

PLANNING COMMITTEE

Tuesday 1 July 2014 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes of the meeting held on 3 June 2014** (Pages 3 - 10)
- 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** (Pages 11 - 12)
- 6 **14/00383/MOUT - Land to North of Sutton Grange, Langton Road, Norton, Malton** (Pages 13 - 87)
- 7 **13/01141/MFUL - Land At Allotments, Broughton Road, Malton** (Pages 88 - 185)
- 8 **14/00340/MFUL - Cedar Barn Farm Shop, Thornton Road, Pickering** (Pages 186 - 206)

- 9 **14/00430/MFUL - Birch Farm , The Terrace, Oswaldkirk** (Pages 207 - 226)
- 10 **14/00358/FUL - Store At Fullerton House, Marishes Low Road, Low Marishes, Malton** (Pages 227 - 251)
- 11 **14/00372/FUL - Jamies Cragg Caravan Site , Castle Howard Station Road, Welburn** (Pages 252 - 266)
- 12 **14/00409/FUL - Building Opposite Glebe Farm, Bull Moor Lane, Flaxton, Malton** (Pages 267 - 287)
- 13 **13/01242/CLEUD - Steam and Moorland Garden Centre, Malton Road, Pickering** (Pages 288 - 297)
- 14 **Any other business that the Chairman decides is urgent.**
- 15 **List of Applications determined under delegated Powers.** (Pages 298 - 304)
- 16 **Update on Appeal Decisions** (Pages 305 - 307)

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 3 June 2014

Present

Councillors Arnold (Substitute), Mrs Frank (Vice-Chairman), Hicks, Hope, Maud, Richardson, Mrs Sanderson, Mrs Shields (Substitute), Windress (Chairman) and Woodward

Substitutes: Councillor S Arnold (for Councillor Mrs C Goodrick) and Councillor Mrs E Shields (for Councillor Mrs L M Burr MBE)

In Attendance

Jo Holmes, Gary Housden, Shaun Robson, Jill Thompson, Mel Warters, Daniel Wheelwright and Anthony Winship

Minutes

1 **Apologies for absence**

Apologies were received from Councillors Mrs Goodrick and Mrs Burr.

2 **Minutes of meeting held on 7th May 2014 and 24th April 2014**

Decision

That the minutes of the meeting of the Planning Committee's held on 7 May 2014 and 24 April 2014 be approved and signed by the Chairman as a correct record.

[For 5 Against 0 Abstain 5]

3 **Urgent Business**

There was no urgent business.

4 **Declarations of Interest**

There were no declarations of interest.

5 **Schedule of items to be determined by the Committee**

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

6 **14/00096/MOUT - Agricultural Contractors, Welham Road, Norton, Malton**

14/00096/MOUT - Residential development of 18 no. dwellings following demolition of existing agricultural type buildings (site area 0.54ha).

Decision

PERMISSION REFUSED – As recommended.

[For 10 Against 0 Abstain 0]

7 **14/00312/MFUL - Land At Westfield Farm, Westfield Lane, Normanby**

14/00312/MFUL - Change of use of agricultural land to form a 50 pitch touring caravan site to include erection of a single storey service building, formation of new vehicular access to the north and excavation of 300m x 90m lake (maximum dimensions).

Decision

APPLICATION WITHDRAWN

8 **14/00316/MREM - 5 Welham Road, Norton, Malton**

14/00316/MREM - Erection of 3no. retail units (Use Class A1) and children's day nursery (Use Class D1).

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 10 Against 0 Abstain 0]

9 **14/00347/MFUL - Area Of Hardstanding To East Of Wombleton Caravan Park, Moorfields Lane, Wombleton, Kirkbymoorside**

14/00347/MFUL - Change of use of concrete hardstanding to provide caravan storage area.

Decision

APPLICATION WITHDRAWN

10 13/00880/73A - Eastfield Lodge, Long Lane, Great Barugh, Malton

13/00880/73A - Variation of Condition 02 (agricultural occupancy condition) of approval 3/94/7B/PA dated 15.05.1978 to allow local needs occupancy.

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 10 Against 0 Abstain 0]

11 13/00973/FUL - Eastfield Lodge, Long Lane, Great Barugh, Malton

13/00973/FUL - Change of use of land to form an extension to domestic curtilage and erection of single-storey detached log cabin for use as a residential annex.

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 8 Against 2 Abstain 0]

12 14/00412/FUL - Land Adj Cro's Nest, Brawby Lane, Brawby, Malton

14/00412/FUL - Erection of a two-bedroom bungalow, detached garden store and formation of 2no. parking spaces.

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 10 Against 0 Abstain 0]

13 14/00424/ADV - The Rose, 9 Bridge Street, Pickering

14/00424/ADV - Display of 1no. externally illuminated name board sign and 1no. non-illuminated fascia sign to south elevation, 2no. non-illuminated amenity signs and 1no.externally illuminated sign comprising individually applied enamel letters to east elevation, 1no. externally illuminated name board sign, and 1no. non-illuminated sign comprising individually applied enamel letters to west elevation together with installation of 2no. wall-fixed lanterns either side of east entrance door, to replace existing signage.

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 10 Against 0 Abstain 0]

14 14/00425/LBC - The Rose, 9 Bridge Street, Pickering

14/00425/LBC - Display of 1 no. externally illuminated name board sign and 1 no. non-illuminated fascia sign to south elevation, 2 no. non-illuminated amenity signs and 1 no. externally illuminated sign comprising individually applied enamel letters to east elevation, 1 no. externally illuminated name board sign, and 1 no. non-illuminated sign comprising individually applied enamel letters to west elevation together with installation of 2 no. wall-fixed lanterns either side of east entrance door, to replace existing signage.

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 10 Against 0 Abstain 0]

15 14/00426/MOUTE - Land At Edenhouse Road, Old Malton, Malton

14/00426/MOUTE - Erection of new livestock market (sui generis) comprising circa. 2,850 sq m floorspace: Agricultural Business Centre comprising circa. 6,010 sq m of floorspace for uses within Use Class A1, A2, A3, D1, B1, B2, B8 and agricultural vehicle sales (sui generis); and new Business Park comprising circa. 19,040 sq m of floorspace for uses within Use Class B1, B2, and B8 including premises for The Ginger Pig comprising 1,790 sq m of floorspace (for uses falling within Class B1, B2, B8 and A1) along with (in respect of all elements) all associated development including drainage, provision of services, landscaping, boundary treatments, attenuation ponds and access and associated highway works. (Site area 17.8ha).

Decision					
SITE VISIT					
[For	10	Against	0	Abstain	0]

16 **14/00427/MOUTE - The Showfield, Pasture Lane, Malton**

14/00427/MOUTE - Demolition of existing buildings and structures and erection of circa 227 residential dwellings (Use Class C3) along with all associated development including drainage, landscaping, cut and fill, formation of earth bund, boundary treatments (including noise mitigation measures) provision of services and access and associated highway works (site area 11.90ha).

Decision					
SITE VISIT					
[For	10	Against	0	Abstain	0]

17 **14/00428/MOUTE - Land South Of, Westgate, Old Malton, Malton**

14/00428/MOUTE - Demolition of existing buildings and structures, conversion of retained buildings to residential dwellings and erection of new residential dwellings (Use Class C3) (circa 35 dwellings in total) along with all associated development including drainage, landscaping, boundary treatments, provision of services and access and associated highway works (site 2.0ha).

Decision					
SITE VISIT					
[For	10	Against	0	Abstain	0]

18 **14/00429/MOUTE - Land At Rainbow Lane, Malton**

14/00429/MOUTE - Erection of circa 45no. affordable residential dwellings (Use Class C3) along with all associated development including drainage, landscaping, formation of earth bund, boundary treatments (including noise mitigation measures) provision of services and access and associated highway works (site area 3.4 ha).

Decision					
SITE VISIT					
[For	10	Against	0	Abstain	0]

19 **Exempt Information**

Exempt Information

It was moved by Councillor Mrs Frank and seconded by Councillor Mrs Shields that the meeting move into exempt session.

Upon being put to the vote the motion was carried.

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 that the public be excluded from the meeting for the following item as there was likely to be disclosure of exempt information as defined in Paragraph 5 (Legal Privilege) of Part 1 of Schedule 12A of the Act as the information provided relates to legal advice which attracts legal privilege. It was recommended that the Planning Committee meeting on this agenda item took place in private, to protect the Council's defence at the planning inquiry. Releasing confidential and legal advice in advance of the inquiry could damage the Council's case, which would not be in the public interest.

[For 10 Against 0 Abstain 0]

20 **Gladman Planning Appeal - Kirkbymoorside - Arrangements for Defending the Appeal**

The Planning Committee considered a report prepared by the Council Solicitor which had been previously circulated.

Members were advised that Gladman Developments Limited had lodged an appeal against the decision of the Planning Committee meeting on 4 February 2014 to refuse planning application 13/01314/MOUT for up to 225 dwellings, etc on Land at Westfields, New Road to Kirkdale Lane, Kirkbymoorside. It has been confirmed that the matter will be dealt with by Public Inquiry.

Accordingly, officers had sought independent professional opinions from a Planning Consultant and a Landscape Consultant and legal advice on the reasons for refusal, and a late report was circulated to Members on defending the appeal.

Members were also informed that Planning Practice Guidance: Appeals (6/5/2014) advises that Local Planning Authorities should review their case promptly once an appeal has been lodged.

Decision

That the Planning Committee resolves as follows:

1. That Reason for Refusal 1 be amended to delete reference to SP12 and paragraph 131 of NPPF, as follows:

“The proposed development by virtue of its scale and form would result in the expansion of the town in a way which would result in significant and demonstrable harm to its form and character. The proposal is not in accordance with the principle of the Ryedale Plan Local Plan Strategy (adopted September 2013) which seeks to accommodate new development at the town in a way which seeks to retain its traditional north/south axis and form in the landscape and is not in accordance with Policies SP16 and SP20 of the Local Plan Strategy. In this respect the proposal is also contrary to Paragraph 17 (bullet point 5) of the National Planning Policy Framework.”

2. That Reason for Refusal 2 be withdrawn.

3. That the wording of Reason for Refusal 3 be revised to read:

“The proposed development is contrary to Policy SP1 of the Local Plan Strategy (adopted September 2013) in that it will extend significantly beyond the western edge of the existing settlement to the extent that it will not ensure the sensitive expansion of Kirkbymoorside. Accordingly, the proposed development by virtue of its size is contrary to, and would undermine, the strategic approach and development principles for accommodating development at the Town which is established in Section 3 of the Local Plan Strategy.”

- 4 That Reason for Refusal 4 be withdrawn.

5. That Reason for Refusal 5 be withdrawn

[For 8 Against 2 Abstain 0]

Councillors Woodward and Richardson requested that their vote be recorded.

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

There was no urgent business.

22 **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.

23 **Update on Appeal Decisions**

Members were advised of the following appeal decisions.

APP/Y2736/D/14/2216568 – The Barn, 5 Mistle Corner, Wilton, Pickering, YO18 7LZ

APP/Y2736/A/13/2201109 – Wind Farm on Land at East Heslerton Wold, East Heslerton

Meeting Closed at 8.35pm

Agenda Item 5

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 01/07/14

6

Application No: 14/00383/MOUT

Application Site: Land To North Of Sutton Grange Langton Road Norton Malton North Yorkshire

Proposal: Erection of 15no. dwellings (site area 0.7ha)

7

Application No: 13/01141/MFUL

Application Site: Land At Allotments Broughton Road Malton North Yorkshire

Proposal: Erection of 27no. 4-bed dwellings, 23no. 3-bedroom dwellings, 17no. 2-bed dwellings and 16no. 1-bed dwellings, associated garages, parking, public open space and landscaping

8

Application No: 14/00340/MFUL

Application Site: Cedar Barn Farm Shop Thornton Road Pickering North Yorkshire YO18 7HZ

Proposal: Laying of 600m of 7¼ inch wide miniature railway track, formation of tunnel, excavation of duck pond and extension of existing car park to form 20no. additional car parking spaces.

9

Application No: 14/00430/MFUL

Application Site: Birch Farm The Terrace Oswaldkirk York YO62 5XZ

Proposal: Erection of an agricultural grain store with associated landscaping - retrospective application (revised details to approval 12/00582/MFUL dated 20.09.2012).

10

Application No: 14/00358/FUL

Application Site: Store At Fullerton House Marishes Low Road Low Marishes Malton North Yorkshire

Proposal: Change of use and alterations of outbuilding to form a two bedroom dwelling to include formation of vehicular access and associated parking and amenity area.

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 01/07/14

11

Application No: 14/00372/FUL

Application Site: Jamies Cragg Caravan Site Castle Howard Station Road Welburn York YO60 7EW

Proposal: Change of use of land to allow the siting of 2 no. two bedroom holiday lodges and formation of parking spaces

12

Application No: 14/00409/FUL

Application Site: Building Opposite Glebe Farm Bull Moor Lane Flaxton Malton

Proposal: Erection of single storey extension forming office and staff amenities to serve existing marquee hire business

13

Application No: 13/01242/CLEUD

Application Site: Steam And Moorland Garden Centre Malton Road Pickering North Yorkshire YO18 7HG

Proposal: Certificate of Lawfulness in respect of the retail sales of goods in breach of condition 06 of approval 00/00400/OUT dated 04.08.2000 for more than 10 years before the date of this application

RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 14/00383/MOUT
Parish: Norton Town Council
Appn. Type: Outline Application Major
Applicant: Mr David Tatham
Proposal: Erection of 15no. dwellings (site area 0.7ha)
Location: Land To North Of Sutton Grange Langton Road Norton Malton North Yorkshire

Registration Date: 1 April 2014
8/13 Wk Expiry Date: 1 July 2014
Overall Expiry Date: 30 June 2014
Case Officer: Shaun Robson **Ext:** 319

CONSULTATIONS:

Parish Council	Recommend refusal
Property Management	Contributions required
Highways North Yorkshire	Recommend conditions
Countryside Officer	No objection subject to conditions
Archaeology Section	No objection
Land Use Planning	No objections
Sustainable Places Team (Yorkshire Area)	No comments to make
Housing Services	No objection
Building Conservation Officer	No objection, recommend conditions
Mr Jim Shanks	No objection
North Yorkshire Education Authority	Contributions required
Tree & Landscape Officer	Recommend conditions
National Grid Plant Protection	No views received to date

Neighbour responses: Mrs Myers, Sally McGibbon, P J Gray, Mrs Christine Davenport, K.B & J Fisher, Mr Barker, Mrs J Power, A Henderson, E M Shaw, Margaret Mackinder,

SITE:

The application site is situated at the southern end of Norton to the west of Langton Road outside of the 'saved' development limit. The site is bounded by a wooded area to the immediate north, with housing to the east. Sutton Farm is situated to the immediate east. It is a Grade II Listed Building with permission for conversion to 4 dwellings together with the erection of 2 new-build dwellings.

The site measures 0.7 hectares and is currently accessed via a track onto Langton Road. It is comprised of grassland, with trees and hedges throughout the site and along the eastern boundary with Langton Road.

PROPOSAL:

Permission is sought in outline for the erection of 15 dwelling houses, 3 detached two-storey dwellings, 6 two-storey dwellings and 6 single-storey terrace properties with rooms in the roofspace. Members should be aware that the access onto Langton Road and layout are the only matters for consideration at this stage with all other matters reserved for a future reserved matter application. A Residential Design Guide has been submitted with the application to illustrate the scale and appearance of the individual properties. The Design Guide has been prepared by the applicants to ensure that an appropriate form of development comes forward on the site. It is proposed, by the applicant, that the 'guide' will be adhered to and this will be secured through a planning condition.

HISTORY:

13/00835/MOUT: Residential development (site area 0.7ha), Land to north of Sutton Grange, Langton Road, Norton, Malton - WITHDRAWN 21.10.2013

POLICY:

National Planning Policy Framework

Achieving Sustainable Development

Presumption in favour of Sustainable Development

- Paragraphs 11, 12, 13, 14, 15 and 16

Core Principles

- Paragraph 17

Supply a Prosperous Rural Economy

- Paragraph 28

Delivering a wide choice of High Quality Homes

- Paragraphs 47, 49, 50, 55

Requiring Good Design

- Paragraph 57

Conserving and Enhancing the Natural Environment

- Paragraphs 109, 115, 116 and 118

Conserving and Enhancing the Historical Environment

- Paragraphs 128, 129, 131, 132 and 133

Decision-Taking

- Paragraphs 186, 187, 196 and 197

National Planning Practice Guidance (NPPG)

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 SP10 - Physical Infrastructure
Policy SP11 - Community Facilities and Services
Policy SP12 - Heritage
Policy SP13 - Landscapes
Policy SP14 - Biodiversity
Policy SP16 - Design
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

PUBLICITY:

8 letters of objection and 2 petitions containing a total of 115 signatures have been received from residents. An objection has also been received from the Town Council. These cite some or all of the following points:-

- The application site is outside of the development limit;
- The proposal represents an over-development of the site;
- Traffic impact, specifically the entrance destroying the open countryside and impact on school;
- Impact of the development on the setting of Sutton Grange, a Grade II Listed Building;
- Impact of the proposal on local wildlife;
- Loss of mature trees will destroy the setting of Sutton Grange;
- Bungalows would be more appropriate on the application site;
- The development is not required;
- The proposed design of the properties can not be enforced;
- Norton has accommodated its fair share of residential development over the last few years;
- The proposal will have a detrimental impact on the amenity of Sutton Grange and Sutton Farm;
- The development will detract from the historic setting of both Sutton Farm and Sutton Grange;
- The proposal does not represent a traditional agricultural grouping in terms of the layout and design, contrary to the applicants ascertain;
- The development is premature in advance of the allocations plan, which will undoubtedly include more appropriate sites;
- The local infrastructure (roads, sewers etc) are inadequate and incapable of accommodating the proposal;
- The development should be restricted, if approved, to single storey bungalows;
- The development will result in an unacceptable loss of trees and hedgerow; and
- The development conflicts with the NPPF.

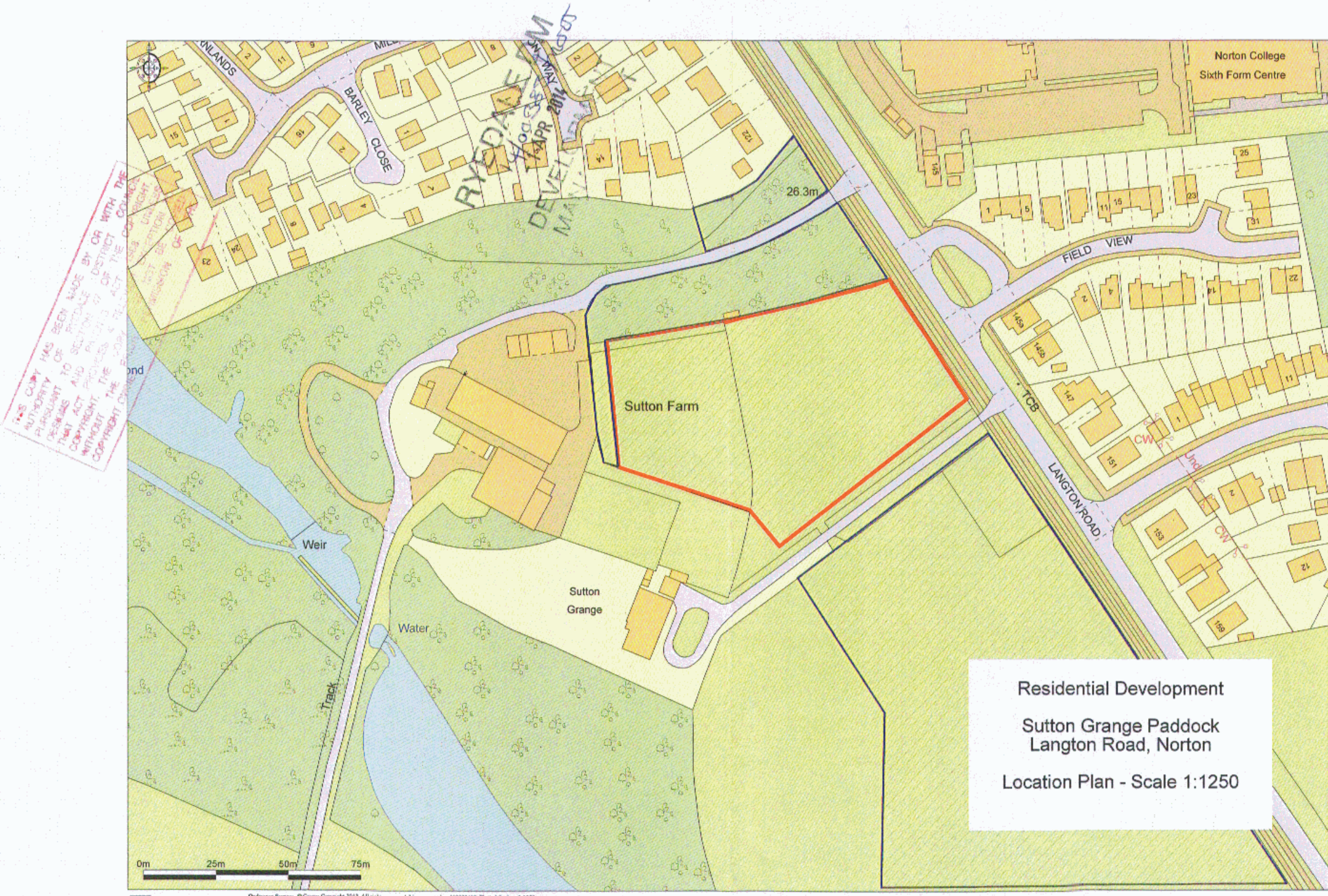
APPRAISAL:

The application is subject to ongoing discussions in relation to the impact of the development on the setting of the Listed Building.

A full appraisal and recommendation will follow within the late pages.

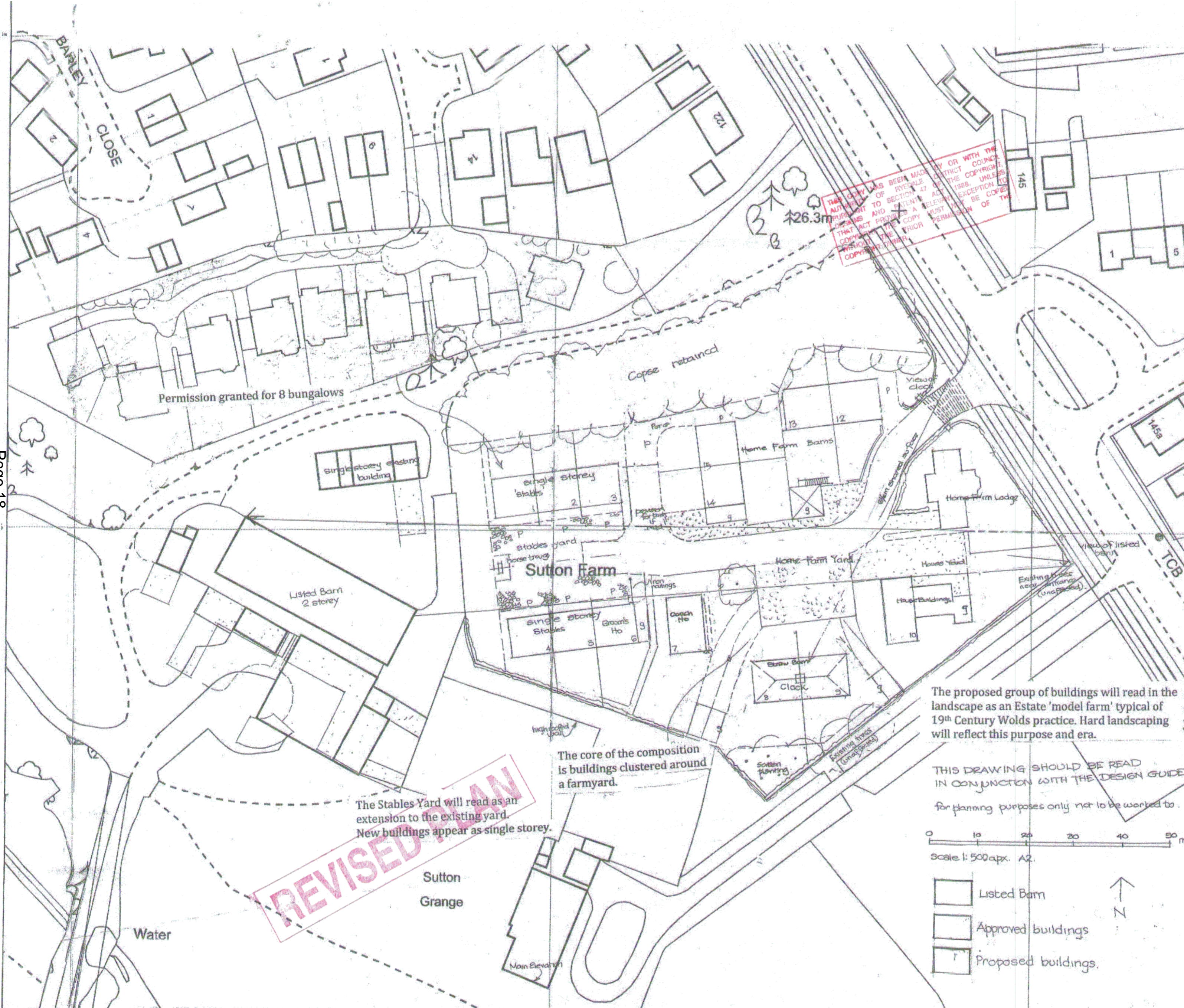
RECOMMENDATION: **Made at the Meeting**

PLANNING COMMITTEE



Notes for Page 1

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01/05/2014 16:51:50
EMMA.WOODLAND



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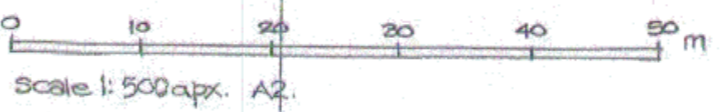
Project		Proposed Model Farm Scheme	
Location		Land at Sutton Grange Paddock Norton Upon Derwent	
Client		Mr D Tatham	
Drawing		Site Layout	
date	March 2014	drawing no.	5A
scale	1:500 apx after others	project no.	0003/1
drawn	MT	revision	
checked			

Permission granted for 8 bungalows

Copee retained

The proposed group of buildings will read in the landscape as an Estate 'model farm' typical of 19th Century Wolds practice. Hard landscaping will reflect this purpose and era.

THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH THE DESIGN GUIDE for planning purposes only not to be worked to.



- Listed Barn
- Approved buildings
- Proposed buildings



The Stables Yard will read as an extension to the existing yard. New buildings appear as single storey.

The core of the composition is buildings clustered around a farmyard.

REVISED PLAN

Malcolm Tempest Ltd
Architecture, Planning & Design

HIGH PARKS, NEWTON-LE-WILLOWS
BEDALE, NORTH YORKSHIRE, DL8 1TP
Telephone: 01677 450777 Fax: 01677 450744

24.72 x 16.67

Project	Proposed Model Farm Scheme		
Location	Land at Sutton Grange Paddock Norton Upon Derwent		
Client	Mr D Tatham		
Drawing	Site Layout		
date	March 2014	drawing no.	5A
scale	1:500 apx after others	project no.	0003/1
drawn	MT	revision	
checked			



Permission granted for 8 bungalows

single storey existing building

Listed Barn 2 storey

single storey stables

Sutton Farm

single storey stables

Coach Ho

Clock

Home Farm Barns

Home Farm Lodge

Home Farm Yard

House Buildings

The core of the composition is buildings clustered around a farmyard.

The Stables Yard will read as an extension to the existing yard. New buildings appear as single storey.

The proposed group of buildings will read in the landscape as an Estate 'model farm' typical of 19th Century Wolds practice. Hard landscaping will reflect this purpose and era.

THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH THE DESIGN GUIDE for planning purposes only not to be worked to.

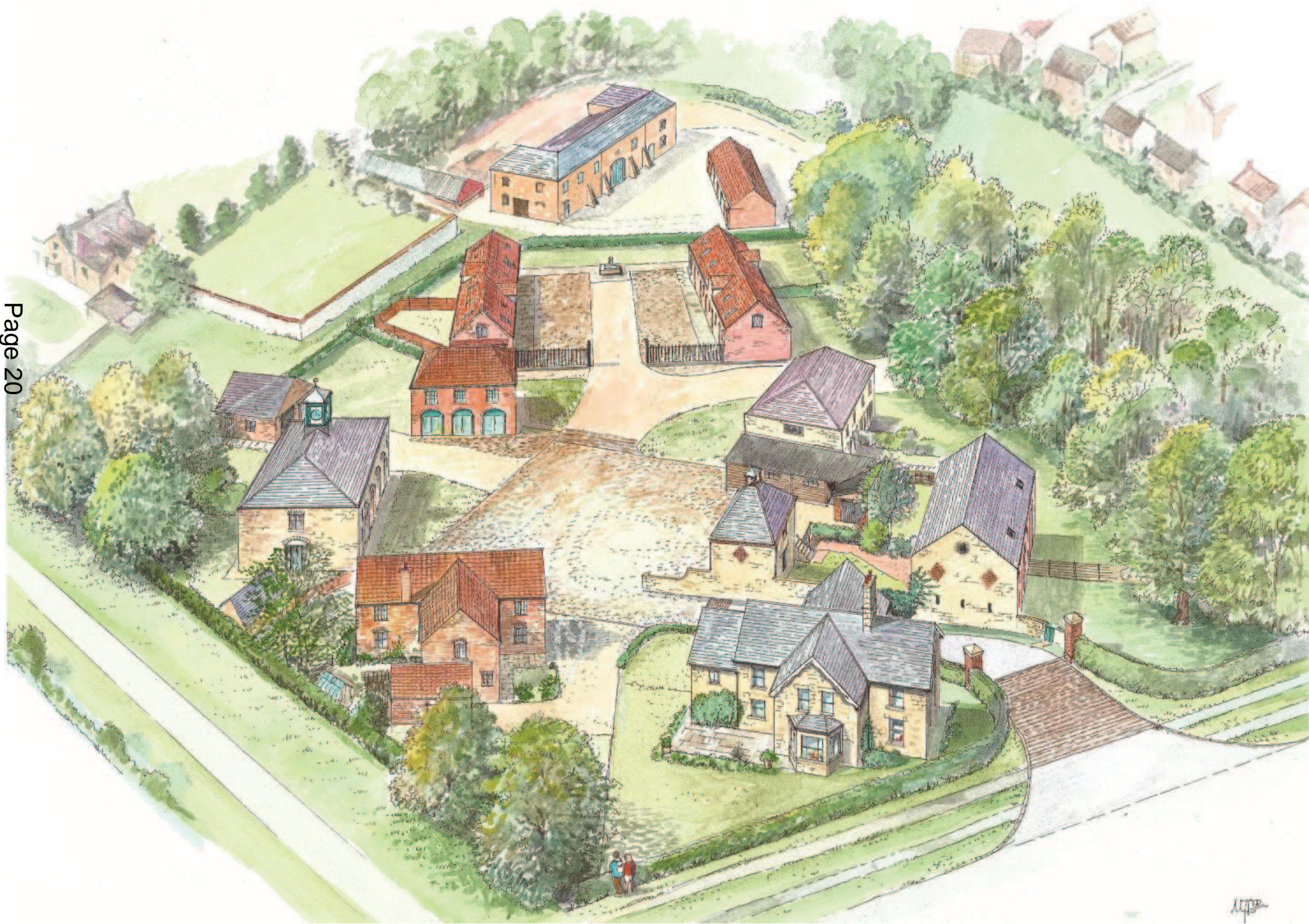
Scale 1:500 apx. A2.

- Listed Barn
- Approved buildings
- Proposed buildings.

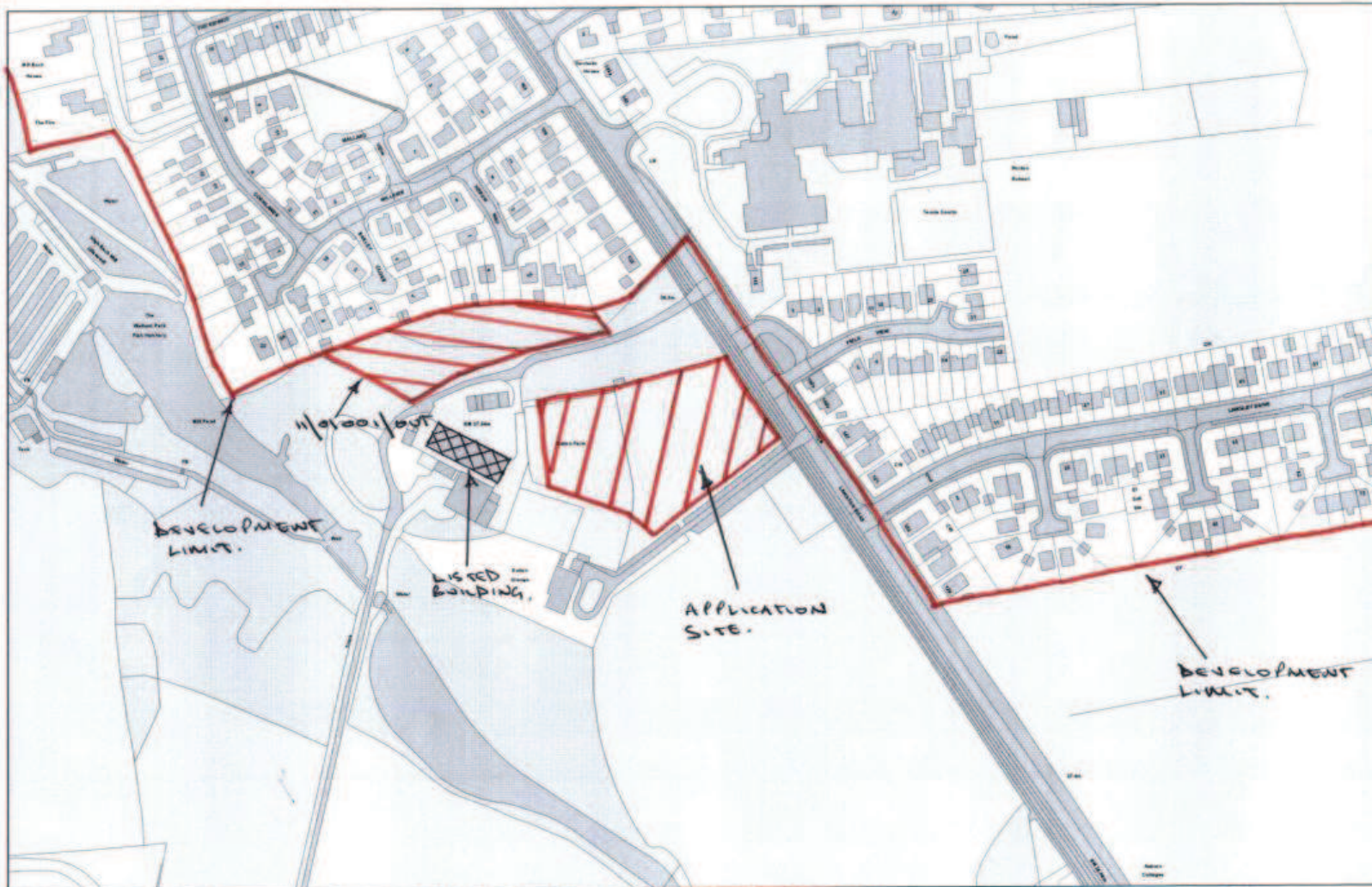
REVISED PLAN

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Date:	23 June 2014
SLA:	Not Set
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RYEDAILE DM
14/00383/moot

APR 2014

DEVELOPMENT
MANAGEMENT

OUTLINE PLANNING APPLICATION FOR
THE ERECTION OF 15 DWELLINGS

SUTTON GRANGE Paddock, LANGTON
ROAD, NORTON

PLANNING, DESIGN AND
ACCESS STATEMENT

March 2014

O'Neill
ASSOCIATES

Chartered Town Planning Consultants

Lancaster House James Nicolson Link Clifton Moor York YO30 4GR 01904 692313 www.oneill-associates.co.uk

Outline planning application for the erection of 15 dwellings

Sutton Grange Paddock, Langton Road, Norton

Planning, Design and Access Statement

March 2014



Chartered Town Planning Consultants

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- 1.0 Introduction
- 2.0 Site and Surroundings
- 3.0 Planning History
- 4.0 Proposals for Development
- 5.0 Public Consultation
- 6.0 Planning Policy Context
- 7.0 Appraisal
- 8.0 Conclusion

Appendices

- 1. Planning Application Forms
- 2. Planning Application Drawings
- 3. Site Photographs
- 4. Residential Design Guide
- 5. Transport Statement
- 6. Ecological Survey
- 7. Archaeological Desk Top Survey
- 8. Drainage Assessment

March 2014
Nsg1403.sta.gh(v2)

INTRODUCTION

- 1.1 This Statement is provided in support of an outline planning application for the erection of 15 dwellings on 0.7ha of land at Sutton Grange Paddock, which lies to the west of Langton Road at the southern end of Norton. The application seeks approval for access and layout with all other matters reserved for a future reserved matters application. A Residential Design Guide is submitted as part of the application to show the scale and appearance of individual properties. The Design Guide has been prepared to ensure that an appropriate form of development comes forward on the site and it is proposed that adherence with this document be secured through a legal agreement.
- 1.2 The Statement provides an assessment of the site and its surroundings and a description of the development proposals. It outlines the planning policy context for the site and considers how the proposal responds to the key policy issues. This includes a review of the current housing land supply in Ryedale, which influences the policy context against which the proposals will be considered.
- 1.3 A number of supplementary reports and statements are provided as part of the planning application package. These address various aspects of the development such as the approach to design (Appendix 4), transport (Appendix 5) ecology (Appendix 6) archaeology (Appendix 7) and drainage (8).

2.0 SITE AND SURROUNDINGS

- 2.1 The application site comprises 0.7ha of land on the southern edge of Norton. It is roughly hexagonal in shape, with a frontage (east) along Langton Road of 80m, a northern boundary of 90m and the western boundary of 60m. The southern boundary has a slight V-shape with a western arm which is 75m long and an eastern arm that is 80m long.

- 2.2 There is a copse of trees along the northern edge of the site, outside the red-line boundary. The copse is approximately 35m wide on its western edge, adjacent to Langton Road, and tapers down to approximately 20m on its eastern edge (see Photographs 1-7 in Appendix 3). The application site is open paddock land with mature hedgerows on the eastern, western and south western boundaries. The land is fairly flat but has a slight rise of approximately 0.5m north to south and approximately 0.2m east to west.
- 2.3 Immediately to the west is Sutton Farm, which has a collection of buildings including a 2 storey Grade II Listed stone barn. Access to the barn is provided by an existing gravel drive, which connects to Langton Road to the east. Further to the west, beyond Sutton Farm, there is linear residential development along Welham Road with open fields, trees, a watercourse and weir and a riding stables on the intervening land. There is fairly tight-knit housing development on the northern and eastern sides of the site. On the opposite side of Langton Road to the east, housing extends 100m beyond the southern boundary of the application site. Residential development to the north is separated from the application site by an area of trees and an access road which runs parallel to the northern boundary connecting Sutton Farm to Langton Road.
- 2.5 Sutton Grange, a detached 2.5 storey Victorian dwelling house, lies within its own grounds approximately 30m to the south west of the application site. Beyond this are open fields and a watercourse. An access road runs parallel to the southern boundary of the application site connecting Sutton Grange to Langton Road.
- 2.6 The site lies within 1km of a range of local shops and services within Norton town centre. These include a Post Office, a Costcutter supermarket, a Doctor's surgery and leisure facilities at Derwent swimming baths. Additional shops and services are located within Malton town centre, including Malton train station, which lies within 1.5km of the application site. Hourly train services run from here to York, Leeds, Manchester and Scarborough. The nearest bus stop is at the Field View bus lay-by,

100m east of the application site. An hourly bus service runs between here and Norton and Malton.

3.0 PLANNING HISTORY

- 3.1 The land at Sutton Grange Paddock is owned by the Tatham family, the former occupants of Sutton Grange and the previous owners of Sutton Barn. Over the last three years, the paddock has been promoted as a potential housing allocation in the Ryedale Local Plan. However, there have been delays in the production of the Local Plan allocations document and in February 2013 an outline application was submitted to develop the site for 14 dwellings.
- 3.2 The outline application followed a series of recent planning permissions granted for residential development in the surrounding area. In June 2008 planning permission and listed building consent was granted for the change of use and alteration of the Sutton Barn to form 4 dwellings (including the retention of an existing cottage in its west pavilion), the change of use of an adjacent joinery shop to form a dwelling house and the erection of 2 new build dwellings with associated garages and stores. In February 2013, outline planning permission was granted for the erection of 8 bungalows on land to the south of Heron Way, which lies immediately to the north of the application site, beyond the copse of trees outside its northern boundary. The approved layouts for these developments are shown on the Site Plan at Appendix 2.
- 3.3 The proposals at Heron Way were approved at a time when the Council could not demonstrate a five year supply of deliverable housing sites, creating an overriding need to release land for residential development. By the time the proposals at Sutton Grange paddock were due to be considered at Planning Committee in October 2013, the Council indicated a housing land supply in excess of 5 years, effectively removing that requirement. The draft committee report recommended the refusal of the application for the following reasons:

- *The proposed development by reason of its scale and proximity to Sutton Grange Barn would result in substantial harm to the setting and character of the Listed Building*
- *The proposed illustrative design reflects an atypical suburban estate layout that will result in an uncharacteristic form of development which will neither respect the character and context of the immediate locality nor will it be integrated with the immediate surrounding*
- *The Council has a five year land supply.....The application site lies outside the defined development limits of the Ryedale Plan.....It constitutes private market housing in the wider open countryside and is therefore contrary to policy SP2.*

3.4 The Committee Report acknowledged that the site offered a relatively sustainable location for development and that the impact of the proposals on residential amenity, ecology and archaeology could be appropriately mitigated through conditions. However, due to the concerns raised by officers regarding the impact of the development on the setting of the Grade II Listed Sutton Grange Barn, a decision was taken to withdraw the application and to revise the scheme prior to it being considered by Members.

3.2 The Tatham family are keen to ensure that an appropriate form of development comes forward on the site, one which is sympathetic to the setting of Sutton Barn, respects Sutton Grange and is befitting of this important location on the southern approach in to Norton. Therefore, they have commissioned an architect who specialises in rural development to revisit the design and to develop a scheme based on the 'model farm' concept. The revised scheme was submitted to Planning and Conservation Officers at the Council in January and subsequently discussed at a site meeting on 18 February 2014. At the meeting, officers provided helpful comments about the need to create a loose form of development, which allowed views of the listed building from Langton Road. Although they maintained some reservations over the principle of development in this location, they accepted that the degree of harm caused to Sutton Barn would be less than substantial and that this harm should be weighed against the public benefit.

3.3 In response to the comments provided by Council officers, further revisions have been made to the scheme and these are discussed in the following section of this Statement.

4.0 PROPOSALS FOR DEVELOPMENT

4.1 The revised application is directly tailored to overcome officer's reservations to the previous scheme. The proposed development is for the erection of 15 dwellings across the 0.7ha paddock. The site layout is provided at Appendix 2 and shows a loose pattern of development, laid out in the form of a traditional farm stead. The Residential Design Guide at Appendix 4 provides details on the scale and form of development. It deals with each plot individually, prescribing the appropriate architectural style and elevational detailing. Illustrative floorplans are also provided for some of the dwellings to demonstrate that it is possible to provide practical layouts within the building envelopes established in the Design Guide. Based on these layouts, it is envisaged that the development will deliver a mix of 2, 3 and 4 bedroom dwellings with the larger 2 storey properties located in the eastern part of the site and a cluster of single storey dwellings at the western end, closest to the residential properties at Sutton Farm and Sutton Grange. Five of the properties would be affordable units and the provision of these units would be secured through a S106 Agreement between the applicant and the Council.

4.2 Access would remain from Langton Road in a central location along the site's eastern boundary. This was previously in the form of a standard 5.5m carriageway with 2m wide footways on either side but is now a 6.5m wide shared surface accessway with 10m radii at the junction, providing 2.4 x 70m visibility splays in either direction. The shared surface will run in a south-westerly direction, leading in to a rectangular 'farm yard' at the centre of the site. There is a short turning head at the western end of the farm yard and the western branch of this turning head leads in to a further 'stables yard' at the western boundary of the site.

- 4.3 Of the 15 units proposed, 8 will have garages either internally or in the form of ancillary outbuildings. Car parking for the single storey properties at the western end of the site is provided in the stable yard and a further 2 parking spaces are provided at the northern end of the turning head to serve plot 15.
- 4.4 The copse of trees beyond the northern edge of the site will be retained and access to this area for future maintenance will be available both through the site and via a separate entrance off Langton Road. Existing trees and hedgerows along the eastern, southern and western boundaries will also be retained, except where their removal is required to facilitate access or to provide opportunities for views through the development towards Sutton Barn. Detailed landscaping proposals for the site will follow as part of a future reserved matters planning application. However, the Residential Design Guide offers some advice on the treatment of areas of hard surfacing around individual buildings.
- 4.5 It is proposed that foul water drainage will be disposed of via a connection to the combined sewer system serving Langton Road. Surface water will be dealt with via a combination of soakaways and piped systems and will discharge to the existing watercourse to the west of the site. The rate of surface water discharge will be restricted to greenfield run off rates in order to neutralise the impact of development on this watercourse. It is anticipated that a planning condition will be attached to any outline planning permission requiring detailed drainage proposals to be submitted for future consideration prior to the commencement of development. The drainage statement at Appendix 8 sets out the drainage options for the development.
- 5.0 **PLANNING POLICY CONTEXT**
- 5.1 Determination of the application for planning permission is to be made under Section 38(6) of the Planning and Compulsory Purchase Act 2004, having regard to the Development Plan and material considerations.

- 5.2 The Ryedale Plan is the 'Development Plan' for Ryedale. The Plan is to be made up of two main parts: the Local Plan Strategy and the Local Plan Sites document. The Local Plan Strategy was adopted in September 2013. The Council is now preparing the Local Plan Sites Document. Therefore, this application is to be determined in accordance with the Local Plan Strategy, as well as relevant 'saved' policies of the Ryedale Local Plan (2002), including the adopted proposals maps for the district. The National Planning Policy Framework (2012) is a material consideration.

Ryedale Local Plan (2002)

- 5.3 The proposals map for the 2002 Local Plan shows the site as unallocated land located on the southern edge of Norton, beyond the development limits of the town.

Ryedale Local Plan Strategy (2013)

- 5.4 The Local Plan Strategy for Ryedale sets out the spatial vision for the District and outlines the policy objectives for the delivery and distribution of housing development over the next 15 years. Policy SPI identifies Malton and Norton as the principal town within the District where the majority of new development and growth should be focused. It highlights a number of opportunities for growth, which include greenfield sites on the edges of the towns for low / medium density family housing and accommodation to address the needs of a local ageing population. Paragraph 4.16 (housing) acknowledges that although brownfield land will be prioritised, greenfield sites will be required. It states that there are limited opportunities that exist to provide new development within the current built up areas of the main towns in the District and those opportunities that do exist are constrained for a number of reasons.
- 5.5 Policy SP2 sets out the approach to the deliverability and distribution of new housing. It states that sufficient land will be allocated to provide for 200 homes per

annum and the release of sites will be phased and managed in conjunction with other sources of supply to facilitate a continuous delivery of 200 homes per annum. Housing completions which exceed the planned annual build target by up to 25% (i.e. 50 units) will not be deducted from the overall number of homes to be provided across the plan period. In effect, this introduces a 'zone of tolerance' for house completions. It is designed as a positive, flexible and plan led approach which is responsive to delivery. The policy targets at least 50% of all new housing development to be provided in Malton and Norton with new build housing taking place within development limits and on small, medium and large extension sites around the towns. Due to the constraints associated with brownfield sites within development limits, the supporting text to the policy recognises that the vast majority of land needed to accommodate the planned rate of housing will come from greenfield sites on the edges of the main settlements and this will involve some harm to landscape and biodiversity.

- 5.6 Policy SP3 relates to affordable housing. It states that the Council will seek 35% of new dwellings as affordable housing on site (in settlements outside West and South West Ryedale) as part of developments of 5 dwellings or 0.2ha or more.
- 5.7 Policy SP4 advises on the type and mix of new housing that will be required to retain a balanced housing stock and provide choice in the housing market. Here, specific reference is made to the importance of diversifying the range of open market housing available to older people through the provision of smaller open market dwellings and a greater supply of bungalows.

Open Space, Leisure and Recreational Facilities

- 5.8 Policy SP11 advises that all new residential development will be expected to contribute to the provision of open space, leisure and recreational facilities and schemes of 15 dwellings or more will be required to include on-site provision of informal amenity space unless it is considered impractical or unfeasible and an off-site contribution is more appropriate.

Heritage Assets and Biodiversity

- 5.9 Policy SP12 advises that distinctive elements of Ryedale's historic past will be conserved and, where appropriate, enhanced. Policy SP14 advises that biodiversity in Ryedale will be conserved, restored and enhanced by supporting development proposals that aim to conserve or enhance biodiversity through prevention of loss of a habitat or species and incorporation of beneficial biodiversity features. The policy requires development schemes to provide a net gain in biodiversity.
- 5.10 Policy SP19 (Presumption in Favour of Sustainable Development) states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

The National Planning Policy Framework

- 5.11 The National Planning Policy Framework (March 2012) is a material consideration in determining planning applications; it sets out the Government's planning policies for England and outlines how they are expected to be applied.
- 5.12 Paragraph 6 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 advises that in order to be sustainable, development must perform an economic, social and environmental role. The first element includes contributing to a strong economy and ensuring sufficient land of the right type in the right places to support growth. The second includes supporting strong, vibrant and healthy communities and creating a high

quality built environment with access to local services. The third includes protecting and enhancing the natural and historic environment.

- 5.13 Paragraph 14 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development and that local planning authorities should positively seek opportunities to meet the development needs of their area and approve without delay development proposals that accord with the development plan.
- 5.14 Paragraph 17 of the Framework states that that the core land-use planning principles which Councils should adopt to underpin decision-taking include:
- identifying and meeting the housing, business and other development needs of an area, and responding positively to wider opportunities for growth
 - supporting the transition to a low carbon future and encouraging use of renewable resources
 - actively manage patterns of growth that make the fullest possible use of public transport, walking and cycling and focus significant development in sustainable locations
- 5.15 Paragraph 32 advises of the need for safe and suitable access to developments to be secured for all people and for opportunities for sustainable transport modes to be taken up.
- 5.16 To boost housing supply Paragraph 47 advises that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving planned supply. The Ryedale Plan does make provision for a 20% supply buffer but this will be an amount of land which will be identified in the Local Plan Allocations document and is not a buffer which is designed to increase planned annual rates of house

building. For annual house building figures, the Council applies a 10% buffer to account for the non-implementation of live planning permissions and this figure is derived from their Strategic Housing Land Availability Assessment 2013.

- 5.17 Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.18 Paragraph 50 advises local planning authorities to:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community
 - identify the size, type, tenure and range of housing required
 - set policies for meeting affordable housing need
- 5.19 Paragraph 66 states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment.
- 5.20 Paragraph 132 relates to the impact of proposed development on the significance of designated and non-designated heritage assets. It states that great weight should be given to the assets conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 5.21 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

6.0 PUBLIC CONSULTATION

- 6.1 Prior to the submission of the previous application, discussions were held with the owners of Sutton Grange and Sutton Farm whose properties are closest to the application site. As a result of these discussions, it was proposed to limit the height of development along the western boundary of the site to single storey and this principle has been retained in the revised scheme.
- 6.2 During the Council's consultation on the previous application, some local residents raised concerns over the potential to increase the density or scale of the proposed development, which was shown indicatively at the time. The layout of the revised scheme is now fixed and the scale of individual properties is tied to the layout by the Residential Design Guide, removing any uncertainty regarding the form of development proposed. The impact of the proposals on views of Sutton Farm and Sutton Grange from Langton Road was also raised but this has been addressed through a revised layout, which now seeks to accommodate these views. The remaining concerns related to the principle of development in this location, traffic, boundary treatments and the loss of trees, hedgerows and wildlife habitat. No further consultation was carried out in relation to these issues. Although they may be repeated by some residents in consultation on the revised proposals, the draft committee report acknowledges that an objection cannot be sustained regarding the impact of development on protected species or habitats. Landscaping, including boundary treatments, is a matter reserved for future determination.

7.0 APPRAISAL

Principle of Development

- 7.1 The proposed development site lies outside the settlement limits of Norton as defined by the Proposals Map and saved Policy H7 of the Ryedale Local Plan. Over the last couple of years, the Planning Committee has granted planning

permission for a number of housing developments outside of settlement limits, including Norton and Malton. These decisions were partly made on the basis that the Council could not demonstrate an up-to-date five year supply of deliverable housing sites, creating an overriding need to release land for residential development in line with Paragraph 49 of the NPPF.

- 7.2 Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.3 The Council's housing land position was most recently updated in November 2013. There is a requirement to plan for 200 homes per year and given this target, the required five year deliverable housing land supply is 1000 dwellings, with a further 10% allowance for non-implementation (as set out in the Strategic Housing Land Availability Assessment). At November 2013, the Council demonstrated a deliverable supply of 1156 dwellings and a further 141 plots had been given consent in principle subject to the signing of planning agreements. This provides a total of 1297 dwellings, which equates to a housing land supply of 6.49 years. With a non-implementation rate of 10% the supply is reduced to 5.84 years.
- 7.4 However, the total number of dwellings as at November 2013 included 210 units from an outline planning permission granted for the development of land at West Field, Kirbymoorside. This decision was taken at Planning Committee in August 2013 but is currently subject to a judicial review. Whilst the review is ongoing, the applicants have submitted a revised application for the provision of 225 units, which was refused by Planning Committee at their meeting of 4 February 2014. It is understood that the committee decision is now being appealed and that the judicial review into the initial decision is on hold, pending the outcome of the appeal. In these circumstances, the provision of 210 dwellings at Kirbymoorside

cannot be included in the five year supply of deliverable housing sites and this position has been confirmed by officers at the Council. Excluding these units, and applying the non-implementation rate of 10%, the supply position stands at 978 dwellings or 4.89 years supply.

- 7.5 There is also the issue of the extent of this supply which can be attributed to the recent outline planning permission to develop 168 assisted living units at Cross Gates Lane in Pickering. It is understood that the C3 residential elements of the scheme amount to 100 dwellings (0.5 years supply), although this is an approximate figure provided by the Council and the tenure of these units is unclear. The documents submitted as part of the application consider the proposed development to be a C2 use but this is dependent on the level of care provided, which will be tailored to need of individual occupants. The legal agreement attached to the consent imposes strict qualifying criteria on potential residents to ensure that they are from the local area, over the age of 60 and in need of personal care and assistance.
- 7.6 This, combined with the fact that reserved matters are yet to be submitted creates some uncertainty as to whether the whole 100 dwellings identified in the Council's 5 year supply of housing sites could be delivered within that time period. If a detailed design were to be approved within a year, it would be unlikely that the first phase of development would come forward before 2016. Delivery rates will be constrained by the process of qualifying for residency, meaning the prospect of the entire C3 residential elements of the scheme coming forward prior to 2018 would be unlikely. A more detailed assessment of this scheme is required in terms of the tenure of individual units and the phasing and delivery of development before it can be included in the 5 year land supply for the District.
- 7.7 Notwithstanding the above, the previous analysis shows that at best, the Council is able to demonstrate a deliverable housing land supply of 4.89 years and therefore, the presumption in favour of sustainable development set out in Paragraph 49 of the NPPF should be applied. In reality, the supply position is likely to fluctuate

during the course of the planning process, although it is understood that there are no major housing applications in the system which could dramatically alter the position. Furthermore, the approach of the Local Plan Strategy is designed to be positive and flexible. The figure of 3000 new homes to be provided over the plan period is expressed as a minimum and Policy SP2 advises that completions which exceed the planned annual build targets of 200 units by up to 25% will not be deducted from the total number of homes. In this context, the Council is in a position to consider and approve small scale housing developments that comply with policies in the Local Plan Strategy and would not prejudice the overall aims of the plan.

- 7.8 The proposal is for a small scale residential development on the edge of Norton, which is identified as by Local Plan policy SP1 as a Principal town and the primary focus for growth. The opportunities for growth are outlined in the supporting text to the policy and include greenfield sites on the edges of the town for low / medium density family housing and accommodation to address the needs of a local ageing population. The proposed development is consistent with these aims. It is a low density scheme of 15 houses, which would equate to 21 dwellings per hectares and includes a mix of family housing and some smaller bungalows for older persons, for which there is a shortfall across the district.
- 7.9 In terms of being sustainable, the proposal responds to the need to perform the economic, social and environmental roles outlined in the NPPF in the following manner. In economic terms, the development will contribute to a strengthening of the economy by helping focus development in the right place to support growth; ie. on the edge of the Principal Town. In terms of a social role, the proposals will help meet the housing needs of present and future generations. It will provide a diverse mix of 2, 3 and 4 bedroom houses including 5 much needed affordable units and 6 bungalows in a location which has very good access to local services and has the potential to create a high quality built environment; it will therefore support a strong, vibrant and healthy community. In terms of an

environmental role, it will not have an adverse impact on the natural and historic environment and has the potential to enhance the former.

Heritage and Design Issues

- 7.10 The impact of development on the historic environment, in particular, the setting of the Grade II Listed Sutton Barn, was the main issue raised by Council officers in their consideration of the previous scheme for the site. Their view was that the design reflected an atypical suburban estate layout that would result in an uncharacteristic form of development which would not respect the character or context of the immediate locality. It was considered that the development would result in substantial harm to the setting of the listed barn and would lead to a degraded island of historic character within a suburban landscape. At the time, the Council claimed a housing land supply was in excess of 5 years and therefore, officers considered that there was no overriding requirement to bring the site forward given the adverse impact on the registered historic asset.
- 7.11 In order to address these concerns, the revised scheme has moved away from the 'suburban' form of the previous proposals to a more organic rural pattern of development, with individual properties and outbuildings located around a central 'farm yard' and western 'stables yard'. The 'model farm' concept is articulated by the Residential Design Guide at Appendix 4. The Design Guide deals with each property individually, prescribing the appropriate architectural style and elevational detailing by drawings on examples in the local vernacular. The result is a development which will reinforce local distinctiveness and respect the context provided by its surroundings in line with Local Plan Policy SP16.
- 7.12 Amongst the criteria of policy SP16 is the need to respect views that are provided by historic buildings and structures and this point was also raised by officers at the recent pre-application meeting. At present, views of Sutton Barn from Langton Road are screened by a 2m hedgerow which extends the length of the eastern boundary. However, it is proposed to remove a section of this hedgerow at the

south east corner of the site in order to allow for views towards the listed building and the layout of development has been designed to accommodate these views. Views of Sutton Grange will also be available from this position on Langton Road down the linear shared accessway pointing towards the house, meaning that the visual link between the two properties will be restored.

7.13 Historic maps of the area show that the existing drive to Sutton Grange was not an original feature of the farmstead. The report produced by Jennifer Deadmen in 2007 refers to the whole site as being encompassed by a design landscape of mature trees which not only accommodated a shared access drive to Langton Road but, as occasion demanded, a circuitous route to Sutton Grange, which swept around the perimeter of the parkland avoiding the working farm. It is thought that the concept of this design was to channel the approach to the house and barn from the western side. The boundaries to this route are shown on the historic maps to be heavily planted, which would obscure views of the building group until the point of arrival to the west. The loss of trees overtime has enabled views of the building from the east and these are preserved by the proposed layout. As the majority of the application site lies outside of the previous 'parkland' environment, there is no loss of historic planting. The positions of dwellings along the southern boundary of the site are set at a suitable distance from mature trees which line the driveway to Sutton Grange. These trees fall outside the application site but appropriate measures will be taken during the construction period to ensure their protection.

7.14 The stone barn lies within 10m of the western boundary of the application site. From this point the barn angles away towards the north west and there is a mature hedgerow on the boundary between the barn and the application site (see Photograph 8). This combination of distance, orientation and hedgerow will help mitigate the effect of the development on the setting of the barn. It should also be noted that the applicant has entered an Option Agreement with the owner of Sutton Barn which provides the latter with a 2 year option to purchase a 6m wide

strip of land on the western edge of Sutton Grange Paddock. This Agreement includes a clause that no building higher than single storey shall be erected within 15m of the new boundary. Implementation of this Agreement would mean that there would be no building higher than single storey within 21m of the listed barn.

- 7.15 To reflect this position, the site layout and the Residential Design Guide show that only single storey dwellings would be provided around the stables yard on the western edge of the site. The applicants are aware that the opportunity to take up the Option Agreement may not be pursued. However, they are content for housing units within 15m of the western boundary of the application site to be restricted to single storey to ensure that there is no adverse impact on the setting of this listed barn.
- 7.16 In this context, the proposed development is not considered to pose any threat to the significance of the Grade II Listed Sutton Barn. In accordance with paragraph 134 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The economic, social and environmental benefits of the proposal are set out in paragraph 7.8. Not only will the development deliver much needed homes for the District with a housing mix and tenure split that meets identified housing need, it is also an opportunity to create a high quality built environment, which respects local character and is sensitive to its surroundings.
- 7.17 An Archaeological Desk Based Assessment was undertaken to support and inform the proposals (Appendix 7). This assessment of the Designated and Non-Designated Heritage assets, archaeological finds, historical references and cartographic information suggested that the development site may have features, structures or burials dating to the Roman and the Medieval Periods. Following the preparation of this Assessment an Archaeological Evaluation was undertaken in line with advice from NYCC Archaeological Unit. This consisted of three evaluation trenches which uncovered natural sands and gravels but produced no

archaeological finds, deposits or features. As a result the Evaluation concludes that no further archaeological work is required on this site.

Ecological Issues

- 7.18 An Ecology Survey of the application site and the adjacent woodland copse to the north has been undertaken to support the proposals and a Report is attached as Appendix 6. It concludes that the flora of the paddock is very impoverished due to regular grazing by horses and there are no plants other than common weed species; although there are a few common hedgerow plants around the edges. The Report identifies a small colony of Drooping Star-of-Bethlehem but advises that it is non-native and undoubtedly a garden escape.
- 7.19 There is no evidence of nesting birds within the paddock except for Woodpigeons using a hedgerow on the site. It advises that other common species of birds are likely to nest in hedgerows around the site and within the woodland to the north. Sutton Barn to the west of the site contains well-established maternity roosts of Natterer's and Soprano Pipistrelle bats, and the Report advises that it will be important to ensure that no external lighting from the development illuminates the barn or the grounds around it.
- 7.20 Overall, the Report advises that the proposed development will not have a significant adverse impact on ecology provided that:
- The woodland to the north is not impacted upon by the proposals
 - The perimeter hedgerows are retained except where access is created and that removal is carried out between October and February inclusive to avoid an impact on nesting birds
 - Spillage from external lighting towards Sutton Barn is avoided – *(ONA note: it is suggested that this could be covered by the use of a condition to control the installation of external lighting within dwelling plots on the western boundary of the site)*

- 7.21 It also advises that the biodiversity of the site can be enhanced by the incorporation of nesting sites for Swifts and House Sparrows and roosting sites for bats into the new houses.
- 7.22 The proposals will not have an adverse impact on the limited ecological value that the application site has, indeed with the provision of nesting and roosting boxes for birds and bats in the development, the proposals would make a positive contribution to the biodiversity of the site. In this respect the proposals would satisfy Paragraph 109 of the NPPF and LPS Policy SP14.

Affordable Housing

- 7.23 Both the NPPF and the LPS outline a requirement for meeting the affordable housing needs of the local community. As it is proposed that the site is developed for 15 houses this would place a requirement for up to 35% of the new dwellings to be affordable under LPS Policy SP3, subject to 5 or more units being built on the site. It is considered that the provision of the affordable units required by this Policy should be secured through a S106 Agreement between the applicant and the Council. The intention is that 5 of the bungalows located in the western part of the site will be earmarked for older persons affordable housing.

Open Space

- 7.24 LPS Policy SP11 advises that all new residential development will be expected to contribute to the provision of open space, leisure and recreational facilities. For residential schemes of 15 properties, there is a requirement to include on-site provision of informal amenity space, unless it is considered impractical and an off-site contribution is more appropriate. The 'farm yard' at the centre of the development and the 'stables yard' to the west provide some informal amenity space. In addition to this, it is proposed that discussions take place with officers during the course of the planning process to ascertain if there is any requirement for contributions to be made towards the provision of leisure and recreational facilities in the local area as a result of the proposed development.

Sustainable use of resources

- 7.25 The accessibility credentials of the site are set out in paragraph 2.5 of this statement. It lies in close proximity to the shops and services located within Norton and Malton and public transport is available within 200m. There is a policy requirement to secure at least 10% of the energy requirements of the development from renewable or low-carbon energy sources. However, the layout of the development, with south facing rear elevations, provides the opportunity to use solar panels and to maximise passive solar heating, which will be investigated. Sustainable construction techniques and technologies will be utilised in the design and construction of the proposed dwellings in order to comply with the current building regulations.

Drainage

- 7.26 A Drainage Assessment has been prepared to accompany the proposals (Appendix 8). The Assessment confirms that Yorkshire Water (YW) will accept foul water from the development to drain to the combined sewer in Langton Road. However, with regard to surface water, YW has advised that connection to the combined sewer is unacceptable and requires other methods of discharge to be investigated including soakaway, infiltration system and watercourse in that order of priority.
- 7.27 Permeability tests undertaken as part the site investigations indicate that water drains away quickly and the assessment concludes that soakaways could be provided for each individual dwelling unit on the site. As the site layout includes a length of unadopted road, the assessment suggests two options to deal with surface water run-off from the road;
- i. Discharge to be collected in a soakaway beneath an area of open space;

- ii. Discharge to be achieved by using permeable paving in the road / yard construction to allow percolation to the ground beneath the carriageaway

7.28 North Yorkshire County Council (NYCC) would not consider a soakaway to be an appropriate drainage system for the section of adopted road within the site; ie. the section it would have responsibility to maintain. The Authority's preference would be for a conventional hard piped system that outfalls to a watercourse.

7.29 The assessment advises that it would be technically feasible to provide a positive drainage system to meet the requirements of NYCC and discharge to the existing watercourse to the west of the site. The rate at which water is discharged can be controlled to match the run-off from the existing site by introducing a flow restriction control at the boundary of the site and providing storage on site for excess storm water. NYCC frequently specifies the use of oversize pipes beneath the adopted carriageaway to address the storage issue and the Assessment advises that such a system could be designed for this site.

7.30 It is proposed that the pipe be taken under the new section of adopted road to the site access and then along the public footpath on Langton Road to the adjacent field to the south of the application site. It would then run across this field, which is owned by the applicant, to connect to the watercourse to the west. Consent to undertake work near to the watercourse will be required from the Environment Agency (EA); the EA will also need to agree the details of the outfall and the rate of surface water discharge to the watercourse. The discharge pipe would be adopted by NYCC who would require an easement along the line of the discharge pipe route, generally 6m wide, for future maintenance purposes.

8.0 CONCLUSION

- 8.1 The development of this small paddock for a low density housing scheme based on the 'model farm' concept is considered to achieve an attractive form of development, which responds to the key features of the site and its surroundings.
- 8.2 The site lies on the edge of the town and the rural character of the development would provide an appropriate transition between the built up area and the open countryside to the south of Sutton Grange. A detailed Residential Design Guide has been prepared, which articulates the 'model farm' concept. It is envisaged that the Design Guide will be tied to any consent via a Section 106 Agreement to ensure that a high quality architectural design comes forward.
- 8.3 The layout of the scheme is fixed and the orientation and scale of individual properties has been designed to preserve views of the Grade II Listed Sutton Barn from Langton Road. The revised proposals have been specifically tailored to overcome officer's reservations regarding the previous scheme and in response to their comments made at the recent pre-application meeting.
- 8.4 A total of 15 houses are proposed, comprising a mix of 2, 3 and 4 bed properties, including 6 bungalows, 5 of which will be affordable. The development has the potential to provide housing for families and the aged in a sustainable location on the edge of the Principal town. It therefore focuses the right type of development in the right location and will help retain a balanced housing stock and provide choice in the housing market. These public benefits are considered to outweigh any harm to the significance of the Grade II Listed Sutton Barn.
- 8.5 An analysis of the current housing land supply in the District has shown that at present, the Council cannot demonstrate a 5 year supply of deliverable housing sites. Therefore, the presumption in favour of sustainable development set out in Paragraph 49 of the NPPF should be applied.

Outline planning application for the erection of 15 dwellings
Sutton Grange Paddock, Langton Road, Norton

- 8.6 Overall the proposal satisfies local and national planning policy requirements and it is hoped that officers and Members will feel able to support the scheme and grant planning permission.

Appendix I

Planning Application Form

Neill

Development Control
 Ryedale House
 Malton
 YO17 7HH
 Tel: 01653 600666
 Fax: 01653 690834
 E-mail dc@ryedale.gov.uk



For office use only
App No:
Fee:
Date Received:

**Application for Outline Planning Permission With Some Matters Reserved.
 Town and Country Planning Act 1990**

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: First name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number: Country Code National Number Extension Number

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number: Country Code National Number Extension Number

Mobile number:

Fax number:

Email address:

3. Description of the Proposal

Please indicate all those reserved matters for which approval is being sought:

Access Appearance Landscaping Layout Scale

Please describe the proposal:

Has the building or works already been carried out? Yes No

4. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House: Suffix:

House name:

Street address:

Town/City:

County:

Postcode:

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:

Northing:

5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? Yes No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: First name: Surname:

Reference:

Date (DD/MM/YYYY): (Must be pre-application submission)

Details of the pre-application advice received:

Some reservations over the principle of development in this location. Satisfied that the proposal will result in less than substantial harm to the Grade II Listed Sutton Barn. Revised scheme should promote a loose pattern of development and seek to restore views of the barn from Langton Road

6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway? Yes No

Is a new or altered pedestrian access proposed to or from the public highway? Yes No

Are there any new public roads to be provided within the site? Yes No

Are there any new public rights of way to be provided within or adjacent to the site? Yes No

Do the proposals require any diversions/extinguishments and/or creation of rights of way? Yes No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plan(s)/drawings(s)

Refer to Planning Design and Access Statement (Appendix 2)

7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? Yes No

Have arrangements been made for the separate storage and collection of recyclable waste? Yes No

8. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you? Yes No

9. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

9. (Materials continued)

Walls - description:

Description of *existing* materials and finishes:

Not applicable

Description of *proposed* materials and finishes:

Not applicable

Roof - description:

Description of *existing* materials and finishes:

Not applicable

Description of *proposed* materials and finishes:

Not applicable

Windows - description:

Description of *existing* materials and finishes:

Not applicable

Description of *proposed* materials and finishes:

Not applicable

Doors - description:

Description of *existing* materials and finishes:

Not applicable

Description of *proposed* materials and finishes:

Not applicable

Boundary treatments - description:

Description of *existing* materials and finishes:

Not applicable

Description of *proposed* materials and finishes:

Not applicable

Vehicle access and hard standing - description:

Description of *existing* materials and finishes:

Not applicable

Description of *proposed* materials and finishes:

Not applicable

Lighting - add description

Description of *existing* materials and finishes:

Not applicable

Description of *proposed* materials and finishes:

Not applicable

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement? Yes No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

Refer to Planning Design and Access Statement and Residential Design Guide (Appendix 4)

10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	24	24
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	0	0
Cycle spaces	0	0	0
Other (e.g. Bus)	0	0	0
Short description of Other			

11. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer Package treatment plant Unknown
Septic tank Cess pit

Other

Are you proposing to connect to the existing drainage system? Yes No Unknown

If Yes, please include the details of the existing system on the application drawings and state references for the plan(s)/drawing(s):

Refer to Planning Design and Access Statement (Appendix 8)

12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.) Yes No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)? Yes No

Will the proposal increase the flood risk elsewhere? Yes No

How will surface water be disposed of?

Sustainable drainage system Main sewer Pond/lake
 Soakaway Existing watercourse

13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

Yes, on the development site Yes, on land adjacent to or near the proposed development No

b) Designated sites, important habitats or other biodiversity features

Yes, on the development site Yes, on land adjacent to or near the proposed development No

c) Features of geological conservation importance

Yes, on the development site Yes, on land adjacent to or near the proposed development No

14. Existing Use

Please describe the current use of the site:

Open paddock land

Is the site currently vacant? Yes No

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated? Yes No

Land where contamination is suspected for all or part of the site? Yes No

A proposed use that would be particularly vulnerable to the presence of contamination? Yes No

15. Trees and Hedges

Are there trees or hedges on the proposed development site? Yes No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? Yes No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? Yes No

17. Residential Units

Does your proposal include the gain or loss of residential units? Yes No

Market Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					15
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Proposed Market Housing Total

Market Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Existing Market Housing Total

Overall Residential Unit Totals

Total proposed residential units	15
Total existing residential units	0

18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace? Yes No Unknown

19. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Existing employees	0	0	0
Proposed employees	0	0	0

20. Hours of Opening

If known, please state the hours of opening (e.g. 15:30) for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	

21. Site Area

What is the site area? hectares

22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Is the proposal for a waste management development? Yes No

23. Hazardous Substances

Is any hazardous waste involved in the proposal? Yes No

24. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

25. Certificates (Certificate A)

Certificate of Ownership - Certificate A

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding (*"agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(B) of the Act*).

Title: First name: Surname:
Person role: Declaration date: Declaration made

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date

Appendix 2

Planning Application Drawings



Schedule of Application Drawings



Chartered Town Planning Consultants

Outline planning application for the erection of 15 dwellings
Sutton Grange Paddock, Langton Road, Norton

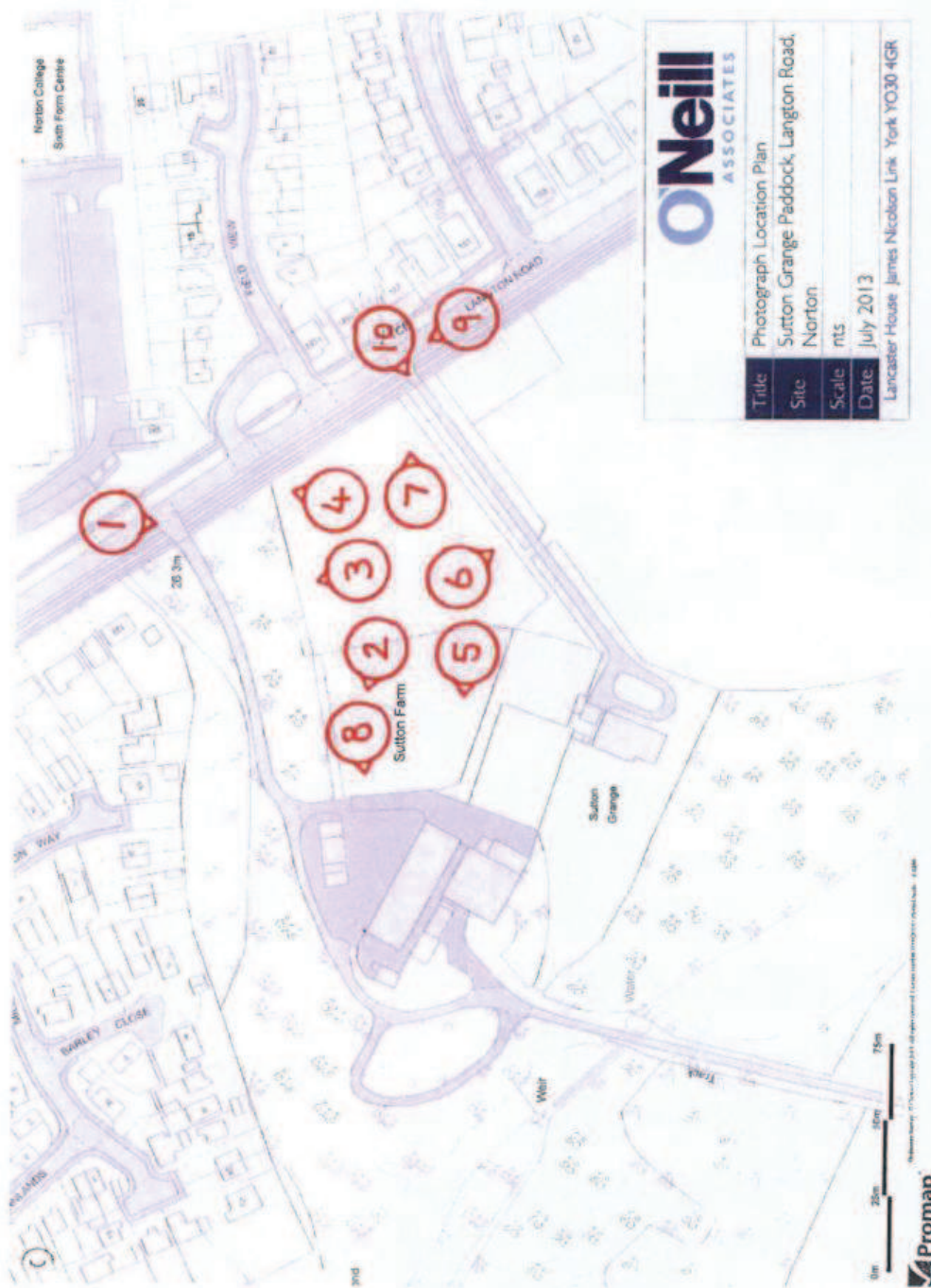
Description	Scale	Drawing No.	Date
Location Plan	1:1250 @ A3	ONA1403.LP	March 2014
Site Layout	1:500 at A3	5 0003/1	March 2014
Site Access Plan	1:500 at A3	3050/SK001/002	March 2014

Nsg1403a.sch.gh

Appendix 3

Site Photographs

Neill





Photograph 1 – view of woodland copse from the north east along Langton Road



Photograph 2 – view of north west corner of application site



Photograph 3 – view of northern boundary of application site



Photograph 4 – view of north eastern corner



Photograph 5 – view of south western boundary



Photograph 6 – view of part of south eastern boundary



Photograph 7 – view of south eastern corner.



Photograph 8 – view of Grade II Listed Building at Sutton Farm from the east



Photograph 9 – housing development on east side of Langton Road opposite application site



Photograph 10 – access drive to Sutton Grange

Appendix 4

Residential Design Guide



Appendix 5

Transport Statement



Appendix 6

Ecological Survey

Neill

Appendix 7

Archaeological Survey

Appendix 8

Drainage Statement

Neill

SHR 25/4/14 JC

Recommend refusal

NORTON-ON-DERWENT TOWN COUNCIL

Town Clerk: Mrs R.Tierney
Tel/Fax: 01653 695348
Council Chamber and Office
The Old Courthouse
84B Commercial Street
Norton-on-Derwent
Malton
North Yorkshire YO17 9ES



23 April 2014

Head of Planning Services,
Ryedale District Council.
Ryedale House,
Malton.
YO17 7HH

RYEDALE DISTRICT COUNCIL

25 APR 2014

DEVELOPMENT
MANAGEMENT

Dear Sir,

PLANNING APPLICATIONS NORTON-ON-DERWENT

I have to inform you that at its meeting on Tuesday, 22 April 2014 the Town Council made the following recommendations in respect of the applications listed below:-

14/00316/MREM Erection of 3no. retail units (Use Class A1) and children's day nursery (Use Class D1)
5 Welham Road, Norton, Malton
For: Scothern Construction (Mr Ian Scothern)
RESOLVED Recommend Approval, with a request that if possible the entrance for the Children's Nursery be offset slightly so as to avoid being directly opposite the driveway of a resident of Springfield Garth

14/00383/MOUT

Erection of 15no. dwellings (site area 0.7ha).
Land to the north of Sutton Grange, Langton Road, Norton, Malton
For: Mr David Tatham
RESOLVED Recommend Refusal on the following grounds;

- That this development is outside current development limits and that until such time as the sites allocations are completed for the Local Plan no development outside the limits should be allowed.
- Access on to Langton Road, this development brings yet another junction on to a very congested area of Langton Road and in being close to the access for Norton College makes for serious highway issues on parking etc.
- Infrastructure issues, more development on to a sewage system that is already over capacity and not fit for purpose. Road congestion throughout the town with even more pressure on Castlegate.
- School place provision, especially at primary level.

Continued.....

E. Mail: norton.tc@btconnect.com

Residential Design Guide Sutton Grange Paddock Norton on Derwent

Malcolm Tempest Ltd
March 2014

RYERALTON
14/00085/MOS
- 1 APR 2014
DEVELOPMENT
MANAGEMENT

Design Guide Sutton Grange Paddock, Norton on Derwent

The land in question is next to Sutton Grange Farm. Of the remaining buildings there, the most notable is an early 19th Century stone barn, which has notable features including a run of arcaded openings on its south side. The barn is Grade II Listed. There are other old farm buildings notably a single storey building to the north of the listed barn.

It has been identified that a view of the listed barn should be retained from Langton Road and this is shown on the layout plan. It was not felt that the usual type of housing estate would be appropriate for this site, but rather a special design which respected the context of the Sutton Grange Barn and buildings and which would be appropriate on this approach to the town. A grouping which was reminiscent of a farm steading was deemed appropriate.

This presents certain constraints to an eventual detailed design but also considerable opportunities. The kind of shapes and regimes of openings found in local examples of Estate Farm Buildings offer a richer variation that are found in purely domestic architecture and the different ages, sizes and shapes of the building will make for interesting and attractive homes.

A short appraisal of local farm steadings confirms this, as the photo gallery attached shows. Owners have taken pride in their farm building and lavished some detail and craftsmanship on these utilitarian structures.

The guide that follows addresses each building in turn. It is prescriptive of certain key elevations and anticipates that those views not shown will complement the ones which are shown.

Some consideration has been given to the internal layouts but this will be a matter for the detail stage. What is indicated is an example layout to show what can work and that it is possible to create practical layouts within the prescribed envelope.

Certain items such as the Clock Tower and the Dovecote Garage are extraordinary but deemed essential to the overall success of the design and project. Otherwise the designs are the equivalents of the kind of envelopes one would need to create to produce houses of any kind.

The overall scheme is similar to other projects the designers have created and which have been successfully and viably completed.

The hard surfacing needs special attention and the key areas are identified on the layout plan. Rumble strips of sett-like surfacing are shown at the entrance and at transitions from one surface to another. Liaison with NYCC will be essential on highways matters. The design is based on a shared surface accessway. The main farm yard will need to be of a black material, this can be man-made to resemble cobbles or stone setts

Similarly the stable yard surrounded by flag walkways, indian flags would be appropriate and channel blocks for drainage.

Hedges around the site would be made good and some hedgerow trees planted. The present owner will manicure and improve the woodland copse to the north of the site. Private drives are envisaged as gravel with informal grass areas.

A pair of brick and stone gate pillars about 600mm square on plan and 2m tall are required to delineate the entrance



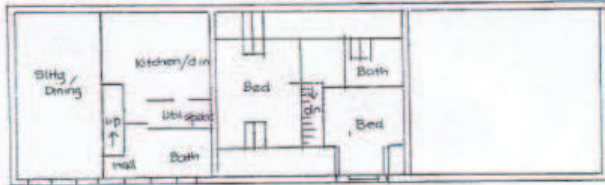
PLOTS 1-6
Stables & Groom's cottage



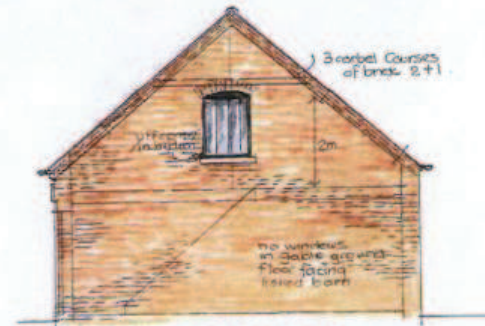
FRONT (Stables yard) ELEVATION

Very simple but elegant in proportion, handmade style brick walls (lime mortar) with stone arch, sill, and plinth door stone details. Some windows designed to appear as 'stable' doors to preserve the alternate 'door/window' design. 3 corbel & 1 dentil course at eaves & special verge detail in standard brick. Rear elevations could reflect front as in back to back stables but no need here for stone detailing. The yard surfacing is important - flag paths surrounding cobble/sett effect yard is apt.

brick walls to resemble local handmade brick. lime mortar with conservation appropriate. half round traditional gutters on rise & fall brackets.



Possible layouts: ground front



SECTION & END ELEVATION

AMTB

The Coach House (7)

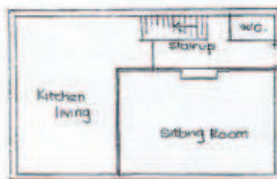


East Elevation



North Elevation

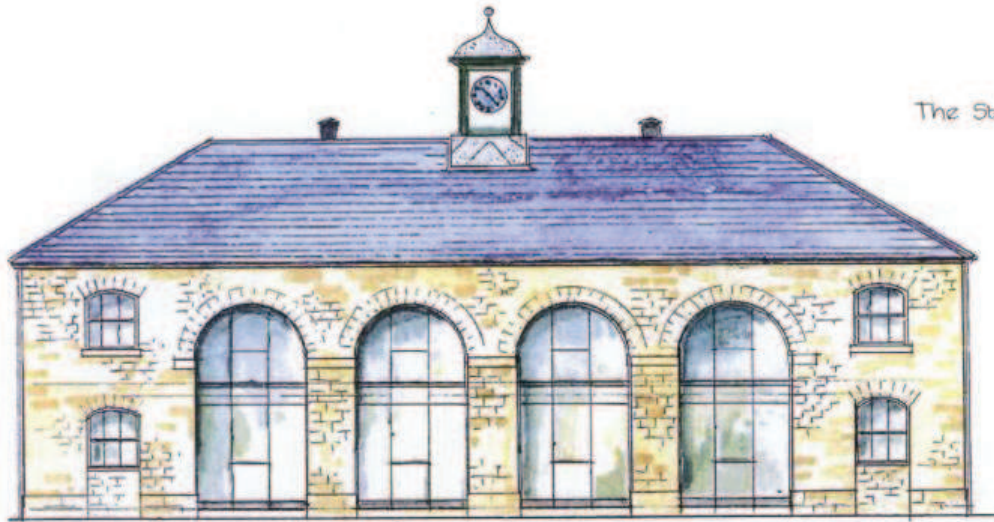
Possible Layout:



This building is meant to be read with the nearby stables. It is, so is built in a similar style, being a simple building in brick with a slate or ant slate roof. It calls for careful detailing, a stone lintel to the arches, stone spring blocks & sills and brick houndstooth work and corbel courses supporting a traditional gutter on rise & fall brackets.

The joinery is deliberately domestic in appearance and there is a chimney, as such buildings often had a staff flat over.

A cobbled area outside the arches would add greatly to the effect, though gravel and a few courses of Setts would also be appropriate.



The Straw barn (8£9)

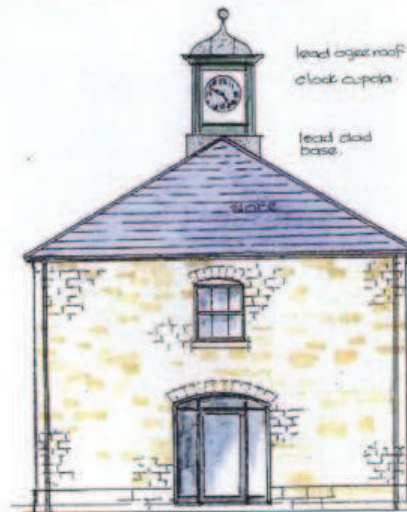
This building is very much of the 19 century model farm era when estates put up 'architectural' farm buildings with attention to proportion & appearance as well as function. This 'barn' is seen at the end of the entrance way. Its clock cupola is intended as a focal point, and practically can be seen and read from the estate area. It is finely detailed, a lead covered ogee roof, pilastered corner posts, ogee mouldings at leaden base and a 4 sided clock.

The building has a slate (or art slate) roof and squared stone walling with cut arches & sills. Stone should be weathered by blasting / tumbling as appropriate, and set in lime mortar.

There is scope for modern materials in the doors and windows with minimal dark coloured sections, maximising glazing and ending emphasis to the pure shapes and proportion of the design.



possible layout.



lead ogee roof
clock cupola

lead clad base.

traditional half round rainwater gutter on rise & fall brackets.

'weathered' coursed stone in lime mortar

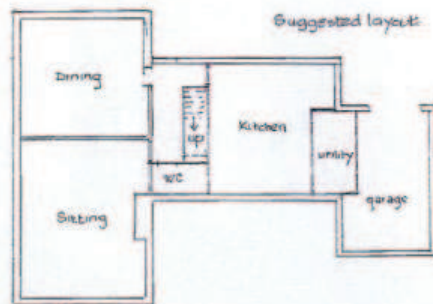
larger plinth stones

MJL 1997



Plot 10 The House Buildings

When older houses were replaced, their associated ranges often survived to service the new house. They date from a time when farming was much smaller scale than it was in the Victorian model farm era. This building is correspondingly kept smaller in height and may have 'performed diverse functions', the odd stable, a cart shed, granary above etc. Consequently pantiles cover the roof, different bricks reflect its growth over time and the lean to is an informal afterthought. Similarly the joinery is diverse in patterns. Bricks should be chosen with care, a 2nd handmade for one section, a 2nd or 3rd common type for the taller part, all set in a lime mortar with a conservation aggregate.



ATL



North East



North West

Possible Layout

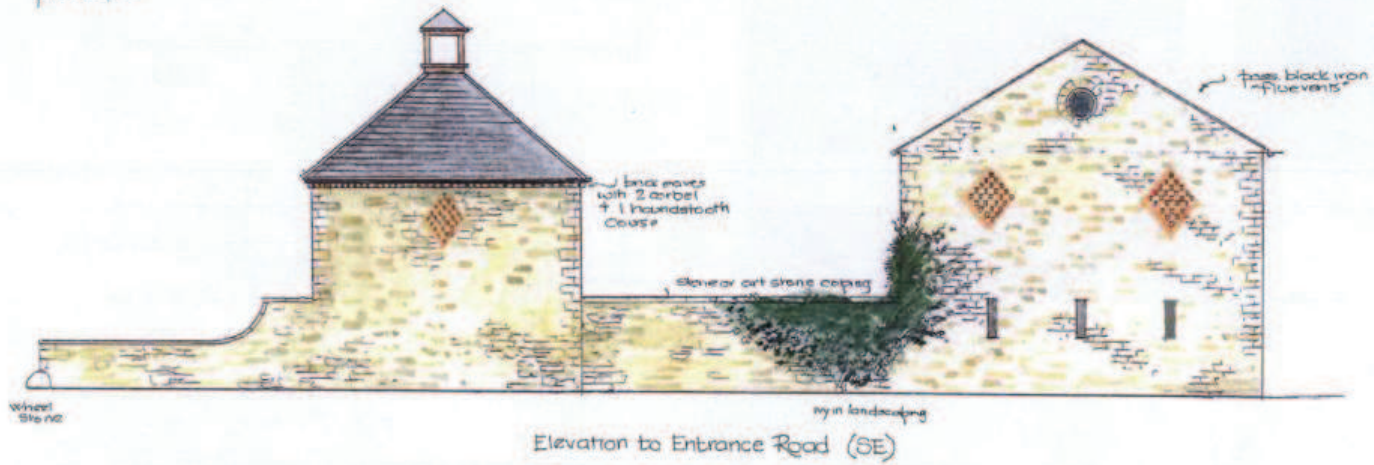


This design represents an estate house from the early Victorian 'Model Farm' era. It closely complements Sutton Grange house with similar materials & architectural features. It performs the role of a Lodge House, being at the entrance to the farm. It is meant to be seen from all sides by those passing by on the main road and is the 'first and last' house in Norton on this side of the road.

It is built of coursed stone to match that of the listed barn and Sutton Grange as closely as possible. Traditional appearance sliding sash windows and ornate barge boards as shown. A carved date stone to gable.

Notes as per vehicle shed apply, but this building could have brickwork over a stone plinth. Handmade style bricks typical of the older bricks of the area set in lime mortar. The vent holes can be in a matrix of brick or could be smaller stores.

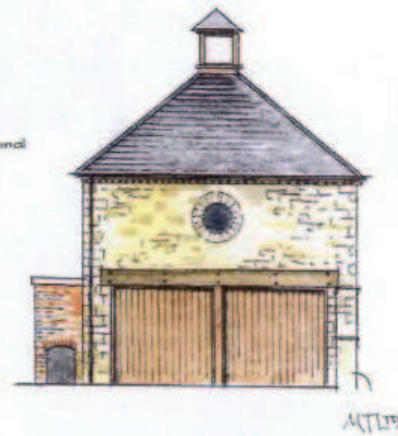
The Stone Barn & Dovecote
plots 12&13



To copse (NE)



Dovecote (SW)

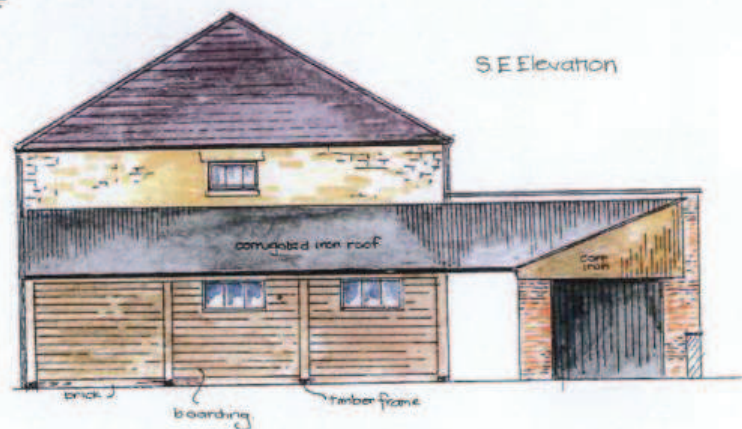
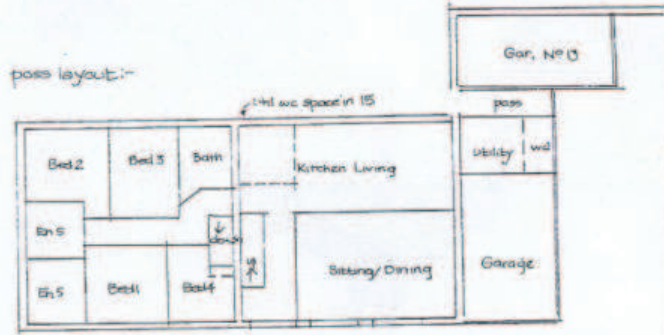


Vehicle Shed (14#15)

This building follows the early 19th Century estate model farm type of building. Slate or art slate roof, traditional eaves, coursed at the front (may be random sides & rear), blasted or tumbled and set in lime mortar. Scape for modern glazing materials in arches, dark painted to emphasize nature of stone opening. The lean to buildings are deliberately simple as might have been put up with farm or estate labour, in timber & corrugated iron.



South West Elevation



SE Elevation

MTL

Examples of Farm and Estate Buildings in the immediate area.



Typical Old Farm Barn



Smaller Farm Buildings



A Granary and Vehicle Shed



Collection of smaller buildings



Stables



Estate Yard Buildings close by



Good quality Farm Buildings in the area



Estate Buildings at Birdsall



Barns with lean-to sheds



Model Farm Buildings, Birdsall



Single storey Farm Buildings



Informal barns at a small farm



Estate Yard building details



Detailing



Converted Farm Buildings Langton Road



Birdsall Estate



Buildings further along Langton Road



Ancillary building adjacent to
The site and Listed Barn



The Listed Barn next to the site



Examples of other Housing Developments already carried out on a similar manner



New model farm buildings, Home Farm, Middleton Tyas



Whartons Farm, Melsonby, new houses in modern farm style



Barn style new house and dovecote, Townend Farm,
Great Ouseburn, York



Agenda Item 7

Item Number: 7
Application No: 13/01141/MFUL
Parish: Malton Town Council
Appn. Type: Full Application Major
Applicant: Taylor Wimpey (North Yorkshire) Ltd (Mr I Pay)
Proposal: Erection of 27no. 4-bed dwellings, 23no. 3-bedroom dwellings, 17no. 2-bed dwellings and 16no. 1-bed dwellings, associated garages, parking, public open space and landscaping
Location: Land At Allotments Broughton Road Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 2 January 2014
Overall Expiry Date: 17 June 2014
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Mr Jim Shanks	Concerns raised
Highways Agency (Leeds)	No objection
Land Use Planning	Recommend conditions
Sustainable Places Team (Yorkshire Area)	Recommend condition
Housing Services	Requires off-site Affordable Housing
Environmental Health Officer	No objection
Tree & Landscape Officer	Comments made regarding landscaping
Archaeology Section	No further work required - no objection
Property Management	Information received regarding affordable housing and public open space
Countryside Officer	Further site survey recommended
Parish Council	No views received to date
NY Highways & Transportation	Views awaited
Environmental Health Officer	Comments received by Environmental Protection Officer - conditions recommended
North Yorkshire Education Authority	Contribution requested
Forward Planning & Conservation	Views received
Vale Of Pickering Internal Drainage Boards	No objection

Neighbour responses: Josephine Dawns, Mrs Hazel Foster,

SITE:

The application site is rectangular in shape measuring 104m in width by 239m in depth and approximately covers an area measuring 2.32 hectares. The site was used until recently as allotments. The site is also located outside the development limits of Malton and it is surrounded on three sides by land currently being developed for housing (Phase 1), also by the applicant. Beyond the site to the North and North West is the A64 Trunk Road, although the site does not directly abut the A64. Outgang Road, a single track lane, runs along the eastern boundary from Pasture Lane to farmsteads and small holdings to the north of the A64. On the opposite side of Outgang Road are Pasture House Farm and its associated buildings along with grazing land over the wider area. This area comprising Pasture House Farm and the grazing land opposite the site is a designated as Visually Important Undeveloped Area.

The application site slopes to the north-west and south-east with its highest part in the middle of the site and there is a levels difference of approximately 5m across the entire site. The proposed application site is also located within Flood Zone 1, representing the lowest risk of flooding from any source.

PROPOSAL:

Planning permission is sought for the erection of 83 dwellings together with associated roadways, and open space. The proposal seeks to access the site from the adjoining development currently under construction, known as Phase 1. Two access points into the site are proposed, on the southern and northern sides. The scheme has a focal area of Public Open Space. The scheme features a series of internal roads and cul-de-sacs leading from the both the central POS and the two access points to allow development across the entire site. In addition to the central area of POS, a further area is proposed to the north-western side that extends an already approved area of POS on Phase 1. The scheme comprises the following:

- 16no. 1-bed dwellings
- 17 no. 2-bed dwellings
- 23 no. 3-bed dwellings
- 27 no. 4-bed dwellings

Of these; 30 dwellings are to be either terraced or 'quarter' houses; 34 are semi-detached; and 19 are detached.

The proposed dwellings are a mixture of single, two and three storey properties. No materials are proposed at this stage, and the applicant has asked for these to be agreed by condition. The ridge heights of the proposed dwellings vary from 5 metres at apex for the bungalows to 10.3 metres at apex for the three storey properties.

There are ten different house types:

1. 16no. 1 bed quarter houses, typically having a footprint measuring 5.5 m by 5.4 m and being 7.5m to the ridge height;
2. 8no. 2 bed quarter house, typically measuring 6m by 5.5m and having a ridge height of 7.5 m;
3. 5no. Canford - a 2 bed house type, measuring 4.4m by 8.3 m and being 7.4 m at ridge height;
4. 4no. Foxdale - a 2 bed semi-detached bungalow, having a footprint of 7.6m by 9.4m and being 5m to the hipped roof ridge height;
5. 11no. Gosford - a 3 bed semi-detached property, having a footprint measuring 5.1m by 8.7 m and being 7.5m to the ridge height;
6. 12no. Alton - a 3 bed three-storey semi-detached property having a footprint measuring 4.6 m by 9.2m and being 9m to the ridge height;
7. 10no. Bradenham - a 4 bed detached dwelling measuring 7.7 m by 8.9m and being 7.4m to the ridge height;
8. 6no. Downham - a 4 bed detached dwelling measuring 8.3m by 8.8m and being 8m to the ridge height;
9. 8no. Oakham - a 4 bed detached dwelling measuring 5.2m by 9.2m and being 10.3m to the ridge height; and
10. 3no. Langdale - a 4 bed detached dwelling measuring 10.2m by 12m and being 7.2m to the ridge height.

The following documents have been submitted with the proposal and are available to view online:

- Design and Access Statement
- Planning Statement
- Archaeology Statements
- Travel Plan
- Transport Assessment
- Flood Risk Assessment and Surface Water Management Strategy
- Noise Statement
- Statement of Community Involvement
- Ground Condition report
- Ecology and Wildlife report

This application has been screened by officers and it has been determined that the proposal does not constitute 'Environmental Assessment Impact' development.

HISTORY:

There is no directly relevant planning history relating to this application site. However, Members should be aware of the relatively recent planning permissions on the adjoining land (Phase 1):

10/00899/MFUL – Residential development including dwellings, associated garages, open space, electricity sub-station and provision of a new Broughton Road to Pasture Lane Link road (site area 12.93ha)

11/01182/MREM - Erection of 3 no. five bedroom, 110 no. four bedroom, 101 no. three bedroom and 48 no. two bedroom dwellings, associated garages, public open space, electricity sub station, formation of Broughton Road to Pasture Lane link road and landscaping (outline approval 10/00899/MOUT dated 07.11.2011 refers) (264 dwellings in total)

The Local Planning Authority is also currently considering the following application on the adjoining site, Phase 1:

14/00346/73A -Variation of Conditions 11(1)(a) and 15 by replacement of "50 No. dwellings" by "80 no. dwellings" - maximum number of occupied dwellings that relate to the temporary vehicular access arrangements and the completion of construction of the listed highway works - and Variation of Condition 16 to allow the use of the temporary access for 24 months from the first occupation of a dwelling on the site (until April 2016) - addition of a further 12 months of use. All Variations in relation to approval 10/00899/MOUT dated 07.11.2011.

POLICY:

National Policy Guidance

National Planning Policy Framework 2012 (NPPF)
National Planning Policy Guidance 2014, (NPPG)

Local Planning Strategy; adopted 5 September 2013

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services
Policy SP13 - Landscapes

Policy SP14 - Biodiversity
Policy SP15 - Green Infrastructure Networks
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP18 - Renewable and Low Carbon Energy
Policy SP19 - Presumption in favour of sustainable development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

2007 - Draft SPD - Developer Contributions towards Strategic Transport Improvements at Malton and Norton

APPRAISAL:

The main considerations in relation to this application are:

- The principle of the proposed development;
- The layout, design, density, housing mix and external appearance of the proposed development;
- Whether the proposed dwellings will have a satisfactory level of residential amenity;
- Whether the proposed development will have an adverse effect upon the amenity of adjoining properties;
- Highway safety;
- Drainage;
- Designing out crime;
- Impact upon the character of the surrounding area;
- Protected species;
- Potential ground contamination;
- The potential impact of the proposals upon archaeology;
- Public Open Space; and
- Developer contributions.

This application is a 'Major' application and in accordance with the Council's Scheme of Officer Delegation has to be determined by the Planning Committee. The application was originally submitted in October 2013. The applicant sought an extension of time until 30 June 2014 in order to resolve outstanding issues with the application. Following a series of meetings and negotiations revised plans have been submitted and have been the subject of re-consultation until 18 June 2014. Officers raised the following concerns about the initial proposals relating to the layout of the scheme, housing mix, level of affordable housing provision, the design of some of the plots; Public Open Space (POS) provision, parking arrangements, and level of developer contributions.

Principle of development

The allotments that previously existed on the site were privately owned and there is no statutory protection available to the allotment holders in this case. Furthermore, any such protection, if it did exist, would be a separate mechanism of control outside of the planning system. In addition, Members should also be aware that the allotment holders have been given the opportunity to be re-located to an alternative site nearby and the planning statement mentions that financial assistance has been provided by the Town Council for this purpose. The site is currently vacant.

Policy SP11 provides protection for community uses, such as Allotments, and states:

'Existing local retail, community, cultural, leisure and recreational services and facilities that contribute to the viability of the towns and villages and well-being of local communities will be protected from loss/redevelopment unless it can be demonstrated that:

- *There is no longer a need for the facility or suitable and accessible alternative exist, or*
- *That it is no longer economically viable to provide the facility, or*

- *Proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision.'*

In this case, the use has ceased and Malton Town Council who administers the allotment have (as stated above), made available alternative land for allotment holders which has been taken up. The new allotment site measures 6.23 acres in area and is larger than the site in question (5.76 acres). The new site is also located nearby and it is located approximately 100m to the north-west of the application site. As a result of the alternative and larger provision having been made available locally, it is considered that Policy SP11 is met.

The adopted Local Planning Strategy is based on a residential strategy which seeks to focus new residential development in sustainable settlements comprising the four market towns and the selected 'service villages'. Malton is designated as the 'principal town' and the most sustainable settlement in the District. It is also the focus of all major growth over the 15 year plan period. The Town has excellent public transport links, schools, employment opportunities and retail provision. Whilst the site is located outside the development limits of Malton, the Local Plan Strategy recognises that these will be reviewed as part of the site allocation work. The site is surrounded on three sides by land that has already been granted planning permission for residential development, with construction under way (Phase 1). The site would also be within walking distances of major services, facilities and jobs.

Para. 49 of NPPF states:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

The Council does not currently have a 5 year supply of housing (4.46 years of housing supply). Therefore in accordance with para. 49 of NPPF, the proposal must be considered against para. 14 of NPPF.

Para. 14 states:

' For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent, or relevant policies are out-of-date, granting planning permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted.'*

In this case Policy SP2 (Delivery and Distribution of new housing) of the Local Planning Strategy is the principal policy relating to housing supply and under the terms of para. 49 has to be considered 'out of date'. Incidentally, Policy SP2 seeks to provide an additional 3,000 dwellings over the plan period with 1,500 to be in Malton/Norton. The Council is currently working on the Housing Land Allocations, which it is not appropriate to pre-judge. However, in view of the site's location and accessibility it is considered to be consistent with the thrust within Policy SP2. Therefore, even if weight could be attached to Local Planning Policy SP2 it is considered that the scheme would be consistent with that policy. It should be noted, however, that Policy SP1 (General Location of new development and settlement hierarchy) and Policy SP19 (presumption in favour of sustainable development) are still considered to be relevant along with NPPF and NPPG. The proposal is not considered to be contrary to Para. 55 of NPPF, which seeks to restrict new residential development in isolated open countryside locations, because the site is not isolated but well related to the built form of the 'principal town' and there is consent for new development which effectively envelops the site. All other relevant paragraphs of NPPF seek to encourage sustainable residential development in locations such as Malton.

In view of the above, together with the sustainable location of the site, and the proposal effectively completing an already approved development on the wider area, the principle of residential development on the site is considered to be acceptable. This is subject to any impacts associated with the proposal that are considered to cause 'significant' and 'demonstrable' harm in accordance with para. 14, which will be addressed below.

The layout, design, density, housing mix and external appearance of the proposed development

Following initial officer concerns, the layout and design of the scheme has been substantially altered. This has resulted in a focal area of Public Open Space which both access points lead to. There is then a series of internal roads, cul-de-sacs and private drives that lead from these access ways that help to create clear, logical, and legible form of development. The proposed layout makes a logical use of the land that seamlessly integrates the proposed development into the Phase 1. For example, the house types chosen are similar, the POS is linked together on the western side, and pedestrian linkages run concurrently. Officers have sought to balance the affordable housing need provision of 1 and 2 bedroom properties into a layout and design that is befitting of this area. This has resulted in the use of 'quarter' houses. This house type is designed in such a way, that it gives the impression of being a single larger unit. This particular house type has also been used as an 'end stop' to good effect on plots 323 and 324. Where possible the POS has been designed in a manner that integrates the development together and which provides natural surveillance.

The individual house types have also been revised following officer concerns and on the whole substantial improvements have been made. This has resulted in house types that relate better to the area, have varied roof heights, have reduced potential overlooking from balcony areas, and which use more traditional roof pitches. In general these house types are considered to be acceptable on this submission and to ensure a good design outcome.

One of the key issues that Officers have addressed with the developers was the amount of parking spaces to the front of dwellings, and the narrow spaces between dwellings. Many of the dwellings now feature garages set further into the plot giving a more open feel and creating important spacings between properties. By setting the garages further into the plots, it will also allow cars to be parked more discreetly.

The 'Langdale' house type has also been successfully used to effectively turn corners within the scheme, as it is appropriately fenestrated across two fronting elevations.

In accordance with Policy SP4, 5% of the dwellings have to be bungalows. The revised plans proposes 4 bungalows. It should be noted that these proposed bungalows would be the only bungalows within both Phase 1 and 2 (347 dwellings in total).

The proposed scheme contains an improved housing mix, comprising mainly attached and semi-detached properties. The density of the scheme, at approximately 36 dwellings per hectare represents an efficient use of land and is consistent with the objectives contained within both national and local policy.

Consideration was given to providing pedestrian links onto Outgang Road. However, to be consistent with Phase 1, it was considered that there should be no direct access onto Outgang Road in order to retain the rural appearance of this single track lane. Landscaping is proposed along that boundary to retain that rural appearance. As a result access to and from the site is via those points approved on Phase 1, being directly onto Broughton Road via purposefully designed junctions and footways.

The proposed layout, design, density and housing mix is considered to be acceptable and to result in a sustainable and balanced community, that relates well to its surroundings.

Whether the proposed dwellings will have a satisfactory level of residential amenity

The Noise report submitted for Phase 1 considered the noise implications from the A64 and appropriate mitigation was agreed. An updated Noise report has been submitted which states that a 3m high barrier was erected on the northern boundary tapered to 1.5m to meet a landscaped mound on Broughton Road. Along with 2.2m high boundary fencing for some of the closest properties to Broughton Road. These measures ensured the majority of the new houses had noise levels within their garden areas below recommended limit of 50db (as required by the World Health Organisation). Based on the current proposal, the highest noise level within the site is predicted to be 51db, and providing a 1.8m high close boarded fence is erected on the boundary of Plots 330 and 331, this will satisfactorily mitigate any potential noise nuisance from the proposed dwelling.

Further to the east is Showfield Lane industrial site (approximately 240m at its closest) and a farm (Pasture House Farm) on the opposite side of Outganag Road. The proposed dwellings are considered to be no closer to those potential noise sources than the approved scheme. The Environmental Health Officer has confirmed that there are no objections to the proposal in terms of potential noise and disturbance.

The proposed dwellings are also considered to have a satisfactory level of amenity space, both private and shared were applicable. There is also considered to be functional Public Open Space within walking distance of all the proposed dwellings. In view of this, the proposed development is considered to ensure a satisfactory level of residential amenity for the proposed development.

Whether the proposed development will have an adverse effect upon the amenity of adjoining properties

On the opposite side of Outganag Road to the east of the site is Pasture House Farm, and its associated buildings. That site is also the subject of an application for 227 dwellings (14/00427/MOUTE) which the Local Planning Authority is currently considering. The site is bounded to the other three sides by Phase 1.

There is considered to be a satisfactory separation distances between the proposed development, and both the existing approved development. It is also considered that the approval of this proposal would not prejudice its determination of application 14/00427/MOUTE, in terms of residential amenity impacts from this proposed development.

There is some concern at the proximity of plots 320 and 321 to approved Plots 120 - 122. However there is a block of three garages between the respective plots. Obscure glazing is proposed on the elevations for the 1-bed and 2-bed quarter houses closest to the southern boundary of the application site (Plots 264, 267, 276, 279 and 321). A condition is considered necessary to require precise details of this obscure glazing due to their relatively close relationship with plots located on the approved scheme. The remainder of the proposed dwellings will have in excess of the widely accepted separation distances for new properties of 20m for a rear to rear elevation, and 12m for rear to-side elevation.

As a result the proposed development is not considered to have a material adverse effect upon the amenity of the existing neighbouring occupiers or the amenities of those dwellings approved in Phase 1.

Highway safety

The site will gain access from Broughton road via the approved new junction on Phase 1, a copy of the earlier approved junction is appended to this report for Members information. A condition is also recommended to ensure that the proposed new road network linking the application site to the public highway is constructed prior to the occupation of the first dwelling. This is to ensure that the development is served by the public highway. The Highways Agency has no objection to the proposal from a strategic perspective.

The local Highway Authority has stated that the development will lead to an additional 31 movements through Butcher Corner in accordance with the applicant's Transport Assessment. The junction at Butcher Corner is also an Air Quality Management Area and it has been widely recognised across all significant new developments in Malton and Norton over the last 6 years that contributions are necessary to mitigate the recognised impacts. Based on the Draft 2007 Developer Contributions Supplementary Planning Document a cost of £7,500 per pcu is requested from developers. In this case the total contribution to mitigate against this impact is calculated to be £232,500.

The Highway Authority has raised concerns in relation to the proposed soakaway drainage system in the highway areas. Amended drainage details have been submitted indicating that it is possible to drain the surface water in the highway and to an adoptable standard. At the time of preparing this report, confirmation is awaited from the Highway Authority with regard to the acceptability of this scheme. Members will be updated at the meeting.

It is understood that in all other respects, including the ability of the surrounding road network to accommodate the development; the roadways; pedestrian routes; parking and turning provision; the scheme is acceptable to the Highway Authority. Their written views are awaited and Members will be updated at the meeting.

Affordable Housing provision

In accordance with Policy SP3 of the Local Planning Strategy 35% of the on-site dwellings are required to be provided as affordable housing. The affordable housing proposals are:

- 16no. 1-bed quarter houses (603sqft each)
- 8 no. 2-bed quarter houses (653sqft each)
- 5 no. 2-bed dwellings (689sqft each)

This reflects the latest level of housing need in the SHMAA.

The SHMAA also seeks a tenure of 90% for social rent and 10% intermediate housing. In terms of this scheme of 29 affordable units, it equates to:

- 3 units for intermediate housing –Plots 313-315
- 26 units for social rent- Plots 316-325 and 264- 279.

The proposed affordable housing provision is located in two separate locations, at either end of the application site. It is considered that these locations would deliver a housing scheme that is balanced and mixed. The two groupings will also make it easier for a Registered Provider to manage them in perpetuity.

The above terms will need to be secured via a Section 106 Agreement.

Drainage

Foul drainage is proposed to access the mains system, to which Yorkshire Water has no objection. There is therefore sufficient capacity to accommodate this additional flow. Yorkshire Water recommends standard planning conditions.

Surface water is proposed to be drained to soakaways, which is a sustainable drainage method. This is consistent with the drainage on Phase 1. The applicant's have stated that this form of drainage is working well on the adjoining site and this approach is also stated to be acceptable in principle within the submitted Flood Risk and Drainage Management Strategy.

The Environment Agency has no objection to the proposal subject to a surface water condition requiring surface water run off to be restricted to the Greenfield run-off rate of 1 in 1 year event and sufficient long-term storage to accommodate a 1 in 30 year storm plus a factor for climate change. In addition, the Environment Agency also recommends standard informatives that cover surface water drainage and ground water protection. The Rye Internal Drainage Board has been consulted and has no objection to the proposal.

It is proposed to have soakaways and drainage infrastructure located within the individual plots, the POS, and within the highway. The specific design, size and capacity of these soakaways would be addressed at Building Control stage. Nevertheless, officers consider that in the circumstances it needs to be demonstrated that in principle, the site can be drained, surface water can be drained and the Highway Authority can adopt the drainage in the highway. Officers are also mindful that the drainage solution should not unduly compromise the scheme in other ways, such as landscaping, the functionality of the POS, and any ground level increase to accommodate the drainage. The applicants have submitted additional information in this respect and the views of the Highway Authority views are awaited. Members will be updated at the meeting. Furthermore, the applicant has confirmed that the Environment Agency's drainage requirements can be accommodated without significant changes to land levels. Nevertheless, a land level condition is recommended as there are no technical drawings currently submitted to demonstrate this to date.

Designing out crime

Paragraphs 58 and 69 of the National Planning Policy Framework require the creation of a safe, secure, sustainable environment. Para 010 of National Planning Practice Guidance requires that 'designing out crime and designing in community safety should be central to the planning and delivery of new development'. Furthermore section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can prevent crime and disorder.

The Police Designing out Crime Officer has identified the following areas of concern with the scheme:

1. That not every occupant can directly overlook the two shared parking areas.
2. The quarter houses having their front doors accessed via the shared parking areas, where there is less natural surveillance.
3. Whether the parking courts will be lit.
4. Lack of defensible space for the quarter houses accessed from the rear as there is no separation from amenity space and that belonging to the properties.
5. No indication whether the amenity areas would be public or private space.
6. The parking areas could encourage the congregation of youths and anti-social behaviour.
7. No indication of communal drying areas, bin storage or cycle storage
8. No details of bin storage facilities.
9. That the location of the affordable housing on the eastern side will 'ghettoise' that area.
10. The POS areas have the potential to attract nuisance and antisocial behaviour.

The above concerns are understood. However, it is noted that the shared parking areas are both well surveyed by the dwellings on the two different sides, containing both ground and first floor windows. This is considered to reduce the risk of crime and anti-social behaviour in these areas. Furthermore these areas are to be private areas and not public areas. The quarter houses are orientated to front both the street and rear parking areas equally, thereby reinforcing the feeling of natural surveillance. Both of the proposed private shared parking areas are to be transferred to a Registered Provider to manage, and a suitably worded condition to address external lighting, bin storage areas, and cycle storage areas is recommended. Whilst the affordable housing will be concentrated in two distinct areas within the scheme, there is no evidence to suggest the design outcome would 'ghettoise' the area and the suggestion is strongly refuted by officers. The amendments to the scheme and house types, particularly the quarter houses have been chosen and sited specifically to meet identified housing need in the SHMAA, and in a form that the Registered Providers are prepared to purchase and manage.

The POS areas are to be passed by the developer to a company to manage once completed. The comment about them being used for anti-social behaviour and potential nuisance it considered to be without foundation. These areas are well surveyed by existing properties and the central area of POS is the focal point of the scheme.

Subject to the conditions discussed above being imposed it is considered that the concerns raised are not sustainable objections to the scheme. The requirement to take reasonable steps to reduce the risk of crime has been met. Furthermore, these concerns are not considered to be sufficient to be classed as 'significant' or 'demonstrable' effects that would outweigh the public benefits associated with the scheme in accordance with para 14 of the NPPF.

Impact upon the character of the area

Policy SP13- Landscapes provides protection to the open countryside, and splits the District into five different character areas. The site in question falls within the Vale of Pickering landscape area, which is typically low lying land between the Yorkshire Wolds, the North York Moors and the Howardian Hills Area of Outstanding Natural Beauty.

As stated above, the site is surrounded on three sides by Phase 1 of the Taylor Wimpey development; being the western, northern, and southern sides. On the eastern side is an area, the subject of a current application for housing (14/00427/MOUTE). Further to the east is the Showfield Lane Industrial Estate. The site has its highest point in the middle of the site at approximately 5m above its lowest ground level. The site is located between the existing built fabric of the Town and the A64 by-pass. In view of the typography of the site and its close relationship to the built-up area of Malton, together with the approved Phase 1, the proposal is not considered to have an adverse effect upon the character of the surrounding area.

The Council's Tree and Landscape Officer has been consulted on the application and has not objected to the principle of development on the site. Concern has, however, been expressed relating to the suitability of the planting proposed. Following verbal discussions it is considered that the existing hedges on the southern and northern boundaries should be retained within the scheme and precise details should be required of the planting for the POS and the individual plots.

Protected species

A protected species survey has been undertaken which has not identified that there are any protected species using the site. There is some possibility of protected species being located in the wider area, and suggested precautions are recommended. These precautions include covering foundations; that habitat removal should only take place outside the bird breeding season; that care during works to protect hedgehogs and prevent the spread of ragwort, and a landscaping scheme that encourages ecological enhancements. It is recommended that these issues can be addressed by condition. The Countryside Management Officer has however, recommended further survey work and environmental enhancements. It should be noted that the new allotment have been created elsewhere on arable land to the north-west, and to that extent, the loss of habitat on the application site will have off-set this on another larger site nearby. It should be noted the new allotment site is not owned by the applicant and it is not possible to control this other site, therefore no conditions can be imposed in respect of the habitat off-set.

In addition, the applicant's ecologist has stated the following in response:-

"We have re-reviewed our report, the 2007 Scott-Wilson Extended Phase 1 Habitat survey report (wider site) and aerial photographs for the Site and do not believe that further survey for reptiles is necessary, as was our consensus following our Site visit last year. Furthermore, Scott-Wilson Ecology were of the same opinion and connectivity to the Site for reptiles has not improved since their survey visit.

Whilst the mosaic of habitats at the Site comprising scrub, hedgerow bases and colonising ephemerals/ perennials offer habitat suitable to support reptiles, and indeed slow worms are frequently found within allotment habitats within southern England, this species is uncommon in northern England, and furthermore, given that the Site is surrounded predominantly by arable land and roads, there is no suitable connective habitat from other suitable reptile habitats to the Site for reptiles to disperse through.

With regards to the potential loss of biodiversity at the Site, the areas of POS can be planted and maintained to support suitable foraging habitats for badgers and hedgehogs, and adequate cover for hedgehogs. Whilst habitats at the Site will remain suitable for tree sparrow and house sparrow, we would not anticipate grey partridge to be present at the Site when the allotments were fully utilised, and acknowledge that the future use of the Site will not be suitable for this species, however, the widespread agricultural land within the local area offers suitable habitat for this species. Furthermore, with a landscaping scheme that includes nectar, berry and nut rich native species of hedgerow, trees and shrubs, alongside residential gardens, we would anticipate that the diversity of garden birds occurring at the Site will increase as a result of the proposals.

It is therefore considered to be unnecessary to require any further ecological surveys.

Potential ground contamination

The Ground Condition Report submitted with the application identified that the site was at a low-moderate risk of potential contamination. The Council's Contaminated Land Officer has considered the report and recommends conditions requiring the submission of a Phase 2 Site Investigation Report prior to the commencement of development.

The potential impact of the proposals upon archaeology

The County archaeologist initially requested additional reports on trial trenching that has taken place. On receipt of the report the County archaeologist has confirmed that they have no objection to the proposed development.

Public Open Space

Policy SP11 of the Local Planning Strategy requires new development to contribute to the provision of Public Open Space (POS).

There are two on-site areas of Public Open Space each measuring 630m²; one central area and an area on the north-western side that is adjacent to an area of POS approved on Phase 1. There is also a requirement for an off-site financial contribution of £146,256 towards adult and youth leisure provision or enhancement.

The central area of Public Open Space will be an open grassed area with suitable landscaping. The area to the west will link with an area of POS approved on Phase 1 and provide an enlarged area for children to play, with a fuller array of play equipment. The Council's Valuer is currently in discussions with the developer about this aspect, and it is anticipated that the specific details of this will be addressed by a suitably worded planning condition. The land underneath the central area of POS will be used to store and attenuate surface water drainage with one inspection chamber on the POS area. This is not considered to adversely affect the functionality of the POS area.

In summary, the proposed POS provision is considered to be sited in acceptable locations and capable of being functional POS, subject to precise details.

Developer contributions

If Members of the Planning Committee approve this application the following developer contributions are required:

- Affordable Housing: On site provision of 29 dwellings as detailed above.

- Public Open Space provision - Two on site areas of POS each measuring 630m² together with an off-site commuted payment of £146,252 towards adult and youth provision for sport and leisure.
- A Developer contribution of £232,500 towards the new Brambling Fields junction.
- A developer contribution of £227,733 towards education provision at the request of NYCC.

Financial contributions totalling over £600,000 have therefore been negotiated with the Developer together with 29 on site affordable homes and two areas of POS. The scheme is therefore considered to contain a significant public benefits in this respect.

Other consultation responses

No written views have been received from Malton Town Council. There have been 2 letters of objection that have raised the following issues; highway safety and congestion of traffic using the proposed site together with the approved new housing development on Broughton Road and movements to key places around Malton such as Schools; the impact upon Derwent Surgery; impact upon school provision; loss of view; loss of the allotments; position of new allotments.

Additional education provision has already been addressed through a commuted sum in the appraisal above. Highway safety and the movement of vehicles from the site, together with the capacity and need for controlled crossing has been considered by the Highway Authority who has no objection in this respect. The availability of appointments at Derwent surgery is matter for the Surgery directly, as they are funded separately, and no developer contributions are required in this respect. The loss of a view is not a material planning consideration. The alternative position and provision of the allotments nearby has already been decided by others and they are in operation. There is no statutory protection for the existing unused allotments.

Conclusion

Subject to the satisfactory resolution of the outstanding drainage issues identified above, there are considered to be no grounds to refuse the application based on guidance within the NPPF, or any grounds that would represent significant or demonstrable harm in accordance with Para 14 of NPPF. Therefore, in view of the above, the recommendation on this application is one of approval subject to the resolution of the outstanding drainage issues and a S106 agreement in respect of developer contributions.

RECOMMENDATION: Approval subject to resolution of outstanding drainage issues and Section 106 Agreement in respect of developer contributions

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 SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 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 SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by the National Planning Policy Framework.

- 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 an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Prior to the commencement of the development hereby approved, precise details of all ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to ensure a satisfactory external appearance, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 The existing hedgerows on the northern, southern and eastern boundaries shall be retained with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:- The existing hedges are considered to be important features that will help retain habitat within the scheme and in the interests of the visual amenity of the scheme, and to satisfy Policies SP14 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. 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 in 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 comply with the requirements of Policy ENV7 of the Ryedale Local Plan

- 9 The development shall be undertaken in accordance with Section 5.0 of the 'Conclusions and Recommendations' within the Extended Phase 1 Habitat Survey issued August 2013, with precise details to be submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to fully take account of ecology that may be using the site and to meet the requirements of Policy SP14 of the Ryedale Plan - Local Plan Strategy.

- 10 Prior to the commencement of the development hereby approved, precise details of the play equipment and other structures to be sited on the areas of on-site Public Open Space, together with a 20-year management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to ensure the Public Open Space is functional and to satisfy Policy SP11 of the Ryedale Plan - Local Plan Strategy.

- 11 Prior to the occupation of any of any dwelling hereby approved, the following refuse collection and recycling bins shall be provided:-

- 180 litre green refuse bin;
- 240 litre brown garden waste bin;
- 55 litre green plastic bottle and can recycling box;
- 55 litre paper and cardboard recycling bag; and
- 40 litre glass recycling box.

Reason:- For the avoidance of doubt, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 12 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which prevent overloading and to comply with Policy SP17 of the Ryedale Plan - Local Plan Strategy and National Planning Policy Framework.

- 13 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:- In the interests of satisfactory and sustainable drainage.

- 14 No development shall take place until a scheme for the disposal of foul and surface water drainage, including details of any balancing works and off-site works, including details of a phased programme of implementation have been submitted to and approved by the Local Planning Authority.

Reason:- To ensure that the development can be properly drained and to comply with Policy SP17 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 15 Unless otherwise approved in writing by the Local Planning Authority, no dwelling shall be occupied or surface water piped from that phase of the development until the foul and surface water drainage works for that phase have been completed in accordance with the approved drainage scheme.

Reason:- To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal and to satisfy Policy SP17 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 16 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:-

- Surface water run-off rate will be limited to the Greenfield rate from a 1 in 1 year event;
- Sufficient attenuation and long-term storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event, plus 30% to account for climate change, and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into a watercourse;
- Details of how the scheme shall be maintained and managed after completion.

Reason:- To prevent the increased risk of flooding, both on and off site, and to satisfy Policy SP17 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 17 Prior to the commencement of the development, precise details of obscure glazing for Plots 321, 320, 264, 267, 276 and 271 shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to protect the amenity of the adjoining properties and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 18 Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until information on the use of the site and any adjacent sites since 2007 is submitted to supplement the original Preliminary Appraisal (Desk Top Study) for land at Outgang Road, Malton (Sirius, Report No C2565, December 2007) and approved in writing by the Local Planning Authority. This shall include an assessment of the new information in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of Practice for the Investigation of Potential Contaminated Sites.

Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until a Phase 2 Site Investigation Report and if required, or requested by the Local Planning Authority, a Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175(2013) Code of Practice for the Investigation of Potential Contaminated Sites. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing to the Local Planning Authority and work cease until the extent of the contamination has been investigated and remedial action, which has been agreed in writing with the Local Planning Authority has been completed.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, and to satisfy the National Planning Policy Framework.

- 19 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) on the quarter-houses located on Plots 264 - 279 and 318 - 325, development of the following classes shall not be undertaken on the quarter houses located on plots 264-279 and 318-325 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 Ryedale Plan - Local Plan Strategy.

- 20 Prior to the commencement of development hereby approved, details of the existing and finished site levels (including road and finished ground floor levels of the proposed dwellings) measured in relation to a fixed datum point, shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved levels details unless otherwise agreed in writing with the Local Planning Authority.

Reason:- For the avoidance of doubt and to ensure that the finished development has a satisfactory external appearance and to satisfy Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 21 Prior to the commencement of the development hereby approved, the following details for Plots 264 - 279 and Plots 318 - 325 shall be submitted to and approved in writing by the Local Planning Authority:

- i. Details of external lighting;
- ii. Details of bin storage areas;
- iii. Details of cycle storage areas; and
- iv. Details and management proposals of the shared private amenity areas.

Thereafter, the development shall be undertaken in accordance with the details thereby agreed.

Reason:- In order to reduce the risk of crime and anti-social behaviour and to satisfy the requirements of Policy SP16 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 22 No dwelling the subject of this application shall be occupied until such time as the application site has direct access to the Public Highway, to the reasonable satisfaction of the Local Planning Authority.

Reason:- To ensure the application site has access to the public highway and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 23 Any conditions as requested by the Highway Authority.

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

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

INFORMATIVES:

- 1 The applicant/developer is advised that this application should be read in conjunction with the Section 106 Agreement dated
- 2 In accordance with Condition 8, the applicant/developer is advised that the landscaping should enhance the opportunities for habitat creation pursuant to Policy SP14 of the Ryedale Plan - Local Plan Strategy.
- 3 In accordance with the Noise Report, and pursuant to Condition 9, Plots 330 and 331 should have a close-boarded fence around their rear and side elevations.
- 4 The site of the proposed development is underlain by the Coralline Oolite formation which is designated a Principal Aquifer. Principal Aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. It is therefore important that groundwater is protected from pollution associated with the construction and occupation of the development.

The Environment Agency recommend that the applicant prepares a Construction Environmental Management Plan (CEMP). The CEMP should identify potential groundwater hazards associated with construction of the development and should evaluate the likelihood and consequences of each hazard. Mitigation for dealing with the likelihood risks should be identified and implemented.

The applicant is advised to refer to the relevant published Environment Agency pollution prevention guidelines, in particular 'Working at construction and demolition sites: PPG6'. Pollution prevention guidelines can be accessed on the Environment Agency's website at <http://www.environmentagency.gov.uk/business/topics/pollution/39083.aspx>

- 5 The Environment Agency understand that sustainable drainage systems (SuDS) are proposed for the discharge of surface water run-off. Where infiltration SuDS are proposed for surface run-off from roads, car parking and amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.

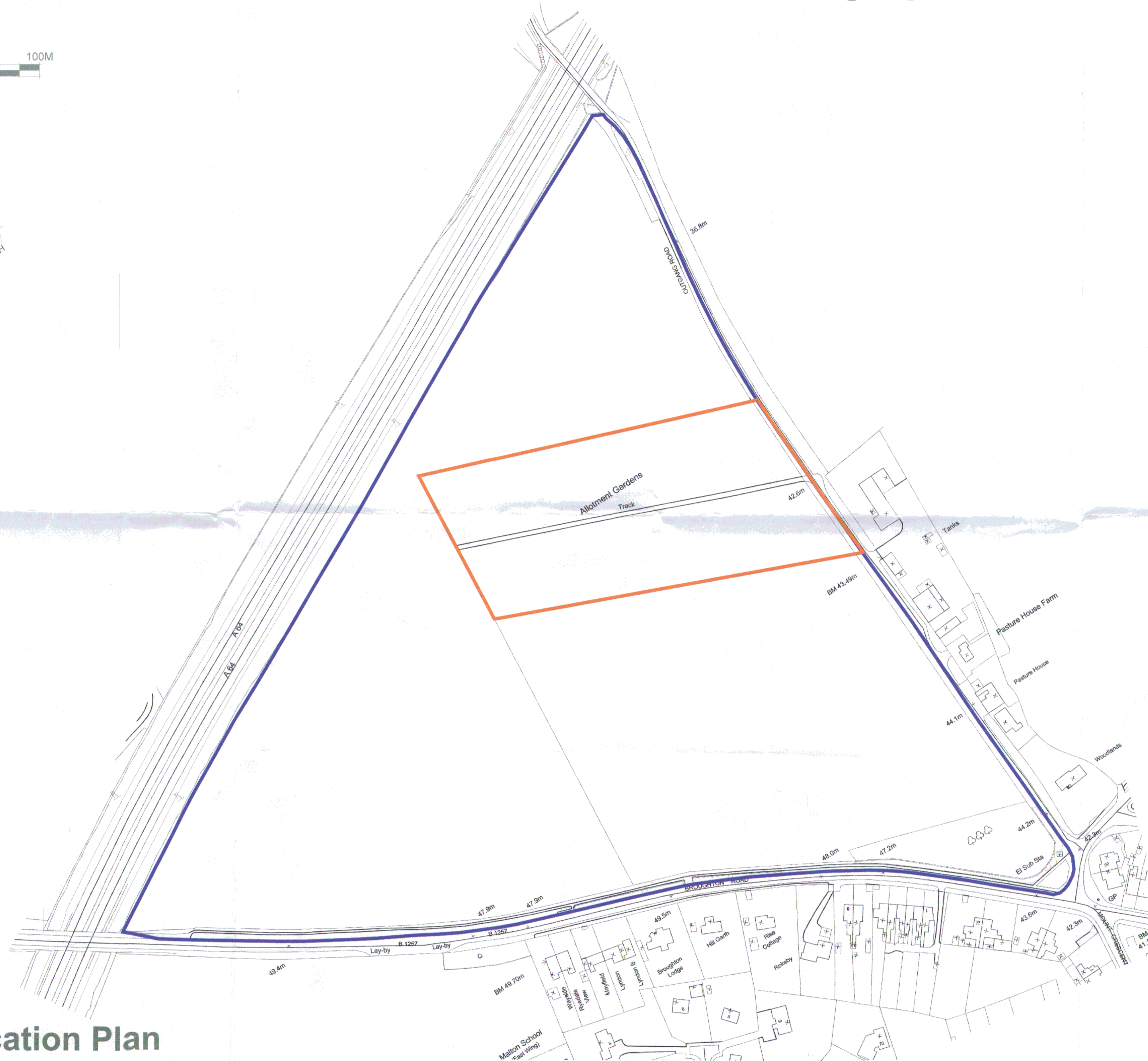
The design of the SuDS should be subject to a risk assessment, considering the types of pollutants likely to be discharged, design volumes and the dilution and attenuation properties of the aquifer. Mitigation for dealing with risks to groundwater should be identified and implemented.

- 6 The discharge of clean roof water to ground is acceptable provided that all roof water downpipes are sealed against pollutants entering the system from surface water run-off or any other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

Background Papers:

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

Proposed Residential Development at Broughton Road & Outgang Lane, Malton.



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REVISED PLAN

Rev	By	Note	Date

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PROJECT Broughton Rd & Outgang Lane, Malton
 TITLE Site Location Plan
 CLIENT Taylor Wimpey
 DATE 18.03.2013 SCALE 1:1250@A1
 DWG NO Y81:825.01 REVISION -
 DRAWN JD CHECKED PJR

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Site Location Plan

Proposed Residential Development at Outgang Lane Allotments, Malton.

Taylor Wimpey

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House Type Legend - Social

Types	No.	Beds	Storey	Sqft	Total Sqft
B15 One Bed Quad	16	1	2	603	9,648
B25 Two Bed Quad	8	8	2	653	5,524
PA25 Canford	5	2	2	689	3,445
Total	29				18,617

House Type Legend - Private

Types	No.	Beds	Storey	Sqft	Total Sqft
Foxdale	4	2	1	722	2,888
PA34 Gosford	11	3	2	866	9,526
PB35 Altton	12	3	2.5	1085	13,020
PD48 Bradenham	10	4	2	1153	11,530
PD49 Downham	6	4	2	1244	7,464
PE41 Oakham	8	4	3	1244	9,952
PT43 Langdale	3	4	2	1530	4,590
Total	54				58,970

Site Total - 83 - 77,587
Social - 35%

Site Layout Key

- Social Housing
 - Indicative Trees
 - Indicative Hedges
- Landscaping indicative only
- Refer to Landscape Architects drawings for detail design



Rev	By	Note	Date
D	JG	Layout amended following meeting with Ryedale Planners 16.05.14. And TW comments	22.05.14
C	JD	Bungalows added & turning head adjusted (332-335). 2 VP spaces added to apartment parking court. ALT garages moved back 6m. Plots 284-287 moved 1m. Bollards and railings added to footpath links.	11.02.14
B	JD	Storey heights illustrated, contour information added & turning head serving plots 284-304 hatched.	15.01.14
A	JD	Amended to TW marked up drawing following meeting with Ryedale D.C. See email dated 13.12.13.	09.01.14

Rev By Note Date

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PROJECT: Outgang Lane Allotments, Malton
TITLE: Proposed Site Layout
CLIENT: Taylor Wimpey
DATE: 10.12.2013 SCALE: 1:500@A1
DRG. NO: Y81:825.03 REVISION: D
DRAWN: PJR CHECKED: PJR

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Proposed Site Layout.

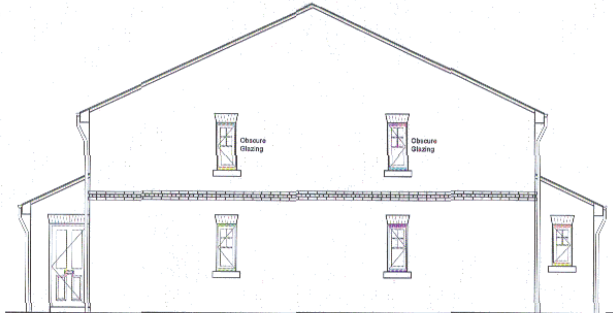


Proposed Residential Development at Broughton Road & Outgang Lane, Malton

Page 108



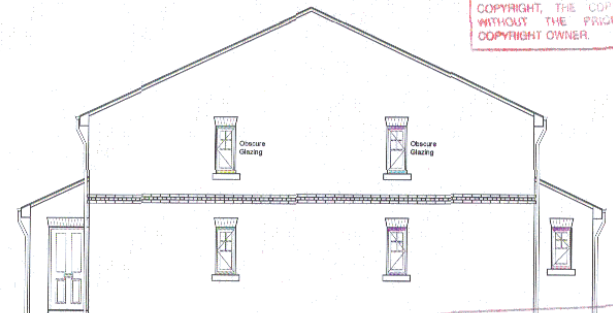
Front Elevation



Side Elevation



Rear Elevation



Side Elevation
Y81.825.101A

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REVISED PLAN

Quarter House - 1 Bed 2 Storey (Plots 268-275, 318-321 & 322-325) 1 : 100 @ A3 Feb 2014



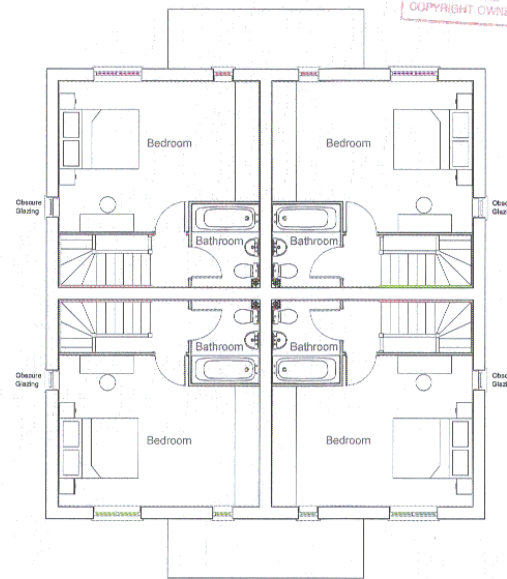
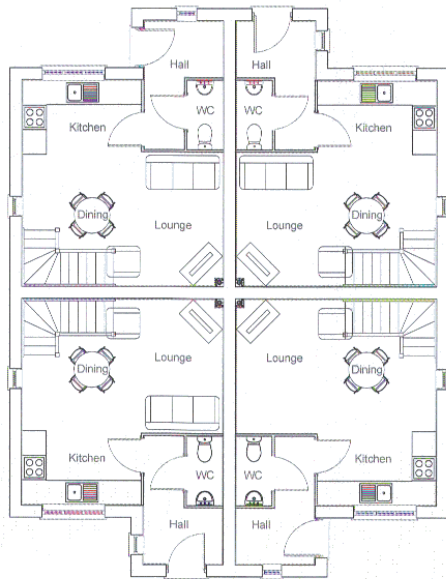
PRA ARCHITECTS

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F: 01904 632779 E: enquiries@pra-architects.com W: www.pra-architects.com

Rev A: Secondary windows to FF Bedroom
side elevation reduced in size and obscure
glazing. 21.05.14

**Taylor
Wimpey**

Proposed Residential Development at Broughton Road & Outgang Lane, Malton



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REVISED PLAN

Y81.825.100A

Quarter House - 1 Bed 2 Storey (Plots 268-275, 318-321 & 322-325) 1 : 100 @ A3 Feb 2014



PRA ARCHITECTS

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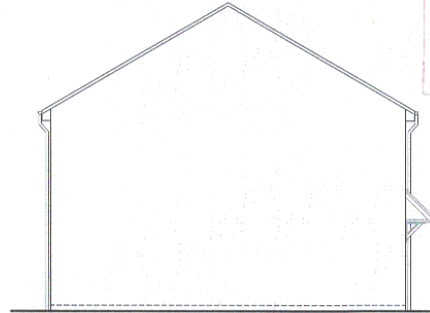
Rev A: Secondary windows to FF Bedroom side elevation reduced in size and obscure glazing. 21.05.14

Taylor Wimpey

Proposed Residential Development at Broughton Road & Outgang Lane, Malton



Front Elevation



Side Elevation

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Rear Elevation

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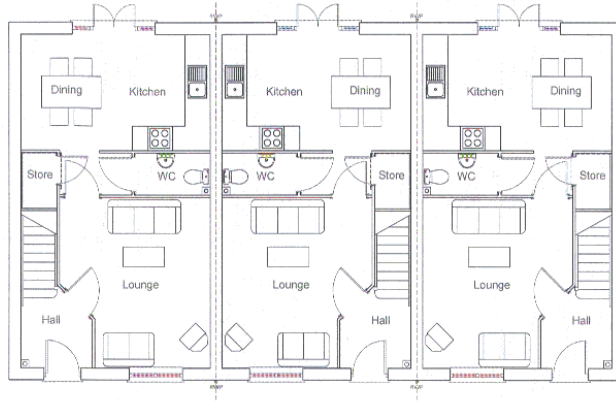
Gosford - 3 Bed 2 Storey (Plots 328-330)

Y81.825.112

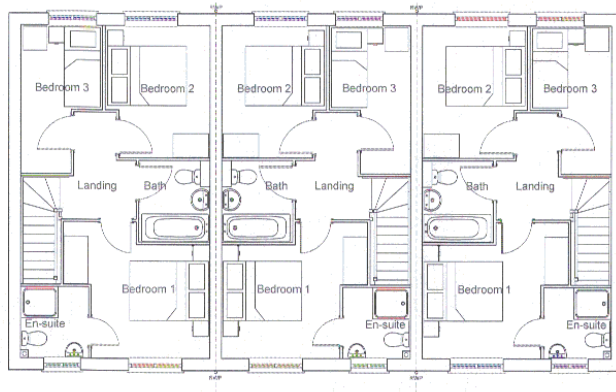
1 : 100 @ A3 Feb 2014

REVISED PLAN

Proposed Residential Development at Broughton Road & Outgang Lane, Malton



Ground Floor Plan



First Floor Plan

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Gosford - 3 Bed 2 Storey (Plots 328-330)

Y81.825.111

1 : 100 @ A3 Feb 2014



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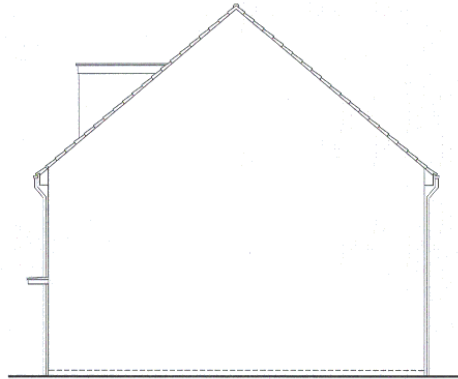
REVISED PLAN

Taylor Wimpey

Proposed Residential Development at Broughton Road & Outgang Lane, Malton



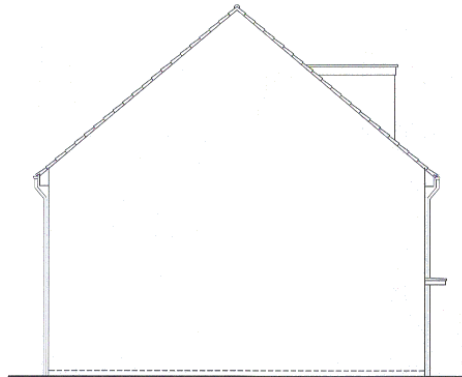
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

Y81.825.114A

Alton - 3 Bed 2.5 Storey (Plots 284-285, 292-295, 303-306 & 311-312) 1 : 100 @ A3 Feb 2014

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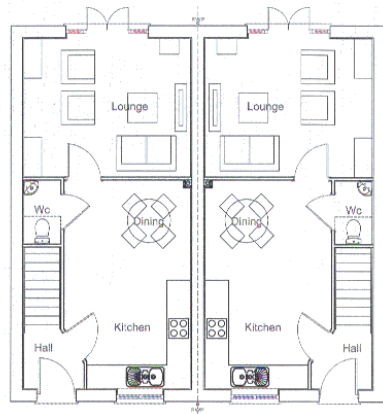
Rev A: Roof pitch reduced following meeting with Ryedale Planners. 21.05.14

REVISED PLAN Taylor Wimpey

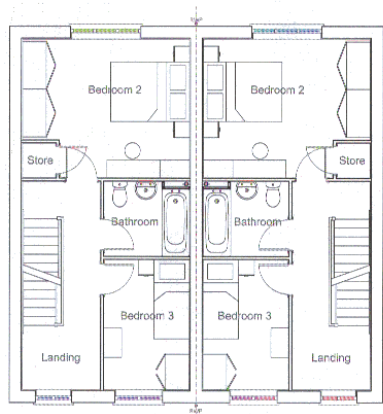
Proposed Residential Development at Broughton Road & Outgang Lane, Malton

Page 113

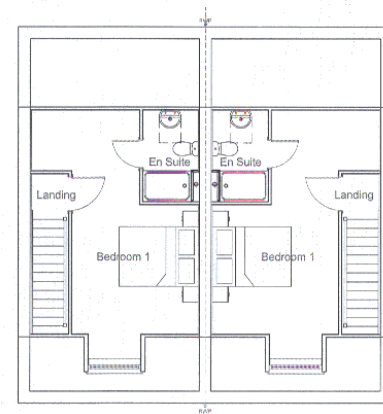
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Ground Floor Plan



First Floor Plan



Second Floor Plan

Y81.825.113A

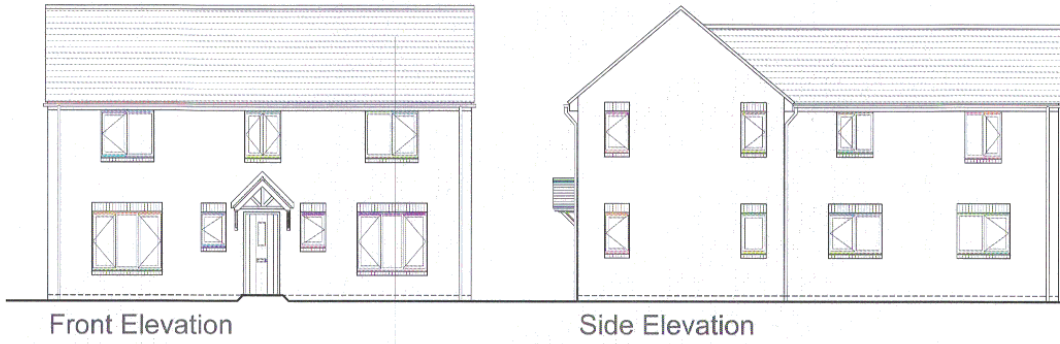
Alton - 3 Bed 2.5 Storey (Plots 284-285, 292-295, 303-306 & 311-312) 1 : 100 @ A3 Feb 2014

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 33 The Barnyard, Lawrence Street, York, YO1 1SR
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Rev A: Roof pitch reduced following meeting with Ryedale Planners. 21.05.14

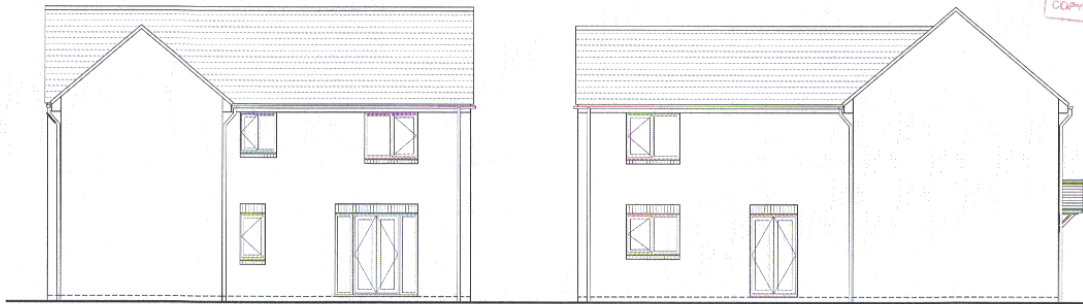
REVISED PLAN Taylor Wimpey

Proposed Residential Development at Broughton Road & Outgang Lane, Malton



Front Elevation

Side Elevation



Rear Elevation

Side Elevation

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Page 114

Langdale - 4 Bed 2 Storey (Plots 300, 301 & 339)

Y81.825.119A

1:100 @ A3 Feb 2014



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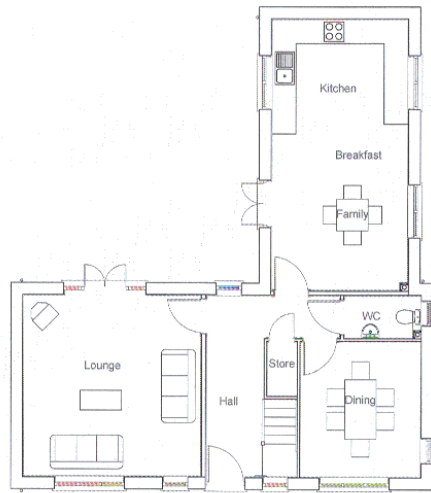
Rev A: Roof pitch increased following meeting with Ryedale Planners. 21.05.14

REVISED PLAN

Taylor Wimpey

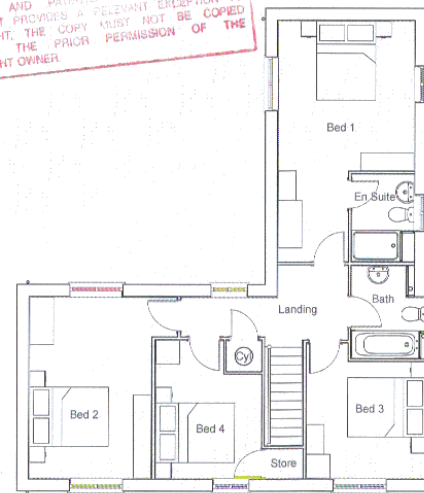
Proposed Residential Development at Broughton Road & Outgang Lane, Malton

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Ground Floor Plan

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First Floor Plan

Langdale - 4 Bed 2 Storey (Plots 300, 301 & 339)

Y81.825.118

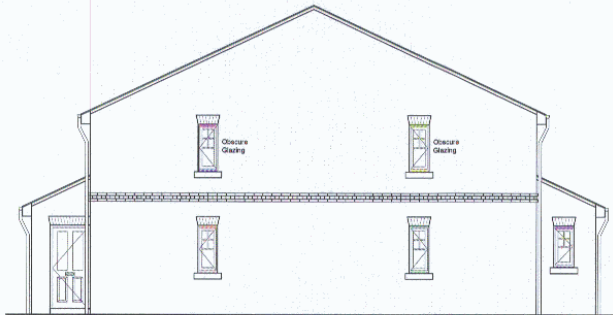
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REVISED PLAN

Proposed Residential Development at Broughton Road & Outgang Lane, Malton



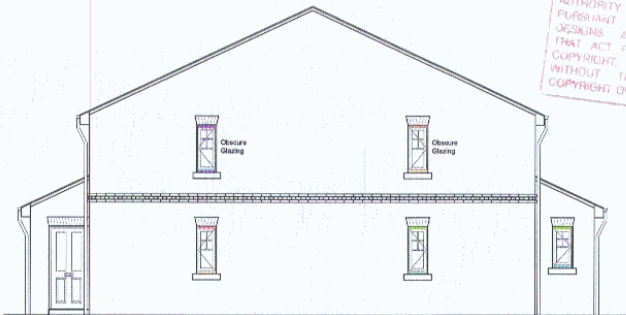
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

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Y81.825.122

Quarter House - 2 Bed 2 Storey (Plots 264-267 & 276-279)

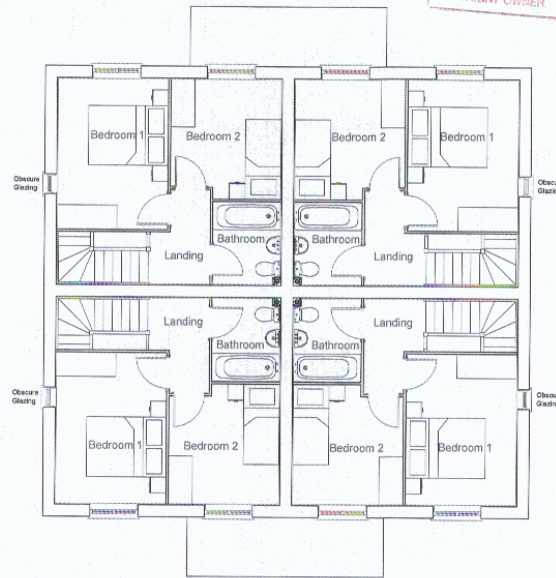
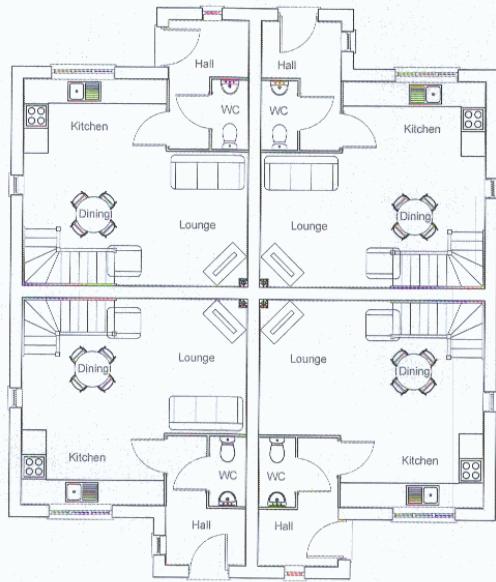
1 : 100 @ A3 May 2014

REVISED PLAN

Taylor Wimpey

Proposed Residential Development at Broughton Road & Outgang Lane, Malton

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Y81.825.121

Quarter House - 2 Bed 2 Storey (Plots 264-267 & 276-279)

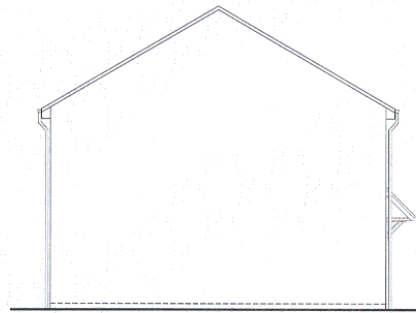
1 : 100 @ A3 May 2014

REVISED PLAN

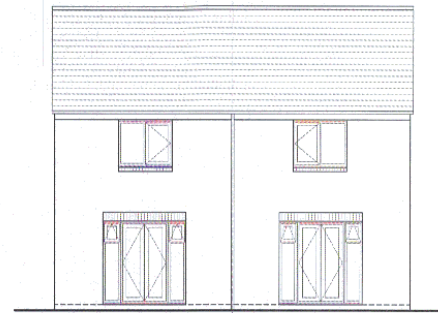
Proposed Residential Development at Broughton Road & Outgang Lane, Malton



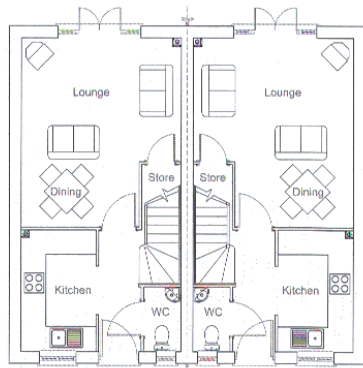
Front Elevation



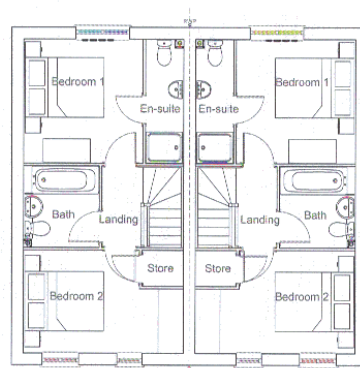
Side Elevation



Rear Elevation



Ground Floor Plan



First Floor Plan

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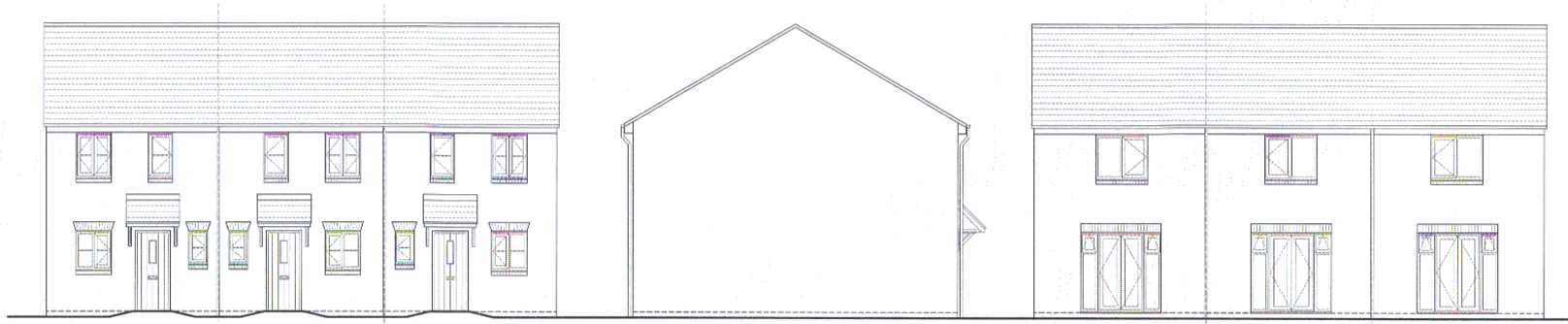
REVISED PLAN

Page 118

Canford - 2 Bed 2 Storey (Plots 316-317) Y81.825.107

1 : 100 @ A3 Feb 2014

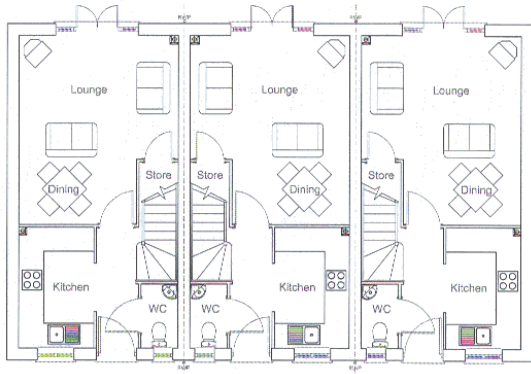
Proposed Residential Development at Broughton Road & Outgang Lane, Malton.



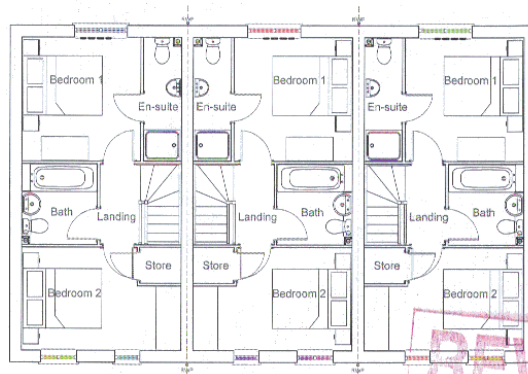
Front Elevation

Side Elevation

Rear Elevation



Ground Floor Plan



First Floor Plan

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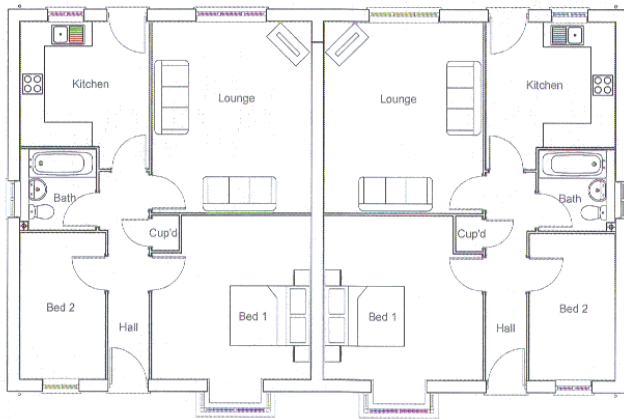
REVISED PLAN

Canford - 2 Bed 2 Storey (Plots 313-315) Y81.825.108

1 : 100 @ A3 Feb 2014

Proposed Residential Development at Broughton Road & Outgang Lane, Malton

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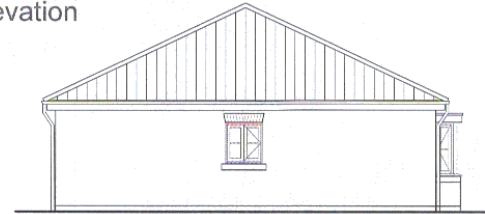


Ground Floor Plan

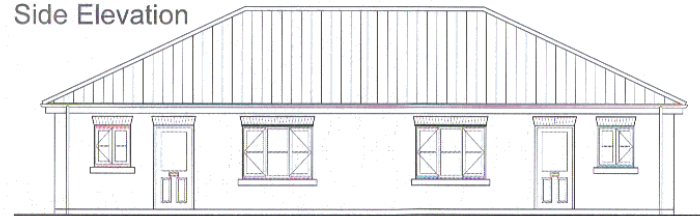
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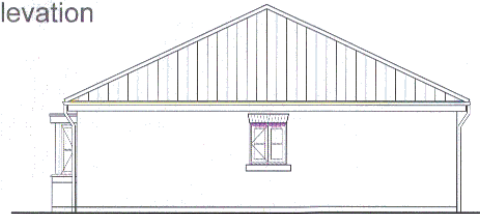
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

Foxdale - 2 Bed 1 Storey (Plots 331-332 & 333-334) Y81.825.109 1 : 100 @ A3 Feb 2014



PRA ARCHITECTS

33 The Brewery, Lawrence Street, York YO10 2JW T: 01904 63772
F: 01904 63777 E: info@pra-architects.com W: www.pra-architects.com

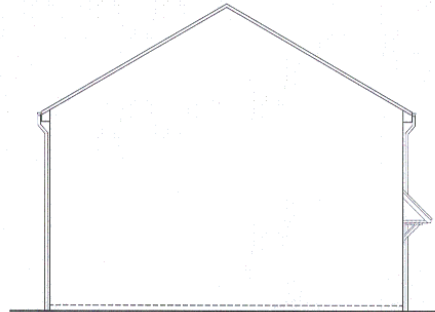
REVISED PLAN

Taylor Wimpey

Proposed Residential Development at Broughton Road & Outgang Lane, Malton



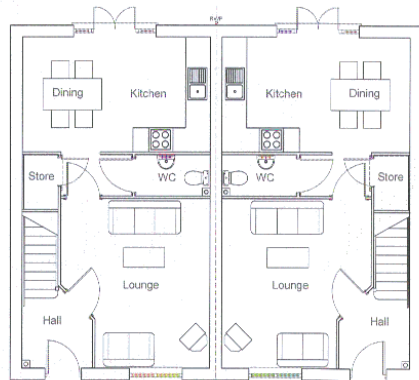
Front Elevation



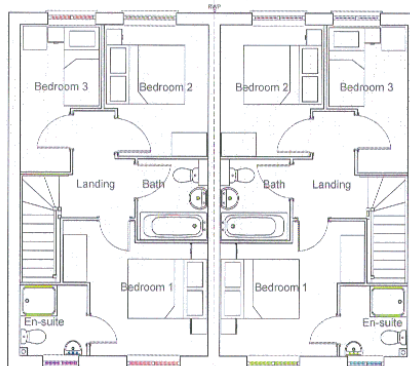
Side Elevation



Rear Elevation



Ground Floor Plan



First Floor Plan

Y81.825.110

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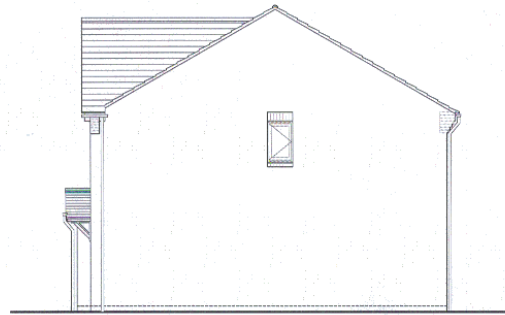
Gosford - 3 Bed 2 Storey (Plots 280-281, 282-283, 326-327 & 344-345) 1 : 100 @ A3 Feb 2014

REVISED PLAN

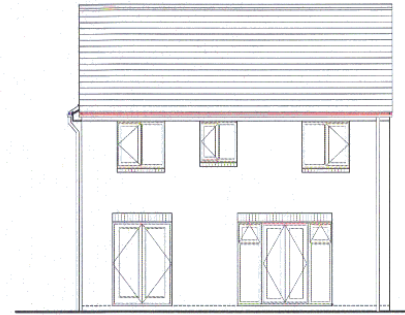
Proposed Residential Development at Broughton Road & Outgang Lane, Malton



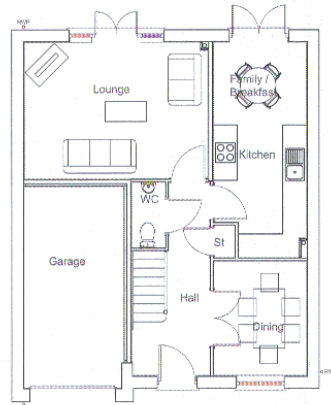
Front Elevation



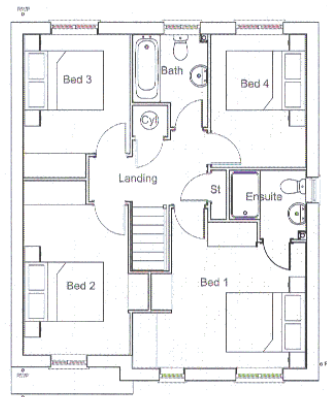
Side Elevation Left



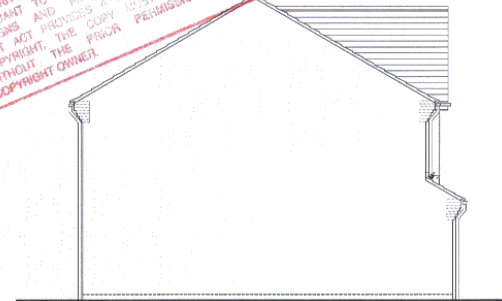
Rear Elevation



Ground Floor Plan



First Floor Plan



Side Elevation Right

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Y81.825.115

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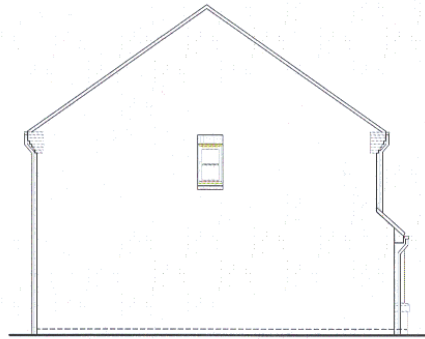
Bradenham - 4 Bed 2 Storey (Plots 286, 296, 298, 299, 335, 338, 341, 342, 343 & 346)

REVISED PLAN

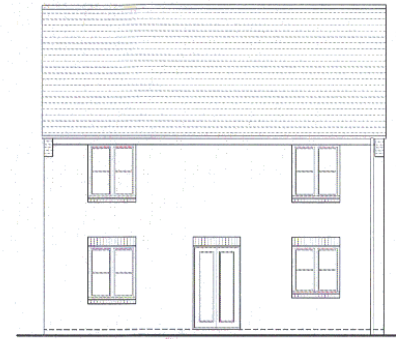
Proposed Residential Development at Broughton Road & Outgang Lane, Malton



Front Elevation

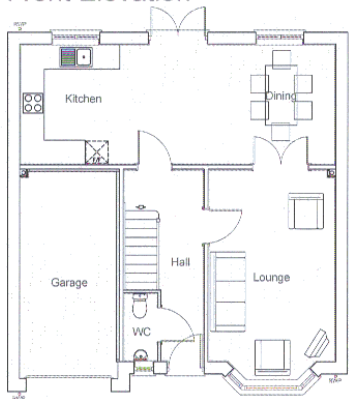


Side Elevation

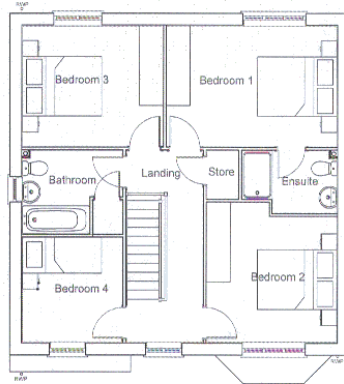


Rear Elevation

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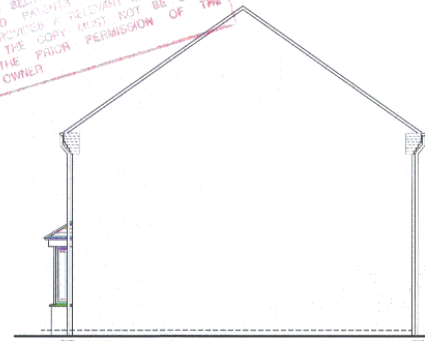


Ground Floor Plan



First Floor Plan

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Side Elevation

Y81.825.116

Downham - 4 Bed 2 Storey (Plots 287, 297, 302, 336, 337 & 340)

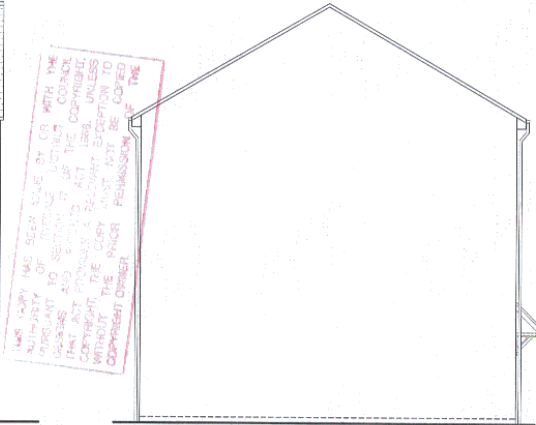
1 : 100 @ A3 Feb 2014

Proposed Residential Development at Broughton Road & Outgang Lane, Malton

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Front Elevation

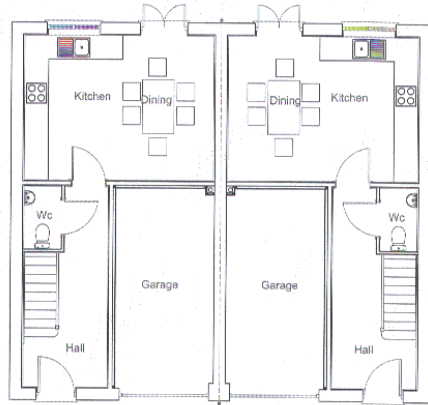


Side Elevation

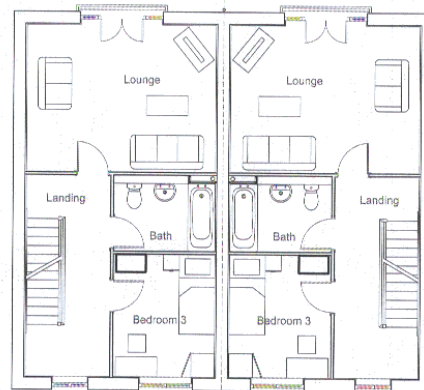
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Front Elevation

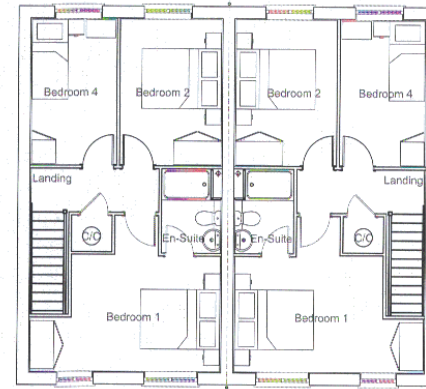


Ground Floor Plan



First Floor Plan

Y81.825.117

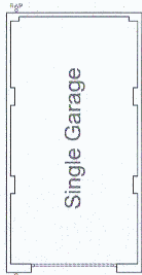


Second Floor Plan

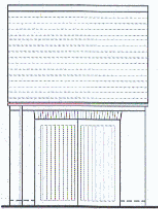
Oakham - 4 Bed 3 Storey (288-289, 290-291, 307-308 & 309-310)

Feb 2014

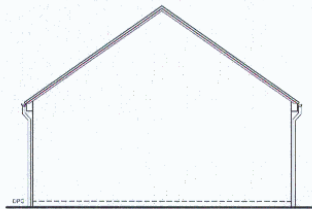
Proposed Residential Development at Broughton Road & Outgang Lane, Malton



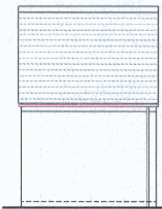
Ground Floor Plan



Front Elevation

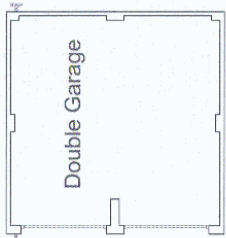


Side Elevation

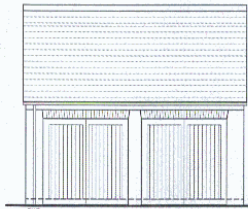


Rear Elevation

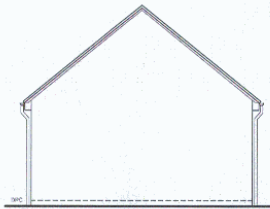
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Ground Floor Plan



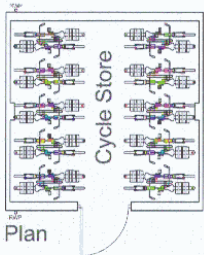
Front Elevation



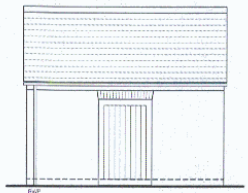
Side Elevation



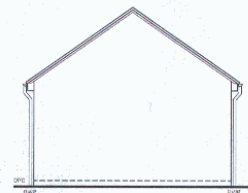
Rear Elevation



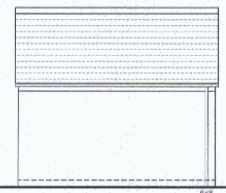
Plan



Front Elevation



Side Elevation



Rear Elevation

REVISED PLAN

Proposed Residential Development at Broughton Road & Outgang Lane, Malton.



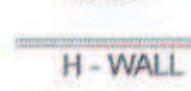





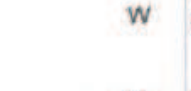
TaylorWimpey plc

Schedule of Accommodation

Housing for Sale		Bed	Storey
No.	Ref. Name		
3	FOG Flat over Garage	2	2
15	FL Flatford	3	2
26	GO Gosford	3	2
9	HL Halliford	3	2
15	PO Portland	3	2.5
2	TL Tildale	3	2
2	TL(s) Tildale Special	3	2
6	RO Rowan	4	2
19	BR Bradenham	4	2
13	MD Midford	4	2
12	AR Arlington	4	3
2	AR(s) Arlington Special	4	3
10	DO Downham	4	2
6	CH Chillingham	4	2
11	EA Easton	4	2.5
5	HD Hadleigh	4	2
3	HD(s) Hadleigh Special	4	2
4	EY Eynsham	4	2
8	LI Lindsame	4	2
9	WH Whitchurch	4	2.5
3	LA Lavenham	5	2
Affordable Housing			
45	BA Barden	2	2
21	AY Aydon	3	2
14	FL Flatford	3	2

263 Total No. of Units

Note for more detailed information refer to 1:500 site layout drawings.

- CS Denotes areas designated for Cycle Storage
- BS Denotes areas designated for Bin Storage
- * Denotes properties allocated as affordable housing
-  Indicative Landscape - Refer to Popplewell Associates, Landscape Architects drawings for details
-  Retained Hedgerow / Trees
-  WALL 1.8m Brick screen wall or Brick and Timber screen wall
-  H - WALL 2.5m High Acoustic Brick screen wall
-  1.0m High Post and Rail Fence
-  1.8m High Vertical Board Fence
-  1.5m High Acoustic Fence
-  3.0m High Acoustic Fence
-  Chimney locations on ridge lines

For further details of Acoustic fences / walls refer Scott Wilson Noise Assessment (Oct 2011).

Rev	By	Note	Date
AC	JG	Amendments following meeting with Planners 15.10.12	18.10.12
AB	CT	Chimneys location added	12.10.12
AA	JG	Footpath and verge amended to road 1	03.10.12
Z	JG	Layout amended following meeting with Planners 18.09.12	19.09.12
Y	JG	Footpaths / verge amended to Road 1 to enable Tree planning to Avenue	17.09.12
X	JG	Minor plot adjustments to Phase 1	13.09.12
W	JG	Further amendments to roads in accordance with comments from Highways Comments.	24.08.12
V	JG	Minor amendments to roads in accordance with comments from Highways Comments.	21.08.12
U	JG	Junction Visibility splays added to site layout, minor amendments to plots 74-79, 30,175,184,187,195,200,229 & 240 to ensure clear visibility	16.08.12

Rev | By | Note | Date

PRA ARCHITECTS

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PROJECT: Broughton Rd & Outgang Lane, Malton

TITLE: Proposed Site Layout

CLIENT: Taylor Wimpey

DATE: 01.07.2011 SCALE: 1:1000@A1

DRAWN: YB1-B17/03 REVISION: AC

DRAWN: CT/JG/PJR CHECKED:

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REVISED PLAN

RYEDAILE DM

17 OCT 2012
DEVELOPMENT
MANAGEMENT



DESIGN AND ACCESS STATEMENT

FORMER ALLOTMENT LAND

OUTGANG LANE/BROUGHTON ROAD

MALTON



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 - 4.01 Site Opportunities
 - 4.02 Views on to and off the site
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 - 7.01 Sustainability and Sustainable Design

- 8.00 SUMMARY AND CONCLUSION
 - 8.01 Summary and Conclusion

1.00 INTRODUCTION

1.01 Statement Context

PRA Architects have been instructed by Taylor Wimpey North Yorkshire Limited to compile this Design and Access Statement in support of a Full Planning Application for the residential development of former allotment land between Outgang Lane and Broughton Road Malton, set within and surrounded by proposed residential development, planning approved reference 11/01182/MREM, 26th October 2012.



Proposed Development identified within existing planning approved residential development

The Design and Access Statement is to accompany the Full Planning Application for residential development comprising of 85 new build dwellings.

Section 42 of the Planning and Compulsory Purchase Act requires a Design and Access Statement to be submitted with all planning applications, however new guidance, May 2013, has advised upon the role and use of Design and Access Statements. The need for a Design and Access Statement has now been excluded from certain planning applications, however, at 85 dwellings, this proposal is not subject to such exclusion.

This statement takes into account the advice set out in DCLG Circular 01/2006, and has been written in accordance with the advice contained in CABE Guidance, 'Design

1.00 INTRODUCTION

and Access Statements – How to write, read and use them' and the Council's Design and Access Statement guidance. It aims to ensure that considered design is integral to the process required in creating new developments, whilst also following guidance as provided within the National Planning Policy Framework (NPPF), which promotes good design as a key aspect of sustainable development. Good design indivisible from good planning should also contribute positively to making places better for people.

1.02 Planning Policy Context

The accompanying Planning Statement prepared by England and Lyle sets out in detail the Development Plan policies and material policy considerations relevant to the determination of the development proposals. The following summarise the keynote Design and Access planning policies which have been taken into consideration, as far as relevant, within the development of the scheme: -

Ryedale Plan: Local Plan Strategy policies:

- SP1 General Location of Development and Settlement Hierarchy;
- SP3 Affordable Housing
- SP4 Type and mix of new housing
- SP10 Physical Infrastructure
- SP11 Community Facilities and Services
- SP14 Biodiversity
- SP15 Green Infrastructure Networks
- SP16 Design
- SP17 Managing Air Quality, Land and Water Resources
- SP19 Generic Development Management Issues
- SP21 Developer Contributions

In addition to the above mentioned policies the Government has produced the National Planning Policy Framework (the Government's Planning Policies for England) Securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings is a core planning principle. The key elements/drivers of the NPPF can be summarised as follows: -

National Planning Policy Framework ('NPPF')

"at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan making and decision taking" (paragraph 14).

In relation to Achieving Sustainable Development, the NPPF sets out a number of thematic sections of relevance to the urban design of the proposed development: -

Promoting Sustainable Transport

Section 4 of the NPPF states that decisions should ensure developments which generate significant movement are located where the need to travel will be minimized and the use of sustainable transport modes can be maximised.

Delivering a Wide Choice of Quality Homes

The overall aim of section 6, which specifically looks at housing, is to 'boost significantly the supply of housing' and deliver a wide choice of high quality homes that create sustainable inclusive and mixed communities.

Requiring Good Design

Section 7 identifies that good design is a key aspect of sustainable development. It sets out a list of design based criteria against which policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
- Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and Safe and accessible developments, containing clear and legible pedestrian routes, and

1.00 INTRODUCTION

- high quality public space, which encourage the active and continual use of public areas.

Meeting the Challenge of Climate Change: Flooding

Section 10 of the NPPF stresses the importance of planning and its role in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Local planning authorities should ensure development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

1.03 The Process

This Design and Access Statement will seek to demonstrate how the proposals have been informed by the following steps:

- **Assessment:** The full context including the physical, social and economic characteristics of the site and its surroundings (with reference to national and local planning policies) is taken into account.

A separate detailed planning statement will be submitted as part of the planning application.

- **Involvement:** The communication with, and feedback from groups and people, at both professional and community level, and the direction taken following this communication.
- **Evaluation:** The information within the document has assisted towards identifying all constraints and opportunities that have informed the development of the design proposals

- **Design**

Use: What buildings and spaces will be used for?

Amount: How much will be built on the site

Layout: How the buildings and public and private spaces will be arranged on the site, and the relationship between them and the buildings and spaces around the site.

Scale: How big the buildings and spaces would be (their height, width and length).

Landscaping: How open spaces will be treated to enhance and protect the character of a place.

Appearance: What the buildings and spaces will look like e.g. Building materials and architectural details.

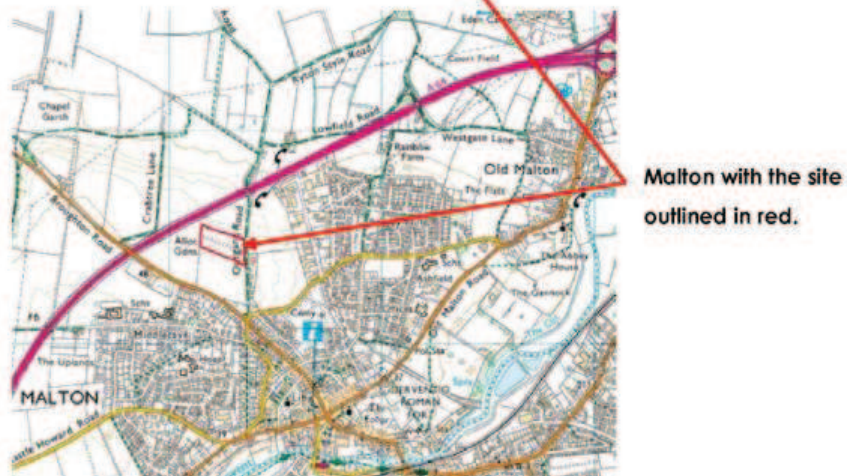
- **Access:**

Vehicular and Transport Links: Why the access points and routes have been chosen, and how the site responds to road layout and public transport provision.

Inclusive Access: How everyone can get to and move through the place on equal terms regardless of age, disability, ethnicity or social grouping.

2.00 ASSESSMENT

2.01 Malton – The Location



2.00 ASSESSMENT

2.02 Site Description

The proposed development site is a rectangular area of allotment gardens. The allotment holders are currently in the process of relocating to the Crabtree Lane allotments and the site will be vacant by the end of the year. The site is gently sloping and covers a gross site area of 2.32 Hectares.

The general topography of the site is a gently sloping starting at 46.50AOD at the centre of the southern boundary, which then falls east, north and west to 41.00AOD to the north-west corner of the site and to 42.50AOD to the north-east corner of the site.

The site is currently contained by existing hedgerows to each boundary with an informal access from Outgang Lane which is part made and extends into an unmade track alongside the site's eastern boundary.

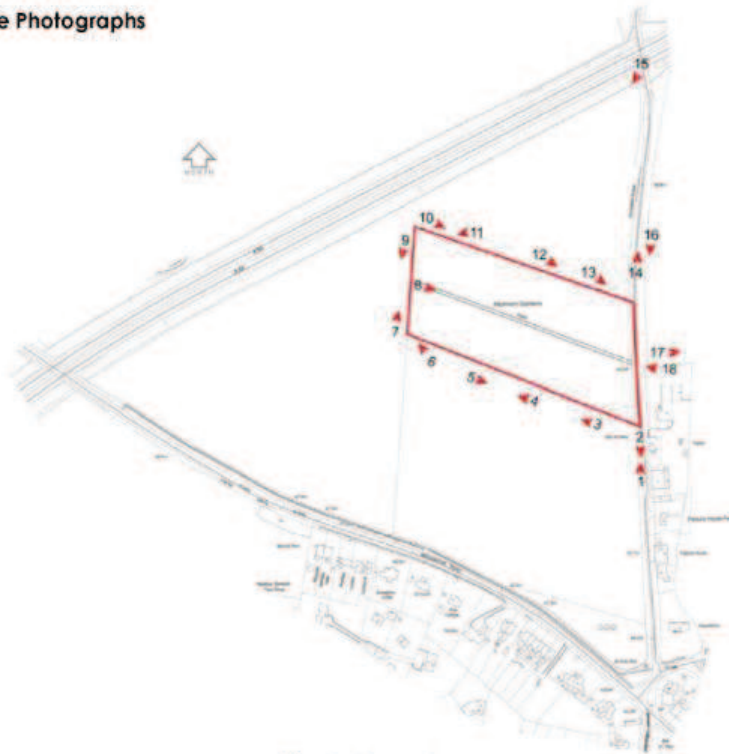
The land that surrounds the northern, eastern and southern boundaries has the benefit of a full planning permission for residential development granted 26th October 2012. The applicant, Taylor Wimpey North Yorkshire have control of both the approved and proposed sites, which enables this proposal to be integrated within the surrounding planning approved future residential development.



The proposed site layout set within the layout for the surrounding Proposed residential development

2.00 ASSESSMENT

2.03 Site Photographs



Site Photograph Key



Photograph 1: View north along Outgang Lane with the site on the left



Photograph 2: View south along Outgang Lane towards Malton

2.00 ASSESSMENT



Photograph 3: View west along the southern boundary with the site to the right



Photograph 4: View west along southern the boundary towards Broughton Road



Photograph 5: View east along the southern boundary towards Outgang Lane



Photograph 6: View over the southwest corner of the site

2.00 ASSESSMENT



Photograph 7: View north along the western boundary towards the A64 Malton Bypass



Photograph 8: View into the site from the western boundary



Photograph 9: View south along the western boundary back towards Broughton Road



Photograph 10: View east along the northern boundary towards Outgang Lane

2.00 ASSESSMENT



Photograph 11: View west along the northern boundary with the site on the left



Photograph 12: View east towards the northeast corner of the site and Outgang Lane



Photograph 13: View east to the north east corner of the site, Outgang Lane and Showfield Lane Industrial Estate beyond



Photograph 14: View north along Outgang lane from adjacent to the site



Photograph 15: View from the Outgang Lane bridge over the A64, back over the adjacent proposed site towards the northern boundary



Photograph 16: View south along Outgang Lane with the site on the right



Photograph 17: View east from Outgang Lane adjacent to the site, over Showfield Lane Industrial Estate and Malton beyond

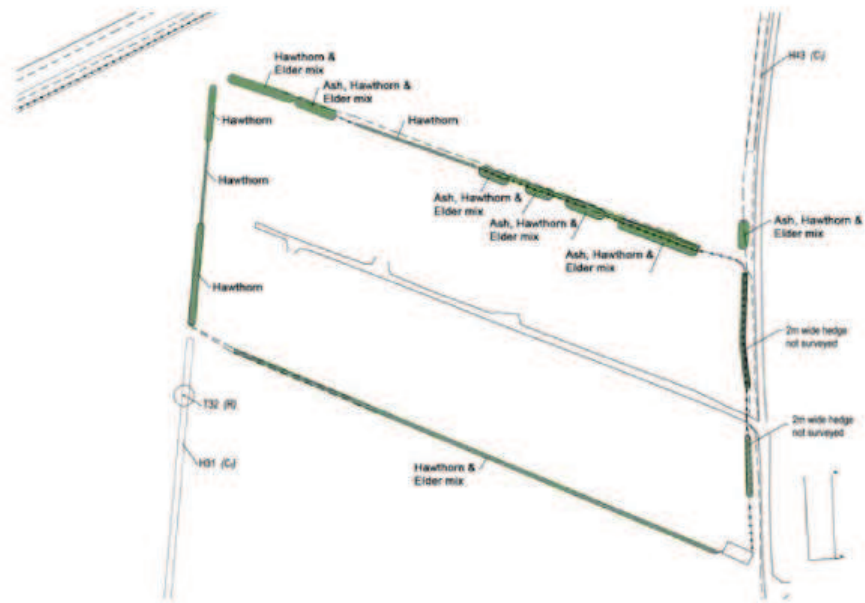


Photograph 18: View into the site from Outgang Lane

2.04 Immediate Site Boundaries

All of the immediate site boundaries comprise of established hedgerows primarily of Hawthorn with some Elder and Ash. These hedgerows are to be retained and thin areas augmented with additional planting. Small sections of hedgerow will be removed to enable access into the site.

2.00 ASSESSMENT



Hedge species surrounding the site

The eastern boundary abuts Outgang Lane which progresses from a rough tarmacadam narrow lane to become a dirty and gravel country track at this point. It is not intended to access the proposed development from the track, and the former allotment access will be closed up by introducing new hedgerow to match the adjacent existing.



Outgang Lane at the entrance to the site



Existing site entrance and track into the site from Outgang lane

The remaining three boundaries currently abut arable fields which are to be developed as part of the recently approved planning permission for residential development.

2.00 ASSESSMENT

2.05 Malton – Local Residential Development and Character Analysis

The residential properties within Malton present a mixture of dwellings of all building styles and vintage. Consistent with the local vernacular are a number of design details that are representative of the more traditional domestic built form. These include: -

A mixture of walling facings:

- Local Oolitic limestone
- Handmade brick, stock bricks and more recent machine cut, facing brickwork
- Cement render, often to reface existing walls and later full elevations
- Painted walls.

A mixture of roofing finishes include traditional clay pantile, roman tile, rosemary plain tile, slate and later concrete interlocking tiles in both flat and pantile profiles.

Chimney stacks are a predominant feature to the older housing stock.

Typical examples of mixed materials including render as a later application to both protect and repair original walls, which would have been subject to 'patch repairs', due to changing size and proportions of window openings.

To older properties, the gutters are supported on rise and fall brackets. Later introductions of rafter fixed timber facings with timber soffits to more recent houses.

Older windows are traditional Victorian proportions (based upon Georgian scale) and these tend to predominate, albeit later 'home improvements' have introduced replacement windows of varied proportions.

Most residential properties are two storeys and there are examples of raised eaves over the first floor windows to enable habitable roof space, served by rooflights.

The changes to eaves and ridge heights introduces variation to the streetscapes.

The existing houses that front onto the Broughton Road opposite the site present a direct 'built context' relationship with the site. These properties are post 1900s semi and

2.00 ASSESSMENT

detached, with a single block of terraces, with later circa 1930s semi-detached houses moving north-westwards along Broughton Road.

Examples of built form and materials to Broughton Road properties include:

- An imposing pair of semi-detached houses, faced in local stone with slate roof, timber sliding sash windows and timber barge boards.
- A fine terrace of six Edwardian houses with an adjacent pair of semi detached facing in a buff brick stock, timber sash windows, quarter lights to top sash, and stone heads and cills. Ground floor bay windows topped with Rosemary plain tiles. Lead flat roof dormers with plain tile cheeks and full plain tiling to the roof. Timber barge board to gables with extended rafter eaves and cast iron gutters fixed to the rafter ends. Large chimney stacks.
- Circa 1930's semi-detached houses as individual plots of mixed materials, red facing brick, part render, traditional casement windows, plain tiles, clay pantiles and replacement concrete interlocking tiles. Timber fascias and soffits and also painted verges, exposed rafters and clay pantiles.



Examples of properties fronting Broughton Road

In summary, the existing Broughton Road houses are 'larger scale suburban homes' which utilise a full range of facing and roofing materials: Stone brick, slate plain clay tiles clay pantiles and concrete interlocking roof tiles, in keeping with post war private main road housing.

2.00 ASSESSMENT

The proposed residential development which surrounds the proposed site is to be a mix of 2, 3 and 4 bedroom houses of 2, 2½ and 3 storey height, arranged as a mix of terraces, semi-detached and detached dwellings and the proposed site will follow the same design principles, as designed within the surrounding planning approved new residential development,

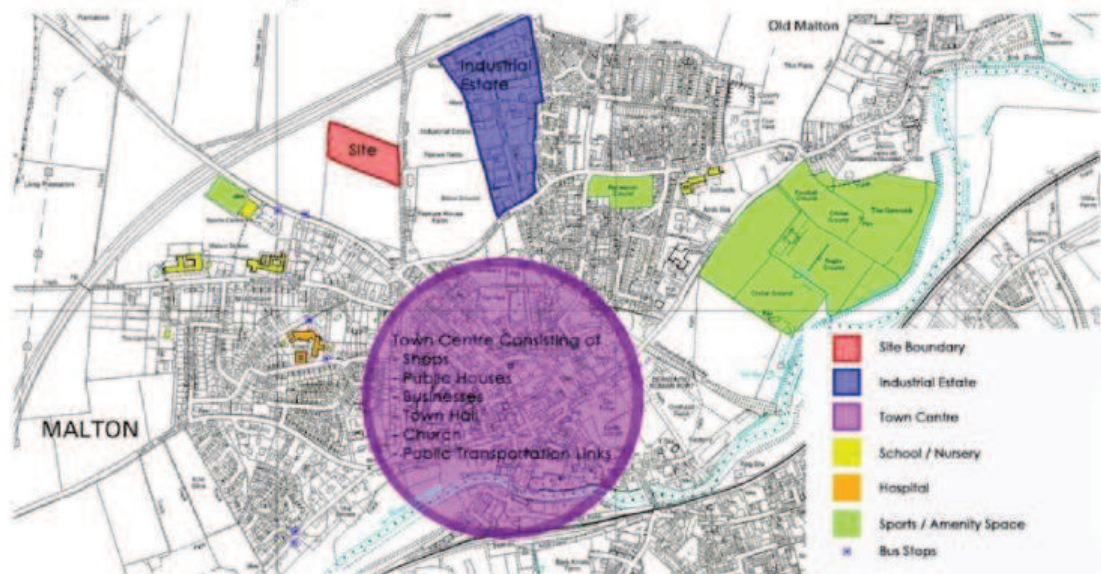
2.06 Linkages and Facilities

Malton town centre lies within a few hundred metres south of the site. It has an abundance of assorted independent retail units: clothes and shoe shops, butchers, bakers, DIY, furniture, pharmacy etc. There are also two large supermarkets within the centre: Sainsburys and Morrisons.

Malton Primary School is located within walking distance of the site, just over 1 km to the east. The main senior school lies just across the Broughton Road, where new sports facilities, to serve the town have been recently constructed.

The town is served by churches of several denominations.

Malton as a market town and administrative centre for local government also has facilities such as the local council headquarters, Malton Community Hospital, Malton Livestock Centre and police station.



Linkages and Facilities Map

2.00 ASSESSMENT

2.09 Flood Risk Assessment

The proposed development site does not lie within a flood zone. However, as the site is in excess of 1 hectare area, the Environment Agency, have advised of the need for a comprehensive Flood Risk Assessment. This has been prepared by I D Civils Design Limited and accompanies this planning application.



Malton Flood Map

3.00 INVOLVEMENT

3.01 Meeting with Local Planning Authority and Public Consultation

Taylor Wimpey have previously met with the planning officers to discuss the proposals for the site.

A Public Consultation event was held at the Milton Rooms, Market Place, Malton on Wednesday 14th August 2013 with representative of Taylor Wimpey and England and Lyle Planning Consultants in attendance.

20 members of the public attended the event and from this there were 4 No. written responses, 2 No. in support and 2 No. against the proposals.

CONSULTATION EVENT

A Public Consultation Event will be held at The Milton Rooms, 4 The Market Place, Malton, YO17 7LX between 3pm and 7pm on **Wednesday 14th August 2013**. Representatives of Taylor Wimpey and England & Lyle will be in attendance to discuss the proposals.

A copy of this information leaflet, site location plan and site layout plan are already available online at www.england-lyle.co.uk/consultation. All additional information displayed at the Consultation Event, including house types, will be uploaded onto it by 14th August 2013.

MAKING YOUR VIEWS KNOWN


We would welcome your comments on the proposed development by **Wednesday 21st August 2013**.

There are four ways in which you can make your views known:


1. Complete and submit the electronic form available at: www.england-lyle.co.uk
2. Write to our Planning Consultants: England & Lyle, 55 Corncliffe Road, Darlington, DL3 7EH
3. Send an email to: consultation@england-lyle.co.uk leaving your name and address along with your comments
4. Attend the Public Consultation Event and fill in one of our Comments Forms

Please Note
This community involvement exercise has been commissioned by Taylor Wimpey to involve the public in the planning application process prior to any planning application being submitted.
It will not replace the normal consultation exercise undertaken by Ryedale District Council when dealing with any formal planning application.

Land at Outgang Lane, Malton




COMMUNITY CONSULTATION



**PROPOSED RESIDENTIAL DEVELOPMENT,
BROUGHTON MANOR PHASE 2**

AUGUST 2013



Page 1 of the Public Consultation Leaflet, advertising the event

PROPOSED RESIDENTIAL DEVELOPMENT

Taylor Wimpey (North Yorkshire) Ltd are considering submitting a detailed planning application to Ryedale District Council for residential development (around 85 dwellings) on land at Outgang Lane, Malton. The allotments which currently occupy the site are in the process of being relocated to a new site on Crabtree Lane releasing the land for development. The proposals are to act as an extension (Phase 2) to the recently approved development of 263 dwellings on the surrounding land and access will be taken through the recently approved development.

This Community Consultation will give you the local community the opportunity to influence the final design and layout of the scheme.

Details of how to comment on the proposals and details of the Public Consultation Event to be held on Wednesday 14th August 2013 at The Milton Rooms, Malton can be found overleaf. Electronic copies of this leaflet along with a copy of the proposed Site Layout Plan and other information can be found at www.england.tyke.co.uk.



ILLUSTRATIVE PHASE 2 SITE LAYOUT PLAN & HOUSE TYPES CGI'S



Page 2 of the Public Consultation Leaflet, advertising the event

5.00 DESIGN

During the appraisal and evaluation of the site, a number of principles have been taken into consideration which have influenced the eventual design proposals put forward within the proposed site layout. These are: -

4.01 Site Opportunities

There are no designated features on the site and it does not lie within any designated landscape area. Key landscape characteristics of the site, in this instance the existing boundary hedgerows are to be retained and enhanced where possible, in recognition of promoting habitat diversity and to provide interest.

4.02 Views on to and off the site

The proposed development will be bounded by the forthcoming residential development to the northern, western and southern boundaries. There are limited eastern views from the site over land that is falling away with Showfield Lane Industrial Estate and Malton beyond.

Please refer back to Section 2.03 Site Photographs for additional information.



View from Outgang Lane towards Showfield Lane Industrial Estate and Malton beyond

4.03 Heritage and Character

The site and the immediate surroundings are not within a designated conservation area, however, Malton is an historic Market Town with a number of valuable assets, and it is considered that these proposals will not adversely affect the character and setting of the town.

5.00 DESIGN

5.01 Use and Amount

The proposals are to develop the land for new building residential development comprising of 85 dwellings of which 30% are to be considered as local needs affordable homes for rent and shared equity sale, subject to negotiations with the Local Authority.

The mix of dwellings is to range between: -

- 2 Bedroom, 2 storey houses (local needs)
- 3 Bedroom, 2 storey houses (local needs and for open market sale)
- 3 Bedroom, 2½ storey houses: (for open market sale)
- 4 Bedroom, 2 storey houses: (for open market sale)
- 4 Bedroom, 3 storey houses: (for open market sale)

5.02 Grain of Development

The amount of proposed development, within the red line, follows the general grain of surrounding development, as can be seen within the illustration below.



Illustration showing the grain of the proposed site layout within the adjacent approved layout

5.00 DESIGN

The layout is informed by the following:

- The limits of the physical site boundaries.
- The fixed vehicular access points that enter and pass through the development
- The on-site roads are to be graduated in hierarchy to ensure pedestrian conveniences, via legible footways and shared surfaces.
- The siting of the proposed dwellings pays due regard to the privacy and amenity of both on-site and off-site neighbouring dwellings.
-

5.03 Scale

At a development gross site area of 2.32 hectares/5.68 acres, the density per hectare (dph) equates to 36.64 units (the actual dph will reduce slightly once the area of public open space is taken into account). This is commensurate with the mix of dwellings, which include a number of smaller dwellings and represents best use of available land.

The dwellings are predominantly 2 storey with a lesser number of 2.5 and 3 storey houses to induce variation in eaves and ridge heights in the interests of diversity of scale.



Sample Streetscapes

Refer to Streetscapes which accompany the planning application

5.04 Landscape Proposals



Proposed Landscaping

Refer to Landscape Proposals drawing which accompanies the planning application

The landscape proposals include new planting, the retention of existing hedgerows and the augmentation of the existing planting to fill in any areas of 'gappy' hedgerow.

Whilst most of the landscape will fall within private ownership within the dwelling curtilages, measures are to be put in place to ensure the retention of the existing hedgerows.

5.05 Appearance

At 85 dwellings the proposal remains as enclosed by the original hedgerow boundaries yet linked into the surrounding development. The changes in the road hierarchy introduce and add to changes in character.

- Southern Link Road

The southern link road gives both pedestrian and vehicular access to the site from an off-site square which is a nodal point to enable progress into the site or around the proposed off-site development.



- North-South Through Link

This link road enables north south movement across the site and is traffic calmed by a raised plateau and deflection within the layout of the highways.



5.00 DESIGN

- Shared Surface and Footpath Link/Play Area

In the interests of permeability between the proposed development and the surrounding dwellings, a footpath link connects both sites and the off-site play area is to be combined to form a larger community for mixed play.



5.07 Active Frontages and Designing Out Crime

One of the government's key objectives for the planning of new housing is to secure high quality sustainable places where people will choose to live. As such, the proposed layout ensures that all roads, footpaths and open spaces are overlooked by dwelling frontages to maximise the natural surveillance of the public realm in the interests of creating safe places. The dwelling frontages facing onto the streets encourage social interaction between neighbours, thus encouraging a sense of community.

The former Planning Policy Statement 3 confirms the priority in planning given to designing safe and secure environments. The companion guide to PPG3 (forerunner to PPS3), 'Better Places to Live By Design' sets out the objectives of urban design as: -

Character – A place with its own identity.

Continuity and Enclosure – A place where public and private spaces are clearly distinguished.

Quality of the Public Realm – A place with attractive and successful outdoor areas.

Adaptability – A place that can change easily.

Ease of movement – A place that is easy to get to and move through.

Legibility – A place that has a clear image and is easy to understand.

Diversity – A place with variety and choice.

5.00 DESIGN

Crime Prevention Through Environmental Design Principles (CPTED) acknowledges that paths and cycle routes are important to be incorporated into all development proposals in order to encourage movement and permeability in a neighbourhood. However, they should be:

- Provided where they can be well used, providing fewer opportunities for crime and generally increase safety.
- Overlooked and illuminated either directly or indirectly.
- Short, direct, wide and attractive to use and avoid passing along rear boundaries.
- Where appropriate, combined with roads to achieve surveillance from passing cars as well as pedestrians.

Layout and Design:

The vehicle and pedestrian routes are legible, direct and well surveilled by dwelling frontages.

In the interests of pedestrian permeability and inclusivity, there are footpath links from the development into the town and public amenity open space. These are well defined to provide separation of public and private space to ensure direct overlooking over these routes. This minimises the opportunity for crime and disorder.

The passive surveillance of the footpaths, footways and roads deter loitering due to the openness and views over.

The lighting of the roads, footways and footpaths will be subject to detail design, for both Local Authority adopted areas and private areas. Lighting is to be designed to meet BS5489.

In the interests of safety and security, the footpaths will be available for public use once the surrounding development is completed.

The communal areas: The Green and public open space will benefit from the natural surveillance afforded by frontage overlooking. These areas will either be adopted by the Council, or maintained under a private landscape management agreement. The management will include maintenance access whilst deterring any unauthorised vehicle access.

5.00 DESIGN

There are clear divisions between private and public open space and the dwellings front gardens which will include a mixture of boundary definition: Planting, kickboards and railings – subject to detail design.

Private rear garden amenity spaces are to be subdivided by 1.8m high close boarded fences between plot to plot rear gardens. Any rear gardens side boundaries abutting public areas will comprise of a mixture of 1.8m high close boarded fences and brick piers/walls.

Gable ends to dwellings generally will be adjacent to neighbouring gables within private gardens. Any exposed gabled ends are overlooked by other dwelling frontages. Key gables that face onto public areas will have additional side windows, in the interests of passive surveillance.

A minimal number of terraced houses will share a rear access path, for practical purposes of providing access to bicycle storage and removal of garden waste. These will be protected by the introduction of lockable gates and boundary fencing to maintain security and privacy.

The proposed car parking provision comprises of a number of different alternative arrangements, including:-

- Garages with forecourt parking set within the curtilage of the host dwelling
- On plot rear curtilage car parking
- Frontage curtilage parking
- Rear courtyard parking to small terrace groupings. The rear gardens are to be enclosed by 1.8m high close boarded fence with increased 40mm gaps to enable a visual link from the properties over the parking court. The communal parking areas are to be lit to meet BS5489, during the detail design.

The landscaping design enables clear definition between the private and public space whilst not impeding natural surveillance.

This Design and Access Statement (DAS) further embodies the design principles of the National Planning Policy Framework (NPPF) including 'Requiring Good Design' to promote sustainable development of which Crime Prevention/Secured by Design (SBS) is a relevant consideration.

6.00 ACCESS

6.01 Access to the Development - Pedestrian Access

The new site access links introduce new footways and footpaths into the site which will enable good quality pedestrian access for all and will give ready access to the rest of the development and Malton beyond. Within the site, estate roads, shared road surfaces and the nature of the residential layout will encourage traffic calming, by design, and safe movement for all including pedestrians, cycles and motor vehicles.

The sites relatively level topography, both adjacent to and within the site, will facilitate acceptable gradients for all pedestrian and the essence of the design of the pedestrian realm is to comply with North Yorkshire County Councils highway authority requirements to enable safe movement for all pedestrians, cyclists and vehicle users.

6.02 Access to the Development - Vehicle Access

The site is accessed by the road which continues from the future surrounding development at two points, north and south and a footpath link to the western end of the site, adjacent to the play and are public open space, as a continuation of the approved access road through the adjacent proposed new build residential development.

6.03 Disabled Access

The relatively level topography enables the entire development to be accessed easily by both pedestrians and others with limited mobility without the need for excessive changes in level. Access to each dwelling and movement around and within will be in accordance with Approved Document Part M of the Building Regulations.

6.04 Access to Public Transport

The site is located close to public transport services: -

Bus Routes: The 194 service, every 60 mins, stops on the Broughton Road, and links Malton town centre (less than 1Km to the south) to Hovingham via villages such as Amotherby, Swinton, and Broughton

Malton is a 'hub' for the Coastliner service which links Leeds with the resorts of Whitby, Scarborough and Filey. The service passes through

6.00 ACCESS

Malton town centre at 30 min intervals and offers direct links to Pickering, York, and Tadcaster.

Buses from Malton town centre travel to Bridlington, Hull, Kirbymoorside, and villages in between.

Trains: Malton train station, 1.10 km to the south of the site lies on the Scarborough to York line, which itself connects into the main East Coast line and other major cross country and east-west rail networks.

6.05 Emergency Services Access

The sites roads have been designed to accommodate emergency services vehicles including fire appliances.

7.00 Sustainability and Sustainable Design

7.01 Sustainability and Sustainable Design

Our approach to sustainability is to address the key drivers as embedded within the Code for Sustainable Homes, which are summarised as follows: -

Energy CO2: Air tightness of building envelopes

High levels of insulation

Low energy electrics and appliances

Cycle storage

Working from home

Water: Reduce consumption of portable water. Water butts

Materials: Responsible resourcing of materials

Certified timber sources

Reuse and recycle

Surface water run off: flood risk measures/management

Waste: Management of household waste

Recycling of household waste

Pollution: Public transport/reduced car use

Walking/cycling Access to local shops and services

Health and Wellbeing: Good quality daylight

Private external amenity

Lifetime home standards

Management: Secured by design

Construction management

Home user information packs

Ecology: Protection of existing ecology

Ecology enhancement

Validation of eco changes to site.

Size of building footprints.

8.01 Summary and Conclusion

This application seeks a full permission for residential development at 85 dwellings, of which: -

- The resulting key elements includes a mix of dwellings.
- A mix of housing for sale and rental comprising of 2, 3 and 4 bedroom homes, in the interests of inclusivity for all.
- A legible development, where there is a clear impression of the site layout and clear movement options for pedestrians, cyclists and motorists within the site.
- The design and siting of the proposed dwellings is reflective of the grain, scale and character of the surrounding residential area, in the interest of visual amenity and creating an appropriate sustainable 'sense of place'.
- The proposals fully integrate into the surrounding proposed residential development, Planning approval reference 11/01182/MREM, 26th October 2012, and retain the existing hedgerows that contained the previous allotment land in the interests of character setting, ecology and biodiversity.


This Design and Access Statement was prepared on behalf of
Taylor Wimpey North Yorkshire Limited by

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**England
& Lyle**

Chartered Town Planners



**Broughton Manor
(Phase 2), Malton**

**PLANNING
STATEMENT**

**TAYLOR WIMPEY
(NORTH YORKSHIRE) LTD**

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Sep 2013

PLANNING STATEMENT

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APPLICANT:

Taylor Wimpey (North Yorkshire) Ltd

AGENTS:

England & Lyle Ltd

REVISION RECORD					
Rev	Description	Date	Author	Checked	Approved
0	Draft	12/08/13	SL	JG	IHL/Client

1. INTRODUCTION

1.1 This statement has been prepared to accompany a detailed planning application for the erection of 85 No dwellings with associated garaging, access, landscaping on land at Outgang Lane, Malton. The proposals will act as a phase 2 to the recently approved Broughton Manor development.

1.2 This Planning Statement addresses key planning policy issues arising from the development proposals. It forms part of a suite of supporting information and reports submitted as part of the planning application including:


- Full plans and elevations;
- Design & Access Statement;
- Statement of Community Involvement;
- Phase I Ecology Survey;
- Flood Risk Assessment & Drainage Strategy;
- Noise Statement;
- Phase I Geoenvironmental Appraisal;
- Archaeology Statement;
- Transport Assessment; and
- Travel Plan.

1.3 This Statement is structured as follows:

Section 2 describes the site itself

Section 3 outlines the development proposals

Section 4 sets out the planning policy context relevant to the determination of the development proposals



Section 5 assesses the proposed development in the context of the adopted Development Plan for the area, as well as other material considerations.

Section 6 draws conclusions on the overall findings of the statement.

2. THE SITE

Site Location

- 2.1 The site extends to around 2.32ha and is located on the northern edge of Malton. The town centre and associated shops, services and public transport provision is approximately 600m to the south of the application site and can be easily access on foot via Broughton Road and Newbiggin.



Site Description

- 2.2 The application site is bound on three sides by the recently approved Taylor Wimpey Broughton Manor development and the proposals are in effectively a second phase of this development. To the east of the site is Outgang Lane and a number of properties and farm buildings.



Application Site

2.3 The site has most recently been in use as allotments but these are currently in the process of being relocated to a new site on Crabtree Lane with the application site being vacated entirely by the end of 2013. Further details on the replacement allotments are provided in a subsequent section of this Statement.

2.4 The existing allotment site is accessed via a track from Outgang Lane which runs down the middle of the site. The topography of the site rises from Outgang Lane up towards the centre of the site. Within the site are a number of sheds, fences and other structures associated with the previous use as allotments.

Planning History

2.5 The application site itself has no relevant formal planning history. However, it abuts the Taylor Wimpey Broughton Manor site which was granted outline planning approval for residential development under planning application 10/00999/MOUT in 2011. Reserved matters approval for the erection of 263 dwellings was subsequently granted under planning application 11/01182/EREM in 2011. Works on the Broughton Manor development will shortly be commencing.

3. THE PROPOSED DEVELOPMENT

- 3.1 Detailed planning permission is sought for residential development comprising 85No. dwellings with associated garaging, access and landscaping. Access to the proposed development will be taken via the existing approved Broughton Manor development.



Proposed Development in Context

- 3.2 The proposed development will deliver 2, 3 & 4 bedroom properties across eight different terraced, semi-detached and detached, 2 to 3 storey house types. The proposed accommodation can be broken down as follows:-

HOUSE TYPE	Beds	No
CANFORD	2	19
GOSFORD	3	23
ASHTON	3	14
BRADENHAM	4	10
MIDFORD	4	3
OAKHAM	4	8
DOWNHAM	4	5
LANGDALE	4	3

- 3.3 The accompanying Design & Access Statement prepared by PRA Architects demonstrates how the layout and design of the proposals have evolved having regard to the surrounding built and natural environment, the constraints and opportunities of the site and the design and access related policy requirements of the Development Plan.

4. PLANNING POLICY CONTEXT

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

'If regard is to be had to the development plan for the purpose of a determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

4.2 This section sets out what the Development Plan consists of in this instance then goes on to set out the key material considerations that are applicable to the determination of the development proposals.

Development Plan

4.3 The Development Plan for the area within which the application site is located, is made up of the following:-

- Ryedale Plan: Local Plan Strategy (Adopted September 2013)
- Ryedale Local Plan 'saved policies' (Adopted March 2002)
- Ryedale Local Plan Selective Alteration (2004)

4.4 The application site is outside the limits to development of Malton on the Local Plan Proposals Map. Notwithstanding this, the site is surrounded by the recently approved Broughton Manor development and by virtue of this the adopted development limits are out of date and no longer relevant. The application site was allocated as allotments though Policy L8 of the Local Plan and it still shown as such on the proposals map. However, this policy has now been superseded by updated policies in the recently adopted Local Plan Strategy and is therefore no longer relevant.

Ryedale Plan: Local Plan Strategy (adopted September 2013)

4.5 The Ryedale Plan: Local Plan Strategy has recently been found sound following its submission to the Secretary of State in May 2012. The Inspector has concluded that the LPS is sound, subject to the inclusion of a schedule of main modifications which is appended to his report. On this basis, the Inspector states that the LPS "*provides an appropriate basis for*

the planning of the District to 2027". The Council formally adopted the Local Plan Strategy on 5th September 2013.

4.6 The policies relevant to the development proposals are:

- SP1 General Location of Development and Settlement Hierarchy;
- SP3 Affordable Housing
- SP4 Type and mix of new housing
- SP10 Physical Infrastructure
- SP11 Community Facilities and Services
- SP14 Biodiversity
- SP15 Green Infrastructure Networks
- SP16 Design
- SP17 Managing Air Quality, Land and Water Resources
- SP19 Generic Development Management Issues
- SP21 Developer Contributions

Material Considerations

National Planning Policy Framework (27th March 2012)

4.7 The National Planning Policy Framework was published in March 2012 and replaced all previous national guidance. It sets out the Government's planning policies for England and how these are expected to be applied. The paragraphs from the NPPF relevant to the development proposals are outlined below.

4.8 Paragraph 14 confirms that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan making and decision taking. For decision taking this means approving development proposals that accord with the development plan without delay.

4.9 In respect of taking decisions on planning applications it states that the presumption in favour of sustainable development means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole: or
 - Specific policies in this Framework indicate development should be restricted.

4.10 Paragraph 47 suggests that to boost significantly the supply of housing, local planning authorities should:

“Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

4.11 Paragraph 49 of the NPPF advises on the consideration of application for housing development. It states:-

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

4.12 The subsequent section demonstrates that Ryedale District Council are unable to demonstrate a five-year supply of deliverable housing sites.

4.13 In this context, and in accordance with the guidance contained at Paragraph 14 of the NPPF, planning permission should be granted for the development subject of the current application unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

4.14 Paragraph 186 states that, *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible”*.

Evidence Based Background Documents

- Annual Monitoring Reports 2005 – 2012
- North Yorkshire Strategic Housing Market Assessment 2011
- Strategic Housing Availability Assessment Update 2012

5. KEY PLANNING ISSUES

5.1 Having regard to the Development Plan and the requirements of the National Planning Policy Framework, it is considered that the key planning issues are:-

- Principle of Development;
- Compliance with NPPF Policies; and
- Are the Proposals Sustainable Development?

Principle of Development

5.2 The application site is Greenfield, was last in use as allotments and falls outside the current limits to development for Malton but is surrounded by the approved Broughton Manor development (refs: 10/00999/OUT & 11/01182/REM) currently being progressed by Taylor Wimpey. The settlement limits for Malton are therefore out of date and should be updated through the emerging Local Plan to incorporate the Broughton Manor development and the current application site. The existing allotments have been relocated (this will be dealt with in more detail in a subsequent section) leaving the site as vacant unused land within the newly extended urban area.

Spatial Strategy

5.3 The recently adopted Ryedale Local Plan Strategy (Policy SP1: General Location of Development and Settlement Hierarchy) confirms that Malton is the principal town and primary focus for development in the District. The text supporting the policy confirms that opportunities for growth include:

Greenfield sites on the edges of the Towns for low/medium density family housing, accommodation to address the needs of a local ageing population and new business space

5.4 It is therefore expected that the majority of future development, including housing, will take place in Malton as it represents a sustainable location for larger scale development. Policy

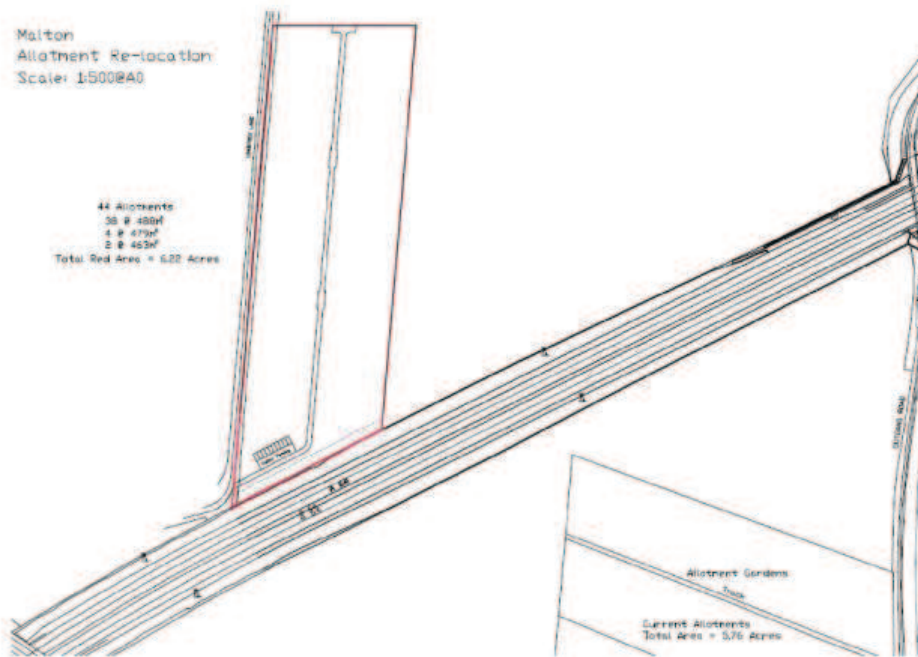
SP1 continues by suggesting that in releasing development sites at the above locations, the use of deliverable and developable brownfield land will be prioritised and development will be guided to areas with lowest flood risk, taking account of the vulnerability of types of development and the need to achieve sustainable development.

- 5.5 Policy SP2 (Delivery and Distribution of new housing) advises that approximately 1500 new dwellings should be provided in Malton and Norton across the plan period and confirms that these should be provided on sites within the current development limits and as part of medium to large extension sites around the towns and within the A64 boundary at Malton.
- 5.6 Opportunities for the development of new housing on previously developed land within Malton/Norton, and indeed Ryedale as a whole, are very limited and for a number of years there has been a shortfall in the level of housing land supply in the District. The application site and the wider Broughton Manor development represent the most appropriate site for residential development in Malton. It has always been envisaged that the application site would come forward for housing development and was only excluded from the Broughton Manor Phase I application as the relocation of the allotments had not taken place. Therefore, the delivery of further housing in this area, on a site which is now effectively within settlement, fully accords with the spatial strategy outlined in the adopted Ryedale Local Plan Strategy.

Relocation of Allotments

- 5.7 The application site has most recently been in use as non-statutory allotments and the land is in private ownership. Ryedale Local Plan (2004) Policy L8 (Allotments) has now been superseded by Local Plan Strategy Policy SP11. Policy SP11 (Community Facilities and Services) advises that existing local community, leisure and recreational services including allotments will be protected from loss/ redevelopment unless it can be demonstrated that:
- there is no longer a need for the facility or suitable and accessible alternatives exist, or that it is no longer economically viable to provide the facility, or
 - proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision.

- 5.8 The allotments which have occupied the site have been replaced on a new purpose built site nearby with the majority of allotment holders are already in occupation on the new site.
- 5.9 The plan below shows the located and extent of the replacement allotments:



Replacement Allotments

- 5.10 In quantitative terms, the replacement allotments extend to a total site area of 6.22 acres which is larger than the existing site which only extends to 5.76 acres. The new site has been provided with a central track to serve the various allotments together with a small car parking area, both of these features are an improvement on the existing site. Fencing has been placed all around the new allotments together with rabbit proof netting. The access road has been improved and a water supply from the main road to the site has been provided.
- 5.11 The landowner has agreed a compensation package with the Allotment Association in lieu of the provision of sheds to each allotment to enable the holder to decide how best to spend

the money. To ensure that disruption is kept to a minimum, the Notice to Quit (which was served in respect of the old allotments and expired at the end of 2012) allowed the allotment holders to occupy the old site along with the new until the end of 2013. The application site will therefore be fully vacant by the end of 2013.

- 5.12 In view of the above, the development proposals fully accord with the requirements of Local Plan Strategy Policy SP11 (Community Facilities and Services) as replacement facilities have been provided which are of an equivalent or greater benefit to the community and have been delivered with minimum disruption to provision.

Housing Land Supply

- 5.13 Whilst the development proposals fully accord with the Development Plan, the Council are also unable to demonstrate a 5 year supply of housing land as required by NPPF and as a result the application should be considered in the context of paragraph 14 of the NPPF.
- 5.14 The Council have historically been unable to demonstrate that they have a deliverable supply of housing land. The most recent position, as set out below, confirms that the Council are still unable to demonstrate a deliverable 5 year supply even taking into consideration the recent planning approval at Kirbymoorside. These calculations do not include a detailed analysis of the Council's suggested supply and the deliverability of some commitments in the context of the NPPF tests (footnote 11). There are also issues relating to whether all sites will deliver housing at the rate anticipated within the 5 year period as assumed in the Council calculations.

	Local Plan Target (+20% NPPF buffer)
Net Requirement 2013 – 2018	1200
Net Annual Requirement	240
Projected Supply (Sites with PP inc 10% non-implementation)	1158
Supply (Projected Supply/Annual Requirement)	4.82 Years

- 5.15 It is therefore Taylor Wimpey's view that the figures outlined above represent the Council best case scenario.
- 5.16 Moreover, the NPPF places an onus on Local Planning Authorities to '*significantly boost*' and housing target should be seen as a minimum, this is echoed in the Inspectors conclusions on the recent Ryedale Local Plan Examination where he concluded at paragraph 40 of his report:
- "an overall figure of 200 dwellings/year or 3,000 over the plan period would seem to represent the minimum necessary to meet the needs of the existing population and provide for a reasonable level of migration into the district, in line with past trends and the objective assessment of housing need"*
- 5.17 The Council must therefore continue to release suitable sites for development to ensure a rolling deliverable supply of housing land (inc. appropriate buffer) and that the objectively assessed housing needs of the Borough are met.

Conclusions on Principle of Development

- 5.18 By virtue of the planning permission for the wider Broughton Manor development, the existing development limits are out of date. The application site is therefore effectively an infill site within the settlement. The release of this site for 85no. dwellings in a sustainable location within the principal town in the District is wholly in accordance with the adopted spatial strategy outlined in Local Plan Strategy Policy SP1.
- 5.19 The application site has most recently been used as non-statutory allotments which have been relocated to a new site on Crabtree Lane. The development proposals therefore fully accord with the requirements of Policy SP11 (Community Facilities and Services) as replacement allotments have been provided which are of an equivalent or greater benefit to the community and have been delivered with minimum disruption to provision.
- 5.20 Paragraph 14 of the National Planning Policy Framework confirms that at the heart of the NPPF is a presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan making and decision taking. For decision taking

this means approving development proposals that accord with the development plan without delay.

- 5.21 The proposals fully accord with recently adopted Ryedale Plan: Local Plan Strategy and therefore in accordance with the NPPF planning permission should be granted without delay.


Compliance with NPPF

- 5.22 The overarching principle running through planning policy at all levels is to ensure that development is sustainable. The NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that development proposals which accord with the development plan should be approved without delay.
- 5.23 The application site is surrounded by the approved Broughton Manor development and, as such, the area is considered a sustainable and suitable location for housing development. Notwithstanding this, the accompanying Design & Access Statement and the Transport Assessment demonstrate the sustainable and accessible location of the site to a range of services and facilities.
- 5.24 The proposals are considered below against the relevant policies from the Development Plan and NPPF to demonstrate that constitute sustainable development.

Accessibility & Promoting Sustainable Transport (Section 4 NPPF)

- 5.25 Paragraph 29 of the NPPF confirms that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives and the transport system needs to be balanced in favour of sustainable transport modes.

- 5.26 The planning application is supported by a Transport Assessment prepared by Morgan Tucker as required by paragraph 32 of the NPPF. Paragraph 32 continues by stating that plans and decisions should take account of whether:
- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - Safe and suitable access to the site can be achieved for all people; and
 - Improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 5.27 The site is located within the highly sustainable location that is readily accessible by modes of transport other than the private car and is within walking distance of schools, health care facilities, the town centre, employment opportunities and the transport interchanges of Malton Bus Station and Malton Train Station. This is the most sustainable site for further housing development in Malton.
- 5.28 Access to the proposed development for vehicles and pedestrians will be taken via the approved Broughton Manor development. There will be no access from Outgang Lane.
- 5.29 As part of the approved Broughton Manor development (Phase I), a highway improvement scheme was agreed which will create a roundabout junction at Broughton Road/Pasture Lane and link road. This scheme will address the existing congestion issues faced at the Pasture Lane/Broughton Road/Mount Crescent junction. The existing traffic signal junction will be modified to remove the Pasture Lane arm and make it a 3 –arm T- junction. The Pasture Lane arm will then form an arm of the new roundabout junction. The reduction in the number of arms of the junction will reduce the number of phases for the traffic lights at the junction, thus it shortens the queuing length at the junction.

- 
- 5.30 The accompanying Transport Assessment confirms that there is sufficient capacity in the new roundabout junction and the modified signalised T-junction to comfortably accommodate the development proposals.
- 5.31 The highway arrangements amount to a significant benefit to Malton and Ryedale as a whole, a benefit that is very unlikely to come forward in the near future through public funding. The proposed junction works and roundabout are key to the future development of the northern part of Malton.

Delivering a Wide Choice of High Quality Homes (Section 6 NPPF)

- 5.32 Local and national planning policy is clear on the need to deliver a wide choice of high quality homes. The National Planning Policy Framework – the Government’s most up to date planning advice on housing development – places a requirement on Local Planning Authorities to ‘*boost significantly the supply of housing*’ (Paragraph 47) through a number of means including maintaining a 5 year supply of deliverable housing land and meeting the objectively assessed needs for housing.
- 5.33 One of the social dimensions of the sustainable development is to ensure that sufficient land of the right type is available in the right places and at the right time to meet the needs of present and future generations. With a Core Planning Principle (NPPF Paragraph 17) of making every effort to objectively identify then meet the housing needs of an area and respond positively to wider opportunities for growth.
- 5.34 The proposals will make a material contribution to the delivery of market and affordable housing in the short term and will assist the Council in boosting the supply of deliverable housing land and housing delivery across the District to help meet identified needs.
- 5.35 In terms of affordable housing, the development incorporates a total of 26 affordable units which equates to 30.4% of the dwellings proposed. This level of provision is equivalent to that approved on the wider Broughton Manor development and was agreed with Officers during pre-application discussions.

- 5.36 The proposals, coupled with the development of Phase 1, will provide, a total 348 dwellings with the first completions anticipated in Spring 2014 delivering much needed housing in Malton. The granting of planning permission on the application site (phase 2) will allow the wider development to take place in a comprehensive manner.

Requiring Good Design (Section 7 NPPF) & Promoting Healthy Communities (Section 8 NPPF)

- 5.37 Paragraph 56 of the NPPF confirms that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The guidance goes onto suggest that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Local Plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.
- 5.38 The planning application is accompanied by a Design & Access Statement prepared by PRA Architects and the conclusions on the design approach to the development are summarised below.
- 5.39 The design and siting of the proposed dwellings is reflective of the grain, scale and character of the surrounding residential area, in the interest of visual amenity and creating an appropriate sustainable 'sense of place'. The proposals fully integrate into the surrounding proposed residential development (ref: 11/01182/MREM) and retain the existing hedgerows that contain the application site in the interests of character setting, ecology and biodiversity.
- 5.40 On this basis, the development proposals can be seen to comply with Policy SP16 and SP20 of the Ryedale Plan: Local Plan Strategy and the requirements of the Development Plan and NPPF.

Meeting the Challenge of Climate Change, Flooding and Coastal Change (Section 10 NPPF)

- 5.41 The site is in a location that provides a genuine choice of sustainable modes of transport for day to day sustainable living reducing reliance on the private car leading to reduced greenhouse gas emissions. The site within walking distance of Malton Town Centre and its associated shops and services.
- 5.42 The proposals will provide modern energy efficient buildings in accordance with the requirements of the Development Plan.
- 5.43 The proposals are not in a location at risk of flooding and they will not lead to a risk of flooding elsewhere.

Conserving & Enhancing the Natural Environment (Section 11 NPPF)

Biodiversity

- 5.44 The supporting Extended Phase 1 Habitat Survey, concludes that the site is predominantly neglected and overgrown with scrub, ephemeral/short perennial vegetation and is surrounded by intact species-poor hedgerow. Notwithstanding this, the survey concludes that the site does potentially provide suitable habitats for nesting birds and sheltering or foraging hedgehogs. The Extended Habitat Survey makes a number of recommendations relating to site clearance which will be taken account of during construction.
- 5.45 Save for the provision of vehicle and pedestrian access points the hedging around the application retained with appropriate additional landscape planting carried out within the site to assist increasing the biodiversity value of the site.

Pollution & Amenity Impact

- 5.46 As demonstrated within the application documentation, the proposals will not result in unacceptable levels of soil, air, water, or noise pollution. The proposals, given ground conditions and the topography of the site will not create ground instability issues on the future occupants of the development, existing residents of surrounding properties.

Landscape & Visual Impact

- 5.47 The provision of 2 & 3 storey dwellings given the topography of the site and its surroundings, and given the on-going consented development at Broughton Manor Phase 1, will not significantly adversely affect the local or wider landscape character.

Are the Proposals Sustainable Development?

- 5.48 The proposals represent sustainable development as envisaged in the NPPF.
- 5.49 The proposals perform the 3 roles of sustainable development and their approval will result in a number of material benefits as follows:-

Social Role (Creating Strong, Vibrant & Healthy Communities)

- The proposals will boost the supply of market and affordable housing within Borough to meet the needs of the present and future generations;
- Create a high quality built environment;
- Provide housing in a location which is accessible to local services to provide for the community's needs and promote health, social and cultural wellbeing.

Economic Role (Contributing to building a strong and responsive and competitive economy)

- The job creation and safeguarding associated with the development is a benefit. Every £1 million of new house building output supports 12 net jobs (seven direct and five indirect) for a year;
- Enhancing the vitality and viability of Malton Town Centre and local services and facilities through increased local spending;
- Increase Council Tax Receipts;
- New Homes Bonus Receipts.

Environmental Role (Contributing to protecting and enhancing our natural, built and historic environment)

- Providing much needed development in a location and manner that results in minimal impact upon the natural, built and historic environment through:-
 - High Quality Landscaping Planting
 - Prudent and minimal use of natural resources
 - Minimal waste generation and pollution

5.50 The proposals amount to sustainable development. In accordance with the presumption in favour of sustainable development and the advice in the NPPF on 'decision taking' (Para 14) planning permission should be granted at the very earliest opportunity.

6. CONCLUSIONS

- 6.1 The releasing of the site for housing development is fully in accordance with the recently adopted Development Plan and fully endorsed by the presumption in favour of sustainable development as set out in the NPPF and the material social-economic benefits that will flow from the granting of planning permission.
- 6.2 The application site is within the principal town in the District where the majority of housing development is directed, within the area of the principal town identified for development and, as such, fully accords with the adopted spatial strategy. Moreover, the application site is surrounded by the approved Broughton Manor scheme and once fully vacated will effectively be vacant land within the settlement. Replacement allotments have been provided which are of an equivalent or greater benefit to the community and have been delivered with minimum disruption to provision. The granting of planning permission for 85 dwellings on the application site will allow the wider Broughton Manor development to come forward in a coordinated and comprehensive manner.
- 6.3 We respectfully urge that planning permission is granted for this detailed planning application at the very earliest opportunity.

Agenda Item 8

Item Number: 8
Application No: 14/00340/MFUL
Parish: Pickering Town Council
Appn. Type: Full Application Major
Applicant: CW Avison And Co (Mr Karl Avison)
Proposal: Laying of 600m of 7¼ inch wide miniature railway track, formation of tunnel, excavation of duck pond and extension of existing car park to form 20no. additional car parking spaces.
Location: Cedar Barn Farm Shop Thornton Road Pickering North Yorkshire YO18 7HZ

Registration Date:
8/13 Wk Expiry Date: 25 July 2014
Overall Expiry Date: 4 June 2014
Case Officer: Shaun Robson **Ext:** 319

CONSULTATIONS:

Highways North Yorkshire No views received to date
Sustainable Places Team (Yorkshire Area) Recommend conditions
Parish Council Comments made

Neighbour responses: None

SITE:

This site is located in open countryside about 800m to the east of Pickering. The site lies in open countryside and outside the development limit. The site comprises an established pick your own facility, together with a farm shop. Planning permission was granted for the farm shop and tea rooms in 2006.

PROPOSAL:

Full planning permission is sought for the creation of miniature railway track, formation of a tunnel, excavation of a pond and extension to the existing car park to form 20 additional spaces.

The track will consist a 600m ride across an 8 acre site, through a grass covered tunnel and around a pond. The train will be a simple 7 ¼ inch gauge diesel powered unit capable of accommodating 20 passengers at any one time upon the carriages.

HISTORY:

10/00357/73: Variation of condition 03 of approval 06/00363/FUL dated 09.08.2006 to allow retail sales to comprise of 40% home produced produce, 40% local produce (produced within a 30 mile radius of Cedar Barn) and 20% imported produce/non-food items - APPROVED 24.05.2010

06/00363/FUL: Erection of building to form farm shop and tea rooms incorporating existing pick your own sales area and alterations to an existing means of vehicular access - APPROVED 09.08.2006

POLICY:

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Ryedale Plan - Local Plan Strategy

Policy SP6 - Delivery and Distributing of Employment Land and Premises
Policy SP8 - Tourism
Policy SP9 - The Land-Based and Rural Economy
Policy SP13 - Landscapes
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP19 - Presumption in favour of sustainable Development
Policy SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations associated with this application are:-

- Principle of the development;
- Visual impact on the Area of High Landscape Value; and
- Highway impact.

Principle of the development

The NPPF provides guidance on supporting a prosperous rural economy. It notes that planning policies 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 SP9 of the Ryedale Plan - Local Plan Strategy supports the development and expansion of land-based activity. Farm shop expansion is supported provided that it will not adversely affect accessible convenience shopping.

It is considered that given the location of the site together with the nature of the development that the proposal complies with the provisions of Policy SP9 and national policy.

The Town Council have been consulted on the application and have raised no concerns to the development.

Visual impact on the Area of High Landscape Value

The site is located in an 'Area of High Landscape Value', Policy SP13 of the Ryedale Local Plan relating to landscapes, and the specific requirements for their protection.

The proposed development will be screened partly by the land form and by the existing mature road side hedgerow. The applicant has indicated that additional planting of native trees and hedges will occur in order to further integrate the development.

It is considered, therefore, that the development will not have an adverse visual impact upon the surrounding area of the Area of High Landscape Value.

Highway impact

The proposal has been aimed at increasing the visitor attraction experience at the enterprise and consequent footfall and length of stay. It is mentioned that the facility will also be aimed at educational use.

This has the potential to put pressure on available on-site parking and whilst additional parking has been put forward, with the type of development proposed coupled with the facilities already in place would make it difficult to accurately determine the amount of car parking required.

The Highway Officer has commented, stating:-

“If it proves to be very popular, peak times (including the run up to Christmas) may bring about a shortfall of available space which could lead to access issues and parking on the verge of the A170 public highway which is de-restricted and unlit at this locality. Such a situation may well also affect the available visibility at the exit point, and overall may give rise to conditions being detrimental to road safety.

The development has the potential of the introduction of school parties to the attraction, this would ultimately involve either coach(es) or minibuses. Therefore sufficient space needs to be incorporated to cater for this, without impinging on the car parking.

The ‘overflow area’ mentioned above is also not marked out, so it is unclear precisely what additional parking can be offered. It is also essential that the access areas and aisles are sufficient for larger vehicles to manoeuvre through. Therefore clarification is sought in relation to the parking area, together with a clarification in terms of the entrance/exit signs associated with the site.”

“I recommend that a thorough assessment of the overall parking needs should be incorporated with this application, as outlined above, and that this should include modifications to the existing provision and signage improvements.”

Whilst not objecting, the issue is being addressed by the applicant following a site meeting with the Highway Officer. The matter will be reported to Members at the Committee.

Conclusion

The development is not considered to detract from the surrounding area.

It is considered that the development complies with national planning guidance and policies in the Ryedale Plan - Local Plan Strategy.

The proposal will not have a detrimental impact on the character of the open countryside, and will derive benefits to the local economy and job creation.

Accordingly, the development is recommended that permission is granted subject to relevant conditions.

RECOMMENDATION: Approval subject to the outstanding highway element being resolved

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 surface water draining from areas of hard standing shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any water course, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

Reason: To reduce the risk of pollution to the water environment and comply with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

- 3 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. 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 in 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 comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy and the requirements of the National Planning Policy Framework.

- 4 Unless otherwise approved in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the following approved plan(s):

Structure of Proposed Tunnel - Date stamped 25th April 2014

Track Foundations and Structure - Date stamped 25th April 2014

Pond Layout - Date stamped 25th April 2014

Plan for Cedar Barn Small Gauge Railway - Dated 10th February 2014

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

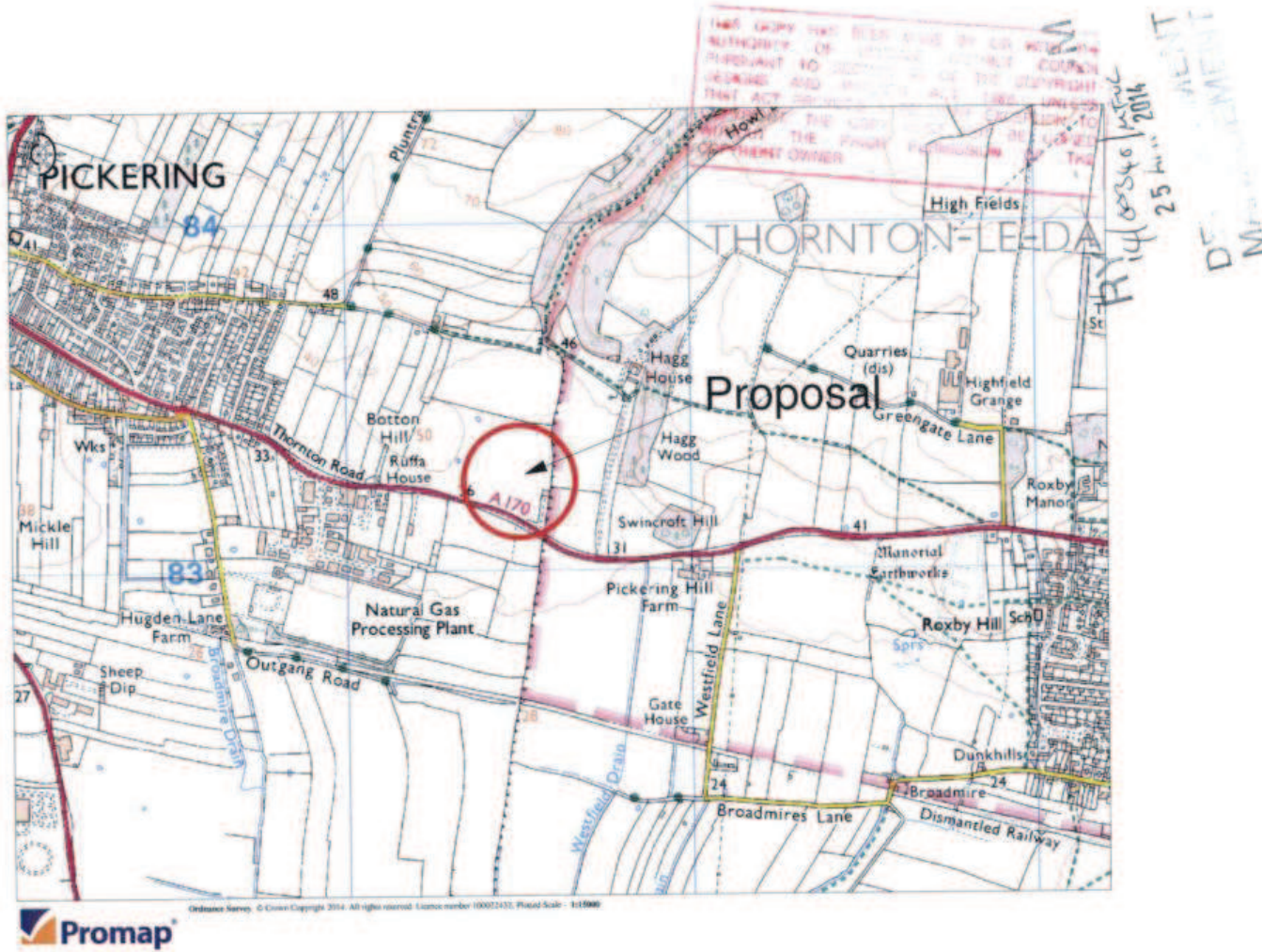
Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

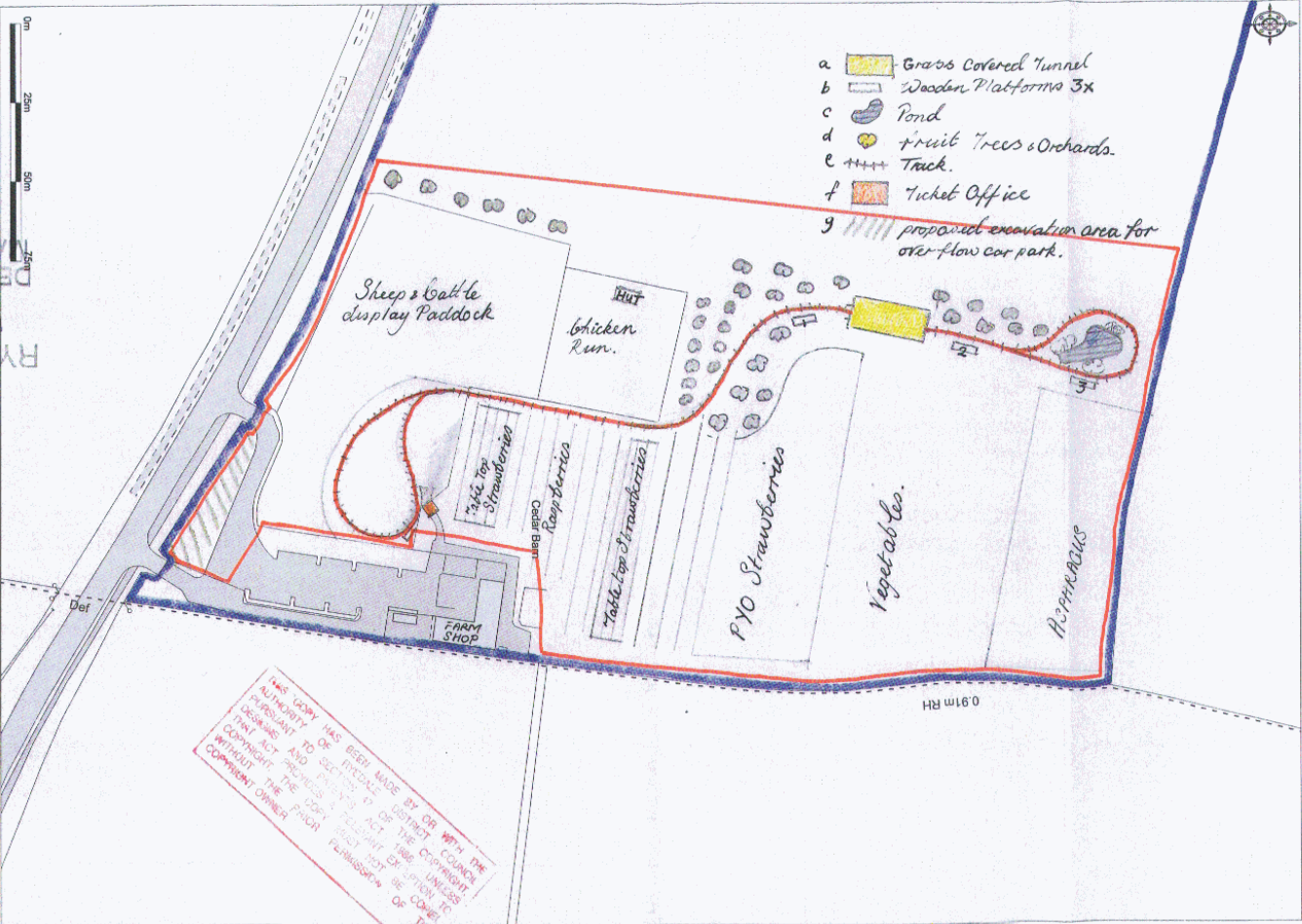
National Planning Policy Framework

Responses from consultees and interested parties





Plan for Cedar Barn Small gauge Railway



- a Grass Covered Tunnel
- b Wooden Platforms 3x
- c Pond
- d Fruit Trees & Orchards
- e Track
- f Ticket Office
- g proposed excavation area for over-flow car park.

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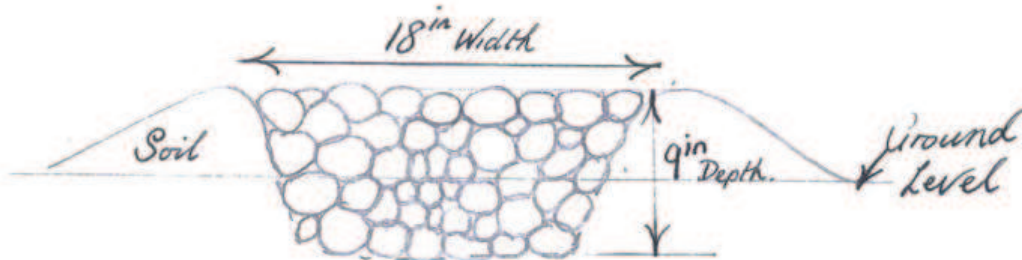
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MHP A.

DEVELOPMENT
 MANAGEMENT
 25 APR 2014
 11:00 AM

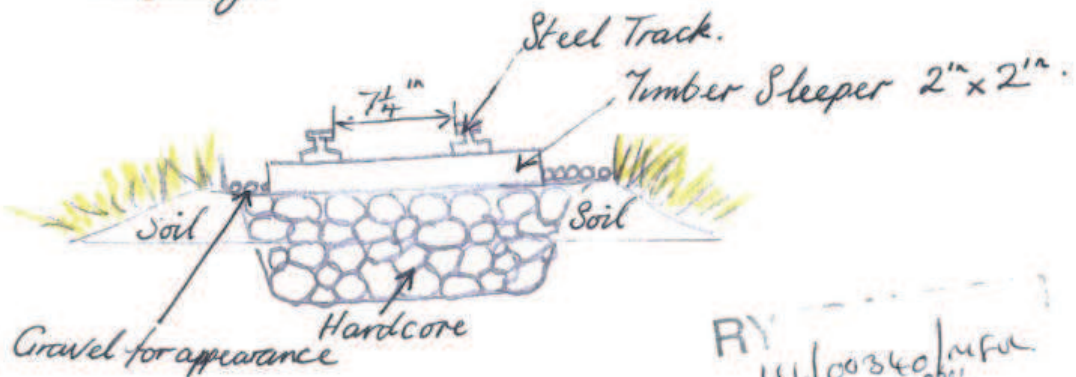
Date 10/2/2014 kshwms2

Track Foundations & Structure.



Top Soil will be excavated to 4" deep and compacted soil on each side of track base, making a ridge raised 5" from ground level. 3" limestone hardcore (clean) will be compacted at a width of 18" along the base of the proposed track. This base will be compatible to the surrounding base rock and soil \therefore easily reinstated back to field.

Track laying



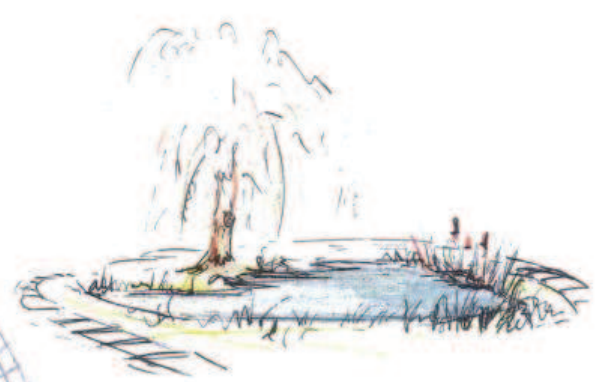
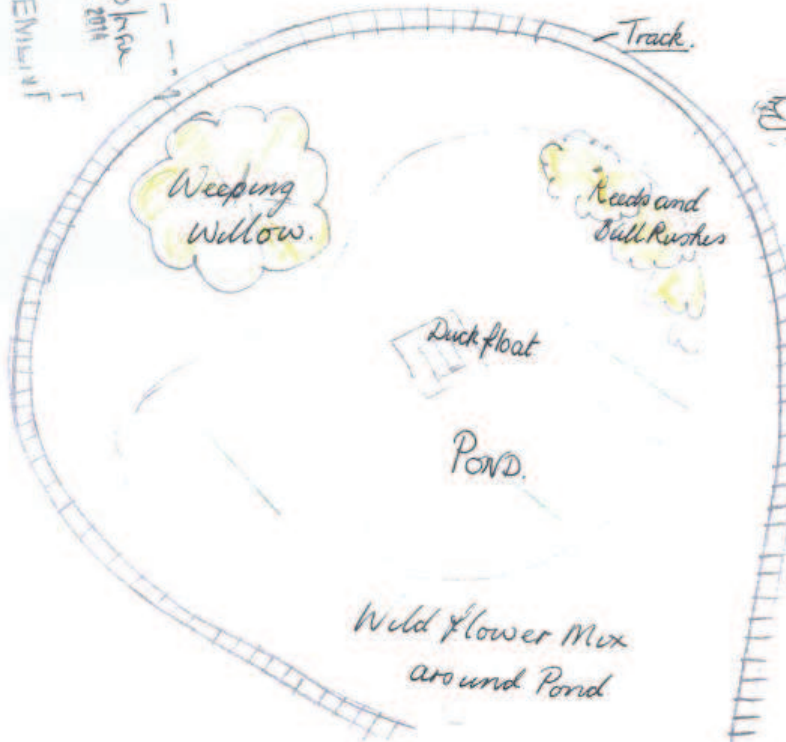
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RY
14/00340/mfu
25 mar 2014
DEPT OF
MANAGEMENT

Date 10/2/2014 K.A.A. work

Pond Layout

YEDAI
 DEVELOPMENT
 MANAGEMENT
 25 APR 2011

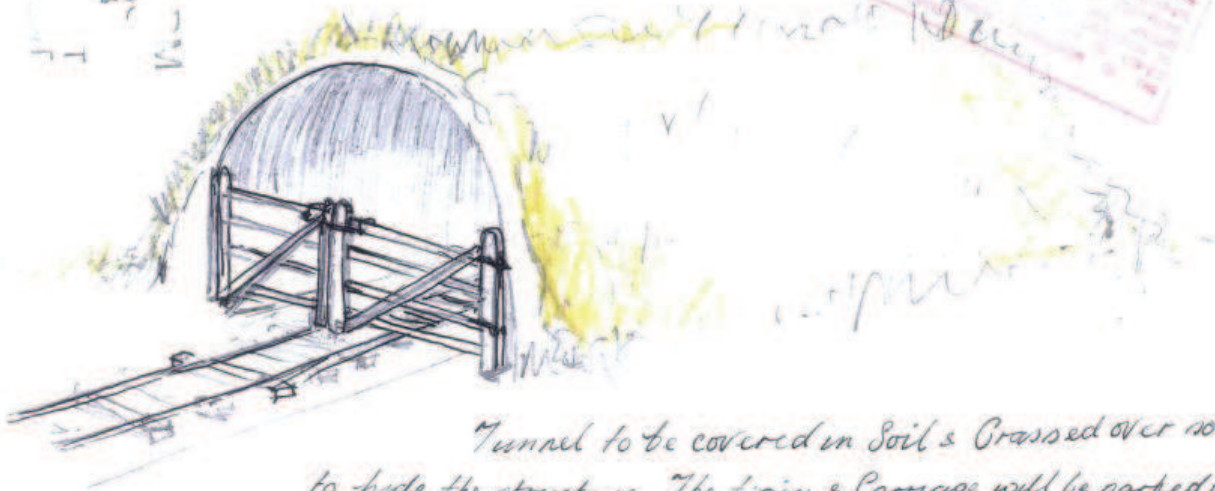


The pond will enhance the landscape and encourage wild life.
 Planting with native willows and encouraging reeds & bullrushes to help form habitat for pond life and wild life alike.



Structure of Proposed Tunnel.

DEPARTMENT
of
DEVELOPMENT
MANAGEMENT
25 April 2016



Tunnel to be covered in Soil & Crossed over so as to hide the structure. The train & Carriage will be parked with in the tunnel when not in use with double gates at each end in help security.



15 Market Place, Malton, North Yorkshire, YO17 7LP
t. 01653 697820
malton@cundalls.co.uk
www.cundalls.co.uk

DESIGN AND ACCESS STATEMENT WITH ADDITIONAL JUSTIFICATION

For

THE CEDAR BARN SMALL GAUGE RAILWAY

AT

Cedar Barn Farm Shop
Thornton Road
Thornton Dale
Pickering
North Yorkshire
YO18 7JX

RYE
14/00340/MFU
25 APR 2014
DEV

APPLICANT

CW Avison and Co

March 2014



CONTENTS

Justification Statement

Conclusions

Appendices (if any)



APPLICATION DETAILS

Applicant: CW Avison and Co

Application Address: The Granary, Top Bridge Farm, Thornton Dale, Pickering, YO18 7RA

Applicants Agent: William Tyson BSc (Hons) MRICS FAAV, Cundalls Chartered Surveyors

Agents Address: Cundalls, 15 Market Place, Malton, North Yorkshire, YO17 7LP

Site Address: Land adjoining Cedar Barn Farm Shop, Thornton Road, Pickering

Application Title: Cedar Barn Small Gauge Railway

Application Type: Full Planning Application

Application Date: March 2014

Location: Thornton Dale, Near Pickering

Proposed Use: Leisure / Visitor Attraction

Reason for Proposal: To increase footfall to the business and offer a wider customer service

Parking: Vehicle and pedestrian access to the proposal would be via existing vehicle access. Additional 20 space parking facility form part of the application.

Foul Water: It is proposed that the development will have its own soak-away drainage system.

Size: The approximate length of the track will be 600 meters



SUPPORTING STATEMENT

1.0 INTRODUCTION

Cedar Barn is a family owned business, established and managed by Karl & Mandy Avison. The business has now been running for five years and currently employs 24 full and part time staff from the surrounding area. In addition to this several part time staff that are also employed throughout the summer months during busier 'Pick Your Own (PYO) seasons'.

The proposed railway with train will make Cedar Barn an enhanced tourism destination and help tourism overall in the Ryedale area. The farm shop and café have an average of 8,000 cars per day pass the entrance on the A170 Scarborough to Pickering road, which almost doubles in the summer months. The establishment of the new railway and visitor attraction will hopefully not only increase footfall but will also make the public more aware of what Cedar Barn has to offer and the strengths the business has built on over the last few years.

2.0 THE CURRENT BUSINESS

As a business, Cedar Barn produces its own pure Aberdeen Angus Cattle which are all utilised through the butchery and farm shop. At present the facilities in processing at Cedar Barn are limited.

Mr and Mrs Avison have had experience with the general public since starting the Pick Your Own business over 15 years ago and in recent years have managed the successful farm shop and café. Mr and Mrs Avison's family have been farming for generations and Mr Avison grows the majority of the farms produce by hand himself. The family have strong links with the North York Moors Railway and are 100% committed to Cedar Barn and the field train project.

3.0 THE PROPOSAL

3.1 General Description

The Field Train project is to introduce a diesel powered miniature train at Cedar Barn Shop & Cafe with the object of increasing the footfall to the premises and attract longer public stays at the shop and cafe. The train itself would take people on a 600 meter ride across the 8 acre site to view sheep, chickens, orchards and also travel around the PYO fruit and veg areas, stopping off at different produce sections and sites on its journey to allow passengers to pick their preferred fruit and veg. It is also anticipated that seasonal tour rides will be introduced such as a Christmas special as the farm also grows and markets Christmas trees, this would involve a Santa Special train ride.

It is anticipated that the project will make it easier and more interesting for customers to view fruit and veg throughout the growth stages and link the farms produce to what the public see on the dinner table. The project will also enhance the visual impact of the fields at Cedar Barn by making

attractive areas, e.g. orchards, ponds and woodland which in turn will hopefully encourage wildlife to the site and have positive environmental impacts on the area.

In addition to the railway track and associated landscaping the development will also incorporate an additional 20 car carparking area to accommodate the additional public within the cedar barn site. This additional carparking will be adjacent to the existing car park at the site and will have no effect on the existing access to the shop.

3.2 landscaping

The proposed development will have no effect whatsoever on existing hedgerows, shrubs or trees lying adjacent to the proposed site. Native tree species shall be planted accordingly to act as screening for the proposed development and to aid in the passenger experience. The trees shall consist of Blackthorn, Field Maple, Hazel, Silver Birch and other native species customary to the surrounding area. This shall also encourage and increase biodiversity in the area acting as wildlife corridors for a variety of animal species. The applicant is prepared to have additional screening if required.

The area surrounding the railway track will be seeded back to a native grass lay once the development has been completed.

3.3 Train design

A simple 7 and 1/4 Gauge train design is shown on the photograph below. The diesel powered engine will hold a maximum of 20 passengers at any one time and will travel the 600 meter track every day from 10.00am to 4.00pm.



3.4 Railway Track Design

An example of the railway tracks design is shown below. Sketch drawings of the proposed track and its construction are shown within the application and as part of the supporting plans.



4.0 LOCAL AND NATIONAL PLANNING POLICY

4.1 National Planning Policy

The recently published National Planning Policy Framework aims to encourage further sustainable development with rural areas to promote more jobs, better design and more community development which are all some of the main aims of the development at Cedar Barn.

Chapter 1 of the National Planning Policy Framework aims to help build a strong, competitive economy via the support of existing business sectors that are expanding. Furthermore the facilitating of flexible working practices such as the integration of residential and commercial uses within the same unit is a key area for delivering sustainable development.

Chapter 3 aims to support a prosperous rural economy by supporting economic growth that will create jobs via the promotion of developments and diversification of agriculture and other land based businesses. The national planning policy framework also aims to support rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors.

And more specifically this should include:

"Supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities".

All of the above clarify the point that the main aims of national policy at this time are to support developments such as proposed by the applicants.

The proposal at Cedar Barn will increase employment, protect the natural environment and enhance a Ryedale existing business that is expanding and providing further facilities at an already well-established tourist and visitor centre.



4.2 Local Planning Policy

The Ryedale local plan strategy details the main objectives of the local planning policy in this instance and more specially policy SP8 'Tourism' and SP9 'the land-based and rural economy'. In addition to the above policies SP11, SP13, SP20 and SP16 have also been considered for this development.

As detailed in Policy SP 8 Tourism the council will seek to encourage sustainable tourism which minimises its environmental impact on the district. This will be achieved by supporting a wider range and quality services, visitor attractions and all year round tourism. More in particular Thornton le dale and Pickering are classed as key visitor destinations therefore the impact of the development on these areas will be carefully considered.

Local planning policy also states that developments will be supported if they maximise outdoor education and culture which is one of the main objectives for this application given the large variety of food and vegetables and livestock on show at the site. The development at Cedar Barn will also assist in further local food production and expand on the already well-established farm and rural diversification.

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

- Appropriate farm and rural diversification activities including innovative approaches.
- Appropriate new uses of land including flood management and energy production, related research and education in this field.

Policy SP 9 Section 5 Paragraph 5.34 of the Ryedale Local Plan Strategy details that land based economy activity is integral to the district economy, culture, heritage and identity.

Furthermore, Paragraph 5.35 indicates that this Local Plan Strategy is intended to support and be flexible to the needs of those that rely on the land based economy. It also supports new opportunities that may arise for future changes. It is essential that new land uses and economic activity must support and encourage where appropriate if Ryedale's countryside is to continue as a living and working countryside that is intrinsic to Ryedale's cultural identity.

In addition to the above Policies SP16 Design and Policy SP20, Generic Development Management Issues are also important criteria of the Local Plan Strategy which encourages development proposals that create high quality durable places that are accessible, well integrated and are in keeping with surroundings. In addition new developments will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. Aspects such as access, parking, servicing, design, amenity, safety and character are all major aspects of the Ryedale Local Plan Strategy of which must be considered.



5.0 PROPOSAL BENEFITS AND LOCAL TOURISM

The project will aim to contribute to a 5% growth year on year in the value of tourism in Ryedale by offering a visitor experience which is unique to the area and builds on the regions historic culture and past. The site on which Cedar Barn resides was historically the Ryedale show field and also used as a traction engine field therefore the project aims to integrate the fields past within its future as a tourism centre that brings people back to Ryedale and keeps them here by offering more.

Cedar Barn cannot transform Ryedale's tourism overnight and cannot offer the same attractions as say Flamingo Land or other larger scale tourism hubs however its aim is to offer something different to anything else within the area to give the public a wider range of activities within the area which offers history, culture, fresh free range produce, quality dining in addition to a ride on a novelty train.

The experience will be aimed at younger families and more specifically holiday makers whom visit the area throughout the week on half-term and school holidays. This will allow the current busier times that the shop experience on a weekend to be complimented by busier weekdays thus spreading the cost of labour and making the entire asset work harder.

Collaboration with restaurants, Bed & Breakfasts and Hotels is key to the success of the business and developing business relationships with other local businesses such as the above will ensure people stay longer in the area and visit each destination with confidence, reassurance and recommendation.

Cedar Barn plans to reinforce relations with other local businesses by offering lower price tickets for local hotel users, buy one meal get one meal free deals for B&B customers and also discounts on free range produce collected from the PYO area which is sold to local restaurants. Collaboration with local councils and bus routes may also encourage holiday makers to venture out of Pickering and Malton to Cedar Barn and local Hotels etc. if low price bus fares and day tickets to the surrounding area are offered.

Cedar Barn would like to support the local community as much as it can as without tourism in the area and the passing trade the farm shop, café and PYO enterprise will not be able to achieve its long term goals and build on past success.

6.0 LOCAL COMPETITION AND JUSTIFIED NEED

6.1 Competition

Newby Hall, Ripon, North Yorkshire offers a similar visitor experience which is almost 50 miles away. Also the Railway museum in York offers culture and history on the subject however it is felt that the business project at Cedar Barn may compliment the museum at York and collaboration with it would be advantageous.

The idea and plans for the Cedar Barn Field Train are a unique and innovative way of bringing historic, miniature trains to Ryedale whilst offering education, free range produce and pleasure.

The business aims to introduce new trade into Ryedale by offering the visitor experience for families but also offering the chance for rail enthusiasts from around the country to bring their own miniature trains to the track and use the railway. This is a realistic idea as there are very few tracks in the country offering this experience.

6.2 Local Need and Justification

With regards to local need and demand the objective of the attractions is quite clear. The train and experience will offer Cedar Barn users the chance to collect fresh produce with ease and offer a day trip facility for schools and general public which offers education, produce and a train ride experience.

Considering the project with regards to a wider audience for holiday makers and national footfall the project offers the collaboration with other businesses within the area to offer a 'whole tourism approach'. Basically this would offer overnight stays at local accommodation, dining and a visitor attraction at Cedar Barn, leisure activities in Dalby Forest or the local towns and restaurants and fine dining at various places in the area.

Cedar Barns strengths are its locally grown produce, farm to fork home produced and reared meat, good access to the main A170 Scarborough to Pickering road and with the pick your own field train, a leisure activity which offers education, novelty and ease of access to the wide range of produce. In addition to this Cedar Barn has had recent success and recognition as it has been awarded a national award for provided the best local and home grown produce on a menu and best farm shop café. Which in turn has increased footfall and put Cedar Barn on the national map.

The pick your own fruit and vegetable side of the Cedar Barn business has always been at its forefront and the business has grown from its success therefore there is a clear demand for it. However to continue to grow the business and PYO section must offer more.

Another key aim of the field train is to integrate education into the experience. Farm shop surveys and customer feedback has been a major driving force for the field train and the link between education and heritage have been a key aspect. With this in mind the project will aim to satisfy demand by offering the interactive interpretation with the farms produce and livestock in addition to having field display boards which detail growth stages of products, what they can be used for, recipes and cultural origins. This will enhance what the train ride has to offer with real links between local food and what the public see on the dining table.

Although competition within the area is always going to be apparent, the Cedar Barn Field Train offers something unique to the area which can only enhance visitor appeal and have positive impacts on the surround tourism trade.



7.0 CONCLUSION

On the basis of the information provided by the applicants, it is considered that the proposed fully accords with the provisions of National Planning Policy within the National Planning Policy Framework.

The proposal at Cedar Barn Farm Shop for a miniature railway is consistent with local and national planning policy as it is an existing business which is expanding into further land based diversification which will increase employment and tourism facilities within the area.

The business as a whole continues to grow year on year and the proposal is further natural growth and expansion for the business therefore the support of the planning department is gratefully requested.

DISCLAIMER

This report has been prepared for CW Avison and Co and is for the purpose of assisting a local planning authority to assess a full planning application. The appraisal has been prepared on the basis of information supplied by CW Avison and Co.

SHR 21/5/14 JC

COMMENTS
MADE

Glenys Yates

From: Pickering Town Council [townclerk@pickering.gov.uk]
Sent: 20 May 2014 10:38
To: Development Management
Subject: Recent planning applications: Pickering

RY...

21 MAY 2014

The council has no objections to:

1. 14/00470/FUL - change of use of car showroom, workshop and offices to a showroom, workshop and offices for the sale, storage and manufacturing of heating appliances and related products at 2-4 Enterprise Way, Thornton Road Industrial Estate;
2. 14/00503/HOUSE - erection of two storey side extension and formation of vehicular access at 43 Forest Road.

On 14/00469/FUL - demolition of existing domestic outbuildings and erection of a one bedroom holiday cottage attached to existing garage/workshop at East Villa, 95 Ruffa Lane, - the council asks that there is sufficient off street parking space for the occupants of East Villa and the holiday cottage.

* On 14/00340/MFUL - laying of 600m of seven and a quarter inch wide miniature railway track, formation of tunnel, excavation of duck pond and extension of existing car park to form twenty additional parking spaces at Cedar Barn Farm Shop, Thornton Road. The council's only suggestion is that everything that can be done to ensure that vehicular movement to and from Cedar Barn can be done safely, should be done. The proposed attraction should encourage more visitors and, therefore, more vehicular movement to and from the A170. Some vehicles on this stretch of the A170 can be moving very quickly.

Information from ESET Smart Security, version of virus signature database 9823 (20140520)

The message was checked by ESET Smart Security.

<http://www.eset.com>

Agenda Item 9

Item Number: 9
Application No: 14/00430/MFUL
Parish: Stonegrave Parish Meeting
Appn. Type: Full Application Major
Applicant: W I & M E Armitage (Mr Richard Wainwright)
Proposal: Erection of an agricultural grain store with associated landscaping - retrospective application (revised details to approval 12/00582/MFUL dated 20.09.2012).
Location: Birch Farm The Terrace Oswaldkirk York YO62 5XZ

Registration Date:
8/13 Wk Expiry Date: 24 July 2014
Overall Expiry Date: 19 June 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council - Stonegrave	Concerns
Highways North Yorkshire	No objection
Environmental Health Officer	No views received to date
Tree & Landscape Officer	No further comments to make.
Sustainable Places Team (Yorkshire Area)	This proposal falls outside the scope of matters on which the Environment Agency wish to be consulted
Howardian Hills AONB JC	No observations to make
Neighbouring Parish Council - Oswaldkirk	Concerns

Neighbour responses: Mr Jason Stapley,

SITE:

The application site comprises a farmstead with a number of existing agricultural buildings located to the east of the village of Oswaldkirk, within the Howardian Hills Area of Outstanding Natural Beauty. The site itself is actually within the Parish of Stonegrave. The site is accessed from the B1257 to the west of Leysthorpe Hall. The land falls to the south from the B1257 with the site located in a valley approximately 340m to the south of this road.

PROPOSAL:

Retrospective Planning permission is sought for the erection of an agricultural grain store with associated landscaping.

The building measures 42.67m x 24.38m and is 10.4m at its highest part. The building has been set into the ground by excavating into the slope and as a result the north elevation of the building will measure 8m high from ground level.

Members will note that this application forms a revision to planning application 12/00582/MFUL as the approved building has not been constructed in accordance with the approved plans in the form of its position, scale and height. In addition, an access has been created in the landscaping / screening located to the north of the building.

The previous planning application granted permission for a building that measured approximately 49m by 24.4m and be 10.8m at its highest part.

Members will note that additional plans have been received to demonstrate the difference on site between the approved scheme and the development as built. For information, the building is sited approximately 5m further north of the previous building although is shorter in length.

HISTORY:

1977: Planning permission granted for the demolition and rebuilding of part of dwelling at Birch House Farm

1992: Planning permission granted for the erection of a general purpose agricultural building for storage purposes and the installation of a grain drier and silo

1998: Planning permission granted for the erection of a building for housing livestock

1999: Planning permission granted for the erection of a farm building, change of use of barns to create one dwelling, change of use of agricultural land to form a paddock, construction of a new access to B1257 and creation of yard to existing farm building

1999: Planning permission granted for modifications of conditions 1, 2, 3, 4, 5 and 6 of the 1998 permission

2001: Planning permission granted for the erection of 2 two-storey extensions, 2 single storey extensions and installation of a dormer window

2002: Planning permission granted for change of use of barns to form dwelling (revised details)

2003: Planning permission granted for the erection a general-purpose agricultural building

2006: Planning permission granted for change of use of agricultural building to form a 6-bedroom dwelling with associated parking and amenity areas (revised details to approval 02/00623/FUL)

2008: Planning permission granted for the erection of agricultural building for housing of cattle and covered storage (retrospective application)

2012: Planning permission granted for the erection of an agricultural grain store

POLICY

National Planning Policy Framework 2012 (NPPF)

National Planning Policy Guidance (NPPG)

Local Planning Strategy; Ryedale Plan adopted 5 September 2013

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

APPRAISAL:

In assessing the impact of this application, Members will note the planning history of the site. As a result of the decision in 2012, the principle of the development has been established. Therefore, the main considerations in the assessment of this application relate to the detail of the alterations / re-siting and the impact the proposal has on the AONB and nearby residents.

With respect to landscape considerations, the main concern surrounds the impact on the Howardian Hills AONB. Officers consider that in the wider landscape context, the revised development is not considered to be substantially different to the previously approved scheme. By virtue of its reduced length the building is sited further from the existing buildings on farm (approx. 25m from the closest) however the building is still seen within the context of the wider farmstead. The AONB Manager has raised no objections to the proposal. Therefore, the proposal is considered to be in accordance with the requirements of Policy SP13 of the Ryedale Local Plan Strategy which seeks to protect Ryedale's landscapes.

In considering residential amenity, Members will note that a detailed objection has been received from the residents of the adjacent residential dwelling currently known as 'The Old Stone Barn'. The observations raised surround the following issues:

i) The position of building

The building has been built 5m further north than approved. Whilst this siting does mean that the building would be slightly more prominent when viewed from the nearby residential dwelling, the distances involved ensure that this siting would not be materially harmful. For information Members will note that the position of the building has not moved any closer toward the residential dwelling. At its closest point the proposed development is sited approximately 32m from the dwelling, and then 52m from the kitchen/French doors facing towards the building.

Additional screening in the form of a more substantial boundary fence (2.4m high) and the planting of Birch trees, would ensure any additional impact would be mitigated. The impact of the proposal is not considered to be such that would warrant refusal of the planning application. Members will note that the conditions of the previous approval to protect residential amenity will be repeated.

ii) The driveway / access

A key concern raised from residents is in relation to vehicles parked overnight in the area of hardstanding located in between to the boundary shared with 'The Old Stone Barn' and the proposed building.

In response to these concerns, the applicant has stated that these vehicles are not related to the concerned building, and that vehicles have only been parked in this area on occasion due to various mechanical failures. The applicant further advised that prior to the erection of the grain store the hard standing area was frequently used to park both farm machinery and cattle wagons.

In considering this issue, Members will note Paragraph 206 of the NPPF which states '*Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*'

This farm has an established use with various planning permissions having been granted on the site over recent years. None of the previous planning permissions have sought to restrict overnight parking within the site. Therefore, it would unreasonable to condition overnight parking on the site which related solely to this development. As such, a condition would not be enforceable and therefore fail to meet the tests identified in P206 of the NPPF and the NPPG. Nevertheless, following discussions with the planning consultant, as a gesture of good will, the applicant has provided a further plan which identifies an area for overnight parking that is a suitable distance from the residential dwelling. An informative is recommended to direct any overnight parking into this area.

iii) Planting scheme

In advance of the submission of this application, the Council's Tree and Landscape Officer provided detailed advice to the applicant to ensure appropriate screening and species.

The planting scheme as part of this current proposal is considered to be more substantial than the previous approval in terms of the screening to the nearby residential property and overall it is considered to be acceptable. A condition is recommended to ensure the retention of this element of the application into the future (20 year period).

To conclude, subject to the recommended conditions, the application is considered to be acceptable and in accordance with the requirements of the Ryedale Local Plan Strategy. The application is therefore recommended for approval.

RECOMMENDATION: Approval

1 The building, the subject of this approval shall only be used for the storage of machinery used and produce grown at Birch House Farm or other land owned and farmed by the applicant.

Reason:- To ensure that the levels of activity associated with the development are compatible with the site and surrounding area in accordance with Policy SP20 of the Ryedale Local Plan Strategy.

2 Use of machinery and vehicles for deliveries, uploading and offloading, and use of conveyors or any other associated activities in connection with the use of the grain store shall not be permitted outside the hours of 8am to 10pm Monday to Saturday and 8am to 1pm Sundays.

Only cereals crops produced by the applicant shall be stored in the grain store.

Reason:- To ensure that all reasonable steps are taken to mitigate and minimise adverse effects on health and quality of life, of nearby residential occupiers in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

3 The proposals for the landscaping of the site shown on Drawing No. EN2075-SP2 Revision A (date stamped 19 June 2014), shall be completed in the first planting season following the commencement of the development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/shrubs which, within a period of twenty 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 satisfy the requirements of Policy SP20 of the Local Plan Strategy.

4 Within 1 month of the date of this permission, the boundary treatment shared with the application site and the residential dwelling currently known as 'The Old Stone Barn' shall be completed in accordance with Drawing No. EN2075-SP2 Revision A (date stamped 19 June 2014).

Reason:- To ensure that all reasonable steps are taken to mitigate and minimise adverse effects on health and quality of life, of nearby residential occupiers in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

5 Any vehicles related to the use of the development hereby permitted that are required to park overnight on site shall park within the hatched area identified on Drawing No. EN2075-SP Rev A (date stamped 19 June 2014).

Reason: In the interest of residential amenity in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

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

Site Plan Drawing No EN2075-SP Revision A
Landscaping and Planting Scheme Drawing No EN2075-SP2 Revision A
Proposed Elevations Drawing No EN2075-F Revision B

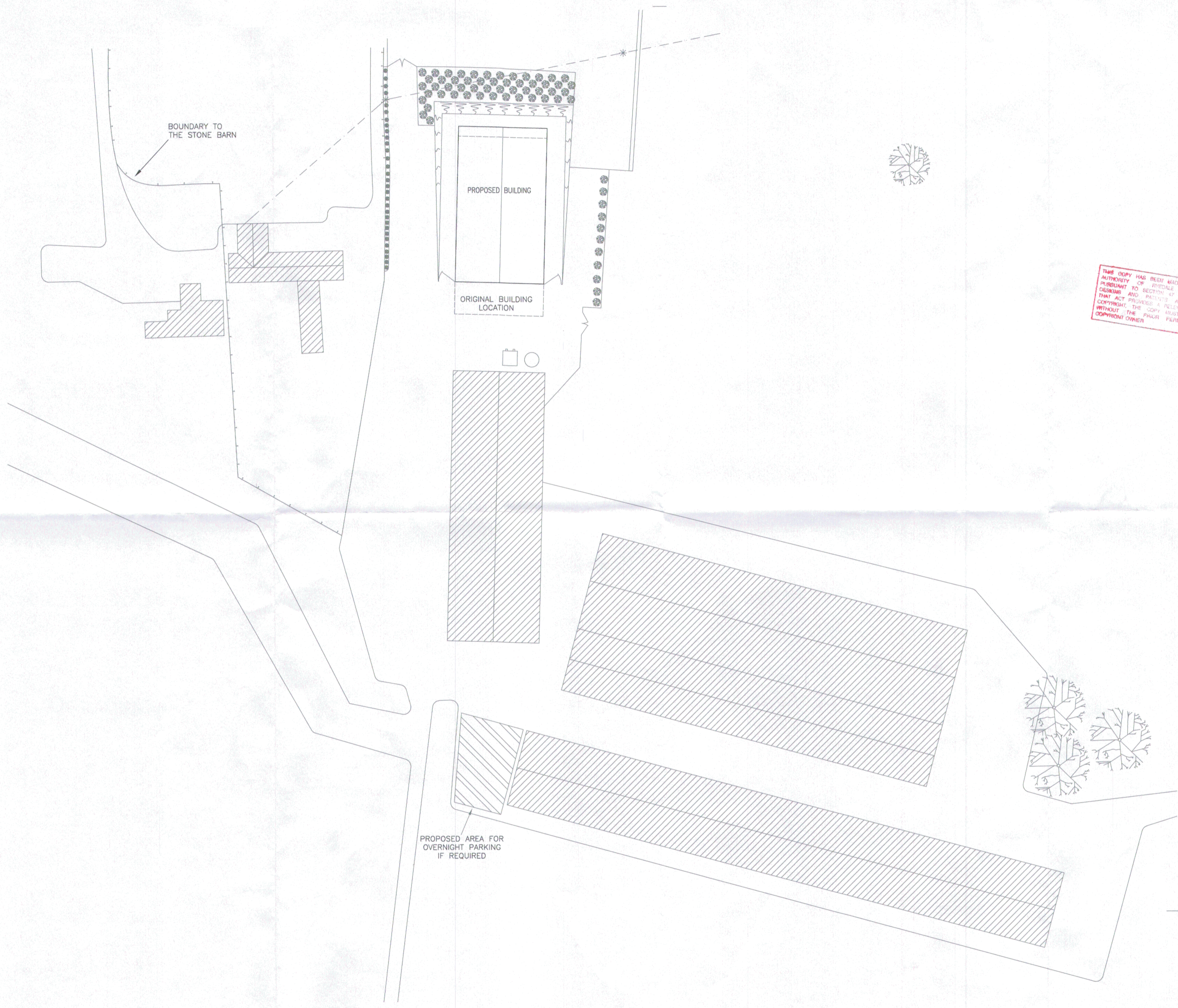
Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE:

- 1 The applicant is advised that any vehicles related required to park on site overnight shall park within the hatched area identified on Drawing No. EN2075-SP Rev A (date stamped 19 June 2014).

Background Papers:

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



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A	OVERNIGHT PARKING ADDED	19/06/14
REV	DESCRIPTION	DATE

CLIENT:
W.I. & M.E. ARMITAGE

PROJECT:
PROPOSED GRAIN STORE AT BIRCH FARM,
OSWALDKIRK

DRAWING TITLE:
SITE PLAN

DRG NO: EN2075-SP	REVISION: A
DATE: 18/06/14	SCALE: 1:500 @ A1
DRN: RB	CHK'D:

S & A FABRICATIONS
HARMIRE ENTERPRISE PARK
BARNARD CASTLE
CO. DURHAM, DL12 8EH
TEL: 01833 690379
FAX: 01833 690040

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(C-D)
 -A new Hawthorn hedgerow to the western site boundary with the neighbouring property, has been constructed.
 -The hawthorn has been planted as 30/45cm transplants @ the rate of 5plants/metre in a double staggered row.
 -The hedgerow plant mix is as follows: 60% hawthorn, 20% Blackthorn, 10% Hazel; 10% mix Field Maple, Holly, Crab Apple, Dog Rose or Wild Privet.
 -To provide a more instant screen, following recent landscaping advice from Ryedale District Council, Birch will be planted along the new hedge line between points 1- 2 at approximately 4m centres (6 trees). These will be planted as container-grown specimens having a 12-14cm trunk girth.

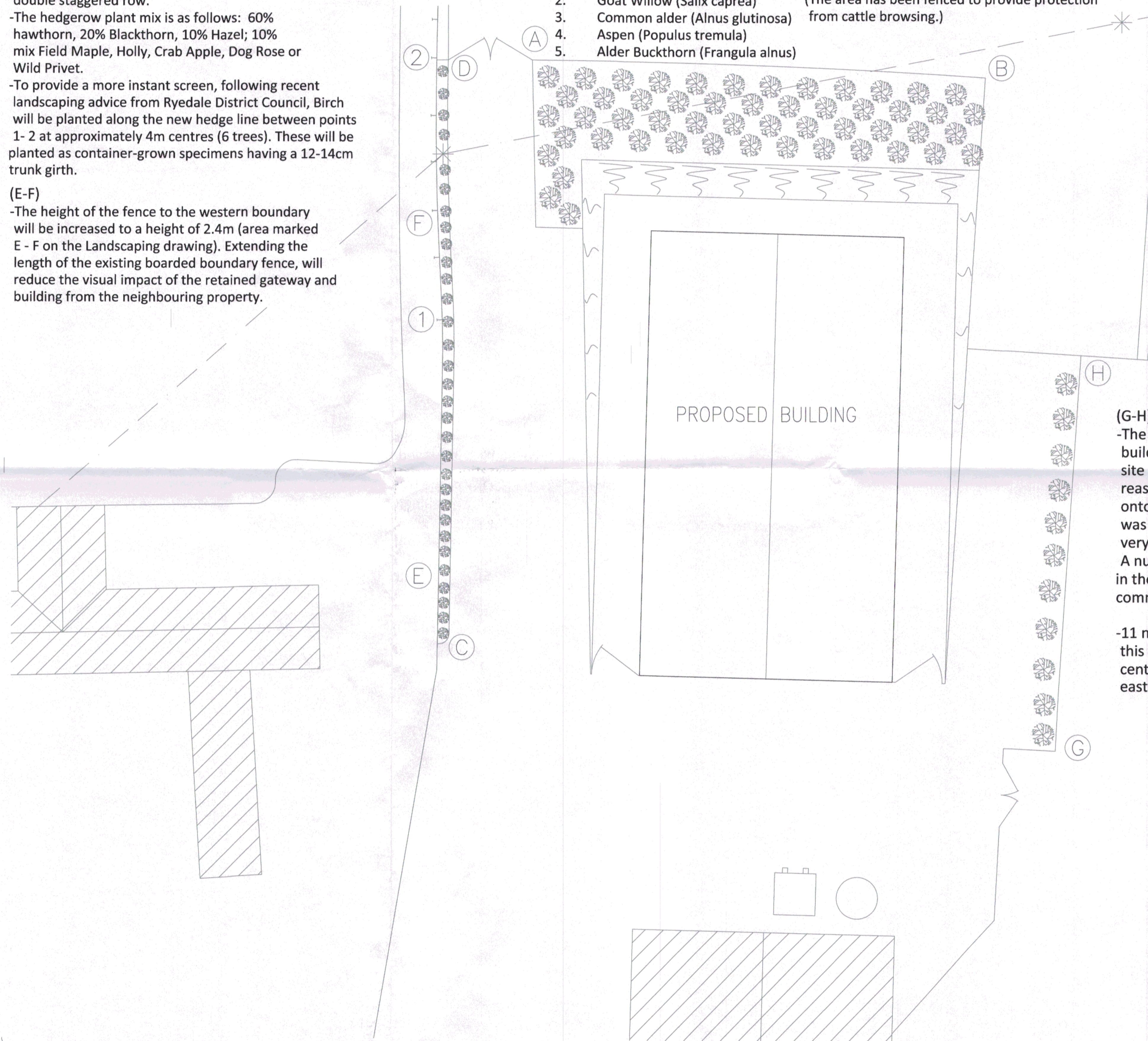
(E-F)
 -The height of the fence to the western boundary will be increased to a height of 2.4m (area marked E - F on the Landscaping drawing). Extending the length of the existing boarded boundary fence, will reduce the visual impact of the retained gateway and building from the neighbouring property.

(A-B)
 -A 10m wide area to the northern boundary has been created, consisting of mixed woodland trees. This area has been randomly planted with 30/40cm transplants in 60cm grow tubes @ 2.5m centres. Current planting consists of 25% oak, 25% hornbeam, 25% wild cherry, and 25% Willow. However, following advice received from Ryedale District Council's Landscaping department, should the current planting fail to establish, owing to the very wet ground conditions, a mixture of the following species selection will be adopted:

1. Grey Willow (*Salix cinerea*)
 2. Goat Willow (*Salix caprea*)
 3. Common alder (*Alnus glutinosa*)
 4. Aspen (*Populus tremula*)
 5. Alder Buckthorn (*Frangula alnus*)
- (The area has been fenced to provide protection from cattle browsing.)

(G-H)
 -The existing trees to the east of the building were removed during the site excavation due to Health and Safety reasons. One of the trees actually fell onto working machinery whilst the site was being prepared. This is due to the very wet ground conditions of the site. A number of the trees also came down in the high winds prior to commencement of site work.

-11 no. new trees have been planted in this location; in 60cm grow tubes at 3m centres, to aid with screening from the east.



- NOTES—**
Maintenance
1. Maintenance of excessive long grasses around the base of new trees and hedges will be managed by regular strimming / raking in spring / summer for the first 5 years.
 2. Following the initial trim and rake (if required), or screening to clear the ground, appropriate herbicide treatment will be undertaken on a regular basis for 3 years to the new / recent planting.
 3. In the first few years new hedges and trees shall be watered regularly during prolonged dry periods.
 4. All plants to be inspected annually for signs of damage and disease.
 5. Mulch (well-rotted manure) is to be spread around new trees and hedges in Spring for the first 2 - 3 years to retain moisture and control weeds.
 6. Tree ties and guards are to be loosened as the trees grow and removed when the tree is well established (usually 2 - 3 years).
 7. Any trees or shrubs which, in a period of five years from being planted, die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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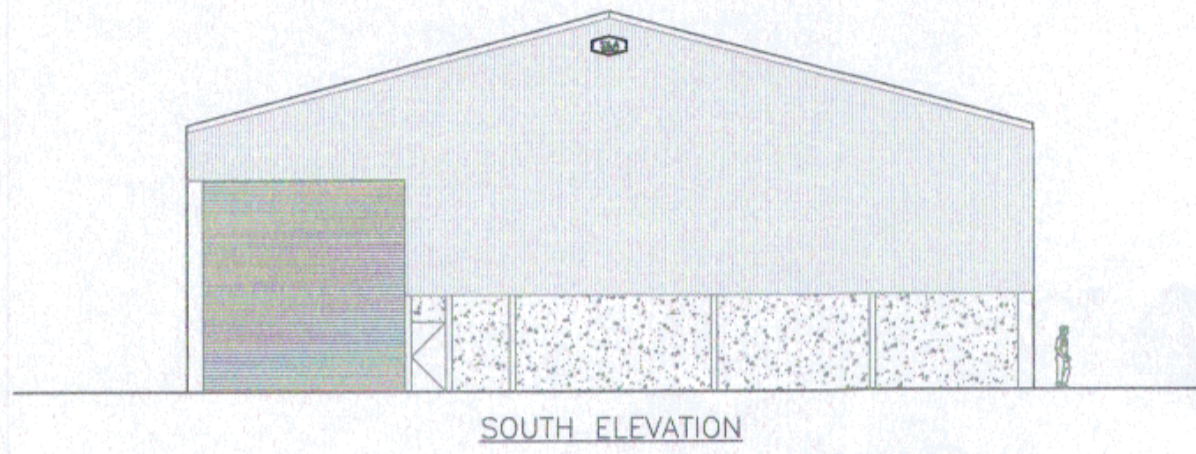
CLIENT:
W.I. & M.E. ARMITAGE

PROJECT:
PROPOSED GRAIN STORE AT BIRCH FARM, OSWALDKIRK

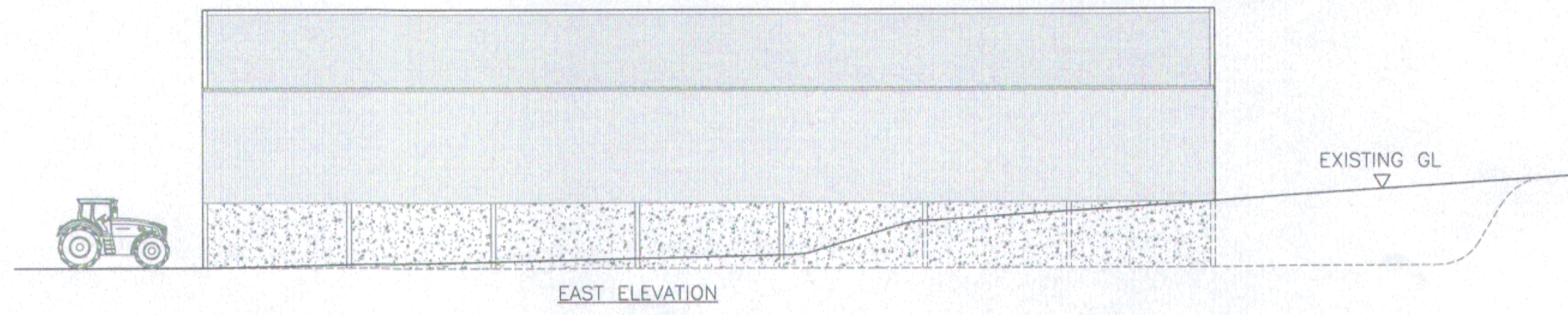
DRAWING TITLE:
LAND SCAPING & PLANTING SCHEME

DRG NO: EN2075-SP2	REVISION: A
DATE: 10/04/14	SCALE: 1:200 @ A1
DRN: RB	CHK'D:

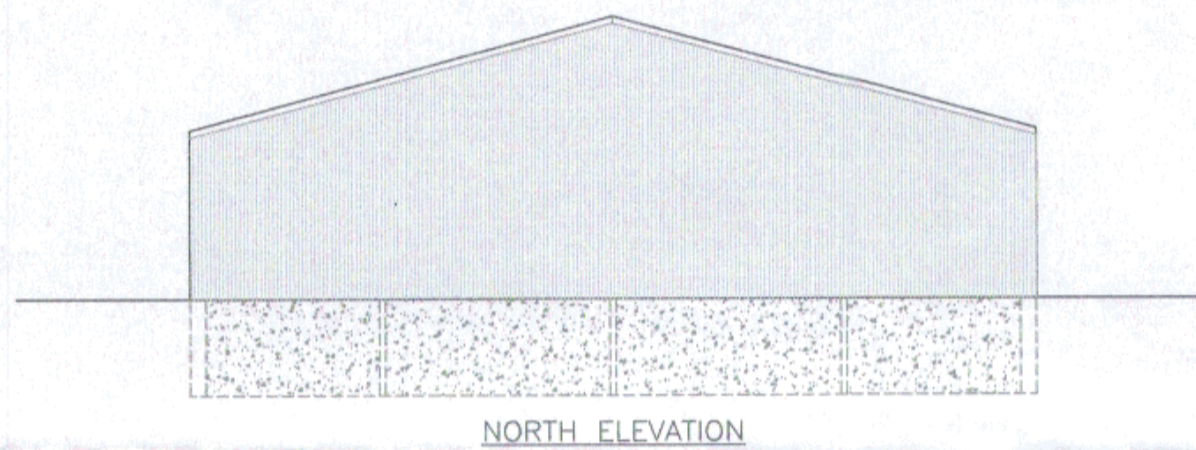
S & A FABRICATIONS
 HARMIRE ENTERPRISE PARK
 BARNARD CASTLE
 CO. DURHAM, DL12 8EH
 TEL: 01833 690379
 FAX: 01833 690040
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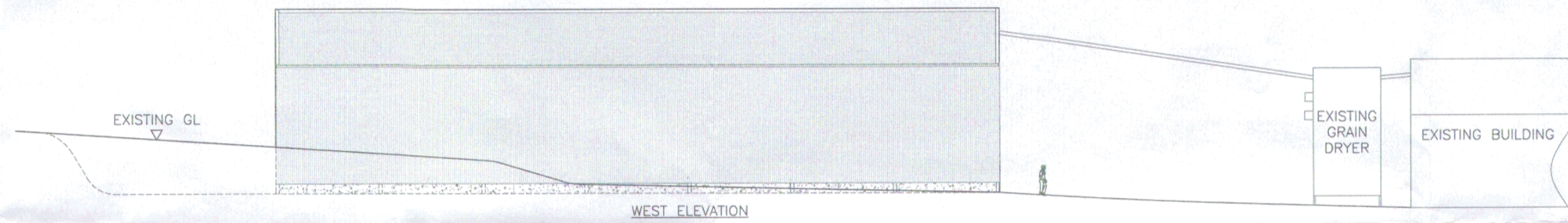
SOUTH ELEVATION



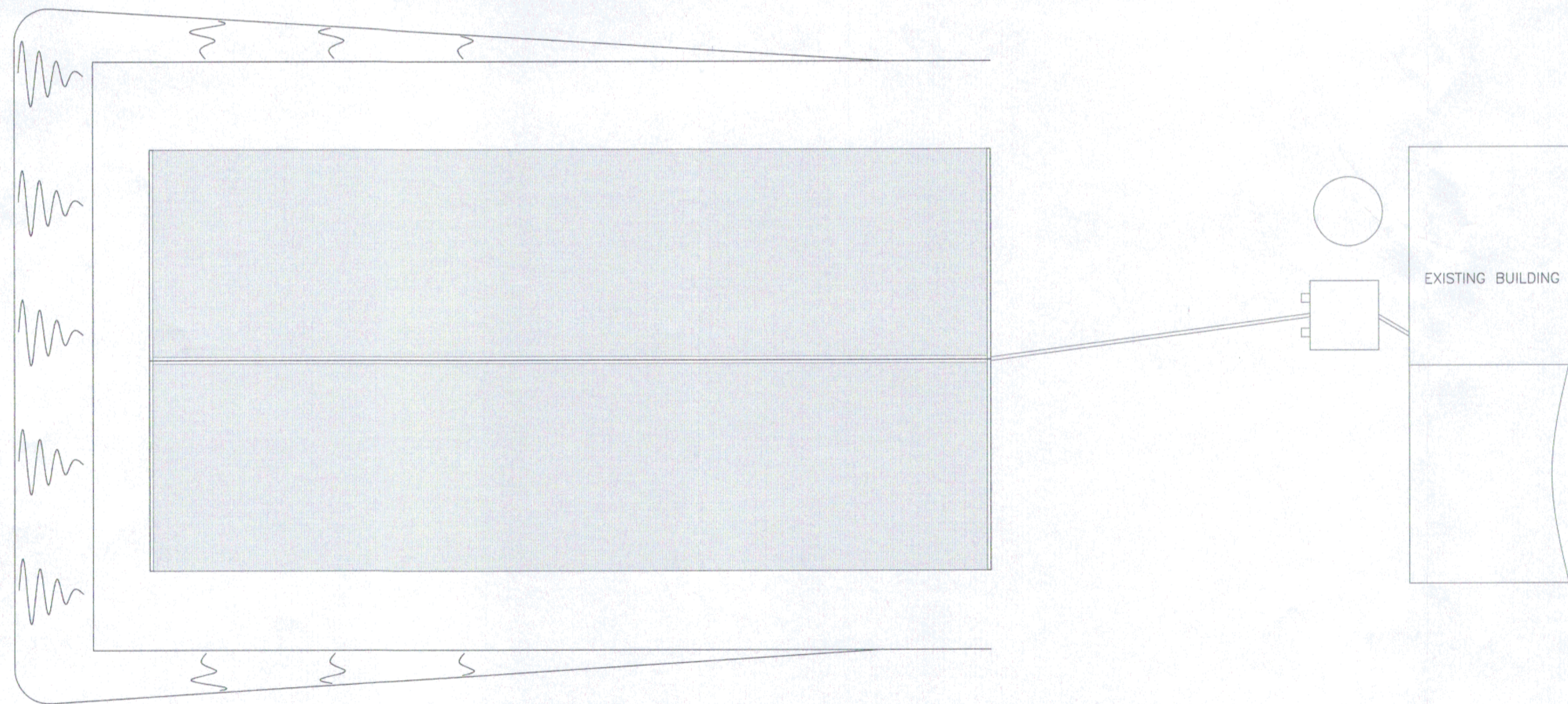
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



ROOF PLAN

NOTES:

BUILDING SIZE—24.384M WIDE x
42.672M LONG (IN 7No. 6.096M BAYS)
x 7.620M HIGH TO THE EAVES

ROOF TO BE ANTHRACITE COLOURED
PROFILE 6 FIBRE CEMENT WITH A
CLOSED FITTING RIDGE AND BARGE
BOARDS TO GABLE VERGES.

VERTICAL CLADDING TO BE BOX
PROFILE PLASTISOL COATED STEEL
SHEETS 4.850M DOWN FROM EAVES
TO NORTH, SOUTH AND EAST
ELEVATIONS EXCLUDING DOORWAYS.
VERTICAL CLADDING TO BE 7.000M
DOWN FROM EAVES TO THE WEST
ELEVATION.

1No. ROLLER SHUTTER DOOR TO THE
SOUTH ELEVATION, 6.000M WIDE x
6.100M HIGH.

LOWER WALLS TO BE SELF COLOURED
CONCRETE PANELS

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REV	DESCRIPTION	DATE
B	CLADDING DEPTH/DOOR POS	08/02/13
A	EXISTING GL'S ADDED	12/06/12

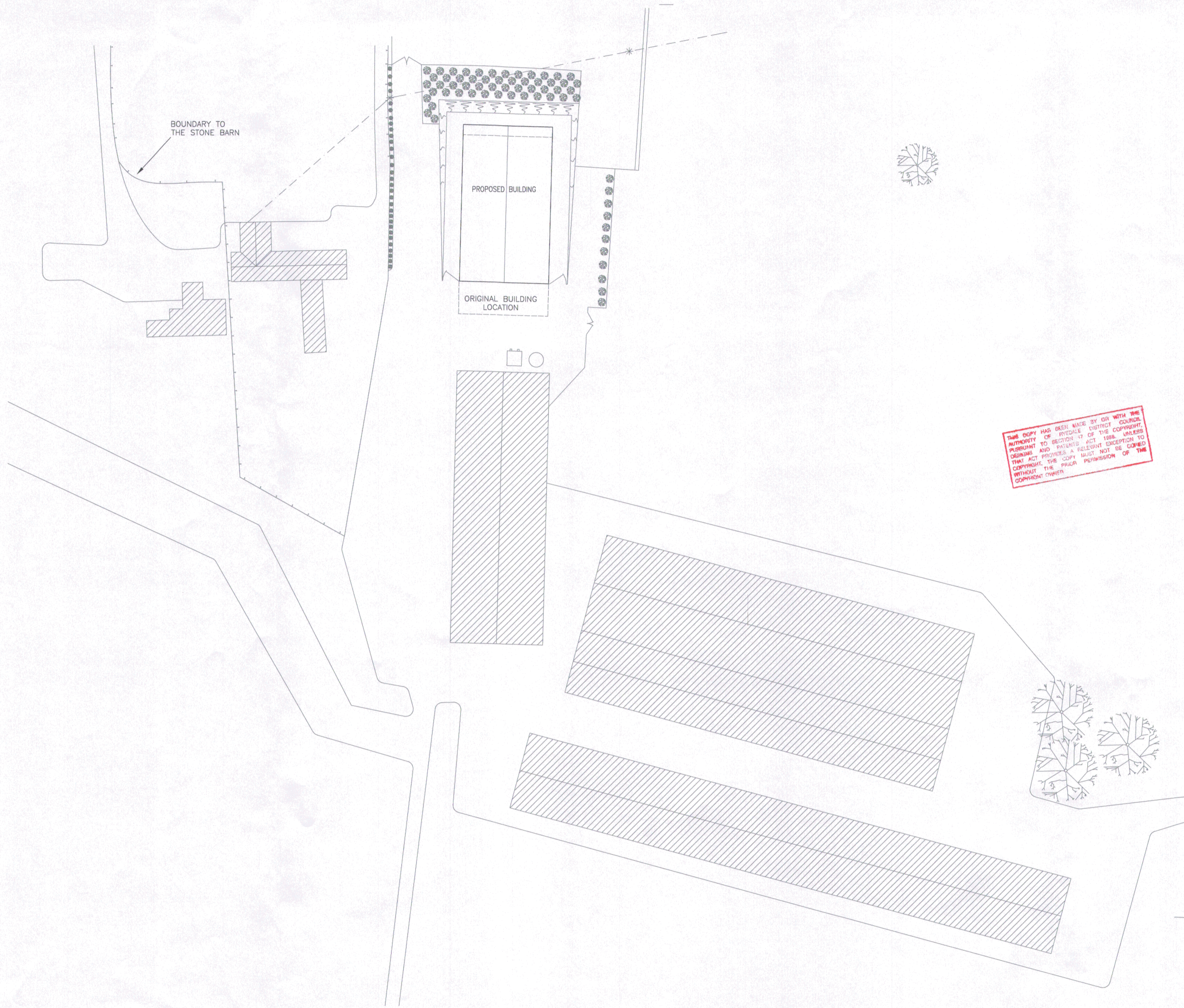
CLIENT:
W.I. & M.E. ARMITAGE

PROJECT:
PROPOSED GRAIN STORE AT BIRCH FARM,
OSWALDKIRK

DRAWING TITLE:
PROPOSED ELEVATIONS

DRG NO: EN2075-F	REVISION: B
DATE: 08/05/12	SCALE: 1:200 @ A1
DRN: RB	CHK'D:

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-	-	00/00/00
-	-	00/00/00
REV	DESCRIPTION	DATE

CLIENT:
W.I. & M.E. ARMITAGE

PROJECT:
PROPOSED GRAIN STORE AT BIRCH FARM,
OSWALDKIRK

DRAWING TITLE:
SITE PLAN

DRG NO: EN2075-SP	REVISION:
DATE: 18/06/14	SCALE: 1:500 @ A1
DRN: RB	CHK'D:

 S & A FABRICATIONS
HARMIRE ENTERPRISE PARK
BARNARD CASTLE
CO. DURHAM, DL12 8EH
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DESIGN AND ACCESS STATEMENT

For: W I & M E Armitage

Site: Birch Farm, Oswaldkirk, YO62 5XZ

Introduction

This Design and Access Statement accompanies a retrospective Planning Application submitted on behalf of Mr Richard Wainwright, of W I & M E Armitage, for an agricultural grain storage building at Birch Farm. The application is in connection with original decision 12/00582/MFUL.

W I & M E Armitage are a third generation farming partnership. The business is now managed by Peter Armitage and his brother-in-law Richard Wainwright. Richard's son James recently began working for the business taking the partnership into a fourth generation and it is intended other family members will join the business in due course.

Birch Farm has been owned by the partnership for 21 years and together with nearby land constitutes a holding of 445 hectares; of which 364 are arable crops: comprising mainly wheat, oilseed rape and barley. The remaining 81 hectares is a combination of grass and permanent pasture.

In addition the farm has a fattening herd of 2000 beef cattle. Currently the straw from the arable operation is used as bedding for the cattle; whilst the wheat is utilised as cattle feed and the oilseed rape, which forms part of the farming rotation, is either sold off the farm or transported to Gilling East for storage (where the storage facilities meet Farm Assurance standards).

The Proposal

Mr Wainwright and his family wish to invest in a new grain storage building; to allow more of the produce grown on the land at Birch Farm or that owned by applicant to be stored at Birch Farm. Prior to the erection of the new building the grain was dried onsite; of which approximately 1000 tons was then transported to additional storage facilities near Gilling East, three miles away. As the grain was required it was transported back to Birch Farm, to be processed. The cost of transporting the grain to Gilling East and back was considerable and constituted over 150 vehicle movements in the year.

Amount of Development / Scale

The new agricultural grain storage building is sited to the north of the application site and comprises of a 24.38 m span, 42.67m long and 7.620m to the eaves. This provides an

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internal floor area of 1,040.29 m². The building is a typical modern design: a steel-framed agricultural building, similar to other buildings on the farm and in the area.

Appearance

The materials chosen for the new building are typical for this purpose. The roof of the new building is clad in fibre cement sheets, anthracite colour; to create a similar appearance to the existing buildings on the farm and in the local area. The sides of the building are clad using olive green box profile plastisol coated sheets and lap natural coloured concrete panels.

Layout / Location

The design and position of the building has been determined by its function and rural location. All elements of the building have been designed to a specific purpose to ensure that the building is workable and efficient.

The applicants have sited the new building to the north of the existing farmstead. A lot of consideration was given as to where to locate the new building to make use of current access and facilities on site. The location means that the current access to the site can remain and machines can easily be moved between the new and existing buildings.

The building is located with two thirds of its footprint on an existing hard standing and has been dug into the hillside to assist in screening from the north.

Landscape Impact

The grain store building was designed to have minimal visual impact on the landscape. The building is located close to an existing group of buildings and forms a natural extension to this group. The design of the building is compatible with the nearby farm buildings and the countryside location is reflected through the agricultural character of the building form and materials.

The applicants are keen to ensure that the building visually integrates with the farmstead and have undertaken a landscaping and planting scheme to establish a native hedgerow to the western boundary and an area of mixed woodland trees to the northern boundary. (Please see separate Landscaping and Planting notes and drawing).

The residual impact of the new building will be reduced as the proposed vegetation grows and matures.

The applicants have retained and upgraded the existing gateway and part of the existing hard standing to the northern field boundary. The decision to preserve and upgrade this

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area, rather than incorporate it within the landscaping scheme as originally planned; was based on the advice given by the Environment Agency. The applicants were experiencing significant run off from the field to the northern boundary. This water was going into the yard and then on through the cattle yards creating dirty water. The Environment Agency's advice was to install a French Drain above the existing gateway and stone the entrance to stop any rutting up from farm traffic.

Access

The access to the farm and the building is from the B1257 and will remain unchanged.

There is adequate room on site for the turning and manoeuvring of vehicles and room for emergency services.

Vehicle movements are expected to be reduced by approximately 150 as previously explained. Currently the farm employs five family and one non-family employee. Employee numbers will not change as the peaks and troughs will continue to be managed by contract labour.

Planning Policy

Ryedale Plan - Local Plan Strategy

Policy SP9 The Land-Based and Rural Economy

The new grain storage building is necessary to support the land-based activity at Birch Farm and the other land owned by the applicant. Due to the nature of the harvest, and with a significant proportion of the whole farm income based on this small window in the year, it is crucial that the grain is stored correctly. Stored grain management is becoming increasingly important due to grain mycotoxin levels and the associated regulatory requirements. Efficient drying and cooling is essential to be able to minimise the development of non-desirable organisms within the grain. The new grain storage building will allow more of the produce to be stored at Birch Farm which will in turn significantly reduce transport costs. Given the applicants reliance on the land based economy it is imperative that the applicants maintain profitability and sustainability to enable the partnership to be taken into the next generation.

Policy SP13 Landscapes

The applicant is keen to protect and reinforce the landscape character and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty (AONB). The proposal does not detract from the natural beauty and special qualities of this nationally protected landscape.

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The new building is located within / adjacent to an existing group of buildings and is designed to be sympathetic to the surroundings. The style and colour of the materials used blend well with existing buildings and the surrounding area; and reduce the buildings impact within the landscape.

The landscaping and planting scheme, undertaken by the applicant, seeks to mitigate any potential residual impacts of the development; integrating it into the surrounding countryside and to provide visual cover.

The new building seeks to be visually sensitive to the skyline. The site rises quickly to the North; as a result the building is dug into the hillside to further assist with screening from the North.

The building will not have a material adverse effect on sites of nature conservation value or archaeological or historic importance.

SP20 Generic Development Management Issues

The new building respects the character and context of the immediate locality and the wider landscape character in terms of physical features.

The proposed grain storage use and activity of the building is compatible with the existing immediate farming locality and the surrounding area; and would not prejudice the continued operation of existing neighbouring land uses.

The design of new building follows the principles established in Policy SP16. The design also incorporates appropriate landscaping features to enhance the setting of the development.

The new building will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses.

It is anticipated that the noise impact of the proposed development to be minimal. Any noise generated as a result of vehicular movements during day to day movements will be no more than the current agricultural operations that take place either on the site or surrounding land. A condition from planning application 92/00488/OLD restricts the operations of the grain dryer for use only in connection with produce grown on the land at Birch Farm or that owned by applicant. A further condition of application 12/00582/MFUL restricts the use of machinery and vehicles for delivery, unloading and off-loading and use of conveyors and other associated activities in connection with the use of the grain store outside of the hours 8am – 10pm Monday – Saturday and 8am – 1pm on Sundays.

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Access to and movement within the site by vehicles will not have a detrimental impact on road safety or traffic movement. The new building will result in a reduction of the traffic coming and going between the application site and the storage facilities utilised at Gilling East (approx. 150 movements). There may at times be a slight increase in the activity of the farm complex; however, this will be balanced / negated by the overall reduction in traffic movements described above.

National Planning Policy Framework.

Section 3 – Supporting a prosperous rural economy.

The new development supports the sustainable growth and expansion of the applicants business, through the introduction of a well-designed, modern facility for grain storage.

The new grain storage building is necessary to support the land-based activity at Birch Farm and the other land owned by the applicant. Due to the nature of the harvest, and with a significant proportion of the whole farm income based on this small window in the year, it is crucial that the grain is stored correctly. Given the applicants reliance on the land based economy it is imperative that the applicants maintain profitability and sustainability to enable the partnership to be taken into the next generation.

Section 4 – Promoting Sustainable Transport.

As previously mentioned, this proposal would take approx. 150 large vehicle movements per year off the local roads, thus reducing greenhouse gas emissions.

Section 7 – Requiring Good Design

The design and position of the building has been determined by its function and rural location. All elements of the building have been designed to a specific purpose to ensure that the building is workable and efficient. The design also incorporates appropriate landscaping features to enhance the setting of the development

Section 11 – Conserving and enhancing the natural environment.

As stated above, the applicant is keen to protect and reinforce the landscape character and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty (AONB). The proposal does not detract from the natural beauty and special qualities of this nationally protected landscape.

Although the proposal will provide the applicant with a significant benefit in regard to business viability and sustainability, the applicant is keen to ensure that any impact on the natural environment is minimised. The new building is located within / adjacent to an existing group of buildings and is designed to be sympathetic to the surroundings. The style

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and colour of the materials used blend well with existing buildings and the surrounding area; and reduce the buildings impact within the landscape.

The applicants are keen to ensure that the building visually integrates with the farmstead: the building is located with two thirds of its footprint on an existing hard standing and has been dug into the hillside to assist in screening from the north. They have also undertaken a landscaping and planting scheme.

This area of new planting will provide a natural habitat for local birds, animals and insects.

We trust the above explains and justifies the need for the building. However, should you need any further information please do not hesitate to contact us.

April 2014

MMD 23/5/14 JC.

Concerns

Mel Warters

From: dm@ryedale.gov.uk
Sent: 22 May 2014 20:02
To: Development Management
Subject: Comments for Planning Application 14/00430/MFUL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:57 PM on 22 May 2014 from Mr Mark Clook (Secretary of Oswaldkirk Parish Meeting).

Application Summary

Address: Birch Farm The Terrace Oswaldkirk York YO62 5XZ
Proposal: Erection of an agricultural grain store with associated landscaping - retrospective application (revised details to approval 12/00582/MFUL dated 20.09.2012).
Case Officer: Matthew Mortonson
[Click for further information](#)

Customer Details

Name: Mr Mark Clook (Secretary of Oswaldkirk Parish Meeting)
Email: mark.clook@btinternet.com
Address: 11 St Oswald's Close, Oswaldkirk, York, North Yorkshire YO62 5YH

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23 MAY 2014
DEVELOPMENT
MANAGEMENT

Comments Details

Commenter Type: ie Site/press notice
Stance: Customer made comments neither objecting to or supporting the Planning Application

Reasons for comment:

Comments: COMMENTS FROM OSWALDKIRK PARISH MEETING The planning application 14/00430/MFUL has been discussed with the officials of Oswaldkirk Parish Meeting and outlined below are our thoughts: • The proposed planting in terms of species and size along the section marked A-B on the plan is considered to be acceptable, however there are concerns regarding the proximity of the overhead cables. These cables may prevent the trees from reaching an appropriate size and hence acting as suitable screening. In addition, there is a concern regarding the size of the trees being planted as well as such issues as maintenance and enforcement – see below for further details. • The creation of a hedgerow along the lines marked C-D is considered appropriate in terms of species, however there is concern regarding the size of the trees being planted as well as such issues as maintenance and enforcement – see below for further details. The addition of the large container grown trees is welcomed, however it should be noted that points 1-2 referred to in the written document are not present on

the plan, therefore it is unclear where these trees are to be located. • The new planting at G-H is welcomed, however there is concern regarding the size of the trees being planted as well as such issues as maintenance and enforcement – see below for further details. • Maintenance and enforcement – it is noted that with the exception of the container grown birch trees along points 1-2, all the trees are small whips. It is further noted that there is reference to the maintenance of these whips for the first 5 years. However, given the longevity of some of the species and hence the time to become established, it is considered that 5 years is insufficient and should be extended until all trees are well established. In addition, there is concern regarding enforcement of these proposals and therefore some form of reassurance from the Applicant and/or Ryedale District Council is required to ensure that the trees are planted, maintained and replaced if necessary. Finally, the barn obviously has a long life expectancy, i.e. 30+ years – please can conditions be put in place to ensure that the screening exists for the life of the building? • Whilst we appreciate the need to ensure that runoff from the field to the north is dealt with appropriately, it should be noted that this access is new and not reinstated as indicated in the document. • It should be noted that the large hard standing to the west of the barn is used as a lorry park. Is permission required for this? • It is assumed that the conditions of the original application (12/00582/MFUL) are still applicable to this application, in particular the times of operation. In addition, to the above, we understand that the building is as agreed by Ryedale District Council insofar as the location is further north and the dimensions are not in line. Oswaldkirk Parish Meeting assumes that this deviation is covered by this application – although no reference to this issue is made in the covering documentation.

Landscaping and Planting Scheme

Proposal: Agricultural Grain Store
At: Birch Farm, Oswaldkirk, YO62 5XZ
For: Mr R Wainwright - W I & M E Armitage

Please see enclosed drawing EN2075-SP2

The landscaping and planting scheme proposes to establish a native hedgerow along the western site boundary, with an additional area of mixed woodland trees to the northern field boundary; to aid mitigation of any potential residual impacts of development; and to integrate the building into the surrounding countryside and provide visual cover.

The residual impact of the new building will be reduced as the proposed vegetation grows and matures; screening views for reduced visual effect whilst enhancing and augmenting local landscape character.

Species have been selected to fit with the local character and to promote biodiversity, helping to blend the site into the wider landscape.

Key mitigation proposals include:

Sensitive treatment to northern boundary with the existing agricultural fields. (Marked A – B)

- A 10m wide area to the northern boundary has been created, consisting of mixed woodland trees. This area has been randomly planted with 30/40cm transplants in 60cm grow tubes @ 2.5m centres. Current planting consists of 25% oak, 25% hornbeam, 25% wild cherry, and 25% Willow. However, following advice received from Ryedale District Council's Landscaping department, should the current planting fail to establish, owing to the very wet ground conditions, a mixture of the following species selection will be adopted:
 1. Grey Willow (*Salix cinerea*)
 2. Goat Willow (*Salix caprea*)
 3. Common alder (*Alnus glutinosa*)
 4. Aspen (*Populus tremula*)
 5. Alder Buckthorn (*Frangula alnus*)
- The area has been fenced to provide protection from cattle browsing.

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Creation of a new hedgerow to the western boundary (Marked C – D)

- A new Hawthorn hedgerow to the western site boundary with the neighbouring property, has been constructed.
- The hawthorn has been planted as 30/45cm transplants @ the rate of 5plants/metre in a double staggered row.
- The hedgerow plant mix is as follows: 60% hawthorn, 20% Blackthorn, 10% Hazel; 10% mix Field Maple, Holly, Crab Apple, Dog Rose or Wild Privet.
- To provide a more instant screen, following recent landscaping advice from Ryedale District Council, Birch will be planted along the new hedge line between points 1- 2 at approximately

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4m centres (6 trees). These will be planted as container-grown specimens having a 12-14cm trunk girth.

Increasing the height of the fence to the western boundary to the full length of the building (Marked E – F)

- The height of the fence to the western boundary will be increased to a height of 2.4m (area marked E – F on the Landscaping drawing). This will extend the length of the existing boarded boundary fence by approx. 10m and should reduce the visual impact of the retained gateway and building from the neighbouring property.

New planted area to the east of the building (Marked G – H)

- The existing trees to the east of the building were removed during the site excavation due to Health and Safety reasons. One of the trees actually fell onto working machinery whilst the site was being prepared. This is due to the very wet ground conditions of the site. A number of the trees also came down in the high winds prior to commencement of site work.
- 11 no. new trees have been planted in this location; in 60cm grow tubes at 3m centres, to aid with screening from the east.

Planting:

1. Bare root trees and hedging plants are to be planted between November and February when soil is moist but not waterlogged or frozen.
2. New trees will be protected with tree shelters, which will be staked and tied.
3. All new hedgerow planting to be protected with rabbit guards and supported by canes.

Maintenance

1. Maintenance of excessive long grasses around the base of new trees and hedges will be managed by regular strimming / raking in spring / summer for the first 5 years.
2. Following the initial strim and rake (if required), or screening to clear the ground, appropriate herbicide treatment will be undertaken on a regular basis for 3 years to the new / recent planting.
3. In the first few years new hedges and trees shall be watered regularly during prolonged dry periods.
4. All plants to be inspected annually for signs of damage and disease.
5. Mulch (well-rotted manure) is to be spread around new trees and hedges in Spring for the first 2 – 3 years to retain moisture and control weeds.
6. Tree ties and guards are to be loosened as the trees grow and removed when the tree is well established (usually 2 – 3 years).
7. Any trees or shrubs which, in a period of five years from being planted, die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Agenda Item 10

Item Number: 10
Application No: 14/00358/FUL
Parish: Marishes Parish Meeting
Appn. Type: Full Application
Applicant: Mr And Mrs A Watkinson
Proposal: Change of use and alterations of outbuilding to form a two bedroom dwelling to include formation of vehicular access and associated parking and amenity area.
Location: Store At Fullerton House Marishes Low Road Low Marishes Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 27 May 2014
Overall Expiry Date: 7 May 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council	Object
Environmental Health Officer	Comments received regarding screening form and recommends informative
Countryside Officer	Request full report.
Highways North Yorkshire	More information required
CAMRA	No views received to date
Property Management	No views received to date
Sustainable Places Team (Yorkshire Area)	Do not wish to make detailed comments
Land Use Planning	Comments made regarding water supply and waste water
Highways North Yorkshire	Recommend conditions
Neighbour responses:	Dr Simon Hird,

.....

SITE:

Low Marishes is a small village situated approximately 1.2km to the east of the A169 Malton to Pickering Road, approximately 5km north of Malton and 6km south of Pickering. The village does not contain any development limits, therefore the site is located within the Wider Open Countryside.

PROPOSAL:

The proposal seeks planning permission for the change of use and alterations of an outbuilding to form a two bedroom dwelling to include the formation of a vehicular access and associated parking and amenity area.

HISTORY:

00/00558/FUL - August 2000 permission granted for a change of use of farm buildings to form 6 letting bedrooms.

09/01277/FUL - Permission refused for change of use and alteration of Public House to form two dwellings. Appeal dismissed.

11/00360/FUL - Permission refused for change of use and alteration of Public House to form 2 dwellings.

11/00811/FUL - Application withdrawn for change of use and alteration of Public House to form two dwellings.

12/00008/FUL - Permission refused for change of use and alteration of part of public house to 1 no. three bedroom dwelling with remainder of the building to be retained as a public house with first floor living accommodation to include external and internal alterations.

13/00337/FUL - Planning Permission Granted (Appeal) for Change of use and alteration of public house to form a four-bedroom dwelling with parking/turning and amenity areas.

14/00126/FUL - Application withdrawn for change of use and alteration of outbuilding to form a two bedroom dwelling to include increase in ridge height, erection of single storey extension, formation of vehicular access and associated parking and amenity area.

POLICY:

National Planning Policy Framework 2012 (NPPF)

National Planning Policy Guidance (NPPG)

Local Planning Strategy; Ryedale Plan adopted 5 September 2013

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution

Policy SP4 - Type and Mix of New Housing

Policy SP11 - Community Facilities and Services

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

APPRAISAL:

This application is presented to the Planning Committee as a result of a letter objection received from the Parish Council and a nearby resident. The concerns raised include:

- a) Drainage details have not been provided
- b) Proposed alterations are not sympathetic and overly domestic in character
- c) The principle of the development
- d) The applicant fails to meet Local Needs Occupancy condition
- e) The loss of a potential future community facility
- f) Flood risk concerns

In assessing this proposal, the following considerations are relevant:

- i) The Principle of the Development
- ii) Character and Form
- iii) Residential Amenity
- iv) Other Matters

In considering the principle of the development, Policy SP2 of the Ryedale Local Plan Strategy identifies the sources of new housing that will contribute to the supply of new homes across the District. It is stated that in the wider open countryside the '*Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting for Local Needs Occupancy*' will be supported.

This proposal seeks the conversion of an outbuilding which previously formed part of 'The School House Inn' public house. The public house has recently been converted into two separate residential dwellings, one of which this outbuilding is currently ancillary too. The applicant has family who lives in the dwelling on site and has identified that the need to convert this particular outbuilding is to provide family support for the applicant in the future. In light of this, and as the applicant is a resident of a neighbouring parish (Pickering), the criteria of the Local Needs Occupancy condition (as identified in Policy SP21) has been met.

The built form of the site is characterised by the main building, the former School House Inn, and a number of ancillary outbuildings. This form and layout replicates the rural setting in which the site is located. This proposal seeks to convert the outbuilding situated to the front of the site. At this point, Members will note that the outbuilding is current in a state of disrepair, to such an extent that the applicant advised that the roof of the building had to be removed for the safety reasons.

In order for the site to accommodate sufficient amenity levels required for a single dwellinghouse, boundary treatment will be necessary to separate the dwelling from the highway and the adjacent residential property. To this regard, the applicant has provided details of the boundary treatment proposed. The site layout plan received by the Local Planning Authority on 6 June 2014, identifies that as part of the proposal, a single car parking space is located to the front of the outbuilding with the garden area is located to the side and further parking towards the rear.

As this site is prominent within the street scene, Officers do have some concerns with regard to the visual impact of this proposal. However, subject to conditions to ensure the appropriate appearance of the building and boundary treatment, the proposed conversion of the building together with the alterations to the site is considered to be acceptable. The development of this building which is in poor condition would enhance the immediate setting of the site in accordance with the requirements of Policy SP2 of the Ryedale Local Plan Strategy.

With respect to residential amenity, Policy SP20 of the Ryedale Local Plan Strategy states '*New development will not have a material adverse impact on the amenity of present or future occupiers of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*'

In considering whether this proposal provides sufficient levels of residential amenity, account is taken to all factors which contribute to this. This includes the size of the dwelling and the accommodation within it, any outdoor amenity space provided and the relationship of the proposal with its surroundings.

This proposal seeks to provide a two bedroom dwelling within a modest sized outbuilding. The scale of the building is such that each of the rooms within the dwelling are modest in size. For information, the room sizes of the proposed are as follows:

Living Room - 16.2sqm
Dining / Kitchen - 22.05sqm
Bedroom 1 - 11.2sqm
Bedroom 2 - 10.08sqm
Bathroom - 3.6sqm

In terms of the outdoor amenity space, this would be provided to the east of the outbuilding.

Taking into account the size of the dwelling together with the outdoor amenity space, it is considered that the proposal would provide the sufficient levels of residential amenity for future occupiers of the dwelling to enjoy. The proposed boundary treatment would ensure that the development would not materially impact on nearby residents, and the levels of activity associated to this cottage, which is located adjacent to the existing highway, would not be materially harmful.

Therefore, the proposal is considered to be acceptable in residential amenity terms and in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

With respect to other matters, Members will note that the loss of this building as a potential future community facility is not a material planning consideration in respect to this application. No objections have been received from NYCC Highway Authority in terms of parking and access. The Environment Agency and Yorkshire Water have raised no objections to the application which proposes the use of septic tank for foul sewage, and to use the existing watercourse for surface water drainage. Members will note that the site is not located within Flood Zone 2 or 3. After receiving further information the Councils Countryside Officer has verbally confirmed no objections to the proposal.

In light of the above report, the application is recommended for approval, subject to a S106 agreement for a financial contribution to provisions of open space, recreation and leisure facilities.

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.

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

3 Notwithstanding the details submitted, 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 an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

4 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

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Glass H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 5 The domestic curtilage associated with the dwelling hereby approved shall be restricted to the red line identified on the submitted block plan (date stamped 6 June 2014).

Reason: To satisfy the requirements of Policy SP20 of the Local Plan Strategy.

- 6 Notwithstanding the details submitted, before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Local Plan Strategy.

- 7 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. 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 in 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 comply with the requirements of Policy SP20 of the Local Plan Strategy.

- 8 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 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 crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6C;

(iii) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with details that shall be submitted, and agreed in advance of the commencement of the development and maintained thereafter to prevent such discharges.

(iv) The final surfacing of any private access within 6 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 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.

- 9 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of the extremities of the application site frontage with the highway in both directions from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

- 10 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing MSR 5 OF 5 (AS REVISED). Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 11 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 Policy SP20 of the Ryedale Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 12 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

13 The development hereby approved shall only be occupied by a person(s) who:

- Have permanently resided in the Parish, or adjoining parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock;
or

- Do not live in the Parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years; or service men or women returning to the parish after leaving military service;
or

- Are taking up full time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years;
or

- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

Reason:- To meet the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

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

Proposed Plan and Elevations Drg No. MSR 3 OF 5
Block Plan Drg No. MSR 5 of 5

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

- 3 Any water used for human consumption or the preparation of food which originates from a private water supply will be subject to the requirements of the Private Water Supplies Regulations 2009. Local Authorities are responsible for implementing these Regulations and as such, the Health and Environment Department at Ryedale District Council should be informed of any significant changes to a supply (e.g. the addition of a dwelling to the supply). Further information on the Private Water Supplies Regulations 2009 is available from the Council website.

Background Papers:

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

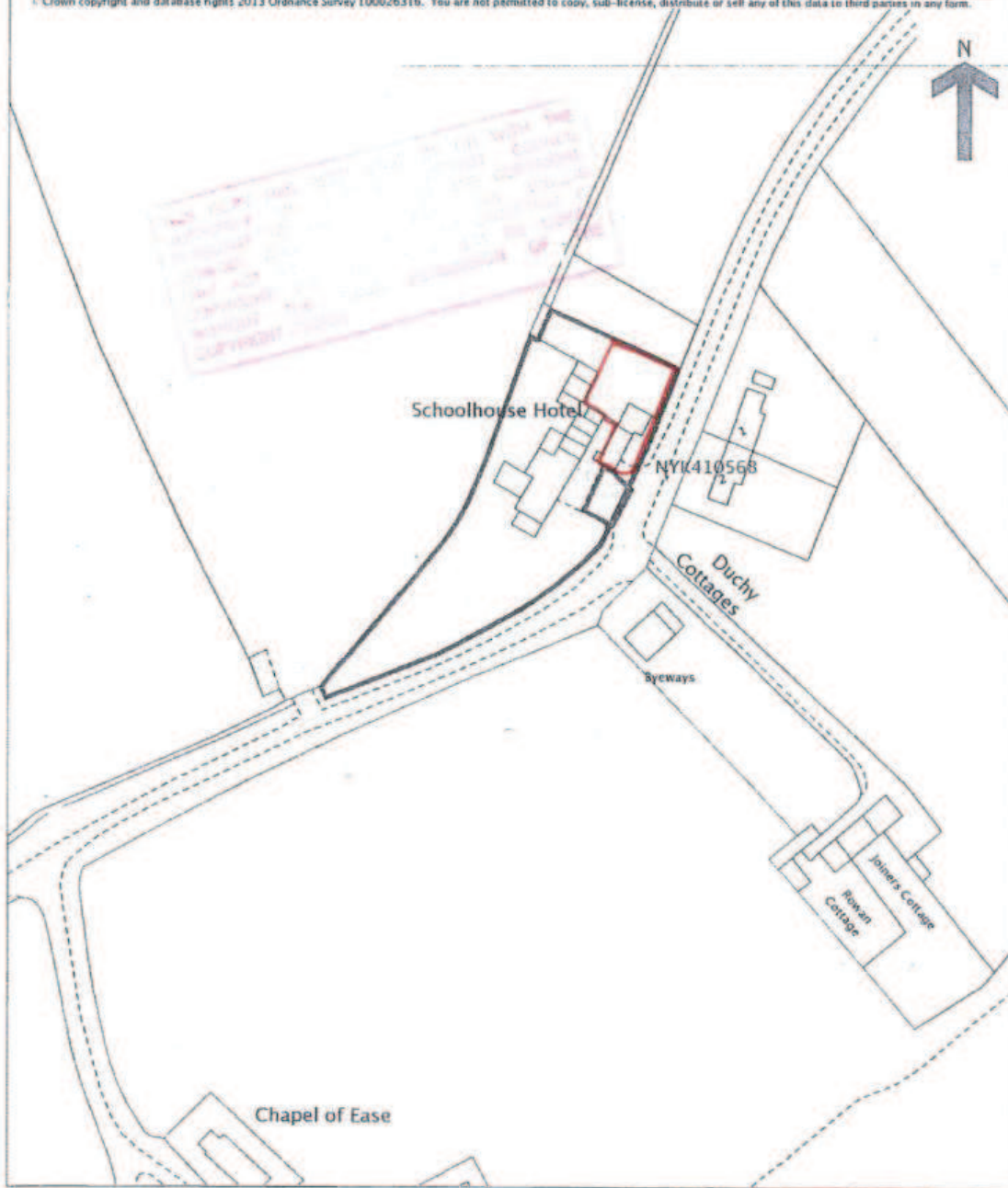
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Land Registry
Official copy of
title plan

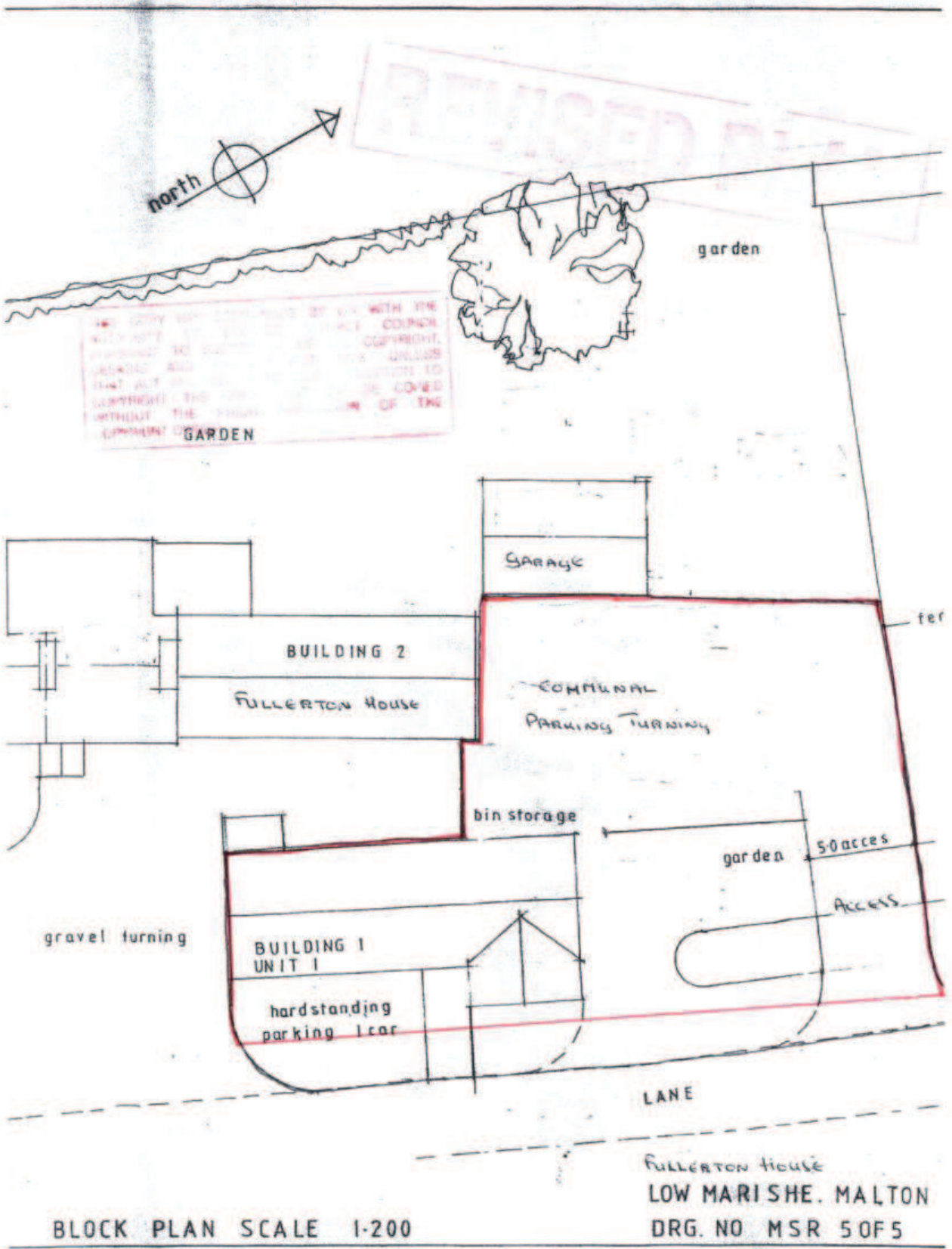
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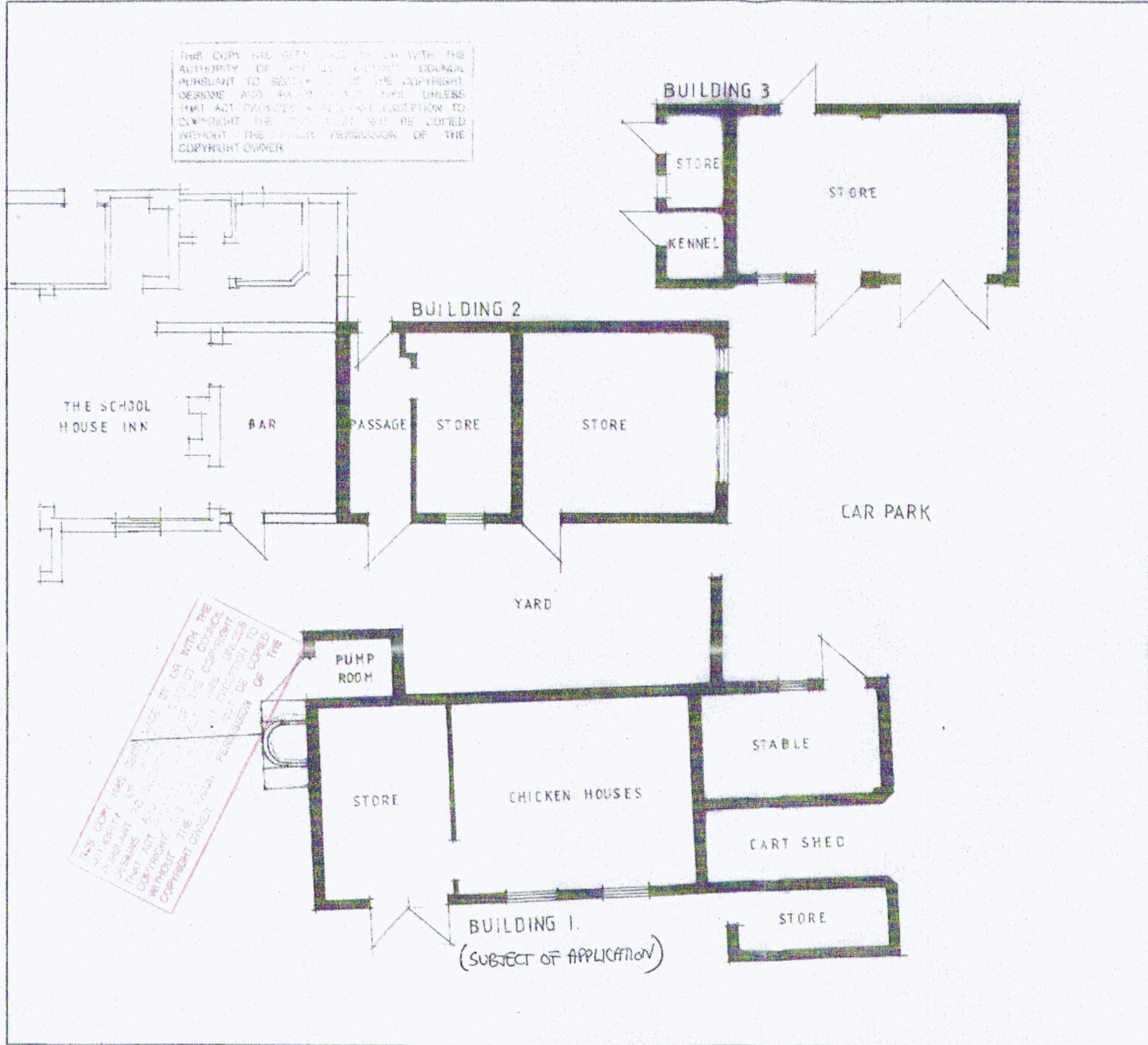
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RYSDALE DM
DEVELOPMENT
MANAGEMENT

Client
MR. M. and MRS. S. RICHARSON.

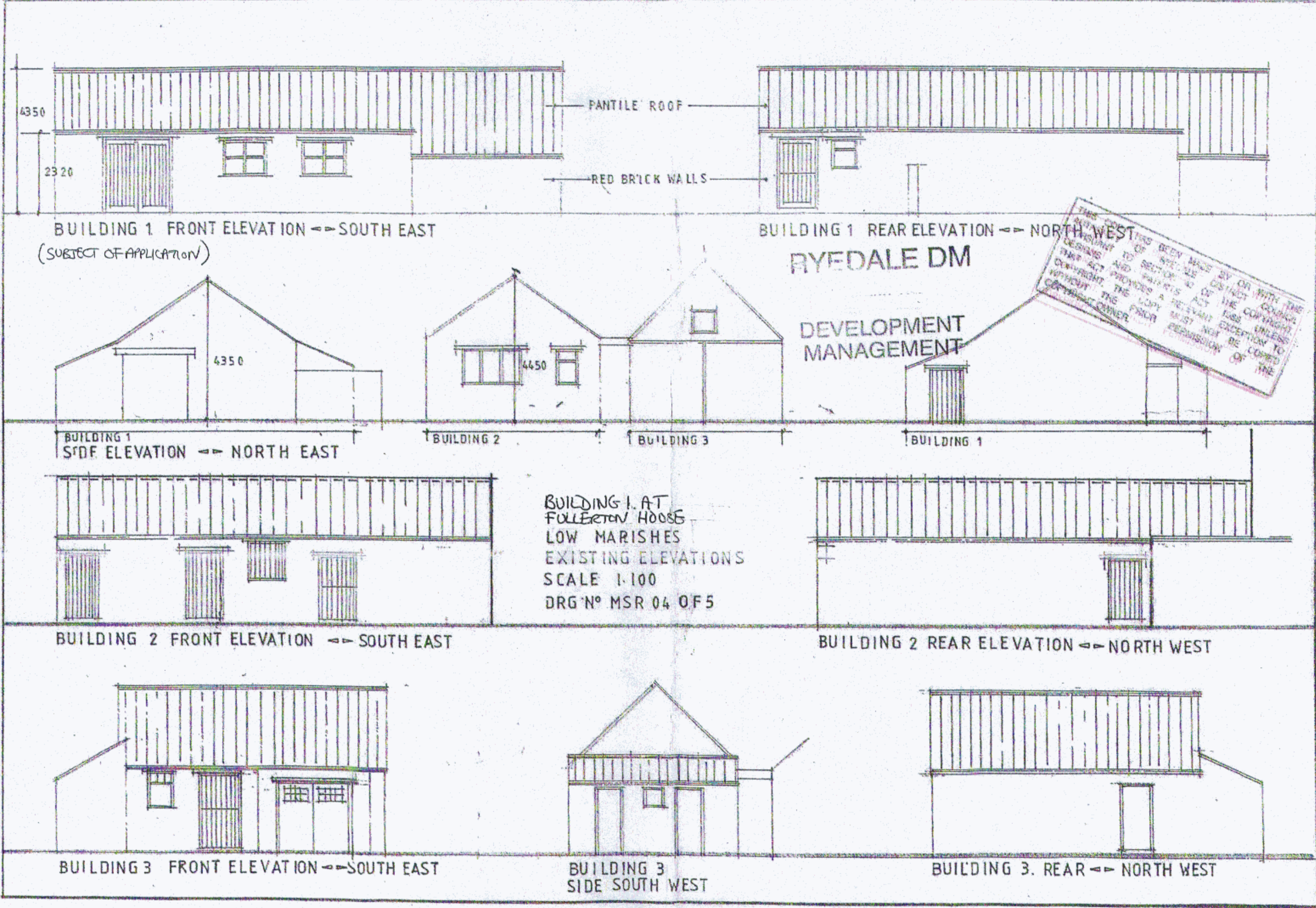
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AT FULLERTON HOUSE
LOW MARISHES, MALTON

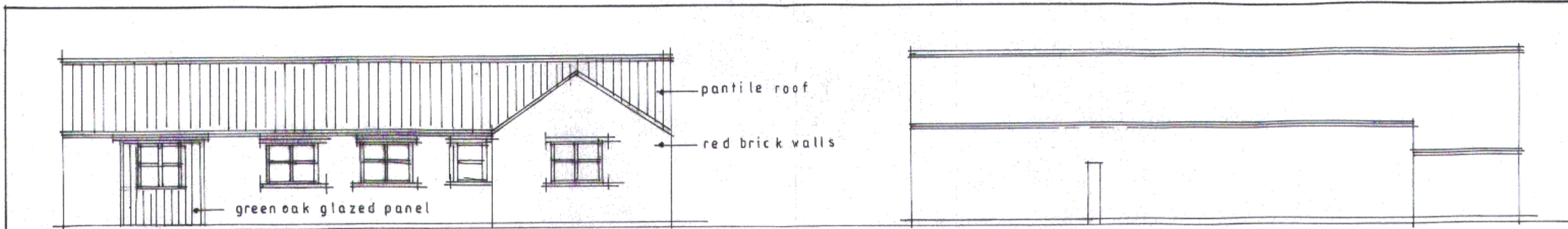
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EXISTING FLOOR PLANS

Scale 1:100

Date JUNE 2013 Drawn by

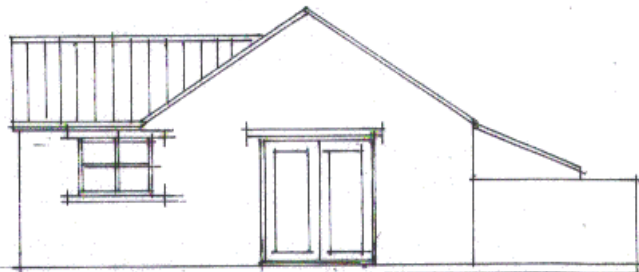
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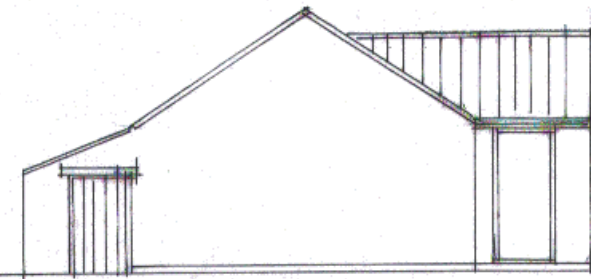


FRONT ELEVATION -> SOUTH EAST

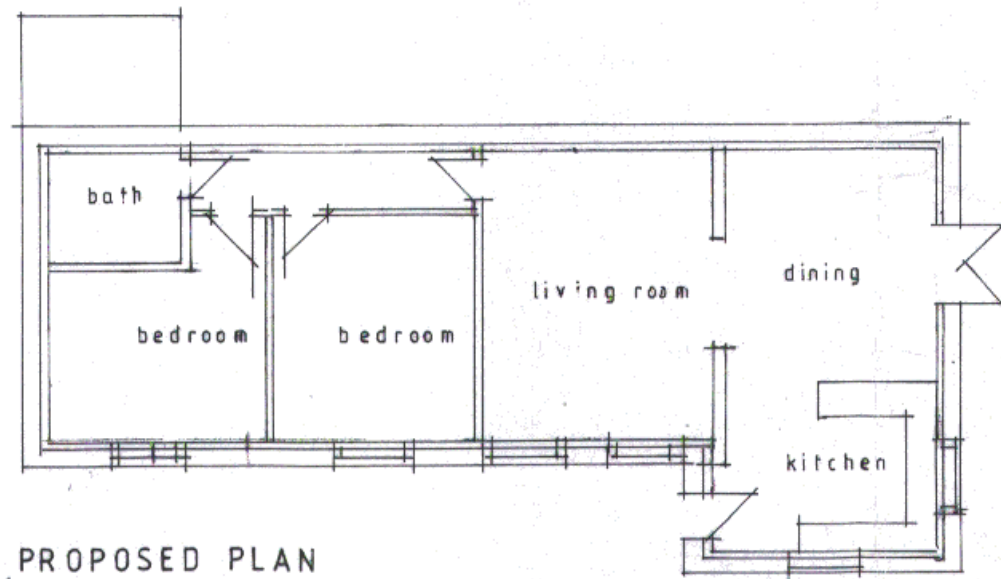
REAR ELEVATION -> NORTH WEST



SIDE ELEVATION -> NORTH EAST



SIDE ELEVATION -> SOUTH WEST



PROPOSED PLAN

PROPOSED PLAN AND ELEVATIONS
BUILDING ONE
FULLERTON HOUSE
LOW MARISHES, MALTON.
SCALE 1:100

DRG NO. MSR. 3 OF 5

Pine View Lodge
Newton on Rawcliffe
Pickering YO18 8QH

6th June, 2014

Mr M Mortonson
Ryedale District Council
Ryedale House
Malton
YO17 7HH

RYEDALE DM
- 6 JUN 2014
DEVELOPMENT
MANAGEMENT

Dear Mr Mortonson,

Planning Application 14/00126/FUL

Further to your email of the 28th May, I am now enclosing the following information as requested by yourself.

- Enclosed site plan showing the individual properties together with their associated land. Hope Cottage edged in blue, Fullerton House edged in green and the proposed dwelling edged in red.
- The boundary treatment for the dwelling in question is proposed as follows:

Boundary A – 1 metre high double skinned old brick wall (to match the walls of the property) with aubreita and alpine plants growing out of the top.

Boundary B – 1.6 metre high wall old brick to the road side and rendered breeze block to the garden side.

Boundary C1 – 1.6 metre high Yorkshire boarding.

Boundary C2 – 1 metre high Yorkshire boarding.
- Around the boundaries B, C1 and C2 a variety of the following climbing plants would be planted: ceanothus, lonicera (including the evergreen variety), clematis and climbing roses.
- In the corner planting areas the following plants would be included: sinocalycanthus chinensis, deutzia, cistus purpureus, escallonia, photinia, budlia, weigelia and aucuba.
- In addition to the climbers and planting areas there would be some small species of trees such as asar balmatum and salix.







Pine View Lodge
Newton on Rawcliffe
Pickering YO18 8QH

- The areas of hardstanding for both Fullerton House and the proposed dwelling have been marked out in purple hatching.
- The area of garden for both Fullerton House and the proposed dwelling have been marked out in green hatching.
- There would be some additional planting in the garden area of the proposed dwelling when the lawn area is established.

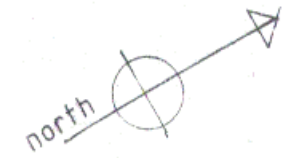
We hope this answers all your queries as requested and this has all been laid out clearly enough for you. Should there be anything else whatsoever, please contact us immediately.

Yours sincerely,

Andrew Watkinson.

-  Hope Cottage
-  Fullerton House
-  Proposed Dwelling
-  Garden Area
-  Hard Standing
-  Planting

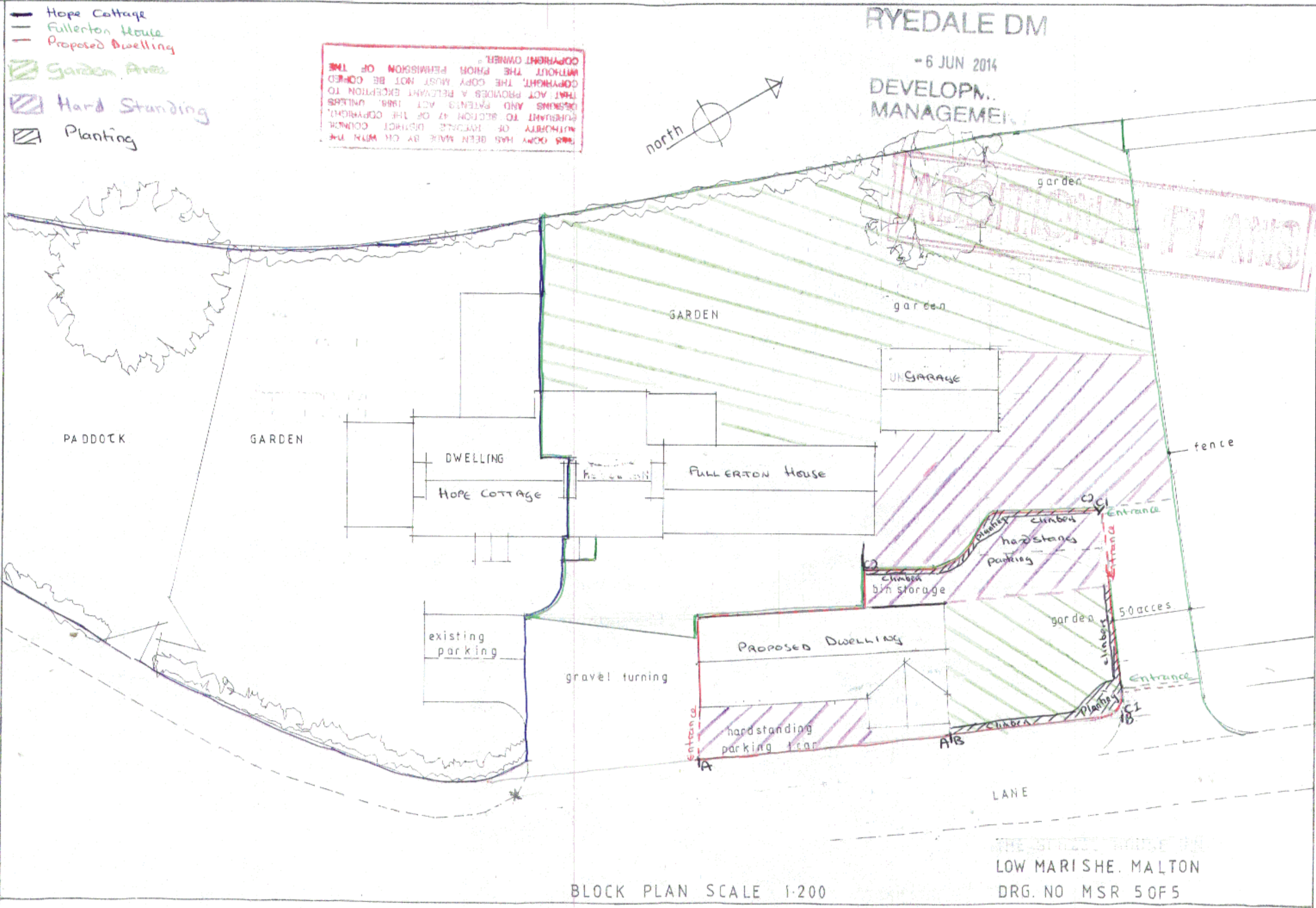
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RYEDALE DM

- 6 JUN 2014

DEVELOP.
MANAGEMENT



BLOCK PLAN SCALE 1:200

THE STREET NAME IS
LOW MARISHE, MALTON
DRG. NO MSR 50F5

MMO 2/5/14 JC

OBJECT

Marishes Parish Meeting
Bellafax Grange
Marishes
Malton
North Yorkshire
YO17 6UG

RYEDALE DM

-2 MAY 2014

DEVELOPMENT
MANAGEMENT

29 April 2014

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

Dear Madam

Application No.: 14/00358/FUL

Development Description: Change of use and alterations of outbuilding to form a two bedroom dwelling to include formation of vehicular access and associated parking and amenity area

The Marishes Parish Meeting object to the proposed scheme for the following reasons:

This building cannot be regarded as redundant; a storage container has recently been delivered to site. Presumably to compensate for the storage space lost through wilful neglect and partial demolition of the building subject to this application.

Proposed drainage details have not been provided.

The proposed alterations and extensions are not sympathetic, overly domestic in character and unnecessary. A forward projecting gable creates a domestic appearance and should not be supported in a conversion scheme. Front extensions are usually resisted on residential properties due to the harmful impact they have and there should be no exception in this case.

Using the redevelopment of the School House Inn as an example, it is very unlikely that the appearance of the streetscene would be dramatically more appealing following conversion of this building. On the contrary, the appearance and quality of the village centre has been dramatically reduced as a result of the previous developments at this site.

Has a structural survey (completed by an appropriately qualified surveyor) been submitted? The applicants removed the roof of this building over the Christmas period

and exposure to the elements will have compromised the structural integrity of the building. Therefore, the building may not be capable of conversion but instead may require rebuilding. If this is so, the application is essentially for a new dwelling (which is contrary to the adopted planning policies).

Included within the 'red line' is land which is believed to be in the ownership of another individual and land believed to belong to the Highway Authority. You are urged to compare the location plan with earlier applications and ensure that the correct ownership certificates have been signed and the requisite notice has been served on other interested parties. Without this additional land, the proposal lacks satisfactory amenity space.

The applicants refer to SP21 (Occupancy Restriction), state that they are in housing need due to age or infirmity and there is an inference that they intend to live in the proposed dwelling. However, the application does not contain sufficient information to demonstrate their compliance with the Council's Local Occupancy Condition. The applicants have not permanently resided in the Parish or adjoining parishes; have not had a previous period of residence of over three years, presumably will not be taking up full time permanent employment in an established business due to their age and infirmity and do not have relatives who have been permanently resident within the District for at least the previous three years.

Following the redevelopment of the pub and through the lack of public transport and other facilities, the village of Low Marishes has become an unsustainable location for new housing; particularly for the elderly and infirm.

Since the loss of the School House Inn the opportunity for local residents to meet and socialise within their own Parish has vanished. It is indisputable that the quality of life previously enjoyed by residents of High and Low Marishes has fallen and so too has the vitality of the community. The Parish meeting wish to make it known that this building is the **ONLY** existing and vacant building on Marishes suitable for community use. A village hall here would be compatible in nature with the surroundings and be of great benefit to this community who have endured more upheaval in the last five years than could be reasonably expected of any neighbourhood. SP19 states, amongst other things, that: ***New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design or use etc.*** It is therefore proposed that the development would harm the community by reason of the fact it removes the opportunity to provide an essential community facility and result in over-development of the site, harming the visual amenity of the area. Since the approval of two dwellings there is an argument to be made that the community need now outweighs the individual's need. The apparent housing need of the previous and current applicants has been satisfied.

Members of the Parish Meeting do not consider that this proposal raises the quality of the environment of Low Marishes and does not represent a good quality development that respects local distinctiveness. Yet again, we are presented with a further proposal which achieves little other than further attrition of the landmark School House site and the sense

of pride that generations of Marishes residents have in living here. Instead it is proposed to be replaced with another ill-conceived, cramped and poor quality development.

It is for the reasons above we wish to object to the proposal and urge you to refuse the application. Further comments (many of which have previously been voiced are attached to this letter as an appendix).

Yours faithfully

D Beal
Chair Marishes Parish Meeting

Appendix 1

In addition to the above, the following observations are made:

Once more, the applicant claims in their supporting statement that by reason of the fact the building has not yet been converted to holiday letting accommodation it is proven to be an unviable option. Once more the Parish Members contests this and query the applicant's financial calculations. It is important to note the business Mr R McCoy (Inspector) was in fact referring to was that of a public house. No attempts to find suitable alternative and economic uses have been explored.

Conflict with the Local Plan Strategy

SP16: Design

This proposal does not comply with SP16. This policy states that:

Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and in considering proposals for the alteration, re-use or extension of individual historic buildings the Council will seek to ensure that:

- *A building is capable of conversion to the use proposed without the need for extensions or alterations that would detrimental to its character*
- *Proposed extensions and alterations, considered acceptable in principle are of an architectural style which complements the traditional character of the main building*
- *Appropriate materials and traditional construction methods and techniques are used*

The proposal does not respect the character of the former forge. The creation of a forward projecting gable creates a domestic appearance and should not be supported in a scheme proposing the conversion of a rural building. Front extensions are usually resisted for residential properties due to the harmful impact they have and there should be no exception in this case. The extension would be detrimental to the streetscene and to the traditional built heritage of Marishes.

SP19 Generic Development Management Issues

SP19 reinforces the design requirements of SP16 stating that:

The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials.

This scheme does not meet these requirements.

SP19 requires that acceptable levels of amenity and safety are retained. It states that:

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

The proposed block plan shows another awkward arrangement and yet again, over development of the site. Land ownership issues aside, this scheme does not give proper consideration to the requirements of outdoor domestic storage or general character of the immediate locality. The scheme does not therefore contribute positively to the local environment.

It is noted (again) that the applicants have not provided any details of proposed drainage.

SP19 also requires acceptable access and parking. As villagers and parishioners who use the road past the property more than once a day, we know the difficulties of this particular stretch. The road is narrow and the proposed accesses are close to a bend. This presents many highway safety issues. Since the occupation of Hope Cottage, motorists are regularly faced with children playing close to and crossing the road on bicycles and mini-motor bikes despite having a substantial garden to play in. A further dwelling is being developed and if this scheme is also granted, the number of individuals will increase as the available amenity space decreases leading to further pressure at the site and further hazards for motorists.

The applicant claims that there is a need for homes in the Thornton Dale Ward, and in particular a need for homes for the elderly. The housing needs survey was carried out in 2006, eight years ago. Since that time, a number of new homes have been built in and around Thornton Dale. Larger schemes include the high class development near Castle Close and a more affordable scheme of 12 units on Westgate. The Parish Meeting also note that works are currently being carried out on the Lady Lumley's Almshouses (aimed specifically at the elderly) in the village centre. Not to mention two retirement villages planned Pickering. These developments are located in settlements with good access to shops, doctors, services and other community facilities. Unfortunately, Marishes is not.

Conflict with the NPPF

Section 6: Delivering a Wide Choice of High Quality Homes

In paragraph 55 the NPPF is clear that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities but local planning authorities should avoid new isolated homes in the countryside unless there are exceptional circumstances such as essential rural workers

dwellings or where the development would re-use redundant or disused buildings and would lead to an enhancement of the setting. This 'conversion' scheme would not lead to an enhancement of the setting by reason of the harmful domestic effect it would have on the host building and rural setting.

Section 8: Promoting Healthy Communities

Currently there are no opportunities for social interaction within the village of Low Marishes other than private gatherings or outdoor events (which are weather dependant). Our pub has been redeveloped and we do not have a shop, school or village hall. Public transport is unreliable. Meeting day to day needs are wholly reliant upon the car. New housing in a location such as this is therefore unsustainable, particularly for the elderly and infirm.

SUPPORTING STATEMENT FOR CHANGE OF USE OF REDUNDANT OUTBUILDING A TWO BEDROOM HOUSE

This application is brought to you in compliance with the NPPF and the adopted Local Plan Strategy. This building has twice previously had planning permission passed for letting rooms and has not been converted confirming that on two separate occasions over the last 12 years it has not been viable a option. It is on this basis that we bring this proposal forward at a time when re-use of rural buildings, affordable housing and housing for the elderly (a category we fall into) is in desperate need.

Ryedale Local Plan

As previously stated letting rooms have been granted permission twice and most recently offered on the open market. As previously confirmed they have not received any interest whether it is due to the non viability of the site or down to the high conversion expense, fitting out and operating costs in relation to the low level of potential income. This is supported by the decision of the planning inspectorate, Mr R McCoy, 10th October 2012. Section 9 "As for change of use to a dwelling, in relation to saved LP policy AG6 I am satisfied that it has been demonstrated that a business use would be at odds with the predominantly residential character of the area and several businesses units are available in the local area showing a low demand. Furthermore the holiday lets viability test demonstrates that a holiday let is unlikely to prove viable given the likely investment costs and income from revenue.)"

Ryedale Plan : Local Plan Strategy

Policy SP2 – Delivery and Distribution of New Housing

The policy states *'the sources of new housing that will contribute to the supply of new homes across the District are as follows:*

Wider Open Countryside

- *Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting for Locals Needs Occupancy.'*

Policy SP16 – Design

Policy SP20 – Generic Development Management Issues

Policy SP21 – Occupancy Restrictions

The proposed development involves minimal alterations to the existing building. The existing building is readily convertible and the important traditional elements of the existing building would be retained and more importantly improved. The appearance of the street scene following the conversion of this disused derelict rural building would be dramatically more appealing and therefore only add to the essential street scene.

The NPPF, Section 6, Delivering a wide choice of high quality homes and Section 7, Requiring good design, provides guidance on a number of important policy areas including in terms of

this proposal, matters of sustainable development and design. The guidance states that planning should encourage sustainable development. It is maintained that this objective is satisfied by the development for a number of reasons. Firstly the proposal involves the redevelopment of a previously developed brownfield site. Secondly the proposal involves the conversion of an existing rural building. In terms of design the guidance recognises that good design can in its own right achieve a sustainable form of development. Importantly the guidance promotes new developments to contribute positively to the local environment promoting or reinforcing local distinctiveness in design where possible. In this respect the scheme of conversion has been formulated to be sympathetic to the character of the host building maintaining its essential traditional quality along with having more than adequate private parking along with sufficient garden and outdoor space therefore, continuing to be in keeping with the relevant planning policies.

So far as government guidance on housing is concerned proposals are in accord with the aims and objectives of the NPPF. Whilst this guidance is largely strategic it seeks, inter alia, to achieve sustainable development, improved housing choice and good quality design. The Local planning authorities should identify and bring back into residential use empty housing and rural buildings in line with the local housing and empty homes strategies. It is therefore maintained that these objectives are satisfied by the proposed development.

The NPPF also provides guidance on sustainable development in rural areas and includes the objectives of raising the quality of the environment in the rural areas, ensuring people have decent places to live, promoting good quality development that respects the local distinctiveness. It is maintained that these objectives are met by the proposed development.

Ryedale District Council appointed consultants in September 2006 to undertake a housing assessment for the Ryedale District with the overall objective to provide a clear understanding of existing and future housing requirements in Ryedale. The study sought to identify areas where there were imbalances in the provision of general market accommodation for current residents. In summary analysis of general market supply and demand suggested that there is market pressure in Malton, Pickering, Kirbymoorside and some rural wards including Derwent and Thornton Dale, Low Marishes itself being situated in the Thornton Dale ward. Shortfalls in property size and type vary across the district. The study established that the delivery of market housing should be influenced by household aspirations and mismatches in supply and demand at the local level. It is clear therefore that the Councils housing needs assessment establishes there to be particular market pressure for new housing in the Thornton Dale ward, with demand exceeding supply. As such it is considered that the proposed development would help to contribute to an identified housing need.

The proposed physical scheme of conversion of the building clearly has the potential to improve its character, appearance and setting of the building. The proposals also represent sustainable development by developing on a brownfield site and reusing an existing rural building.

The NPPF repeatedly states that an emphasis is put on the supply of new housing to support local

need and the requirements for the elderly (we unfortunately now fall within this category). A single dwelling on this site would have far less impact of urbanising this site than the three letting rooms already passed. It would attract fewer vehicles into the area and it has already been accepted by the council with the previous permission for 3 letting rooms and the associated vehicles these would have brought to the site that there is therefore more than ample private and communal parking for one dwelling. There is also substantial outside space to provide for a good garden area, sufficient for anybody's requirements.

Although this application is for a dwelling it is in no means over urbanising this site. It complies with many policies and needs that Ryedale district council are attempting to address. It is a separate dwelling with communal facilities. It will be in keeping with the locality and undoubtedly improve the appearance of a deteriorating rural outbuilding.

Agenda Item 11

Item Number: 11
Application No: 14/00372/FUL
Parish: Welburn (Malton) Parish Council
Appn. Type: Full Application
Applicant: Coastline Leisure Ltd (Mr John Northgraves)
Proposal: Change of use of land to allow the siting of 2 no. two bedroom holiday lodges and formation of parking spaces
Location: Jamies Cragg Caravan Site Castle Howard Station Road Welburn York YO60 7EW

Registration Date:
8/13 Wk Expiry Date: 6 June 2014
Overall Expiry Date: 29 June 2014
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Archaeology Section	No objection
Countryside Officer	No objection
Tree & Landscape Officer	No objection
Highways Agency (Leeds)	No objection
Natural England	No objection, recommend condition
Environmental Health Officer	Some concerns
Howardian Hills AONB JC	Comments made
Highways North Yorkshire	Recommend Conditions
Caravan (Housing)	No objections
Parish Council	No views received to date

Neighbour responses: Mr Colin Morgan, Dr Ruth Grant,

SITE:

The application site comprises a small area of land bordered by trees to the south of the A64 trunk road, and east of Castle Howard Station Road, Welburn. It is within the Howardian Hills Area of Outstanding Natural Beauty and is within the ownership of Jamies Cragg static caravan site which lies to the south. It lies within Mount Pleasant Quarry Site of Special Scientific interest (SSSI), and adjacent to an ancient monument.

PROPOSAL:

The existing development has permission for a maximum of 150 statics.

Permission was granted in July 2013 for the erection of 5 timber camping pods together with a toilet/shower pod and an area for the parking of 5 parking spaces. Permission is now sought for the change of use of the land for the siting of two holiday lodges, together with three parking places.

HISTORY:

1961 (5/5/558): Permission granted for the siting of caravans. Conditional approval required site to be closed between 31 October and 1 March

1982 (3/146/45C): Permission granted for the construction of 23 caravan bases

1994 (3/146/45E): Approval for use of static caravan as permanent accommodation for site manager

1995 (3/146/45F): Open period for caravans extended to 1 March to 13 January

2003 (03/00291/FUL): Permission granted for change of use of amenity building to form two holiday flats

2006 (06/00842/73): Permission granted for variation of Condition 07 of approval 5/5/558B to remove requirement that “sufficient space shall be reserved to accommodate 30 touring caravans” to enable the site to be used for static caravans only

July 2013 (appln 13/00056/FUL) : permission granted for the siting of 5no. timber camping pods, toilet/shower pod and formation of parking area.

POLICY:

Ryedale Plan - Local Plan Strategy

Policy SP8 - Tourism
Policy SP12 - Heritage
Policy SP13 - Landscapes
Policy SP14 - Biodiversity
Policy SP16 - Design
Policy SP19 - Presumption in favour of sustainable development
Policy SP21 - Occupancy Conditions

National Planning Policy Framework

Section 3: Supporting a prosperous rural economy
Section 4: Promoting sustainable transport
Section 11: conserving and enhancing the natural environment

National Planning Policy Guidance

APPRAISAL:

The site comprises land in the ownership of an existing tourist accommodation provider. Consent on the main site allows for the siting of a maximum of 150 caravans. Furthermore permission was granted in 2013 for 5 holiday pods. In view of this it is considered that the principle of the use is acceptable in this location. The main considerations are therefore:

- The impact of the development on the character of the Howardian Hills Area of Outstanding Natural Beauty
- Impact of development on the SSSI
- Impact of development on the ancient monument
- Access considerations
- Impact of noise from the A64 trunk road on amenities of future occupiers.
- Impact of development on existing amenities of neighbouring occupiers

In addition two letters of objection have been received from neighbouring residents.

Impact of development on the character of the AONB

Policy SP13 – Landscapes of the Ryedale Plan - Local Plan Strategy states:

The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the Area of Outstanding Natural Beauty, its setting or the setting of the North York Moors National Park will be carefully considered.

This is re-iterated in the national advice contained in the NPPF which states at para 115:

“ great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty.”

The site is situated in an area that is prominent when viewed from the A64, Castle Howard Station Road, and from the Welburn direction. The land has mature trees along the front boundary, however there is little native screening at lower level. Some years ago an earth bund was created. Whilst it is not a natural feature, it is relatively insignificant in the landscape. However during the course of the last year or two it was increased in height and been planted with Laurel. Other domestic planting including daffodils and tulips have also been planted around the site. It is not considered that this is in keeping with the natural rural character of the area. The access to the site was partially tarmaced and widened prior to the submission of the last application.

When the previous application was considered, officers had concerns that given the inadequacy of the planting, the pods, parking and lighting would be visually intrusive and as such would have an adverse impact on the character of the ANOB.

Discussions were carried out with the applicants, and the Council’s Tree and Landscape Officer. This resulted in the submission of a detailed landscaping plan which included the provision of more appropriate native planting. It was considered that the improvements to the planting would benefit the wider area, and ensure that the pods would not be readily visible in the landscape. The application was therefore approved. The landscaping plan has been re-submitted as part of the current application. It includes a buffer to reduce the width of the access, which again will be a significant visual improvement to the works that have already been carried out to greater good of the AONB, together with planting at lower level adjacent to the A64. Given the level of existing and proposed landscaping, it is not considered that the proposed development will harm the character of the Area of Outstanding Natural Beauty. The Area of Outstanding Natural Beauty officer has also advised that whilst the proposed holiday lodges are taller than the camping pods previously approved, he has no objection subject to the use of dark stain for the roof and walls.

A further plan has however been requested with additional planting, and fence to prevent the previous application for 5 camping pods being implemented in addition to the amendment application.

Impact of development on the Mount Pleasant Quarry Site of Special Scientific Interest (SSSI)

The application is within the Mount Pleasant Quarry site of Special Scientific Interest. Accordingly, Natural England was consulted on the application. They have advised however that it is unlikely that there the development will have an adverse impact on the SSSI. It is recommended however that the development incorporates measures to enhance the biodiversity of the site. This is in accordance with Policy SP14 of the Ryedale Plan – Local Plan Strategy.

Impact of development on setting of Ancient Monument

The County Archaeologist was consulted on the application. He has advised that the land has been quarried on the past, and therefore there is a low archaeological potential. Furthermore the development will not result in any significant ground disturbance. It is not considered that the site would harm the setting of the ancient monument.

Access considerations

During consideration of the previous application, neighbouring occupiers also raised concerns regarding the access onto the A64 and discussions were therefore held with the Highways Agency.

The case officer for the Highways Agency advised that the proposal represented a relatively small intensification of use of the existing access, and furthermore he did not have any issues with light from the development. In view of this it was not considered that a reason for refusal on highway grounds could be sustained. The current proposal represents a smaller development of two holiday lodges as opposed to 5 camping pods, and again there is no objection to the development from either the Highways Agency or the Highway Authority.

Amenities of future users by virtue of proximity of A64 Trunk Road.

When the previous application for the camping pods was considered, concern was raised by officers that the site could give rise to noise disturbance from the A64 for future users of the accommodation. The Councils Environmental Health Officer has re-iterated these concerns in relation to the current application. The type of accommodation is such that holiday makers are likely to stay longer than those using the previously approved holiday accommodation, she further advises that very little mitigation has been provided, and recommends that this should be on the plans or conditioned appropriately. Nevertheless, holiday accommodation is only occupied for relatively short time periods and the acceptability of its location would be a matter for future holiday occupiers to decide. Given the previous approval for holiday accommodation on this site and the proposed landscaping and fencing, it is not considered therefore that proximity to the A64 would be sustainable as a reason for refusal.

Amenities of neighbouring occupiers

Given the context of the application site in relation to the Jamie's Cragg Caravan site as a whole, it is not considered that the siting of two additional log cabins would have a significant adverse impact on the existing amenities of neighbouring occupiers. Two letters of objection have been received from nearby residents. They express concern that some of the statics on the main site are not being occupied for holiday purposes, and this in turn has led to vans and other trade vehicles being parked regularly on Castle Howard Station Road. The previous application did however include a planning condition that required all vehicles associated with the site to park in the spaces shown on the submitted plan. A further application that allowed year round occupation on the main site was also conditioned to prevent vehicles parking on Castle Howard Station Road. Officers are investigating the potential breach in relation to parking and have visited the site on a number of occasions. The investigation is on-going. A turning area will be provided within the site, together with three parking spaces for use by the proposed lodges. As such, it is not considered that a reason for refusal could be sustained on this basis. This is in particular because permission has previously been granted for 5 camping pods in this location.

Conclusion

The principle of the development of this area for holiday purposes has previously been accepted. It is considered that the wider benefits to be achieved by the detailed landscaping scheme, together with the low level of development proposed are such that the development complies with policy. It is considered that the objections received by neighbouring occupiers in relation to parking should be investigated independently of this application. Accordingly the recommendation is one of approval subject to receipt of satisfactory revised plans to include further landscaping details and also to preclude the possible implementation of the application for 5 camping pods in conjunction with the current application.

RECOMMENDATION: Approve subject to receipt of revised plans showing landscape details

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 development hereby approved shall be used for holiday purposes only, and not as a person's sole, or main place of residence.

Reason: The development of the site for permanent residential accommodation would be contrary to policy, and to satisfy the requirements of the NPPF, and Policy SP21 of the Ryedale Plan - Local Plan Strategy.

3 The holiday accommodation hereby approved shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days. The owners/operators shall maintain an up to date register of lettings/occupation and advertising will be maintained at all times. Details of which shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason: To ensure that the development is used for holiday purposes, and to satisfy the requirements of Policy SP21 of the Ryedale Plan - Local Plan Strategy.

4 Unless otherwise agreed in writing by the Local Planning Authority, the landscaping detailed in the submitted Landscape Report March 2014, shall be carried out in its entirety prior to the siting of the holiday lodges hereby approved.

Reason: In the interests of safeguarding the character of the Howardian Hills Area of Outstanding Natural Beauty, and to satisfy requirements of Policy SP13 of the Ryedale Plan – Local Plan Strategy, and para 115 of the NPPF.

5 There shall be no lighting on the site unless details have first been submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the character of the Howardian Hills Area of High Landscape Value, and to satisfy the requirements of Policy SP13 of the Ryedale Plan – Local Plan Strategy.

6 Prior to the occupation of the holiday Lodges hereby approved, cycle racks shall be provided on the site.

Reason: In the interests of sustainable transport, and to satisfy the requirements of the NPPF.

7 The development hereby approved shall be maintained in the same ownership as the caravan site currently known as Jamie's Cragg Caravan Site, and shall at no time be sold or let off separately.

Reason: To enable appropriate management of the development hereby approved, and to satisfy the requirements of Policies SP8 and SP21 of the Ryedale Plan – Local Plan Strategy, and the NPPF.

8 Unless otherwise agreed in writing by the Local Planning Authority, details of the ground surfacing shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of satisfactory drainage of the site, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

9 Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the satisfactory drainage of the site, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 10 The location route and detailed method statement for the installation of the foul drainage system and associated works shall be submitted to, and agreed in writing by the Local Planning Authority in consultation with Natural England prior to the commencement of any development on site.

Reason: To ensure an appropriate drainage route avoiding any notified interest of the SSSI, and to satisfy the requirements of the NPPF.

- 11 Notwithstanding the submitted details, and unless otherwise agreed in writing by the Local Planning Authority, any kerbing required to the access shall utilise harvest buff conservation kerbing.

Reason: In the interests of maintaining the character of the AONB, and to satisfy the requirements of Policy SP13 of the Ryedale Plan – Local Plan Strategy.

- 12 Unless otherwise agreed in writing by the Local Planning Authority, precise details of a fence to be erected along the eastern boundary of the site shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the fence shall be erected prior to the first occupation of the holiday lodges hereby approved.

Reason: In the interests of visual amenity, and to satisfy the requirements of Policy of the Ryedale Plan – Local Plan Strategy.

- 13 A scheme for on site security, in accordance with the recommendations of the police Architectural Liaison Officer, shall be submitted to and approved in writing by the Local planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the occupation of the camping pods hereby approved.

Reason: In the interests of security, and to satisfy the requirements of paragraph 58 of the NPPF.

- 14 Prior to the first occupation of the holiday lodges, a sign shall be located within the site advising of the proximity of the access to the A64 trunk road, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of highway safety, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 15 All cars and vehicles associated with the construction and use of the site hereby approved shall park within the parking area shown on the approved plans (drawing mo. 101 Rev A Site plan as proposed).

Reason: In the interests of visual amenity the safe movement of traffic, and to satisfy the requirements of the NPPF.

- 16 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.

17 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 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)(b) The existing access shall be improved by providing 4 metre radius kerbs, to give a minimum carriageway width of 4.8 metres (all as shown on submitted drawing no. 101), and that part of the access road extending 7 metres into the site shall be constructed in accordance with Standard Detail number E6C.

(iii) Any gates or barriers shall be erected a minimum distance of 7 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 7 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.

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

Reason:- In accordance with Policy 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

19 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 Policy 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.

20 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan – Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

21 During the development any land contamination found or suspected, shall be notified to the Local Planning Authority and work cease until the extent of the contamination has been investigated and remedial action, which has been agreed in writing with the Local Planning Authority has been completed. Submission of a verification report to be approved in writing by the Local Planning Authority will be required on the completion of any remedial work.

Reason: In the interests of ensuring that the ground conditions are suitable for the development hereby approved, and to satisfy the requirements of paragraphs 120 and 121 of the NPPF.

22 Notwithstanding the submitted details the cabins shall not include any windows on their north western end which faces towards the A64 trunk road.

Reason: To ensure that light from the cabins does not result in glare adversely affecting road users, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

23 Notwithstanding the submitted details, the walls and roofs of the holiday lodges hereby approved shall be dark stained, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the special beauty of the Howardian Hills Area of Outstanding Natural Beauty and to satisfy the requirements of Policy SP13 of the Ryedale Plan – Local Plan Strategy.

24 The development hereby approved, shall include enhanced biodiversity measures details of which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a time scale for their implementation.

Reason: To comply with the requirements of Policy SP14 of the Ryedale Plan – Local Plan Strategy.

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

Site plan as proposed dwg no. 101 revision A
Indicative floor plans and elevations dwg nos. 104 and 105
Site sections dwg no. 102 rev A
Landscape Report March 2014

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

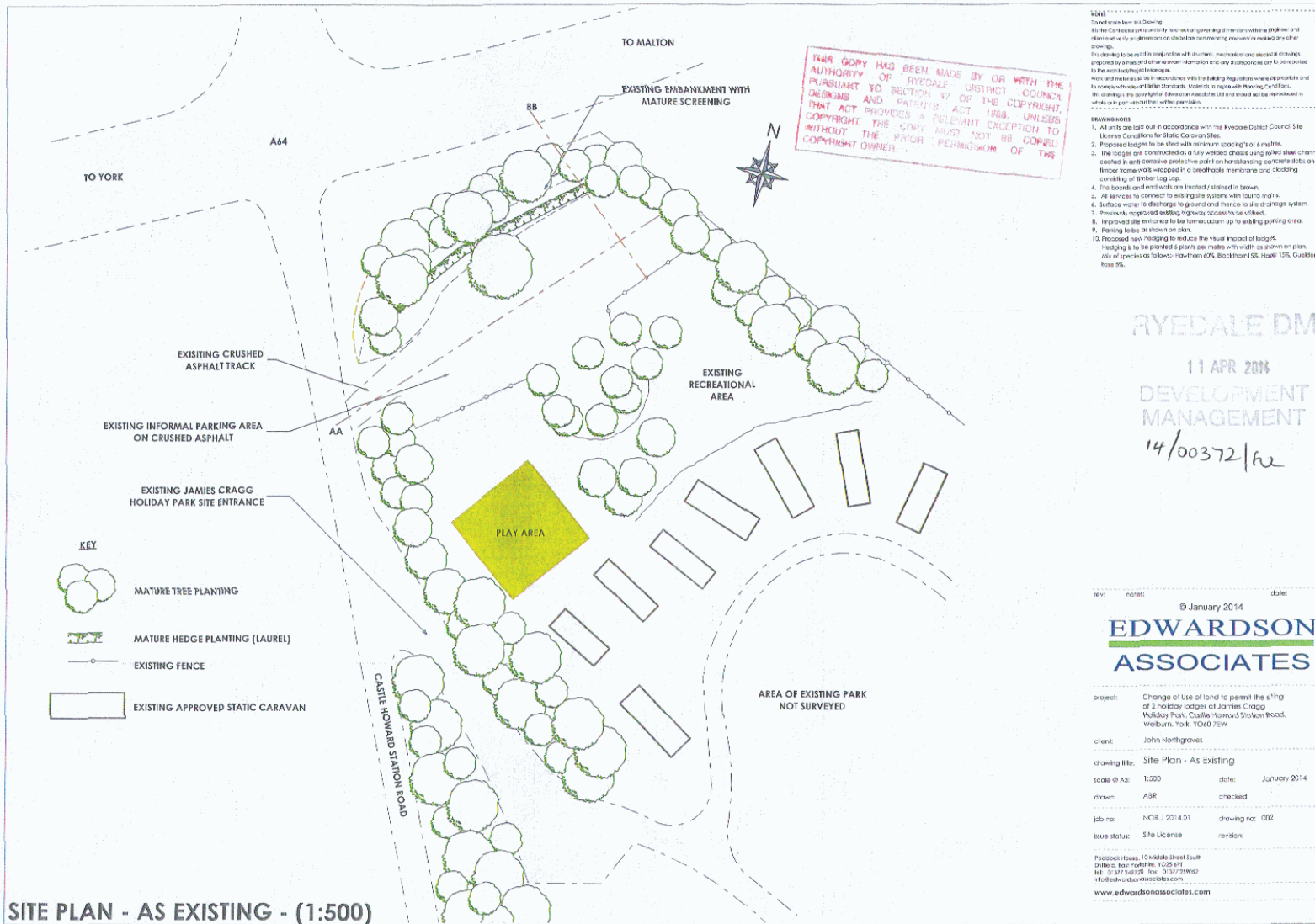
INFORMATIVE:

- 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 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.

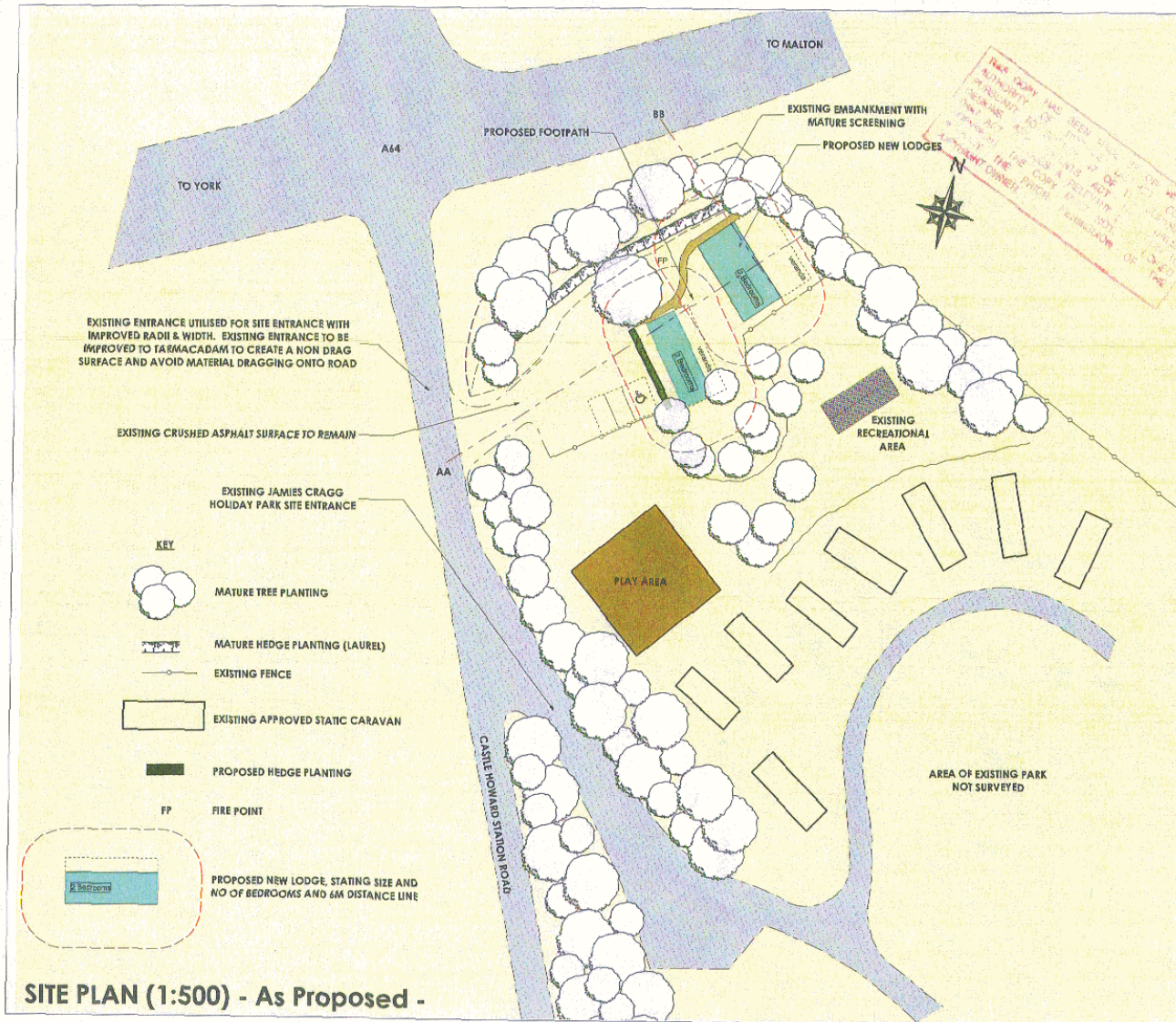
Background Papers:

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





SITE PLAN - AS EXISTING - (1:500)



SITE PLAN (1:500) - As Proposed -

ADVISORY
 This copy has been checked by the Planning Authority for compliance with the relevant legislation and the relevant planning conditions. It is not a final copy and should not be used for any other purpose.
 THE PLANNING AUTHORITY
 14/00372/WL

- DESIGNED WORKS**
1. All units are laid out in accordance with the Ryedale District Council Site Scheme Conditions for Static Caravan Sites.
 2. Proposed lodges to be fitted with minimum spacing's of 4 metres.
 3. The lodges are constructed as a fully welded chassis using galvalume steel channels spaced in 100mm increments from the point of fastening concrete base and timber frame walls wrapped in a breathable membrane and cladding consisting of timber lag slab.
 4. The boards and end walls are treated / stained in brown.
 5. All services to connect to existing services with food to mains.
 6. Surface water to discharge to ground and drains to the drainage system.
 7. Previously approved existing highway access to be retained.
 8. Improved site entrance to be formalised up to existing parking area.
 9. Fencing to be as shown on plans.
 10. Proposed new hedging to reduce the visual impact of camping pods. Hedging to be planted 3 plants per metre with width as shown on plan. All of species as follows: Hawthorn 40%, Blackthorn 15%, Hazel 15%, Guelder Rose 30%.

RYEDALE DM
 11 APR 2014
 DEVELOPMENT
 14/00372/WL

A Clarification of Site Plan Elements at request of planning officer 08/04/2014 ABR

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EDWARDSON ASSOCIATES

Project: Change of Use of land to permit the siting of 2 holiday lodges at Jamies Cragg Holiday Park, Castle Howard Station Road, Welburn, York, YO60 7EW

Client: John Northgraves

Drawing title: 09e Plan - As Proposed -

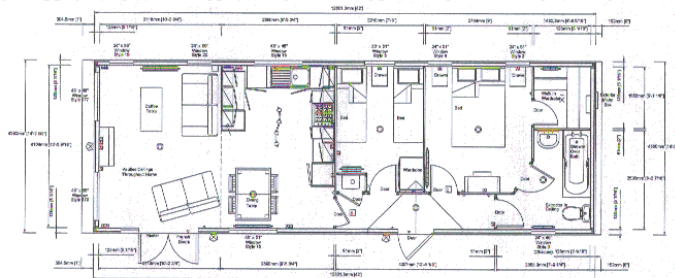
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Drawn: ASR Checked:

Job no: NOR/J/2014/01 Drawing no: 101

Issue status: Site License revision: A

Product House, 15 Maple Street South
 Ditchford, Cam 101444, 1022 0P
 Tel: 01377 249729 Fax: 01377 249922
 EdwardsonAssociates.com
 www.edwardsonassociates.com



INDICATIVE FLOORPLANS & ELEVATIONS (1:100)
for proposed Caravan (42'x14'-3 5/8")

NOTES

Do not scale from this Drawing.

It is the Client's responsibility to check all governing parameters with the Engineer and client and verify all dimensions on site before commencing any work or making any other changes.

This drawing is to be used in conjunction with structural, mechanical and electrical drawings prepared by others and other relevant information and any discrepancies are to be reported to the lead professional engineer.

Work and materials to be in accordance with the Building Regulations where appropriate and to comply with relevant British Standards, wherever they apply with the Building Code of Practice.

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- GENERAL NOTES**
- All work shall be carried out in accordance with the Ryedale District Council Site Licence Conditions for Static Caravan Sites.
 - Proposed lodges to be filled with minimum spacing's of 6 metres.
 - The lodges are constructed on a fully weather channel using red brick concrete coated in anti-corrosive protective paint on handstanding concrete slabs and three frame walls supported in a breathable membrane and cladding consisting of treated log lap.
 - The boards and end walls are treated / stained in brown.
 - All services to connect to existing site systems with foul to mains.
 - Surface water to discharge to ground and drain to the drainage system.
 - Previously approved existing highway access to be utilised.
 - Improved site entrance to be commissioned up to existing parking area.
 - Pathing to be as shown on plan.
 - Proposed new hedging to reduce the visual impact of camping pods.
 - Hedging is to be planted at a slope per metre with width as shown on plan.
 - Mix of species as follows:- Hawthorn 40%, Blackthorn 15%, Hazel 25%, Cowslid Rose 9%.

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RYEDALE DM
11 APR 2014
DEVELOPMENT MANAGEMENT
14/00372/FUL

rev: notes: © January 2014 date: by:

EDWARDSON ASSOCIATES

project: Change of Use of land to permit the siting of 2 holiday lodges at James Cragg Holiday Park, Castle Howard Station Road, Welburn, York, YO6 7EP.

client: John Northgraves

drawing title: Indicative Floorplan and Elevations for proposed Caravan 42'x14'-3 5/8"

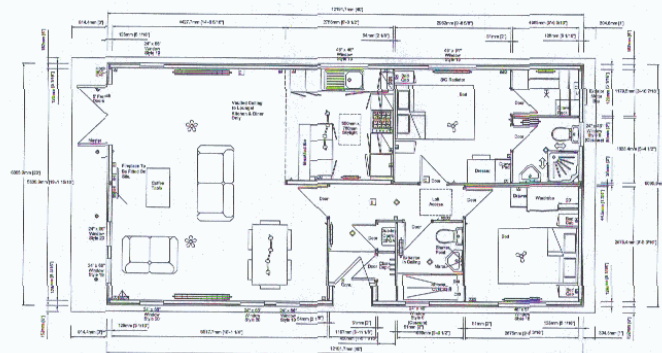
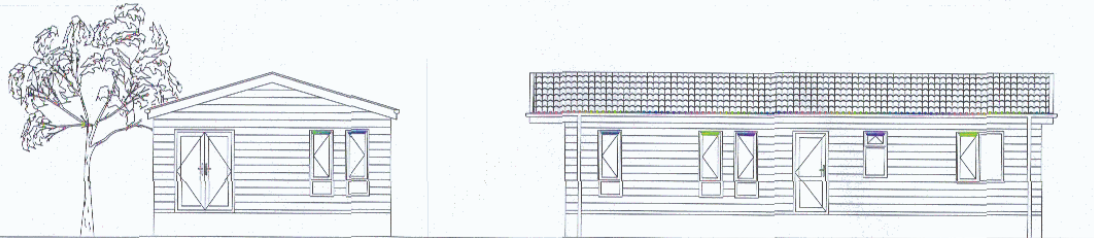
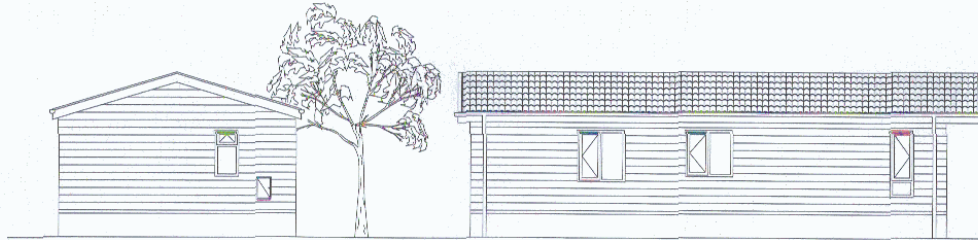
scale @ A3: 1:100 date: January 2014

drawn: ABR checked:

job no: NCR/J2014/01 drawing no: 104

issue status: Site License revision:

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Ditcheat, Doncaster, YO25 4PT
Tel: 01522 246729 Fax: 01522 299032
info@edwardsonassociates.com
www.edwardsonassociates.com



INDICATIVE FLOORPLANS & ELEVATIONS (1:100)
for proposed Caravan (40'X20')

Notes
 Do not scale from this Drawing.
 It is the Contractor's responsibility to check all proposed dimensions with the Engineer and check all levels of elevations on site before commencing the work to making any other drawings.
 This drawing to be read in conjunction with structural, mechanical and electrical drawings prepared by other and other relevant disciplines and one discrepancy one to be resolved to the architect's preference.
 Work and materials to be in accordance with the Building Regulations where appropriate and to comply with relevant British Standards, indicated in cases with British Standards.
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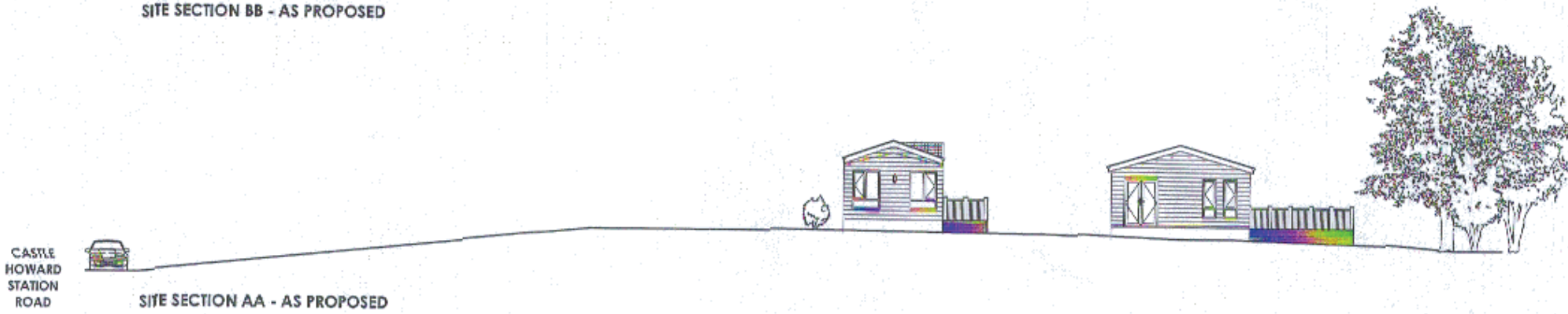
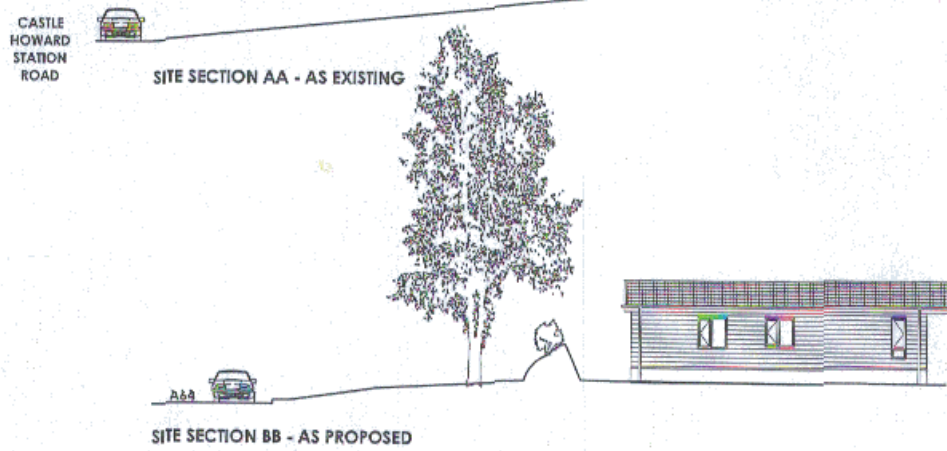
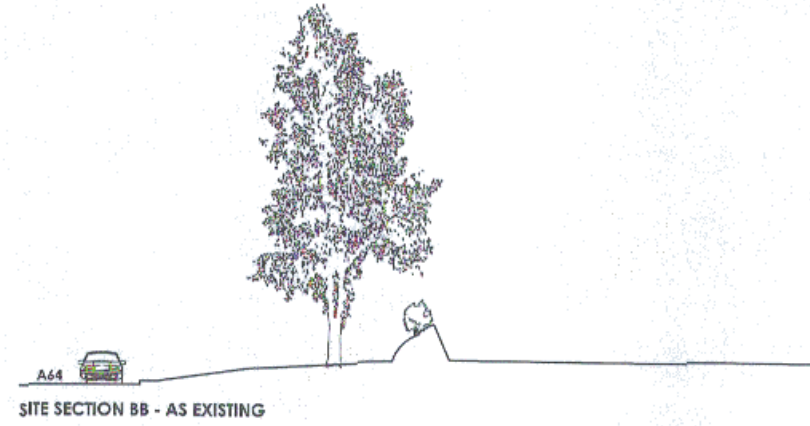
- Materials notes**
1. All walls are laid out in accordance with the Private District Council the License Conditions for Static Caravans sites.
 2. Proposed loggias to be filled with minimum spacing of 6 metres.
 3. The loggias are constructed as a fully welded cross using rolled steel channels coated in anti-corrosive protective paint on 'post-tensioning concrete' slabs and three frame work supported in a breathable membrane and cladding consisting of treated log lap.
 4. The boards end and wall are treated / stained in brown.
 5. All services to connect to existing site systems with lead to main.
 6. Sulfide water to discharge to ground and hence to the drainage system.
 7. Previously approved existing highway access to be utilised.
 8. Improved site entrance to be incorporated up to existing parking area.
 9. Paving to be as shown on plan.
 10. Proposed new paving to reduce the visual impact of camping pods.
 Paving to be installed 6 plants per metre with width as shown on plan.
 Mix of species as follows: Populus 40%, Malus 10%, Honeysuckle 10%, S. Quercus Rose 20%.

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 14/00372/for

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EDWARDSON ASSOCIATES

project: Change of Use of land to permit the siting of 2 holiday loggias at James Cragg Holiday Park, Castle Howard Station Road, Walsby, York, YO10 2EW.
 client: John Northgroves
 drawing title: Indicative Floorplan and Elevations for proposed Caravan 40x20
 scale @ A3: 1:100 date: January 2014
 drawn: ABR checked:
 job ref: NOR/J201401 drawing no: 105
 issue status: Site License revision:
 Paddock: 106, 10 Middle Street South
 DYMBS: East Yorkshire, YO23 8JY
 Tel: 01577 267229 Fax: 01577 266262
 info@edwardsonassociates.com
 www.edwardsonassociates.com



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NOTE
Do not scale from this Drawing.
It is the Contractor's responsibility to check all governing dimensions with the Engineer and client and verify all dimensions on site before commencing any work or making any other drawings.
This drawing to be read in conjunction with structural, mechanical and electrical drawings prepared by others and other relevant information and any discrepancies are to be reported to the Architect/Project Manager.
Work and materials to be in accordance with the Building Regulations when appropriate and to comply with relevant British Standards, unless otherwise agreed in Writing Conditions.
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- DRAWING NOTES**
- All units are laid out in accordance with the Ryedale District Council Site License Conditions for Static Caravan Sites.
 - Proposed lodges to be fitted with minimum spacing's of 6 metres.
 - The lodges are constructed as a fully welded chassis using rolled steel channels coated in anti-corrosive protective paint on non-standing concrete slabs and timber frame work wrapped in a breathable membrane and cladding consisting of Timber Log Lap.
 - The boards and end walls are treated / stained in brown.
 - All services to connect to existing site systems with foul to mains.
 - Surface water to discharge to ground and thence to site drainage system.
 - Previously approved existing highway access to be utilised.
 - Improved site entrance to be formed as shown on plan.
 - Parking to be as shown on plan.
 - Proposed new hedging to reduce the visual impact of camping pods.
Hedging to be planted 6 plants per metre with width as shown on plan.
Mk of species as follows:- Hawthorn 60%, Blackthorn 15%, Hazel 10%, Guelder Rose 5%.

RYEDALE DM
11 APR 2014
DEVELOPMENT
MANAGEMENT
14/20372/A2

A Review of elevations shown to match elevations in floor plan drawings 05/04/2014 ABR
rev: notes: date: by:

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EDWARDSON ASSOCIATES

project: Change of Use of land to permit the siting of 2 holiday lodges at Jamies Cragg Holiday Park, Castle Howard Station Road, Welburn, York, YO60 7EW
client: John Northgraves
drawing title: Site Sections - As Existing & Proposed
scale @ A3: 1:250 date: January 2014
drawn: ABR checked:
job no: NOR.J 2014.01 drawing no: 102
issue status: Site License revision: A

Paddock House, 10 Middle Street South
Driffield, East Yorkshire, YO25 5PF
tel: 01377 269723 fax: 01377 259659
info@edwardsonassociates.com
www.edwardsonassociates.com

Agenda Item 12

Item Number: 12
Application No: 14/00409/FUL
Parish: Flaxton Parish Council
Appn. Type: Full Application
Applicant: Mr T Richardson
Proposal: Erection of single storey extension forming office and staff amenities to serve existing marquee hire business
Location: Building Opposite Glebe Farm Bull Moor Lane Flaxton Malton

Registration Date:
8/13 Wk Expiry Date: 6 August 2014
Overall Expiry Date: 27 June 2014
Case Officer: Shaun Robson **Ext:** 319

CONSULTATIONS:

Building Conservation Officer	No objection
Highways North Yorkshire	No objection
Parish Council	Recommend refusal - further comments awaited

Neighbour responses: None

.....

SITE:

The application site lies towards the southern edge of Flaxton, outside the 'saved' development limit but within the Conservation Area as defined in the Development Plan.

These proposals relate to an existing free-standing, modern agricultural barn which lies within open grassland to the east of Bull Moor Lane, Flaxton, which was approved under an agricultural notification in 2003. Access to the site is gained by a shared highway entrance which branches off to give the site its own vehicular entrance via a gated entrance. The front (east) elevation has a hard standing area in front of it and contains a roller shutter door and a personnel door.

The existing building has approximately 158m² gross external floor space. It is constructed of red brick to the lower walls with Yorkshire Boarding to the upper walls whilst the roof is covered in coloured profile sheeting. It measures 4.4m to the eaves and 6.5m to the apex.

PROPOSAL:

Planning permission is sought for the erection of a single storey pitched roof extension to provide an office, staff room and W.C in connection with the existing marquee business.

The extension equates to a length of 7.4m, width of 5.6m, height to eaves of 2.6m and ridge of 4.2m.

HISTORY:

12/00970/FUL – Change of use of agricultural building to a store for marquees and ancillary equipment as part of a marquee hire business. Approved 12.12.2012

10/01252/FUL – Change of use of agricultural building to storage building for marquees and ancillary equipment for a temporary period in connection with a marquee hire business (retrospective application). Approved 19.01.2011. Expires 18.01.2013

03/00263/AGNOT - An agricultural notification for the erection of a general purpose agricultural building and the formation of an access road was permitted

02/00203/AGNOT - An agricultural notification for the erection of a general purpose agricultural building and the formation of an access road was refused

POLICY:

National Planning Policy Framework

Section 1 - Building a strong, competitive economy
Section 3 - Supporting a prosperous rural economy
Section 12 - Conserving and enhancing the historic environment

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 Lane-Based and Rural Economy
Policy SP12 - Heritage
Policy SP16 - Design
Policy SP20 - Generic Development Management Issues

APPRAISAL:

The existing former agricultural building, containing the applicants business, was constructed under the Agricultural Notification procedure.

Temporary planning permission was granted in 2011 (10/01252/FUL) for the use of the building for the storage of marquees and ancillary equipment for a two year period. A subsequent application (12/00970/FUL) was approved in 2012 for the permanent use of the building in connection with the marquee business.

Permission is now sought for the extension to the existing building to provide office, staff room and a W.C facility. The original submission represented a pitched roof extension to the front elevation of the existing building equating to an overall length of 7.4m, width of 5.6m and height to the ridge of 4.2m and eaves of 2.6m.

The applicant has subsequently revised the design to incorporate a mono-pitched roof side extension to the southern elevation of the building following discussions with the Case Officer. The revised extension equates to an overall length of 7.8m, width of 3.4m and overall height, which ties into the roof slope of the main building, of 3.3m.

The expansion of business, such as the applicant's, is key to the rural economy.

Paragraph 28 of the National Planning Policy Framework states that:

'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'*

Policy SP6 of the Ryedale Plan – Local Plan Strategy encourages the expansion of existing employers/established businesses.

It is considered that the proposal complies with all aspects of the NPPF and Policy SP6 of the Ryedale Plan – Local Plan Strategy.

The Parish Council has raised the following comments based on the original proposal:-

- This appears to be quite a long extension and the Parish Council is concerned that this is not a small or modest extension when compared against the existing building;
- The Parish Council is concerned that this is a development in open countryside (a point which was highlighted in the Officers appraisal when the original application was discussed at the Planning Committee meeting on 11 December 2012) and which was re-enforced in the subsequent approval by the condition (04)
“It is not considered that this is an appropriate site for the expansion of a marquee business, given its location in the open countryside..... A condition for the removal of permitted development rights for or the extension to the existing building is therefore recommended”;
- The proposed building materials do not match the existing building, being out of keeping with the original and have a much more 'permanent' looking structure and gives the appearance of creeping development;
- The Parish Council would wish to know where the sewage package plant is to be sited and where drainage from this plant is to go. Flaxton is in a surface water nitrate vulnerable zone and the Parish Council needs to be assured that the applicant has checked whether a permit is needed or whether it is exempt.

A further consultation exercise has been conducted, based on the revised details, and any further comments, will be reported in either the late pages or verbally to Members at the Planning Committee.

The applicant has supplied additional information, following the original comments from the Parish Council, in order to clarify the concerns raised. In regard to the issues, the following is applicable:-

- The proposed extension is subservient when compared to the current/existing building, therefore the concern raised by the Parish Council is not considered to be appropriate in this instance;
- In regard to the appropriateness of the site and the use of the main building in connection with the marquee business, following the 2011 application a further application was considered and approved for the permanent use of the building.
- Therefore the concern about the appropriateness is not considered to be valid in this instance;
- The material of the extension have been conditioned therefore the concern in regard to those indicated are not valid in this instance;
- In regard to 'creeping' development the extension is modest and with the use of appropriate/conditioned materials will not be out of keeping with the surrounding area; and
- In relation to the drainage of the site, the applicant's agent has confirmed that the site is served by mains sewer. Therefore the concerns raised by the Parish Council are not valid in this instance.

A number of the above comments are applicable to the revised design, however, any further comments received will be reported to Members .

Based on the revised design, and the repositioning of the proposed extension, it is not considered that the development will have a significant adverse impact on the existing amenities of neighbouring occupiers.

It is not considered that the development will have significant impact on the setting of the Conservation Area nor will the proposal create any adverse highway implications, a view shared by the Highway Authority. Accordingly, it is considered that the development would not harm the character of the open countryside or the Conservation Area.

As such, the recommendation is one of approval.

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.

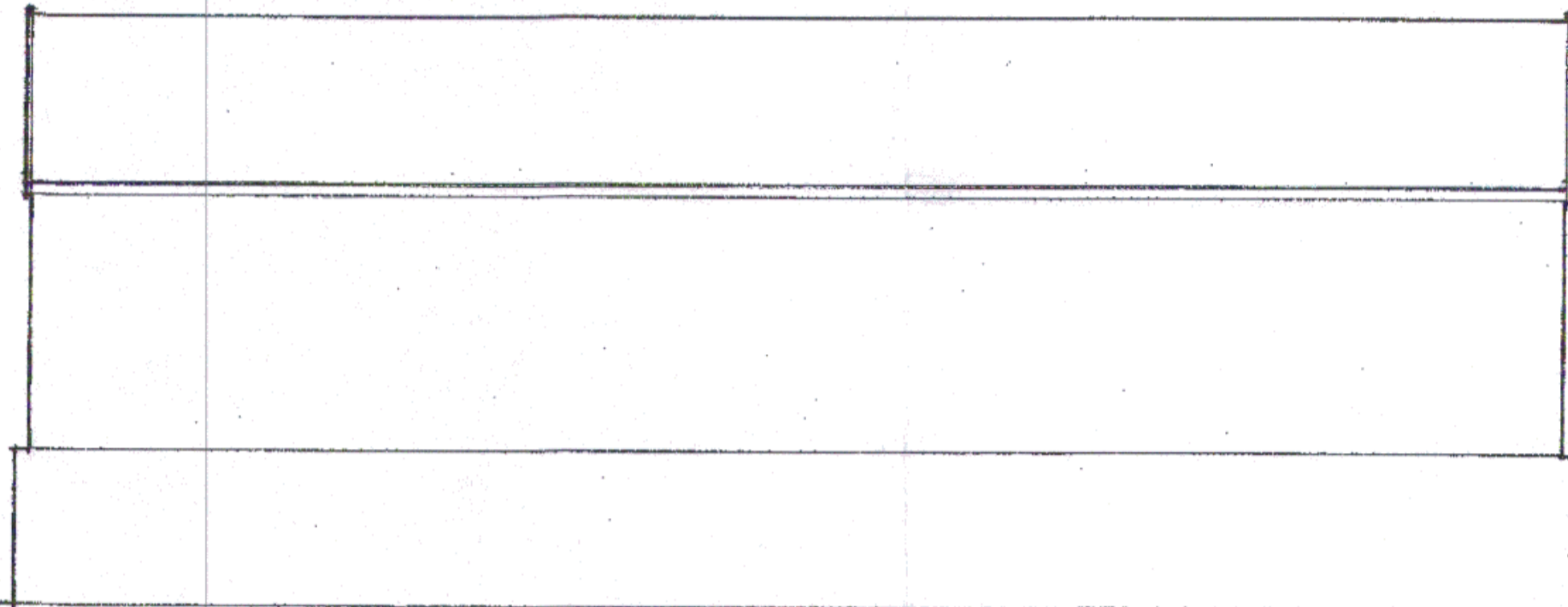
3 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Proposed Elevations – Rev A – dated: June 2014
Proposed Elevations 2 – Rev A – dated: June 2014
Proposed Layout – Rev A – dated: June 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
National Planning Policy Framework
Responses from consultees and interested parties



SIDE ELEVATION 1:50

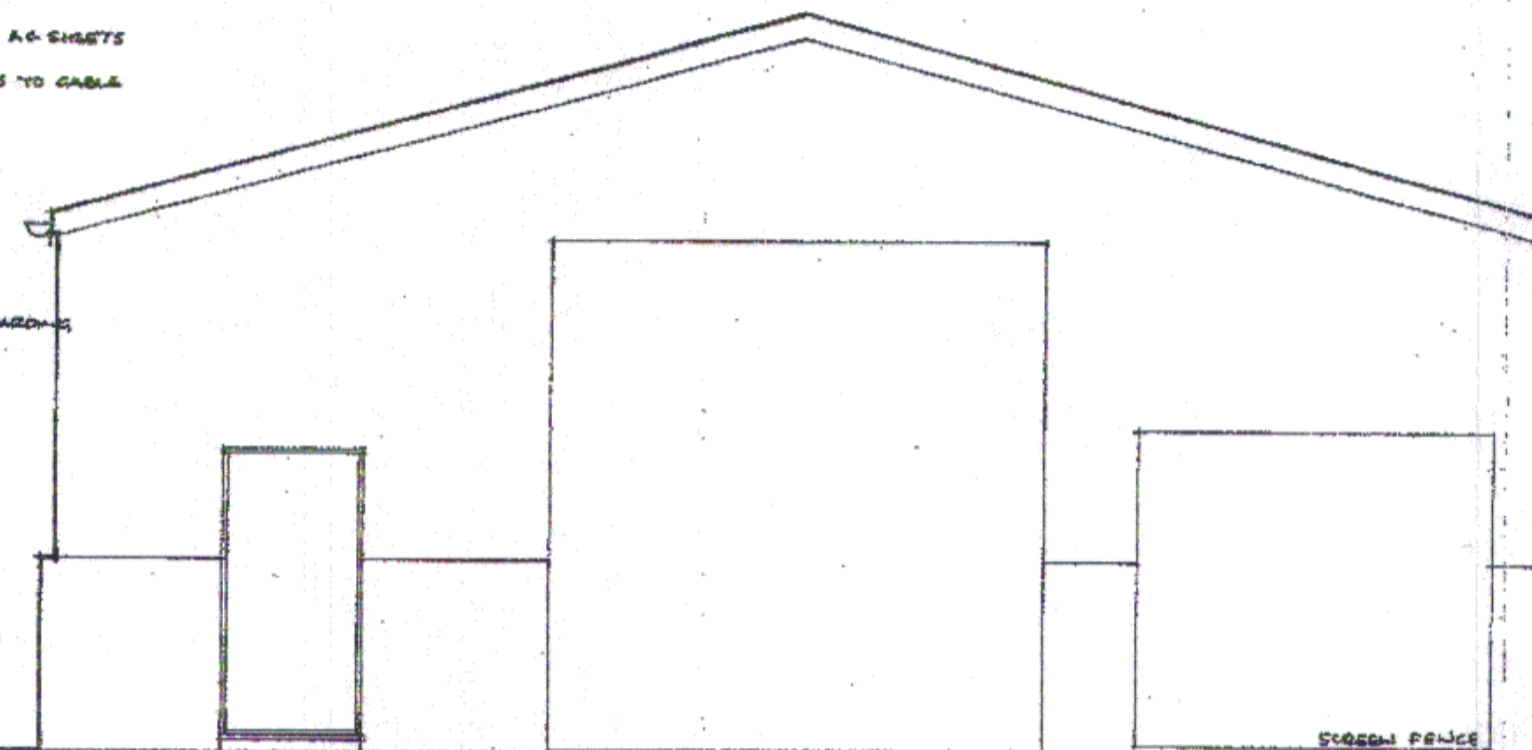
ROOF W/ 180mm CORRUGATED ASPHALT
100 DEEP LINE BARGEBOARDS TO GABLE

LINE COVERING

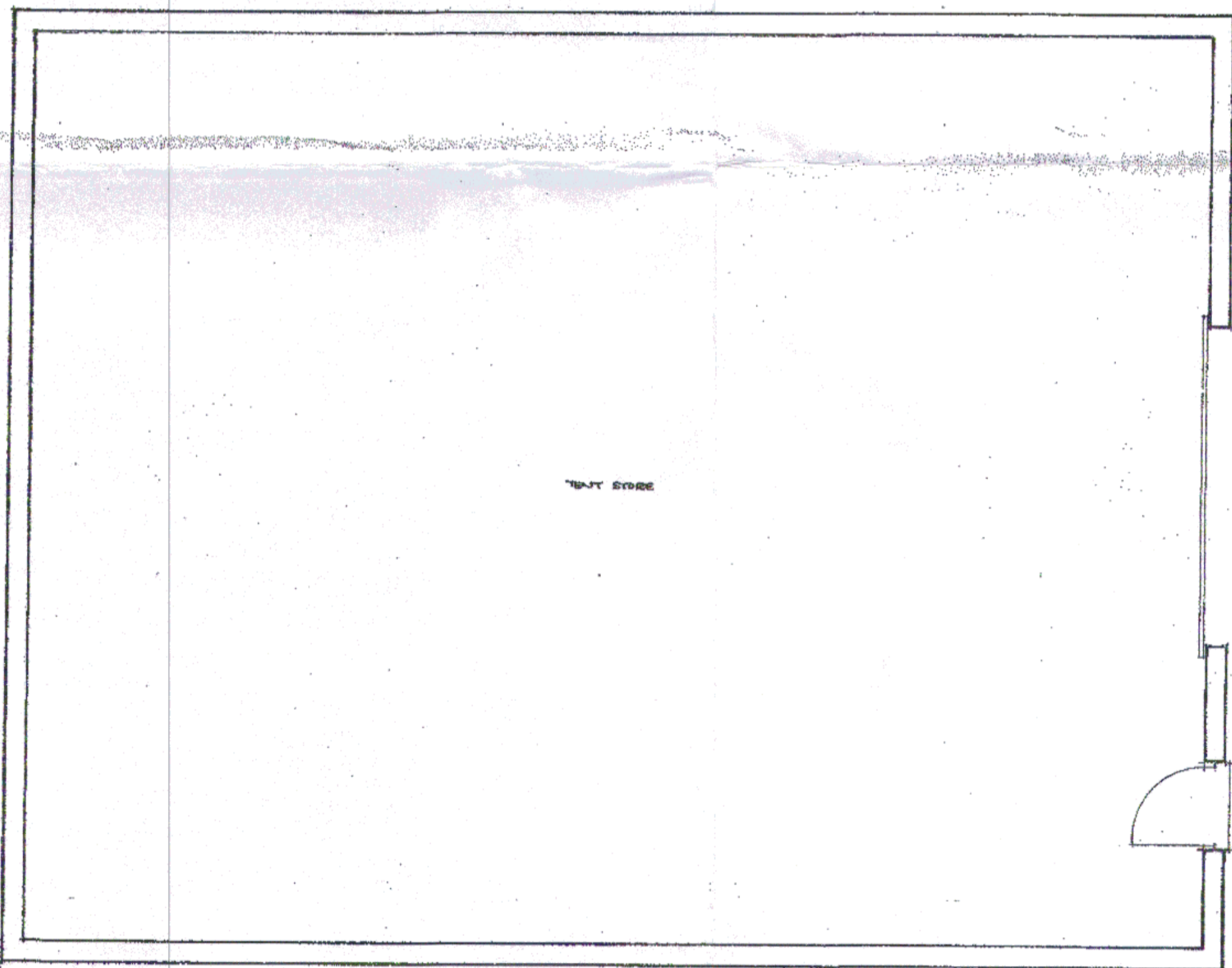
WALLS CLAD IN VERTICAL BOARDING

SCREEN DOOR AND W.C.

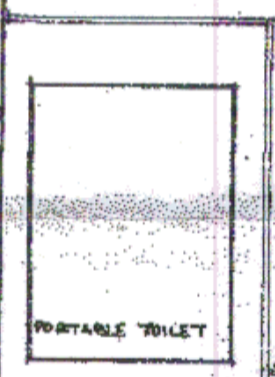
RED BRICK BOND TO PLINTH



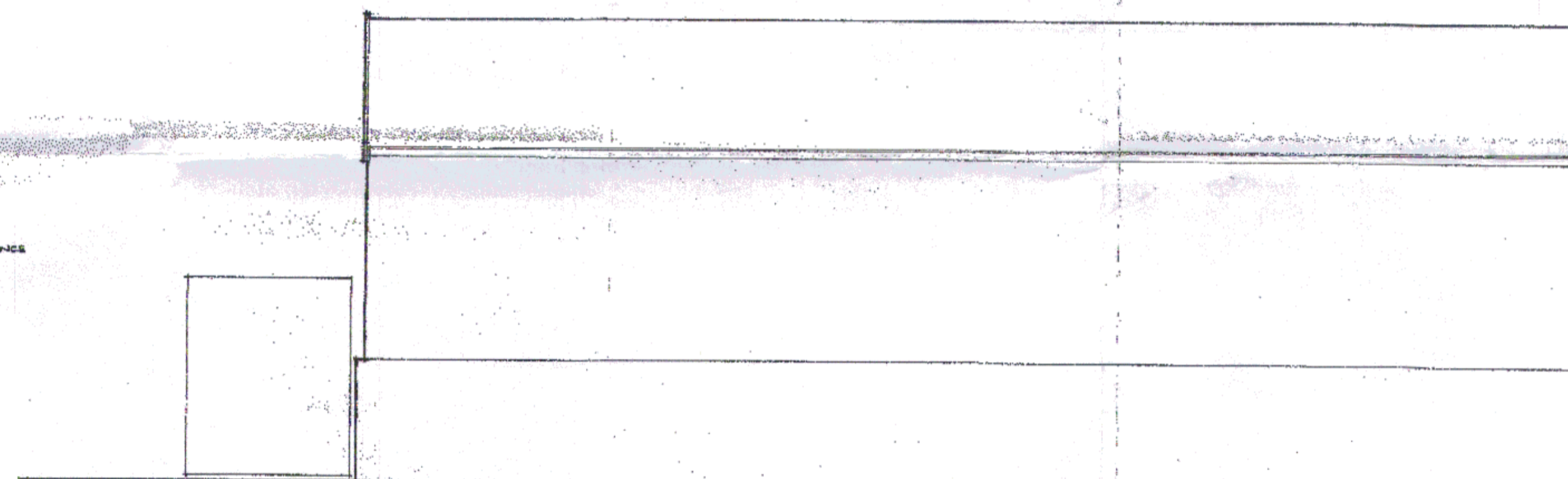
FRONT ELEVATION



GROUND FLOOR PLAN 1:50



PORTABLE TOILET
SCREEN DOOR



BOUNDARY ELEVATION

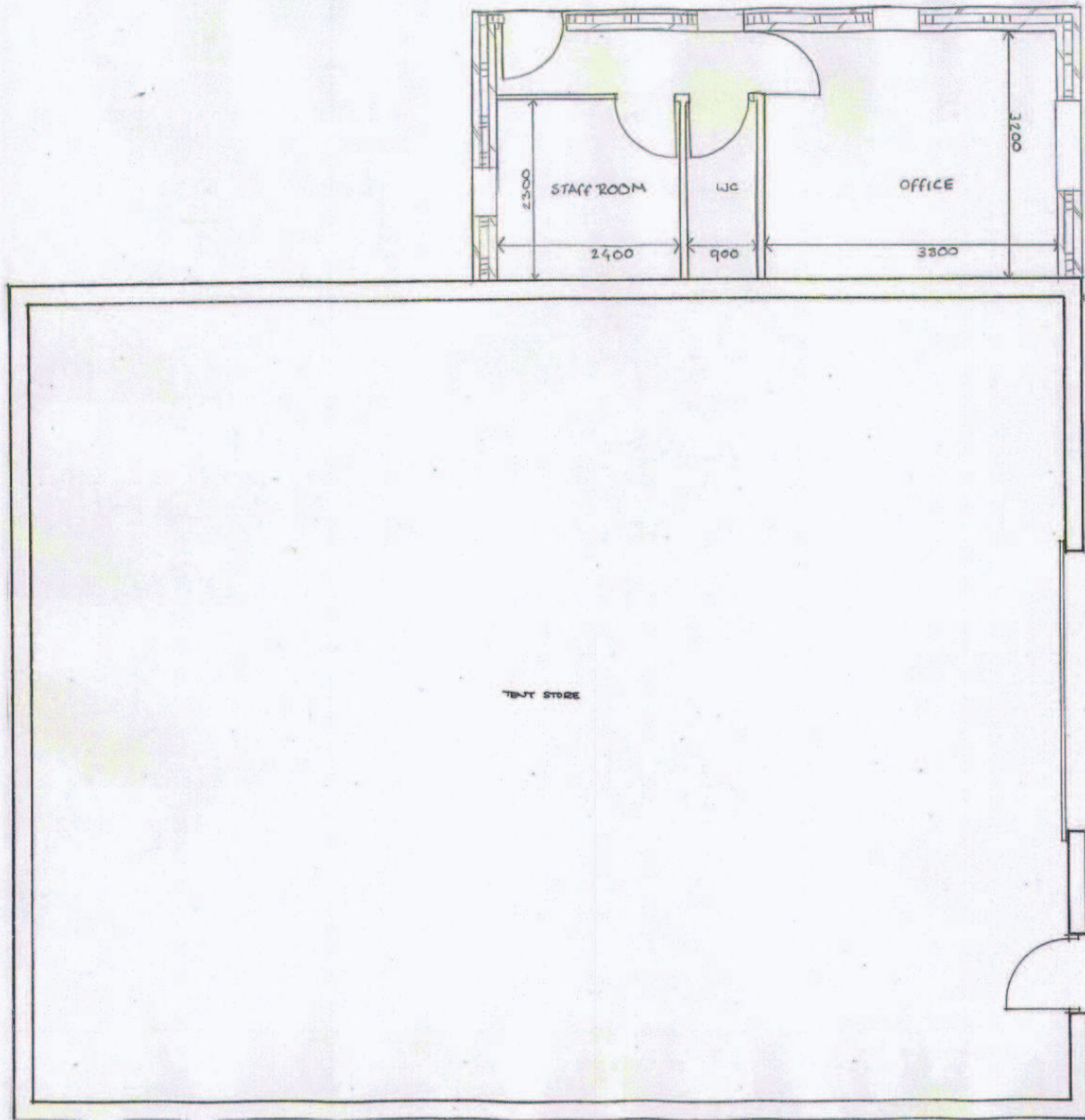
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RYEDALE DM
- 8 APR 2014
DEVELOPMENT
MANAGEMENT
14100409/RLL

PROPOSED EXTENSION TO
GLEBE FARM BARN, FLAXTON, YO60 7RU
FOR MR H RICHARDSON

SURVEY
scales: 1:50

Feb 2014



REVISED PLAN

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Proposed Extension	
Glebe Farm Barn, Flaxton	
Proposed Layout	
Rev A	June 2014
Scale 1:50	

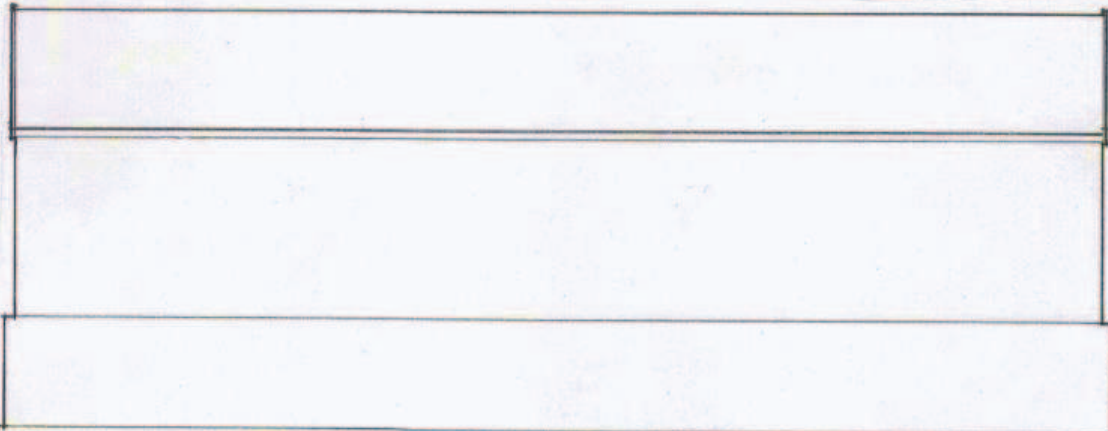




SOUTH ELEVATION

ROOF TO MATCH EXISTING CORRUGATED SHEETS
WALLS CLAD IN VERTICAL SW BOARDING, RED RUSTIC BRICKS TO PLINTH TO MATCH EXISTING
UPVC GUTTERING IN BLACK 112 DIA
UPVC WINDOWS AND DOORS

REVISED PLAN

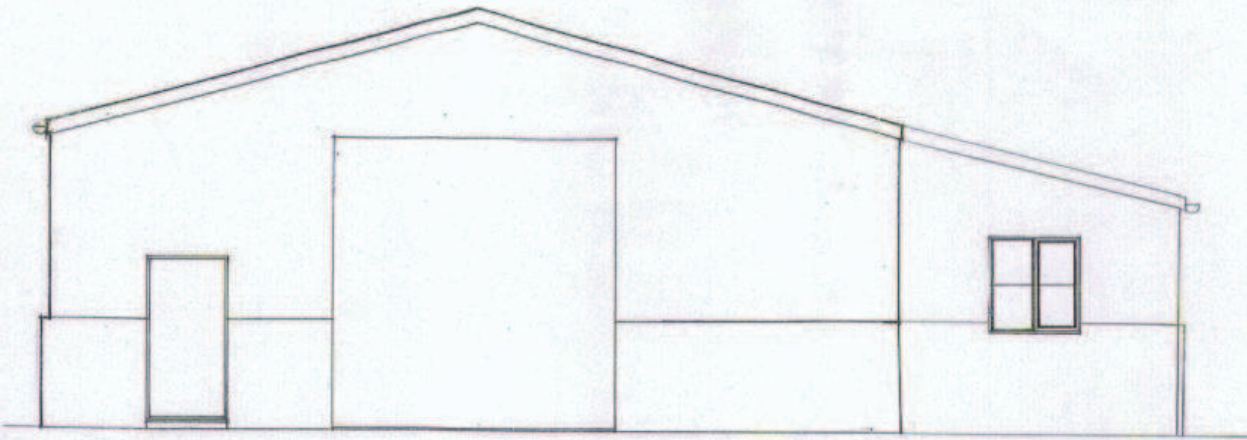


NORTH ELEVATION

Proposed Extension	
Glebe Farm Barn, Flaxton	
Proposed Elevations	
Rev A	June 2014
Scale 1:50	

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WEST ELEVATION

Proposed Extension	
Giebs Farm Barn, Flaxton	
Proposed Elevations 2	
Rev A	June 2014
Scale 1:50	

ROOF TO MATCH EXISTING CORRUGATED SHEETS
WALLS CLAD IN VERTICAL SW BOARDING, RED RUSTIC BRICKS TO PLINTH TO MATCH EXISTING
UPVC GUTTERING IN BLACK 112 DIA
UPVC WINDOWS

REVISED PLAN



EAST ELEVATION

[Faint, illegible handwritten notes or stamps]

SHR 9/5/14 JC

Recommend
refusal.

Mel Warters

From: Hannah Wilson [flaxtonparishclerk@hotmail.com]
Sent: 08 May 2014 08:36
To: Development Management
Subject: 14/00409/FUL Mr T Richardson

Dear Ms Hood

I am writing with reference to the above application which has been reviewed by Flaxton Parish Council. The Council wishes to make the following comments:

- This appears to be quite a long extension and the Parish Council is concerned that this is not a small or modest extension when compared against the existing building
- The Parish Council is concerned that this is a development in open Countryside (a point which was highlighted in the Officers appraisal when the original application was discussed at the Planning Committee meeting on 11 December 2012) and which was re-inforced in the subsequent approval by the condition (04)
"It is not considered that this is an appropriate site for the expansion of a marquee business, given its location in the open countryside..... A condition for the removal of permitted development rights for or the extension to the existing building is therefore recommended"
- The proposed building materials do not match the existing building, being out of keeping with the original and have a much more 'permanent' looking structure and gives the appearance of creeping development
- The Parish Council would wish to know where the sewage package plant is to be sited and where drainage from this plant is to go. Flaxton is in a surface water nitrate vulnerable zone and the Parish Council needs to be assured that the applicant has checked whether a permit is needed or whether it is exempt.

For all of the above, the Parish Council feels that this proposal sets a dangerous precedent and cannot support the current application.

Regards

Hannah Wilson
Clerk to Flaxton Parish Council

RYEDALE DM

- 9 MAY 2014

DEVELOPMENT
MANAGEMENT

Glenys Yates

From: Shaun Robson
Sent: 18 June 2014 08:31
To: Development Management
Subject: FW: 14/00409/FUL Mr T Richardson

RYEDALE DM

18 JUN 2014

DEVELOPMENT
MANAGEMENT

Please scan onto the above file.

From: Hannah Wilson [mailto:flaxtonparishclerk@hotmail.com]
Sent: 18 June 2014 07:53
To: Shaun Robson; Development Management
Subject: FW: 14/00409/FUL Mr T Richardson

Dear Mr Robson

Further to your letter dated 13/06/2014, please see below the comments which were sent to the Development Team on 08/05/2014 in conjunction with this application. As no changes have been made to the specific points to which have been raised by the Council, they continue to feel this application cannot be supported.

Hannah Wilson
Clerk to Flaxton Parish Council

From: flaxtonparishclerk@hotmail.com
To: dm@ryedale.gov.uk
Subject: 14/00409/FUL Mr T Richardson
Date: Thu, 8 May 2014 08:36:14 +0100

Dear Ms Hood

I am writing with reference to the above application which has been reviewed by Flaxton Parish Council. The Council wishes to make the following comments:

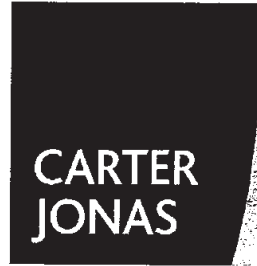
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exempt.

For all of the above, the Parish Council feels that this proposal sets a dangerous precedent and cannot support the current application.

Regards

Hannah Wilson
Clerk to Flaxton Parish Council



Regent House
13-15 Albert Street
Harrogate HG1 1JX
T: 01423 523423
F: 01423 521373

PLANNING STATEMENT

Extension to Existing Building Glebe Farm, Bull Moor, Lane, Flaxton YO60 7RU

On behalf of Mr T Richardson

April 2014

RYE
- 8 APR
DE
14/00409/RIL



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3.0 RELEVANT PLANNING POLICY CONSIDERATIONS National Planning Policy Framework The Ryedale Local Plan Strategy	4
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5.0 CONCLUSION	9

1.0 INTRODUCTION

- 1.1 We have been instructed by our client Mr T Richardson to submit a planning application for an extension to the existing building at Glebe Farm, Flaxton to provide a small office, toilet and kitchen area.
- 1.2 This planning statement provides details of the proposal and provides an assessment in relation to relevant national and local planning policy. It also considers design and heritage aspects of the scheme in accordance with good practice guidance.

2.0 CONTEXT

- 2.1 This section will set out the context in which this proposal is situated looking at the application site and its surroundings, and the background to the application.

The Site and Proposal

- 2.2 The application site consists of a free-standing, modern agricultural barn set within open grassland on the eastern side of Bull Moor Lane, Flaxton. The site lies beyond the built up confines of Flaxton village (and also development limits and conservation area as set out in the Ryedale Local Plan) with access direct from the adopted highway along an existing shared drive and through an existing gated entrance. There is a roller shutter door and personnel door on the south western gable allowing access into the building itself. Adjacent to the building is a modest hardstanding area and to the rear is a modest gravel area for staff parking. The building itself extends to 158sqm gross external floorspace constructed of a red brick plinth with Yorkshire boarding to the upper walls. The roof is covered in coloured profiled sheeting.
- 2.3 Planning permission was granted in December 2012 for the change of use of the building for the storage of marquees, associated vehicles and other ancillary equipment, on a permanent basis forming the storage base for a marquee hire business (Reference 12/00970/FUL).
- 2.4 The enterprise involves the delivery (and subsequent erection) of marquees to a venue, with such remaining at any particular property for typically 4-5 days at a time, after which they are removed and returned to the application site for storage. All the activity takes place within the existing building save for vehicle parking, turning and circulation to the front and rear - for which there is already an existing modest hard standing area. There also exists an informal access drive to the building from the adopted highway as indicated in the enclosed photographs.
- 2.5 The business primarily employs three people on a full time basis (with 8 other full time seasonal staff as required) and, to this end, our client requires a small extension of approximately 7.4 metres by 3.6 metres creating a total floor area of 26.64 square metres to provide a small office, toilet and staffroom area to assist the day to day running of the business.

- 2.6 The site of the extension is on part of the previously approved hard surfaced area at the front of the building which is currently used for vehicle parking, turning and circulation associated with the building. The construction of a small extension to facilitate a small office, toilet and kitchen would not change the nature of how this part of the site has been used previously.
- 2.7 The building in its design and materials will match the existing building as shown on the submitted plans.

3.0 RELEVANT PLANNING POLICY CONSIDERATIONS

- 3.1 The 2004 Planning and Compulsory Purchase Act is clear that the Development Plan is the main consideration in the determination planning applications unless material considerations indicate otherwise. The development plan for the site consists of the adopted Ryedale Local Plan Strategy. Relevant material considerations include the Government's planning guidance contained in the National Planning Policy Framework.

National Planning Policy Framework (NPPF)

- 3.2 Published in March 2012 this replaces a whole raft of previous planning guidance, including that relevant to development within the open countryside (in *PPS7* and *PPS4*). The mainstay of the NPPF is the "presumption in favour of sustainable development" and an obligation upon local authorities to "plan positively" for their areas. The NPPF refers to the planning system as having three roles which reflect the identified three 'dimensions' to sustainable development. These consist of;
- An economic role
 - A social role
 - An environmental role
- 3.3 The weight and importance attributed to each is a matter of judgement but must be considered in the whole and not independently – the objective is that *"to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system"* (para. 8).
- 3.4 In accordance with this approach:
- Development which accords with the development plan should be approved without delay; or
 - Where the development plan is absent (not adopted) or has no relevant policy or such are out of date, permission again should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits" or specific policies in the Framework indicate development should be restricted.

- 3.5 The Framework identifies “Core Planning Principles” which include the aim to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs”* (para 17).
- 3.6 One of the main aims of the Framework and how sustainable development can be delivered is through *“Building a strong, competitive economy”* with emphasis being given to economic growth, job creation with the planning system doing *“everything it can to support sustainable economic growth”*.with planning operating to *“encourage and not to act as an impediment to sustainable growth. Therefore **significant weight** should be placed upon on the need to support economic growth through the planning system”* (para 18-19).
- 3.7 In terms of the rural economy, the Framework is clear in support for the development of a strong rural economy and local authorities 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”*** (para 28).
- 3.8 On a more general point regarding the natural environment and development in the open countryside (paras. 109 – 125), the Framework encourages the *“effective use of land”* (especially brownfield sites) as a means of minimising pollution and using land of the least environmental or amenity value. Such an approach will reduce the need for development upon Greenfield sites in the open countryside.
- 3.9 Overall, in their decision-taking, the Framework encourages an approach where *“local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”* (para 187).

The Ryedale Plan: Local Plan Strategy

- 3.10 The Ryedale Local Plan Strategy Development Plan Document (DPD) was adopted on 5 September 2013. It sets out the long-term vision, objectives and planning strategy for 15 years to 2027. The adoption of the Ryedale Plan - Local Plan Strategy means that almost all of the ‘saved’ Ryedale Local Plan Policies, adopted in 2002, have now been replaced. Policies from the Ryedale Plan Local Plan Strategy which are relevant to this application include:
- 3.11 **Policy SP6** identifies that within the wider open countryside the provision of new buildings to support appropriate rural economic activity in line with the provision of Policy SP9 will be supported.
- 3.12 **Policy SP9** identifies that Ryedale’s land-based economy will be sustained and diversified with support for the provision of new buildings to support appropriate small-scale rural economic activity in line with Policy SP6.

3.13 **Policy SP16** relates to design and expects the design of new development to:

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space
- Contribute to a safe and well connected public realm by respecting and incorporating routes and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the local community; facilitating access by sustainable modes of travel including public transport, cycling and walking
- Reduce crime and the fear of crime through the careful design of building and spaces
- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces
- Make efficient use of land and to be built at a low density which is appropriate to its surrounding context.

3.14 Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and in considering proposals for the alteration, re-use or extension of individual historic building the Council will see to ensure that:

- A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character
- Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building
- Appropriate materials and traditional construction methods and techniques are used.

4.0 **EVALUATION**

4.1 Having regard to the planning policy context, site circumstances and specific proposals that are subject to this application, the main considerations in the determination of this application are considered to be:

- Principle of Development;
- Design;
- Landscape Impact;
- Highway and Access; and
- Amenity

Each of these points will be addressed in turn below.

Principle of Development

4.2 The application site is located within the open countryside outside the greenbelt, albeit in proximity to an established settlement.

- 4.3 Both national (NPPF para's. 18-19 and 28) and local planning policy (Policies SP6 and SP9) support the provision of new buildings in the countryside which encourage the sustainable growth and expansion of all types of business and enterprise in rural areas. The proposal involves a small extension to an existing building which is utilised by Your Marquee, a small local company which plays a notable part in serving the local hospitality sector. The business currently employs 3 full time staff and a number of part time seasonal workers.
- 4.4 The proposed extension is required to support the existing business as there is currently no office, toilets or kitchen facilities on site at present. The proposed extension would therefore not result in an expansion of the existing business and is required only to provide essential on site facilities which are necessary to the business and required under the Workplace (Health, Safety and Welfare) Regulations. Under such regulations employers are required to provide adequate and appropriate 'welfare facilities' (washing, toilet, rest and changing facilities and somewhere to eat and drink during breaks) for employees while they are at work. A small office area is required on site to enable our client to keep the necessary paperwork on site comply with health and safety procedures and to enable better management of the business.
- 4.5 The site is therefore in active economic use, provides employment directly and therefore a modest extension to meet the businesses needs should be encouraged.
- 4.6 In terms of policy, the proposed development is fully in accordance with the tone of the NPPF and Policy SP6 and SP9 of the Ryedale Local Plan Strategy of the local plan which detail how support should be given to enterprises in rural locations.

Design

- 4.7 With regards to the design, in line with Policy SP16 the proposed extension has been designed so that it is in keeping with the host building in terms of scale, form and the use of materials.
- 4.8 The proposed extension has been located at the front of the existing building to enable the provision of essential on site facilities and from a health and safety point of view to reduce the potential for conflict between equipment/vehicles moving in and out of the main storage area whilst staff/visitors are utilising the proposed welfare facilities. The location of the office, at the front site will enable also enable better management of the site/business as a whole and also more effective use of health and safety procedures.
- 4.9 The extension will be a single storey modest structure with an internal floor area of 21 square meters. It will have a single personnel access into the building on the north elevation which will lead through to a bathroom, staff room and office. The extension has been designed to provide adequate facilities for the business needs within the minimum amount of space.

- 4.10 The appearance of the extension is simplistic and has been designed to integrate into the rural nature of the site. The materials used will match the existing building in line with Policy SP16 using rustic red bricks on the plinth of the building and vertical timber boarding above. The roof will be constructed from clay pantiles with half round ridgetiles. All rainwater goods will be black pvc and the windows will be UPVC.

Landscape Impact

- 4.11 The proposed extension would have no significant impact on the setting of the adjacent conservation area or wider countryside. The site is well screened from the main road and is not out of keeping with the surrounding area retaining its simple rural appearance. Equally, there would be no change in activity actually on site as a result of the proposed extension. Further planting to the site boundaries has been undertaken to assist in minimising views onto the site, complemented by the existing roadside hedges in this locality. The site is not prominent in the local landscape.

Highway and Access Safety

- 4.12 With regards to vehicular access and highway safety, there is an existing surfaced track to the building which goes across the village common/green. This will continue to be used, and indeed remains the approved means of access to the building following approval under an agricultural notification application (Reference: 03/00263/AGNOT) in 2003. This means of access has therefore already been accepted and deemed appropriate by the Local Planning Authority and for vehicles the nature of which (i.e. tractors with trailers etc), and at an intensity of use, more potentially hazardous than the present proposals. This means of access was also accepted as part of the grant of planning permission in January 2011 for the temporary use of the building for the storage of marquees and ancillary equipment (Reference: 10/01252/FUL) and subsequently again in December 2012 as part of the grant of planning permission for the change of use of the building for the storage of marquees and ancillary equipment (Reference: 12/00970/FUL).
- 4.13 We understand there have been no issues in respect of the appropriateness or safety of the access since the use of the site commenced, or indeed prior to that.
- 4.14 The driveway is shared with domestic properties but the scale, nature and intensity of use by both vehicular and pedestrian traffic will not give rise to conflict – especially compared to the alternative agricultural use of the building.

Amenity

- 4.15 Given the nature of the use and infrequency of vehicle activity, as well as a separation of the proposed extension from neighbouring residential properties, it is considered that the proposed extension would have no material adverse effect on the amenities of neighbouring properties.

- 4.16 There would be no increase in vehicle movement as a result of the proposed extension as the extension is to provide essential facilities to support the running of the business. In any event, neighbouring dwellings are some distance away with intervening landscaping to property boundaries.
- 4.17 The proposed extension would generate no noise, smell or pollution – the separation from residential properties is significant so that there will be no amenity concerns in this regard. The building itself is sufficient in terms of its available floor space to accommodate the activity without any external storage beyond the confines of the existing structure and defined curtilage.
- 4.18 Since Planning Permission was granted in January 2012 for the permanent use of the building for the storage of marquees and ancillary equipment (LPA Ref 12/00970/FUL) we understand that no complaints have been received from neighbours regarding the use.

5.0 CONCLUSIONS

- 5.1 The proposed extension is in accordance with policies SP6 and SP9 of the Ryedale Local Plan Strategy which supports new buildings for appropriate small scale rural economic activity.
- 5.2 The proposed extension would not give rise to issues of residential amenity, visual impact or access and highway safety and has been designed in accordance with Policy SP16 of the Local Plan.
- 5.3 We trust you are able to give full consideration to this proposal and consider that, given the nature of the application, site circumstances and policy background, Officers should be able take a positive attitude to the application as submitted.

Carter Jonas LLP
April 2014

Agenda Item 13

Item Number: 13
Application No: 13/01242/CLEUD
Parish: Pickering Town Council
Appn. Type: Cert Lawful exist use or develop
Applicant: Hopkinson And Sons Ltd
Proposal: Certificate of Lawfulness in respect of the retail sales of goods in breach of condition 06 of approval 00/00400/OUT dated 04.08.2000 for more than 10 years before the date of this application
Location: Steam And Moorland Garden Centre Malton Road Pickering North Yorkshire YO18 7HG

Registration Date:
8/13 Wk Expiry Date: 25 December 2013
Overall Expiry Date: 26 November 2013
Case Officer: Shaun Robson **Ext:** 319

CONSULTATIONS:

Highways North Yorkshire No objection
Parish Council No views received to date

Neighbour responses: None

1.0 PURPOSE OF REPORT

1.1 To consider an application for a Certificate of Lawfulness for an existing use or development.

2.0 INTRODUCTION

2.1 Section 191 of the Town & Country Planning Act 1990 provides for anyone to apply to the Local Planning Authority for a Lawful Development Certificate (LDC). A Certificate is a statutory document certifying in the case of an application under Section 191, the lawfulness of existing operations on, or use of land.

3.0 TIME LIMITATION PERIODS FOR TAKING ENFORCEMENT ACTION

3.1 Section 171B(3) provides that where there has been any breach of planning control, except those relating to operational development and change of use to a single dwelling house, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.

4.0 SITE

4.1 The application site is part of the Steam and Moorland Centre complex and is located outside the defined development limits for Pickering.

4.2 Outline planning permission was granted, closely followed by the reserved matters submission, for the erection of a garden centre which was approved on 3 October 2000. The main building, the subject of the CLEUD application, consists of a floor space of around 850-900m². This has been described as the Garden Centre building. Building control records show that this building was completed on 7 September 2001.

- 4.3 The second building on the Steam and Moorland complex falling outside the CLEUD application site has been described as the Machinery Centre. Building control records show that this building was completed on the 3rd January 2008.
- 4.4 Planning permission has been granted for a link building between the above two buildings comprising a proposed entrance and first floor café. Planning permission for this was approved on 10 August 2010. The planning permission was the subject of a variation application which was granted on 9 December 2011. The time condition expires on 8 December 2014. A further variation application was received on Friday 20 June 2014. This planning permission has not been implemented. The site of the link building is part of the CLEUD application site.

5.0 PROPOSAL

- 5.1 A Certificate of Lawfulness (CLEUD) is sought for the continued sale of a number of items restricted by condition 6 imposed on application 00/00400/OUT. Condition 6 states:-

The building(s) hereby approved shall only be used as a garden centre for the display and sale of the following categories of goods:

(i) Pot and bare rooted plants, ornamental fruit bushes and trees, seeds/bulbs, vegetable and bedding plants, ornamental and fruit trees, cut flowers;

(ii) Garden requisites such as composts, fertilisers, weed killers/disinfectants, spray equipment, netting, cloches, plant supports;

(iii) Gardening and greenhouse tools and equipment;

(iv) Gardening protective clothing and footwear;

(v) Garden pond liners, pumps and equipment, pebbles, aquatic plants, fish and fish food;

(vi) Fencing, path and patio construction materials such as gravel, paving slabs, edging materials;

(vii) Garden furniture and ornaments such as seating, umbrellas, barbecue and barbecue fuel, bird tables, feeders and bird feed;

(viii) Incidentals such as gardening books and videos, cards, artificial flowers, small animal feed (e.g. rabbit food); and

(ix) Natural and artificial Christmas trees, Christmas decorations, table decorations, Christmas cards.

The building(s) and land shall not be used for any other purpose (including any other purpose in Use Class A1 of the Schedule of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument re-voking or re-enacting that Order with or without modification).

Reason:- The site is in open countryside where current planning policy would not normally permit general retail uses.

- 5.2 The application is made on the basis that goods have been sold from the premise for a period of ten years beginning with the date of breach - section 171 B (3).

- 5.3 The application is required to demonstrate that the goods listed have been sold for a period of at least 10 years. The time period dates from the validation date of the application (**30th October 2013 - 30th October 2003**).

6.0 HISTORY

14/00692/73A: Variation of condition 05 of approval 11/00749/FUL to apply condition restricting retail sales to building singular as opposed to building(s) plural. Application received on Friday 20 June 2014.

13/00560/73A: Variation of condition 06 of approval 00/00400/OUT dated 04.08.2000 to allow the sale and display of additional goods as listed within the submitted supporting documentation dated 13th May 2013 - WITHDRAWN

11/00749/73A: Variation of condition 16 of approval 10/00114/FUL dated 10.08.2010 to change reference to approved plans and substitution of some plans - APPROVED - 9 December 2011. Time condition expires on 8 December 2014.

11/00622/73A: Variation of Condition No. 06 of approval 00/00400/OUT dated 04.08.2000 to allow the display and sale of additional goods as listed within the submitted supporting documentation dated 17 June 2011 - REFUSED 19/07/2012

10/00114/FUL: Erection of a two-storey, link extension between two existing buildings to form covered display and sales area to ground floor and cafe, offices, storage and staff room to first floor - APPROVED 10/08/2010

02/00880/FUL: Erection of building for use as garden and agricultural machinery centre and associated parking - APPROVED 13/09/2004

00/00917/REM: Erection of garden centre with associated parking and access - APPROVED 03/10/2000

00/00400/OUT: Erection of Garden Centre - APPROVED 04/08/2000

7.0 PLANNING STATUS OF THE USE

- 7.1 The relevant issues in considering this application in this part of the report would appear to be as follows:-

- (i) What is the relevant planning unit?
- (ii) What is the primary use of the planning unit, and if more than one use is involved was the use a mixed or composite use?
- (iii) Does Part 3 of the GPDO 1995 apply?

- 7.2 Turning now to each of the above questions:-

- (i) WHAT IS THE RELEVANT PLANNING UNIT?

- 7.3 The following three propositions identified in the case of *Burdle v SSE* (1972) are helpful in identifying the planning unit:-

- (a) the whole unit of occupation should be considered if it is possible to recognise the single main purpose of the occupier's use of land to which secondary activities are incidental.

- (b) the entire unit of occupation should be considered even when an occupier carries on a variety of activities which may not be confined to distinct areas of land.
 - (c) within a single unit of occupation two or more physically separate and distinct areas may be occupied for substantially different and unrelated purposes. In such cases each area ought to be considered as a separate area.
- 7.4 The Judge in the Burdle case did indicate that it is a useful working rule to assume the unit of occupation to be the planning unit unless and until some smaller unit of the site can be seen where a use can be identified as being both physically and functionally separate.
- 7.5 The facts in the above case from the file appear to be as follows:-
- (1) The CLEUD application site is shown edged red on the attached Plan 1 .The whole Steam and Moorland complex is shown edged red and edged blue on Plan 1;
 - (2) In broad terms the following three predominant uses appear to have operated from the site:-
 - (a) Garden Centre (Open) - Sui generis.
 - (b) Garden Centre (Shop) in building – A1 with sales limited by condition.
 - (c) Machinery Centre and Workshop (Garden and Agricultural) - Sui generis.
 - (3) It should be noted that the applicants current application for a CLEUD has been made in respect of part only of the site identified as the planning unit. The use identified in paragraph 7.5(2) (c) above has been excluded from the CLEUD application. However for the reasons given below the Machinery Sales use which is a sui generis use together with the other uses within the planning unit are considered to comprise a mixed use.
 - (4) the planning history of the above site has been summarised above .
- 7.6 From this history it appears that the planning unit site has been historically a Garden Centre (Open), Garden Centre (Shop) in the building on the area shown edged red on Plan 1 and Garden and Agricultural Machinery Sales - Sui generis in the building on the area shown edged blue on Plan 1. Unless one can detect a smaller unit of the whole site which has been put to a use which is both physically and functionally separate, there would appear to be historically one planning unit.
- (ii) WHAT IS THE PRIMARY USE OF THE PLANNING UNIT AND IF MORE THAN ONE USE IS INVOLVED WAS THE USE A MIXED OR COMPOSITE USE?
- 7.7 Large complexes used for business purposes often comprise a multiplicity of uses, some of which are ancillary to the predominant or main uses.
- 7.8 This case involves a situation where two or more uses were carried on within a single planning unit. In this context it is helpful to be aware of the definition of terminology used by planners regarding dual, mixed and composite uses.
- 7.9 A dual use is two distinct uses of one unit, a mixed use is two or more uses. Finally a composite use covers both dual and mixed uses.
- 7.10 The three uses which have operated from the site have been summarised above. These would appear to comprise a mixed use.

(iii) DOES PART 3 OF THE GPDO 1995 APPLY?
MIXED USES, COMPOSITE USES AND THE TOWN & COUNTRY PLANNING
(USE CLASSES) ORDER

7.11 In general, mixed or composite uses fall outside the Use Classes Order. An exception is to be found in Article 3 (4) of the Use Classes Order 1987.

7.12 The Secretary of State in a Ministerial Planning Decision reported in [1991] JPL 282 made the following observation:

“Even if each of the uses comprised in the mixed or composite use is in the Use Class, the use will also be sui generis except in the circumstances described in Article 3 (4) of the 1987 Use Classes Order.”

7.13 If a Certificate is granted in terms of a mixed use, the Town & Country Planning (Use Classes) Order 1987 does not apply. Planning Permission would be needed for any material change in use.

8.0 APPRAISAL

8.1 The key question in this part of the report is whether or not sufficient evidence has been provided to prove on the balance of probabilities that there has been a breach of the restricted sales condition for a period of ten years ? The onus of proof lies with the applicant. The relevant standard of proof is the ‘balance of probability’ i.e. the applicant must prove in this case that it is more likely than not to be true.

8.2 It must be demonstrated that the ‘sales’ have been carried out from the building through the production of statements, bills, statutory declarations etc.

8.3 The submission was accompanied by a Statutory Declaration from the owner (Mr Hopkinson) and a range of receipts for a variety of goods ranging from 2007 - 2013 (6 years).

8.4 The extensive series of receipts cover 13 areas, namely:-

8.4.1 Books (non-gardening): cookery books, leisure maps, crosswords, short walk guides, images of North Yorkshire;

8.4.2 Indoor toys and games: pillows, plush toys, board games, jigsaws, die-cast farm toys, dominoes, playing cards;

8.4.3 Outdoor toys & games: lawn swing, kite(s), paddling pool, small trampoline, rounder sets, lawn darts;

8.4.4 Food (for consumption off the premises): jams, biscuits, preserves, cans of drink, ice creams (seasonal);

8.4.5 Non-gardening clothing: travel jacket, ladies fleece, ladies jackets, men’s gilet and fleeces, shirts, shooting waist coats, jeans, wax jackets, walking boots, tweed caps and wellies;

8.4.6 Non-gardening footwear: wellies, winter boots, safety boots;

8.4.7 Hardware and Electrical (small) products: electrical cable, caulking guns, switches, cable ties, clips, junior hacksaws, screw drivers, drill bits, spirit levels, metalcote paint, washer bolts, saw blades, hand drill (small amounts);

- 8.4.8 Homeware: coasters, mugs, trays, table mats, tea towels, oven gloves;
- 8.4.9 Gift ornaments: rugs (small amounts), decorative signs, wind chimes, wicker baskets, vases (various designs);
- 8.4.10 Gas, coal, logs and winter accessories: logs, hot max, coal, gas bottles.
- 8.5 In a letter dated 27 December 2010, Mrs Anne Hopkinson, a Director of the Steam and Moorland Garden Centre indicated in relation to an enforcement investigation with regard to the sale of DIY goods, that those products were at one point only sold from a separate building to the Garden Centre.
- 8.6 Following an assessment of the above information it transpired that a gap appeared with regard to the D.I.Y sales and the location on the site. It appeared as if the items were sold from building to the rear of the garden centre building which was only completed, as per building control records, on the 3rd January 2008.
- 8.6 By a letter dated 13 December 2013, the applicants agent was requested to supply the following further evidence

In order to address the above matters it may be appropriate to provide the following:-

- *Additional statutory declarations from suppliers or former/current employees;*
- *Provide additional receipts for the remaining 3 years in order to support the current 7 years of records;*

- 8.7 A further Statutory Declaration from the owner and current employee (Mr Peter Turnbull) was submitted that re-affirmed the case for the items listed above and clarified the area from which the D.I.Y equipment was sold. The statutory Declaration covered the full 10 year period.
- 8.8 The applicant has not as recommended submitted any evidence from suppliers or other independent witnesses for the time period 2003-2006. There is no documentary evidence for the time period 2003 - 2006 because there records have not been kept by the applicant.

9.0 CONCLUSION

- 9.1 It is considered that in seeking a Certificate of Lawfulness for an unrestricted Use Class A 1 retail use on the CLEUD application site, the CLEUD application does not accurately and properly reflect the extent of the planning unit on the Steam and Moorland complex and the mixed uses that currently exists on the whole Steam and Moorland complex as described in the report .
- 9.2 It is further considered that there is insufficient evidence in terms of documentary evidence and evidence from suppliers or other independent witnesses for the time period 2003 -2006. There has also been a conflict of evidence in that it appears that D.I.Y items were sold outside the CLEUD application site from a building to the rear of the garden centre building which was only completed according to building control records on the 3rd January 2008. An appeal decision indicates that in circumstances where there is a conflict of evidence provided within a Statutory Declaration this should be treated with care due to the fact that 'memories can be imperfect'.
- 9.3 Against this background it is considered that the evidence submitted on behalf of the applicant is not sufficiently precise and unambiguous to justify the grant of a Certificate "on the balance of probability".

10.0 RECOMMENDATION

That the application be refused as not proven on the present evidence

RECOMMENDATION: **Refusal**

Background Papers:

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

H&S, CDM Regulations: all products and materials to be used and handled in accordance with manufacturer's recommendations/instructions, and in accordance with good health and safety practice.

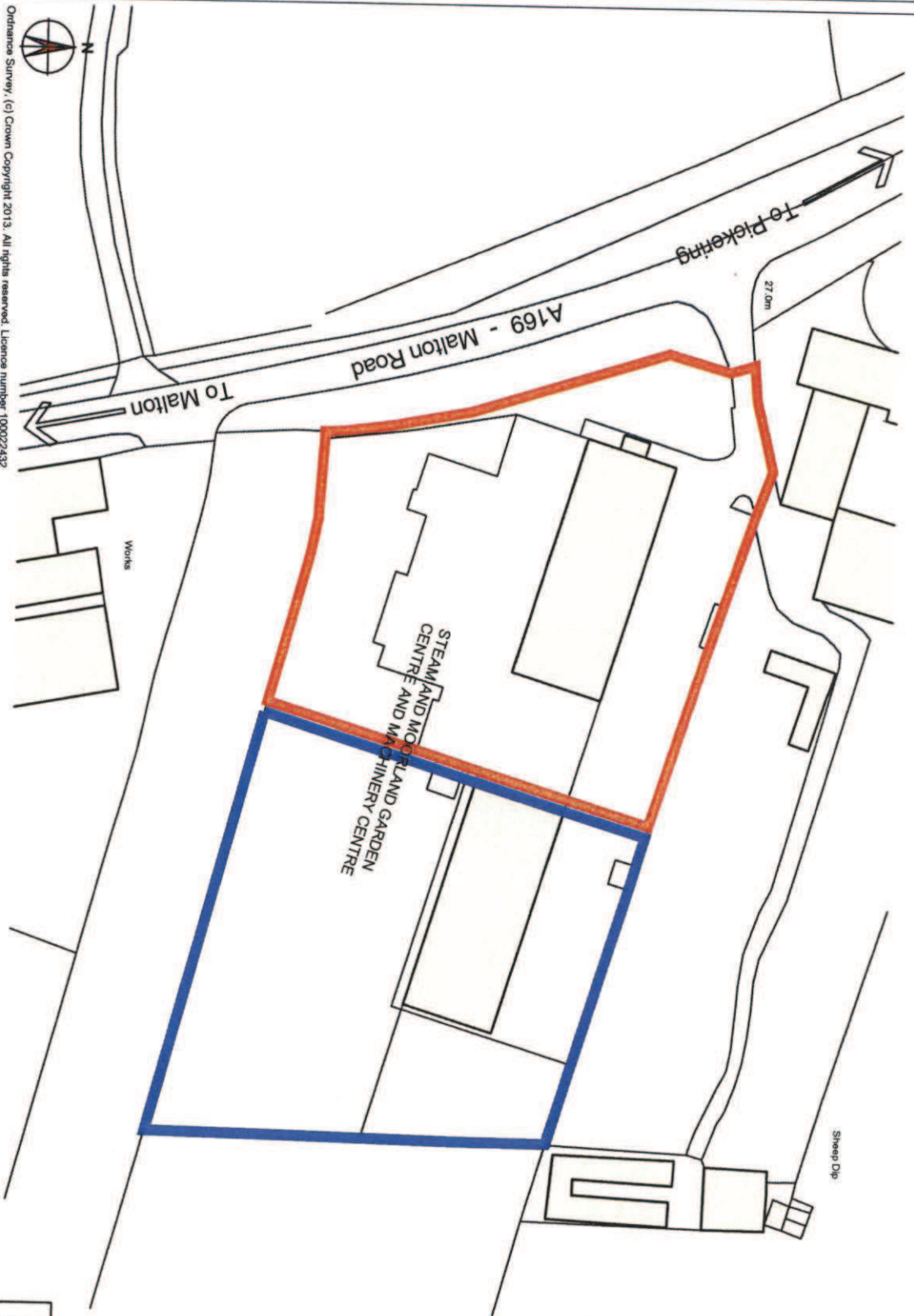
These drawings have been prepared to the stated scale and, provided they are reproduced to the same scale using accurately calibrated equipment and suitable media which are not unduly susceptible to change in humidity and temperature, they are sufficiently accurate for the purpose for which they have been prepared, being the planning application purpose. They should not be used for other purposes. All dimensions and levels to be checked on site, and discrepancies reported before works commence.

FOR PLANNING PURPOSES ONLY

PLAN 1

NOTATION:

-  Application boundary line (6359 m² approx.)
-  Adjoining land in the applicant's ownership



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THIS IS EXHIBIT 1 TO THE STATISTOR/DECLARATION OF PETER TURBELL DATED 20 MARCH 2014

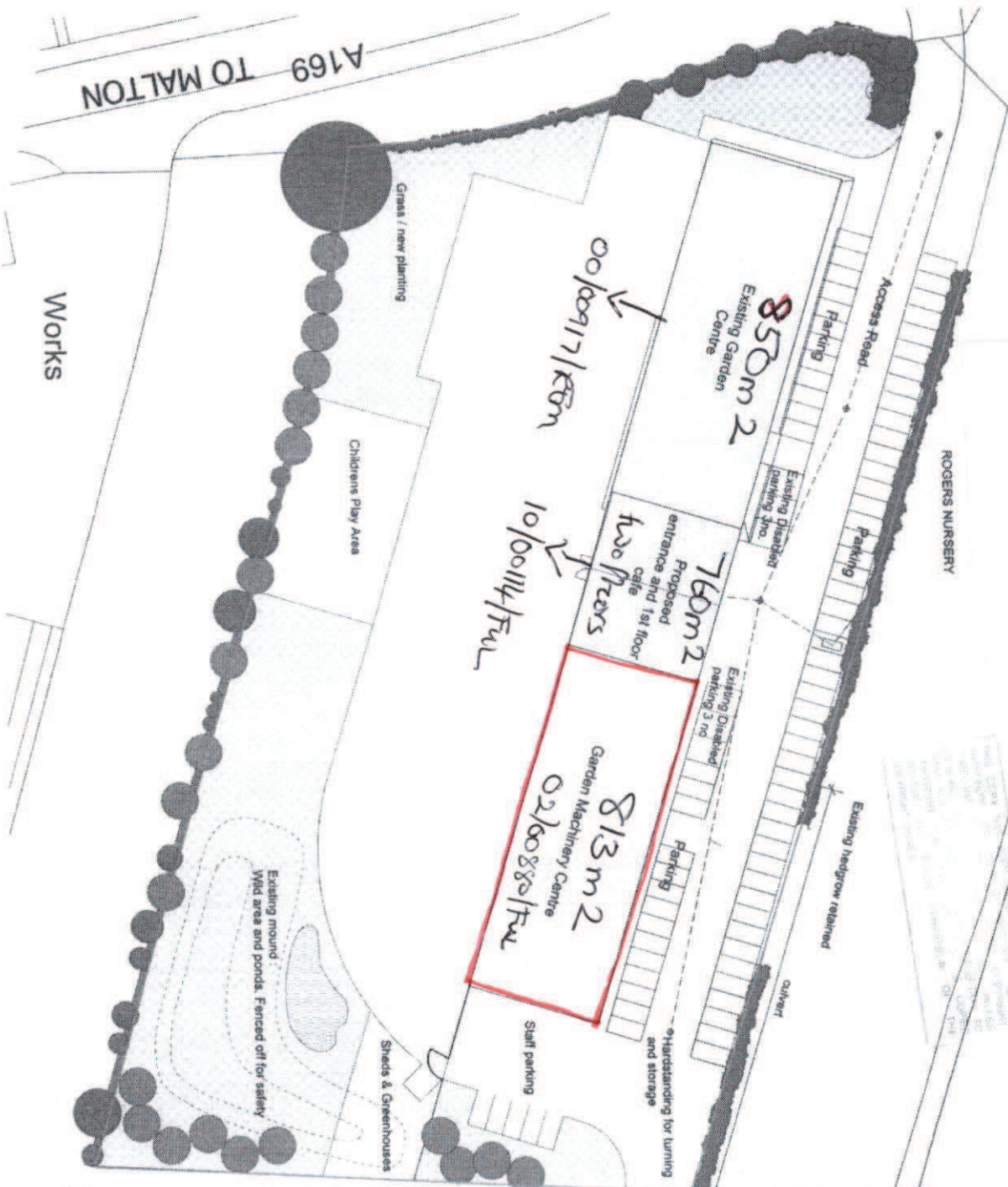
TERENCE RECKES
SOLICITOR

Rev. A: Red line revised. Blue line added. Title block updated 15-10-13 (agh)

CLIENT	Hopkinson and Sons Ltd.		
SITE	Steam and Moorland Garden and Machinery Centre, Malton Road, Pickering, North Yorkshire YO18 7JW		
PROJECT	Certificate of Lawfulness		
STAGE	Application		
DRAWING	Location Plan		
SCALE	1:150 @ A4	BY	DNB No.
DATE	August/October 2010	CHECKED	TH
			G1332-01A
	© Malcolm Scott Consultoria Ltd		
	CONSULTANTS LTD		
	PHONE NUMBER 1 LINES ABOVE WORKSITES ■ 0114 244		
	FAX (01845) 726333		
	THIS DRAWING MAY NOT BE REPRODUCED WITHOUT OUR WRITTEN CONSENT		

PLAN 2

813 m²



Key

- Existing hedging and trees retained
- Site boundary
- Proposed Areas
- Proposed extent of display area
- Children safety area
Play equipment. Safety surfacing to be considered to reduce risks and need for grass cutting.
- Pond area to be designed and fenced for child safety.
- Retained and proposed grassed areas.
- Proposed tree and hedge planting

The Landscape Design Company
 1500 @A3
 103
 5
 10/00/14/Ful

RYEDALE D.C.
 - 9 FEB 2010
 10/00/14/Ful
 DEVELOPMENT CONTROL

**STEAM AND MOORLAND GARDEN CENTRE, MALTON ROAD, PICKERING
APPLICATION FOR CERTIFICATE OF LAWFULNESS SUPPORTING
STATEMENT**

1. Section 191 of the Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any existing matter constituting a failure to comply with a condition or limitation subject to which planning permission has been granted is lawful, application may be made for the purpose to the local planning authority specifying the land and describing the matter.
2. S.191(2) provides that for the purposes of the Act uses are lawful at any time if
 - (a) no enforcement action may then be taken in respect of the use (*inter alia* because the time for enforcement action has expired); and
 - (b) the use does not constitute a contravention of any of the requirements of any enforcement notice then in force.
3. Section 171B(3) provides that where there has been any breach of planning control, except those relating to operational development and change of use to a single dwelling house, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
4. Section 191(4) requires the Council to consider the information provided with the application and if it is satisfied of the lawfulness of the use at the time of the application the Council must issue a certificate to that effect.
5. The question therefore to be asked is whether as at 23 October 2013 the breach of condition 06 of planning permission reference 00/00400/OUT is lawful. This depends on whether as at that date;
 - (1) no enforcement action can be taken (in particular because the breach of condition occurred on or before 22 October 2003); and
 - (2) the breaches do not constitute contravention of any of the requirements of any valid enforcement notice.
6. The information supplied with the application by way of a sworn statement and supporting evidence shows that items have been sold in breach of condition 06 attached to planning permission reference 00/00400/OUT as described in the Application.
7. It is clear that the existing breach of condition at the site is lawful. The information provided with this application is such as to satisfy the local planning authority that this is the case. Accordingly, a Certificate should be issued in accordance with the provisions of Section 191(4) of the Town and Country Planning Act 1990.

G1332/TH/ST
23 October 2013

(231013.note.suppstat.th)

MANAGEMENT

13/01242/CLUP

CONSULTANTS LTD

Agenda Item 15

RYEDALE DISTRICT COUNCIL

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

PERIOD 26 MAY - 20 JUNE 2014

1.

Application No: 13/01143/FUL **Decision: Refusal**
Parish: Nawton Parish Council
Applicant: Miss J Bulmer
Location: Land Rear Of Number 1 Chapel Street Nawton Helmsley
Proposal: Erection of 1no. three-bedroom dwelling and adjacent section of 2.4m high boundary wall together with vehicular access, parking and amenity area

2.

Application No: 13/01434/OUT **Decision: Refusal**
Parish: Welburn (Malton) Parish Council
Applicant: Mrs Linda Harris
Location: Land To Rear Of Holmes Crescent Holmes Crescent Welburn Malton
Proposal: Erection of 2no. dwellings (site area 0.0418 ha).

3.

Application No: 14/00203/FUL **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Remarkable Homes Limited
Location: Deer Keepers Cottage Parkside Lane Hovingham York YO62 4JD
Proposal: Erection of detached four bedroom dwelling with attached two bay garage and associated amenity and parking / turning areas

4.

Application No: 14/00221/LBC **Decision: Approval**
Parish: Wrelton Parish Council
Applicant: Ms Jeanette Miller
Location: The Cruck Cottage Wrelton Cliff Road Wrelton Pickering North Yorkshire YO18 8PJ
Proposal: Replacement of all external windows and doors with timber double glazed and internal alterations to include installation of en-suite within bedroom and amalgamation of toilet and bathroom into one bathroom together with regularisation of lean-to conservatory and downstairs cloakroom

5.

Application No: 14/00247/FUL **Decision: Approval**
Parish: Ebberston Parish Council
Applicant: Mr John Hinchcliffe
Location: Snainton Golf Centre Ebberston Scarborough North Yorkshire YO13 9PG
Proposal: Erection of a single storey extension to existing building to form an area for private golf tuition.

6.
Application No: 14/00257/FUL **Decision: Approval**
Parish: Gilling East Parish Council
Applicant: Autism Plus (Mr Craig Sutherland)
Location: Barns At Park House Farm Gilling East Helmsley North Yorkshire
Proposal: Change of use and alteration of agricultural barn and land to form a day centre with associated car parking area and mini-bus parking/turning/drop off area.

7.
Application No: 14/00277/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Talbot Hotel Malton (Mr David Macdonald)
Location: 14 Saville Street Malton North Yorkshire YO17 7LL
Proposal: Temporary change of use of retail premises to cookery school for 3x10 day periods in May, September and December 2014 to include public cookery demonstrations.

8.
Application No: 14/00303/FUL **Decision: Approval**
Parish: Cawton Parish Council
Applicant: Mr Alec Mosey
Location: Sundial Farm Cawton York YO62 4LW
Proposal: Erection of a general purpose agricultural building.

9.
Application No: 14/00304/FUL **Decision: Approval**
Parish: Cawton Parish Council
Applicant: Mr Alec Mosey
Location: Sundial Farm Cawton York YO62 4LW
Proposal: Erection of a general purpose agricultural building.

10.
Application No: 14/00326/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Steve Collier
Location: Brickworks Swineherd Lane Kirkbymoorside
Proposal: Erection of 2no. 2 bedroom and 1no. 3 bedroom holiday log cabins and additional planting

11.
Application No: 14/00354/HOUSE **Decision: Approval**
Parish: Barton-le-Street Parish Meeting
Applicant: Mr Phillip Tate
Location: Crumpet Hall Boynton Lane Butterwick Malton North Yorkshire YO17 6PS
Proposal: Erection of detached timber garage with store

12.
Application No: 14/00360/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mrs C Richards
Location: 48 West End Kirkbymoorside YO62 6AF
Proposal: Replacement of 4no. single storey glazed yorkshire sliding sash timber windows with 4no. double glazed yorkshire sliding sash timber windows to front elevation (retrospective application).

13.
Application No: 14/00369/LBC **Decision: Refusal**
Parish: Westow Parish Council
Applicant: Mr Paul Thompson
Location: Ground Floor Flat Firby Hall Village Streets Firby Malton YO60 7LH
Proposal: Installation of satellite dish on south eastern wall of flat

14.
Application No: 14/00373/FUL **Decision: Approval**
Parish: Harton Parish Meeting
Applicant: Ebor Leisure World
Location: Ebor Leisure World York Road Harton Malton YO60 7SF
Proposal: Formation of slip road and alterations to site entrance.

15.
Application No: 14/00384/HOUSE **Decision: Approval**
Parish: Wreton Parish Council
Applicant: Mr Colin McDonald
Location: The Old Wheel House 5 Wreton Court Wreton Pickering North Yorkshire YO18 8PX
Proposal: Erection of 2 bay attached garage to east elevation and installation of 2 no. windows to east elevation of attached outbuilding.

16.
Application No: 14/00385/HOUSE **Decision: Approval**
Parish: Gilling East Parish Council
Applicant: Mr Paul Brennan
Location: Brookside Pottergate Gilling East Helmsley YO62 4JJ
Proposal: Erection of single storey rear extension.

17.
Application No: 14/00387/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mrs Ruth Hunt
Location: 112A Outgang Road Pickering North Yorkshire YO18 7EL
Proposal: Erection of detached garage to the rear

18.
Application No: 14/00391/HOUSE **Decision: Approval**
Parish: Wharram Parish Council
Applicant: Mr & Mrs Phillip Myers
Location: 3 Station Road Wharram Le Street Malton North Yorkshire YO17 9TN
Proposal: Erection of two storey rear extension following demolition of existing conservatory.

19.
Application No: 14/00397/FUL **Decision: Approval**
Parish: Lillings Ambo Parish Council
Applicant: Miss Olwen Coope
Location: Outbuilding At East Lilling Cottage New Road West Lilling Malton
Proposal: Change of use and alteration of former blacksmith's workshop to form a mixed use of 2 bedroom holiday cottage or 2 bedroom self-contained residential annex together with formation of parking and amenity areas

20.

Application No: 14/00405/HOUSE **Decision: Approval**
Parish: Westow Parish Council
Applicant: Mr & Mrs P Ormrod
Location: The Old School Chapel Lane Westow Malton YO60 7NE
Proposal: Erection of detached double garage with storage above.

21.

Application No: 14/00406/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mrs Sandra Dawson
Location: Land At Ingledene Mill Lane Pickering North Yorkshire
Proposal: Change of use of paddock to camp site with 12 no. pitches together with change of use and alteration of part of existing stable block/store to form toilet/shower block

22.

Application No: 14/00410/HOUSE **Decision: Refusal**
Parish: Foston Parish Council
Applicant: Mr & Mrs Pickard
Location: The Croft Foston York YO60 7QG
Proposal: Erection of two storey side and rear extension to incorporate integral double garage, following demolition of existing detached garage and rear extension.

23.

Application No: 14/00411/HOUSE **Decision: Approval**
Parish: Middleton Parish Council
Applicant: Mr R Wilkinson
Location: Garthside Main Street Middleton Pickering North Yorkshire YO18 8PA
Proposal: Erection of part single/part two storey rear extension and installation of 1 no. rooflight to rear roof slope following demolition of existing rear extensions

24.

Application No: 14/00415/FUL **Decision: Approval**
Parish: Scampston Parish Council
Applicant: Mr Derek Watson
Location: West Wold Knapton Wold Road West Knapton Malton North Yorkshire YO17 8JE
Proposal: Erection of an agricultural building for general storage and the housing of livestock.

25.

Application No: 14/00420/FUL **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Mr M Hutchinson
Location: Low Moor Farm Scagglethorpe Malton YO17 8EA
Proposal: Erection of an agricultural building for general storage and for the housing of livestock, following demolition of existing silo and dutch barn.

26.

Application No: 14/00439/HOUSE **Decision: Approval**
Parish: Brawby Parish Meeting
Applicant: Ms Justine Street
Location: Meadowsweet Moor Lane Brawby Malton North Yorkshire YO17 6PY
Proposal: Erection of replacement front entrance porch.

27.

Application No: 14/00453/LBC **Decision: Approval**
Parish: Wombledon Parish Council
Applicant: Mr William Harrison
Location: Greenholme Main Street Wombledon Kirkbymoorside YO62 7RW
Proposal: Installation of 7 no. 250 watt solar PV panels to south elevations and 5 no. 250 watt solar PV panels to east elevation - retrospective application (revised details to refusal 13/00691/LBC dated 25.10.2013)

28.

Application No: 14/00457/HOUSE **Decision: Approval**
Parish: Buttercrambe With Bossall Parish Meeting
Applicant: Mrs B Sheppard
Location: Howl Beck House 6 - 7 Bossall Malton YO60 7NT
Proposal: Erection of a two storey/part single storey rear extension to include double garage and conservatory together with glazed canopy to front elevation and demolition of existing detached outbuilding.

29.

Application No: 14/00460/HOUSE **Decision: Approval**
Parish: Scampston Parish Council
Applicant: Mr S Walker
Location: Hartwood Bungalow Scarborough Road East Knapton Malton North Yorkshire YO17 8JA
Proposal: Erection of single storey extension to east elevation.

30.

Application No: 14/00462/HOUSE **Decision: Refusal**
Parish: Malton Town Council
Applicant: Mr & Mrs N Bowskill
Location: 4 Maiden Greve Malton North Yorkshire YO17 7BE
Proposal: Erection of extensions to the existing 3no. bedroom dormer bungalow to form a 5no. bedroom, two storey dwelling house with attached garage and formation of new vehicular access (revised details to refusal 14/00133/HOUSE dated 28.03.2014).

31.

Application No: 14/00468/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Martyn Warwick
Location: 71 West End Kirkbymoorside YO62 6AD
Proposal: Replacement of ground floor single glazed Georgian style timber window with double glazed Yorkshire sliding sash timber window to front elevation.

32.

Application No: 14/00469/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mrs P Thompson
Location: East Villa 95 Ruffa Lane Pickering North Yorkshire YO18 7HT
Proposal: Demolition of existing domestic outbuildings and erection of a one bedroom holiday cottage attached to existing garage/workshop

33.
Application No: 14/00471/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr Wayne Hazel
Location: 43 Hunters Way Norton Malton North Yorkshire YO17 9EG
Proposal: Erection of single storey side extension to south elevation to incorporate room above and integral garage together with erection of double dormer windows to rear (east) roofslope (revised details to approval 12/00608/HOUSE dated 08.08.2012).

34.
Application No: 14/00475/HOUSE **Decision: Approval**
Parish: Howsham Parish Meeting
Applicant: Mr James Arkle
Location: The Old School Howsham York YO60 7PH
Proposal: Erection of single storey detached garden office and store following demolition of existing garage and shed.

35.
Application No: 14/00483/HOUSE **Decision: Approval**
Parish: Kirby Misperton Parish Council
Applicant: Mrs Elizabeth Ann Moody
Location: 4 Flamingo Land Residential Park Kirby Misperton Malton North Yorkshire YO17 6UU
Proposal: Erection of 15° pitched roof over existing flat roof.

36.
Application No: 14/00484/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr & Mrs T.W. Coatsworth
Location: 1 Clock Row Norton Malton YO17 9BE
Proposal: Erection of single storey rear extension.

37.
Application No: 14/00497/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr John Farrow (Carrs Billington)
Location: 31 Horsemarket Road Malton North Yorkshire YO17 7NB
Proposal: Installation of roller shutter door to north elevation

38.
Application No: 14/00503/HOUSE **Decision: Approval**
Parish: Staxton/Willerby Parish Council
Applicant: Mr Thornton & Miss Janine Whitfield
Location: Manor Farm Bungalow Wains Lane Staxton Scarborough North Yorkshire YO12 4SH
Proposal: Proposed detached garage within grounds of existing dwelling.

39.

Application No:

14/00507/HOUSE

Decision: Approval

Parish:

Kirkbymoorside Town Council

Applicant:

Mr & Mrs Pell

Location:

6 Park Lane Kirkbymoorside YO62 6BN

Proposal:

Installation of 2no. rooflights to south roofslope, 2no. rooflights to north roofslope and raising of roof height to allow formation of additional domestic accomodation together with replacement of conservatory with brick utility room and replacement of 2no. front bay windows with UPVC windows and folding doors.

Appeal Decision

Site visit made on 10 June 2014

by **S Watson BA (Hons) MCD MRTPI**

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

Decision date: 12 June 2014

Appeal Ref: APP/Y2736/D/14/2217072

The Brow, Leavening, MALTON, North Yorkshire, YO17 9SR

- 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 Mrs J Smith against the decision of Ryedale District Council.
 - The application Ref 12/01223/HOUSE was refused by notice dated 27 January 2014.
 - The development proposed is the erection of a two storey rear extension, demolition of detached garage building, alterations to existing building, temporary erection of 1.8m high timber boundary fence, and permanent hedge.
-

Decision

1. The appeal is dismissed insofar as it relates to the fence and planning permission is refused for the temporary erection of 1.8m high timber boundary fence. The appeal is allowed insofar as it relates to the extension and planning permission is granted for the erection of a two storey rear extension, demolition of detached garage building and alterations to existing building at The Brow, Leavening, Malton, North Yorkshire, YO17 9SR in accordance with the terms of the application, Ref 12/01223/HOUSE, dated 17 December 2012 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan; 01; 02; 08B; 09; and 10.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Development shall be carried out in accordance with the recommendations for the protection of bats contained within section 6.2 of the submitted Wold Ecology Ltd Bat Survey dated July 2012. The bat box described therein shall be erected before the commencement of development.

Procedural Matter

2. The planting of a hedge is not an act of development and therefore I have not referred to it in the formal decision. The fence has been erected and therefore I have considered this element of the proposal retrospectively.

Main issue

3. The main issue is the effect of the fence and the proposed extension upon the character and appearance of the area.

Reasons

4. The site is within the open countryside and also within the Yorkshire Wold Area of High Landscape Value (YWAHLV) which is valued locally for its natural beauty and scenic quality. I noted at my visit that boundaries in the vicinity of the site tend to be marked by hedges and/or low post and rail wooden fences. Therefore, the fence, because of its relatively tall height and its solid and lengthy construction, appears stark, obtrusive and incongruous within this open and rural landscape. I note the appellant's comments that the fence does not screen fields, nevertheless, it is a prominent feature along the road. I also note her comments that the fence has weathered and is now blending in with the landscape. However, I disagree that the weathering process means that it blends with its surroundings.
5. For these reasons, I conclude that this element of the scheme has a significant and harmful effect on the character and appearance of the area. As such, it harms the YWAHLV. This brings it into conflict with the adopted Ryedale Plan – Local Plan Strategy, 2013 (LP), policy SP13 which seeks to protect the character of the Yorkshire Wolds Landscape; and LP policies SP16 and SP20 which jointly indicate that development should respect its context, be well integrated into its surroundings and promote local distinctiveness.
6. I appreciate that the fencing would be retained until a hedge has grown but this might take some time to mature and the appellant indicates that the fence has already been in situ for at least 2 years which is already a lengthy time for the existence of a harmful feature in the landscape. I am conscious that the appellant would like privacy and noise insulation from the road but these matters do not outweigh the harm I have found and I have no evidence before me that noise from the road is so great that it causes demonstrable harm to living conditions.
7. I now turn to the 2-storey extension. The existing 19th Century cottage is of a simple design and constructed of stone, render and clay roof tiles. The front elevation of the house would remain unaffected by the extension. The Council acknowledges that the extension would be subservient to the existing building and, according to the application form, the materials of the extension would be stone and clay pantile to match the existing materials and would therefore be compatible with the existing built form. I appreciate that there would be a large glazed area at the rear but this would not be a significant part of the overall house. Whilst the glazing would be a contrast to the stone, I consider that it would not look out of place as part of a domestic building, and as the house is isolated from other dwellings, there is no particular built form to adhere to. In addition, due to the subservient scale of the extension, it would not result in an urbanising appearance.

8. Therefore, I conclude that the extension would not harm the character and appearance of the area and there would be no conflict with LP Policies SP13, SP16 or SP20.
9. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. A condition concerning the development's external materials is needed to protect the character and appearance of the YWAHLV. A condition in respect of the protection of bats has been imposed as the house provides a potential habitat for bats.
10. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the extension, subject to the conditions attached, but dismissed insofar as it relates to the fence.

Siobhan Watson

INSPECTOR