and consequent danger to highway users.

In addition to this reasons numbered 04 to 06 relate to visibility distances which could not be achieved and therefore would be likely to create conditions prejudicial to highway safety”.

Nothing has changed and it is my Council’s opinion that each of these reasons are equally relevant to this application. These reasons were upheld on appeal by the Planning Inspector.

5. The Planning Officer states that the proposal is supported by the NPPF citing para 28, section 3 However in doing so he fails to mention that there are requirements that such sites should be readily accessible to main road networks and also that choices of transport should be available to users ie those who work there and customers.

The site as already stated is not easily or safely accessible. There is no regular bus service through the village and the bus stops are not close to this site. All routes to the site are unlit and lack pavements, they are therefore unsuitable for walking or cycling.

6. The routes to the site are often very hazardous in winter as they are not gritted.

7. The current use of the building is agricultural. The applicant still uses it as such and therefore there is no reason to look to re-use the building for industrial or commercial use. In addition to which my Council has sought to show that the new use would have a material adverse effect on the amenities of the occupants of nearby properties and give rise to unacceptable highway conditions.

Mrs M L Slater, Parish Clerk, Ryecroft, Main Street, Wombledon, YO62 7RX  
Tel 01751 432272.

Councillors: Mrs S Sharples (Chairman), Mr B Grice (Vice Chairman), Mrs A Oliver, Mr R Colley and Mrs S Turnbull.



8. The Planning Officer has chosen to ignore the concerns of the Environmental Health Officer in relation to the impact on the timber chalet/camping pod development approved for the adjacent site. It is obvious to all that the uses are not compatible and it is stated that this Officer "has concerns regarding noise, dust and general disturbance to the occupants of the adjacent site". The Planning Officer has stated the opinion that this could be dealt with by a condition. My Council is of the opinion that there is a large potential for light pollution especially in Winter. In addition to this there is no mains electricity or indeed any other mains services to the site. The electricity would therefore have to be supplied by a generator which would be noisy.

9. There would be a serious impact on tourism in the surrounding area. This would impact on the adjoining site, Wombleton Caravan and Camping Park and other local tourist businesses. The concerns of the Visitor Economy Officer have been given "very little weight" by the Planning Officer. My Council is of the opinion that this is totally wrong. The Officer states

"in my view the proposed activity....will have a negative impact on the nearby businesses, and the wider economy.....In short, the operation of the machinery and extra traffic will cause disturbance to visitors to the area, is likely to result in a number of complaints, will affect the local environment and could threaten the existence of successful business. As tourism is so vital to the economy of this area this proposal is unacceptable due to the negative impact on the environment nearby businesses and the wider economy of the district".

10. The application would be in breach of the principles of the new Ryedale Local Plan in relation to landscape impact, highway safety and noise (SP1,6,13, and 19 refer). The Plan's Statements offered my Council confidence that RDC were offering protection against inappropriate development with direct reference to the unsuitability of B2 and B8 (Storage and Distribution – this application) in open countryside.

In conclusion for these reasons my Council considers this proposed development would have an adverse impact on the roads and local tourist businesses. It would be severely detrimental to the surrounding area. Previous and current objections together with current planning policies confirm this view. **On behalf of my Council I urge Members to reject this application.**

Yours faithfully,

*Louise Slater*

**Louise Slater, Clerk to Wombleton Parish Council.**

Tel 01751 432272.

Councillors: Mrs S Sharples (Chairman), Mr B Grice (Vice Chairman), Mrs A Oliver, Mr R Colley and Mrs S Turnbull.

SHR.

OSJ.

## HAROME PARISH COUNCIL

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Mrs M L Slater, Clerk.  
Harome Parish Council.  
Ryecroft,  
Main Street,  
Wombledon.  
North Yorkshire YO62 7RX.  
Tel 01751 432272

Email: [louise@wombledon.wanadoo.co.uk](mailto:louise@wombledon.wanadoo.co.uk)

Mr S Robson, Planning Officer  
Planning Department  
Ryedale District Council  
Ryedale House  
Malton  
YO17 7HH

RYEDALE DM

22 MAY 2013

DEVELOPMENT

GY  
22K

21<sup>st</sup> May 2013.

Dear Sirs,

**RE 12/00884/MFUL Ryedale Potatoes Ltd at Teasdale Potato Store, Hungerhill Lane, Wombledon Change of use and alteration of existing potato store to wood fuel handling/storage and distribution within Area 1 and a mixed use of potato storage / touring caravan storage within Areas 2 and 3 to include installation of a 5m high sliding door to south elevation to serve Area 1.**

I have been asked to write by my Council to ask you to recommend refusal of this application. My Council has been given details of the application and would like you to note its concern with regard to highway safety in the area and in particular through the village of Harome.

My Council understands that whilst there will be some restriction in relation to the number of large incoming vehicles to the site there will be none in relation to small vehicle movements in or indeed any vehicle movements out.

My Council is concerned about the increase in traffic including heavy vehicles through the village of Harome and would ask you to pass on its concerns to the members of the Planning Committee when the application is heard.

Yours faithfully,

*Louise Slater*

**Louise Slater, Clerk to Harome Parish Council.**

Clerk Mrs ML Slater, Ryecroft, Main Street, Wombledon, YO62 7RX.  
Tel 01751 432272  
[louise@wombledon.wanadoo.co.uk](mailto:louise@wombledon.wanadoo.co.uk)



S.H.R.

OSD.

## Nawton Parish Council

c/o Anne Twine (Clerk)

Melrose House,

1 Southlands Court,

Main Road, Nawton,

North Yorkshire

YO62 7RF

Tel: 01439 772044

RYEDALE  
Email: [annetwine@gmail.com](mailto:annetwine@gmail.com)

- 5 JUN 2013

DEVELOPMENT  
MANAGEMENT

at.

S/G.

Dear Sirs/Madam

**RE 12/00884/MFUL Ryedale Potatoes Ltd at Teasdale Potato Store, Hungerhill Lane, Wombleton Change of use and alteration of existing potato store to wood fuel handling/storage and distribution within Area 1 and a mixed use of potato storage/touring caravan storage within Areas 2 and 3 to include installation of a 5m high sliding door to south elevation to serve Area 1**

Although not in our Parish, the above application has come to the attention of our Parish Council due to the potential impact that vehicular movements in and out of the proposed site may have on our village and the surrounding area.

We would like to register our Council's objection to the application for the following reasons.

Due to the nature of the proposed development we anticipate a marked increase in traffic on the minor country roads running through and around our village. Inevitably these vehicles are likely to be lorries. Our roads are ill equipped to sustain a significant increase in long term use by heavy vehicles, being neither robust nor wide enough at many points.



We understand that a formal route of access to and from the site is outlined. We have concerns as to the policing of these proposals and fear that, in reality, the lorries will take the most convenient route in and out. Gale Lane in Nawton provides direct access to the site from the main A170. Gale Lane is a rural lane, barely wide enough for two cars to pass in many places. It also runs directly past Ryedale School. At various times of the day this lane is full of children and large volumes of traffic. The existing footpaths are woefully inadequate to provide safe passage for the children. The Parish Council and the School are acutely aware of the existing danger to our children and are working together to devise a long term solution to the problem. The introduction of heavy lorries at all times of the day along this route would be disastrous.

Yours faithfully

Anne Twine

Clerk

Karen Hood

SHR

**From:** Town Clerk [town.clerk@kirkbymoorsidetowncouncil.gov.uk]  
**Sent:** 28 June 2013 11:39  
**To:** Karen Hood  
**Subject:** Planning

NO COMMENT

Dear Karen  
Please note the council's comments in respect of the following planning applications.  
Regards  
Lisa

\* 12/00884/MFUL  
No Comment

13/00577/HOUSE  
No comment

13/00615/FUL  
No height of elevation indicated on the plans. Concern that it will not be in keeping with the elevations of the adjacent properties.  
Environmental concerns if property is too big for the space allocation thereby imposing a strain on water supply, drainage and sewerage facilities etc.

13/00641/LBC  
No comment

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Lisa Bolland Town Clerk Kirkbymoorside Town Council The Shambles Crown Square  
Kirkbymoorside York YO62 6A& 01751 432217

HYSDALE DM  
- 1 JUL 2013  
DEVELOPMENT  
MANAGEMENT  
117

# Agenda Item 7

**Item Number:** 7  
**Application No:** 12/00868/FUL  
**Parish:** Weaverthorpe Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Patrick Giles  
**Proposal:** Erection of an agricultural livestock building to include formation of vehicular access  
**Location:** Land At OS Field 0054 Main Road Weaverthorpe Malton North Yorkshire

**Registration Date:** 8 October 2012                      **8/13 Week Expiry Date:** 3 December 2012  
**Case Officer:** Shaun Robson                      **Ext:** 319

## CONSULTATIONS:

<b>Parish Council</b>	Object
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Sustainable Places Team (Yorkshire Area)</b>	
<b>Countryside Officer</b>	More information required
<b>Tree &amp; Landscape Officer</b>	
<b>Archaeology Section</b>	No known archaeological constraint
<b>Environmental Health Officer</b>	

## Neighbour responses:

**Overall Expiry Date:** 25 February 2013

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## INTRODUCTION:

Members will recall that this application was presented to the Planning Committee on the 15<sup>th</sup> January 2013. Following a lengthy discussion Members resolved to defer the application in order to seek clarification on a number of issues. Those issues consisted of the following:-

- Clarification with regard to the form and housing of the pigs;
- Clarification in regard to the method of disposal of the waste from the site, given the restricted size of the application site.

In terms of the housing of the animals within the livestock unit, the pigs are proposed to be brought to site and fattened to a finished weight and then taken from the unit. The animals are proposed to be housed permanently within the building.

The disposal of the waste is via a mechanical loader, on to waiting trailers which in turn remove the solid manure for storage and spreading on third party land. The waste disposal is carried out approximately every 20 weeks following the end of a batch of pigs.

## SITE:

The site lies between Helperthorpe and Weaverthorpe, outside of the development limits as defined within the Ryedale Local Plan. The site comprises a former quarry to the south side of the public highway and is bounded by mature hedgerows.

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PLANNING COMMITTEE

7 May 2014

## **PROPOSAL:**

Planning permission is sought for the erection of an agricultural building within the quarry. The building is proposed to measure approximately 15.2m x 30.5m and would measure 3.7m to the eaves and 5.6m to the ridge. The building is proposed to be used for the rearing and finishing of 400 pigs on a straw based rearing system. The application also includes the formation a new vehicular access.

## **HISTORY:**

06/01116/FUL: Change of use of former chalk pit for erection of block of eight stables with tack room and hay/straw storage and erection of trailer shed together with formation of all weather equestrian arena, car parking area and formation of vehicular access. Refused 11.01.2007. Appeal dismissed 10.10.2007.

3/144/5A/PA: Outline application for bungalow and garage and stable for two horses at OS Field No 76 Weaverthorpe. Refused 12.12.2974.

3/144/5/PA: Outline application for erection of dwelling house, workshop, store and storage space at Carvells Pit Weaverthorpe. Refused 01.10.1974.

## **POLICY:**

### National Policy Guidance

National Planning Policy Framework  
Section 3: Supporting a prosperous rural economy.

National Planning Policy Guidance

### Ryedale Plan - Local Plan Strategy

Policy SP9 – The Land-Based and Rural Economy  
Policy SP13 – Landscapes  
Policy SP16 – Design  
Policy SP19 – Presumption in favour of Sustainable Development  
Policy SP20 – Generic Development Management Issues

## **APPRAISAL:**

Members will note that this application is brought before Committee following a formal objection from the Parish Council.

The main considerations to be taken into account are:

- i) Impact on the Area of High Landscape Value
- ii) Residential amenity
- iii) Highway safety

Policy SP9 of the Ryedale Plan – Local Plan Strategy states:-

*Ryedale's land-based economy will be sustained and diversified with support for:*

- *New buildings that are necessary to support land-based activity and a working countryside, including for farming, forestry and equine purposes*

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**PLANNING COMMITTEE**

7 May 2014

- *Replacement dwellings for land management activity if no other existing available buildings suitable or capable of conversion*
- *Replacement of non-traditional general-purpose storage buildings to support farming, forestry or equine related activity*
- *Conversion of traditional buildings for tourism or residential uses (subject to the occupancy conditions set out in Policy SP21)*
- *Conversion of existing buildings and provision of new buildings to support appropriate small-scale rural economic activity in line with Policy SP6*
- *Appropriate farm and rural diversification activity including innovative approaches*
- *Local food production and sales. Farm shops which will meet a demand for local produce and which contribute to the local economy will be supported where they do not adversely affect easily accessible convenience shopping*
- *Appropriate new uses for land including flood management and energy production related research and education in this field*
- *Small-scale extraction of local building stone and limited aggregate provision*

*And indirectly by supporting:*

- *The retention of a livestock market within Ryedale on a site which is convenient to users, well related to the main road network and in a location which is close to a Market Town but will not harm its character, landscape setting or the amenities of nearby residents*
- *Local weekday and Saturday markets, farmer's markets and events*
- *Proposals or actions that would assist in utilising and retaining traditional rural skills including land and woodland management, farming, conservation, local traditional building techniques*

The building would be constructed on a unit which is less than 5 hectares in area and at present, has no other buildings associated with it. Whilst a touring caravan is presently stored on the site, there is no evidence that it has been used for residential purposes. The applicant's agent has also confirmed that the rearing and finishing of pigs within the building would not require round the clock supervision.

The land rises towards the south and the building would sit towards the rear of the site, within the existing quarry area. As such, the building would not be visually prominent within the landscape. Isolated agricultural buildings are not normally encouraged, due to the physical impact on the surrounding area. The building would be sited within the quarry and given its location is considered to be appropriate in terms of minimising its impact on the wider landscape. The Tree and Landscape Officer has been consulted on the application and has recommended the addition of trees on the western boundary, to further screen the proposed building from the west of the site.

The building would be located approximately 340m from the nearest residential properties, which are located within the village development limits. There is considered to be sufficient distance from the proposed building and existing residential properties to ensure there would be no material adverse impact on residential amenity.

The Countryside Officer has been consulted on the application and has confirmed that there are no objections to the proposed development in relation to ecology.

A letter of objection has been received from Weaverthorpe Parish Council in relation to the proposed development. The material planning issues raised in the objection are:

- Impact on highway safety
- Surface water discharging to soakaway

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**PLANNING COMMITTEE**

7 May 2014

Issues raised which do not refer to material planning considerations are:

- Livestock would not be given an adequate level of attention
- The building would lead to pressure for future residential uses on the site, outside of development limits

In relation to highway safety, the application includes the formation of a new vehicular access to the north east corner of the site, with the existing access to be closed off. The highway safety aspect of the application has been considered by the Local Highway Authority and no objections are raised subject to conditions.

The Parish Council has also raised concerns in respect of drainage of the site, specifically in respect of contaminated water from the cleaning out of the building going to a soakaway. The applicant's agent has confirmed that dirty water from the cleanout process of the building will be to a sealed dirty water tank, which will be emptied by a tanker.

In view of the above, it is considered that the material objections of the Parish Council are satisfactorily addressed by Highways conditions and further information in support of the application. It is considered that the application is in accordance with the National Planning Policy Framework, National Planning Policy Guidance and Policy SP9 of the Ryedale Plan – Local Plan Strategy. Accordingly, the recommendation is that the application be approved.

**RECOMMENDATION:                      Approval**

- 1            The development hereby permitted shall be begun on or before .

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

- 2            Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason:- To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3            There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme of their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

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

- 4            Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in

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**PLANNING COMMITTEE**

7 May 2014

accordance with the published Specification of the Highway Authority and the following requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii)(a) The access shall be formed with 10 metre radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number E7d.

(iii) Any gates or barriers shall be erected a minimum distance of 12 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(vi) The final surfacing of any private access within 12 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

- 5 No part of the development shall be brought into use until the existing access on to Main Street has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of highway safety.

- 6 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number IP/PG/02 for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 7 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the

interests of highway safety.

- 8 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees along the western boundary of the site. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or 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 enhance the appearance of the development hereby approved and to accord with Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Drawing No. IP/PG/02; IP/PG/03.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### **INFORMATIVES:**

- 1 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 2 These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

#### **Background Papers:**

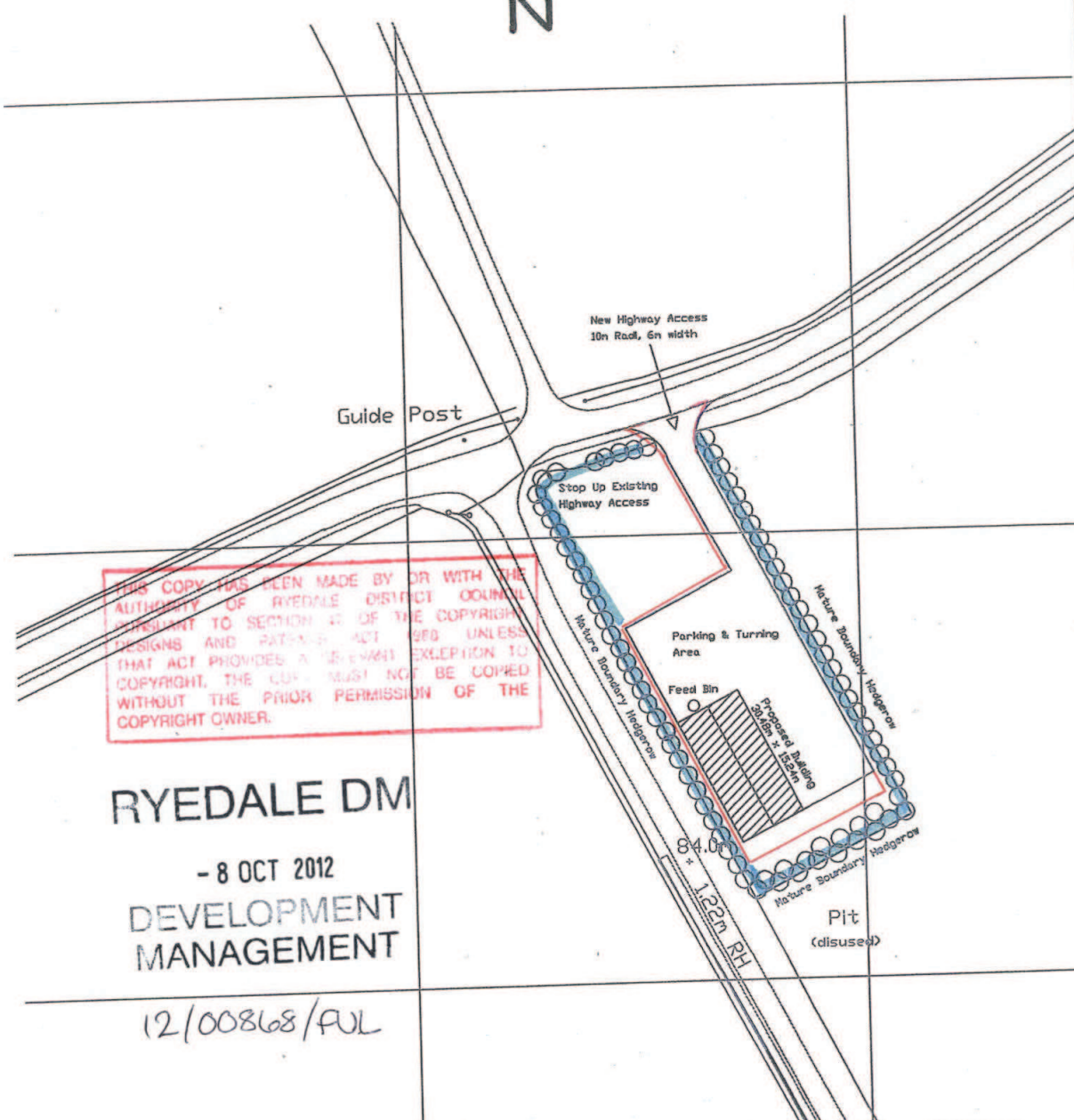
Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
Regional Spatial Strategy  
National Planning Policy Framework  
Responses from consultees and interested parties

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**PLANNING COMMITTEE**

7 May 2014





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**RYEDALE DM**

- 8 OCT 2012

**DEVELOPMENT  
MANAGEMENT**

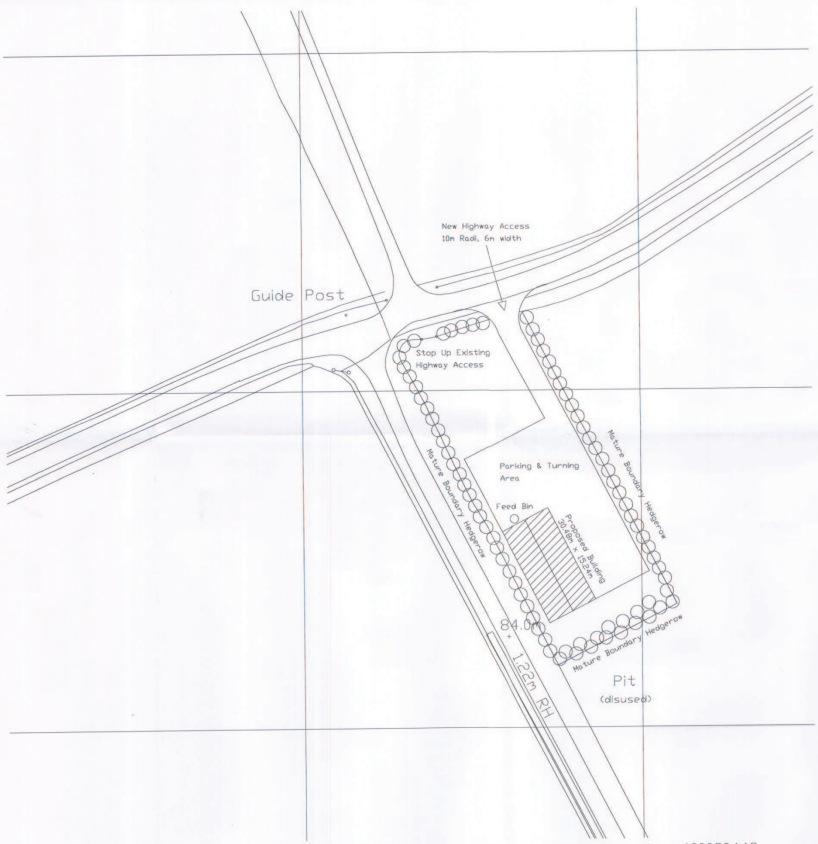
12/00868/FUL

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Ian Pick BSc (Hons) MRICS Llewellyn House Middle Street Kilham Driffield East Yorkshire YO25 4RL Tel/Fax (01262) 421807 Mobile 07702814950	<b>CLIENT</b>  P Giles 2 Coastguard Hill Speeton Filey YO14 9TF	<b>JOB TITLE</b> Agricultural Building	<b>SCALE</b> 1:1250	<b>Rev</b> -
		<b>DWG. TITLE</b> Location Plan	<b>DWG. NUMBER</b> IP/PG/01	<b>DATE</b> Sept 12



This drawing is to be read in conjunction with the schedule of works



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Ian Pick BSc (Hons) MRICS  
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 Tel/Fax (01322) 421807  
 Mobile 07702814950

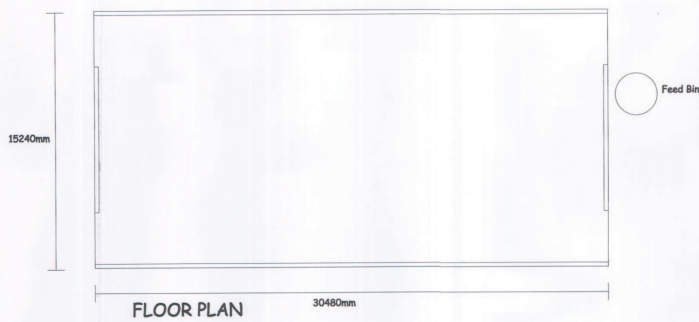
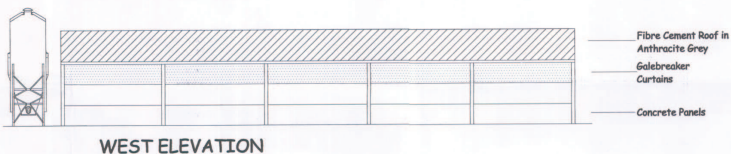
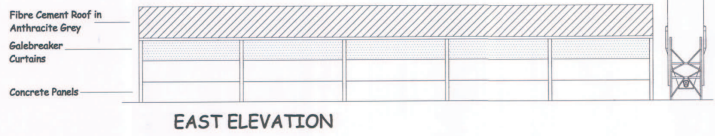
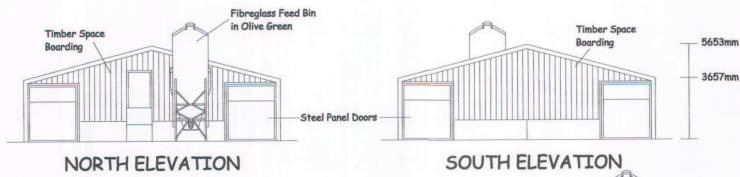
**CLIENT**  
**P Giles**  
**2 Coastguard Hill**  
**Speeton**  
**Filey**  
**YO14 9TF**

**JOB TITLE**  
**Agricultural Building**

**DWG. TITLE** RYEDALE DM1  
**Site Plan** - 8 OCT 2012  
 DEVELOPMENT MANAGEMENT  
 12/00006/PA\_X

SCALE	DRN	
1=500	IP	
DATE	ALTERATION	REV

DWG. NUMBER	DATE	REV
IP/PG/02	Sept 12	-



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**JOB TITLE**  
 Agricultural Building

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**DWG. TITLE** RYEDALE DM  
 Elevations & Plan - 8 OCT 2012  
 DEVELOPMENT MANAGEMENT

SCALE	DRN	
1:100	IP	
DATE	ALTERATION	REV

DWG. NUMBER	DATE	REV
IP/PG/03	Sept 12	-

RYEDALE DM

- 8 OCT 2012

DEVELOPMENT  
MANAGEMENT

**DESIGN, ACCESS & PLANNING STATEMENT**

**ERECTION OF AN AGRICULTURAL LIVESTOCK BUILDING AT  
CARVILLS PIT, MAIN ROAD, WEAVERTHORPE**

**Introduction**

This report has been commissioned by Mr Patrick Giles of 2 Coastguard Hill, Speeton, Filey, YO14 9TF.

Section 42 of the Planning and Compulsory Purchase Act 2004 requires a Design and Access Statement to be submitted with the majority of planning applications. The purpose of this report is to satisfy the requirements of Section 42 of the aforementioned Act.

This report has been prepared to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

This report has been prepared by Ian Pick. Ian Pick is a specialist Agricultural and rural planning consultant. He holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management and is a Professional Member of Royal Institution of Chartered Surveyors, being qualified in the Rural Practice Division of the Institution.

Ian Pick has 14 years experience in rural planning whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Limited.

**Background Information**

The applicant has recently purchased the application site which extends to 1.2 acres of land, located at the junction of Main Road and Driffield Road, Weaverthorpe. The site is a former quarry which has been cut into the hillside. The site is level with surrounding ground level on the northern boundary, and some 7m below existing ground level at the southern boundary.

The site is fully enclosed by mature hedgerows and shrubs to all aspects.

The applicants propose to invest in the construction of a livestock building on the holding. The proposal is to enable the applicant to commence with an agricultural business as a new entrant into the industry. The proposed livestock building will be used for the rearing of pigs on the straw based system from 40kg through to 100kg finished weight. The proposed development will provide an income stream for the holding and create employment for the applicant.

RYEDALE DM

- 8 OCT 2012

1 DEVELOPMENT  
MANAGEMENT

12/00868/FUL

### **The Proposed Development**

The proposed development involves the erection of a livestock building extending to 30.48m x 15.24m, and will house 400 pigs per batch, rearing from 40kg through to 100kg finished weight. The building will operate with 4 batches per annum.

### **Amount**

The proposal is for the erection of 1 No. livestock building extending to 30.48m x 15.24m with an eaves height of 3.657m and a ridge height of 5.653m. The proposed building will house 400 pigs.

### **Use**

The proposed buildings will be used for the rearing and finishing of pigs on a straw based rearing system.

Piglets are delivered to the site at 40kg. The piglets will be reared within the building for approximately 13 weeks until they reach finished weight, when they are removed from the site.

The proposed unit will operate on an all in all out system, with 4 batches of pigs per annum, including down time for cleaning and washing out the building.

The fitting out of the building includes an auger fed feeding system, together with drinkers. Ventilation within the building is natural, utilising gale breaker adjustable curtains in the east and west elevations to control airflow.

The building will be cleaned out after each batch of pigs. Manure will be removed from the site for field storage and spreading as an agricultural fertiliser by arrangement with neighbouring farmers. Manure will not be stored on the site.

Following removal of the manure, the building will be power washed in preparation for the next batch of pigs.

### **Layout**

The proposed building has been sited in the south west corner of the site. The existing site floor is hardstanding. The proposal includes a formal parking and turning area for vehicles. A new access to the site is proposed as part of the development proposals.

### **Scale**

The proposed building extends to 30.48m x 15.24m with an eaves height of 3.657m and a ridge height of 5.653m. The proposed building will house 400 pigs on a straw based system.

### **Landscaping**

The proposed building has been located within the existing quarry area. The boundaries of the quarry are enclosed by mature hedgerow planting. The nature of the site is such that the combination of the excavated site and boundary planting is such that the building will not be visible within the landscape.

### **Appearance**

The proposed building is a purpose built livestock building. The wall materials are concrete panels and adjustable gale breaker curtains in juniper green. The roof material is fibre cement sheeting in anthracite grey.

### **Access**

Access to the site will be provided by a new access in the north east corner of the site. The existing access is located in the north west corner of the site, close to the junction with Driffield Road. This access will be closed up and relocated to the north west corner of the site to reduce the potential for conflict with the existing road junction.

A parking and turning area is proposed to the north of the proposed building.

The proposed development is a low traffic generating use, creating the following movements.

Pig delivery – 2 lorries per batch (4 batches per annum)

Feed Delivery – 1 per week

Finished Pig Removal – 2 per week during weeks 11-13 of each batch

During a normal week there will be one feed delivery. At the beginning of each batch, 2 piglet deliveries, and at the end of the batch there are 2 lorries per week for 3 weeks to remove the finished animals.

## Planning Policy

The National Planning Policy Framework was introduced on 27<sup>th</sup> March 2012, and provides a presumption in favour of sustainable development. Paragraph 28 of the NPPF provides support for economic growth and the development of agricultural businesses at paragraph 28.

### “ 3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;”

The proposed development is for the sustainable development of an agricultural business through diversification into a new agricultural enterprise. The proposed development is therefore compliant with the aims of National Policy in the NPPF.

## Local Planning Policy

Policy AG2 of the Ryedale Local Plan relates to new agricultural buildings.

### **Policy AG2 - New agricultural buildings**

**Proposals for new agricultural buildings (other than intensive livestock units) which require planning permission, will be permitted provided that the following criteria are met:**

- (i) The buildings are located within or adjacent to an existing group of buildings, unless it can be demonstrated that a more isolated location is essential or appropriate. Where an isolated location is necessary, the site chosen should minimise the impact of the buildings on the character and appearance of the countryside;**
- (ii) Where the proposal is for the erection of buildings which would be prominent within the landscape, a satisfactory landscaping scheme which accords with the provisions of Policy ENV7 is provided;**
- (iii) The buildings are of a design which is sympathetic to their surroundings in terms of their scale, materials, colour and architectural detail;**
- (iv) The proposal will not have a material adverse impact on the character or setting of local settlements or the amenity of existing residents;**
- (v) The proposal will not have a material adverse impact on sites of nature conservation value or archaeological or historic importance;**

(vi) The proposal is compatible with the landscape policies of the Plan;

(vii) The proposal will not create conditions prejudicial to highway safety.

Proposals for new agricultural buildings on small or sub-divided agricultural units, especially those of less than 5 hectares, will be subject to particular scrutiny. Such proposals will be permitted only where, in addition to satisfying the above criteria, either individually or cumulatively, they would not detract from the open nature of the countryside by virtue of their scale, design or siting.

The proposal is for the development of a new agricultural business, and thus the proposed building is not located adjacent to the existing building. The proposed siting is well screened within the landscape through the excavated nature of the application site and mature vegetative screening. The site clearly minimises impact on the landscape.

The design of the proposed building is functional as a pig rearing unit. The nature of the site is such that the building will not be visible within the landscape, and the materials are appropriate to a rural location.

The application site is remote from local settlements and the proposal will not be visible from Weaverthorpe or Helperthorpe.

The proposal is for a building on a small agricultural unit. The applicant proposes to develop a pig rearing business on the site and has already secured contract for the pigs, subject to planning for the building. On small units, policy AG2 requires that the building does not detract from the open nature of the countryside by virtue of the scale, design of siting. The proposal is located within a former quarry, and its nature and scale is such that the proposed building will not be visually prominent.

The proposed development is compliant with the requirements of Policy AG2 of the Ryedale Local Plan.

**Ian Pick**  
**September 2012**



**Additional Information**

In terms of the supervision of the pigs, no temporary dwelling is proposed. The applicant is proposing to develop a small agricultural business on the site to provide an income. The type of business proposed is the rearing for strong store pigs from 40kg to finished weight. When pigs reach 40kg they are regarded as strong stores and are beyond the stage where round the clock supervision is required. Pigs of this age require checking at least twice per day and this will be undertaken by the applicant. The applicant is seeking to move house to Weaverthorpe or Helperthorpe in order to be nearer to the livestock.

The application site is currently a level hardcore surface, and is devoid of any feature which could support rich ecology. It is considered that due to the nature of the site, and protected species survey is unnecessary.

There are tree and hedgerows surrounding the application site. These trees and bushes are located on the top of the sides of the quarry. The application site is some 7m below the level where the trees and bushes are situated. The application site is purely a hardcore floor and the development will not impact on any of the trees and bushes.

**RYEDALE DM**

**- 8 OCT 2012**

**DEVELOPMENT  
MANAGEMENT**

12/00868/AUL

Colin Douthwaite

ES

Objection

From: Jeff House [jeffhouse@talktalk.net]  
Sent: 20 October 2012 08:44  
To: Development Management  
Subject: Planning Application no 12/00868/FUL

RYEDALE DM

22 OCT 2012 EM

DEVELOPMENT  
MANAGEMENT

**Application number 12/00868/FUL**

Weaverthorpe Parish Council met on 18<sup>th</sup> October 2012 to discuss the above application and the outcome was that the Council **OBJECTS** based on the following reasons:

Although the consultants report says the applicant has recently purchased the land, a phone call to Development Management confirmed that the owner is the same person that carried out work there in 2011. Shirley Wilson of RDC, was aware of several pieces of work that were carried out on the site in 2011, which the public were concerned about.

Chickens were kept in an enclosure on the site but towards the end of 2011 they were not being attended to. The chickens got out of the enclosure and were scavenging for food on the roadside. The chickens were fed and watered by some local people, but the owners were not seen for weeks. The RSPCA were called in by residents, who were concerned for the welfare of the livestock.

We therefore have a concern that if livestock were kept there, then the same may happen again, but if the pigs were left without food, the consequences would become a serious health hazard.

The creation of a large vehicle access, so close to the junction of the existing road will become a safety hazard, particularly as the road bends south just west of that junction and visibility is restricted already. This section of the Main Road is subject to the National Speed Limit of 60 mph, having HGV vehicles turning onto this road through a relatively small opening would constitute a danger to traffic travelling along Main Road. This is in contravention of Policy AG2 of the Ryedale Local Plan.

We do not understand the reference, on page 5 of the consultant's paper, to an existing building. There are no permanent buildings on the site at present.

The application states that manure will be removed from the site for use on land owned by local farmers. There is no mention of how many vehicle movements will be required to move the manure.

The application says there is no flood risk, however the land is adjacent to a flood risk area on the Environment Agency Flood Map.

There is no proposal to provide drainage, so where will the waste water from pressure washing and cleaning out the barn 4 times per year, go to? The application says that surface water goes to a soak away. We believe that water that is contaminated from the cleaning out of the building, should not go to a soak away.

Section 16 of the application says that there will be no trade effluent or waste. What will happen to the waste created by the pigs?

The application states that the applicant has no intention of living at the site, but these situations change. We trust that the applicant knows that this site is outside of the village development limits.

It is the view of Weaverthorpe Parish Council that the applicant would have less resistance if he were to consider carrying out this business in one of the established agricultural sites which are available to purchase in the area, rather than trying to change the use of this particular site.

No planning notice has been erected adjacent to the site to allow residents the opportunity to comment on the proposals.

A previous owner of the site applied for a change of use on 2006. This application was refused and nothing has changed in regard to the use of the land since then.

Jeff House  
Clerk to Weaverthorpe Parish Council  
Mobile: 07901 661508  
e mail: [jeffhouse@talktalk.net](mailto:jeffhouse@talktalk.net)

# Agenda Item 8

**Item Number:** 8  
**Application No:** 13/01252/HOUSE  
**Parish:** Luttons Parish Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr & Mrs M Daniel  
**Proposal:** Erection of part two-storey/part single-storey extension to east elevation  
**Location:** Pear Tree House Main Road Helperthorpe Malton North Yorkshire YO17 8TQ

**Registration Date:**  
**8/13 Wk Expiry Date:** 24 December 2013  
**Overall Expiry Date:** 28 November 2013  
**Case Officer:** Shaun Robson **Ext:** 319

## CONSULTATIONS:

**Parish Council** Object  
**Archaeology Section** No know archaeological constraint

## Neighbour responses:

.....

## SITE:

The proposed site is located within the settlement of Helperthorpe, to the north of Main Road, on the eastern edge of the village.

The main building has the appearance of a two storey rendered traditional farmhouse building.

## POLICY:

### National Planning Guidance

National Planning Policy Framework

### Ryedale Plan – Local Plan Strategy

Policy SP16 – Design

Policy SP19 – Presumption in Favour of Sustainable Development

Policy SP20 – Generic Development Management Issues

## HISTORY:

None relevant to this application.

## PROPOSAL:

Erection of part two-storey/part single-storey extension to east elevation of the dwelling.

## APPRAISAL:

Planning permission is sought for the erection of a two storey and single storey extension to the eastern elevation of the building. The main considerations to be taken into account are:

- i. Character and form;**
- ii. Impact upon neighbouring amenities; and**
- iii. Impact upon the street scene**

#### **i. Character and form**

Pear Tree House, a former farmstead, is located to the eastern edge of Helperthorpe and consists of a 3 bedroom two storey dwelling. The property has been extended previously in order to accommodate a first floor extension and utility room to the rear.

The main property fronts onto the Main Road. The attached two storey former barns, which run in a northern direction away from the Main Road (further into the site) have been converted into two self-contained holiday cottages. The conversions have maintained a characteristic vernacular.

The proposed extension re-orientates the dwelling through the deletion of the entrance to the southern elevation, fronting onto Main Street, and creates a new access to the rear elevation of the proposed extension.

The Parish Council have acknowledged that whilst they are supportive of the modernising of older properties they have specific concerns in regard to the proposed appearance of the development. The Parish Council have cited the following elements of the development as their concerns:-

- The changed orientation of the extension to an uncharacteristic gable frontage;
- The placement of the proposed chimney stack at the front of the property rather than on the ridge line;
- The use of small ground-floor fenestration, particularly in the extension's south façade, and to the new toilet window where the porch is to be removed; and
- The uncharacteristic bay French window on the east elevation.

Following the above comments the applicant has revised to the scheme and has deleted the three small windows to the façade fronting onto Main Street and deleted the French window to create a more traditional simplistic bay projection. A further consultation exercise was conducted upon the receipt of the revised drawings. To date the Parish Council has not responded.

The revisions have addressed a number of the concerns raised by the Parish Council but not all of them. It is considered, however, that the revisions do address Officer's concerns in regard to the original uncharacteristic form of development.

#### **ii. Impact upon neighbouring amenities**

Due to the positioning of the proposed extension there will be no adverse impact on neighbouring amenities in terms of the proposal being overbearing, causing loss of privacy or influencing natural sunlight.

#### **iii. Impact upon the street scene**

The proposal will be seen from the street scene, the proposal effectively elongates the existing elevation fronting onto Main Street. This development, as revised, is considered to be in keeping with the existing dwelling and will not detract from the surrounding area. The proposed alterations to the property will not be dominant on the street scene.

#### **Conclusion**

In light of the above considerations, the proposal is considered to satisfy the relevant policy contained in the National Planning Policy Framework and Policies SP16 and SP20 of Local Plan Strategy. The proposal is therefore recommended for approval subject to the following conditions.

National Planning Policy Framework  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues

**RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

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

2            Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16 and SP20 of the Ryedale Local Plan Strategy.

3            The development hereby permitted shall be carried out in accordance with the following approved plan(s):

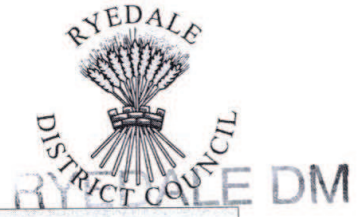
Proposed Floor Plans Revision B (Feb. 2014)  
Proposed Elevations Revision B (Feb. 2014)

Reason: For the avoidance of doubt and in the interests of proper planning.

**Background Papers:**

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

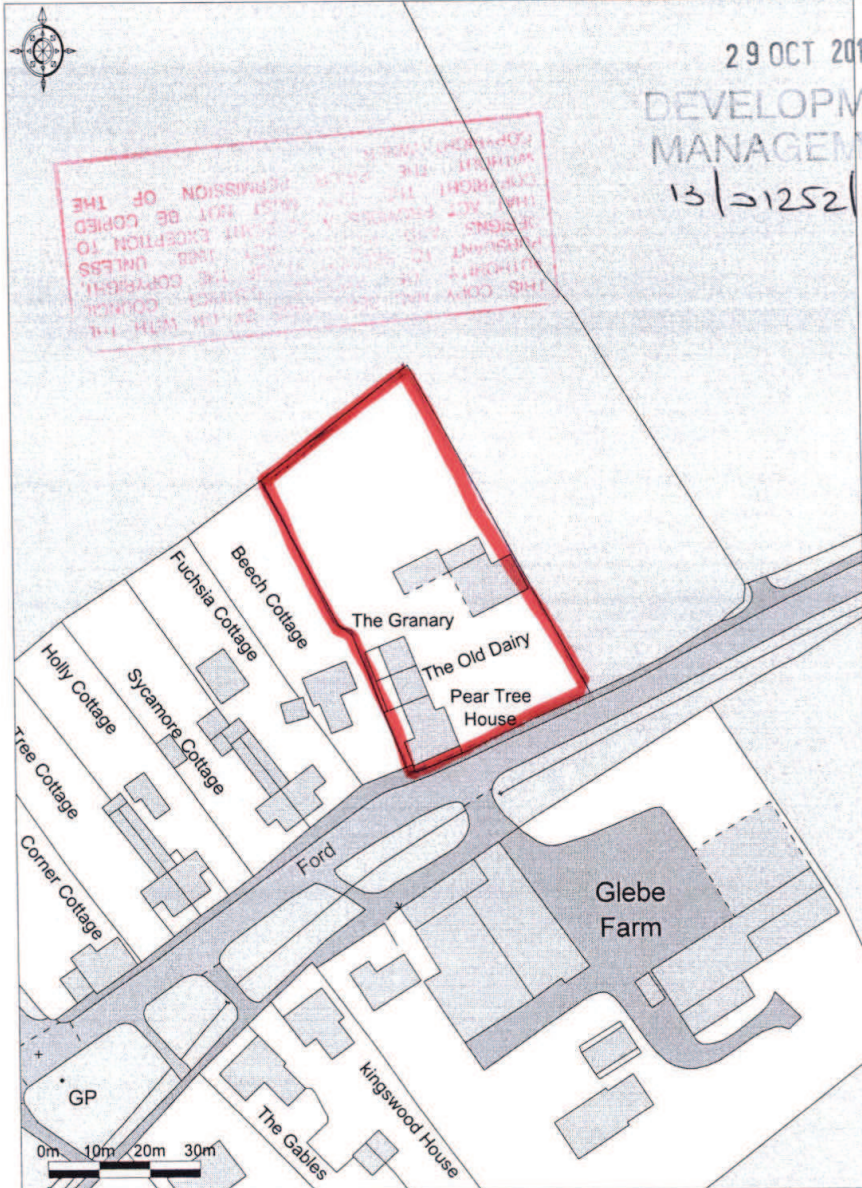
Pear Tree House  
Helperthorpe



29 OCT 2013

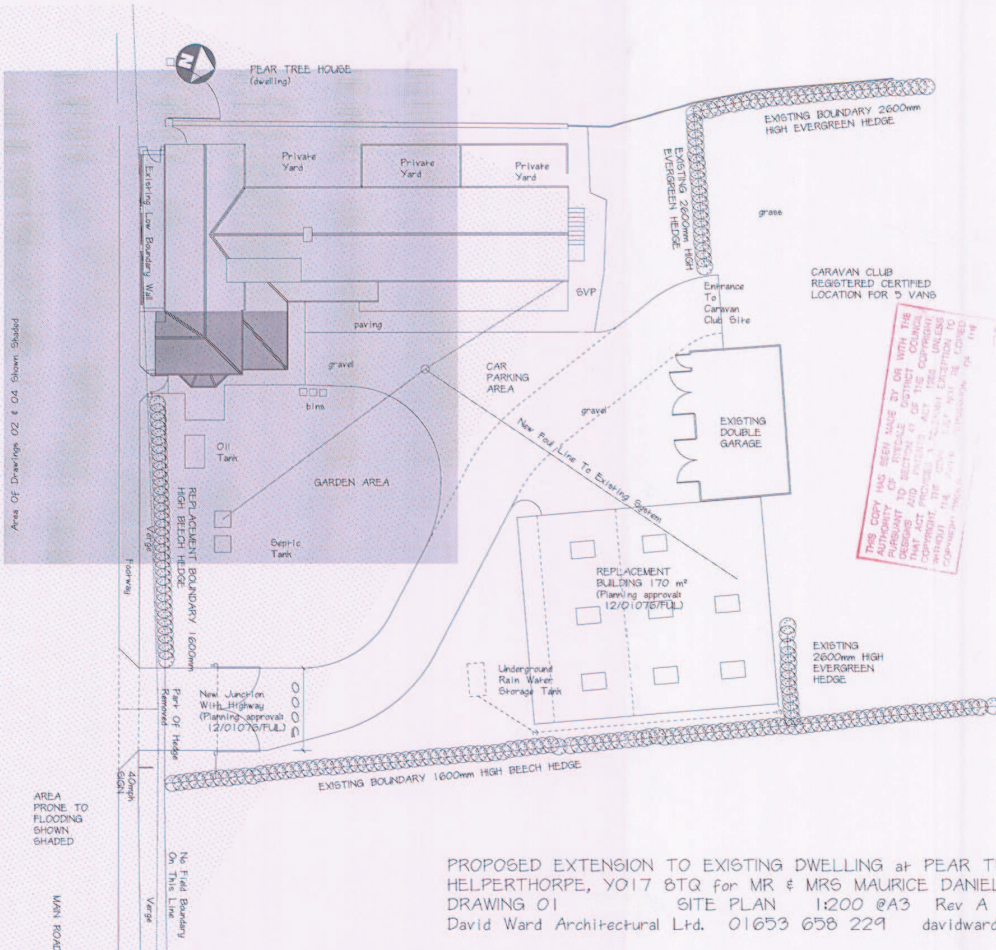
DEVELOPMENT  
MANAGEMENT

13/21252/15054



**Promap**

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**NOTES:**  
 Existing materials  
 ROOF: Clay pan-tiles, concrete tiles  
 WALLS: Painted stone and brick, brickwork  
 WINDOWS: UPVC opening casements  
 LANDSCAPE: Gravel drive, masonry boundary walls (south & west) hedge (south & east)

Existing areas  
 OVERALL SITE AREA: 2,800 m<sup>2</sup>  
 RESIDENTIAL CURTLAGEL: 720 m<sup>2</sup>  
 GROUND FLOOR AREA: 67 m<sup>2</sup>  
 FIRST FLOOR AREA: 67 m<sup>2</sup>  
 TOTAL DWELLING AREA: 134 m<sup>2</sup>

Proposed materials  
 ROOF: Clay pan-tiles  
 WALLS: Painted render, brick quoins  
 WINDOWS: Timber opening casements

Proposed areas  
 ADDITIONAL GROUND FLOOR AREA: 23.5m<sup>2</sup>  
 ADDITIONAL FIRST FLOOR AREA: 16.5m<sup>2</sup>  
 TOTAL ADDITIONAL AREA: 40m<sup>2</sup> (+27.5%)

13/02/2013/1505K  
 RYEDALE DM  
 29 OCT 2013  
 DEVELOPMENT  
 MANAGEMENT

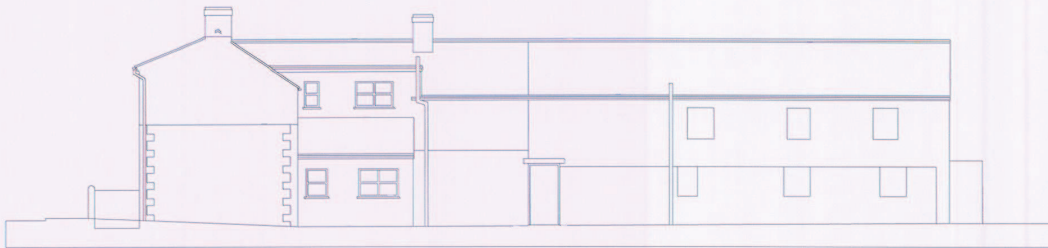
PROPOSED EXTENSION TO EXISTING DWELLING at PEAR TREE HOUSE  
 HELPERTHORPE, YO17 8TQ for MR & MRS MALURICE DANIEL  
 DRAWING 01 SITE PLAN 1:200 @A3 Rev A Oct 2013  
 David Ward Architectural Ltd. 01653 658 229 davidward589@btinternet.com

Area Of Drawing 02 & 04 Shown Shaded

AREA PRONE TO FLOODING SHOWN SHADED

MAIN ROAD





EAST  
ELEVATION

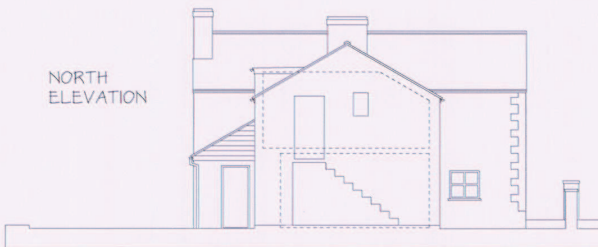
15/10/2012/1002  
RYEDALE DM

29 OCT 2013

DEVELOPMENT  
MANAGEMENT



WEST  
ELEVATION



NORTH  
ELEVATION



SOUTH  
ELEVATION

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PROPOSED EXTENSION TO EXISTING DWELLING at PEAR TREE HOUSE  
HELPERTHORPE, YO17 8TQ for MR & MRS MAURICE DANIEL  
DRAWING 03 EXISTING ELEVATIONS 1:100 @A3 September 2013  
David Ward Architectural Ltd. 01653 658 229 davidward589@btinternet.com



EAST ELEVATION

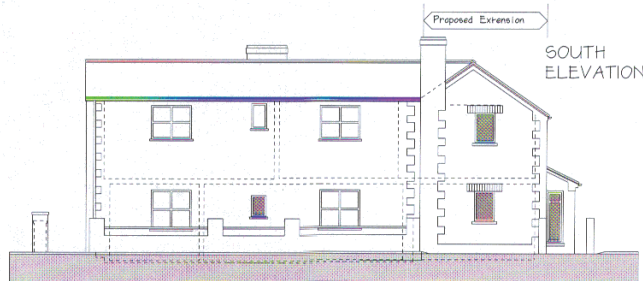


WEST ELEVATION

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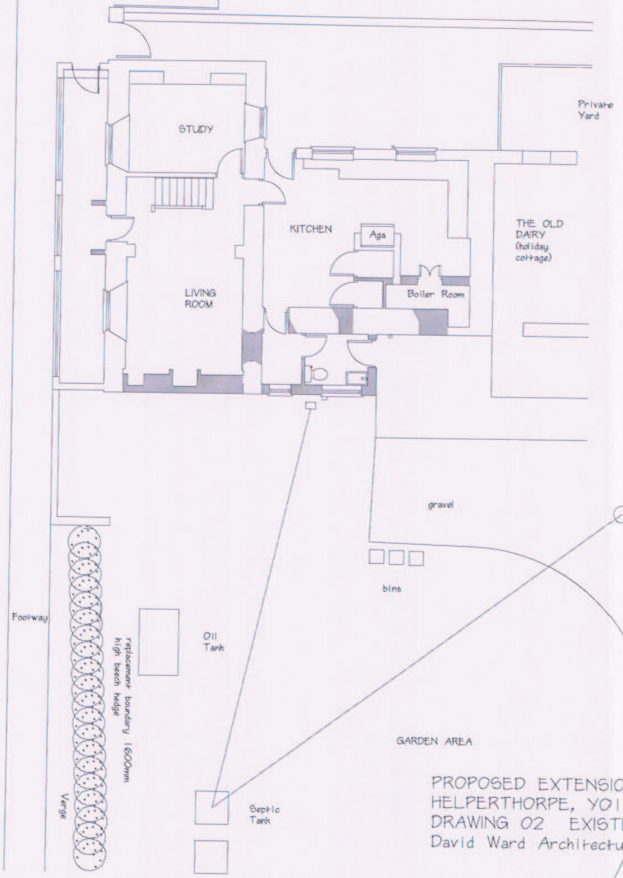
NORTH ELEVATION



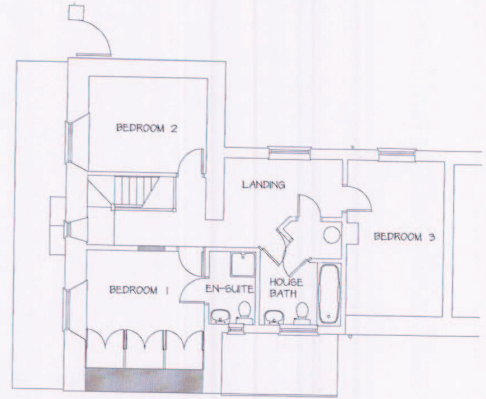
SOUTH ELEVATION

PROPOSED EXTENSION TO EXISTING DWELLING at PEAR TREE HOUSE  
 HELPERTHORPE, YO17 8TQ for MR & MRS MAURICE DANIEL  
 DRAWING 05 PROPOSED ELEVATIONS 1:100 @A3 Rev B Feb 2014  
 David Ward Architectural Ltd. 01653 658 229 davidward589@btinternet.com

GROUND FLOOR PLAN



FIRST FLOOR PLAN



NOTE: Demolished walls shown shaded

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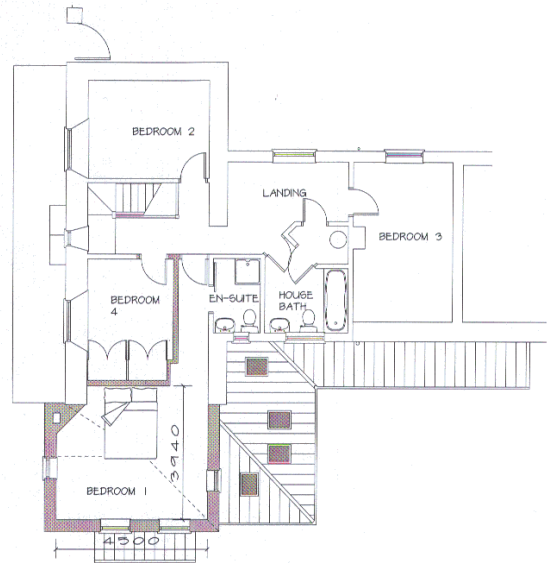
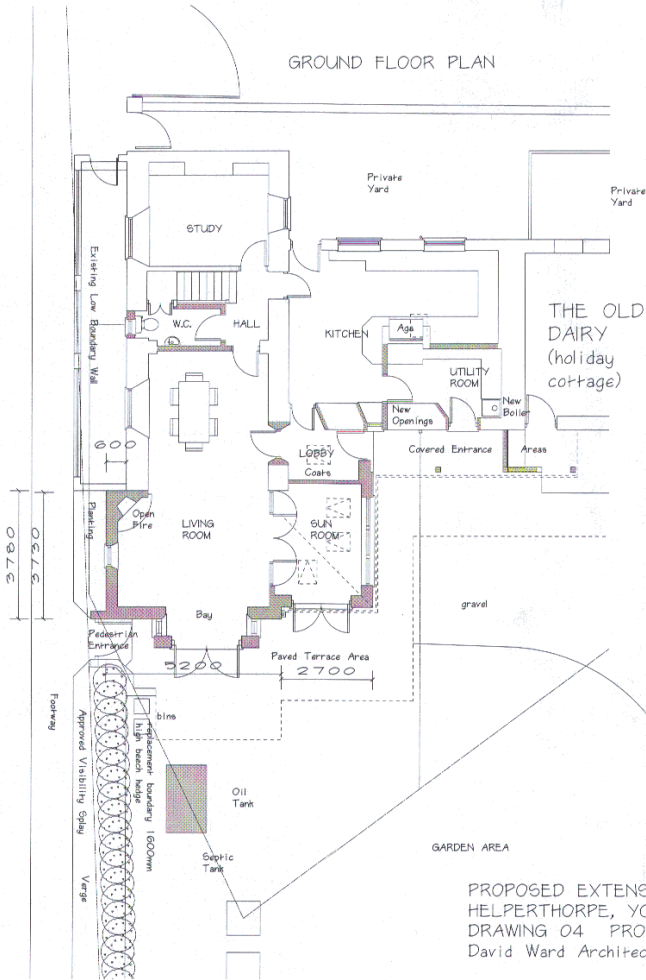
13/01252/1/NOJ&E  
**RYEDALE DM**

29 OCT 2013  
 DEVELOPMENT  
 MANAGEMENT

PROPOSED EXTENSION TO EXISTING DWELLING at PEAR TREE HOUSE  
 HELPERTHORPE, YO17 8TG for MR & MRS MAURICE DANIEL  
 DRAWING 02 EXISTING FLOOR PLANS 1:100 @A3 September 2013  
 David Ward Architectural Ltd. 01653 658 229 davidward589@btinternet.com

GROUND FLOOR PLAN

FIRST FLOOR PLAN



NOTES:  
New walls shown shaded

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PROPOSED EXTENSION TO EXISTING DWELLING at PEAR TREE HOUSE  
HELPERTHORPE, YO17 8TQ for MR & MRS MAURICE DANIEL  
DRAWING 04 PROPOSED FLOOR PLANS 1:100 @A3 Rev B Feb 2014  
David Ward Architectural Ltd. 01653 658 229 davidward589@btinternet.com

## David Ward Architectural Ltd

Design • Planning • Listed Buildings • Building Regulations • Project Supervision

The Rectory, Langton, Malton, North Yorkshire, YO17 9QP

03 FEBRUARY 2014

RYEDALE DISTRICT COUNCIL  
PLANNING DEPARTMENT  
RYEDALE HOUSE  
MALTON  
NORTH YORKSHIRE  
YO17 7HH

For the attention of Shaun Robson, Development Manager

Dear Sir

**HOUSEHOLDER PLANNING APPLICATION:  
PROPOSED TWO STOREY RESIDENTIAL EXTENSION  
AT PEAR TREE HOUSE, HELPERTHORPE, YO17 8TQ**

Following our meeting at your offices on 03 February please find enclosed copies of revised drawings 04B and 05B for the above application which include all the changes we discussed.

You will note that I have made the following changes to the initial scheme:

- The new window on the south elevation which replaces the existing front door is now complimentary in size and scale to the existing landing window above it.
- The three small new windows on the south of the new extension are now replaced with one larger window. This, together with the new first floor window above it, are both moved to a more central position in the new extension.
- The proposed new ground floor bay window on the east elevation is modified and made more simple in its design.

You mentioned that, subject to the above changes, you were broadly supportive of the scheme but that you would be consulting the Parish again and that the outcome of this consultation would determine if the application would need to go to committee.

Please do not hesitate to contact me if there are any issues arising from the enclosed which may need attention to facilitate the successful determination of this application.

Yours sincerely

David Ward

Encs : Drawings 04B & 05B

CC Mr & Mrs M Daniel

**Telephone: 01653 658 229 • Email: davidward589@btinternet.com**

Registered Office: 13 Yorkersgate, Malton, North Yorkshire, YO17 7AA • Company Number: 6181261 (Registered in England)

13/1252

DESIGN AND ACCESS STATEMENT

RYEDALE ON page 1 of 2

HOUSEHOLDER PLANNING APPLICATION:

PROPOSED TWO STOREY RESIDENTIAL EXTENSION 29 OCT 2013  
AT PEAR TREE HOUSE, HELPERTHORPE, YO17 8TQ

**EXISTING SITUATION.** Pear Tree House, a former farmstead at the eastern edge of Helperthorpe, is a 3 bedroom two storey dwelling. This dwelling has been modified and extended in the recent past (post 1946), the front roof slope has been slackened in a none vernacular manner to facilitate a first floor extension and a utility room added to the rear. The dwelling sits at the front of the site which also includes two holiday cottages (both double storey both with private external amenity space and car parking, one with 1 and the other with 2 bedrooms, these have been converted from attached former agricultural buildings), a caravan club registered certified location (for 5 vans located at the rear of the site), a large and well stocked garden, parking for 5 cars, a range of out buildings including a double garage and a newly approved storage shed and newly approved vehicular access to the whole site (12/01076/FUL - Feb 2013). The entire holding amounts to slightly less than 1 acre. The dwelling is within the village development limits.

**PROPOSAL.** The implementation of the recently approved works is now almost completed and the position of the new improved access drive (and consequential abandonment of the former drive immediately adjacent to the dwelling gable) has cleared the way for the current application. The applicants, who moved to Pear Tree House and took over the existing enterprise about two years ago, are seeking to extend their home. They are proposing to extend the dwelling through the existing east gable wall where the existing chalk construction makes the existing wall very damp. This will enable them to modify their residential accommodation internally in a simple and appropriate manner, allow the living rooms of the dwelling to take more advantage of the established well stocked garden area (which the current aspect of the dwelling ignores), to overcome the practical issues of the damp gable wall and to address the idiosyncratic appearance of the current road frontage of the dwelling by adopting a more vernacular appearance for the proposed extension (which has heightened importance being the first dwelling in the village approaching from the east).

**PLANNING HISTORY.** The previous owners of Pear Tree House had made several changes to the property, the dwelling has been modified with a first floor extension and a slight increase to the footprint to accommodate a utility room. The attached rear barns were converted holiday cottages and the rear field was approved for 5 Caravan Club pitches. During all this intensification of use the vehicular access to the site immediately next to the house gable was not altered. This problem was rectified last year when the new applicants obtained consent to move the communal vehicular access to the site and replace a tumbledown range of sheds with a new domestic storage building. The former historic vehicular access to the site suffered from severely restricted visibility and this approval (12/01076/FUL - Feb 2013) has now been implemented in full and a new vehicular access has been created well away from the dwelling.

**POLICY BACKGROUND.** The recently adopted Local Plan Strategy forms the policy background to the proposed scheme. The relevant parts of policy SP 16 – Design - requires that extensions to existing buildings should respect local distinctiveness and that the materials, details and form of the development should respect the context of the surroundings SP 20 - Generic Development Management Issues – restates these requirements. All the various parts of these policies have been considered in generating the proposals.

**USE.** The use of the proposed development is to be an extension to an existing three bedroomed dwelling. The number of bedrooms remains the same.

**AMOUNT OF DEVELOPMENT.** The floor area of the existing dwelling is 134 square metres, with a footprint of 67 square metres. The proposed extension has a footprint of 24 square metres and with a first floor extension of 16 square metres the total additional area is 40 square metres, an increase of 27%.

Cont... page 2

**SCALE PERAMETERS.** The proposed extension ridge is co-extensive with the existing house ridge and is 5.7 metres above pavement level. The proposed eaves height is 4.0 metres above pavement level, lower than the existing eaves by 600mm. The extension moves the end of the house 3.75 metres beyond the existing gable. The proposed development is lower at the rear with a single storey lean-to sun room with an eaves level of 2.2 metres above pavement level. A new external chimney separates the new and existing parts of the dwelling. This is in keeping with the existing stack to the rear of the property.

**LAYOUT & DESIGN.** The front elevation of the existing dwelling has been previously modified with a slacker roof pitch (to enable a more practical first floor layout under the higher eaves). It is not appropriate to further extend this idiosyncratic design and therefore an alternative format has been sought to facilitate a gable extension to the dwelling. An additional undesirable feature of the existing layout is the small unusable sunken front yard between the dwelling and the footway. Combined with the damp gable wall already mentioned, the design of the proposed extension seeks to make a more traditional termination of the front elevation and also allow the dwelling to address the existing formal garden area. The new element steps forwards 600mm towards to roadway in front of the existing front elevation (but well clear of the visibility splay for the new vehicular access) and this break allows the roof to be resolved by way of a valley allows the roof to turn the corner at a lower eaves height and a more traditional roof pitch with a part gable facing the road. This new area is used to increase the size of the living room at ground floor level and improve the aspect ratio of the room which is currently long and thin. In addition this main room can now face the garden area and not face onto the busy road. To the rear a lean to element incorporates a sun room and the main entrance to the dwelling which has a canopy roof over giving shelter. The existing front door becomes a window. At first floor level the increase in space allows a reconfiguration to the main bedroom.

**APPEARANCE.** The materials used in the proposed extension are painted render with brick quoins and chimney stack. The roof is covered in clay pantiles and the windows are opening casement UPVC set in reveals, all matching the existing materials.

**ACCESS.** The means of access to the site has been moved away from the dwelling to near the eastern boundary as a consequence of implemented approval 12/01076/FUL - Feb 2013. There is no intensification of use as a consequence of the current application. The existing dwelling has a new level entry threshold. A pedestrian and garden entrance is retained in the position of the former vehicular access (already approved).

**CONTEXT & LANDSCAPE.** The design of this proposed extension intended to be traditional and compliment the village vernacular. As stated above the extension presents a more formal appearance to the first house in the village. It would be unfeasible to change the existing front roof slope but the traditional design of the extension distracts attention from this none traditional feature and the proposed extension forms the focal point of the public frontage. No trees or hedges are removed as a consequence of the scheme.

**ECOLOGY, ENVIRONMENTAL & FLOODING.** There are no ecology issues associated with the proposed development. The existing treatment plant will continue to deal with the foul waste. The site of the development is on the very edge of the flood risk area as defined on the village map. The site has never been known to flood and it is therefore considered to be at the lowest possible risk. The footprint of the proposed extension is very modest and will therefore have no material effect on the flood area. The proposed ground floor level is no lower than the existing floor level of the host dwelling and the construction is sufficiently robust to deal with the prevailing conditions.

David Ward.

28 OCTOBER 2013.

ES

## LUTTONS PARISH COUNCIL

Clerk: Andrew Macdonald

OBJECT.

Holly House  
West Lutton  
Malton  
North Yorkshire  
YO17 8TA

27 November 2013

Karen Hood  
Managing Development Team Leader  
Ryedale District Council  
Ryedale House  
Malton  
North Yorkshire YO17 7HH

RYEDALE DM

28 NOV 2013

DEVELOPMENT  
MANAGEMENT

GI  
28/11

Dear Karen

**Application No. 13/01252/FUL : Erection of extension to east elevation : Pear Tree House, Helperthorpe : Daniel**

The Luttons Parish Council has considered the above application and, whilst it is supportive of modernising older properties with more effective use of space, has concerns at the proposed external appearance of this proposal.

Contrary to the expressed view in the design statement, this Council finds the present 'non-vernacular' eaves height of the present building more acceptable than:

- the changed orientation of the extension to an uncharacteristic gable frontage;
- the placement of the proposed chimney stack at the front of the property rather than on the ridge line;
- the use of small ground-floor fenestration, particularly in the extension's south facade, and to the new toilet window where the porch is to be removed;
- and the uncharacteristic bay French window on the east elevation.

As the applicant points out, this is the first building in the village when approaching from the east, and the Council believes that it warrants design more in keeping with the heritage buildings opposite and the wider village. Contrary to the applicant's statement, the number of bedrooms increases from three to four.

The Council **objects** to this proposal on grounds of design not in keeping with the present property and the wider village.

Yours sincerely,

[signed]

Cllr Andy Macdonald (Clerk)

Tel: 01944 738520

E-mail: clerkluttonspc@hotmail.co.uk



**Item Number:** 9  
**Application No:** 14/00086/FUL  
**Parish:** Helmsley Town Council  
**Appn. Type:** Full Application  
**Applicant:** Homfray Hotels (Mr Richard Murray Wells)  
**Proposal:** Erection of a two bedroom dwelling for the hotel manager to include a parking space on existing concrete hard standing and demolition of existing prefabricated garage.  
**Location:** Land At The Rear Of Feathers Hotel Market Place Helmsley York

**Registration Date:**  
**8/13 Wk Expiry Date:** 16 April 2014  
**Overall Expiry Date:** 29 April 2014  
**Case Officer:** Rachel Smith **Ext:** 323

## CONSULTATIONS:

<b>Parish Council</b>	
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Yorkshire Water Services</b>	No comments required
<b>Parish Council</b>	No comments made
<b>Building Conservation Officer</b>	No objection

**Neighbour responses:** Clive Button, Mr Christopher Stothard, Mr Michael Cooper,

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## SITE:

The Feathers Hotel is a grade II listed building situated on the eastern side of Bridge Street and is located within Helmsley conservation area. There is parking to the rear, together with a detached stone outbuilding which provides residential accommodation at ground floor level for a member of staff, with two en-suite bedrooms to the first floor. To the immediate south is a row of terrace houses, with parking for the hotel to the east. To the north is an area of garaging, access and parking for those houses fronting Bondgate.

## PROPOSAL:

Permission is sought for the erection of a two bedroom dwelling for the hotel manager on land to the rear of The Feathers Hotel. It is on the site of an existing pre fabricated garage, and will be attached to the existing stone building which has permission for staff accommodation on the ground floor and the additional hotel accommodation at first floor level and hotel annexe. The proposed development will have a footprint of 9.6m by 5.7m with an eaves height of 4m and a ridge height of 6.5m. A small lean-to extension will be provide to the rear, with a small paved patio to the north. The building will be constructed from stone under a pantiled roof with timber windows.

## POLICY:

### National Planning Policy Framework

Section 1 – Building a strong, competitive economy  
Section 2 - Ensuring the vitality of town centres  
Section 4 – Promoting sustainable transport  
Section 7 – Requiring good design

## Section 12 – Conserving and enhancing the historic environment

### National Planning Policy Guidance

#### Ryedale Plan- Local Plan Strategy

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 SP8 Tourism

Policy SP12 Heritage

Policy SP16 design

Policy SP19 Presumption in favour of sustainable development

Policy SP20 generic Development management issues

#### Helmsley Plan- Publication Draft

### **HISTORY:**

Over the years, various applications have been submitted for alterations to the principle building at The Feathers Hotel. The following more recent applications, for the adjoining building to the application site, are however of particular relevance to the consideration of this application:

- Appln 05/00213/FUL – Permission granted for the change of use and alterations of a double garage and flat to form a two bedroom dwelling
- Appln 6/00961/FUL – Permission granted for the change of use and alteration of a two bedroom dwelling to ground floor with two en-suite bedrooms above.

### **APPRAISAL:**

The site lies within the ‘saved’ development limits for Helmsley. Both National and Local policy supports the delivery of housing in sustainable locations, and also development that benefits the local economy, and tourism in the area. The main material planning considerations are therefore;

- the acceptability of a dwelling in this location
- whether the development triggers a requirement for affordable housing or open space contributions
- design considerations
- impact of development on the setting of the listed building
- does the development preserve or enhance the character of Helmsley Conservation area
- Impact of development on the existing amenities of neighbouring occupiers.
- Highway considerations.

#### Appropriateness of location

The site lies within the ‘saved’ development limits for Helmsley, in a backland location. It is in close walking distance to the town centre and as such is in a sustainable location. Permission is sought to provide residential accommodation for the hotel manager because the existing flat is no longer suitable for his family. The dwelling is bounded by a row of residential properties to the south. It also lies between two parking areas for The Feathers hotel. It is not considered that the site is suitable for free market residential accommodation. Whilst the existing terrace houses to the south also lie adjacent to the Feathers Hotel parking, their common boundary is formed by a blank wall with their main orientation to the south away from the parking. The lack of windows means that their amenity is unlikely to be significantly affected by comings and goings associated with The Feathers Hotel. As

such, it is considered that the proposed dwelling should be subject to a condition tying occupation to a person or persons working at The Feathers hotel.

Does the application trigger a requirement for contributions in respect of affordable housing and open space.

Policy SP3 of the Local Plan Strategy seeks the provision of affordable housing. In relation to Helmsley, the policy states;

*35% of new dwellings as affordable on-site with a further additional financial contribution equivalent to a further 5% of provision as part of developments of 5 dwellings or 0.2ha or more.*

The policy further states:

*Below the threshold of 5 dwellings/0.2 ha, a pro-rated financial contribution will be sought from all new residential, where this is viable.*

The policy does not apply to residential development in non service villages which are subject to Local Needs Occupancy conditions, nor replacement dwellings.

Open space contributions are also normally required on all new residential developments, with the exception of replacement dwellings, residential extensions and annexes and temporary dwellings.

In this relation to the development, it is not considered that the development will trigger a requirement for contributions in respect of either affordable housing, or open space. The dwelling will be tied to The Feathers Hotel to provide staff accommodation and will therefore essentially be an annexe to that business. A condition will restrict its sale independently from the main dwelling.

Design and impact of building on the character of the conservation area

The proposed dwelling is effectively an extension of the existing former outbuilding that is situated adjacent to the site. In this backland part of Helmsley, the burgage plots run roughly east to west, with most of the development, including the recent terrace of houses to the immediate south, following that orientation. The existing building is unusual in that it runs north to south, and is therefore at odds with this traditional character. The initial plans for the site included a relatively short extension to the building which resulted in a less traditional block form. Negotiations have been carried out, and revised plans submitted. This has resulted in a slightly longer and narrower building that better respects the form of the burgage plots. The fenestration has also been amended to give the development the appearance of a converted agricultural building. The removal of the existing pre-fabricated garage on the site will further enhance the area. The Council's Building Conservation Officer has advised:

*No Objection. The revised design will relate well to the pattern of development in the vicinity and the longer building running down the length of the plot will help to soften the effect of the existing building that runs across the plot.*

Accordingly it is considered that the proposed development will enhance the character of the conservation area, and respect local distinctiveness.

In relation to other design aspects, the dwelling will incorporate a small private amenity area enclosed on one side by a stone wall and on the other length by a hazel hurdle fence. It is considered that this will provide a private amenity area commensurate with the size of the property, whilst respecting the character of the area.

### Impact of development on character and setting of the listed building

The Feathers hotel is a Grade II listed building. The Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the listed building or its setting. In this case it is not considered that the development will have any impact on the setting of the listed building because it is to the rear of The Feathers Hotel, and separated from it by an existing outbuilding. The 'duty' required by The Act is considered to be satisfied.

### Impact of development on existing amenities of neighbouring occupiers

This application has been brought before Members because two letters of objection have been received from neighbours whose houses lie to the immediate south of the application site. One of the letters states that it expresses the collective views of the residents of 1 to 5 Pottergate Mews. The concerns relate to the proximity of the building to the rear of their properties which will make it impossible to carry out maintenance. Furthermore they state that the plans are misleading because they fail to show their properties on the plan. In relation to this aspect, the location plan is for the identification of the site only. The more detailed plan at scale 1:200 *does* show the outline of neighbouring properties. Furthermore, officers have carried out a detailed site visit, and taken account of the proximity of all neighbouring properties. It is considered that because the rear wall of 1 to 5 Pottergate Mews is blank, the impact of the development on their amenities is not likely to be significant. Maintenance of their properties is not a material consideration that would in itself carry sufficient weight to warrant refusing the application. Nevertheless, officers have discussed their concerns with the applicant when other aspects of the development were negotiated. The proposed building is now shown further from the neighbours properties and officers are of the opinion that this will give sufficient space to maintain their properties. It is noted however that this does not imply that there are any rights for neighbours to have rights of access to the site.

In relation to other neighbouring occupiers, they are predominantly separated from the application site by an access, and various garages and outbuildings. It is considered that the separation distances are acceptable, and the comings and goings associated with the development will be relatively low key.

### Highway considerations

The original plans included an area to be used as a parking space, this has since been revised to provide a small private amenity area. Whilst the Highways Authority has advised that no dwelling should be occupied until the parking facilities have been provided, the dwelling will only be occupied in connection with The Feathers Hotel, and as such the occupier will share the on site parking facilities.

### Conclusion

It is considered that the proposed development is situated in a sustainable location, and that it will maintain the efficiency and viability of the associated business. Taking account of the material considerations detailed above, it is considered that the development accords with policy, and the recommendation is one of approval.

National Planning Policy Framework

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP3 Affordable Housing

Local Plan Strategy - Policy SP4 Type and Mix of New Housing

Local Plan Strategy - Policy SP8 Tourism

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

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**PLANNING COMMITTEE**

**7 May 2014**

**RECOMMENDATION: Approval**

1 The development hereby permitted shall be begun on or before .

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

2 The dwelling hereby approved shall only be occupied by a person or persons employed full time at the property currently known as The Feathers Hotel, and shall not be sold or let off separately.

Reason: In the absence of any information to the contrary, it is not considered that the site is suitable for an independent dwelling, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

3 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP12, SP16 and SP20 of the Local Plan Strategy

4 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP12, SP16 and SP20 of the Local Plan Strategy

5 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP12, SP16 and SP20 of the Local Plan Strategy

6 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 1995 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of

unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Local Plan Strategy

- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order revoking, re-enacting or amending that Order), no windows, other than those shown on the plans hereby approved, shall be formed in the walls or roof of the extension(s) hereby permitted without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP12, SP16 and SP20 of the Local Plan Strategy

- 8 Unless otherwise agreed in writing by the Local Planning Authority, the guttering to the development hereby permitted shall be fixed by means of gutter spikes, and no raised boarding shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP12, SP16 and SP20 of the Local Plan Strategy

- 9 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Location Plan 016213-LP A  
Dwg No. 016213-03B  
Dwg No. 016213-01A

Reason: For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVE:**

- 1 The applicant is advised to ensure that no vehicles associated with the development shall obstruct access to any other property.

**Background Papers:**

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




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14/00086/1/x  
19 FEB 2014  
RICK MURRAY WELLS  
DEVELOPMENT  
MANAGEMENT

Rev A - land in ownership of applicant shown in blue 10.02.14

<b>Jon J Steel</b> BSc (Hons) MA (Bldg Con) MRICS <b>Chartered Building Surveyor</b> 			
Regulated by RICS			
<b>Project</b>	<b>Client</b>		
The Feathers Hotel, Market Place, Helmsley YO62 5BH	Richard Murray Wells		
<b>Drawing</b>	<b>Scale</b>	<b>Number</b>	<b>Revision</b>
Location plan	1:1250	016213-LP	A
<b>Status</b>	<b>Date</b>		
Planning	November 2013		
6 Georges Place, George Street, Pocklington, York YO42 2DF Tel/Fax 01759 304588 E-mail info@jonjsteel.co.uk Web www.jonjsteel.co.uk			

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Revisions		
rev	notes	date
A	Existing rooflights shown	13.02.14

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<b>Jon J Steel</b> BSc (Hons) MA (Bldg Con) MRICS Chartered Building Surveyor			
Regulated by RICS			
<b>Project</b> The Feathers Hotel, Market Place, Helmsley YO62 5BN		<b>Client</b> Richard Murray Wells	
<b>Drawing</b> Land to rear of hotel - Site and roof plan as existing	<b>Scale</b> 1:200	<b>Number</b> 016213-02	<b>Revision</b> A
<b>Status</b> Survey	<b>Date</b> November 2013		
6 Georges Place, George Street, Pocklington, York YO42 2DF Tel/Fax 01759 304588 E-mail info@jonjsteel.co.uk Web www.jonjsteel.co.uk			

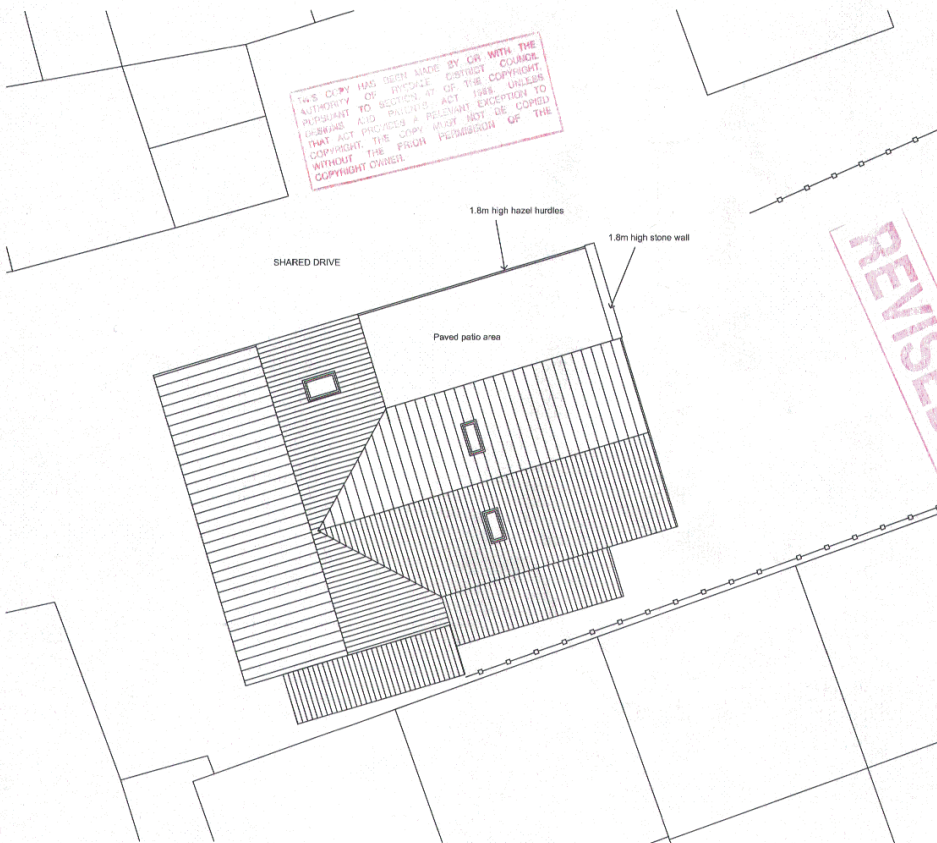
ORIGINAL PAPER SIZE A3

RYedale DM  
14/02/2014  
19 FEB 2014  
DEVELOPMENT  
MANAGEMENT




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<b>Revisions</b>		
rev	notes	date
A	Patting space omitted - roof plan amended	13.02.14
B	New dwelling repositioned.	03.04.14



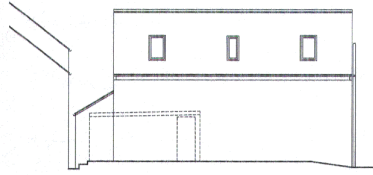
REVISED PLAN

**Jon J Steel** BSc (Hons) MA (Bldg Con) MRICS   
**Chartered Building Surveyor**  
 Registered by RICS

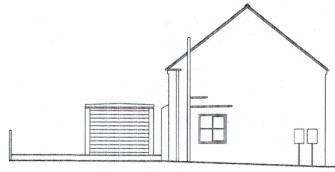
<b>Project</b> The Feathers Hotel, Market Place, Helmsley YO62 5BH	<b>Client</b> Richard Murray Wells		
<b>Drawing</b> New managers house - Site and roof plan as proposed	<b>Scale</b> 1:200	<b>Number</b> 015213-03	<b>Revision</b> B
<b>Status</b> Planning	<b>Date</b> November 2013		

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 Tel/Fax 01759 304588 E-mail info@jonjsteel.co.uk Web www.jonjsteel.co.uk

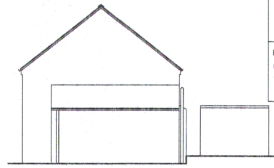
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EAST ELEVATION  
ELEVATIONS AS EXISTING



NORTH ELEVATION

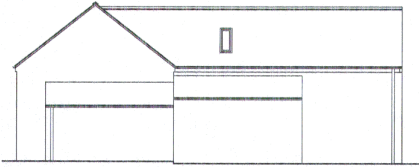


SOUTH ELEVATION

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Rev	Notes	Date
A	Plans and elevations amended	02/24/14

REVISED PLAN



SOUTH ELEVATION



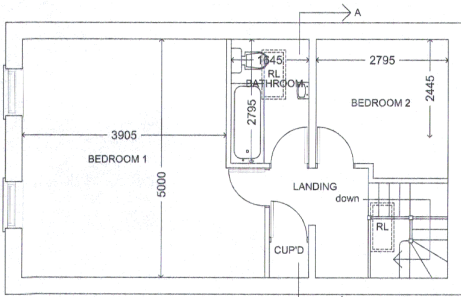
EAST ELEVATION



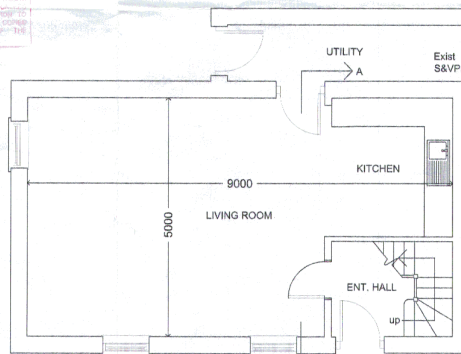
NORTH ELEVATION

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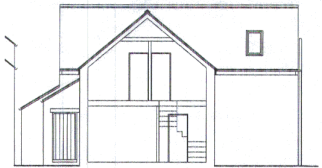
ELEVATIONS AS PROPOSED



FIRST FLOOR PLAN



GROUND FLOOR PLAN



SECTION A-A

Jon J Steel BSc (Hons) MA (Bldg Con) MRICS  
Chartered Building Surveyor

Project The Feathers Hotel, Market Place, Hainley YO32 5BW		Client Richard Murray Wells	
Drawing Existing and proposed plans and elevations of managers house		Scale 1:50 & 1:100@A2	Number 016213-01 Revision A
Status Planning		Date November 2013	

6 Georges Place, George Street, Pocklington, York YO42 2DF  
Tel/Fax 01759 304588 E-mail info@jonjsteel.co.uk Web www.jonjsteel.co.uk

ORIGINAL PAPER SIZE A2

**Design & Access Statement**

For

**Proposed Demolition Of Garage And Erection Of New Attached Dwelling For  
Hotel Manager**

at

**The Feathers Hotel  
Market Place  
Helmsley  
North Yorkshire  
YO62 5BH**

For

**Homfray Hotels  
Ness  
York  
YO62 5XD**



Prepared by

**Jon J Steel  
Chartered Building Surveyor  
6 Georges Place  
George Street  
Pocklington  
York YO42 2DF**

January 2014

Ref: 016213/D&AS/JJS

RYEDALE  
14/00086/KL  
19 FEB 2014  
DEVELOPMENT  
MANAGEMENT

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## **Introduction**

This design and access statement is prepared in support of a planning application in accordance with the requirements of the Government circular "Guidance on changes to the development control system" effective from 10 August 2006.

The statement sets out the need for the new dwelling and explains the basis of the design.

Reference has been made to Ryedale District Councils *Ryedale Plan – Local Plan Strategy* dated 5 September 2013.

## **Assessment of Existing Site**

The site is situated within a designated conservation area though it lies just outside the national park Boundary. The site comprises a modern prefabricated garage and concrete hard standing.

## **Design Intent**

The proposal is to erect a new attached dwelling for The Feather's manager, Simon Parker, who is currently living in the one bedroom on site managers flat. He has lived on site as manager for well over ten years. His partner recently gave birth to a daughter, and all three of them are currently sharing the one bedroom manager's flat. The flat is not suitable for a family so they need a larger property but the manager also needs to remain on site to efficiently run the business.

## **Layout**

The new dwelling will adjoin an existing property which is currently two separate staff houses. The ground floor of the new proposed dwelling will include a large open plan ground floor living and kitchen area with a small side extension to form a utility area. Upstairs there will be two bedrooms and a bathroom.

## **Scale**

The size of the proposed new dwelling has been carefully designed with a sensitivity to the scale and mass of the existing attached dwelling (as noted above currently used as staff accommodation) and the surrounding properties.

## **Appearance**

The external walls will be constructed in stone to match the existing attached dwelling. The roof covering will be pantiles again to match. External doors and windows will be traditional painted timber construction. Rainwater goods will be in black cast iron.

What little external landscaping there is will comprise a small gravel parking space to the north side of the dwelling.

## **Summary and Conclusion**

The proposed new dwelling will provide essential staff accommodation and also remove the unsightly modern garage. The applicant feels that overall the proposed dwelling is sympathetic to the existing character of the immediate area and makes good use of a small infill brownfield site.

Colin Douthwaite

Ys

No comment  
to make.

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**From:** DINAH HELMSLEY TOWN C [helmsley.towncouncil@virgin.net]  
**Sent:** 04 March 2014 10:08  
**To:** Development Management  
**Subject:** 14/00086/FUL

Hi

At its meeting on the 3rd March 2014, Helmsley Town Council decided not to comment on the following application.

**Application No** 14/00086/FUL

**Applicant** Homfray Hotels (Mr Richard Murray Wells)

**Proposal** Erection of a two bedroom dwelling for the hotel manager to include a parking space on existing concrete hard standing and demolition of existing prefabricated garage

**Location** Land At The Rear Of Feathers Hotel Market Place Helmsley York

Best regards

Victoria

--

Helmsley Town Council  
The Old Vicarage  
Bondgate  
Helmsley  
YO64 5BP

Tel: 01439 772572

Website: [www.helmsleytowncouncil.co.uk](http://www.helmsleytowncouncil.co.uk)

14/03/14

# Agenda Item 10

**RYEDALE  
DISTRICT  
COUNCIL**



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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>7 MAY 2014</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND HOUSING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>PUBLICATION OF THE COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE</b>
<b>WARDS AFFECTED:</b>	<b>ALL EXCLUDING THE AREA OF WARDS FALLING WITHIN THE NORTH YORK MOORS NATIONAL PARK.</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To present the outcome of recent consultation on the Community Infrastructure Levy Preliminary Draft Charging Schedule (PDCS) and for Members to consider and agree changes to the Charging Schedule in response to issues raised.
- 1.2 For Members to agree to publish the Draft Charging Schedule (DCS) for formal consultation and subsequent submission to the Secretary of State for Examination in order to progress the introduction of the Community Infrastructure Levy.

### **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that Members:
  - (i) Note the comments received on the Preliminary Draft Charging Schedule and to agree responses to them as outlined in Appendix 1
  - (ii) Approve the Draft Charging Schedule at Appendix 2 for formal public consultation and subsequent submission to the Secretary of State for Examination
  - (iii) Agree in principle, the Draft Regulation 123 list (to follow) as Appendix 3.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 To progress the production of the Draft Charging Schedule and the introduction of the Community Infrastructure Levy (CIL).

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**PLANNING COMMITTEE**

**7 MAY 2014**

#### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks associated with the report. It is considered that greater risks to the delivery of necessary infrastructure are likely to arise if the Community Infrastructure Levy is not progressed to adoption or if the correct process of producing the Draft Charging Schedule is not followed. Delays to the adoption of the levy also present a risk on the basis that from April 2015, additional limitations on the use of Section 106 contributions will come into force which will restrict the Council's ability to collect contributions from developers towards necessary infrastructure, should CIL not be operative in advance of the April 2015 deadline.

#### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 Members are aware that the Community Infrastructure Levy is designed to be the main funding source for Ryedale to be able to deliver the strategic infrastructure required to support planned growth established through the Ryedale Plan. The Ryedale Infrastructure Delivery Plan (January 2012), produced to support the Plan sets out the infrastructure requirements that will help to deliver the Plan objectives. This document enabled a funding gap to be calculated, which currently stands at circa. £64 million. The ability to identify an infrastructure funding gap is necessary in order to justify a CIL charge. The Community Infrastructure Levy Regulations 2010 (as amended) set out the regulatory framework which needs to be followed by the Council (the 'charging authority') as it prepares to implement the CIL charge.
- 5.2 CIL charges are outlined in a Charging Schedule and the Regulations establish the procedural requirements for producing this. Following consultation on a Preliminary Draft Charging Schedule, a charging authority is required to produce a Draft Charging Schedule. The latter is the version of the charging schedule which is formally published for consultation and comments received on the Draft Charging Schedule are those that are considered at the CIL Examination.
- 5.3 Regulation 14 of the Regulations provides a central theme that needs be followed when producing a charging schedule. Crucially, it sets out the need to strike a balance between the need to fund infrastructure through the levy whilst also considering the effects the levy may have on constraining development. To this end a charging schedule must have direct regard to the economic viability of development that is likely to take place in Ryedale. Indeed, the viability assessments that are undertaken to support the levy should have regard to all of the policy requirements set out in the Development Plan. This includes developments achieving policy levels of affordable housing.
- 5.4 The Council prepared its Preliminary Draft Charging Schedule in 2013. The document was informed by an economic viability assessment, undertaken by Peter Brett Associates which set out the sources of information and assumptions used to inform the proposed charges. The Preliminary Draft Charging Schedule proposed the following charges:

Use	Proposed CIL charge (per sq.m)
Private market houses:	
<i>Lower Charging Zones</i>	£55
<i>All Other Areas</i>	£70
Supermarkets	£120
Retail Warehouses	£60
Public/Institutional Facilities as follows: education, health, community and emergency services	£0
All other chargeable development	£0

5.5 Members of this Committee agreed the Preliminary Draft Charging Schedule in August 2013 and following subsequent ratification by Council, the Preliminary Draft Charging Schedule and the economic viability study were subject to public consultation in accordance with the regulations. This process concluded on 15 November 2013, during which a total of 16 responses were received. A summary of the comments received together with responses to these are at Appendix 1 of this report.

5.6 In summary the main issues raised are as follows:

#### Residential

- Queries in relation to the evidential basis for the land value assumptions;
- The assumed sales rates are considered optimistic;
- Underestimation of uplift in costs to achieve Code for Sustainable Homes levels;
- Assumptions used for discounts and affordable housing values are too optimistic;
- External works and contingency percentages should be revised; and
- Specific assessments to cater for retirement accommodation should be undertaken.

#### Non-Residential

- Land value assumptions used are not clear;
- Conflicting opinions were received regarding rent and yield assumptions. Some Consultees agreed with the assumptions made, others felt they were too optimistic for the market;
- Build cost data should be reviewed;
- Lack of transparency with some of the viability modelling;
- Retail definitions lack clarity and disagree with the fundamental issue of retail differentiation; and
- Opposition to the level of rate suggested for retail development.



## **6.0 REPORT**

### **The Draft Charging Schedule**

- 6.1 A detailed review of the comments made and evidence provided as part of the consultation process has been undertaken. As a result, it has been necessary to make some minor revisions to some assumptions and to the viability modelling. These changes include:
- A revised approach to calculating developer's profit for residential uses so that profit is calculated as a percentage of the scheme's value, rather than its cost. This results in slightly higher assumed profit levels and commensurately reduces development viability and therefore the scope for CIL;
  - Revision to allowances made for 'residual' Section 106 costs that reflect the restrictions on Section 106 once CIL is in place;
  - Revised threshold land values, reflecting additional research undertaken; and
  - Updates to construction costs to reflect the latest data available.
- 6.2 In addition to the above, some representations sought additional clarity on the types of development tested and the detail of the assumptions applied. To address these comments, the revised assessments apply a newer and more refined model.
- 6.3 The revised viability assessments, along with all of the assumptions which underpin them, are set out in an Addendum Report that will be published as part of the DCS consultation. The effect of some of the changes made was to reduce viability and therefore the scope for CIL, whilst others had a beneficial impact on viability. Taken together however, the changes have a relatively small impact on viability for each use.
- 6.4 In recommending charge rates based on the evidence, the starting point is a calculation of the maximum possible charge for each use that is consistent with maintaining viability. It is then necessary to draw down from these maxima to ensure that the vast majority of development will remain viable. The Council's consultants recommend charges are set at 50% - 75% of the maximum to achieve this, and balance the need to maintain viability, with the need to fund the infrastructure that is required to enable growth. Whilst the maximum rates have changed in respect of many of the uses tested, the rates proposed in the PDCS continue to be within the 50% - 75% range shown by the revised viability assessments. As such, no changes to the rates are proposed within the DCS.
- 6.5 Officers consider that the charges reflect the need to strike the necessary balance required in the regulations in relation viability and that they are fully supported by robust evidence. The Draft Charging Schedule is at Appendix 2.
- 6.6 It is considered that the Council is now at the stage where the Draft Charging can be taken through the final formal stages of production. This process involves an additional six week consultation period, following which, any additional comments will be reviewed. Subject to the outcomes of this consultation, the Draft Charging Schedule will then be submitted for Examination along with all of the representations received.

- 6.7 The Regulations prescribe the procedural requirements for the formal publication and submission of the Draft Charging Schedule.
- 6.8 All of the evidence used to support the proposed charge and the evidence used to justify an infrastructure funding gap will be submitted to the examination. This will also include a draft 'Regulation 123' list as required by recent changes to the Regulations. The regulation 123 list is the list of infrastructure projects that CIL will be used to fund over time. The current draft version of this list will form Appendix 3 to this report. It will be included in a table form and circulated with the late papers. Members are asked to agree this list in principle as part of this report, bearing in mind that it is a list that the Council can review and update over time as necessary.

#### **Other Procedural Matters**

- 6.8 An important procedural requirement particularly at the formal stages of the preparation of a DCS is that it is taken forward in accordance with a timeframe achievable for adoption. Officers consider the following milestones should now be used for the next stages of the process:

Publication – June 2014  
Submission – August 2014  
Adoption – December 2014

### **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:
- a) Financial  
A budget has been set aside for the preparation of the Draft Charging Schedule and the costs of an Examination. Once CIL is in place, it will generate revenue to the Council, although this revenue is ring-fenced for spending on a list of infrastructure items that the Council must produce to accompany the charging schedule and update regularly.
  - b) Legal  
Preparation of the charging schedule is be subject to the requirements of the The Community Infrastructure Regulations 2010 (as amended). On adoption, CIL will become a mandatory charge for development listed in the charging schedule.

### **8.0 NEXT STEPS**

- 8.1 Officers will complete the administrative arrangements which are required to ensure that the draft charging schedule is published in accordance with statutory requirements. All those individuals or organisations who have previously submitted comments on the charging schedule will be notified, alongside the statutory consultees listed in the Regulations. A copy of the charging schedule will also be made available at Ryedale House and on the Council's web-site.

**Gary Housden**  
**Head of Planning and Housing**

**Author:** Daniel Wheelwright, Forward Planning Officer  
**Telephone No:** 01653 600666 ext: 313  
**E-Mail Address:** daniel.wheelwright@ryedale.gov.uk

**Background Papers:**

RDC CIL Preliminary Draft Charging Schedule. Consultation Document. September 2013

Ryedale Community Infrastructure Levy Viability Assessment. August 2013

**Background Papers are available for inspection at:**

[www.ryedale.gov.uk](http://www.ryedale.gov.uk)

**Ryedale Community Infrastructure Levy : Viability Assessment**

	<b>Person/Organisation</b>	<b>Comment</b>	<b>Response</b>
<b>General</b>	Malton Town Council	<p>The Town Council raises no objection to either the proposed charging rates or the relative proportions for development type or the proposal in respect of differential zoning.</p> <p>The principal concerns of the Town Council relate to infrastructure needs and deficiencies and the need for formal and ongoing consultation with Local Communities/Councils on infrastructure issues as CIL is operated. It is essential that monies raised are directed to the most needed areas.</p>	<p>Noted.</p> <p>The Regulation 123 list will outline where the money generated through CIL will be spent.</p>
	Homes and Communities Agency	Support the proposals being put forward but have no specific comments to make at this stage.	Noted.
	Gladman Developments (via GL Hearn)	Overall the report lacks sufficient detail and the residential appraisals should be revisited to take account of the issues we raise. The proposed levy is too high and will adversely affect housing delivery rates.	Further work has been undertaken with further analysis and revised modelling.
	Helmsley Town Council	No comment to make on the specific level of charges proposed but concerned about the impact of CIL on	CIL has been calculated assuming full affordable housing requirements are developed on the scenarios

		<p>future affordable housing provision in the Town and Developers subject to CIL may argue for a lower affordable housing contribution. Additionally if CIL proceeds are not spent directly in the Town this will be a double loss for the town.</p> <p>The Town Council would be grateful if the position in relation to 'Neighbourhood funds' could be clarified. It would appear that the town could not qualify to receive 25% of CIL receipts.</p>	<p>tested.</p> <p>Town council will be eligible for 15% of the locally generated CIL revenues. If there is an adopted neighbourhood plan in place, this proportion rises to 25%.</p>
	Natural England	<p>No comment on the draft charges but Natural England would welcome a discussion on the types of infrastructure which CIL is intended to fund. If funding for Green Infrastructure cannot be provided through other sources, CIL funding should be identified.</p>	<p>Noted. Green Infrastructure items are included on the Regulation 123 list which remains a 'live' document.</p>
	Sainsbury's Supermarket Limited (SSL)	<p>SSL supports the principle of CIL but it is important to strike the right balance between securing the funding of infrastructure and the effect on development viability/ deliverability.</p>	<p>Noted. Viability modelling has been undertaken which is considered to strike the right balance as required by Regulation 14.</p>
	North Yorkshire County Council (NYCC)	<p>NYCC welcomes the fact that RDC has embarked upon the establishment of a CIL charging mechanism.</p> <p>The principle of a funding gap within Ryedale is established and accepted.</p>	<p>Noted.</p> <p>Noted.</p>

M Punchard	CIL in combination with other contributions and building standards will adversely affect the viability of smaller residential schemes which help to support a significant number of small building firms in Ryedale and wider associated trade.	CIL is being introduced so that the majority of developments will contribute towards meeting future infrastructure needs. The viability evidence shows that the vast majority of developments would be able to afford CIL.
Habton Parish Council	The Parish Council has reacted in favour of the CIL proposal.	Noted.
G Winn Darley	New houses only balance the trend of a reducing population in villages. It is difficult to see a justification for charging a levy as new dwellings will not result in any further net demand on infrastructure. CIL would effectively be a tax on people trying to live in rural areas for the benefit of those who are significantly increasing the amount of housing and population in the Market Towns.	CIL is being introduced so that the majority of developments will contribute towards meeting future infrastructure needs. The viability evidence shows that the vast majority of developments would be able to afford CIL.
Kirkbymoorside Town Council	A substantial majority of funds should be applied to the area that generates it and justification should be made as to when/why costs are not centralised.  It is imperative that genuine consultation be undertaken within the area to discern actual spending priorities.	The Regulation 123 list identifies the pieces of infrastructure that will be contributed towards via CIL revenues.  Priorities will be determined by the Council following further consultation. This will also include the Regulation 123 list.
Fitzwilliam Trust Corporation and	The importance of viability and deliverability cannot be underestimated. Fundamental to viability testing	Viability modelling has been undertaken for various development scenarios that highlight those

	Fitzwilliam Trust Estate (via GVA)	is the ability of a developer to obtain a market-risk adjusted return for their efforts. If this falls below what would be deemed acceptable by the market the development would be deemed unviable and may not proceed.	developments that can attract a charge and those that cannot. Charges are proposed in accordance with this evidence.
	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Of equal importance is the ability of a land owner to obtain a competitive return to ensure land is willingly released. Where a site value reduced to a level deemed to be below market expectations (regardless of percentage uplift) as a result of CIL or other obligations there is a serious risk that land will not be released.	Additional analysis has been undertaken to understand benchmark land values within Ryedale. These represent a competitive return to the land owner.
	McCarthy and Stone Retirement Lifestyles Ltd and Churchill Retirement Living Ltd (via the Planning Bureau Ltd)	The effect of CIL on specialist accommodation for the elderly should be properly considered and accurately assessed so as not to put the developers of the Development Plan at risk. CIL should not prohibit the development of specialist accommodation.	A retirement style apartment development appraisal has been undertaken and the findings published in the addendum report.
<b>Section 2</b>	WM Morrison Supermarkets plc	(Legal Requirements) – Concur with the summary.	Noted.
<b>Section 4</b> Para 4.12	WM Morrison Supermarkets plc	It is not clear how site specific s.106 contributions have been calculated in the context of retail development typologies.	Liaison with the Council has identified the likely amount that would be charged as a residual S106 once CIL is in place.
	Sainsbury's	SSL welcomes the early draft Regulation 123 list and	Noted.

	Supermarket Limited (SSL)	is pleased that a refined draft will be published for consultation alongside the Draft Charging Schedule. It is requested that it incorporates a timetable/target timescale to provide clarity and reassurance.		
	North Yorkshire County Council (NYCC)	NYCC would welcome further clarification on the Reg 123 list (table 4) ahead of consultation on the Draft Charging Schedule.  NYCC welcomes the statement at paragraph 4.23	The Regulation 123 list will be further developed as the project progresses.	
Table 4.1	English Heritage	Consideration should be given to including public realm improvements to other areas, not just Malton.	Noted. The emerging Regulations 123 list is a live document and the Council will take account of comments received in preparation for the examination.	
Table 4.1	English Heritage	The list should include repairs, improvements and maintenance of heritage assets where they are on infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities.	Noted.	
Table 4.1	English Heritage	Could include maintenance and on-going costs relevant for a range of heritage assets (eg. Bridges – transport infrastructure and parks and gardens – social infrastructure. The transfer of an ‘at risk’ building could represent an in kind payment	Noted. However, CIL is required to be used for infrastructure to enable the delivery of planned growth outlined in the development plan. It cannot be used to fund existing shortfalls/deficits.	



<p><b>Section 5</b> Para 5.14</p>	<p>WM Morrison Supermarkets plc</p>	<p>It is not clear in para 5.14 what land value for commercial development typologies have been carried into the appraisal. Different sized retail developments will require different sized sites.</p>	<p>Land value assumptions for commercial developments have been reviewed and clarified in the addendum report.</p>
<p>Para 5.23</p>	<p>Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)</p>	<p>Concerned that the limited number of development typologies may undermine the robustness of the viability exercise. A 2.5ha and a 8ha site should be assessed to ensure that a suitably comprehensive range of typologies are assessed.</p> <p>The limited number of density typologies may undermine the robustness of the viability exercise. Additional sensitivity testing should be undertaken using a wider set of density assumptions to align with broad references in the Local Plan Strategy.</p>	<p>Scenarios of 0.25ha, 1ha and 5ha cover the likely format in which developments will come forward. Larger sites will more than likely be parcelled off as smaller chunks to be developed in a phased manner.</p> <p>Additional appraisal to cover higher densities has been undertaken.</p>
<p>Paras 5.26-5.38</p>	<p>Gladman Developments (via GL Hearn)</p>	<p>The analysis of current residential values (paras 5.26-5.38) appears to be based on little actual market evidence. The value of residential land in the viability appraisals is assessed by reference to an uplift to industrial land values and not by reference to the actual residential values reported. Figures are inconsistent with the Councils affordable housing viability study</p>	<p>Page 29 of the Harman Report 'Viability Testing Local Plans' cautions against reliance on transactional data. In line with this guidance, transactional evidence forms just part of our evidence base in respect of land values, which also includes reference to existing and alternative use value with appropriate uplift factors and findings of consultations with locally active agents and developers. In any case, by definition, reported values would be historical and not necessarily</p>

		<p>There is no explanation of how residential values have been carried out. The 30% uplift on industrial values is too simplistic on approach and is not evidence of residential land values. The agricultural multiple is not realistic in the context of the NPPF and the strong development potential of sites.</p> <p>Actual market evidence of recent land transactions should be included/used.</p>	<p>representative of the current and likely future market conditions.</p> <p>No evidence is provided to support assertion. Assumptions made are based on a range of appropriate available evidence including a small number of comparable transactions, consideration of existing use values and uplifts/multipliers and the feedback received from developers and agents.</p>
<p>Paras 5.26- 5.38</p>	<p>Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)</p>	<p>Sales rates: A more realistic sales rate is 2-3 sales per month. A conservative rather than a bullish rate will be prudent and will ensure that land value and profit level are not artificially increased.</p>	<p>The sales rates assumed in the revised viability assessments in the Addendum Report are in line with those suggested. That said, our intelligence suggests that sales rates at some recent developments have far exceeded these rates.</p>
	<p>Gladman Developments (via GL Hearn)</p>	<p>Development period – the assumed sales rates are too optimistic and will lead to an under estimation of interest costs.</p>	<p>The sales rates assumed in the revised viability assessments in the Addendum Report are informed by market evidence and in line with those suggested by other consultees. That said, our intelligence suggests that sales rates at some recent developments have far exceeded these rates.</p>
<p>Para 5.24</p>	<p>Gladman Developments (via GL Hearn)</p>	<p>Build costs (Para 5.24) – BICS data provides a range of cost and clarification and what has been applied is requested. BCIS data will under estimate current build costs given how and when it is compiled.</p>	<p>Clarification is provided in the addendum report. BCIS averages (indexed for Ryedale) applying the median average for 'Estate Housing Generally'. It is important to note that many developers, particularly larger ones, will be able to develop at costs that are significantly below BCIS level, which tend to more closely reflect the costs of smaller house-builders and Registered Providers.</p>

Para 5.24	Gladman Developments (via GL Hearn)	Cost research by developers would suggest that the extra over cost from current building regulations to achieve Code level 4 is in the range of £4k-£6k per dwelling.	BCIS assumptions used are based on figures that cover the costs of building to current Building Regs requirements. The latest research shows that the 'extra over' of Code Level 3 is minimal and that for CSH 4 is c£2,000 per unit. In any case, CSH 4 is not a policy requirement.
Para 5.24	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Concerned that the assumptions used to build to code level 4 are under estimated and are too low which artificially increases the surplus available for CIL and undermines the robustness at the viability exercise.	BCIS assumptions used are based on figures that cover the costs of building to current Building Regs requirements. The latest research shows that the 'extra over' of Code Level 3 is minimal and that for CSH 4 is c£2,000 per unit. In any case, CSH 4 is not a policy requirement.
Para 5.32	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Land Values: Concerned that the viability assessment includes very limited actual transactional evidence which may have led to an over-generalised assessment of land values. Our clients are of the view that hypothetical residential land values are in the region of £1,000.00 per ha. Reliance on uplift is not supported by RICS as in reality property does not transact on an Existing Use Value basis. An assessment based on market values should be adopted.	Page 29 of the Harman Report 'Viability Testing Local Plans' cautions against reliance on transactional data. In line with this guidance, transactional evidence forms just part of our evidence base in respect of land values, which also includes reference to existing and alternative use value with appropriate uplift factors and findings of consultations with locally active agents and developers. In any case, by definition, reported values would be historical and not necessarily representative of the current and likely future market conditions.
Para 5.36	Taylor Wimpey  Fitzwilliam Trust	The viability assessments assume brownfield sites are cleared and greenfield sites are serviced. These are significant costs which are not accounted for.  In not making an allowance for preliminary works/clearance of brownfield sites and servicing of	Where significant demolition or remediation is required and not undertaken by the landowner prior to disposal, it is expected that the cost of such works would be reflected in the price a developer would pay for the site.

	Corporation and Fitzwilliam Trust Estate (via GVA)	greenfield sites the appraisal is artificially low on costs. The surplus potentially made available for CIL will be over estimated. If competitive returns are not generated land will not be willingly released and this could lead to a negative impact on housing supply.	The land value assumptions made reflect this position, in that they are considered to reflect the values likely to be attributable to land that is readily developable.
Para 5.41	Gladman Developments (via GL Hearn)	Discount from marketing prices (para 5.41) – The total value of such sales inducements will average in the region of 10% of gross asking price (not 5%) and needs to be reflected in the sales revenue applied	No evidence provided to support assertion. Sales value assumptions are based on a number of sources, including marketing prices allowing for deductions of 5-10%; Land Registry achieved sales prices and feedback from developers and agents.
Para 5.47	Gladman Developments (via GL Hearn)	Affordable Housing (para 5.47) – 70% of OMV for shared ownership is not realistic. 60% - 65% is a better guide to the value likely to be achievable in current conditions.	No evidence provided to support assertion. 70% of OMV has been tested and found sound elsewhere and has been agreed with by a number of developers.
Paras 5.50-5.57	Gladman Developments (via GL Hearn)	External Works: (Para 5.50) – This is normally adopted at 20% of the base construction cost when using BCIS cost date as a base cost, the 10% adopted in the appraisals is too low.	A 10% allowance for external works has been widely accepted elsewhere and no evidence is provided to support an alternative assumption.
	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Para 5.53 External works. We consider that the application of an all encompassing allowance for external works at 15-20% of base build costs is a more prudent approach. This would increase consistency across	A 10% allowance for external works has been widely accepted elsewhere and no evidence is provided to support an alternative assumption.

		the development typologies.	
Paras 5.50-5.57	Gladman Developments (via GL Hearn)	Contingency: The 5% contingency has only been applied to the basic build costs which is incorrect. It should also apply to policy costs and professional fees and also to the other on-site infrastructure costs.	Contingency is been charged against basic build cost, external works and professional fees in the revised assessments.
	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Contingency: The rate of 5% should be sensitively tested at 7.5% and 10% to reflect a scenario of developing on a brownfield site which had greater uncertainty and increased risk.	5% contingency has been tested and found sound at numerous examinations.
	Gladman Developments (via GL Hearn)	Marketing and Disposal costs (para 5.56) – At 3% is to low and should not be applied to open market units only. A minimum cost would be 4% of total gross development value.	Whilst no evidence has been submitted to support the assertions made, the revised modelling has calculated marketing differently to previous. Sales agent fee has been assumed at 1.25%, legal fees at £600 per unit and marketing at £100 per unit.
Paras 5.50-5.57	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	We are keen to ensure that build cost variations are based on the application of lower or higher BCIS cost estimates rather than an arbitrary adjustment.	This methodology has been tested and found sound at examination.
Paras 5.50-5.57	Gladman Developments (via GL Hearn)	Bank funding costs – the rate suggested would appear appropriate	Noted.
Paras 5.50-5.57	Gladman Developments (via GL Hearn)	There are additional costs that need to be included in all appraisals which include funders arrangement	Whilst it is good practice to factor in finance costs to viability assessments of this nature, many

		fees, monthly management fees and exit fees at 1%, £1k per month and 1% of GDV respectively.	developments will not be debt funded, or will be only partly debt funded. We have assumed that schemes are 100% debt funded (with no credit interest) at a rate that is higher than those available to many developers. We consider this approach to be robust and conservative and that the additional costs identified (which are not common to all development borrowing in any case) would have a lesser impact on viability than if our assumptions were based on, say, only 60% debt finance and interest at base rate +4% (as is more common) with the additional costs identified allowed for on top.
	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Professional fees. We are keen to ensure that this is applied to the base build costs and external works.	We confirm that this is the case.
	Gladman Developments (via GL Hearn)	Development margin – Development margin requirements should be assessed against the gross development value of a scheme and not against total development costs. The current appraisals are flawed as the profit margin is currently expressed as a percentage of cost and not revenue and the returns referred to will be further eroded when realistic levels of developer costs are included.	Revised modelling tests against the value of the scheme at 20% on GDV for market units, 6% on GDV for affordable units.
	Taylor Wimpey	The work needs to be revisited to reflect the fact that volume house building works on profit on revenue.	Revised modelling tests against the value of the scheme. 20% on GDV for market units, 6% on GDV for affordable units.
	McCarthy and Stone	A viability assessment for a specialist	A viability model has been produced for retirement

	<p>Retirement Lifestyles Ltd and Churchill Retirement Living Ltd (via the Planning Bureau Ltd)</p>	<p>accommodation for the elderly scheme should be undertaken and assessed against both likely site values and potential alternative (competitive) uses. Our concern is that CIL could prejudice the delivery of retirement housing.</p> <p>A viability assessment for a specialist accommodation for the elderly scheme should provide a development scenario for a typical flatted retirement housing scheme located on a previously developed site within 0.4 miles of a Town Centre. To assist we have provided a joint position paper with recommendations for testing the viability of specialist accommodation for the elderly for CIL and a paper produced by Three Dragons consultants.</p> <p>A viability assessment for a specialist accommodation for the elderly scheme will demand inputs which are specific to retirement housing. These include:</p> <ul style="list-style-type: none"> <li>• Additional costs associated with the provision of commercial areas. Provides of specialist accommodation for the elderly are at a disadvantage in land acquisition as the ratio of CIL rate to net saleable area would be disproportionately high.</li> <li>• Typical sales and marketing fees are often closer to 6% of GDV</li> <li>• Costs associated with empty properties which are covered by developer until the development is fully occupied.</li> <li>• Build costs specific to flatted sheltered</li> </ul>	<p>accommodation, results are included in the Addendum Report.</p>
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		housing	
<b>Section 7</b> Para 7.7	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Would like to see greater clarity around the definition of larger and smaller format stores. Recommend a sensible threshold would be 2,500 sq.m GIA.	A revised definition for retail developments has been produced following recent examination reports. One indicator of how the buildings are used differently is a trading area threshold of 500 sq. m.
Para 7.8	WM Morrison Supermarkets Plc	There are no development density assumptions for supermarket schemes. Table 7.2 refers to a cost per square metre but without knowing the scheme size and density this cannot be translated into a site cost. This needs to be transparent.	Revised modelling is based on development typologies, the detail of which are provided in the Addendum Report and appendices.
Para 7.13	WM Morrison Supermarkets Plc	Land values for retail (£ per hectare) is not quoted and it is not clear from the appraisal summaries what actual threshold land value has been used.	Land value assumptions are made clear in the Addendum Report.
Para 7.13	WM Morrison Supermarkets Plc	VOA data is from July 2009 and (partial data) from January 2011 which is out of date. The weight given to such historic information must be reduced. It would be appropriate to set out what the opinions of local agents and developers were and if these are opinions of value (hypothetical) or based on local transactions (actual).  In the case of retail developments landowners are likely to hold out for the highest value and are unlikely to accept a reduction in their land value for CIL	Land value assumptions are made clear in the Addendum Report.
Para 7.13	Fitzwilliam Trust	An allowance for purchasers costs should be	Purchaser's costs are itemised separately in the



	Corporation and Fitzwilliam Trust Estate (via GVA)	incorporated in the viability appraisal of commercial development. We have not seen any reference as to how these costs have been incorporated. 5.8% of the GDV would be prudent	revised viability assessments included in the Addendum Report.
Para 7.15	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	For supermarkets, the rent and yield assumptions appear broadly acceptable, however we are of the opinion that the build cost assumption is low. BCIS data reveals that these are in excess of £1,000 per sq.m. An under estimated build cost will artificially increase land value or profit.	BCIS data at the time of the appraisals gave the figures used in the appraisals. The build cost data has been updated for the revised modelling used in the addendum report.
Para 7.15	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	For retail warehousing, rent, yield and build cost assumptions appear broadly acceptable although would question whether such uses are likely to contribute significantly to development activity and whether applying a charge is very pragmatic.	Whilst there may not be a significant level of development anticipated, it is important to capture funds from the viable development typologies to contribute towards the growing infrastructure needs.
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	(Key Retail Assumptions) Rents and Yields - The yield is too strong (low) even for supermarket retail due to the rural location and scale of catchment. No evidence is presented to support rent assumptions	We have an evidence base of rent and yield comparables that have informed rent and yield assumptions. The assumptions are also supported by other representations.
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	(Key Retail Assumptions) Build Costs. The construction costs need to be revised. The latest BCIS cost database, rebased for North Yorkshire shows costs ( £1,017 psm) substantially above the	The data used for the initial assessments was as shown in the BCIS database, rebased for Ryedale and not North Yorkshire. The data has been updated in the assessments included in the Addendum Report

		level used ( £990 psm).		
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	Key Retail Assumptions - Professional Fees. It is not clear which % has been used. We suggest 12%.	Professional fees are included at 10% of build costs and external works.	
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	Key Retail Assumptions. (Table 7.1 and para 7.16) - Section 106. The report does not specify what quantum has been allowed for S.106 contributions. In our experience such costs could be in the order of £0.5m for S.106 and £0.5m for S278. The appraisals should be reworked to reflect these costs.	The S106 figure is based on analysis of recent S106 schemes and equates to £100 per sq. m for supermarkets. It should be noted that the tighter restrictions S106 as a function of the Reg 122 tests will mean that such costs are likely to be significantly lower than have been the case previously, once CIL is adopted. The assumption reflects levels found through research into S106 costs for retail developments.	
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	Key Retail Assumptions - Interest. It is not clear how this has been calculated. 18 months is inappropriately optimistic for supermarket developments. An appropriate cash flow period would be in the order of 30-36 months	We do not agree that a supermarket would take approximately 3 years to complete. No evidence is provided to support assertions made. Our evidence suggests that supermarkets typically have a 9 month construction period, although we have conservatively allowed for a 12 month construction period.	
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	Key Retail Assumptions - Developers margin/profit - Suggest that the developers profit level for supermarkets be increased to 25% on cost.	No evidence provided to support assertions. 20% on cost assumption has been tested and found sound at numerous examinations.	
Table 7.2	WM Morrison Supermarkets Plc	Viability Assessment Retail - The report does not present the appraisal results for the hypothetical retail typologies, rather retail viability result per square metre. This is unusual as proportions could	Revised modelling has is based on hypothetical retail development typologies that are clearly set out in the Addendum Report.	

		change for stores of different sites. Also without the appraisals the report is a 'black box' which is not transparent and against guidance. For example on terms of land and purchase costs it is impossible to establish what threshold land value per hectare, £500 per square metre equates to.	
Table 7.2	WM Morrison Supermarkets Plc	Viability Assessment Retail- The figure of £50 psm for S.106 / S.278 is low and query why it is half the rate used for Hambleton.	The S106 figure is based on analysis of recent S106 schemes and equates to £100 per sq. m for supermarkets. It should be noted that the tighter restrictions S106 as a function of the Reg 122 tests will mean that such costs are likely to be significantly lower than have been the case previously, once CIL is adopted. The assumption reflects levels found through research into S106 costs for retail developments.
<b>Section 9</b>	WM Morrison Supermarkets plc	Maximum Charge Rate Assessment (Table 9.3) - There is no evidence to suggest how this would translate to a real scheme. Simply multiplying up the per metre appraisal is too simplistic as the variables will alter relative to each other depending on the size of the scheme.  Non residential maximum and recommended rate of CIL charges. Query why the top end of the range has been used. We would recommend a charge rate of 50% of the typical theoretical maximum.	Revised modelling has been used that basis appraisals on a hypothetical development scheme, rather than on a per sq. m basis.  Charges rates are set at between 50% - 75% of the theoretical maximum rates. This demonstrates that the Council has drawn down substantially from the 'ceiling' of viability and demonstrates that the balance required by Regulation 14 has been achieved.
Table 9.1	North Yorkshire County	The ranges in table 9.1 would appear to be rather	This approach to rate setting has been found sound

	Council (NYCC)	conservative as regards to the suggested theoretical maximum. Suggest that it is raised to sit at a medium point within the Governments suggested range. (60-65%).	and commended by several examiners as a means of achieving the balance required by Regulation 14 between maintaining development viability and funding the infrastructure required to enable growth.
Table 9.1	North Yorkshire County Council (NYCC)	Tables 9.2 and 3.1. By the time a CIL charge is adopted the potential revenue is likely to be reduced as a result of schemes coming forward before the levy is in place, widening the gap between CIL and recognising infrastructure.	Noted. However, the CIL charge has to follow prescribed steps. In the meantime, S106 will remain the mechanism by which developer contributions are sought.

#### Preliminary Draft Charging Schedule

Person/Organisation	Comment	Response
Helmsley Town Council	It is unclear by what is meant (para 33) of a cap of £100 per dwelling in each financial year.	The cap per dwelling is set out in the regulations issued by Central Government.
Sainsbury's Supermarket Limited (SSL)	SSL. Objects to the proposed differential rate applied to 'supermarkets' and 'retail warehouses'. The proposed definitions fail to meet the requirements of Regulation 13 of the 2010 CIL regulations and CIL guidance.	CIL charge differentiation for retail uses as proposed in Ryedale has been tested and found sound in numerous recent examinations and therefore demonstrably meets the requirements of Regulation 13.
Sainsbury's Supermarket Limited	SSL does not agree that there is a justifiable and evidenced material difference in the intended and	CIL charge differentiation for retail uses as proposed in Ryedale has been tested and found sound in

(SSL)	identified uses of development between supermarkets, retail warehouses and other forms of retail development within Ryedale. The approach is also inequitable.	numerous recent examinations and therefore demonstrably meets the requirements of Regulation 13.
Sainsbury's Supermarket Limited (SSL)	<p>The clear and fine gained viability evidence required to distinguish between and justify differential uses is absent from the evidence base. No detail is x as to the scale of the developments appraised, the threshold chosen of the impact of this on viability.</p> <p>Assumes that the single appraisal for each retail 'use' is representative of the market across the District</p>	<p>Refined modelling has been used that works through hypothetical development scenarios.</p> <p>The assumptions and assessments reflect the market data gathered and the rents and yields likely to be achieved in the locations where development is expected to come forward. It neither necessary nor feasible to test every conceivable type and location of development and a degree of generalisation is acknowledged to be acceptable for the purposes of CIL. Nonetheless, rates are set substantially below the identified maxima in order to ensure that they are applicable to the range of conditions likely to be found in the district.</p>
Sainsbury's Supermarket Limited (SSL)	The evidence does not take the reality of delivery schemes in Ryedale into account. The use of appropriate and 'readily available evidence' must seriously include details and data x from locally representative developments within and near to Ryedale.	The evidence has been gathered from a number of sources and is robust for the purposes of high level viability assessments to inform CIL charge setting. No alternative evidence that would give cause to make different assumptions is provided as part of the representation.
Sainsbury's Supermarket Limited	There should be a single CIL rate for all retail development within Ryedale.	Our evidence suggests there is scope for differentiation as they vary significantly between

(SSL)		development types.
Sainsbury's Supermarket Limited (SSL)	SSL is pleased that it is proposed to change a nil CIL rate an 'all other chargeable development'.	Noted.
Sainsbury's Supermarket Limited (SSL)	There is no evidence in the state aid consequences of charging differential rates for retail developments.	Charges can vary for use/scale or zone which it is demonstrated by the viability evidence.  Where such an approach is supported by the evidence, then there are no state aid issues.
Sainsbury's Supermarket Limited (SSL)	SSL is pleased that the Council intends to introduce an instalments policy which is important for development cash flow. It is requested that this is produced alongside the Draft Charging Schedule for consultation.	Noted.
Sainsbury's Supermarket Limited (SSL)	SSL is pleased that the Council proposes to introduce a policy to enable discretionary relief for exceptional circumstances and requests this is made available alongside the Draft Charging Schedule. It should include a mechanism by which the viability of schemes with considerable challenges can be taken into account.	Noted.
Sainsbury's Supermarket Limited	The Council will be required to reflect the CLG response to the Proposed Further Reforms to be CIL	Noted. This has been taken on board.

(SSL)	Regulations in the Draft Charging Schedule.	
WM Morrison Supermarkets plc	Object to the proposed CIL rates for retail development. It is significantly higher than those proposed by other LPA's and at this level is likely to have a significant adverse impact on the overall viability of future large scale retail developments particularly when taking into account other costs (eg, typical S.106 agreements). It will place undue risk on the delivery of food retail proposals and will be an unrealistic financial burden which will threaten new investments and job creation.	Charge rates reflect the viability assessments and are broadly in line with the almost all regional and sub-regional comparators, reflecting the similarities in market conditions across these areas. The charges proposed for supermarkets are highly unlikely to constrain viability given that it remains by far the best performing development sector in the UK and the CIL liability is lower than the S106 costs offered as part of many supermarket developments.
WM Morrison Supermarkets plc	The definition of a supermarket is 'grey' by reference to basket or trolley shopping	Retail differentiation, applying the definitions proposed, has been found sound at various examinations and is adequately clear.
North Yorkshire County Council (NYCC)	The position of having a differential CIL as expressed for residential development seems appropriate.	Noted.
North Yorkshire County Council (NYCC)	It is appropriate that supermarkets and retail warehousing are proposed for charging.	Noted.
North Yorkshire County Council (NYCC)	NYCC welcomes and supports the proposal to levy a nil charge rate upon public and industrial uses including community facilities. This should apply to extra care facilities development by a not-for-profit	Noted.

North Yorkshire County Council (NYCC)	social landlord in partnership with NYCC.  NYCC would be concerned if the payment of CIL by instalments delayed the receipt of funds as this could result in higher borrowing costs and risks for NYCC at a time of significant budgetary pressures. It could even result in it not being possible to deliver vital infrastructure and prevent development from commencing.	An instalments policy is necessary to allow some flexibility in development that faces substantial up-front costs. Investments by NYCC should only be made where funding is secured and it is acknowledged that this may, regrettably, result in some delays.
North Yorkshire County Council (NYCC)	Para 26 – land in lieu of CIL. This could have implications for NYCC and we urge that dialogue takes place before any such agreement is reached.	Regulations state that CIL can be paid by land or through the delivery of infrastructure by a developer instead of paying the rate.
McCarthy and Stone Retirement Lifestyles Ltd and Churchill Retirement Living Ltd (via the Planning Bureau Ltd)	The present wording is misleading. Reference is made to ‘private market houses’ when it is understood this is intended to include private x schemes.	Further viability assessments have been undertaken specific to retirement accommodation. The findings are set out in the Addendum Report.
McCarthy and Stone Retirement Lifestyles Ltd and Churchill Retirement Living Ltd (via the Planning Bureau Ltd)	The PDCS provides uniform levy rates for all forms of residential development and does not differentiate between houses, flats and specialist accommodation for the elderly. It fails to recognise the very specific viability issues associated with specialist accommodation for the elderly. This is recognised in the draft National Planning Practice Guidance and a specific viability assessment covering such a	Further viability assessments have been undertaken specific to retirement accommodation. The findings are set out in the Addendum Report.



	development scenario should be undertaken.	
Taylor Wimpey	Should be revisited to ensure that the residential approach results in a competitive land owner return as endorsed in Shinfield or CIL charges will not be viable/deliverable	The Shinfield decision is one decision, relating to a specific site being considered as part of the Development Management process. It is, therefore, of limited relevance for the purposes of CIL for which separate guidance and good practice exists.
Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	GVA on behalf of FME and FTL has undertaken a high level viability assessment of its own and consider that a charge of £43 per sq.m in lower value areas and £45 per sq.m in higher value areas would be more viable.	Our assessments undertaken using our evidenced assumptions suggest the published rates to be acceptable.
Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	GVA on behalf of FME and FTC has undertaken a high level viability assessment of its own and consider that a charge of £90 per sq.m for supermarkets would be more viable.	Our assessments undertaken using our evidenced assumptions suggest the published rates to be acceptable.
Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	GVA on behalf of FME and FTC has undertaken a high level viability assessment of its own and consider that a charge of £30 per sq.m for retail warehouse development would be more viable.	Our assessments undertaken using our evidenced assumptions suggest the published rates to be acceptable.
Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	FME and FTC strongly support the principle of a CIL instalments policy (paragraph 25)	Noted.

Ampleforth Parish Council	The PC supports the proposals but is concerned about the £100 maximum CIL payment per dwelling to the PC where there is no development plan.	Noted. This limitation relates to those areas without a Neighbourhood Plan. The limitation is, however, prescribed by Central Government.
North York Moors National Park Authority	The proposed higher rate zone adjoins the National Park boundary and the rate proposed is consistent with what is being suggested for residential development in the National Park.  It is important that there is consistency between the assessments of both authorities.	Noted.  Noted.
English Heritage	Paragraph 8: Support the intention to allow relief to be offered in exceptional circumstances. It should be offered where the requirement to pay CIL would have a harmful impact on the viability of developments which involve heritage assets, particularly these which are at risk.	Noted.
Country Land and Business Association	Pleased that Ryedale has chosen to set a nil levy for 'all other development'.	Noted.
Country Land and Business Association	In terms of residential development, CIL should not be applied to new dwellings which are required to accommodate these employed in agriculture, horticulture, forestry and other rural business. Such properties are not sold for development gain and are usually restricted by an occupancy condition. The charge is likely to render such projects unviable.	It is not possible to differentiate between a dwelling and an agricultural workers dwelling as they are not used differently, nor do they represent a different zone or scale of development. A residential rate would apply for all new dwellings built in Ryedale.



RYEDALE  
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Ryedale District Council

Community Infrastructure Levy  
Draft Charging Schedule

Published June 2014

## **The Charging Authority**

This Community Infrastructure Levy (CIL) Draft Charging Schedule has been published by Ryedale District Council. The Council will be both a Charging Authority and a Collecting Authority.

## **Statutory Compliance**

The Draft Charging Schedule has been approved for publication at a meeting of the Council held on 15 May 2014. It is published in accordance with Part 11 of the Planning Act 2008 (as amended), and the Community Infrastructure Levy Regulations 2010 (as amended).

In setting its CIL rates in accordance with Regulation 14(1) of the Community Infrastructure Levy Regulations 2010, Ryedale District Council has aimed to strike what is believed by the council to be an appropriate balance between:

- The desirability of funding from CIL (in whole or part) the estimated total cost of infrastructure required to support the development of the District, taking into account other actual and expected sources of funding; and
- The potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across the District.

## **Justifying the Introduction of CIL**

At the time of publishing (June 2014), the Council has identified an infrastructure funding gap of **£63,870,000**.

As a part of the economic viability study that supports the charging schedule, a revenue projection has been produced to identify the potential revenue from the proposed CIL rates over the life of the development plan. This figure is estimated at £14,599,950, approximately £973,330 per annum.

## **Scope of CIL**

The following development types will be liable to CIL:

- Development comprising 100m<sup>2</sup> or more of new build floorspace;
- Development of less than 100m<sup>2</sup> of new build floorspace that results in the creation of one or more dwellings, but excluding self-build properties; and
- The conversion of a building that has been abandoned.

## **CIL Exemptions and Relief**

The CIL regulations provide for certain types of development to be exempt or eligible for relief from CIL, as set out below:

### **Development exempt from CIL**

- The conversion of any building previously used as a dwelling house to two or more dwellings
- Development of less than 100m<sup>2</sup> of new build floorspace, provided that it does not result in the creation of a new dwelling
- The conversion of a building in lawful use, or the creation of additional floor-space within the existing structure of a building in lawful use
- Development of buildings and structures into which people do not normally go (eg, pylons, wind turbines, electricity sub stations)

#### **Development entitled to Mandatory Relief from CIL**

- Development by registered charities for the delivery of their charitable purposes, as set out in Regulation 43 of the Community Infrastructure Levy Regulations 2010
- Those parts of a development which are to be used as social housing, as set out in Regulation 49 of the Community Infrastructure Levy Regulations 2010

Where planning permission is granted for a new development that involves the extension or demolition of a building in lawful use, the level of CIL payable will be calculated based on the net additional floorspace. This means that the existing floorspace contained in the building to be extended or demolished will be deducted from the total floorspace of the new development, when calculating the CIL liability.

The definition of lawful use is contained in Regulation 6 (11(ii)) of the Community Infrastructure Levy Regulations 2010 (as amended), which states the following:

*“contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development”*

## CIL Rates

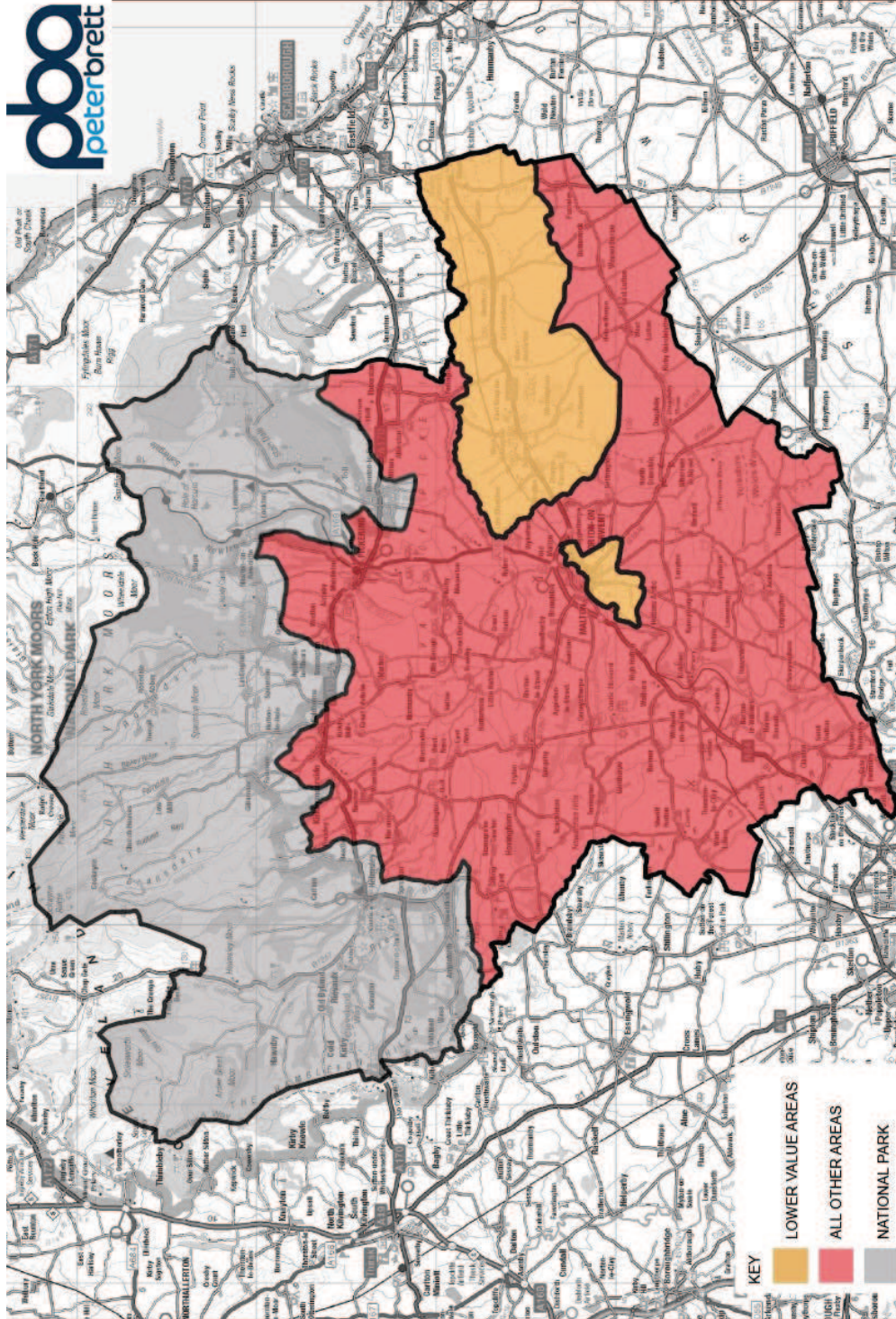
The economic viability study, undertaken by Peter Brett Associates (formerly Roger Tym and Partners), informs the CIL rates proposed for Ryedale District Council. The proposed charging schedule is as follows:

Use	CIL Charge per sq. m
<b>Private market houses (excl. apartments)</b>	
Low value areas	£55
All other areas	£70
<b>Supermarkets</b>	£120
<b>Retail Warehouse</b>	£60
<b>Public/Institutional facilities as follows: education, health, community and emergency services</b>	£0
<b>All other chargeable development (incl. apartments)</b>	£0

The definitions of the Supermarkets and Retail Warehouse are as follows:

- Supermarkets – Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include:
  - The area used for the sale of goods will generally be above 500 sq. m.
  - The majority of customers will use a trolley to gather a large number of products;
  - The majority of customers will access the store by car, using the large adjacent car parks provided; and
  - Servicing is undertaken via a dedicated service area, rather than from the street.
- Retail Warehouses – Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.

The charge zone areas are shown on map shown overleaf.





## **Supporting Information and Evidence Base**

The documents listed below support this CIL Draft Charging Schedule. All documents are available on the Council's website, or can be viewed at the District Council Offices, Ryedale House, in Malton.

- Ryedale Local Plan Strategy (adopted September 2013)
- Ryedale Infrastructure Delivery Plan (January 2012)
- Ryedale Community Infrastructure Levy Viability Assessment (August 2013)
- Ryedale Community Infrastructure Levy Addendum Report (January 2014)
- Draft Regulation 123 List

# Agenda Item 11

**RYEDALE  
DISTRICT  
COUNCIL**



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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>7 MAY 2014</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND HOUSING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>THE RYEDALE LOCAL DEVELOPMENT SCHEME</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 For Members to agree production milestones for the completion of the Ryedale Plan to be included in a revised Local Development Scheme.

### **2.0 RECOMMENDATION(S)**

- 2.1 It is recommended that:

- (i) The Ryedale Local Development Scheme be updated to reflect the adoption of the Local Plan Strategy and revised to reflect the timetable for the production of remaining local development documents as outlined in paragraphs 6.5, 6.7, 6.9 and 6.10 of this report.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 To progress the production of the Ryedale Plan and associated documents.

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks associated with this report. Risks to the delivery of the Plan in accordance with the timetable included in the Local Development Scheme (LDS) are outlined in the LDS.

### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 It is a statutory requirement for a Local Planning Authority to have in place an up to date Local Development Scheme. The LDS sets out the documents that a Local Planning Authority will produce as part of its development plan and establishes a timetable for doing so. It provides information on the adopted documents which

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**PLANNING COMMITTEE**

**7 MAY 2014**

constitute the development plan and provides information on the status of other supporting documents.

- 5.2 One of the key legal compliance tests at an examination of a Development Plan Document is that the document is produced in accordance with the Local Development Scheme.

## **6.0 REPORT**

- 6.1 The Council's existing LDS runs to 2014. The Council is now in a position to agree key elements of a new LDS now that the statutory challenge to the adoption of the Local Plan Strategy has been dropped. The challenge posed a significant risk to the Council's ability to move forward with certainty. The revised LDS will need to cover the period 2014-2017.

- 6.2 Members are aware that there are three documents that will be produced to complete the development plan for Ryedale and which will need to be retained in the LDS. These are - the Sites Development Plan Document, the Helmsley Plan and the new Policies/Proposals Map.

- 6.3 The current Local Development Scheme includes key milestones for the production of documents which reflect key formal statutory stages in the process. Whilst the process of producing these documents could be broken down further, it is considered appropriate to establish the timetable to reflect key formal milestones. This reduces the risk of the scheme being rendered unnecessarily out of date. It should be noted that the LDS is supported by regular web-site updates on the production of the plan which also serve to provide members of the public with the information needed to understand the process.

- 6.4 Members are aware that milestones for the production of the Helmsley Plan were agreed by Council on the 9 January 2014 when Council agreed the publication version of the Plan. These were as follows:

Publication: February 2014

Submission for examination: April 2014

Adoption: October 2014

- 6.5 The Helmsley Plan was published in accordance with the agreed milestone although the document will now be submitted in May 2014. This is due to the fact that the co-ordination of a joint response to the comments made at the publication stage has taken slightly longer than anticipated. This report provides the opportunity to amend the submission milestone to May 2014. It is considered that the October 2014 adoption milestone remains realistic at this stage.

- 6.6 Members will be aware that the production of the Sites Document is a priority for the authority and that this is a core area of work for the Forward Planning team over the course of the next year, alongside the impending examination of the Helmsley Plan and CIL charging schedule. The aim is to complete the site selection methodology and the technical work needed to inform its application, in the autumn of this year and to follow this with public consultation on preferred sites. It is anticipated that the Council will be in a position to agree the publication version of the plan (the version of the Plan it would wish to adopt) prior to the 2015 election with a view to formally publishing the plan after the election. Members should note that the Policies/

Proposals Map will be produced in tandem with the Sites Document.

- 6.7 The milestones for the production of the Sites Document and Proposals Map are proposed as follows:

Publication: May 2015  
Submission for examination: October 2015  
Adoption: October 2016

- 6.8 Clearly, if the Council is in a position to produce these documents in advance of these milestones then this would be a matter for a future report to this Committee.

- 6.9 Although the CIL Charging Schedule is not in itself a Development Plan Document, it is a significant document with implications for landowners and developers. For this reason, it is considered that the Local Development Scheme should include a timetable for the remaining formal stages in the process of introducing the CIL charge. These are proposed as follows:

Publication of Draft Charging Schedule: June 2014  
Submission for examination: August 2014  
Adoption: December 2014

- 6.10 The Local Development Scheme will also need to be revised to reflect the fact that the Local Plan Strategy is now adopted.

## **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:

- a) Financial  
The costs of producing the Ryedale Plan and supporting documents are included in existing budgetary provisions
- b) Legal  
It is a legal requirement to produce a Local Development Scheme
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
No other direct implications have been identified

## **8.0 NEXT STEPS**

- 8.1 The Local Development Scheme will be revised and made available on the Council's web-site.

**Gary Housden**

**Head of Planning and Housing**

**Author: Jill Thompson, Forward Planning Manager**

Telephone No: 01653 600666 ext: 327

E-Mail Address: [jill.thompson@ryedale.gov.uk](mailto:jill.thompson@ryedale.gov.uk)

**Background Papers:**

The Ryedale Local Development Scheme (January 2012)

**Background Papers are available for inspection at:**

[www.ryedale.gov.uk](http://www.ryedale.gov.uk)



# Agenda Item 13

## RYEDALE DISTRICT COUNCIL

### APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

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1.  
**Application No:** 10/00659/FUL **Decision: Approval**  
**Parish:** Harome Parish Council  
**Applicant:** Mr A Pern  
**Location:** Cross House Lodge Owmens Field Lane Harome York YO62 5JE  
**Proposal:** Change of use of agricultural land to a lawned area for erection of marquees for weddings and private parties with catering provided by the adjacent Cross House Lodge Hotel or Star Inn to include portable toilets and power supply from generator or adjoining hotel

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2.  
**Application No:** 10/00668/73A **Decision: Approval**  
**Parish:** Harome Parish Council  
**Applicant:** Mr A Pern  
**Location:** Cross House Lodge Owmens Field Lane Harome York YO62 5JE  
**Proposal:** Removal of Condition 10 of approval 01/00693/FUL dated 03.09.2001 to allow the dining room, snug and lounge to be used by non-residents for corporate events, meetings and private parties

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3.  
**Application No:** 13/00802/FUL **Decision: Approval**  
**Parish:** Middleton Parish Council  
**Applicant:** Cockerills (Dr Phil Cockerill)  
**Location:** Ashgrove Farm Marton Lane Pickering North Yorkshire YO18 8LW  
**Proposal:** Change of use of piggery to form dog kennels and associated amenities

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4.  
**Application No:** 13/00917/FUL **Decision: Refusal**  
**Parish:** Malton Town Council  
**Applicant:** Anchor Trust  
**Location:** Princess Court Princess Road Malton North Yorkshire  
**Proposal:** Installation of fire exit door with external access ramp and handrail to south elevation

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5.  
**Application No:** 13/01446/LBC **Decision: Approval**  
**Parish:** Aislaby Parish Council  
**Applicant:** Mr P Lee  
**Location:** Blacksmiths Arms Restaurant Main Street Aislaby Pickering North Yorkshire YO18 8PE  
**Proposal:** Conversion, alteration and extensions to former restaurant/inn with owners accommodation to form 2 no. four bedroom dwellings and erection of 1 no. three bedroom detached dwelling with associated parking and amenity areas (revised details to approval 11/01064/LBC dated 28.02.2012)

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6.  
**Application No:** 13/01449/TPO **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr D Chapman

**Location:** 8 West Lodge Gardens Malton North Yorkshire YO17 7YJ  
**Proposal:** To reduce the overall dimensions of the beech tree closest to the south western corner of the property by a maximum of 2m, and reduce the crown of the beech tree immediately to the south of the above beech tree back to the property boundary on the southern side and by a maximum of two metres on all other sides; and reduce those limbs on two lime trees to the west of the two beech above that extend over neighbouring property by a maximum of 3m and reduce the height of both trees by a maximum of 2m, and reduce all epicormic growths from both trees, all within TPO No. 153/1990

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**7.**  
**Application No:** 13/01460/73A **Decision: Refusal**  
**Parish:** Normanby Parish Meeting  
**Applicant:** Mr George Ray  
**Location:** Keepers Lodge Main Street Normanby Kirkbymoorside  
**Proposal:** Removal of condition 04 of approval 05/01371/FUL dated 10.03.2006 to allow the owners dwelling to be sold off or let separately from the Sun Inn

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**8.**  
**Application No:** 14/00028/FUL **Decision: Approval**  
**Parish:** Broughton Parish Meeting  
**Applicant:** A Raines & Son  
**Location:** Land West Of Beachcroft Lane Broughton Malton North Yorkshire  
**Proposal:** Erection of agricultural building for the housing of livestock and formation of hardstanding.

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**9.**  
**Application No:** 14/00037/FUL **Decision: Approval**  
**Parish:** Coulton Parish Council  
**Applicant:** Captain And Mrs Ogden  
**Location:** Potter Hill Farm Coulton Lane Coulton Helmsley YO62 4NG  
**Proposal:** Demolition of existing dwelling and erection of 1no. seven bedroom dwelling (including 2no. guest bedrooms) with associated service wing to include swimming pool, gym and other domestic leisure facilities and attached double garage/plant room with self-contained 2no. bedroom caretakers apartment above together with retention, alterations and extension of part of existing dwelling to form detached building comprising triple garage, office and storage (revised details to approval 13/00667/FUL dated 20.08.2013).

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**10.**  
**Application No:** 14/00057/HOUSE **Decision: Approval**  
**Parish:** Kirby Misperton Parish Council  
**Applicant:** Mr Hall  
**Location:** Farm View High Row Kirby Misperton Malton YO17 6XN  
**Proposal:** Erection of detached outbuilding to house 2no. kennels and additional storage area for domestic use, following demolition of existing kennel run

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**11.**  
**Application No:** 14/00058/HOUSE **Decision: Refusal**  
**Parish:** Lillings Ambo Parish Council  
**Applicant:** Mr Nigel Wilson  
**Location:** The White House Goose Track Lane West Lilling Malton YO60 6RP  
**Proposal:** Erection of extension to side and rear to incorporate a single garage / store with first floor storage above following demolition of existing detached single garage / store

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**12.**  
**Application No:** 14/00062/FUL **Decision: Approval**  
**Parish:** Cropton Parish Council  
**Applicant:** Mr M Ellerby  
**Location:** Land At OS Field No 3246 High Lane Cropton Pickering North Yorkshire  
**Proposal:** Erection of extension to existing agricultural storage building to provide housing for livestock

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**13.**  
**Application No:** 14/00111/FUL **Decision: Approval**  
**Parish:** Aislaby Parish Council  
**Applicant:** Mr Andrew Bradley  
**Location:** Wythe Syke Farm Marton Lane Pickering North Yorkshire YO18 8LW  
**Proposal:** Erection of a building for the sale of ice cream made on the farm.

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**14.**  
**Application No:** 14/00127/HOUSE **Decision: Approval**  
**Parish:** Oswaldkirk Parish Meeting  
**Applicant:** Mr Roger Dexter-Smith  
**Location:** The Old Orchard Manor View Oswaldkirk Helmsley YO62 5XT  
**Proposal:** Replacement of 19 no. timber double glazed windows with 19 no. UPVC double glazed windows.

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**15.**  
**Application No:** 14/00128/FUL **Decision: Approval**  
**Parish:** Westow Parish Council  
**Applicant:** Mr J Lambert  
**Location:** Westfield Farm Low Lane Westow Malton YO60 7LX  
**Proposal:** Alterations to existing agricultural storage building to allow housing of livestock.

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**16.**  
**Application No:** 14/00137/HOUSE **Decision: Approval**  
**Parish:** Marishes Parish Meeting  
**Applicant:** Mr And Mrs Brian Greenley  
**Location:** 2 Duchy Cottages Marishes Low Road Low Marishes Malton North Yorkshire YO17 6RJ  
**Proposal:** Erection of part two storey part single storey side extension and erection of a detached garage following demolition of existing extension and erection of replacement canopy over front entrance door

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**17.**  
**Application No:** 14/00139/FUL **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr D. Smith  
**Location:** Land South Of Westgate Carr Farm Westgate Carr Road Pickering North Yorkshire  
**Proposal:** Extension to existing touring caravan site to form additional 15 no. touring caravan pitches, and erection of toilet and amenities block

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**18.**  
**Application No:** 14/00142/ADV **Decision: Approval**  
**Parish:** Heslerton Parish Council  
**Applicant:** The Churches Conservation Trust (Mr Graham White)  
**Location:** St Andrew's Church Church Lane East Heslerton Malton North Yorkshire YO17 8RN  
**Proposal:** Display of 1 no. non illuminated double bay post mounted notice board



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**19.**  
**Application No:** 14/00143/ADV **Decision: Approval**  
**Parish:** Wintringham Parish Council  
**Applicant:** The Churches Conservation Trust (Mr Graham White)  
**Location:** Church Of St Peter Church Lane Wintringham Malton North Yorkshire  
**Proposal:** Display of 1 no. non-illuminated double bay post mounted notice board

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**20.**  
**Application No:** 14/00148/HOUSE **Decision: Approval**  
**Parish:** Sheriff Hutton Parish Council  
**Applicant:** Mr MW Easterby  
**Location:** New House Farm Sheriff Hutton Malton YO60 7TN  
**Proposal:** Erection of part two storey/part first floor side extension

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**21.**  
**Application No:** 14/00161/FUL **Decision: Approval**  
**Parish:** Salton Parish Meeting  
**Applicant:** Mr Shaw  
**Location:** Outbuilding To Rear Of Lockwoods Cottages Main Street Salton Kirkbymoorside  
**Proposal:** Change of use and alteration of domestic outbuilding to form a two-bedroom holiday let to include erection of single-storey extension to south elevation, parking spaces, amenity area and raising of eaves and ridge height of existing building

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**22.**  
**Application No:** 14/00164/FUL **Decision: Approval**  
**Parish:** Nawton Parish Council  
**Applicant:** Ambleside Homes (Mr P Mandefield)  
**Location:** 2 The Sidings Nawton Helmsley North Yorkshire YO62 7TJ  
**Proposal:** Erection of a detached 4 bedroom dwelling with detached garage and formation of vehicular access (revised details to plot 2 of approval 12/00699/MREM dated 15.10.2012).

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**23.**  
**Application No:** 14/00167/FUL **Decision: Approval**  
**Parish:** Harome Parish Council  
**Applicant:** S Barker And Sons (Mr S Barker)  
**Location:** Aby Green Farm Hall Lane Harome Helmsley YO62 5JH  
**Proposal:** Erection of an agricultural building for the housing of livestock and storage of produce

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**24.**  
**Application No:** 14/00179/73A **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Grantside Homes LLP (Mr Peter Callaghan)  
**Location:** Sutton Farm Langton Road Norton Malton YO17 9PU  
**Proposal:** Variation of condition 21 of approval 07/01116/FUL dated 11.6.2008 as amended by 13/01225/AMEND dated 08.11.2013 to allow the substitution of originally approved plans 3957/01 Site plan, 3957/05 Single storey houses, 3957/06 Proposed single storey houses, 3957/09 Proposed garages, by drawing Nos. SK10 Rev B Site plan, SK11 Rev B New single storey dwellings, SK12 Rev B New single storey dwellings, SK15 Rev D Upper site garages.

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**25.**

**Application No:** 14/00180/LBC **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Grantside Homes LLP (Mr Peter Callaghan)  
**Location:** Sutton Farm Langton Road Norton Malton YO17 9PU  
**Proposal:** Erection of 2 no. three bed dwellings with attached single garages and extension of existing detached garage/store to form 5 no. double garages and 1 no. single garage (revised details to part of approval 07/01117/LBC dated 19.06.2008)

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**26.**  
**Application No:** 14/00190/FUL **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr William Slann  
**Location:** St. Johns House 1 Langton Road Norton Malton North Yorkshire YO17 9AD  
**Proposal:** Change of use of part of dwelling to an osteopathic clinic (use class DI) with associated signage.

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**27.**  
**Application No:** 14/00196/HOUSE **Decision: Approval**  
**Parish:** Gilling East Parish Council  
**Applicant:** J Pern And P Silk  
**Location:** Church Cottage Main Street Gilling East Helmsley YO62 4JH  
**Proposal:** Erection of garden room to replace existing conservatory, first floor extension over part of existing single storey flat roofed extension, pitched roofs to existing flat roof dormers, porch to north elevation and alterations to west elevation including formation of central bay window.

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**28.**  
**Application No:** 14/00202/HOUSE **Decision: Approval**  
**Parish:** Helmsley Town Council  
**Applicant:** Mr & Mrs Trousdale  
**Location:** 7 Pottergate Helmsley YO62 5BU  
**Proposal:** Erection of rear single storey lean-to extension and flat roof extension with glazed roof lantern, removal of chimney stack, replacement roof over existing single storey extension, installation of 2no rooflights to existing detached stable and 2 no entrance gates and installation of ground mounted solar array of 9 no photo voltaic panels.

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**29.**  
**Application No:** 14/00205/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Carrs Billington Agriculture (Sales) Ltd (Mr J Farrow)  
**Location:** 31 Horsemarket Road Malton North Yorkshire YO17 7NB  
**Proposal:** Change of use of former Tyre and Exhaust Centre (Use Class B2) to a retail premises (Use Class A1) with associated signage.

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**30.**  
**Application No:** 14/00204/LBC **Decision: Approval**  
**Parish:** Huttons Ambo Parish Council  
**Applicant:** Mr And Mrs Jackson  
**Location:** Walker Fold The Green Low Hutton York YO60 7HF  
**Proposal:** External & internal alterations to include removal of internal blockwork wall, installation of 2 no. windows to south elevation, installation of two sets of french windows to west elevation to replace glazed screen and garage doors and installation of fireplace and external steel fire pipe to serve wood burning stove.

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**Application No:** 14/00212/73A **Decision: Approval**  
**Parish:** Gate Helmsley Parish Council  
**Applicant:** Mr M Machin  
**Location:** Balloon Tree Farm Shop And Cafe York To Driffield Road Gate Helmsley North Yorkshire YO41 1NB  
**Proposal:** Variation of condition 04 of approval 13/00184/FUL dated 29.05.2013 to replace drawing nos. WD/200-H WD/300-H and WD/100-1 by drawing nos. WD/200, WD/300, WD/600 and additional plan WD/500 - alterations to external appearance of building.

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**32.**  
**Application No:** 14/00228/CLEUD **Decision: Approval**  
**Parish:** Wintringham Parish Council  
**Applicant:** Trustees Of Major GRH Chomley (1967 Settlement)  
**Location:** Buildings At Thorndale Farm Main Street Wintringham Malton North Yorkshire  
**Proposal:** Certificate of Lawfulness that confirms works have been undertaken that constitute a "material operation" and consequently work has commenced on site and the planning permission has been implemented in accordance with Condition 01 of approval 10/00110/FUL dated 06.04.2010

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**33.**  
**Application No:** 14/00229/CLEUD **Decision: Approval**  
**Parish:** Wintringham Parish Council  
**Applicant:** Trustees Of Major GRH Chomley (1967 Settlement)  
**Location:** Church Farm Barns Main Street Wintringham Malton North Yorkshire  
**Proposal:** Certificate of Lawfulness that confirms works have been undertaken that constitute a "material operation" and consequently work has commenced on site and the planning permission has been implemented in accordance with Condition 01 of approval 10/00982/FUL dated 26.11.2010

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**34.**  
**Application No:** 14/00233/FUL **Decision: Approval**  
**Parish:** Thornton-le-Dale Parish Council  
**Applicant:** Mr Robert Hayne  
**Location:** Summer Tree Farm Thornton Lane High Marishes Malton North Yorkshire YO17 6UH  
**Proposal:** Installation of 40 no. solar PV panels on front and rear roofslopes of existing outbuilding to provide electricity for domestic use together with installation of cesspit tank

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**35.**  
**Application No:** 14/00234/FUL **Decision: Approval**  
**Parish:** Ampleforth Parish Council  
**Applicant:** Ampleforth Abbey & College (Mr David Read)  
**Location:** Ampleforth Abbey And College Ampleforth Helmsley YO62 4EN  
**Proposal:** Widening of and alterations to existing vehicular delivery access, to include relocation of retaining wall.

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**36.**  
**Application No:** 14/00236/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Andrew Taylor  
**Location:** 16 Parliament Avenue Norton Malton North Yorkshire YO17 9HF  
**Proposal:** Erection of first floor side extension.

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<b>37.</b>	<b>Application No:</b> 14/00246/FUL	<b>Decision:</b> Approval
	<b>Parish:</b> Aislaby Parish Council	
	<b>Applicant:</b> J D Lumley (Mr David Lumley)	
	<b>Location:</b> Highfield Grange New Lane Aislaby Pickering YO18 8PT	
	<b>Proposal:</b> Erection of an agricultural building to form covered manure store	
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<b>38.</b>	<b>Application No:</b> 14/00251/FUL	<b>Decision:</b>
	<b>Parish:</b> Weaverthorpe Parish Council	
	<b>Applicant:</b> Mr S Bannister	
	<b>Location:</b> Spaniel Farm Main Road Weaverthorpe Malton North Yorkshire YO17 8HE	
	<b>Proposal:</b> Erection of an agricultural potato/grain store	
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<b>39.</b>	<b>Application No:</b> 14/00252/HOUSE	<b>Decision:</b> Approval
	<b>Parish:</b> Wombledon Parish Council	
	<b>Applicant:</b> Mr James Ward	
	<b>Location:</b> Fauconberg Page Lane Wombledon York YO62 7SE	
	<b>Proposal:</b> Erection of single storey rear extension following demolition of existing conservatory	
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<b>40.</b>	<b>Application No:</b> 14/00255/LBC	<b>Decision:</b> Approval
	<b>Parish:</b> Malton Town Council	
	<b>Applicant:</b> Fitzwilliam (Malton) Estates (Mr K Davies)	
	<b>Location:</b> 61 Market Place Malton North Yorkshire YO17 7LX	
	<b>Proposal:</b> External and internal alterations to first, second and attic floor single flat to include removal of front stairs and supporting wall at first floor level and opening up of fireplace within kitchen, installation and removal of stud wall partitioning and installation of 3 no. conservation rooflights	
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<b>41.</b>	<b>Application No:</b> 14/00258/TPO	<b>Decision:</b> Approval
	<b>Parish:</b> Pickering Town Council	
	<b>Applicant:</b> Mr Richardson	
	<b>Location:</b> 1 Norman Close Pickering North Yorkshire YO18 7AZ	
	<b>Proposal:</b> To remove epicormic growths from, and crown thin by 10% a single sycamore, and reduce the lower southern facing limb by 1.5m, and thin out northern scaffold limb by 10% of a single beech within G2 of TPO No. 35/1966.	
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<b>42.</b>	<b>Application No:</b> 14/00266/HOUSE	<b>Decision:</b> Approval
	<b>Parish:</b> Bulmer Parish Council	
	<b>Applicant:</b> Mr M Collins	
	<b>Location:</b> Rose Cottage Main Street Bulmer Malton YO60 7LB	
	<b>Proposal:</b> Erection of single-storey rear extension	
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## Appeal Decision

Site visit made on 25 March 2014

**by Roger Catchpole Dip Hort BSc (hons) PhD MCIEEM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 April 2014**

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**Appeal Ref: APP/Y2736/D/14/2214331**

**Derwent Dale, York Road, Stamford Bridge, York, North Yorkshire YO41 1AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Colin Boot against the decision of Ryedale District Council.
  - The application Ref 13/01067/HOUSE, dated 1 January 2013, was refused by notice dated 31 January 2014.
  - The development proposed is described as the 'erection of two storey extension to the rear and side following demolition of an existing flat-roofed rear extension and prefabricated garage and store and culverting of section of water course to enable improved vehicle manoeuvring in the interests of road safety'.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I note that the appellants have submitted a revised plan (Ref RDC/1309/01/1A) in their evidence. However, the appeal process should not be used to evolve a scheme and it is important that the facts before me are essentially what was considered by the Council, and the ones on which interested people's views were sought. Although amendments that are agreed by both parties can be considered in exceptional circumstances, their acceptance is dependant on two things. Firstly that their scope is relatively minor and secondly, that in accepting them, the interests of other people engaged in the case are not prejudiced.
3. The proposed amendments set out in the revised plan are significant in scope, involving the remodelling of both the front and rear elevations. Given the degree of difference, I am concerned that those with an interest in the case may well have a view on the nature and scope of the amendments set out in the revised plan. Given that they have not had an opportunity to comment I have determined this appeal on the basis of the original plan (Ref RDC/1309/01/1). Necessarily, this means that comments relating to the revised plan made in the appellant's statement have been discounted in my determination of the case.
4. I have taken into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching my decision.

## **Main Issues**

5. As the appeal site is within the Green Belt the main issues are:
- Whether the proposal is inappropriate development for the purposes of the *National Planning Policy Framework 2012* (the Framework);
  - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the host property and the local area; and
  - if the proposal is inappropriate development, whether the harm by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

## **Reasons**

6. The site is located in open countryside and faces onto a main road (A166) that links the nearby settlement of Stamford Bridge with York. The host property is partially screened by a mixed hedge with only the roof and gable ends of the bungalow visible to passing road users.

### *Whether inappropriate development?*

7. Paragraphs 89-90 of the Framework set out those categories of development which may be regarded as not inappropriate, subject to certain conditions. These exceptions comprise buildings and other facilities listed in paragraph 89.
8. Whilst the extension and replacement of buildings can be considered as exceptions, proposals must not lead to disproportionate additions over and above the size of the original building or be materially larger than the ones they replace. Given the nature of the development, the key consideration in this instance is whether the extension would be disproportionate.
9. I note from the plan that the proposed scheme would lead to an extension that would be substantially larger than the retained front elevation and which could not, through any reasonable interpretation, be considered proportionate or subservient to the existing property. Indeed, the Council have estimated that this would lead to an increase in volume of approximately 160%, which is undisputed by the appellants.
10. Given these facts, I conclude that the two storey extension to the property is clearly inappropriate development and is, by definition, harmful to the Green Belt.

### *Openness and character and appearance*

11. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. This is defined by an absence of built or otherwise urbanising development. Since the scheme would lead to a significant increase in both the volume and the footprint of the original property it would, by definition, reduce the openness of the Green Belt.
12. I observe that the host property currently has an inconspicuous appearance owing to the partial screening from the hedge at the front and the backdrop provided by nearby trees and woodland to the rear. However, the significant increase in mass that is being proposed would break the skyline and greatly

increase its prominence to passing road users. The disproportionate nature of the extension would also lack any sympathy with the host property and would create a highly incongruous addition of discernibly poor design.

13. The appellants have drawn my attention to a number of 2-storey properties in the vicinity where planning permission has apparently been granted. Whilst I acknowledge some similarities, in terms of overall mass, I do not have the full details of these permissions before me nor any evidence to suggest that current policies applied when they were constructed. I also note that the stated support from parish councillors is uncorroborated and in any event would not outweigh the harm that I have identified. As a result I give these matters little weight in the balance of this appeal.
14. Taking the above into account I conclude that there would be a degree of harm to openness as well as significant harm to the character and appearance of both the host property and the local area, in addition to the harm that would arise from the inappropriate nature of the development. For these reasons I conclude the proposals would be contrary to the guidance in the Framework as well as policies SP13 and SP16 of the Rydale Local Plan Strategy with Main Modifications and Additional Modifications 2013.

#### *Other Considerations*

15. The fact that the appellants were unaware that the property was in the Green Belt and that development was therefore restricted is a matter to which I can attach only very little weight. The Green Belt was designated before they acquired the property and this is a fact that was in the public domain prior to purchase. Similarly, the need to store furniture and belongings in a garden shed should have been apparent prior to purchase and is also something to which I can attach only very limited weight.
16. I find the justification of the need for a 2-storey property to act as a flood refuge unconvincing. This is because I have no evidence before me that the property is prone to flooding. The appellants themselves have also acknowledged that the property is in a low risk flood zone of the River Derwent. Consequently I give this no weight in the balance of this appeal.

#### **Conclusion**

17. Having considered all matters raised in support of the proposal, I conclude that, collectively, they do not clearly outweigh the totality of harm I have identified in relation to the Green Belt and local character. Accordingly, no very special circumstances exist that would justify allowing the development. I therefore conclude that this appeal should be dismissed.

*Roger Catchpole*

INSPECTOR