

PLANNING COMMITTEE

Tuesday 18 November 2014 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes of meeting held on 21 October 2014** (Pages 3 - 7)
- 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 8 - 9)
- 6 **Enforcement Report - 10/00156/BC - Steam And Moorland Garden Centre, Malton Road, Pickering** (Pages 10 - 22)
- 7 **Enforcement Report - 14/00015/CU - Musley Bank Stables, Musley Bank, Malton** (Pages 23 - 28)
- 8 **Enforcement Report - 14/00007/UD - Canadian Fields, Gale Lane, Nawton** (Pages 29 - 53)

- 9 **14/00949/FUL - Canadian Fields, Gale Lane, Nawton** (Pages 54 - 70)
- 10 **14/00947/MFUL - ATS Euromaster, 25-27 Commercial Street, Norton** (Pages 71 - 73)
- 11 **14/00132/MFUL - Kingspan, St Hildas Street, Sherburn, Malton** (Pages 74 - 169)
- 12 **14/00950/MFUL - Poplar House Farm, Leppington Lane, Leppington, Malton**
(Pages 170 - 199)
- 13 **14/00976/MREM - Land At OS Field 9525, Crossgate Lane, Pickering** (Pages 200 - 215)
- 14 **13/00885/FUL - Buildings At Mount Farm, Main Street, Westow** (Pages 216 - 278)
- 15 **14/00896/FUL - Rainbow Cottage, Westgate Lane, Old Malton** (Pages 279 - 291)
- 16 **14/01077/FUL - 44 Potter Hill, Pickering** (Pages 292 - 322)
- 17 **14/01081/OUT - Land At Piercy End, Kirkbymoorside** (Pages 323 - 338)
- 18 **Any other business that the Chairman decides is urgent.**
- 19 **List of Applications determined under delegated Powers.** (Pages 339 - 343)
- 20 **Update on Appeal Decisions** (Pages 344 - 348)

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 21 October 2014

Present

Councillors Mrs Burr MBE, Clark (Substitute), Cussons (Substitute), Mrs Frank (Vice-Chairman), Mrs Goodrick, Hope, Maud, Richardson and Windress (Chairman)

Substitutes: Councillor J S Clark (for Councillor TB Woodward) and Councillor D Cussons (for Councillor Mrs J E Sanderson)

In Attendance

Jo Holmes, Chris Osmond, Gary Housden, Rachel Smith, Helen Bloomer and Anthony Winship

Minutes

98 Apologies for absence

Apologies were received from Councillor Woodward and Councillor Mrs Sanderson.

99 Minutes of meeting held on 23 September 2014

Decision

That the minutes of the meeting of the Planning Committee held on 23 September 2014 be approved and signed by the Chairman as a correct record.

[For 6 Against Abstain 1]

100 Urgent Business

There was no urgent business.

101 Declarations of Interest

Councillor	Application
Hope	6,8,11
Goodrick	8
Clark	8
Maud	6

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

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

103 **14/00900/MFUL - Mill House, Scarborough Road, East Knapton, Malton**

14/00900/MFUL - Change of use and alteration of farm buildings to form office and small parts storage, erection of attached office building with three bedroom on-site managers apartment to first floor together with erection of warehouse building and workshop building, formation of parking and upgrading of vehicular access - all works to form a commercial dealership for agricultural equipment.

Decision

PERMISSION GRANTED – Approval delegated to Head of Planning & Housing subject to views of outstanding consultees and mitigation conditions.

[For 9

Against 0

Abstain 0]

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

104 **14/00914/MFUL - Fosters Wold Farm, Weaverthorpe, Malton**

14/00914/MFUL - Erection of 2 no. broiler units to house a maximum of 80,000 poultry together with associated control rooms, boiler house, 6 no. feed bins and area of hardstanding.

Decision

PERMISSION GRANTED – Subject to conditions as recommended and an additional condition relating to archeology.

[For 8

Against 0

Abstain1]

105 **14/00613/OUT - Land Off Kirk Balk Lane, Claxton**

14/00613/OUT - Erection of an agricultural worker's dwelling (site area 0.1ha) (revised details to refusal 13/00037/OUT dated 31.05.2013).

Decision		
DEFERRED		
[For 9	Against 0	Abstain 0]

In accordance with the Members' Code of Conduct Councillors Hope, Clark, and Mrs Goodrick declared a personal non pecuniary but not prejudicial interest.

106 **14/00856/FUL - Norton Bowls Club, Bowling Lane, Norton**

14/00856/FUL - Change of use and alteration of part of bowls club building from D2 Use (Assembly and Leisure) to D1 Use (Non-residential institutions) for use of a dance school and a pre school playgroup to include parking and dedicated outdoor play space for the pre-school playgroup.

Decision		
PERMISSION GRANTED – Subject to conditions as recommended.		
[For 9	Against 0	Abstain 0]

107 **14/00882/HOUSE - Lilac Cottage, Main Street, Wombleton**

14/00882/HOUSE - Erection of two storey rear extension following demolition of existing single storey rear extension.

Decision		
PERMISSION GRANTED – Subject to conditions as recommended including obscure glazing of stairwell window.		
[For 9	Against 0	Abstain 0]

108 **14/00883/HOUSE - Nesslyn, West End, Sheriff Hutton**

14/00883/HOUSE - Erection of part two storey/part single storey extension to the west and north elevations and entrance porch to the south elevation.

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 9 Against 0 Abstain 0]

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

109 **14/00889/HOUSE - Green View, Page Lane, Wombledon**

14/00889/HOUSE - Retention of single storey extension to north elevation, boundary wall to east elevation and external cladding and installation of 15no. solar panels on the west roofslope and flat roof.

Decision

PERMISSION GRANTED – Subject to conditions as recommended.

[For 9 Against 0 Abstain 0]

110 **14/00909/HOUSE - Newlands, 4 St Peters Crescent, Norton**

14/00909/HOUSE - Erection of single storey side and rear extensions to include integral garage with storage above.

Decision

DEFERRED

[For 9 Against 0 Abstain 0]

111 **14/01039/FUL - Ryedale Swimming Pool, Mill Lane, Pickering**

14/01039/FUL - Erection of single storey linked extension to north (front) elevation to form fitness centre with use of part of adjacent existing changing rooms as a gym.

Decision

PERMISSION GRANTED – Subject to conditions as recommended and expiry of consultation period and no objection from Pickering Town Council.

[For 9 Against 0 Abstain 0]

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

There was no urgent business.

113 **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.

114 **Update on Appeal Decisions**

Members' were advised of the following appeal decisions.

Appeal Ref: APP/Y2736/A/14/2211925 – High Barn, West Lutton, Malton

Appeal Ref: APP/Y2736/A/14/2214575 – Jubilee Farm, Helerthorpe, Malton

Meeting Closed at 8.30pm.

Agenda Item 5

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 18/11/14

9

Application No: 14/00949/FUL

Application Site: Canadian Fields Gale Lane Nawton York YO62 7SD

Proposal: Erection of pre-fabricated building for use as camp kitchen to serve camp cafe (retrospective application).

10

Application No: 14/00947/MFUL

Application Site: ATS Euromaster 25 - 27 Commercial Street Norton Malton North Yorkshire YO17 9HX

Proposal: Erection of 36no. one bedroom apartments. 20no. two bedroom apartments, 3no. three bedroom dwellings and 2no. four bedroom apartments with undercroft parking, private and communal amenity areas, landscaping, management office, alteration to existing vehicular access and erection of street front commercial unit with one bed studio above.

11

Application No: 14/00132/MFUL

Application Site: Kingspan St Hildas Street Sherburn Malton North Yorkshire YO17 8PQ

Proposal: Over cladding of existing insulated roofs with Kingspan insulated roof sheet and installation of a 6mw solar PV system onto the new roof sheeting (55, 700m² of solar PV panels).

12

Application No: 14/00950/MFUL

Application Site: Poplar House Farm Leppington Lane Leppington Malton North Yorkshire YO17 9RL

Proposal: Excavation of clay-lined slurry lagoon

13

Application No: 14/00976/MREM

Application Site: Land At OS Field 9525 Crossgate Lane Pickering North Yorkshire

Proposal: Erection of a retirement community of 168no.assisted living units comprising 50no. two bedroom and 40no. one bedroom care suites/apartments and 70no. two bedroom and 8no. one bedroom bungalows together with associated community facilities, access, parking and landscaping (outline approval 13/00016/MOUT dated 21.01.2014 refers).

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 18/11/14

14

Application No: 13/00885/FUL

Application Site: Buildings At Mount Farm Main Street Westow Malton

Proposal: Erection of 1no. 3 bedroom dwelling with attached carport and a terrace of 1no. 3 bedroom and 2no. 2 bedroom dwellings with associated parking and amenity areas.

15

Application No: 14/00896/FUL

Application Site: Rainbow Cottage Westgate Lane Old Malton Malton North Yorkshire YO17 6SG

Proposal: Erection of a steel framed building to incorporate 30no. stables for use in association with The Rainbow Equine Hospital to include demolition of existing former dog kennels and new vehicular access point.

16

Application No: 14/01077/FUL

Application Site: 44 Potter Hill Pickering North Yorkshire YO18 8AD

Proposal: Erection of single storey linking extension, conversion of outbuilding to office/study and change of use and alteration of detached outbuilding to a two bedroom holiday cottage with 2 no. parking spaces (part retrospective application)

17

Application No: 14/01081/OUT

Application Site: Land At Piercy End Kirkbymoorside

Proposal: Erection of dwelling with detached garage (site area 0.1ha)

Agenda Item 6

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 18 NOVEMBER 2014

Report of the Head of Planning

Non-compliance with both condition 06 of planning approval 00/00400/OUT and condition 6 of approval 02/00880/FUL at Steam & Moorland Garden Centre, Malton Road, Pickering North Yorkshire

Purpose of the Report

To advise Members of alleged breaches of planning control and recommend an appropriate course of action.

1. SITE LOCATION

1.1 The site lies to the south of Pickering outside the defined development limits for the settlement, to the eastern side of the A169 Malton to Pickering road. It is approximately 1.3km from Pickering Town Centre. It currently consists of an established garden centre and garden machinery sales and repairs business. There are two main buildings on the Steam and Moorland Centre complex which may be described as follows :

- 1.1.1 the Garden Centre building; and
- 1.1.2 the Machinery Centre building .

2. BREACHES OF CONDITIONS

2.1 The breaches of planning control comprises the breach of conditions restricting the range of goods which may be sold from both the Garden Centre building and the Machinery Centre building on the Steam and Moorland Centre complex. These are described below.

2.2 Non-compliance with Condition 06 on approval 00/00400/OUT (the Garden Centre building)

Condition No. 06 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;

PLANNING COMMITTEE

18 NOVEMBER 2014

Page 10

- (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.

2.2 Non-compliance with Condition 06 on approval 02/00880/FUL (the Machinery Centre building)

The building hereby approved shall only be for the display, sale and maintenance of the following categories of goods

Garden and Agricultural Machinery

The building shall not be used for any other purpose (including any other purposes in Use Class A1 of the Schedule of the Town & Country Planning (Use Classes) Order 1987, or any provisions equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason:- As the site is located in open countryside where a wider retail use may not be appropriate and would be contrary to Policy R4 of the Ryedale Local Plan.

3. WHAT BREACHES HAVE OCCURRED

3.1 The use of the site was investigated by the Council's Enforcement Officer after complaints from operators within Pickering Town Centre regarding the goods for sale at the site. Complaints were received between November 2010 and January 2011.

3.2 When visiting the site, the Enforcement Officer noted numerous items for sale that fell outside those listed in Condition 06 of approval 00/00400/OUT. These included power tools and DIY items, pets and pet housing, general clothing, fuel, children's toys.

- 3.3 The appeal statement submitted by the appellant in relation to the appeal against the decision of the Local Planning Authority to refuse application ref. 13/01242/CLEUD states the following in relation to the Machinery Centre building:

“The Local Planning Authority was provided with a detailed explanation of the circumstances relating to the sale of DIY goods. It is correct that DIY goods have been (and still are) sold from the adjoining Machinery Centre, which was opened for trading in 2006, but this does not alter the fact that they have also been sold from the application premises since 2003.”

4. HISTORY

- 4.1 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 a CLEUD appeal, 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.
- 4.2 The second building on the Steam and Moorland complex has been described as the Machinery Centre. Building control records show that this building was completed on the 3rd January 2008.
- 4.3 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.
- 4.4 The detailed planning history of the Steam and Moorland complex is as follows :

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.
This application was approved on 28 August 2014.

13/01242/CLEUD This application was in respect of the alleged retail sale of goods in breach of condition 06 of approval 00/00400/OUT for more than 10 years. This application was registered on 30 October 2013. The application was considered by the Planning Committee meeting on 1 July 2014: Refused.

Members of the Planning Committee encouraged the applicant to submit an application for a variation of condition for a limited extension of the range of goods that may be sold from the Garden Centre for consideration by the Planning Committee.

Appeal Lodged. Public Inquiry scheduled for 17 March 2015.

- 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 – This planning application was considered by the Planning Committee meeting on 29 July 2014.
At the early part of the agenda relating to declarations of interest Councillor Ann Hopkinson declared that she was a director and shareholder of the garden centre at Item 14 on the agenda relating to the Steam and Moorland Garden Centre Limited.
When the Planning Committee considered the Steam and Moorland planning application Councillor Hopkinson refused to leave the Committee meeting despite being requested to do so by Councillor Raper the Chairman of the Planning Committee.
The impasse was dealt with by the Planning Committee resolving to defer consideration of the planning application.
By a letter from Councillor Ann Hopkinson dated 12 October 2013, addressed to Councillor Raper as Chairman of the Planning Committee and the Members of the Planning Committee, Councillor Hopkinson apologised for causing disruption and also acknowledged that the constitution did require her to leave the Planning Committee meeting on 29 July 2013 because of her interests.
Councillor Ann Hopkinson ceased to be a substitute Member of the Planning Committee as from 31st October 2013.
- The planning application was WITHDRAWN on 6 December 2013
- 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 – Appeal dismissed by decision letter dated 19 July 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
- This planning permission includes a condition which deals with the issue of the outdoor sales area and is currently being considered through a discharge of condition application pursuant to the planning permission granted in respect of planning application reference 11/00749/73A.
- 05/01199/ADV Advertisement Consent granted for the display of 3m by 2m non-illuminated post mounted V name sign.

PLANNING COMMITTEE

18 NOVEMBER 2014

Page 13

- 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.

5. PLANNING POLICY CONTEXT

5.1 The relevant planning policy considerations are:

National Planning Policy Framework (NPPF)

- | | | |
|--------------|---|---------------------------------------|
| Paragraph 14 | – | Achieving Sustainable Development |
| Section 2 | – | Ensuring the vitality of town centres |
| Section 3 | – | Supporting a prosperous rural economy |

Ryedale Plan - Local Plan Strategy

- | | | |
|-------------|---|--|
| Policy SP7 | – | Town Centres and Retailing |
| Policy SP19 | – | Presumption in Favour of Sustainable Development |
| Policy SP20 | – | Generic Development Management Issues |

6. APPRAISAL

6.1 The planning permission granted for the garden centre in August 2000 restricted the sale of goods from the site to a category largely linked to items found within a garden. The items outside this range were listed as ‘incidentals’ under viii) namely gardening books and videos, cards, artificial flowers and small animal feed; and listed Christmas items, under ix) natural and artificial trees, cards and decorations. This granted planning permission for a reasonable level of additional products in association with the Garden Centre. This condition was applied to prevent general retailing from this site as it would prejudice the vitality and viability of Pickering Town Centre.

6.2 A detailed list of unauthorised items currently for sale at the garden centre include:

- Power tools, nails, screws, paint
- Pets - fish, budgies, together with cages and animal houses
- Clothes - outdoor wear, work clothes, overalls, boots, shoes and socks
- Coal - coal bunkers, logs
- Children’s toys - go-karts, sledges
- Books, diaries and address books, clocks, ornaments
- Jams, toasters, thermos flasks

This list is not exhaustive and such items as vacuum cleaners and freezers have also been sold from the site.

6.3 Following a meeting with the owners of the business in May 2011, a planning application was subsequently received on 20 June 2011 to vary Condition 06 on

approval 00/00400/OUT. It listed the following items to be included for sale from the garden centre:

- Garden and general toys
- Garden gates and furniture; handles, bolts, locks, chain
- Conservatory furniture and decorations
- Greenhouses and sheds and ancillary goods necessary for the erection and maintenance; alarms, ladders, door fittings, hooks, power sockets, wiring flex, sealant, paint and watering systems
- Giftware; candles, pictures, pottery, ceramics and glassware, bath and beauty, soft furnishings (cushions etc) and homeware style gifts e.g. trays, coaster, biscuit tins
- Winter necessities; coal, logs, lighters, grit, de-icer, fuel, fireside accessories
- Animal feeds
- Farm shop style produce; jams, biscuits, breads, vegetables, meats
- Water features, aquatics, spas and pools
- Country and protective style clothing and footwear
- Hardware goods ancillary to gardening goods; hand tools, light power tools, fixing
- Solar and electrical lighting and items required for their installation, switches, cables, bulbs.

- 6.4 On the application for the original outline permission in 2000, the applicants at that time were advised that the sequential test was needed to be undertaken in accordance with PPG6 - 'Town Centres & Retail Development' 1996 and Policy R4 - Retail development outside the Town Centre Commercial Limits of the Draft Local Plan at the time. The applicants made a case that the proposed garden centre was closely aligned with Rogers Nurseries which is immediately to the north of the site and shares the same access. They also argued that this would allow Rodgers Nurseries to focus on its key plant business and less on the retail side. The applicants were asked to submit a list of products they would sell from the Garden Centre, which they did. It is clear from the outset that the sequential test was required for general retailing. The applicants made a case, however, that it had specialist links with the adjoining nursery use. The Planning Committee accepted this argument but subject to the imposition of Condition 06 limiting the range of goods that could be sold.
- 6.5 In 2012 a planning appeal was received against the non-determination of planning application 11/00622/73A to vary Condition 06 of planning approval 00/00400/OUT. The appeal was dismissed by the Planning Inspector. Members are referred to the appendix of this report which includes a copy of the Inspectors decision.
- 6.6 In 2014 a Certificate of Lawfulness was refused in respect of the retail sales of goods in breach of condition 06 of approval 00/00400/OUT. The applicant had not demonstrated to the satisfaction of the Local Planning Authority that a breach of condition 06 had occurred for a period of 10 years. The applicant has appealed this decision and the Public Inquiry is scheduled for 17 March 2015.
- 6.7 The appeal statement in relation to the CLEUD appeal for the Garden Centre referred to in paragraph 3.3 above clearly indicates a breach of condition in the Machinery Centre.
- 6.8 In view of the applicant's refusal to adhere to National Planning Policy, the nature of the complaints received, and the evidence of the clear breaches of planning conditions, it is

considered that the Local Planning Authority should take action to remedy these breaches of planning control.

7. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A NOTICE?

7.1 The site is located in open countryside outside the development limits of Pickering and well outside of any identified Town Centre Commercial Limits. Without information to satisfy the sequential test requirements identified in Section 2 of the NPPF, the general retail sales as detailed above from the garden centre are contrary to national planning advice contained in the NPPF. This use would adversely impact on the vitality and viability of Pickering town centre. The breach of control would also form an unsustainable form of development contrary to the requirements of Para. 14 of the NPPF and Policy SP19 of the Ryedale Local Plan Strategy. In this instance, with a clear breach of a planning condition (imposed for good reason and which is supported by national policy), it is considered expedient to take action and issue a Breach of Condition Enforcement Notice.

7.2 The expediency reason to serve an enforcement notice is outlined below:

1. The unauthorised breach of condition is contrary to Policy SP7 of the Ryedale Local Plan Strategy and Section 2 of the NPPF as it constitutes the unauthorised sale of goods from an out of town centre location. Policy SP7 only supports proposals which “maintain and enhance the vitality and viability of each town centre” and which involve development “redevelopment of land and buildings within or on the edge of the Town Centre Commercial Limits”. The unauthorised sale of goods in this location does not maintain and enhance the vitality and viability of Pickering and does not involve the redevelopment of land and buildings within or on the edge of the Town Centre Commercial Limits. Therefore, without the submission of a sequential test as required by the NPPF in such circumstances, it has not been demonstrated that no harm to Pickering town centre has occurred and that the development would be sustainable. The development is thereby contrary to Para. 14 and Section 2 of the NPPF, and Policy SP7 and SP19 of the Ryedale Local Plan Strategy.

8. STEPS NECESSARY TO REMEDY THE BREACH

8.1 This report seeks authorisation to serve a formal enforcement notice to ensure compliance with Condition 06 on approval 00/00400/OUT and Condition 06 on approval 02/00880/FUL to achieve compliance with Condition 06 of both the above planning permissions the necessary steps include:

1. The cessation of the sale of goods on the site which are not permitted under Condition 06 of planning permission ref. 00/00400/OUT together with the removal of those unauthorised goods from the site.
2. The cessation of the sale goods on the site which are not permitted under Condition 06 of planning permission ref. 02/00880/FUL together with the removal of those unauthorised goods from the site.

9. SUGGESTED PERIOD FOR COMPLIANCE

9.1 The suggested period for compliance is one month.

Recommendation

The Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue an enforcement notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring :

- (i) The cessation of the sale of goods on the site which are not permitted under Condition 06 of planning permission ref. 00/00400/OUT together with the removal of those unauthorised goods from the site; and
- (ii) The cessation of the sale of goods on the site which are not permitted under Condition 06 of planning permission ref. 02/00880/FUL together with the removal of those unauthorised goods from the site.

Background Papers

Investigation file 08/00145/BC

Investigation file 10/00156/BC

Application 00/00400/OUT

Application 10/00114/FUL

Application 11/00600/73A

Application 13/01242/ CLEUD

H&S: CDM Regulations. All products and materials to be used and installed in accordance with recommendations/instructions and in accordance with BS 5834:2005.

These drawings have been prepared to the stated scale and are not to be used for any other purpose. They are prepared to the same scale unless otherwise stated. They are not to be used for any other 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

NOTATION:
Application boundary line

RYEDALE DM
19 JUN 2014
DEVELOPMENT MANAGEMENT



THIS DRAWING IS THE PROPERTY OF MALCOLM SCOTT CONSULTANTS LTD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MALCOLM SCOTT CONSULTANTS LTD.

CLIENT: Hopkinson and Sons Ltd.
 SITE: Steam and Woodland Garden and Machinery Centre, Malton Road, Pickering, North Yorkshire YO18 7JW
 PROJECT: LINK Building
 DRAWING: Application for Variation of Condition approval ref. no. 100023073A
 DRAWING NO: 100023073A
 SCALE: 1:500
 DATE: 19 JUN 2014
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 © Malcolm Scott Consultants Ltd
 CONSULTANTS LTD
 MALCOLM SCOTT
 100023073A
 THIS DRAWING MAY NOT BE REPRODUCED WITHOUT OUR WRITTEN CONSENT



Appeal Decision

Site visit made on 2 May 2012

by **Julia Gregory BSc (Hons) BTP MRTPI MCI**

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

Decision date: 19 July 2012

Appeal Ref: APP/Y2736/A/12/2168714

**Steam and Moorland Garden and Machinery Centre, Malton Road,
Pickering, North Yorkshire YO18 7JW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Charles Hopkinson against Ryedale District Council.
- The application Ref 11/00622/73A is dated 10 June 2011.
- The application sought planning permission for the erection of a garden centre without complying with a condition attached to planning permission Ref 00/00400/OUT, dated 4 August 2000. The condition in dispute is No 6 which states that:

The building(s) hereby approved shall only be used as a garden centre for the display and sale of the following categories of goods:

- *Pot and bare rooted plants, ornamental fruit bushes and trees, seeds/bulbs, vegetable and bedding plants, ornamental and fruit trees, cut flowers;*
- *Garden requisites such as composts, fertilisers, weed killers/disinfectants, spray equipment, netting, cloches, plant supports;*
- *Gardening and greenhouse tools and equipment;*
- *Gardening protective clothing and footwear;*
- *Garden pond liners, pumps and equipment, pebbles, aquatic plants, fish and fish food;*
- *Fencing, path and patio construction materials such as gravel, paving slabs, edging materials;*
- *Garden furniture and ornaments such as seating, umbrellas, barbecue and barbecue fuel, bird tables, feeders and bird feed;*
- *Incidentals such as gardening books and videos, cards, artificial flowers, small animal feed (e.g. rabbit food); and*
- *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 revoking or re-enacting that Order with or without modification).

- The reason given for the condition is: *The site is in open countryside where current planning policy would not normally permit general retail uses.*
-

Preliminary matter

1. The Government has recently introduced a National Planning Policy Framework (the Framework). This has replaced various national planning policy documents including PPS4 that was referred to in the Council's appeal statement. I have taken the Framework into account in my determination of the appeal.

Decision

2. The appeal is dismissed and planning permission for the erection of a garden centre at Steam and Moorland Garden and Machinery Centre, Malton Road, Pickering, North Yorkshire YO18 7JW without complying with condition No 6 attached to planning permission Ref 00/00400/OUT, dated 4 August 2000 is refused.

Main Issue

3. The main issue is the effect on the vitality of Pickering Town Centre.

Reasons

4. The garden centre has been built and is in operation. It is sited outside the town of Pickering. It lies within the open countryside adjacent to the A169. The appellant wishes to extend the range of goods covered by condition No 6 of the original planning permission to allow for the sale of the following categories of products in addition to those included in the original condition:
 - Garden and general toys;
 - Garden gates and furniture; handles, bolts, locks, chain;
 - Conservatory furniture and decorations;
 - Greenhouses and sheds and ancillary goods necessary for their erection and maintenance; alarms, ladders, door fittings, hooks, power sockets, wiring flex, sealant, paint and watering systems;
 - Giftware; candles, pictures, pottery, ceramics & glassware, bath & beauty, soft furnishings (cushions etc) and homeware style gifts e.g., trays, coasters, biscuit tins;
 - Winter necessities: coal, gas, logs, lighters, grit, de-icer, fuel, fireside accessories and animal feeds;
 - Farm shop style produce; Jams, biscuits, breads, vegetables, meats;
 - Water features, aquatics, spas and pools;
 - Country and protective style clothing and footwear;
 - Hardware goods ancillary to gardening goods; hand tools, light power tools, fixings;
 - Solar and electrical lighting and items required for their installation; and switches, cables, and bulbs.
5. As part of the appeal the appellant asked to add "pets and accessories" to the list of goods that could be sold. However, I am unable to alter the proposal in that manner since it could prejudice the rights of those who might wish to comment on this alteration.
6. The Framework seeks to support the vitality and viability of town centres. It specifies that local planning authorities should apply a sequential approach to the consideration of planning applications for main town centre uses that are

- not in an existing centre and are not in accordance with an up to date local plan.
7. This proposal is not for small scale rural development to which the sequential approach should not be applied. The sequential approach requires applications for main town centre uses to be located in town centres, then in edge of centre locations. Only if suitable sites are not available should out of centre sites be considered.
 8. The Council granted planning permission for the garden centre on the basis that the business was aligned to the neighbouring nursery business, a use which required a rural location, and that the premises was not going to be used for general retailing purposes. The list of goods covered by condition no 6 and the reason for the condition broadly reflects previous and current national planning policy on retailing and development in the open countryside. In addition, when the Council granted planning permission for the machinery centre, the Council again restricted sales, this time to garden and agricultural machinery.
 9. Extending the list could result in, for example, the whole of the premises being used for the sale of hardware and DIY goods. Alternatively, the premises might be used solely for the sale of food stuffs - jams, biscuits, breads, vegetables and meats. Those and the other products in the list could equally well be sold from town centre sites. No mechanism has been suggested that would control the amount of floorspace devoted to or turnover that might be expected from the sale of any of the goods included in the extensive list of products. Even if the balance of the goods sold in the store were to be a relatively balanced mix, the overall character of the store would very much change away from a garden centre, based on the sale of plants and associated garden goods.
 10. Whilst greenhouses and sheds are sometimes sold in garden centres they are equally sold in DIY stores and I am unable to disaggregate these from the ancillary goods that are specified along side them. The same is the position on winter necessities and water features, aquatics, spas and pools. I note that the sign on the building describes its use as a "DIY Centre", which is not what the planning permission specifies as the use. I have insufficient evidence to suggest that coal, gas lighters and grit could not be sold from a site within Pickering.
 11. This site is not only out of centre, it is outside the settlement. No assessment has been submitted to demonstrate that the proposal would satisfy the sequential test set down in the Framework. The Framework specifies that where an application fails to satisfy the sequential test, that it should be refused.
 12. The Framework does seek to promote development and diversification of agricultural and other land based businesses and promotes a strong rural economy. I acknowledge also that employment would be provided by the business, including in the winter months, and that there is a need to ensure that businesses are allowed to develop and modernise. Nevertheless, the diversification of the product range would be contrary to other parts of the Framework which seek to ensure the vitality of town centres and which is clear in its requirement that a sequential test needs to be satisfied.

13. The appellant argues that some of these products have been sold in the store for 10 years in breach of the condition. It is not before me to consider whether the sale of any of these products would be lawful. Nothing within this decision prevents the appellant from making an application for a certificate of lawful use for the sale of those products. I note the concerns of the appellant about the handling of the application by the Council. Nevertheless, the procedures adopted by planning authorities for determining planning applications are generally a matter for the authority within the context of local government accountability.
14. I have insufficient information about other garden centres elsewhere referred to in representations, including about how they came to sell the range of products that they currently sell and also retail proposals within the District to reach any conclusions as to their relevance to the proposal before me.
15. For the reasons given above, I conclude that the appeal should be dismissed.

Julia Gregory

INSPECTOR

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 18 NOVEMBER 2014

Report of the Development Manager

Musley Bank Stables, Musley Bank, Malton

Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

1. SITE LOCATION

- 1.1 The site is located on Musley Bank and within the Howardian Hills Area of Outstanding Natural Beauty.

2. ALLEGED BREACH OF PLANNING CONTROL

- 2.1 The alleged breach of planning control is that the horse walker approved under planning application 08/00630/MFUL (as highlighted in the attached plan) has not been constructed in accordance with the approved plans.

3. WHEN ALLEGED BREACH FIRST OCCURRED

- 3.1 The Local Planning Authority was first made aware of the breach on 24 March 2014.

4. HISTORY AND EVIDENCE OF BREACH

- 4.1 The planning consultant acting on behalf of the land owner has not provided any details to accurately document the extent of the breach. However, having carried out a site inspection, officers consider that the position of the development is similar to that approved. The main differences to officers are that the horse walker sits on a raised section of land (approximately 2m high), and that the diameter of the horse walker measures approximately 16.6m. The approved horse walker measured 14m in diameter.
- 4.2 Officers consider that the horse walker as constructed is more accurately shown within the approved drawings of the later planning permission ref. 14/00574/MFUL. The drawings can be seen within the appendix of this report and extracts of both plans are appended for Members information.

5. PLANNING POLICY CONTEXT

- 5.1 The relevant planning policy considerations are:

National Planning Policy Framework (NPPF)

- | | | |
|--------------|---|--|
| Paragraph 14 | – | Achieving Sustainable Development |
| Section 11 | – | Conserving and enhancing the natural environment |

Ryedale Plan - Local Plan Strategy

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

6. APPRAISAL

6.1 The main considerations in the assessment of this breach of planning control are:

Landscape Impact

6.2 Policy SP13 of the Ryedale Local Plan Strategy and the NPPF attach great weight to the protection to the landscape of the Howardian Hills Area of Outstanding Natural Beauty.

6.3 In this case, the existing horse walker is located within the established complex of buildings. The view of officers is that the alteration to the position and scale of this horse walker is not one that would be prominent within the landscape or would materially impact on the character and appearance of the AONB. The landscape impact of the development is considered to be acceptable and in accordance with the requirements of Policy SP12 and the NPPF.

Residential Amenity

6.4 Policy SP20 of the Ryedale Local Plan Strategy seeks to protect residential amenity.

6.5 The nearest residential dwellings are situated approximately 65m to the north of the site. At these distances, it is the view of officers that the alterations to the horse walker are not considered to be such that would materially impact on the amenity of nearby residents. Therefore, the development is considered acceptable in terms of residential amenity.

7. RECOMMENDATION

7.1 The National Planning Practice Guidance provides advice on planning enforcement stating:

“In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;*
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;*
- in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.”*

7.2 The view of officers is that development as built is not significantly different to the approved scheme to such an extent that would cause any material harm to residential amenity or any additional material impact on the surrounding area. Officers consider that the development would be acceptable on its planning merits. Therefore, in this case, it is considered that it is not expedient to seek formal enforcement action

7.3 In light of the above report, the recommendation to Members is that no formal enforcement action is taken.

Notes

Do not scale from this drawing or consider any dimension to be accurate.
This drawing is based on drawings & information received from the client. In the event of any discrepancy being found, these should be brought to the attention of the Prospect Design for further instruction.
This drawing is for planning purposes only and is not to be considered as construction or setting out drawing.

Note: Point shown approximately.
The proposed layouts are subject to the following, although not exhaustive:

- 1. Structural Engineers Requirements.
- 2. Mechanical and Electrical Engineers Requirements.
- 3. Planning and Building Regulations.
- 4. Planning approvals.
- 5. Building Regulations approvals.



THIS COPY AND REUSE MADE BY OUR CLIENTS ARE
 SUBJECT TO ACCEPTANCE OF THE PROVISIONAL
 STATE OF THE DRAWING AND THE CLIENTS
 SHALL BE RESPONSIBLE FOR THE ACCURACY
 OF THE INFORMATION AND DATA PROVIDED
 WITHIN THE DRAWING AND THE CLIENTS
 SHALL BE RESPONSIBLE FOR THE ACCURACY
 OF THE INFORMATION AND DATA PROVIDED
 WITHIN THE DRAWING AND THE CLIENTS

Ordnance Survey (c) Crown Copyright 2014. All rights reserved. Licence number 000224.32
 OS SITE LOCATION PLAN
 (Scale 1:1250)

REVISED PLAN

Drawing Title	
OS SITE LOCATION PLAN	
Scale	1:500 @ A1
Date	07/05/2014
Drawn	R.W.
Checked	
Drawing Number	
PD141-01-B	

REF	AMENDMENT	DATE
A <td>Issued following planning comments</td> <td>14/07/14</td>	Issued following planning comments	14/07/14
B <td>Amended following planning comments</td> <td>01/07/14</td>	Amended following planning comments	01/07/14

PROSPECT DESIGN
 Architectural Services
 64 Newbiggin, Malton, N Yorks, YO17 7JF
 Tel: 01853 690272 Mob: 07792700055
 email: info@prospectdesign.co.uk

Client
R. F. RACING LTD
 MEWS HOUSE
 MUSELY BANK, MALTON,
 N YORKS, YO17 6TD

Job Title
**PROPOSED DEVELOPMENT OF
 RACEHORSE TRAINING CENTRE.**

Notes

- Do not scale from this drawing or consider any dimension to be accurate.
- This drawing is based on drawings & information received from the client in the event of any discrepancy being found, these should be brought to the attention of the Prospect Design for further instructions.
- This drawing is for Planning purposes only and is not to be considered a construction or setting out drawing.
- North Point shown approximately.
- The proposed layouts are subject to the following, although not exhaustive:
 1. Structural Engineers Requirements;
 2. Mechanical and Electrical Engineers Requirements;
 3. Drainage Requirements;
 4. Building Regulations approvals;
 5. Building Regulations approvals;

1:1000 COPY FOR PERMITS
 NOT TO BE USED FOR CONSTRUCTION
 WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT
 ANY CHANGES TO THIS DRAWING
 MUST BE APPROVED BY THE ARCHITECT
 OTHERWISE THE PROJECT WILL BE
 CONSIDERED VOID
 COPYRIGHT © 2014

PROSPECT DESIGN
 Architectural Services
 6 Field View, Norton, Malton, N Yorks, YO17 9AZ
 Tel: 01453 890272 Mob: 0779270035
 email: prospectdesign@btinternet.com

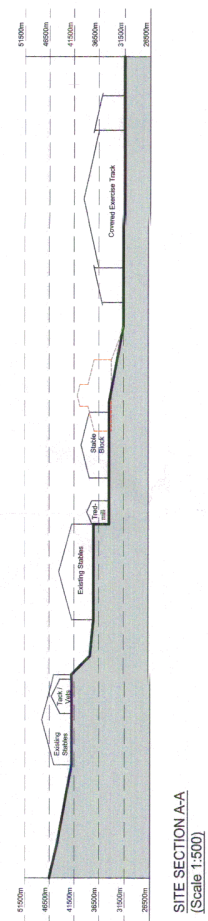
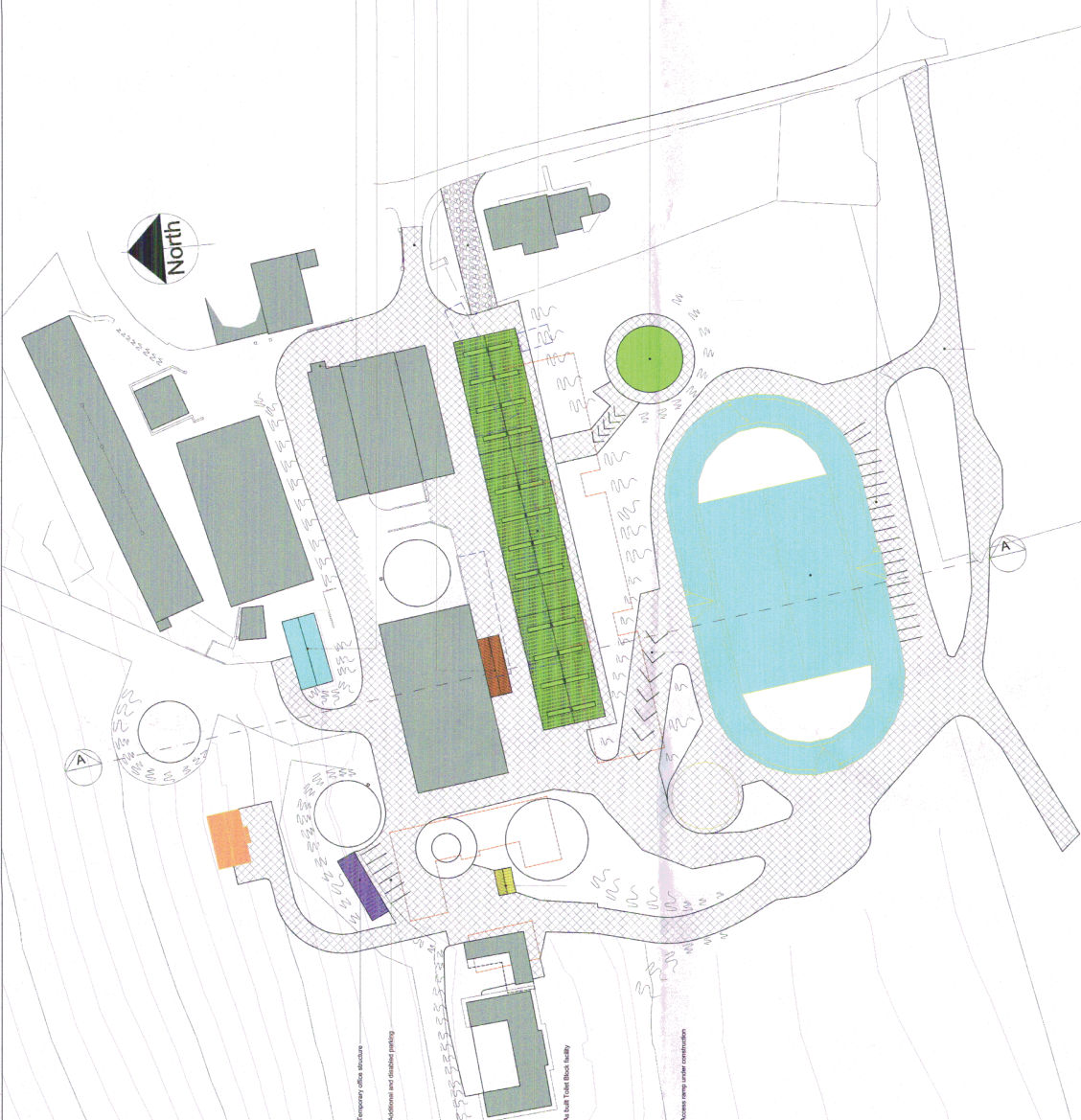
Client:
 R. F. RACING LTD
 MEWS HOUSE
 MUSELY BANK, MALTON,
 N YORKS. YO17 6 TD

Job Title:
 PROPOSED DEVELOPMENT OF
 RACEHORSE TRAINING CENTRE.

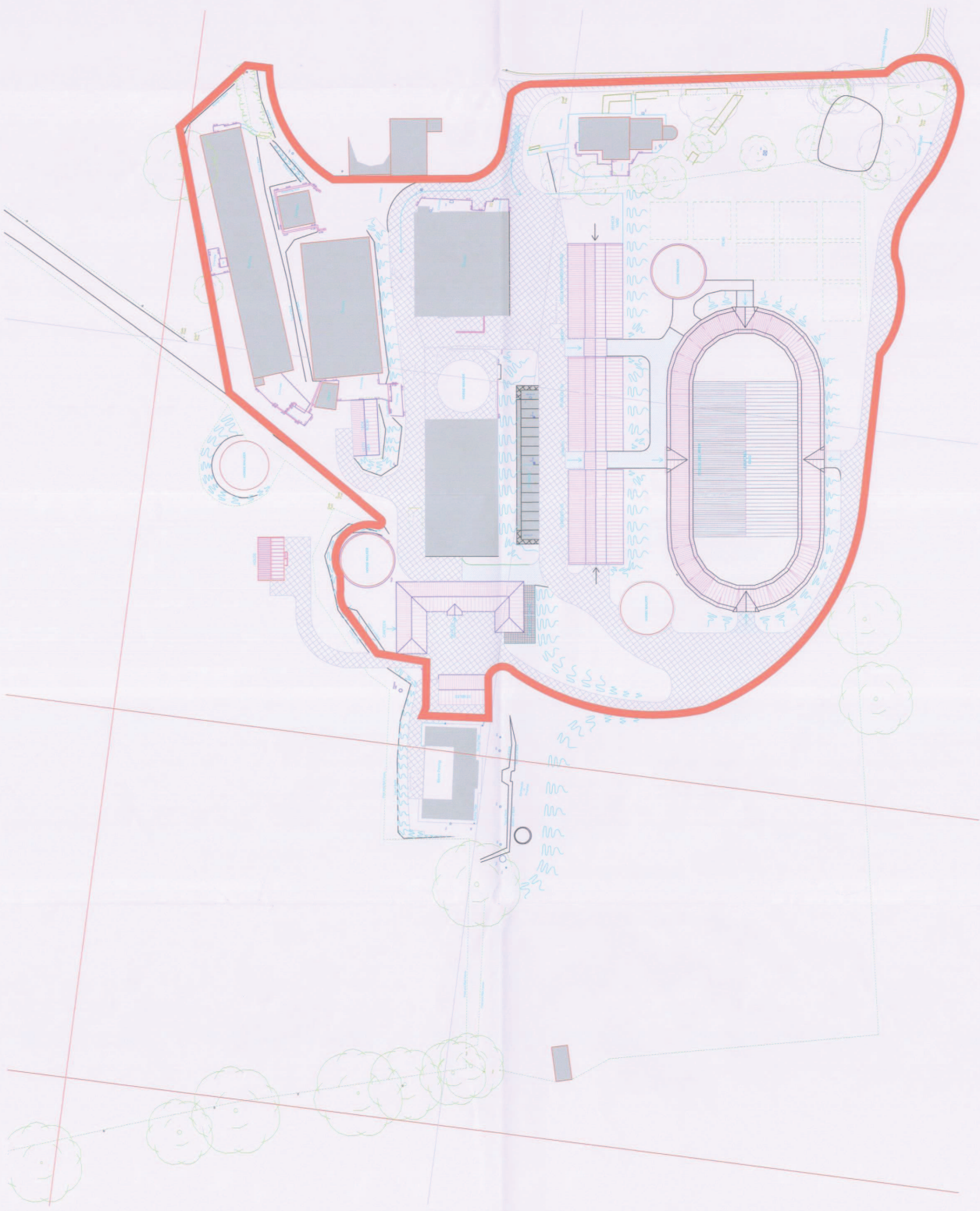
Drawing Title	
SITE BLOCK PLAN	
Scale	1:500 @ A1
Date	07.05.2014
Drawn	R.W.
Checked	
Drawing Number	
PD141-02	

- Key**
- Existing Buildings
 - Approved App; 04/00972/REM
 - Approved App; 08/00630/MFUL
 - Approved Under App; 08/00630/MFUL
 - Demolished Under App; 08/00630/MFUL
 - Currently under construction
 - Temporary Office Structure
 - Replacement Toilet Block
 - Proposed Treadmill Building
 - Existing and Proposed Hardstanding

- Proposed main block with a connection of new facility
- Venue and storage building as approved under application 08/00630/MFUL
- Drainage Access
- Proposed Treadmill building
- Temporary access to facilitate construction of new block to be removed once work is complete
- Proposed stable building under construction as approved under application 08/00630/MFUL
- Existing stable building under construction as approved under application 08/00630/MFUL
- Proposed office structure
- Replacement toilet block as approved under application 08/00630/MFUL
- Proposed parking spaces
- New access road as approved under application 08/00630/MFUL



Application Boundary



04.06.08 Stabling & storage arena area RP D
 20.06.08 Application Boundary added RP C
 27.06.08 Horse wash added RP B
 30.10.07 Horse wash bay and new RP A
 training trials added.

Date	Description	Drawn	CHK'd	Rev

PLANNING

Client: RF Racing
 Project: Extension to Racing Stables
 Title: Proposed Site Plan - Application Boundary

Drawn	M&B	CHK'd	RT	Date	10/06/2007
Scale	1:500 @A1	Drawn/No.		Rev	
					3262 - A - 02 D

mhi
 Architects • Civil & Structural Engineering • Project Management
 11th Floor, 100 Broad Street, London, E14 4JF
 T: 020 7463 1000 F: 020 7463 1113 E: info@mhi-engineers.co.uk W: www.mhi-engineers.co.uk

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 18 NOVEMBER 2014

Report of the Development Manager

Canadian Fields, Gale Lane, Nawton

Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

1. INTRODUCTION

- 1.1 Members will recall that this matter was originally presented on the agenda for the Planning Committee meeting dated 23 September 2014. At that time, the item was deferred as planning application ref. 14/00949/FUL had been recently validated.
- 1.2 The public consultation period for the submitted planning application has expired therefore the matter is re-presented to Members for consideration. This report should be read in conjunction with the Planning Officer report for this planning application. Members will note that 88 letters of support and 7 letters of objection have been received to the application.

2. SITE LOCATION

- 2.1 As identified by the Ryedale Local Plan, the site is located approximately 1km to the south of Nawton village within the open countryside and the Edge of the Moors Area of High Landscape Value.
- 2.2 Planning permission was granted for change of use of agricultural land to form a campsite providing 'glamping' style accommodation for no. 19 safari type tents in 2011 (11/00686/MFUL). The permission also included the formation of a vehicular access, provision of a store for the tents and the erection of a toilet, reception block and a 'canteen' marquee.

3. ALLEGED BREACH OF PLANNING CONTROL

- 3.1 Change of use of campsite (Sui Generis Use) to a mixed use comprising a campsite (Sui Generis Use) and restaurant (A3 Use Class) named 'Gi Sukawaka Restaurant'. Details of the restaurant, including an advertisement in the 'Yorkshire Advertiser' and an example menu can be found in the Appendix of this report. In addition, Members are directed to the website for the campsite (<http://canadianfields.co.uk/>).
- 3.2 An additional 'kitchen unit' has been located on the site to provide for the restaurant which is considered as part of planning application ref. 14/00949/FUL.

4. WHEN ALLEGED BREACH FIRST OCCURRED

- 4.1 The Local Planning Authority was first made aware of the ‘Gi Sukawaka’ Restaurant on the 2 June 2014.

5. HISTORY AND EVIDENCE OF BREACH

- 5.1 On the 3 June 2014, a letter was sent to the site owner identifying the breach of planning control. A response was received on the 11 June 2014, which identified that a Planning Consultant had been instructed to submit a retrospective planning application.

- 5.2 On the 4 July 2014, further correspondence was sent to the property owner as no planning application had been submitted. On the 17 July 2014, Planning Application ref. 14/00777/FUL was validated. The application sought planning permission for:

Change of use from canteen tent ancillary to the campsite for customers staying on the campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite (retrospective application).

A copy of the public consultation responses received to this application can be found in the Appendix of this report.

- 5.3 On the 19 August 2014, planning application reference 14/00777/FUL was withdrawn. The Planning Consultant advised the Council that he had taken legal advice and he considered that the development did not require planning permission. A copy of the withdrawal letter received from the Planning Consultant can be found in the Appendix of this report.

6. REQUIRES PLANNING PERMISSION?

- 6.1 The canteen marquee, named the ‘Gi Sukawaka’ Restaurant, currently provides a range of different meals, drinks and events to both residents of the campsite and customers located from outside of the site. The view of Officers and the Council’s Solicitor is that the current operation of the ‘ancillary canteen marquee’ is that of a restaurant use falling within Class A3.

- 6.2 In considering the need for planning permission, and determining if a material change of use has occurred, it is important to refer to planning application reference 11/00686/MFUL. Planning permission, was granted pursuant to this application for:

“Change of use of agricultural land to allow the siting of 19 no. tents on decking bases, erection of toilet and reception block and canteen marquee, change of use of agricultural building to winter tent store, formation of vehicular access, gravel site roads and paths, car parking and landscaping.”

- 6.3 Members will note that as part planning application 11/00686/MFUL, a ‘canteen marquee’ was granted permission. The use classes order identifies that a canteen which is not ancillary to another use, is an A3 Use Class. Therefore, in determining the need for planning permission for the restaurant, the question is whether the permitted use of the canteen marquee is ancillary to the campsite use.

- 6.4 To demonstrate this, reference is made to the application form for planning application 11/00686/MFUL (see Appendix). Section 18 of the form identifies that the applicant did not apply for any distinct or separate A3 use within the site. It is clear, therefore, that canteen marquee was intended to be ancillary to the wider campsite use only. By virtue of the provisions of the use classes order, the permitted use of the canteen marquee is therefore sui generis, and a material change of use of the campsite (sui generis use) to a mixed use comprising a campsite (sui generis use) and a restaurant (use class A3) has therefore occurred.
- 6.5 At this point reference is also made to planning application 14/00949/FUL. As part of the public consultation process of the application a significant number of responses have been received. In total 88 letters of support have been received, however Members will note that only 2 of those letters were from residents who identified they live outside of Ryedale or the surrounding area. This is significant as it identifies that the vast majority of people who have written in support of the development live in the surrounding area therefore are more likely to use be using the facility as a restaurant rather than the permitted campsite use. The following examples of the comments received from local residents identify the use of the restaurant:

“We have visited the restaurant over 20 times during the summer”

“Friends and family visit the restaurant on a regular basis”

“My daughter organised a surprise party for me at Canadian Fields which was wonderful and nearly 50 of our friends and family joined us in an amazing three course meal”

“We held my daughters christening here”

“We visit the restaurant on weekly basis”

“I booked the whole venue for my retirement party”

- 6.6 With regards to the events held on the site, such as weddings and race days, Members are advised that these do require planning permission as Class B, Part 4 of the GDPO 1995 does not provide permitted development and temporary uses if the land in question is a building, or is within the curtilage of a building.

7. PLANNING POLICY CONTEXT

- 7.1 The relevant planning policy considerations are:

National Planning Policy Framework (NPPF)

Paragraph 14	–	Achieving Sustainable Development
Section 2	–	Ensuring the vitality of town centres
Section 3	–	Supporting a prosperous rural economy
Section 11	–	Conserving and enhancing the natural environment

Ryedale Plan - Local Plan Strategy

Policy SP7	–	Town Centres and Retailing
Policy SP8	–	Tourism
Policy SP13	–	Landscapes

- Policy SP16 – Design
- Policy SP19 – Presumption in Favour of Sustainable Development
- Policy SP20 – Generic Development Management Issues

8. APPRAISAL

8.1 The issues surrounding the breach of planning control are:

i) The Principle of the Development

8.2 As identified in the Ryedale Local Plan, the application site is situated within the open countryside and outside any of the Town Centre Commercial Limits of the District. To ensure the continued vitality and viability of Ryedale's Market Towns or Service Villages, the introduction of town centre uses outside of town centre locations is discouraged in both National and Local Planning Policy.

8.3 In terms of National Planning Policy, Section 2 (Ensuring the vitality of town centres) of the NPPF is relevant. Paragraph 24 seeks to protect the viability and vitality of town centres through the sequential test process. It states that *'Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out centre sites be considered...'*

8.4 The aims of the NPPF are reflected in the requirements of Policy SP7 of the Ryedale Plan - Local Plan Strategy which seeks to ensure that the town centres will be the focus for a diverse range of uses in the District.

8.5 In this case, the site owner has not provided a sequential test for the restaurant and as a result it has not been demonstrated that the development would not harm the vitality or viability of Ryedale's town or village centres. Paragraph 27 of the NPPF states *'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.'* In light of this, it is officers view that the development has failed to meet the requirements of NPPF and Policy SP7 the Ryedale Local Plan Strategy.

8.6 Members will note a letter of objection has been received to planning application 14/00949/FUL from a local business owner in Nawton. He identifies that since the opening of Canadian Fields his level of trade has fallen to such an extent that is detrimental to his business. Whilst direct competition is not in itself a material planning consideration, the aim of planning policy is to protect businesses which are located within more sustainable settlements and locations.

ii) Sustainability

8.7 A fundamental objective of current planning policy is the issue of sustainability. Paragraph 14 of the NPPF and Policy SP19 of the Ryedale Local Plan Strategy, seek to ensure a 'Presumption in Favour of Sustainable Development'. In this case, the introduction of an A3 restaurant use which is clearly in the open countryside would potentially detract and draw trade from the District's town / service village centres. It can also only be realistically accessed through private transport and it is considered to constitute an unsustainable form of development contrary to the requirements of the NPPF and Policy SP19 of the Ryedale Local Plan Strategy.

8.8 Paragraph 28 of the NPPF does provide support for the sustainable growth and expansion of all types of business and enterprise in rural areas; and support for sustainable rural tourism that benefit businesses in rural areas. In this case, the proposal is not considered to be a sustainable form of development and the development is considered to be contrary to the provisions of Paragraph 28 of the NPPF.

iii) Other Concerns

8.9 Policy SP13 of the Ryedale Local Plan Strategy seeks to protect Ryedale's landscapes. In considering landscape character Policy SP13 states that *'Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including the ambience of the area, including nocturnal character, level and type activity and tranquillity, sense of enclosure / exposure.'*

8.10 With regard to residential amenity Policy SP20 of the Ryedale Local Plan Strategy is relevant. This states *'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.'* In this case Members will note that this site is located adjacent to 'Wrens Caravan Park'. The impact of the development on the neighbouring caravan park, its visitors, and the adjacent residential property also needs to be considered.

8.11 A key concern relating to both the landscape character and residential amenity is that of noise. By virtue of its construction the restaurant / canteen marquee provides little protection to the surrounding environment. When in use, or when events are held, this activity results in a level of noise being omitted. This will have a greater impact on the surrounding environment, and nearby residents, compared to a building of more permanent construction for example. It is clear from the objections received to planning application (14/00949/FUL) that the issue of noise is of great concern to nearby residents and visitors to the adjacent caravan park. It is also the view of officers that the levels of activity associated with the use, the comings and goings of customers to the restaurant, result in harm to the nocturnal character of this quiet country road and the overall tranquillity of this part of the Area of High Landscape Value. The development is therefore contrary to the requirements of Policy SP13 and SP20 of the Ryedale Local Plan Strategy.

8.12 In terms of highway safety, NYCC Highway Authority have verbally raised concerns with regards to the restaurant use on the site. In particular concerns are raised to the lack of on site parking available to serve the restaurant, and that the public highway would require improvements (passing spaces) to accommodate the additional traffic. The written comments of the Highway Authority are awaited and will be reported in the Committee late pages or at the Planning Committee Meeting.

8.13 Members will note that the Local Planning Authority has also received concerns that a Class A5 takeaway use is operating from the site. The full extent of this service has not been determined, however the use of the site for these purposes is likely to generate even higher and more frequent levels of activity that would impact further on the character of the surrounding area and the amenity of nearby residents.

9. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A NOTICE?

9.1 The harm created by this development, and the reasons why it is considered expedient to serve an enforcement notice are outline below:

1. The principle of siting the restaurant use in an open countryside location is unsustainable and therefore contrary to the requirements of the Paragraph 14 and 28 of the NPPF and Policy SP19 Ryedale Plan - Local Plan Strategy.
2. The site owner has not provided a sequential test argument or any persuasive evidence for the A3 restaurant use to be located on the site outside of a town centre. As a result, it has not been demonstrated that the development would not be materially harmful to the vitality or viability of Ryedale's town centres or Service Villages, in particular Nawton Beadlem. The development is therefore contrary to the requirements of Section 2 of the NPPF and Policy SP7 of the Ryedale Local Plan Strategy.
3. The restaurant use and associate events and activities result in harm to the overall ambience of the area impacting upon the nocturnal character and tranquillity of the open countryside. As a result, the landscape character of the surrounding area, and the amenity levels of nearby residential properties are materially harmed. As such, this proposal would be contrary to the requirements of Policy SP13 and Policy SP20 of the Ryedale Local Plan Strategy.
4. As a result of insufficient on-site car parking facilities and the impact on the unclassified road known as Gale Lane without necessary highway improvements, the restaurant use would result in conditions that are detrimental to highway safety contrary to the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

10. STEPS NECESSARY TO REMEDY THE BREACH

10.1 This report seeks authorisation to serve a formal enforcement notice for the cessation of the use of the canteen marquee as a restaurant and return it to that of campsite (sui generis) use. In order to ensure the use is ceased the following steps shall take place:

1. Discontinue the use of the land for any purpose related to the A3 and A5 use of the canteen marquee including temporary uses, including events such as weddings and race days.
2. Remove any operational development associated to the A3 use, including the kitchen unit, from the land.

11. RECOMMENDATION

11.1 In light of the above report, officers recommend that an enforcement notice is served to meet the steps identified in section 10 above

11.2 Members will note that because the restaurant use has been implement without receiving planning permission or the submission of a retrospective planning application, the level of control the Local Planning Authority can have on the development is limited. An enforcement notice should not provide for later approval of details.

Therefore it is important for Members to note that significant concerns are raised by officers that the necessary requirements in terms of highway safety could not be provided by virtue of an enforcement notice.

11.3 However, if Members were minded to allow the continued operation of the restaurant use, it is recommended that the following restrictions are applied to any enforcement notice that is issued:

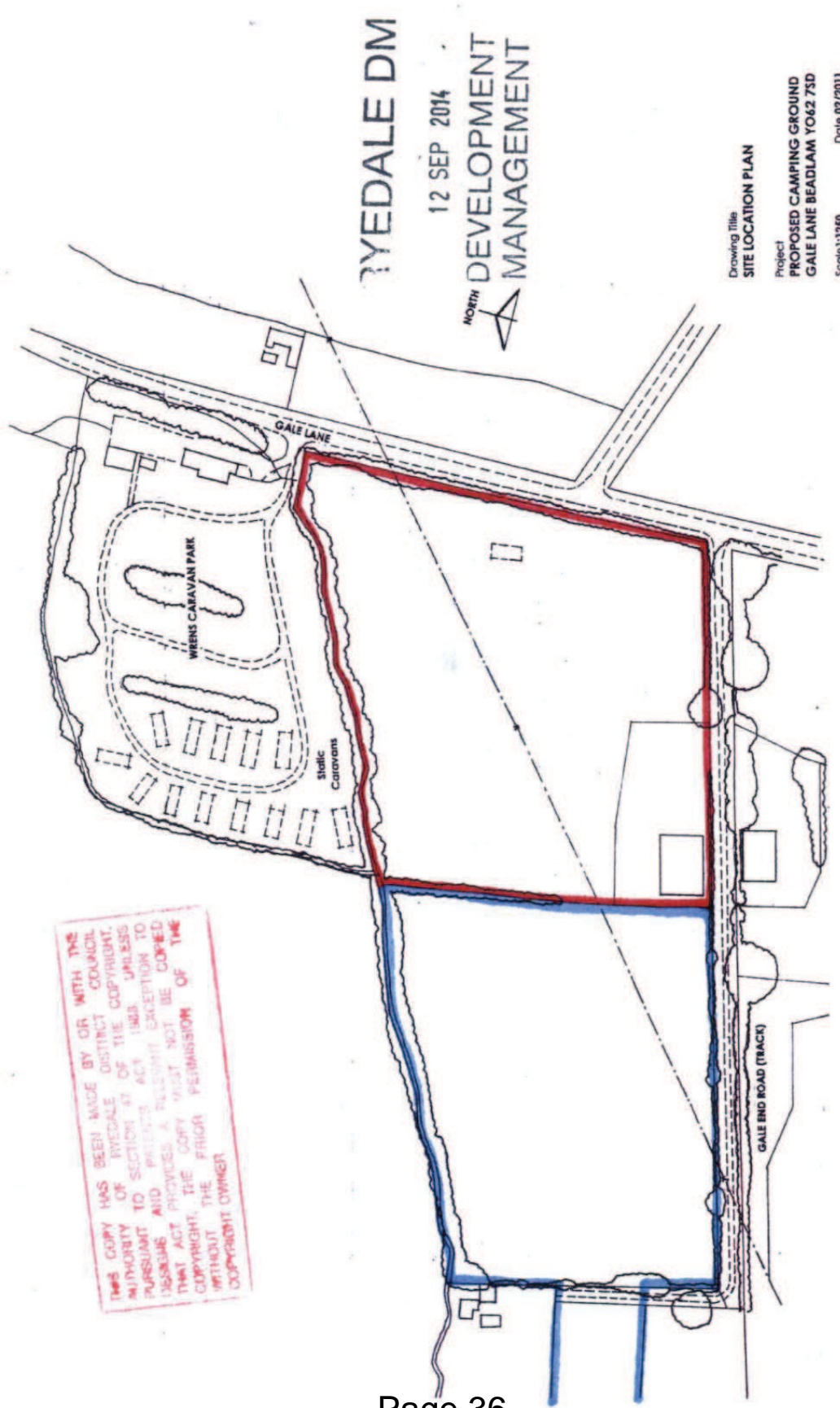
- The A3 restaurant use / canteen marquee shall not operate for any use outside the hours of:
 - 07:00 – 22:00 Mondays – Thursdays.
 - 07:00 – 23:00 Fridays - Saturdays
 - 07:00 – 22:00 Sundays and Bank Holidays
- No person who is not a customer of the permitted campsite use (except for employees) shall be permitted to be on the premises outside the following times:
 - 07:00 – 22:00 Mondays – Thursdays.
 - 07:00 – 23:00 Fridays - Saturdays
 - 07:00 – 22:00 Sundays and Bank Holidays
- No music of any kind shall be played on the premises outside the following hours:
 - 07:00 – 22:00 Mondays – Thursdays.
 - 07:00 – 23:00 Fridays - Saturdays
 - 07:00 – 22:00 Sundays and Bank Holidays
- No A5 take-away use shall operate from the premises.

12. SUGGESTED PERIOD FOR COMPLIANCE WITH THE NOTICE

12.1 The suggested period for compliance is two months.

Recommendation

The Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue an enforcement notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring the cessation of the restaurant use (A3 use class) and the removal of the pre-fabricated kitchen building from the land.



RYEDALE DM
 12 SEP 2014
 NORTH
 DEVELOPMENT
 MANAGEMENT

Drawing Title
SITE LOCATION PLAN
 Project
PROPOSED CAMPING GROUND
GALE LANE BEADLAM YO62 7SD
 Scale 1:1250 Date 02/2011
 Job Ref. J 14 Dwg. No 01

Planning and Landscape Associates Ltd
 Town Planning Consultants and Landscape Architects
 87, Cap Lane, Penwortham, Preston, Lancashire PR1 9AH
 Tel & Fax 01772 743047 abv@plal.co.uk

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 47(1) OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988 UNLESS THAT ACT PROVIDES A FURTHER EXEMPTION TO COPYRIGHT. THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER



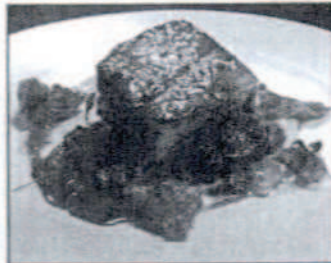
**APPENDIX A
RESTAURANT INFORMATION**

CANADIAN FIELDS

RYEDALE'S PREMIER GLAMPING EXPERIENCE

Open to Everyone!

'Gi Sukawaka' Restaurant



Is open for business "dining with a difference"

The restaurant is fully licensed selling a selection of fine wines bottled lagers and ales

Opening times

Breakfast served 7 days a week 8.30am-10 am (Booking would be helpful)

Dinner served 7 days a week 5.30pm – 9 pm

Lunch served Friday and Saturday 12pm – 2.30pm

Traditional Sunday lunch served 12pm – 3pm

Special Event Nights

Tuesdays Pie Night - A selection of pies with chips and peas £5

Wednesdays Steak Night 8-10 oz Sirloin steak £10

Friday Lunch Market Day Special - Soup and sandwich £3.50

Friday Night Eat in or take away fish and chips £5.50

Small shop on site selling homemade jams, chutneys, dressings, chocolates and biscuits. And of course the glamping for more details please visit the website for offers or for more details please phone 01439 772409

The perfect place for that special occasion

Bookings please call Jenny 01439 772409

Canadian Fields | Gale Lane | Nawton | Helmsley | YO62 7SD

www.canadianfields.co.uk info@canadianfields.co.uk



CANADIAN FIELDS

RYEDALE'S PREMIER GLAMPING EXPERIENCE

Evening Menu

Freshly Made Soup with Warm Crusty Bread £5.25

Chicken Liver Pate served with Apple Chutney £5.95

*Seafood Cocktail - Smoked Salmon, Crayfish & Prawns
with Marie Rose Dressing £6.50*

Hot & Sour Belly pork with an Apple & Balsamic Dressing £5.95

Gruyere Twice Baked Cheese Soufflé £5.25

*12oz Sirloin Steak grilled to your liking served with Mushrooms, Tomato,
Onion Rings £18.50 (Peppercorn Sauce £1.50)*

*Deep Fried Haddock served with Mushy Peas & Chips
Small £8.95 Large £11.95*

Traditional Steak & Ale Pie with a Short-crust Pastry Lid £10.50

*Mushroom, Parmesan & Spinach Risotto with a Light Drizzle
of Truffle Oil £8.95 V*

Breast of Chicken on a Thyme & Leek Dauphinoise Potato £11.50

*Sausages & Mash with Wholegrain Mustard & Cabbage Mash
with Onion Gravy £10.50*

*Fillets of Sea Bass on a Bed of Buttered Samphire with a Lemon
Cream Sauce £11.95*

All Dishes are served with a Portion of Chips & Vegetables

Additional Portions are £2 each

**APPENDIX B
PLANNING APPLICATION 14/00777/FUL
DOCUMENTS**

Planning and Landscape Associates Ltd

Town Planning Consultants
Landscape Architects

57 Clap Lane, Penwortham, Preston, Lancashire PR1 9AH
Tel: 01772 743047 or 07913 843979
Email: david.telford@homeoffice.co.uk

Our Ref: DT/AT/J14A

15th August 2014

Development Control
Ryedale District Council
Ryedale House
Malton
YO17 7HH

For the attention of Mr. Matthew Mortonson

Dear Sirs

CANADIAN FIELDS CAMPING GROUND, GALE LANE, NAWTON YO62 7SD

CHANGE OF USE FROM CANTEEN TENT ANCILLARY TO CAMP SITE TO CANTEEN TENT NOT ANCILLARY TO CAMP SITE

WITHDRAWL OF PLANNING APPLICATION No 14/00777/FUL

Having taken advice from John Barrett of Kings Chambers I am writing to advise you that I wish to withdraw Application No. 2014/00777/FUL at Canadian Fields, Gale Lane, Nawton

The advice is that the general public can be served in the restaurant on site under approval 13/01122/73AM

The advice concludes:

- (a) The planning permissions in this case do not incorporate any of the applications that were made to the LPA and therefore the general rule is that it is impermissible to interpret the planning permission by reference to extraneous documents including the planning application.
- (b) There is no ambiguity in the planning permissions granted that would otherwise allow reference to the planning application and any supporting documents as an aid to interpret the meaning of the planning permission and its conditions
- (c) In any event, the planning permission that governs the operation of this site is that granted on 16th December 2013. The application that supported that the grant of planning permission, even if was to be regarded as incorporated, would not have included the Supporting Statement of the original 2011 application/permission
- (d) In any event the wording of Paragraph 4.15 of the Supporting Statement is unclear and ambiguous itself. It is not sufficiently clear to 'imply' a restriction on users of the canteen marquee to those occupying the tents

I will shortly submit a Material Minor Amendment Application for the kitchen element and I trust that, along with the remaining application 14/0779/FUL, this will resolve all the outstanding issues.

Yours faithfully

David Toft

DAVID TOFT

Copy to: Miss J. Bulmer

**APPENDIX C
PLANNING APPLICATION 11/00686/MFUL
DOCUMENTS**

RYEDALE DISTRICT COUNCIL

**TOWN & COUNTRY PLANNING ACT 1990
FULL APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT**

RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED IT SHOULD BE APPROVED SUBJECT TO THE CONDITIONS STATED BELOW:

Application No: 11/00686/MFUL

Proposal: Change of use of agricultural land to allow the siting of 19 no. tents on decking bases, erection of toilet and reception block and canteen marquee, change of use of agricultural building to winter tent store, formation of vehicular access, gravel site roads and paths, car parking and landscaping

at: Land At OS Field 5166 Gale Lane Newton Heimsley

for: Miss Jennifer Bulmer

Decision Date: 28 September 2011

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

National Policy Guidance - PPS1 - 'Delivering Sustainable Development' 2005
National Policy Guidance - PPS7 - 'Sustainable Development in Rural Areas' 2004
Ryedale Local Plan - Policy ENV3 - Development in the Areas of High Landscape Value
Ryedale Local Plan - Policy TM3 - Chalet, cabin and static caravan development
Ryedale Local Plan - Policy TM4 - Touring caravan and camping sites
Ryedale Local Plan - Policy ENV7 - Landscaping
Ryedale Local Plan - Policy T3 - Access to the local highway network

CONDITIONS AND ASSOCIATED REASONS

- 01 The development hereby permitted shall be begun on or before 27 September 2014.
Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- 02 Unless otherwise agreed in writing with the Local Planning Authority there shall be no more than 19 safari type tents on this site at any one time.
Reason:- In the interest of certainty and to protect the character and appearance of the area and satisfy Policy ENV3 of the Ryedale Local Plan.

Miss Jennifer Bulmer
C/O Planning & Landscape Associates Ltd (Mr D Toft)
87 Cop Lane
Penwortham
Preston
Lancashire
PR1 9AH

- 03 The units hereby approved shall be used for holiday accommodation only, and not for permanent residential accommodation.

Reason:- It is not considered that the application site is suitable for permanent residential site is suitable for permanent residential use because it lies within an area where Policy Preclude the development of permanent residential development except for agricultural or forestry purposes.

- 04 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual holiday units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason:- In the interests of residential amenity and to protect visitors and residents of the nearby 'Wrens Caravan Park'.

- 05 Before the development hereby permitted becomes fully operational a method statement for the operation and supervision of the campsite, including for out of office hours, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure a well managed facility that would not have an adverse impact on the character of the area or the amenity of nearby residents and visitors.

- 06 The holiday units on the site shall only be occupied between 1 March and 31 October in any one calendar year. During the time that the units are not occupied they shall be dismantled and the timber decking protected.

Reason:- The site lies in an area where the provision of permanent residential accommodation is contrary to Policy and to satisfy the requirements of Policy TM3 of the Ryedale Local Plan.

- 07 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted by P LA, Project Ref JO14, dated 14 June 2011 and the following mitigation measures detailed within the FRA:

1. The site access road is constructed of permeable materials.
2. Surface water runoff should be managed by infiltration methods as per section 6.2 of the FRA.
3. Before works commence soakaways should be shown to be effective for the disposal of surface water from this site and, if not, the applicant should be requested to resubmit amended proposals should how they propose to drain the site. It is therefore recommended that an appropriate assessment is carried out in accordance with BRE Digest 365.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

Miss Jennifer Bulmer
C/O Planning & Landscape Associates Ltd (Mr D Toft)
87 Cop Lane
Penwortham
Preston
Lancashire
PR1 9AH

- 08 Unless otherwise agreed in writing with the Local Planning Authority the landscaping shown on Drw.No.06 shall be fully implemented within the next planting season following commencement of development. In the event of any plant material dying or become seriously diseased or damaged within a 5-year period of planting, it shall be replaced with similar species to a specification that shall first be agreed in writing with the Local Planning Authority, unless the Local Planning Authority give 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.

- 09 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 T3 of the Ryedale District Local Plan and in the interests of highway safety.

- 10 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 access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number E7-E.

(iii) Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(iv) The final surfacing of any private access within 10 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 T3 of the Ryedale District Local Plan 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.

Miss Jennifer Bulmer
C/O Planning & Landscape Associates Ltd (Mr D Toft)
87 Cop Lane
Penwortham
Preston
Lancashire
PR1 9AH

- 11 The development hereby permitted shall be carried out in accordance with the approved plans.

Reason:- For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the approved plans.

- 12 Notwithstanding the submitted details, at least 10% of the energy consumption of the development shall be derived from on-site renewable resources, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement on site.

Reason:- In the interests of energy efficiency, and to satisfy the requirements of Policy ENV5 of the Regional Spatial Strategy.

INFORMATIVE(S)

- 01 In relation to Condition 10. You are advised that a separate license 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.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.


HEAD OF PLANNING

Miss Jennifer Bulmer
C/O Planning & Landscape Associates Ltd (Mr D Toft)
87 Cop Lane
Penwortham
Preston
Lancashire
PR1 9AH

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: 11/00686/MT/L
 Fee:
 Date Received: 06-07-11

Application for Planning Permission,
 Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and its 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: Miss First name: Jennifer Surname: Bulmer

Company name: _____

Street address: Tariq
 Main Street
 Harome

Town/City: York

County: North Yorkshire

Country: United Kingdom

Postcode: YO62 5JF

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: David Surname: Toft

Company name: P-LA

Street address: 87
 Cop Lane
 Penwortham

Town/City: Preston

County: Lancashire

Country: England

Postcode: PR1 9AH

Telephone number: Country Code: _____ National Number: 01772 743047 Extension Number: _____

Mobile number: 0791 3840979

Fax number: _____

Email address: david.toft@homecall.co.uk

3. Description of the Proposal

Please describe the proposed development including any change of use.

Change of use of agricultural land to allow siting of 19no. tents on on decking bases and a canteen marquee. Erection of sectional building to provide toilet, office and reception facilities, change of use of agricultural building to winter tent storage formation of vehicular access, gravel site roads and paths and car park.

Has the building, work or change of use already started? Yes No

RYE
 06 JUL 2011

4. Site Address Details

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

Description:

House:	<input type="text"/>	Suffix:	<input type="text"/>
House name:	<input type="text"/>		
Street address:	GALE LANE		
	BEADLAW		
Town/City:	<input type="text"/>		
County:	<input type="text"/>		
Postcode:	YO62 7SD		
Description of location or a grid reference (must be completed if postcode is not known):			
Easting:	465624		
Northing:	483871		

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: Mr First name: Dominic Surname: Smith

Reference: N/A

Date (DD/MM/YYYY): 24/09/2010 (Must be pre-application submission)

Details of the pre-application advice received:

Concern at lack of existing screening. Development would not accord with Policies TM4 and EN3 however the proposed site is next to an existing caravan park and this could assist.

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 plans/drawing(s):

Dwg No: 14/06 - Site Layout and Landscape Structure

7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

Yes No

If Yes, please provide details:

Compound:

Have arrangements been made for the separate storage and collection of recyclable waste?

Yes No

If Yes, please provide details:

Separate bins in compound:

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:

N/A

Description of proposed materials and finishes:

Western Red Cedar boarding

Roof - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Parfile profile steel sheets

Windows - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Stained softwood

Doors - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Stained softwood

Boundary treatments - description:

Description of existing materials and finishes:

Hedgerows

Description of proposed materials and finishes:

Native planting

Vehicle access and hard standing - description:

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Access from Gale Lane - Dense Bitumen Macadam
Internal site roads and parking areas - permeable gravel

Lighting - add description

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Low level bollard lighting

Others - description:

Type of other material:

Guttering

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

Black uPVC

Are you supplying additional information on submitted plans/drawings/design and access statement?

Yes No

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	37	37
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	24	24
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:

Main sewer: Package treatment plant: Unknown:
Septic tank: Less pit:

Other:

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

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:

Apiculture

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 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

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

Use class/type of use	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross new internal floorspace proposed (including changes of use) (square metres)	Net additional gross internal floorspace following development (square metres)
A1 Shops Net Tradable Area	0.0	0.0	0.0	0.0
A2 Financial and professional services	0.0	0.0	0.0	0.0
A3 Restaurants and cafes	0.0	0.0	0.0	0.0
A4 Drinking establishments	0.0	0.0	0.0	0.0
A5 Hot food takeaways	0.0	0.0	0.0	0.0
B1 (a) Office (other than A2)	0.0	0.0	0.0	0.0
B1 (b) Research and development	0.0	0.0	0.0	0.0
B1 (c) Light industrial	0.0	0.0	0.0	0.0
B2 General industrial	0.0	0.0	0.0	0.0
B6 Storage or distribution	0.0	0.0	0.0	0.0
C1 Hotels and halls of residence	0.0	0.0	0.0	0.0
C2 Residential institutions	0.0	0.0	0.0	0.0
D1 Non-residential institutions	0.0	0.0	0.0	0.0
D2 Assembly and leisure	0.0	0.0	0.0	0.0
Other Please Specify	330.0	0.0	386.0	386.0
Total	330.0	0.0	386.0	386.0

For hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms

Use Class	Types of use	Existing rooms to be lost by change of use or demolition	Total rooms proposed (including changes of use)	Net additional rooms

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	1	6	3

20. Hours of Opening

If known, please state the hours of opening 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	
Other							<input checked="" type="checkbox"/>

21. Site Area

What is the site area?

01.82 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:

Not Applicable

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 or building to which the application relates.

Title: First name: Surname:

Person role: Declaration date: Declaration made

25. Certificates (Agricultural Land Declaration)

Agricultural Land Declaration

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

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding.

(B) I/we/the applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below.

If any part of the land is an agricultural holding, of which the applicant is the sole tenant, the applicant should complete part (B) of the form by writing 'sole tenant' not applicable in the first column of the table below.

Notice recipient		Date notice served
Name:	<input type="text"/>	<input type="text"/>
Number:	<input type="text"/> Suffix: <input type="text"/>	
Street:	<input type="text"/>	
Locality:	<input type="text"/>	
Town:	<input type="text"/>	
Postcode:	<input type="text"/>	
Title: <input type="text" value="Mr"/>	First name: <input type="text" value="David"/> Surname: <input type="text" value="Toft"/>	
Person role: <input type="text" value="Agent"/>	Declaration date: <input type="text" value="11/06/2011"/>	<input checked="" type="checkbox"/> 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.



Date:

Agenda Item 9

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: 9
Application No: 14/00949/FUL
Parish: Nawton Parish Council
Appn. Type: Full Application
Applicant: Miss Jennifer Bulmer
Proposal: Erection of pre-fabricated building for use as camp kitchen to serve camp cafe (retrospective application).
Location: Canadian Fields Gale Lane Nawton York YO62 7SD

Registration Date: 12 September 2014
8/13 Wk Expiry Date: 7 November 2014
Overall Expiry Date: 22 October 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	No objection
Environmental Health Officer	No views received to date
Neighbouring Parish Council	No views received to date

Neighbour responses: Mr Geoff Thurman, Mr Keith Pickering, Mrs Margaret Clancy, Tina Dougherty, Mrs Jacky Pickering, Mrs Marie Wilson, Mr Andrew And Mrs Fiona Farnell, Carol Farnell, Jacqui Cussins, Mrs Carol Thurman, Sarah Hayman, Amancay Argerich, Helen Otterburn, Miss Sarah Morris, Pat Spink, Mrs Sarah Kenderdine, Mrs Liz Turnbull, P. Thompson, Dianne Archibald, Maureen And Keith Ingleby, Mrs L Glover, Mr J Thompson, Mrs Mandy Hudson, Joshua Wood, Stephen Dodsworth, Clare Symonds, Robert Toone, John Wood, Mr B Hall, Mr Jonathan Pickard, Mr Paul Tate-Smith, Brenda And Bryan Wilson, Cate Tate-Smith, Alexandra Tate-Smith, E A Brown, Christine Pinder, C Sleightholme, Mr C J Braithwaite, Hayley Dargan, N L Heighton, Mr S E Phillips, Miss Katie Hayman, Mr Dan Thurman, Katie Turner, Miss Louise Smith, Mrs Sarah Coxon, Mrs Sheila Caine, Mr And Mrs Holmes, Mr Ian Oliver, D And J Coney, Mrs Ann Thompson, Mrs Emily Slingsby, Mrs Susan Masterman, Mrs Jo Riley, Mrs EEaine Bramley, Mr Steven Ruscoe, Mrs Laura Palmer, Mr And Mrs Peter And Sarah Stark, Susie Mann, Miss Jo Ward, Pat Durrant, Emma Dodsworth, Cara Richardson, Mr James And Mrs Louise Gurling, Mr Bruce And Mrs Vanessa Allen, Mr Andy Prout, Mrs Angela Blizzard, Mrs Caroline Baum, Mrs

PLANNING COMMITTEE

Anita Cooper, Mr Mike Smithson, Chris Winsor, Mr Simon Baum, Ruth Gordon, Mrs Emma Brackley, Mr David Hunt, Mrs Maggie Barraclough, Mr Antony Neal Cooper, Mrs Debbie Swift, Mr David Metcalfe, Mr David Taylor, Mrs Maria Taylor, Mr And Mrs IE Teasdale, Mr George Innes, Mrs Trudi Woodhead,

SITE:

As identified by the Ryedale Local Plan, the application site is located approximately 1km south of Nawton village within the open countryside and the Edge of the Moors Area of High Landscape Value.

The site operates as 'Canadian Fields' after planning permission was granted for change of use of agricultural land to a campsite providing 'glamping' style accommodation for no. 19 safari type tents in 2011.

PROPOSAL:

The proposal seeks erection of pre-fabricated building for use as camp kitchen to serve camp café (retrospective application).

The supporting statement to the application states *“The kitchen is essential to the operation of the canteen tent or café in order to meet food hygiene regulations. The appearance of the pre-fabricated building is in keeping with the adjacent reception and toilet block and is clad in the same western red cedar boards.”*

Members will also note that there is an enforcement report on the Planning Committee Agenda relating to this site.

HISTORY:

- | | |
|---------------|--|
| 11/00686/MFUL | Change of use of agricultural land to allow the siting of 19 no. tents on decking bases, erection of toilet and reception block and canteen marquee, change of use of agricultural building to winter tent store, formation of vehicular access, gravel site roads and paths, car parking and landscaping - Planning permission granted |
| 11/01280/73AM | Variation of condition 11 of approval 11/00686/MFUL dated 28.09.2011 to state "The development hereby permitted shall be carried out in accordance with the approved plans J14 04, J14 06, J14 08 and J14 07A" - J14 07A supersedes the originally approved plan J14 07 - Planning permission granted |
| 13/01122/73AM | Removal of Condition 06 of approval 11/01280/73AM dated 09.03.2012 to allow a year round opening season for the holiday occupation of the tents - Planning permission granted |
| 14/00777/FUL | Change of use from canteen tent ancillary to the campsite for customers staying on the campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite (retrospective application) - Application withdrawn |

14/00779/FUL

Change of use of reception, toilet, office and laundry store building to reception, toilet, office, laundry store and first floor wardens accommodation for use solely in connection with the operation of Canadian Fields campsite (retrospective application) - **Planning permission granted**

POLICY:

National Policy Guidance

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

Ryedale Plan - Local Plan Strategy

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

APPRAISAL:

Background Information

This proposal is presented to the Planning Committee because of the number of public consultations received to the application. In total 88 letters of support and 7 letters of objection have been received. A significant number of these letters seek to support or object to the restaurant located on the site. However, Members will note that the proposal is not for the retention of the restaurant use. The application seeks planning permission for the erection of pre-fabricated building for use as camp kitchen to serve the camp café.

The view of officers is that the site accommodates an A3 restaurant use which does not have planning permission, and that this proposal is required to support that use. The planning consultant acting on behalf of the applicant disputes the A3 use and suggests that any restaurant is operating ancillary to the wider campsite use of the site.

At this point, Members are referred to the public consultation responses received to the application. Whilst 88 letters of support have been received, only 2 of these are from residents who live outside of the district or the surrounding area. This demonstrates that the vast majority of visitors / customers to the site do so mainly for the restaurant facility. Many of these customers visit the site on a regular basis, and have held events at the site such as surprise birthday parties and retirement parties. The scale and nature of the use of the restaurant could not be considered ancillary to the permitted campsite use.

Development Appraisal

In terms of the principle of this proposal, Policy SP1 of the Ryedale Local Plan Strategy is relevant. This requires development in the open countryside to be restricted to that which is necessary to support a vibrant, and healthy rural economy and communities.

Policy SP8 (Tourism) of the Ryedale Local Plan Strategy does seek to support tourism in the District. In this case however, as the restaurant use is unauthorised, it is the view of officers that the proposed building is not necessary for the purposes of the permitted use of the site. The proposal is therefore considered to be an unjustified form of development located within the open countryside therefore is contrary to the requirements of Policy SP1.

As earlier identified within the report, the application site is located within the Edge of the Moors Area of High Landscape Value. This is a locally valued landscape for its natural beauty and scenic qualities. Further to representing an unjustified intrusion into the open countryside, the proposed building is not considered to be of suitable design or construction for this landscape. In light of this, the application is considered contrary to the requirements of Policy SP13, SP16, and SP20 of the Ryedale Local Plan Strategy.

In terms of highway safety, on the basis that the proposals are considered ancillary to the use of the site, no objections have been received from the highway authority. NYCC Highway Authority have verbally raised concerns with regards to the restaurant use on the site. In particular concerns are raised to the lack of on site parking available to serve the restaurant, and that the public highway would require improvements (passing spaces) to accommodate the additional traffic. The written comments of the Highway Authority are awaited, however, and will be reported in the Committee late pages or during the Planning Committee Meeting.

The application is therefore recommended for refusal.

Members will note that the above recommendation is made on the basis that the restaurant use on the site remains unauthorised. This development would be necessary for the continued operation of the restaurant. Therefore, if Members consider that it is not expedient to seek enforcement action on the restaurant and thereby in affect granting planning permission for the A3 use, the justification for the proposal will have been provided.

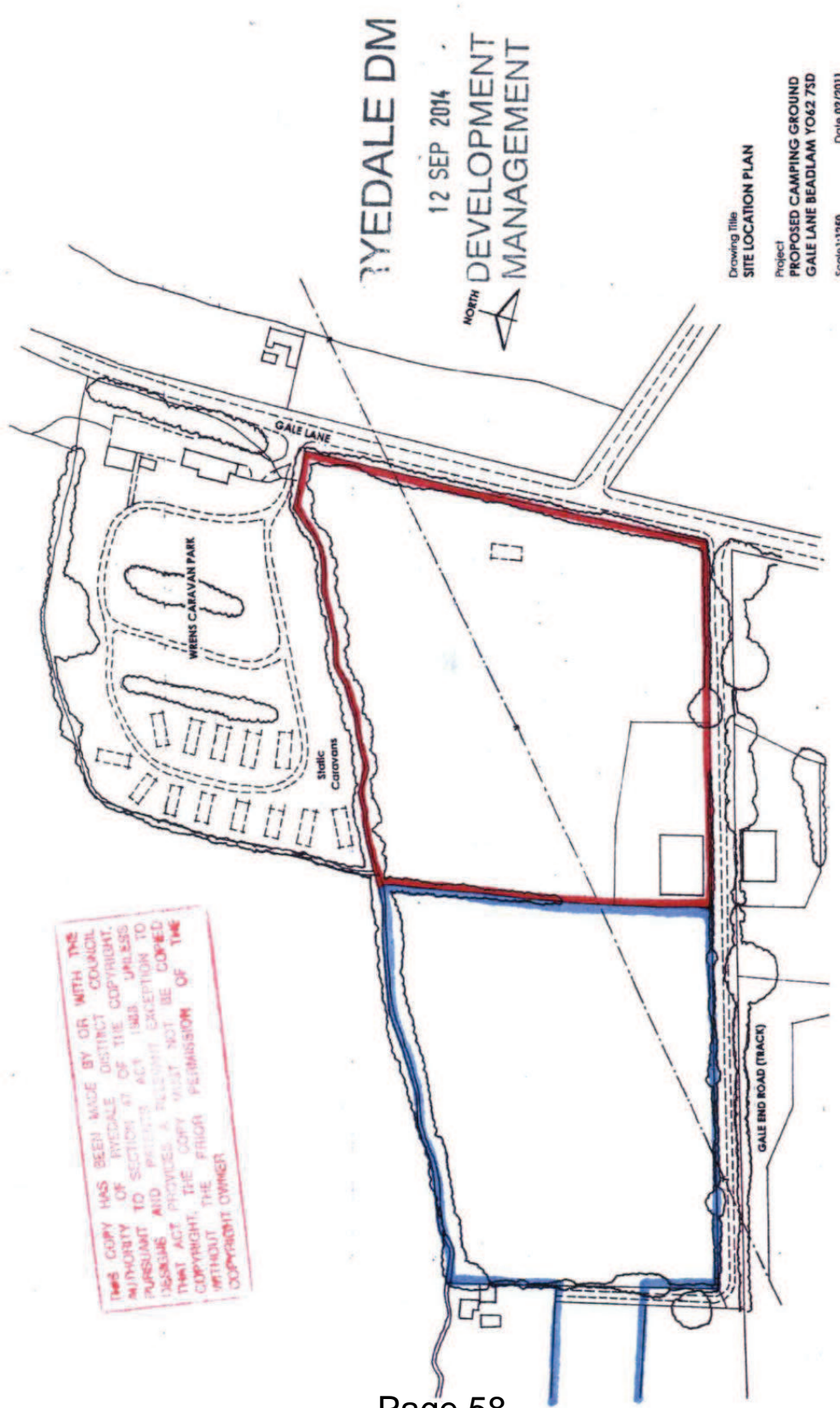
RECOMMENDATION: Refusal

- 1 It has not been demonstrated that the proposal in this open countryside location is necessary to support a sustainable, vibrant and healthy rural economy and/or community. The proposal is therefore contrary to the requirements of Policy SP1 of the Ryedale Plan - Local Plan Strategy.

- 2 The proposed building by virtue of its detailed design and method of construction is not considered to be appropriate in this open countryside location, and within the surrounding area which is designated as an Area of High Landscape Value. In addition, there has been no benefits demonstrated that would outweigh this harm. The proposal is therefore contrary to the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Background Papers:

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



RYEDALE DM
 12 SEP 2014
 NORTH
 DEVELOPMENT
 MANAGEMENT

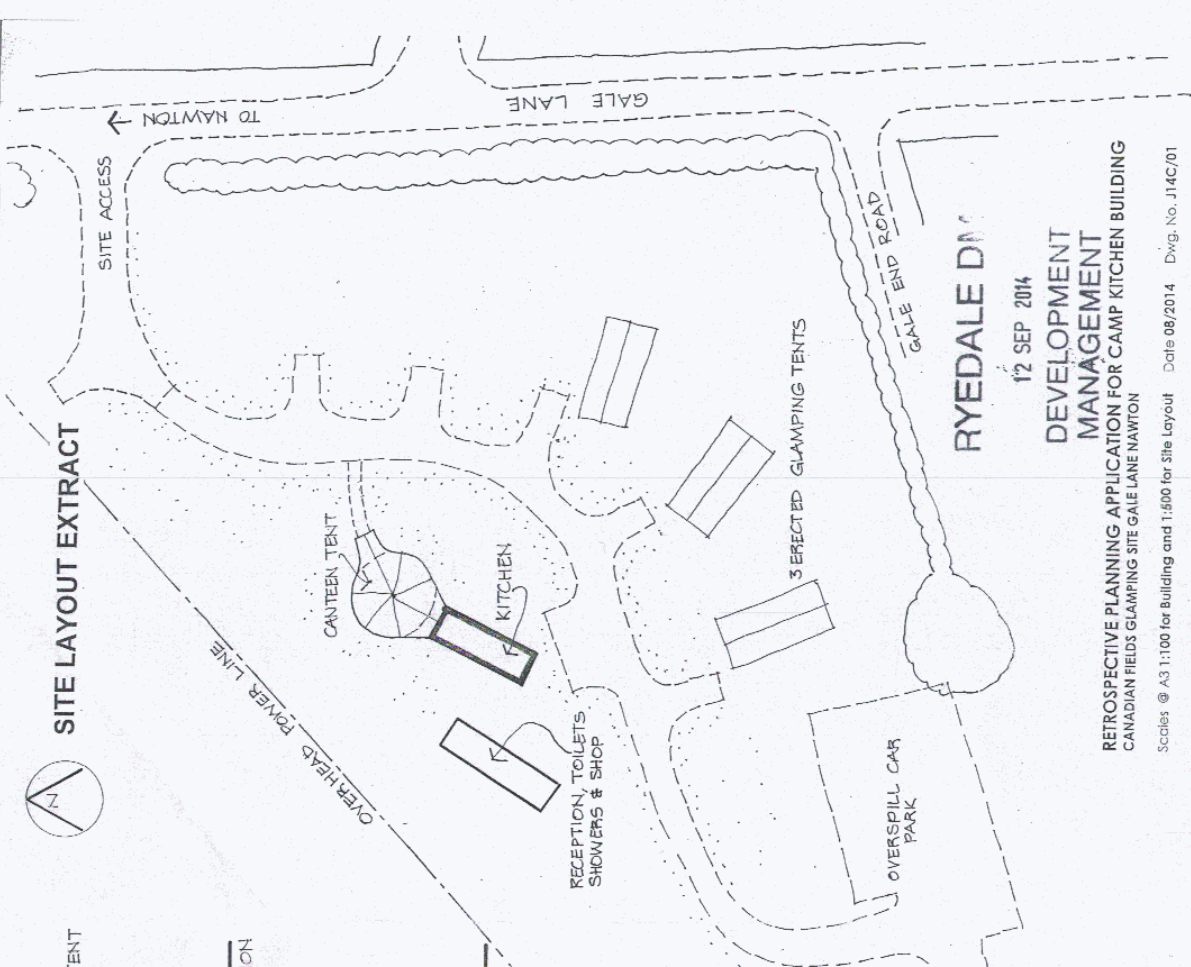
Drawing Title
SITE LOCATION PLAN
 Project
PROPOSED CAMPING GROUND
GALE LANE BEADLAM YO62 7SD
 Scale 1:1250
 Job Ref. J 14
 Date 02/2011
 Dwg. No 01

Planning and Landscape Associates Ltd
 Town Planning Consultants and Landscape Architects
 87, Cap Lane, Penwortham, Preston, Lancashire PR1 9AH
 tel & fax 01772 743047 abv@plaltd.co.uk

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 47(1) OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988 UNLESS THAT ACT PROVIDES A FELLOW EXEMPTION TO COPYRIGHT, THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER



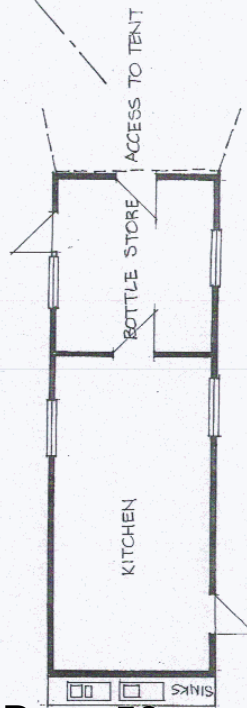
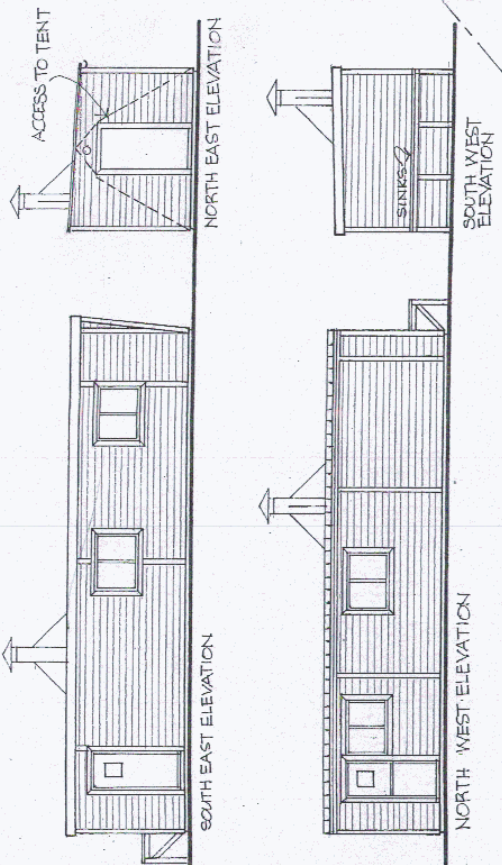
SITE LAYOUT EXTRACT



12 SEP 2014
**DEVELOPMENT
 MANAGEMENT**
 RETROSPECTIVE PLANNING APPLICATION FOR CAMP KITCHEN BUILDING
 CANADIAN FIELDS GLAMPING SITE GALE LANE NAWTON

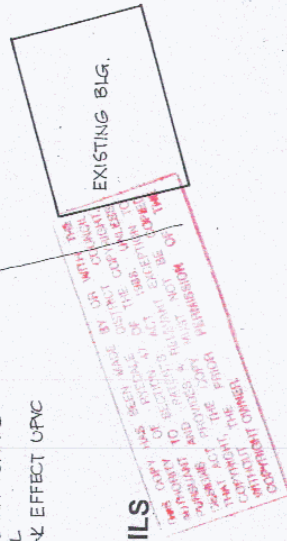
Scales @ A3 1:100 for Building and 1:500 for Site Layout Date 08/2014 Dwg. No. J14C/01

Planning and Landscape Associates Ltd. Town Planning Consultants and Landscape Architects
 87, Cop Lane, Penwortham, Preston, Lancashire PR1 9AH Tel & Fax 01772 743347 email@vignmedia.com



MATERIALS
 WALLS: WESTERN RED CEDAR BOARDS
 ROOF: PROFILED STEEL
 DOORS & WINDOWS: OAK EFFECT UPVC

BUILDING DETAILS



THIS COPY HAS BEEN MADE BY OUR ARCHITECT WITH OUR OWN COPY OF THE ORIGINAL DRAWING. ANY CHANGES TO THE ORIGINAL DRAWING WILL BE THE RESPONSIBILITY OF THE ARCHITECT. THIS COPY IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE ARCHITECT'S PERMISSION. COPYRIGHT © 2014

SUPPORTING STATEMENT

RYEDALE DM

12 SEP 2014

DEVELOPMENT
MANAGEMENT

RETROSPECTIVE PLANNING APPLICATION

ERECTION OF CAMP KITCHEN BUILDING

CANADIAN FIELDS GLAMPING SITE
GALE LANE
BEADLAM
YO62 7SD

P+LA

Planning and Landscape Associates Ltd
Town Planning Consultants and Landscape Architects

87, Cop Lane, Penwortham, Preston, Lancs. PR1 9AH
Tel & Fax 01772 743047 djtoft@virginmedia.com

Project ref. JO14C

AUGUST 2014

CONTENTS

- 1.0 Introduction
- 2.0 Background
- 3.0 Site Location and Description
- 4.0 The Application
- 5.0 Planning Policy
- 6.0 Planning Policy Assessment
- 7.0 Conclusions

1.0 INTRODUCTION

- 1.1 This Statement has been prepared to support a retrospective application for the erection of a pre-fabricated building which is used as a kitchen to store and prepare food for campers and other visitors to Canadian Fields Glamping site in Gale Lane Nawton. The applicant is Miss J Bulmer who is the proprietor and site owner.
- 1.2 Planning permission was granted 28 September 2011 for the change of use of agricultural land to allow the siting of 19 no. tents on decking bases, erection of toilet and reception block and canteen marquee, change of use of agricultural building to winter tent store, formation of access, gravel site roads and paths, car parking and landscaping at Gale Lane, Beadlam, North Yorkshire (App. No. 11/00686/MFUL). On 16th December 2013 Condition 6 was removed in order to permit a year round opening season (13/01122/73AM). The site opened for the 2013 season as 'Canadian Fields', a reference to its occupation in World War II by Canadian Airmen.
- 1.3 This application is submitted retrospectively following a visit from the Council's Enforcement Officer. The prefabricated building was assembled on site at the beginning of April 2014 and fitted out and operational by Good Friday 18th April 2014. Ten staff are employed in the kitchen and café. If permission is not granted and the building has to be removed this employment will be lost.
- 1.4 The kitchen is essential to the operation of the canteen tent or café in order to meet food hygiene regulations. The appearance of the pre-fabricated building is in keeping with the adjacent reception and toilet block and is clad in the same western red cedar boards.
- 1.5 The building is screened from Gale Lane by the perimeter landscape and cannot readily be viewed from any public vantage point. It is not prominent in the local landscape nor does it impact on the amenity of any adjacent land uses.

2.0 BACKGROUND

- 2.1 Canadian Fields is an establishing glamping site. Glamping is a luxury form of camping where the tents are erected and equipped with a flushing toilet, a shower, a master bedroom, a bunk bedroom, table and chairs and a cooking stove. So far three of the 19 tents have been erected and furnished.
- 2.2 Following the removal of Condition 6 to permit the all year round operation of the site the applicant's views changed as it became apparent that a permanent kitchen would be required for the 2014 season.
- 2.3 Legal opinion has been sought from John Barrett of Kings Chambers and the applicant can serve food to the general public under planning permission granted on 16th December 2013.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The proposed camping ground lies approximately one kilometre south of Beadlam and Nawton. The application site is trapezoidal in shape approximately 130 metres by 140 metres with a site area of 1.82 hectares. The site is bounded by hedgerows and recent tree planting to fulfil the landscape condition. The northern site boundary is formed by ornamental planting with trees which is the boundary of Wrens Caravan Park.
- 3.2 The reception/toilet/shower/shop building, the canteen tent and the camp kitchen are located in the centre of the site just to the south of the overhead power cable and the proposed amenity space. The three erected glamping tents are located to the south of canteen tent and camp kitchen and are separated from these facilities by the internal gravel access track.
- 3.3 The canteen tent takes the form of a wig-wam and the camp kitchen which is the subject of this application is connected on the south western side on a north east to south west orientation.

- 3.4 The pre-fabricated camp kitchen building is 11.78 metres long x 3.825 metres wide x 2.765 metres high. The building and its location on the site shown on Dwg. No. J14C/01. Photographs of the building are shown below.



Photograph 1 The Camp Kitchen from the north west



Photograph 2 The Camp Kitchen from the south showing its relationship to the Canteen Tent or Café



Photograph 3 the south west elevation showing the 2 sinks available for the use of camping visitors



Photographs 4 and 5 show external and internal views of the connection with the canteen tent/café on the camp kitchen's north eastern elevation.

- 3.5 The camp kitchen is sufficiently far from the 3 erected glamping so as not to affect the amenity of campers staying in the tents. As the site is developed further glamping tents will be erected and it is considered that the amenity of visitors to these future tents will not be affected.
- 3.7 The site enjoys good natural screening from the hedgerows which surround it. The applicant has undertaken additional tree and shrub planting around the perimeter of the site that will supplement the hedgerows. A partial glimpsed view of building is available from the site entrance on Gale Lane otherwise the building is screened by a combination of natural screening and the canteen tent. The following photographs illustrate the relationship of the camp kitchen to the other building and tents on the site and the view from the site entrance.



Photograph 6 showing the relationship of the camp kitchen to the canteen tent and the reception/shop/shower/toilet building.



Photograph 7 showing the three erected glamping tents to the south of the camp kitchen



Photograph 8 showing the relationship of the glamping tents to the central facilities which include the camp kitchen building



Photograph 9 shows the glimpsed view from the site entrance on Gale Lane. A small part of the camp kitchen is just visible to the rear of canteen tent

4.0 THE APPLICATION

- 4.1 This application seeks retrospective planning permission for the erection of a pre-fabricated building for use as kitchen to serve the camp site's canteen tent/café. The building was erected in April 2014 and is 11.78 metres long x 3.825 metres wide x 2.765 metres high. The walls are constructed from western red cedar boards and the doors and windows are oak effect upvc to match the reception building. The building is roofed by profile steel sheets with a shallow fall to the north west, appearing almost flat. A steel extractor flue extends approximately 1.5 metres above the roof.
- 4.2 The kitchen has been fitted out to a high standard utilising stainless steel components to meet both Food Hygiene Standards and the applicants own high standards.
- 4.3 The applicant and 10 others work in the kitchen and cafe.

5.0 PLANNING POLICY

National Planning Policy Framework

- 5.1 This guide was first published in 2012 and sets out the government's policies on planning. The framework supersedes previous planning statements and guidance and Local Authorities should have regard to this guidance when preparing development plans and considering planning applications.
- 5.2 In section 3 the government's policies for supporting the rural economy are set out.

3. Supporting a prosperous rural economy

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

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

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. 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 in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Local Plan Policies 'The Ryedale Plan – Local Plan Strategy'

- 5.3 The Ryedale Plan – Local Plan Strategy was adopted on 5th September 2013 and the following statements and policies are relevant.

The Economy

- 5.4 Paragraph 2.28 states;
'Tourism and retailing also employ significant numbers of people within the District';

Paragraph 3.36 goes on to state;

It is vital that the wider countryside is supported as a living and working place, if valued landscapes are to continue to be managed and food produced locally. Consequently, supporting the types of development necessary to enable those who earn a living from the land and manage the countryside is important. As well as traditional land-based activity such as forestry and farming, Ryedale's countryside is also integral to tourism, a significant sector of the District's economy. Appropriate tourism and recreational activity will remain important in the wider countryside, and there are opportunities to further develop tourism based around Ryedale's unique landscape and heritage assets. This in turn emphasises the need to continue to protect valued landscapes across the District.

- 5.5 In paragraph 5.2 the Local Plan Strategy notes that;

Tourism has a strong presence particularly in northern Ryedale where it is centred on specific visitor attractions, the picturesque settlements of Helmsley, Pickering and Thornton-le-Dale and attractive landscapes, including the North York Moors National Park.

and in 5.3 notes that Ryedales economy enjoys relatively high levels of business start ups.

- 5.6 Paragraph 5.13 deals with new employment and whilst it recognises that the allocation of new employment development will be in towns the plan recognises;
'the significant contribution of the rural areas to Ryedale's economic base, which is over twice the national average. Over 25% of businesses in Ryedale are 'micro' in scale, employing less than 10 employees (Source: Nomis/Yorkshire Futures). This does not only reflect the rural nature of Ryedale with agriculture still playing an essential role, but also the number of small rural businesses,'

Tourism

- 5.7 Paragraphs 5.29 to 5.33 of the strategy support policy SP8 Tourism. Paragraph 5.29 notes that 'Ryedale is an extremely popular tourist and visitor destination based around the outstanding quality of the District's countryside.' Paragraph 5.30 goes on to recognise the value of tourism;

Tourism is an integral and valuable part of the District's economy with visitors contributing an estimated £390 million to the local economy each year and generating a value equivalent to 8,500 jobs. Approximately 15 million visitors are attracted to Ryedale annually (Yorkshire Economic Impact Model). This is a significant contribution and it is essential that the District's tourism industry can continue to develop but that this is achieved in a sustainable way which does not undermine some of the very special qualities – the historic settlements, scenic

landscapes, sense of tranquillity - that visitors come to enjoy and experience. The Council recognises that in a rural area such as Ryedale, new tourist attractions, facilities and accommodation cannot be restricted to the more sustainable locations in the District. This could stifle opportunities to develop the District tourism base and diversify the wider rural economy. Equally however, it is important that a balance is struck and that new tourist accommodation, attractions and facilities are located in places where the scale, nature of activity and visual intrusion can be accommodated, for example, in terms of the character and sensitivities of the locality, wider landscape and the road network.

- 5.8 In paragraph 5.32 the strategy recognises that the provision of a wide range and choice of tourist accommodation in a choice of locations is an important way in which staying visitors can be attracted to Ryedale throughout the year. Policy SP8 deals with Tourism.

SP8 Tourism

Tourism in Ryedale will contribute to a sustainable and diverse economy. The Council will seek to encourage sustainable tourism which minimises its environmental impact on the District. This will be achieved by supporting:

- *The provision of a range and choice of quality tourist accommodation*
- *The business plans and operational requirements of existing tourist and visitor attractions, and event arenas where appropriate**
- *Encouraging all year round tourism subject to the occupancy conditions set out in Policy SP21*
- *Tourism in areas where potential is significantly underdeveloped, in particular, Malton and Norton and the Wolds*
- *Cultural and creative businesses in Ryedale inspired by Ryedale's unique environment*
- *The role of Pickering, Helmsley and Thornton-le-Dale as key visitor destinations as well as gateways to tourism and recreational opportunities in northern Ryedale including the North York Moors National Park. The impact of tourism on these communities will be managed particularly in relation to car parking, traffic management, local facilities and services*
 - *And by maximising the opportunities to further develop tourism, outdoor education and recreation using the District's natural, cultural and historic assets as an economic driver, including the potential provided by:*
- *The archaeological landscapes of the Vale of Pickering and the Yorkshire Wolds*
- *The protected landscapes of the North York Moors National Park and Howardian Hills Area of Outstanding Natural Beauty*
- *Ryedale's religious and Medieval history*
- *Malton's Roman, Medieval and Georgian heritage*
- *Malton and Norton's longstanding association with horse racing*
- *Outdoor adventure in northern Ryedale including Dalby Forest – the Great Yorkshire Forest*
- *Local food production*
- *Farm and rural diversification*
- *Biodiversity and the development of nature tourism*

New tourist attractions will be supported where they do not undermine the character of the area or prejudice the quality of the natural or built environment. Attractions that will attract large numbers of visitors should be accessible by a choice of means of transport.

The following types of tourist accommodation will be supported in the following locations:

Location Type/ Source of Accommodation Market Towns, Service Villages and other Settlements

- *New hotel, bed and breakfast, self-catering or other serviced accommodation within the towns through new building or the conversion of existing buildings*
- *Refurbishment and extension of existing buildings*
- *Touring caravan and camping sites and static caravan and chalet self-catering accommodation of an appropriate scale and in appropriate locations on the edges of the settlements*

The wider open countryside

- *Appropriate expansion of an existing hotel, guest house, public house, farm house, holiday cottage or similar establishment*
- *Re-use of traditional rural buildings*
- *New touring caravan and camping sites and static caravan and chalet self-catering accommodation and extensions to existing facilities that can be accommodated without an unacceptable visual intrusion and impact on the character of the locality*

6.0 PLANNING POLICY ASSESSMENT

National Planning Policy Framework

- 6.1 Paragraph 28 requires local planning policies to support a prosperous rural economy in order to create jobs and prosperity by taking a positive approach to sustainable new development. The first three bullet points are relevant to and support this application.
- *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;*
 - *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. 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 in rural service centres;*
- 6.2 The camp kitchen is essential to the growth and survival of this rural business. The design of the building is in keeping with the other new building on site and does not adversely affect the amenity or appearance of the landscape.
- 6.3 In 2003 tourism was responsible for 16% of new jobs in Yorkshire and Humberside. Today tourism is already the third biggest industry in Yorkshire, reaping an annual £7bn for the regional economy and supporting 250,000 jobs.
- 6.4 At the time of the original planning application it was envisaged that when the venture was fully developed it would create 1 full time post, 3 seasonal full time posts and 3 seasonal part time posts. Currently 15 people are employed on the site including the proprietor, of which 10 are employed in the kitchen and café. These 10 jobs would be lost should the application refused.

- 6.5 The proposal is sustainable in that the camp kitchen building is located within an existing camp site and is required to serve the developing glamping business.

Local Plan Policies 'The Ryedale Plan – Local Plan Strategy'

- 6.6 Policies contained in the Strategy follow those of the National Planning Policy Framework by recognising that tourism in Ryedale does and will contribute to a sustainable and diverse economy. The building is required to support an existing and developing tourist business.
- 6.7 Policy SP8 Tourism states that the Council will seek to encourage sustainable tourism which minimise its environmental impact on the District. The third bullet point of the section of the policy dealing with development in the wider countryside is relevant in that the Council will achieve its goals by supporting
- *New touring caravan and camping sites and static caravan and chalet self-catering accommodation and extensions to existing facilities that can be accommodated without an unacceptable visual intrusion and impact on the character of the locality*
- 6.8 Policy SP8 therefore supports new tourist developments where they do not undermine the character of the area or prejudice the quality of the natural environment. In the case of this proposal the site is surrounded by mature hedgerows. A great deal of new tree planting has been undertaken to supplement the existing hedgerows. The appearance of the site will improve as the planting matures. In any event the building is not visible from the surrounding landscape except for a partial glimpsed view from the site entrance. There is no unacceptable visual intrusion or adverse impact on the character of the locality.

7.0 CONCLUSIONS

- 7.1 The building has been erected in order to provide first class food preparation facilities for the canteen tent café that forms an integral part of the glamping enterprise.
- 7.2 The National Planning Policy Framework 2012 supports the sustainable growth and expansion of all types of business and enterprise in rural areas including well designed new buildings.
- 7.3 The Local Plan Strategy supports the development because of its creation of 10 new jobs.
- 7.4 Policy SP8 supports the expansion of existing camp sites and facilities.
- 7.5 The development is sustainable in that it is located on an existing camp site.
- 7.5 The erection of the building has not caused an outward spread of development into the countryside beyond the site.
- 7.6 The site is well screened by existing mature vegetation and the building is not easily visible from the surrounding landscape. There is no unacceptable visual intrusion or adverse impact on the character of the locality.
- 7.7 There is an operational need for the building in order for the applicant to meet the food hygiene standards.
- 7.8 Should the application be refused it would result in the loss of 10 jobs.

Agenda Item 10

Item Number: 10
Application No: 14/00947/MFUL
Parish: Norton Town Council
Appn. Type: Full Application Major
Applicant: Mr Paul Sedman
Proposal: Erection of 36no. one bedroom apartments, 20no. two bedroom apartments, 3no. three bedroom dwellings and 2no. four bedroom apartments with undercroft parking, private and communal amenity areas, landscaping, management office, alteration to existing vehicular access and erection of street front commercial unit with one bed studio above.
Location: ATS Euromaster 25 - 27 Commercial Street Norton Malton North Yorkshire YO17 9HX

Registration Date:
8/13 Wk Expiry Date: 5 December 2014
Overall Expiry Date: 22 October 2014
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Sustainable Places Team (Yorkshire Area)	Recommend condition
Land Use Planning	Drainage details not acceptable
Environmental Health Officer	Recommend Conditions
Tree & Landscape Officer	Recommend conditions
Countryside Officer	Confirms proposed landscaping acceptable recommend condition
Archaeology Section	Desk based assessment is insufficient to assess the impact
Housing Services	No views received to date
Property Management	No views received to date
Building Conservation Officer	No views received to date
North Yorkshire Police Architectural Liaison Officer	Comments made in respect of designing out crime
Parish Council	Object
Highways North Yorkshire	Awaits further plans before making a recommendation

Neighbour responses: Sophie Tasker, Mr Keith Nicholson, Simon Jones, Sarah Munro, Sheila And Brian Atkinson, Mr Darron Callender, Mr Andrew Douthwaite, Mrs Janet Douthwaite, Mrs Jackie McGibbson, Lee Halsteal, J Wasley, Z M Rea, Julie Parker, Miss Rosie Wardale, Mrs Angela Wardale, Mr Roger Wardale, Mrs Gaynor Johnson, Miss P Simpson, Mrs C J Miers, The Occupier, Hassan - Shoraka,

INTRODUCTION:

Members will be aware that the Council has received a Major application for the above-mentioned development.

The application is not presented for any formal decision to be made at the meeting.

The submitted application has generated significant interest locally. Negotiations have taken place which will result in the submission of an amended scheme for further re-consultation locally with the Town Council, interested third parties and statutory consultees. It is anticipated that the application will be presented to a future meeting of the Planning Committee for a final decision to be made.

In advance of that meeting, however, it is considered appropriate to give Members the opportunity to carry out a Committee Site Inspection, so that they are more fully able to appreciate the extent of the site and the relationship of the development to its surroundings.

RECOMMENDATION:

That a Site Inspection be carried out on 2 December 2014.

RECOMMENDATION: **Site Inspection**



THIS COPY HAS BEEN MADE BY OR WITH THE
 AUTHORITY OF THE DISTRICT COUNCIL
 PURSUANT TO SECTION 41 OF THE COPYRIGHT,
 DESIGN AND PATENTS ACT 1988. PLEASE
 NOTE THAT ANY PROMISES OR REPRESENTATIONS TO
 COPYRIGHT THE COPY SHOULD BE COMED
 WITHOUT THE PRIOR PERMISSION OF THE
 COPYRIGHT OWNER

3149

MRS LINDSEY BURR
PROPOSED RESIDENTIAL DEVELOPMENT
 AT TYRE SITE, COMMERCIAL STREET, NORTON

YEW-277-015 LOCATION PLAN

MAY 13 SCALE 1:1250 @ A4

The Planning & Design Partnership
 PLANNING . ARCHITECTURE . INTERIORS . LANDSCAPE

The Chicory Barn Studio,
 The Old Brickyards, Moor Lane, Stamford Bridge,
 York, The City of York Office, YO41 1HU.

PRE APP

Telephone 01759 373656 Fax 01759 371810
 Email: chicorybarn@the-pdp.co.uk www.the-pdp.co.uk

Agenda Item 11

Item Number: 11
Application No: 14/00132/MFUL
Parish: Sherburn Parish Council
Appn. Type: Full Application Major
Applicant: Kingspan Ltd (Alex Hewitt)
Proposal: Over cladding of existing insulated roofs with Kingspan insulated roof sheet and installation of a 6mw solar PV system onto the new roof sheeting (55, 700m² of solar PV panels).
Location: Kingspan St Hildas Street Sherburn Malton North Yorkshire YO17 8PQ

Registration Date:
8/13 Wk Expiry Date: 20 November 2014
Overall Expiry Date: 11 November 2014
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Parish Council	No objections or comments to make
Civil Aviation Authority	No views received to date
Ministry Of Defence	No objection
National Air Traffic Services (NATS)	Proposal does not conflict with safeguarding criteria
Environmental Health Officer	No comments received
Highways North Yorkshire	No objection
Tree & Landscape Officer	No objection
Highways Agency (Leeds)	No objection

Neighbour responses: None

SITE:

The application site comprises an existing industrial site, located within the development limits of Sherburn. The allocated employment site is located to the eastern side of Sherburn, covering an area of approximately 20 hectares. There are several large industrial buildings on site that are generally positioned parallel to the A64 that runs along the southern boundary of the application site. These buildings mostly have a shallow gable running west-east, with their roof planes facing either north or south. The application site sits within the Vale of Pickering landscape, with the Yorkshire Wold's Area of High Landscape Value on the southern side

PROPOSAL:

Planning permission is sought for the re-cladding of the majority of the roofs and the installation of a 6MW array of solar panels on the roofs of the existing buildings. The array of solar panels comprises approximately 22,700 solar panels and measures an area of approximately 55,700m². In order for some of the existing roof structures to accommodate the solar panels, further roof cladding of trapezoidal insulated roof sheeting and specially designed low-pitch roof cladding is proposed, with the solar array above. The proposal also includes the addition of rooflights along the northern roof slopes. The area of re-cladding relates to the majority of the building with the exception of the most recent extensions to the south east, south west north east and small part on the northern side.

The solar array on the southern elevation of the buildings will be parallel to the existing roof plane. Including the re-cladding, the roof height is proposed to increase by no more than 0.18m.

The solar array on the northern elevations will have an east-west gradient of 10 degrees to increase the efficiency of the solar array. The proposed installation is proposed to be up to 0.33m higher than the existing roof structure which includes re-cladding as appropriate.

The proposed electricity generated by the proposed development will be used on site, with any excess exported to the National Grid.

HISTORY:

There is a considerable planning history on this site relating to development on this allocated employment site, including 63 approvals dating back to 1974, and 1 refusal relating to an office extension in 1979. This is, however, the first application for solar panels on the roofs of the existing buildings.

POLICY:

National Policy Guidance

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

Ryedale Plan - Local Plan Strategy

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP18 - Renewable and Low Carbon Energy

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations in relation to this application are:

- The proposed reduction in CO2 and renewable energy generation;
- The design of the scheme;
- The visual impact of the proposed solar array upon the character and appearance of the surrounding landscape;
- Air safety; and
- Highway safety.

Introduction

The proposed solar array will cover an area measuring approximately 55,700m². The proposed development is classed as a 'Major' application and has to be determined by the Planning Committee.

Discussions with the applicant have identified that their current operations at Sherburn are using the maximum electricity that they can obtain from the national grid (5.5MW). Therefore, if the company wants to expand or requires additional energy it needs to source that from elsewhere. The company, Kingspan, employs 550 people in total on its Sherburn site. The applicant's have already invested in energy saving measures to reduce its electricity usage, including LED lights, insulation and other complimentary systems. Those measures along with the proposal solar array will allow the company to be largely self-sufficient for its electricity needs, and create further potential for expansion and new industrial processes at the site. The applicant therefore considers this proposal as important for their future aspirations at the Sherburn site. The applicant has submitted additional information in regard to this point, which is appended to this report for Members information. The proposal is, therefore, considered to have clear economic benefits.

The applicant within the supporting information has also stated that the proposal will result in a reduction of 52,430te of CO2 emissions over a 25 year period.

During the consideration of the application, the following matters have been discussed with the applicant:

- Whether the solar panels can have a matt/non-reflective coating;
- Whether the east-west angle on the northern slopes is necessary;
- Whether the frame surrounding the panel could be in a dark colour and not aluminium;
- Details of roof inspection measures; and
- A clearer block plan

A clearer block has been submitted, showing which roofs are proposed to be re-clad, along with the proposed roof material, solar array and rooflights. The proposed inspection measures relate to a secure wire running along the roof ridge for persons inspecting the array to be secured on to. This is considered to be acceptable and to have no significant impacts in relation to the visual amenity of the area. The other three issues are discussed below.

Para. 98 of NPPF states:

‘When determining planning applications, local planning authorities should:

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable.*
- *once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.’*

Policy SP18 of the Local Plan Strategy states:

‘Developments that generate renewable and/or low carbon sources of energy will be supported providing that individually and cumulatively proposals:

- *Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;*
- *Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;*
- *Would not have an adverse impact on nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;*

‘Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated’

Members will appreciate from the above policy extracts that there is considerable support for the provision of renewable energy provision in principle, and the reduction in CO² emissions is supported.

Design and scale

The re-cladding of the existing roofs in the goose wing grey coloured roof sheeting is considered to be acceptable and the limited height increase (0.2m) is considered to be very nominal given the height and scale of the existing buildings. There is considered to be no objection to the proposed installation of rooflights into the building, these will also allow greater day light to enter the building. The proposed roof material is considered to be acceptable in this location, and if approved, there is considered to be no requirement for a materials condition.

The eaves of the buildings are between 6.9m and 9m in height and the ridge heights are between 7.5m and 11.2m. The roof spans are relatively shallow between 6 and 10 degrees. This has the advantage of limiting views of the proposed solar panels from positions very near to the buildings and the gables on the eastern and western sides. Thereby only views of the panels are available at some distance from the buildings, particularly on the southern and northern sides. These views however, show the buildings within the context on this allocated employment site and affixed to these utilitarian buildings.

The proposed panels on the northern roof planes will feature several peaks to increase the efficiency of the solar array. However, these are positioned approximately 2m back from the ridge line. The applicant's have submitted a photograph of a very similar scheme that has been developed at one of their other sites in Selby (photographs attached to this report). This photograph shows the proposed west-east arrangement on the northern slopes. Whilst there was some concern initially about the appearance of these elevated panels, and that a series of peaks that may be visible. After further consideration, and given that the panels are to be set approximately 2m away from the ridge height, this proposed arrangement is not considered to be significant or to be unacceptable from a design perspective. Furthermore, the extra electricity created is considered to outweigh the any harm.

Officers sought this to minimise the visual impact of the proposal by asking the applicant to consider a black or dark frame for the solar panels. The applicant has advised that it is not cost effective for the solar panel frames to be clad in a black coating. The cost increase is approximately £900,000. Part of the proposal is to re-clad the majority of the roofs in profiled steel sheeting, in a goose wing grey colour. This light coloured material will match the majority of the existing roof material. The proposed aluminium framed panels will be of a similar light colour when set against the goose wing grey roof. Consideration was given to a darker roof material, however the applicants were not prepared to consider this for reasons relating to its thermal qualities. In view of the above it is considered that aluminium framed solar panels are acceptable on these buildings and in this location.

Regarding glint and glare Officers sought a matt/non-reflective coating to the solar panels. The applicant has proposed the ReneSola Jiangsu Ltd which states a reflectivity level of less than 5%.

Officers consider that this is the best outcome that can be negotiated, which should be considered in the planning balance.

The applicants have also submitted justification for their proposals in this report, including their detailed research. The level of reflectivity on these panels is generally regarded as low and similar to water. Please see attached information.

Landscape and visual impact

Policy SP13 advises that the Council will carefully consider the impact of development proposals upon the Wolds Area of High Landscape Value, and the Vale of Pickering.

The site is located within the open countryside, within the Vale of Pickering. The land to the south rises sharply to an escarpment forming part of the northern edge of the Yorkshire Wolds; an area designated as High Landscape Value. Both the Yorkshire Wolds and the Vale of Pickering are local designations within the adopted LPS. The site is visible from the Yorkshire Wolds, and from the Wolds Way (a National Trail). The Wolds Way follows path on a lower level from the western edge of Sherburn to Potter Brompton on the eastern side. There are some views of part of the northern side of the site on the Sherburn - Brompton by Sawdon Road. Furthermore, there will be very glimpsed and limited views of the existing building from the south- eastern edge of the North York Moors.

There is substantial planting along the southern boundary of the application site. The views from the National Trail that skirts the lower land to the south are very limited due to interspersed groups of trees. In any event the solar panels are not considered to be incongruous in view of the existing industrial appearance of the buildings.

Views from higher viewpoints to the south of the site are very limited. As a result the proposal is not considered to give rise to a material adverse effect upon the Yorkshire Wolds Area of High Landscape Value.

There are public footpaths around the site, on all sides. From the eastern and western side, the gable end will not offer any significant views of the proposed panels, and on the southern side the footpath will not offer significant views because of its close proximity to the shallow roof pitch. The views from the northern side of Sherburn are also not considered to be significant and generally only part of the buildings can be seen. Views will be available from the railway line to the north although these are from fast moving trains and there are no concerns in this respect. The impact upon the Vale of Pickering landscape is not considered to be significant because of the shallow roof pitches and the interspersed planting that will help to mitigate views of the site. There is considered to be no material adverse effect upon the North York Moors National Park by virtue of the separation distances.

Air Safety

National Air Traffic control (NATs) and the Civil Aviation Authority (CAA) have been consulted and Moor Farm, a local airstrip in the Parish of Helperthorpe. NATS have confirmed that they have no objection. No other comments have been received to date. Members will be advised of any further views received.

The applicants have submitted extensive justification regarding potential glint and glare, see documents appended to this report as discussed earlier. The proposed panel (manufactured by ReneSola Jiangsu Ltd) incorporates technology that reduces reflectivity to be typically less than 5%. It is considered that this is the best achievable solution in the circumstances and should ensure any incidents or flint and glare are kept to a minimum.

Highway Safety

In view of the location of the proposed solar array and the shallow roof pitch the proposal is not considered to give rise to an unacceptable distraction to motorists using the A64. The Highways Agency and the local Highway Authority have no objection to the proposed development.

Conclusion

In view of the above assessment and taking into account to environmental benefits and CO² reduction, the planning balance in this case is firmly tipped in favour of a recommendation 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 Unless otherwise agreed in writing by the Local Planning Authority the solar array shall only include the ReneSola Jiangsu Ltd panels in accordance with the Declaration for Low Reflectivity of Module submitted to the Local Planning Authority on 3 November 2014.

Reason:- In order to protect the character and appearance of the area and to satisfy Policy SP13 of the Ryedale Plan - Local Plan Strategy.

3 Unless otherwise agreed in writing with the Local Planning Authority the solar panels hereby approved shall be removed from the buildings when one of the following events occur:

- (i) when one or more panel(s) are no longer required for their intended purpose; or
- (ii) when not in use for more than 3 continuous months; or
- (iii) the expiry of 25 years from the grant of this planning permission.

Reason:- In the interests of the visual amenity of the area and to satisfy Policy SP13 of the Ryedale Plan - Local Plan Strategy.

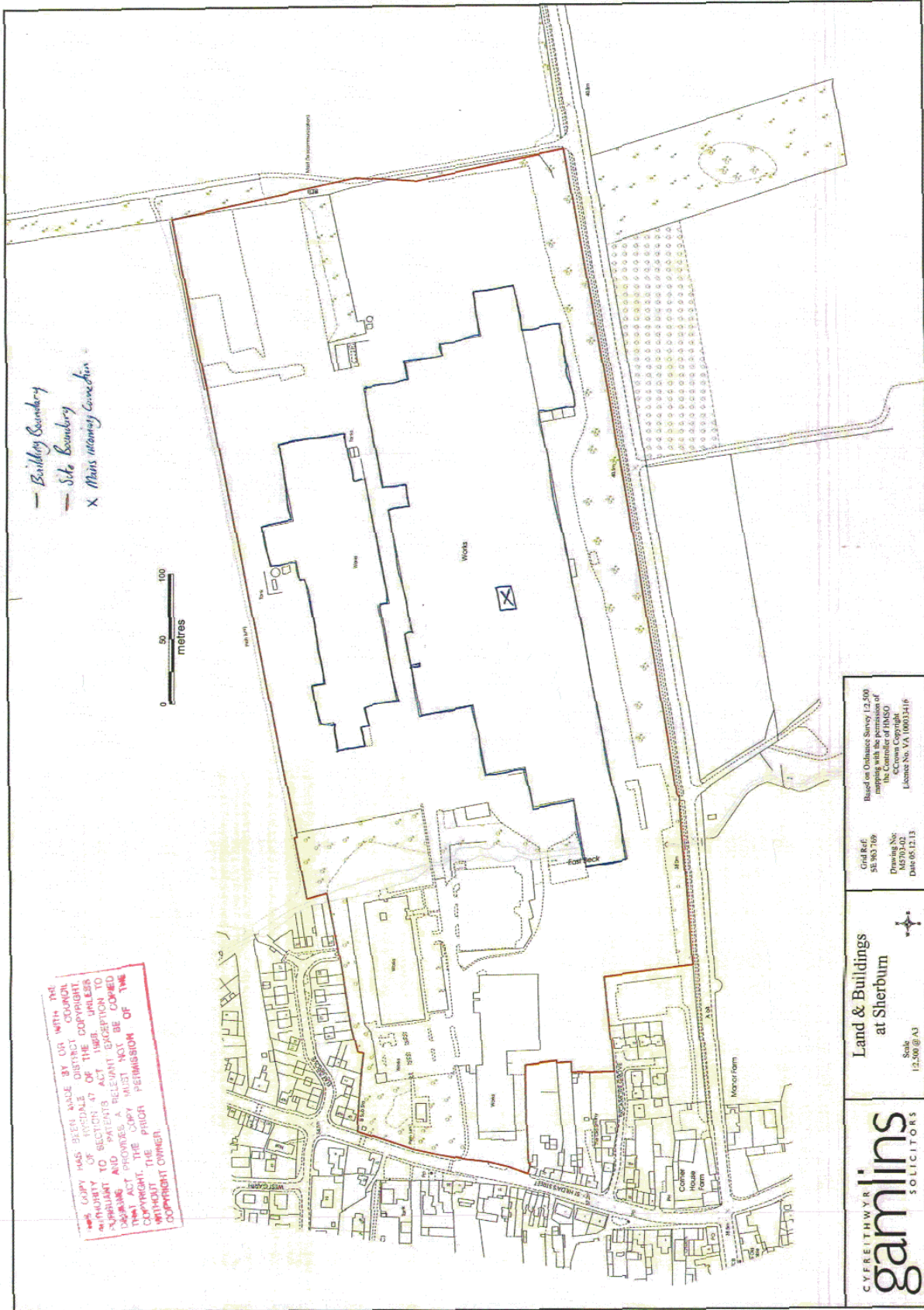
4 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

- Kingspan - Fabrications; Safety and Lighting Solutions pp 5-6;
- Declaration for Low Reflectivity of Module - ReneSola Jiangsu Ltd - received 3 November 2014;
- Trapezoidal Insulated Roof Panel KS100RW Data Product Sheet in a goose wing grey colour;
- Kingspan Day-Lite - Data Sheet - National Light Poly - carbonate systems pp 7-8;
- Kingspan Lo-Pitch Insulated Roof Panel - Data Sheet;
- Site location plan;
- Drawing No. 1000;
- Drawing No. 1001;
- Drawing No. 1002;
- Drawing No. SITE 002;
- Drawing No. KES001;
- Drawing No. KES002;
- Drawing No. KES003;
- Drawing No. KES004;
- Drawing No. KES005;
- Drawing No. KES006;
- Drawing No. KES007;
- Drawing No. KES008;
- Drawing No. KES009;
- Drawing No. KES200;
- Drawing No. KES201;
- Drawing No. KES204
- Drawing No. KS01-M-501;
- Drawing No. KS01-M-502; and
- Drawing No. KS03-M-505

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



THIS COPY HAS BEEN MADE BY OR WITH THE PERMISSION OF THE DISTRICT COUNCIL OF SHERBURN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR PERMISSION OF THE DISTRICT COUNCIL OF SHERBURN.

OS Ref: 56 853 709
 Drawing No: MS70.02
 Date: 05.12.13

Based on Ordnance Survey 1:2,500 mapping with the permission of the Controller of Her Majesty's Stationery Office
 Crown Copyright
 Licence No. VA 100033416

Land & Buildings
 at Sherburn

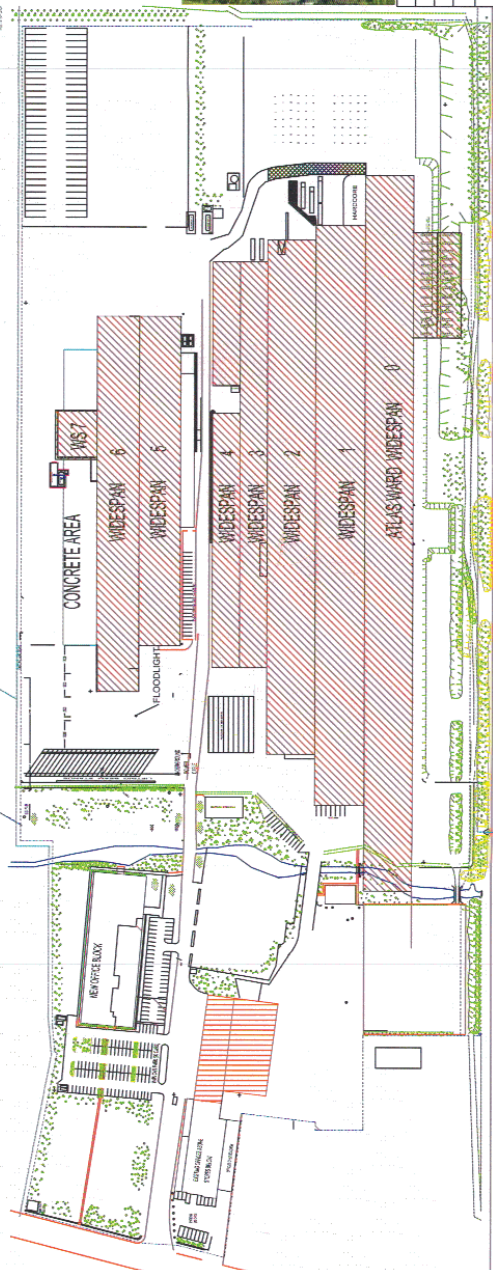
Scale
 1:2,000 @ A3

CYFERITHWYR
gamlins
 SOLUTIONS

NOTES/DIMENSIONS TO BE CHECKED ONSITE

SYSTEM SIZE: 5991.7 kWp MODULE TYPE: 270 W

SECURITY FENCE PUBLIC RIGHT OF WAY ROUTE



REV	DESCRIPTION	DRN	CKD	DATE

Integrated Solar Solutions

Kingspan Industrial Panels,
Kingspan Ltd
Kingspan Business Park No.2,
Holwell, Fringham,
CH87 2LL, UK
t: +44 (0)1246 363636
w: www.kingspanpanels.com



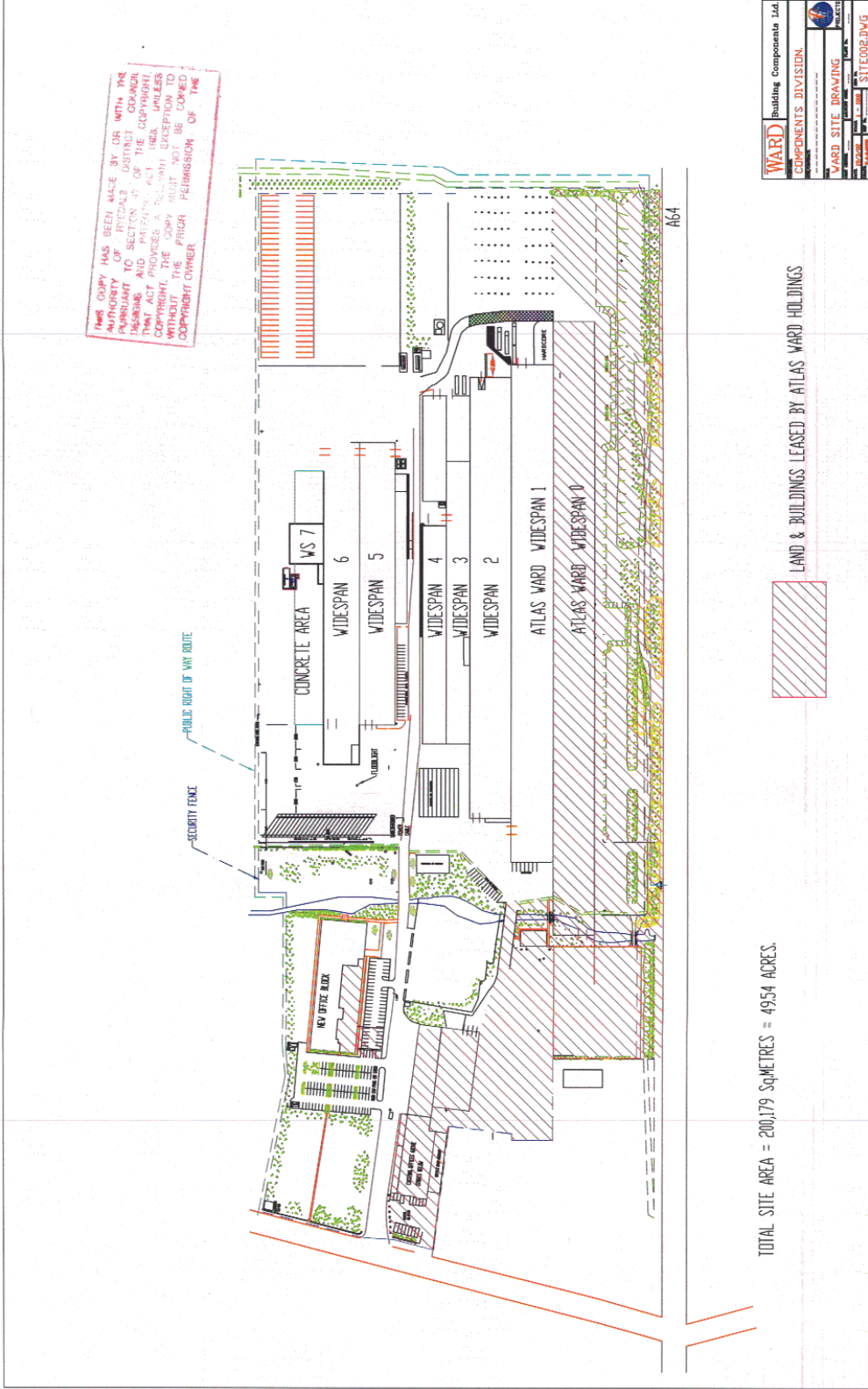
STATUS FOR INFORMATION	
PROJECT	KINGSPAN SHERBURN UK
TITLE	Kingspan Site Drawing
DRN	AH CKD RC
DATE	03/12/13 REV 0
SCALE	1:2500 DWG NO. KES 204

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF PRYDALE DISTRICT COUNCIL PURSUANT TO SECTION 40 OF THE DATA PROTECTION ACT 1998. ANY REPRODUCTION OR DISTRIBUTION OF THIS COPY WITHOUT PROVIDING A REPRODUCTION TO COPYRIGHT PROVIDER IS A REPRODUCTION TO WHICH SECTION 17 OF THE COPYRIGHT ACT 1988 APPLIES. WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.

TOTAL SITE AREA = 200.179 Sq. METRES = 49.54 ACRES.

Copyright © Kingspan Panels Ltd. All Rights Reserved. Kingspan Panels Ltd. is a registered company in England No. 02072827. Registered Office: Kingspan Business Park No. 2, Holwell, Fringham, CH87 2LL, UK. Tel: +44 (0)1246 363636. Fax: +44 (0)1246 363637. Email: sales@kingspanpanels.com

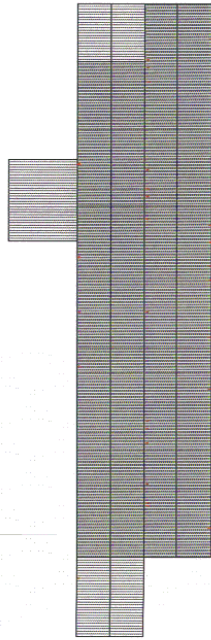
THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF HYDRALE DISTRIBUTION SERVICES AND SECTION 47 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988. UNLESS OTHERWISE STATED, ALL RIGHTS ARE RESERVED. WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE COPYRIGHT OWNER.



NOTES/DIMENSIONS TO BE CHECK ONSITE

SYSTEM SIZE -	MODULE TYPE:-
---------------	---------------

THIS COPY HAS BEEN MADE BY OR WITH THE PERMISSION OF THE DISTRICT COUNCIL PLANNING AND BUILDING CONTROL DEPARTMENT AND PROVIDED AS IS. THE USER AGREES THAT ACT PROVIDES A FURTHER EXCEPTION TO COPYRIGHT. THE COPY MUST NOT BE LOANED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



REV	DESCRIPTION	DRN	CHKD	DATE
-	-	-	-	-

Integrated Solar Solutions

Kingspan Industrial Panels,
Kingspan Ltd
Greenfield Business Park (No.2),
Greenfield, Carrington,
Chorley, Lancashire,
PR7 4JY, UK
E: 01525 77232
W: www.kingspanpanels.com

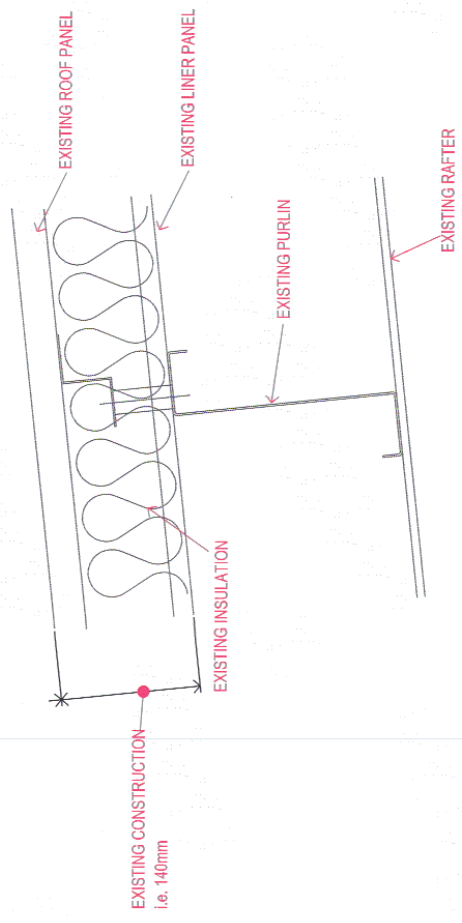


STATUS FOR INFORMATION	
PROJECT	KINGSPAN SHERBURN UK
TITLE	Existing Roof Layout
DRN	AH
CHKD	RC
DATE	03/12/13
REV	A
SCALE	1:1500
DWG NO.	KES 200

THIS DRAWING IS THE PROPERTY OF KINGSPAN LTD AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE PRIOR PERMISSION OF KINGSPAN LTD.

NOTES/DIMENSIONS TO BE CHECKED ON SITE	
SYSTEM SIZE:	MODULE TYPE:

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYECLE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988. ALL RIGHTS RESERVED. NO LIABILITY IS ACCEPTED FOR ANY ERRORS OR OMISSIONS. RELEVANT EXEMPTION TO COPYRIGHT MAY APPLY. THIS COPY MUST NOT BE COPIED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER.



TYPICAL NORTH & SOUTH ROOF CONSTRUCTION



REV	DESCRIPTION	DRN	CKD	DATE

Integrated Solar Solutions

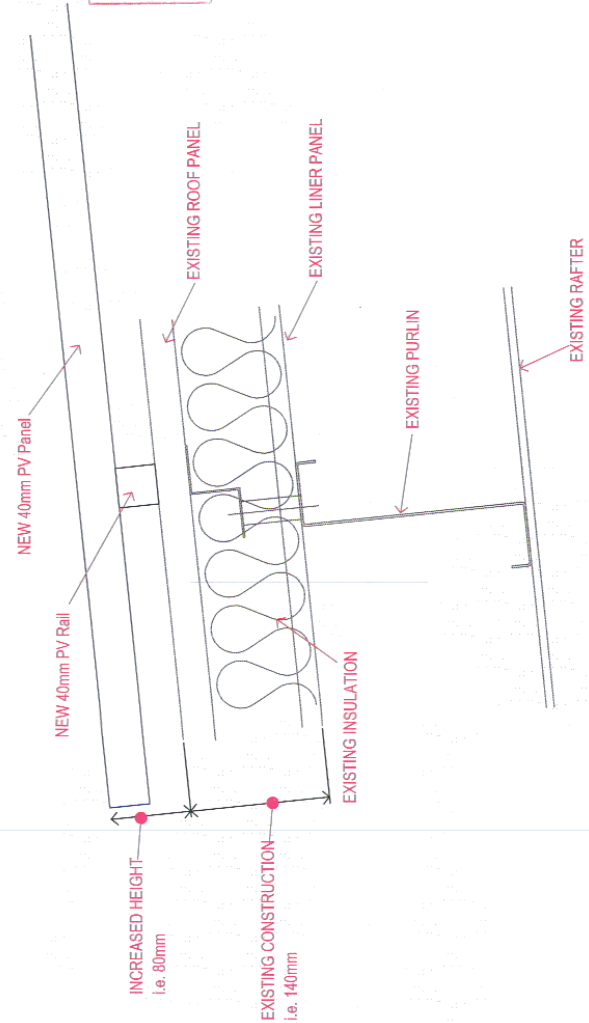
Kingspan Insulated Panels,
Kingspan Ltd
Kingspan Industrial Park No.2,
Holwell, Finlaine,
C18 7TL, UK
Tel: +44 (0)1273 838000
www.kingspanpanels.com

STATUS FOR INFORMATION	
PROJECT	KINGSPAN SHERBURN UK
TITLE	Existing Section
DRN	AH
CKD	RC
DATE	03/12/13
REV	0
SCALE	1:4
DWG NO.	KES001

Copyright © 2013 Kingspan Insulated Panels Ltd. All rights reserved. This document is the property of Kingspan Insulated Panels Ltd. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Kingspan Insulated Panels Ltd.

NOTES/DIMENSIONS TO BE CHECK ONSITE	
SYSTEM SIZE:-	MODULE TYPE:-

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RECORDS, DISTRICT COUNCIL, SECTION 47 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT, THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER



REV	DESCRIPTION	DRN	CKD	DATE
-	-	-	-	-

Integrated Solar Solutions
 Kingspan Insulated Panels,
 Kingspan Commercial Business Park No.2,
 Moywal, Fintona,
 Co. Wick, Ireland
 L23 027 7222
 www.kingspanpanels.com

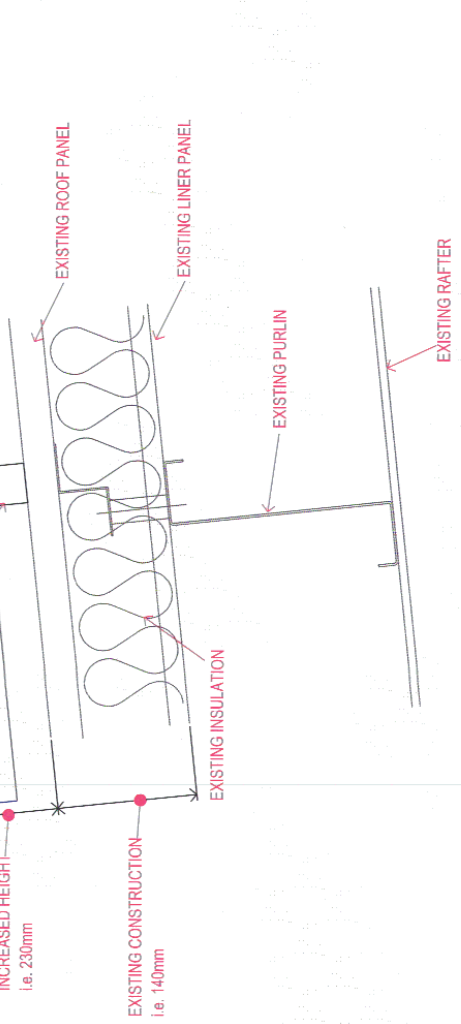


STATUS FOR INFORMATION	
PROJECT	KINGSPAN SHERBURN UK
TITLE	Existing South Slope Section With PV
DRN	AH
CKD	RC
DATE	03/12/13
REV	0
SCALE	1:4
DWG NO.	KES004

THIS DRAWING IS THE PROPERTY OF INTEGRATED SOLAR SOLUTIONS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF INTEGRATED SOLAR SOLUTIONS.

NOTES/DIMENSIONS TO BE CHECK ONSITE	
SYSTEM SIZE:-	MODULE TYPE:-

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF SECTION 17 OF THE COPYRIGHT, PATENTS ACT 1988. UNLESS INDICATED OTHERWISE, THIS DOCUMENT PROVIDES A RELEVANT EXCEPTION THAT PERMITS THE COPY TO BE MADE WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



TYPICAL SOUTH ROOF CONSTRUCTION



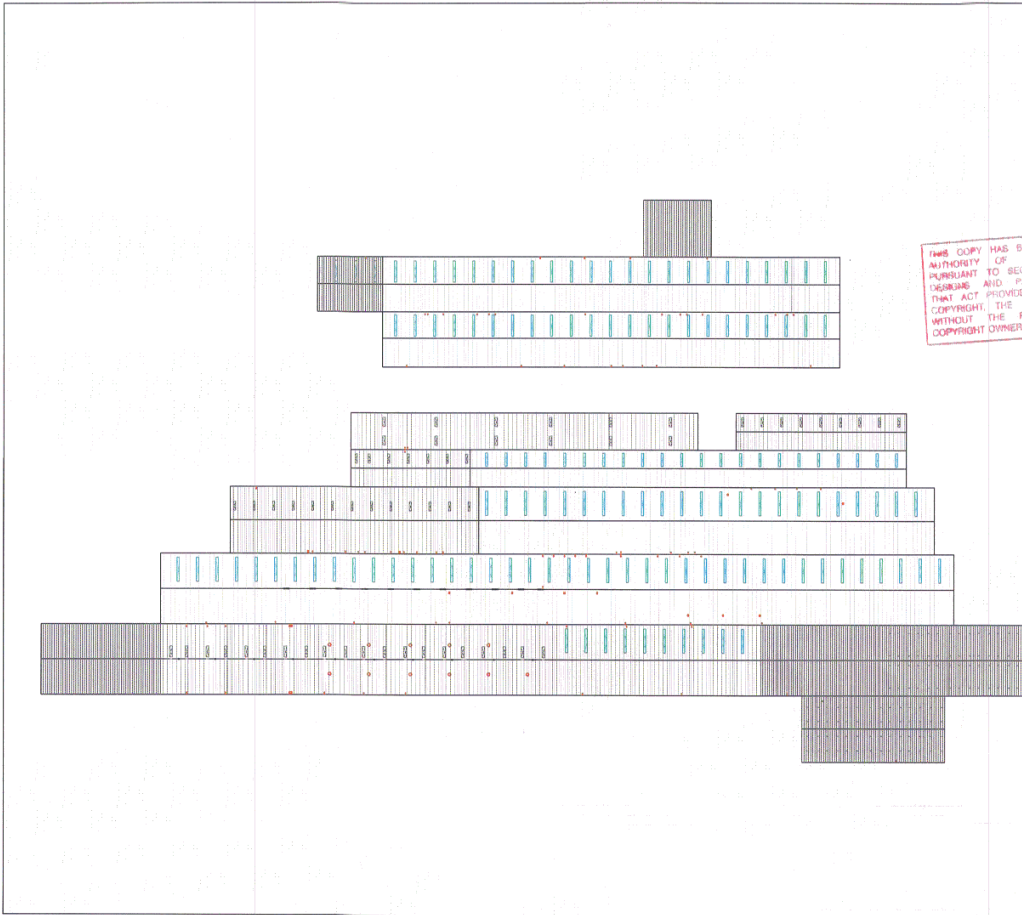
REV	DESCRIPTION	DRN	CHK	DATE

Integrated Solar Solutions

Kingspan Insulated Panels,
 Kingspan Insulated Roofing Panels,
 Kingspan Insulated Business Park No.2,
 Hoylewell, Thurlesine,
 Limerick, Ireland
 T: 01522 71232
 W: www.kingspanpanels.com

STATUS FOR INFORMATION			
PROJECT KINGSPAN SHERBURN UK			
TITLE Existing North Slope Section With PV			
DRN	AH	CKD	RC
DATE	03/12/13	REV	0
SCALE	1:4	DWG NO.	KES007

THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF INTEGRATED SOLAR SOLUTIONS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF INTEGRATED SOLAR SOLUTIONS.



NOTES

DIMENSIONS TO BE CHECK ONSITE

SYSTEM SIZE:-	MODULE TYPE:-
<input type="checkbox"/> EXISTING ROOF LIGHTS <input type="checkbox"/> PROPOSED ROOF LIGHTS	

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988 UNLESS OTHERWISE STATED. EXCEPT IN SO FAR AS THAT ACT PROVIDES A FURTHER EXCEPTION TO COPYRIGHT, THIS COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



REV	DESCRIPTION	DRN	CKD	DATE

Integrated Solar Solutions

Kingspan Intellectual Property,
Kingspan Ltd,
Cromwell Business Park No.2,
Kilmeadow, Kildare,
CH6 Y2J, UK,
t: 01353 717250
w: www.kingspanpanels.com

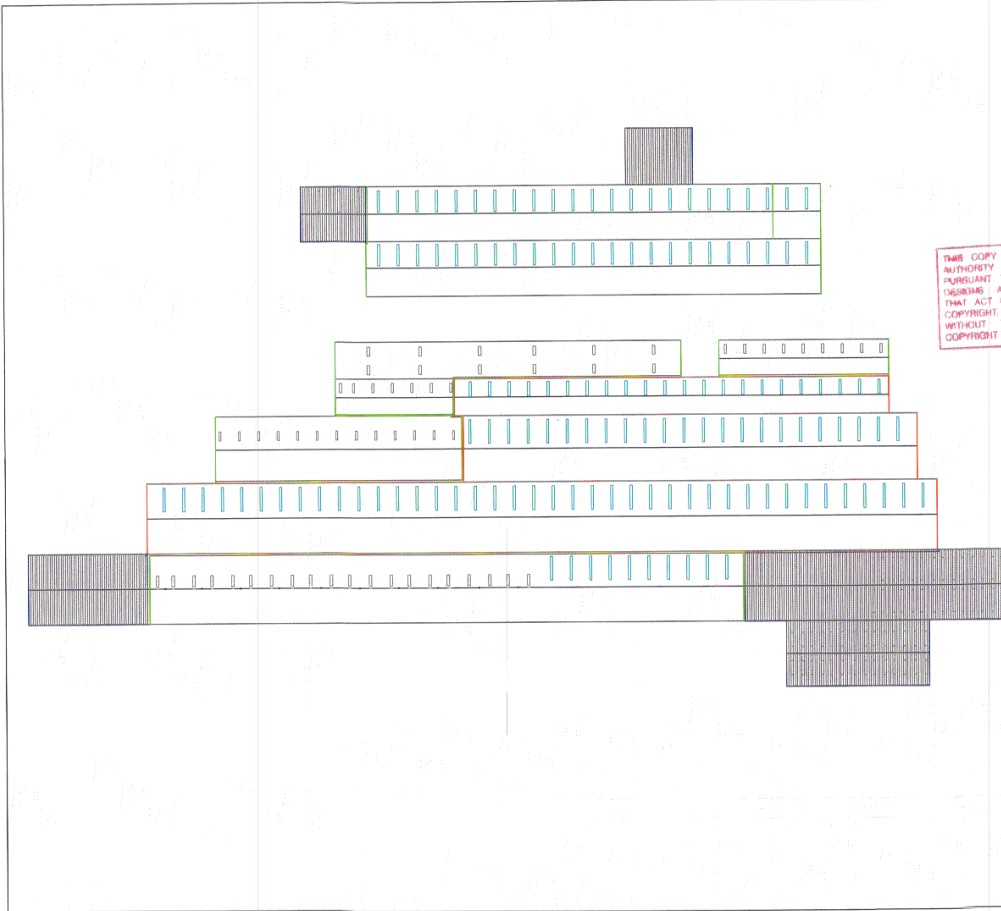


STATUS FOR INFORMATION

PROJECT KINGSKAN SHERBURN UK

TITLE Proposed Roof Layout 1

DRN	AH	CKD	RC
DATE	03/12/13	REV	0
SCALE	1:1500	DWG NO.	KES 201

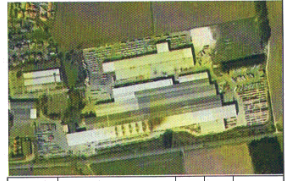


NOTES

DIMENSIONS TO BE CHECK ONSITE

SYSTEM SIZE :-	MODULE TYPE :-
	No Over Roof See Detail KES001 For South PV See Detail KES004 For North PV See Detail KES007
	Kingspan 40mm Composite See Detail KES002 For South PV See Detail KES005 For North PV See Detail KES008
	Kingspan 0.9mm Single Skin See Detail KES003 For PV See Detail KES006 For North PV See Detail KES009

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 53 OF THE COPYRIGHT, PATENTS AND DESIGNS ACT 1988 UNLESS INDICATED OTHERWISE. THIS ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT, THE COPY MUST NOT BE COMEDED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



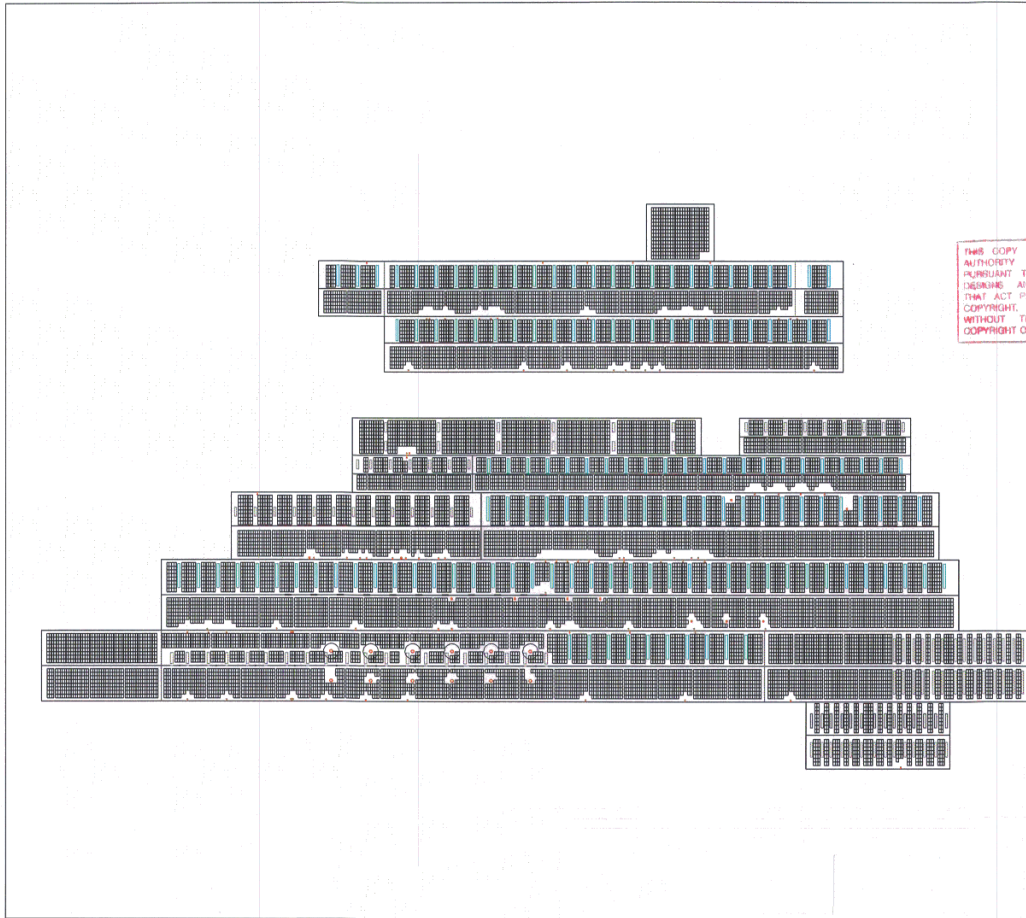
REV	DESCRIPTION	DRN	CKD	DATE

Integrated Solar Solutions

Kingspan Unistruc Panels,
Kingspan Ltd,
Greenfield Business Park No.2,
Mayfield, Warrington,
CH9 7SL, UK.
T: 01562 717228
W: www.kingspanpanels.com

STATUS FOR INFORMATION			
PROJECT KINGSKAN SHERBURN UK			
TITLE Proposed Roof Layout 2			
DRN	AH	CKD	RC
DATE	03/12/13	REV	0
SCALE	1:1500	DWG NO.	KES 202

No third party copyright is claimed for the material contained in this document. All rights reserved. No part of this document may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Kingspan Unistruc Panels Ltd.

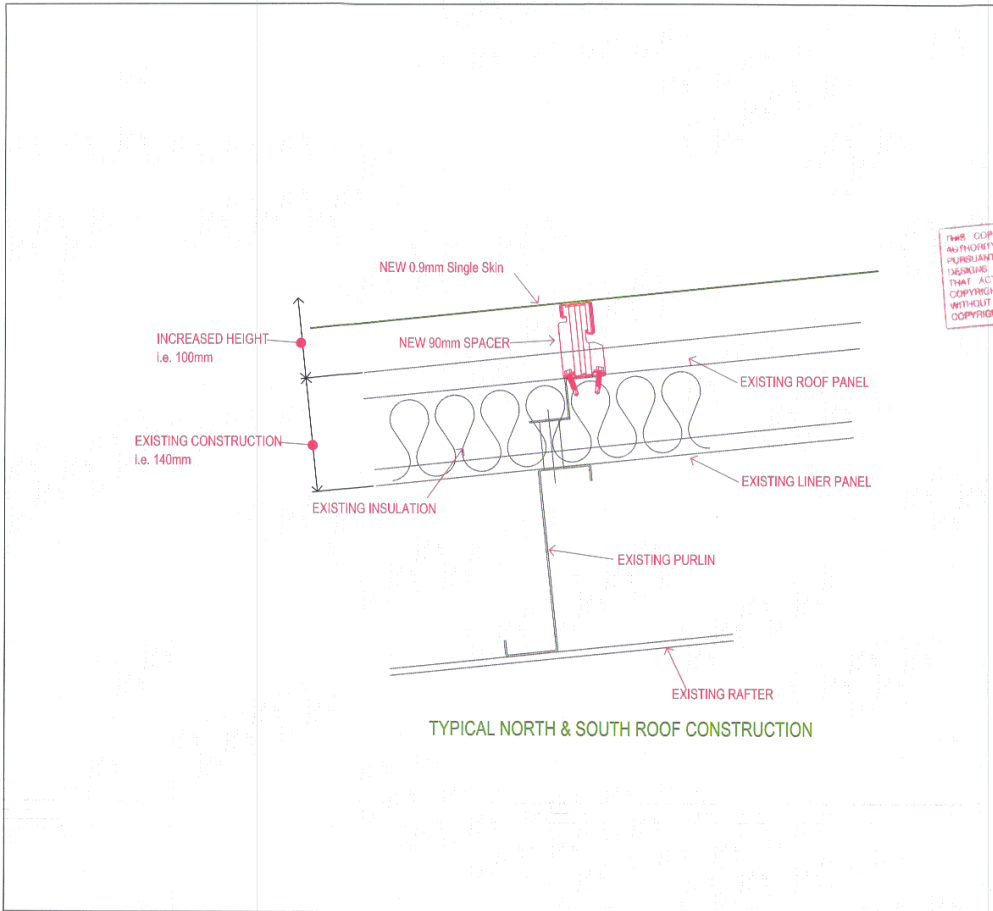


NOTES	
DIMENSIONS TO BE CHECK ONSITE	
-	MODULE TYPE: 270 W

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYSDALE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT DESIGN AND PATENTS ACT 1988 UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT. THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



REV	DESCRIPTION	DRN	CKD	DATE
Integrated Solar Solutions Kingspan Insulated Panels, Kingspan Ltd Greenfield Business Park No.2, Holywell, Flintshire, CH8 7SL, UK. T: 01352 717292 W: www.kingspanpanels.com				
STATUS: FOR INFORMATION				
PROJECT: KINGSPAN SHERBURN UK				
TITLE: Proposed PV Layout				
DRN	AH	CKD	RC	
DATE	03/12/13	REV	0	
SCALE	1:1500	DWG NO.	KES 203	



NOTES DIMENSIONS TO BE CHECK ONSITE

SYSTEM SIZE -	MODULE TYPE -


THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF HYDEDALE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988 (UNLESS THAT ACT PROVIDES A DIFFERENT EXCEPTION TO COPYRIGHT). THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



REV	DESCRIPTION	DRN	CKD	DATE

Integrated Solar Solutions

Kingspan Insulated Panels,
Kingspan Ltd
Greenfield Business Park No.2,
Holywell, Flintshire,
CH8 9JL, UK
t 01352 717282
w www.kingspanpanels.com

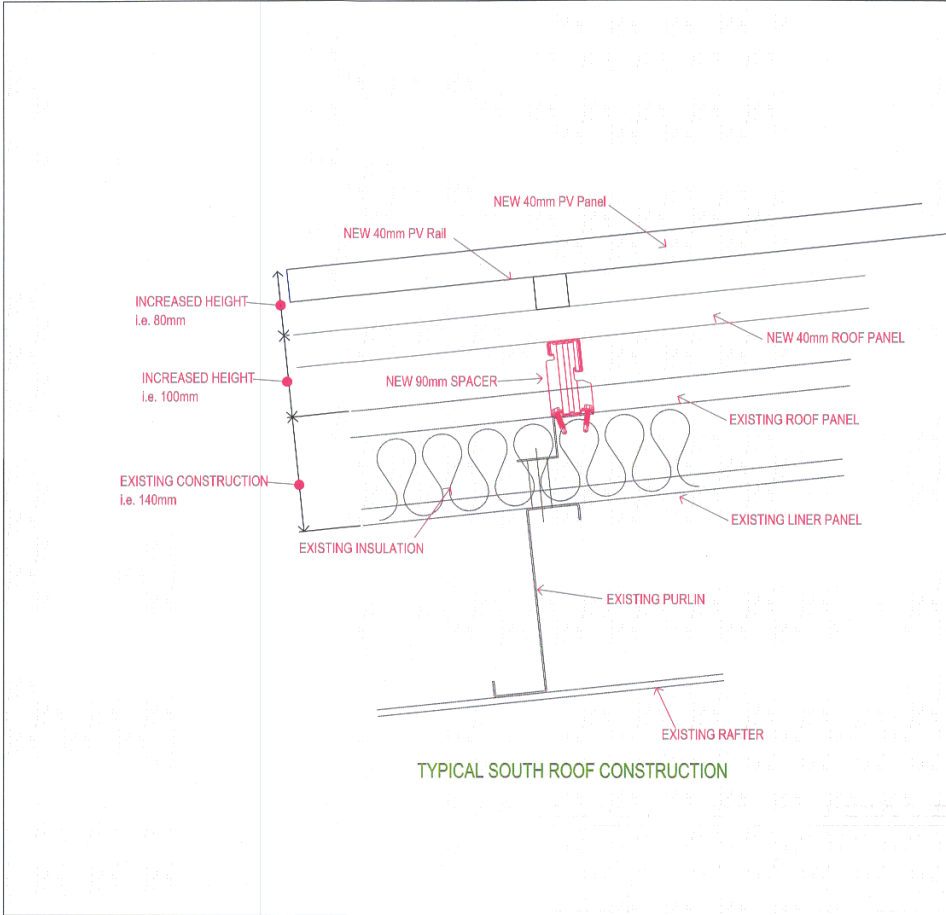


STATUS FOR INFORMATION

PROJECT KINGSPAN SHERBURN UK

TITLE Proposed Single Skin Section

DRN	AH	CKD	RC
DATE	03/12/13	REV	0
SCALE	1:4	DWG NO	KES002



NOTES DIMENSIONS TO BE CHECK ONSITE

SYSTEM SIZE -	MODULE TYPE -


THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF IREDALE DISTRICT COUNCIL PURSUANT TO SECTION 40 OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT, THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



REV	DESCRIPTION	DRN	CKD	DATE

Integrated Solar Solutions

Kingspan Insulated Panels,
Kingspan Ltd
Gerrard Business Park No.2,
Holverat, Fife, Scotland,
CH8 7GJ, UK
t: 01382 717222
w: www.kingspanpanels.com

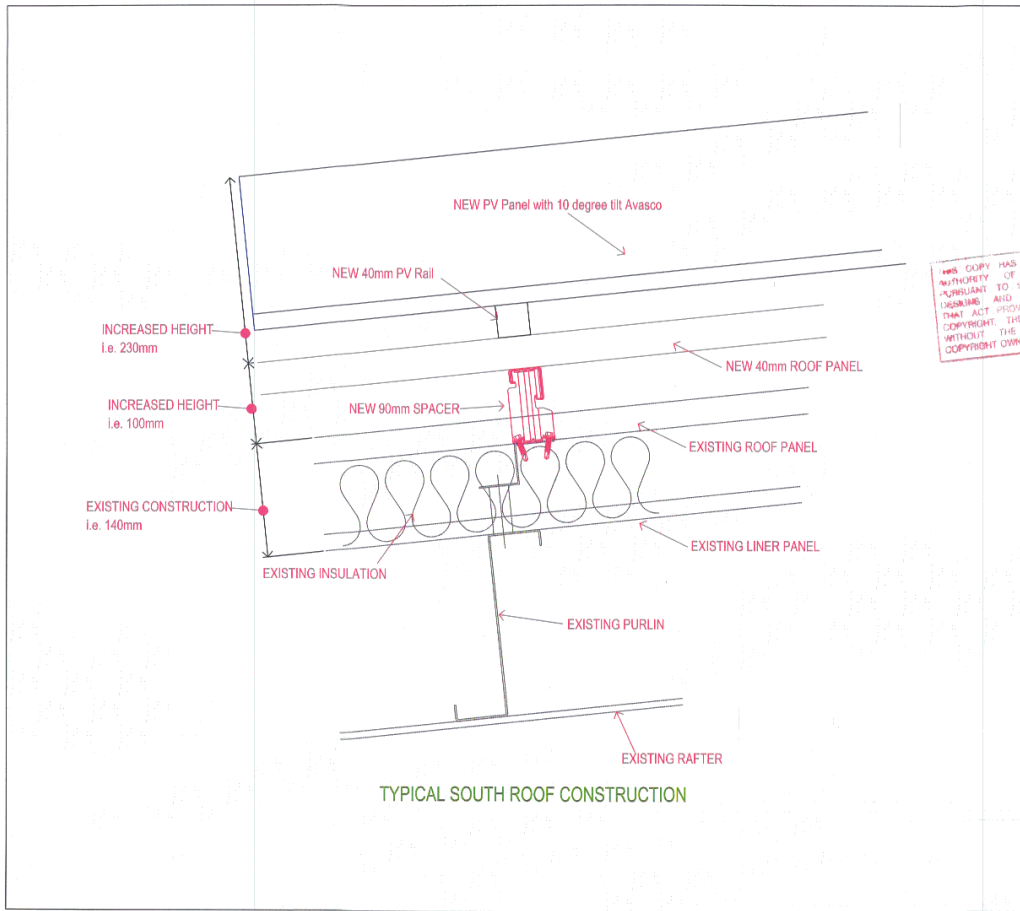


STATUS FOR INFORMATION

PROJECT KINGSPAN SHERBURN UK

TITLE Proposed South Slope Composite Section With PV

DRN	AH	CKD	RC
DATE	03/12/13	REV	0
SCALE	1:4	DWG NO.	KES005



NOTES DIMENSIONS TO BE CHECK ONSITE	
SYSTEM SIZE:-	MODULE TYPE:-

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF PLYMOUTH DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988. UNLESS OTHERWISE INDICATED, NO LIABILITY IS ACCEPTED FOR THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT. THIS COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



--	--	--	--	--

REV	DESCRIPTION	DRN	CKD	DATE
-----	-------------	-----	-----	------

Integrated Solar Solutions

Kingspan Insulated Panels,
Kingspan Ltd,
Greenfield Business Park No.2,
Hilway, Fife, KY11 1YU,
UK
Tel: 01532 717252
www.kingspanpanels.com

STATUS FOR INFORMATION

PROJECT KINGSPAN SHERBURN UK

TITLE Proposed South Slope Composite Section With PV

DRN	AH	CKD	RC
-----	----	-----	----

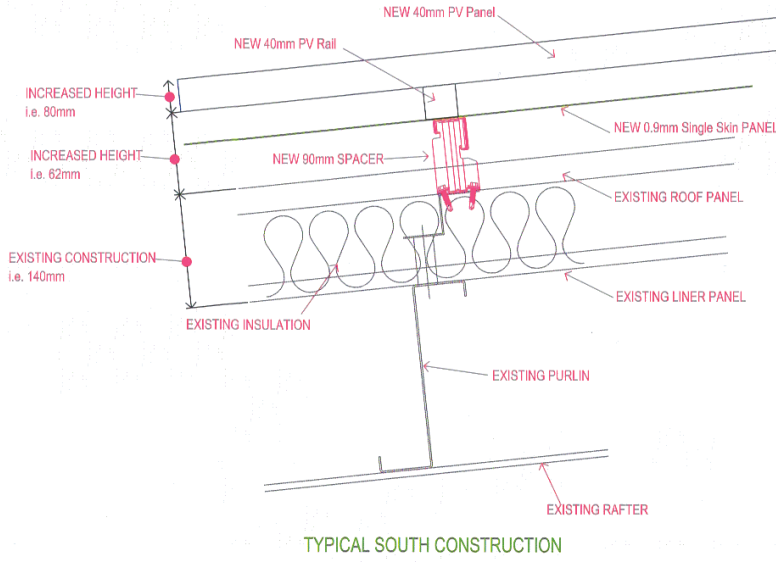
DATE	03/12/13	REV	0
------	----------	-----	---

SCALE	1:4	DWG NO.	KES008
-------	-----	---------	--------

The Project Design is intended for use only for the project identified in the title block. It is not to be used for any other project without the prior written consent of Kingspan Panels Ltd.

NOTES DIMENSIONS TO BE CHECK ONSITE

SYSTEM SIZE: -	MODULE TYPE: -



THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988 UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT. THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.

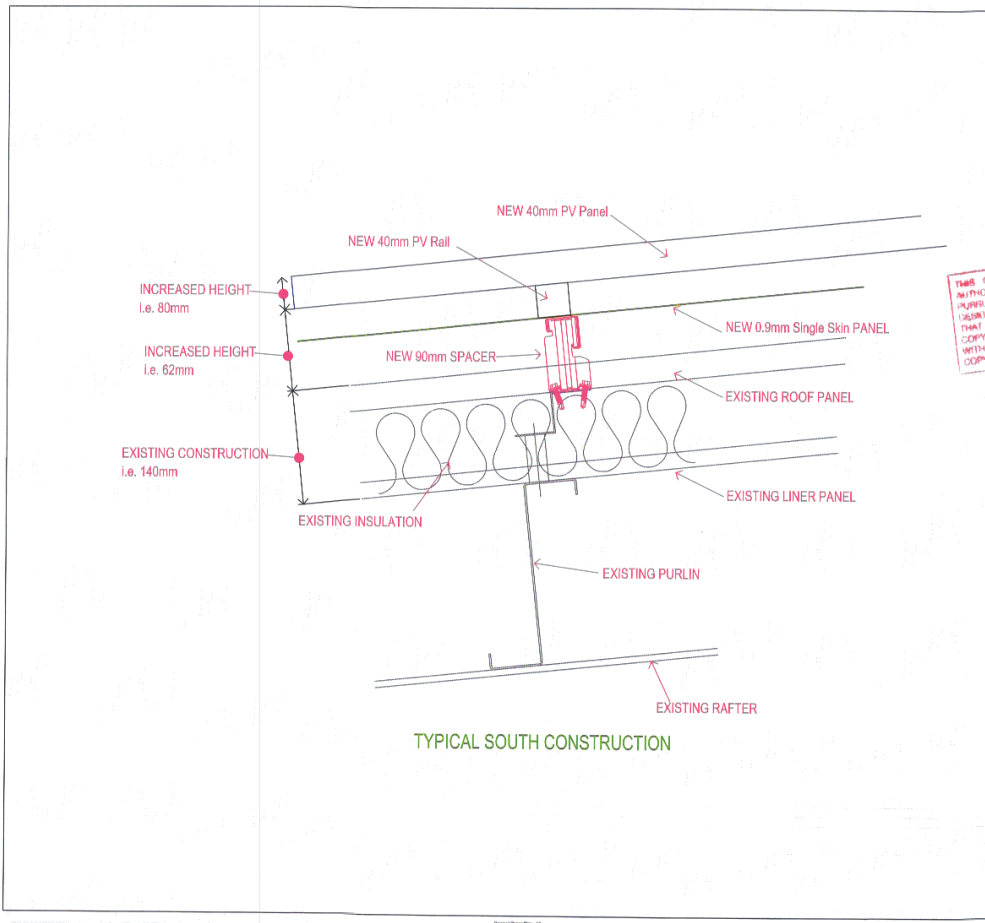


REV	DESCRIPTION	DRN	CKD	DATE

Integrated Solar Solutions

Kingspan Insulated Panels,
Kingspan Ltd
Glenfield Business Park No.2,
Hoywell, Fife, KY21 1JG,
01842 717233
www.kingspanpanels.com

STATUS	FOR INFORMATION			
PROJECT	KINGSPAN SHERBURN UK			
TITLE	Proposed South Slope Single Skin Section With PV			
DRN	AH	CKD	RC	
DATE	03/12/13	REV	0	
SCALE	1:4	DWG NO.	KES006	



TYPICAL SOUTH CONSTRUCTION

NOTES DIMENSIONS TO BE CHECK ONSITE

SYSTEM SIZE: -	MODULE TYPE: -


THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF IPYDALE DISTRICT COUNCIL PURSUANT TO SECTION 87 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988 UNLESS OTHERWISE INDICATED. ANY REPRODUCTION OF THIS ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT. THE COPY MUST NOT BE COMED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



REV	DESCRIPTION	DRN	CKD	DATE

Integrated Solar Solutions

Kingspan Insulated Panels,
Kingspan Ltd,
Greenfield Business Park No.2,
Hollywell, Flintshire,
CH6 9JL, UK,
t: 01852 792232
w: www.kingspanpanels.com

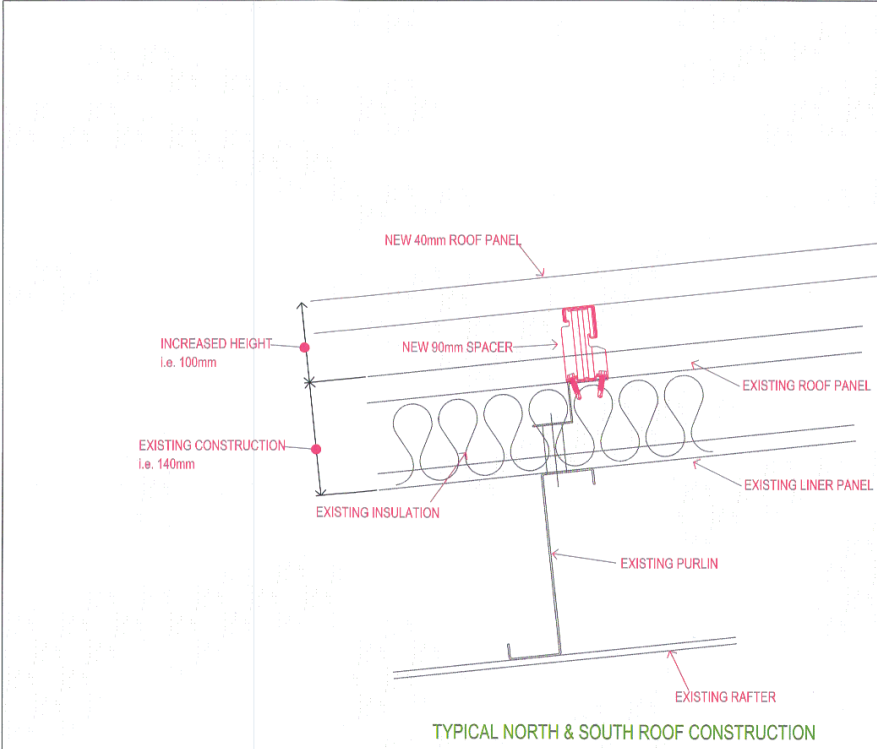


STATUS: FOR INFORMATION

PROJECT: KINGSPAN SHERBURN UK

TITLE: Proposed North Slope Single Skin Section With PV

DRN	AH	CKD	RC
DATE	03/12/13	REV	0
SCALE	1:4	DWG NO.	KES009



NOTES DIMENSIONS TO BE CHECK ONSITE	
SYSTEM SIZE: -	MODULE TYPE: -


THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF FRYEDALE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988 UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT. THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



REV	DESCRIPTION	DRN	CKD	DATE

Integrated Solar Solutions

Kingspan Insulated Panels,
Kingspan Ltd
Sheffield Business Park No.2,
Halwell, Firthline,
CH12 2LL, UK
t: 01532 717292
w: www.kingspanpanels.com

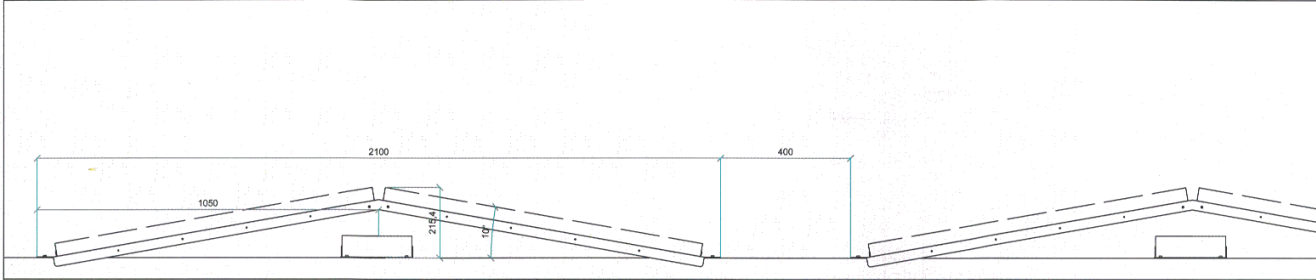


STATUS: FOR INFORMATION

PROJECT: KINGSPAN SHERBURN UK

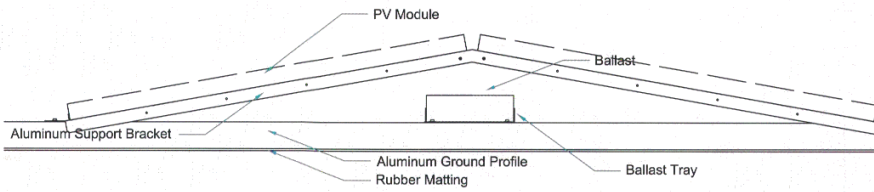
TITLE: Proposed Composite Section

DRN	AH	CKD	RC
DATE	03/12/13	REV	0
SCALE	1:4	DWG NO.	KES003

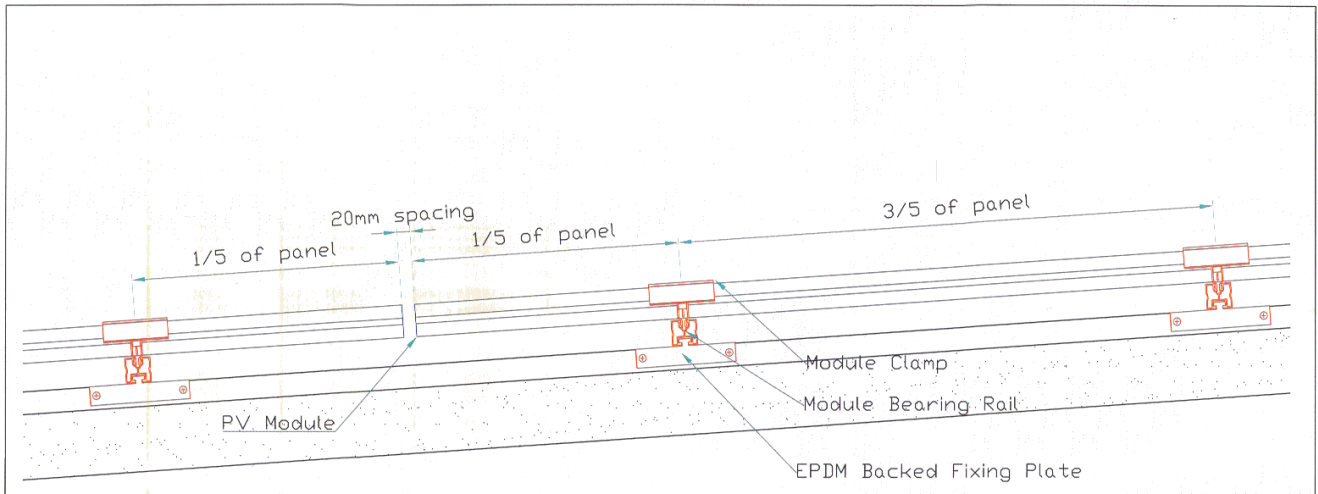


TYPICAL ROW SPACING AND MODULE HEIGHT (10 DEGREE SHOWN)

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF THE LOCAL AUTHORITY OF SECTION 17 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988 WHICH PROVIDES THAT ANY REPRODUCTION OF THIS COPY WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER




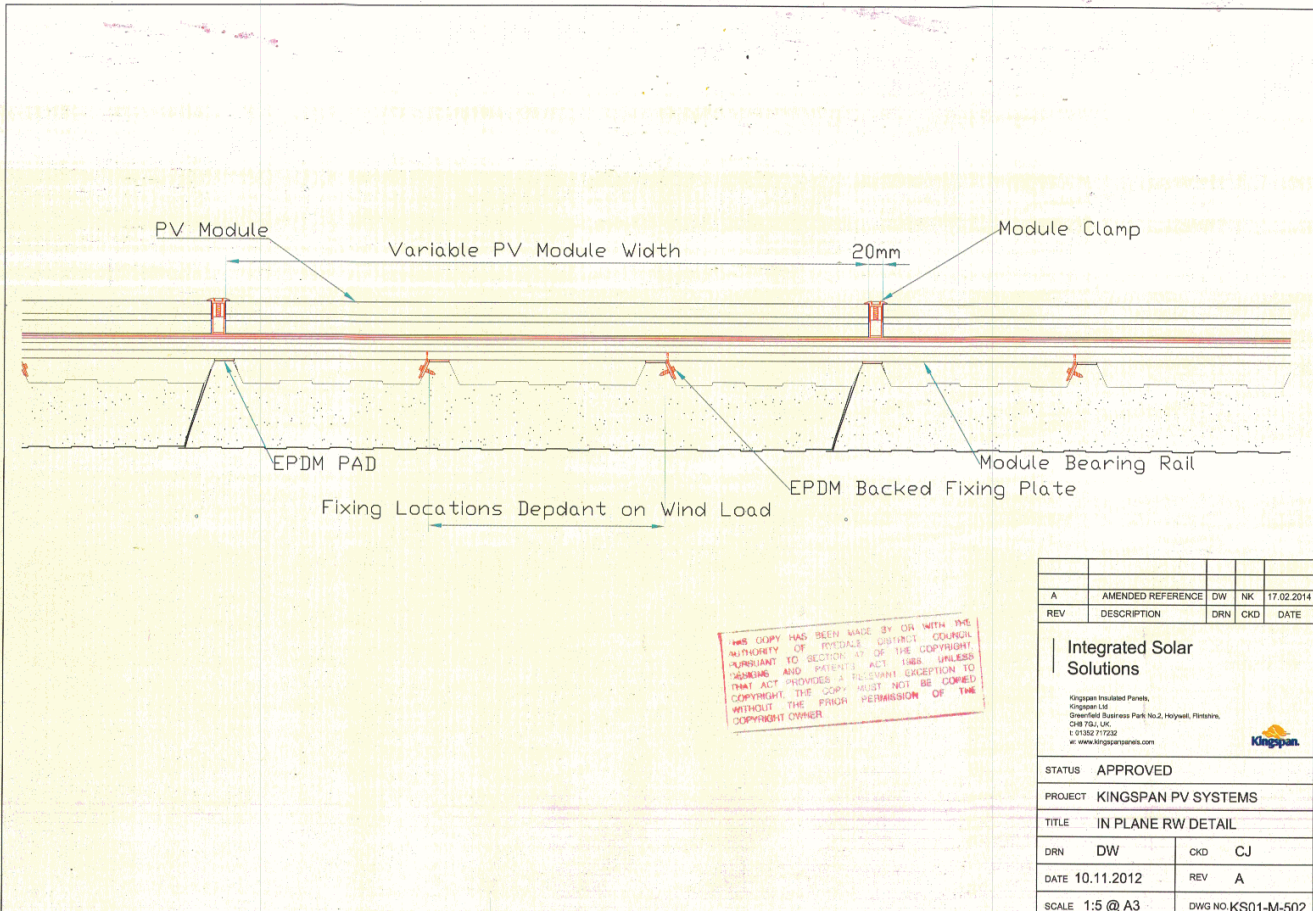
REV	DESCRIPTION	DRN	CKD	DATE
ORIENTATION	N/A	PITCH	N/A	
SYSTEM SIZE	N/A	MODULE TYPE	N/A	
Integrated Solar Solutions Kingspan Insulated Panels, Kingspan Ltd, Greenfield Business Park No.2, Moywest, Fingona, Co. Wick, UK. t: 01562 717232 w: www.kingspanpanels.com				
STATUS APPROVED				
PROJECT KINGSPAN FIXING SYSTEMS				
TITLE FLAT ROOF MOUNTING SYSTEM				
DRN	DW	CKD	CJ	
DATE	23.05.2013	REV	N/A	
SCALE	1:10/1:8 @ A3	DWG NO.	KS03-M-505	



THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYSDALE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988. UNLESS OTHERWISE A RELEVANT EXCEPTION TO THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT, THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.

REV	DESCRIPTION	DRN	CKD	DATE
A	AMENDED REFERENCE	DW	NK	17.02.2014

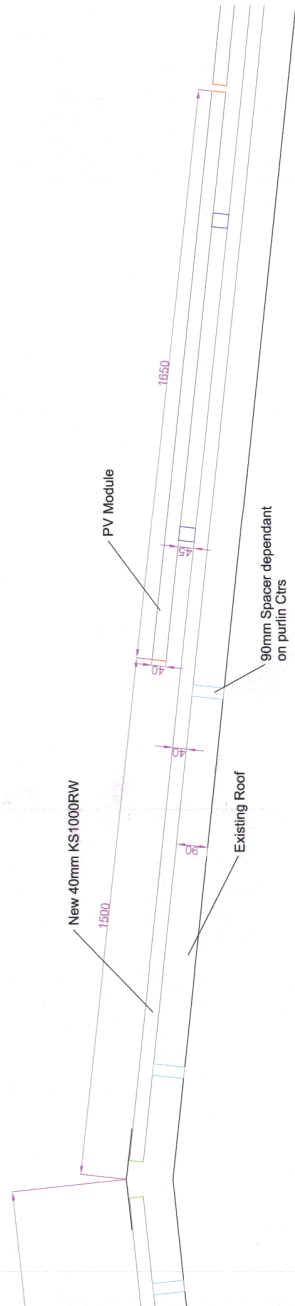
Integrated Solar Solutions			
<small>Kingspan Insulated Panels, Kingspan Ltd Sheffield Business Park No.2, Hoywell, Farnham, CM8 7SL, UK T: 01352 717232 or: www.kingspanpanels.com</small>			
			
STATUS	APPROVED		
PROJECT	KINGSPAN PV SYSTEMS		
TITLE	IN PLANE RW DETAIL		
DRN	DW	CKD	CJ
DATE	10.11.2012	REV	A
SCALE	1:5 @ A3	DWG NO.	KS01-M-501



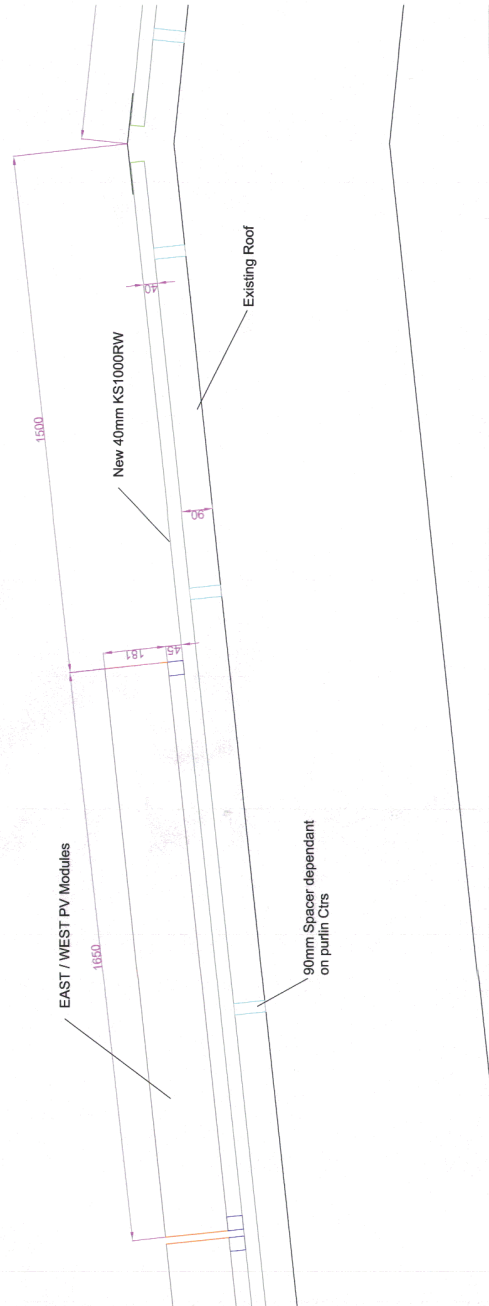
THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF PLYMOUTH DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988 UNLESS THAT ACT PROVIDES A FURTHER EXEMPTION TO COPYRIGHT. THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.

A	AMENDED REFERENCE	DW	NK	17.02.2014
REV	DESCRIPTION	DRN	CKD	DATE
Integrated Solar Solutions Kingspan Insulated Panels, Kingspan Ltd, Greenfield Business Park No.2, Moyville, Fifebrine, CH8 7SL, UK. T: 01352 217232 www.kingspanpanels.com				
STATUS APPROVED				
PROJECT KINGSPAN PV SYSTEMS				
TITLE IN PLANE RW DETAIL				
DRN	DW	CKD	CJ	
DATE	10.11.2012	REV	A	
SCALE	1:5 @ A3	DWG NO.	KS01-M-502	

NORTH SLOPE TYPICAL SECTION



SOUTH SLOPE TYPICAL SECTION



All South Slopes will use the in plane PV system, which is 80mm above roof line
 All North Slopes will use the East / West PV system, which is 221mm above roof line



REV	DESCRIPTION	DRN	CKD	DATE
-	-	-	-	-

Integrated Solar Solutions

Kingspan Insulated Panels,
 Kingspan Ltd
 Greenfield Business Park, No.2,
 Holywell, Flintshire
 CH8 9JY, UK
 C. 01248 362222
 K. www.kingspanpanels.com



STATUS FOR INFORMATION

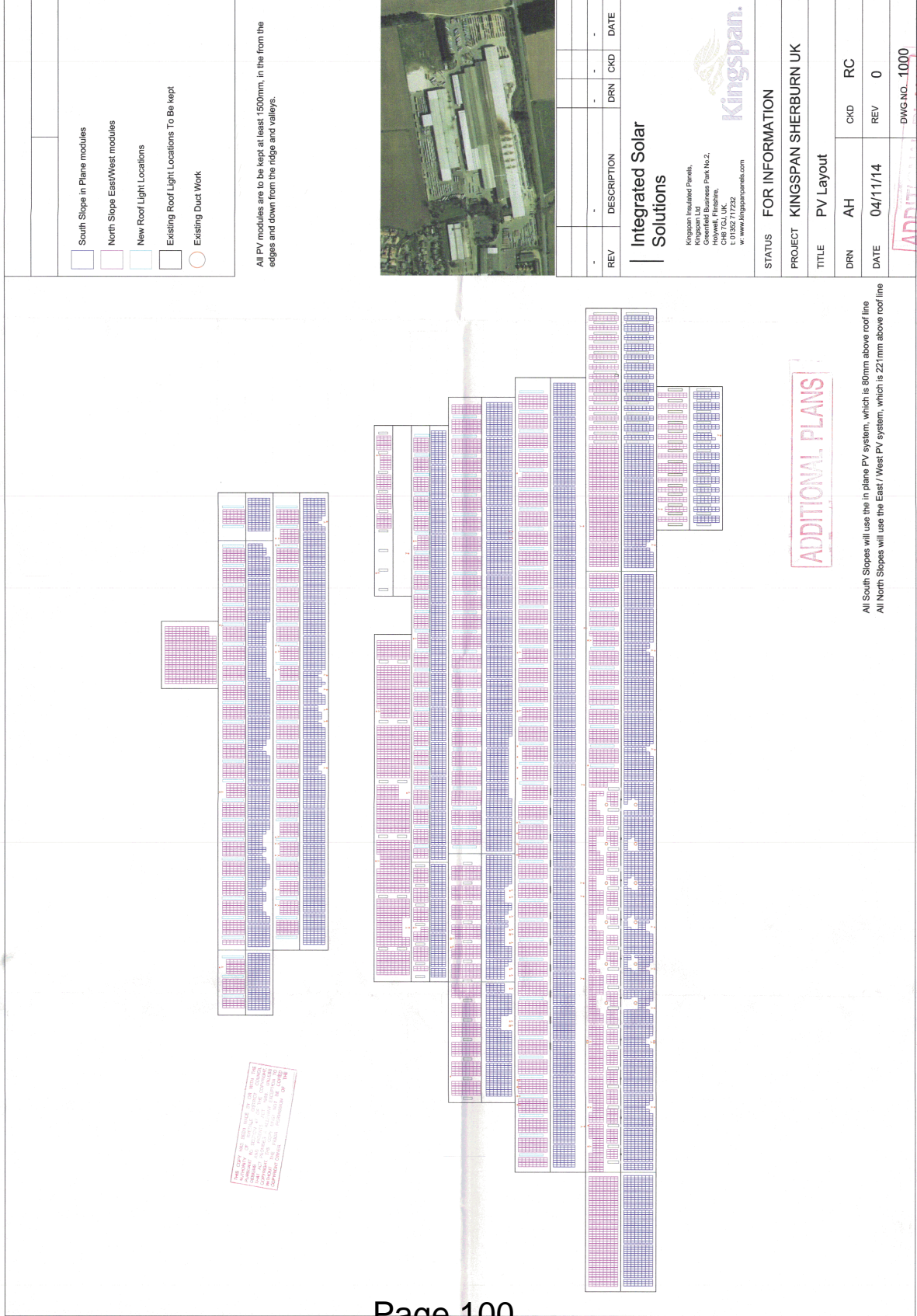
PROJECT KINGSpan SHERBURN UK

TITLE Typical Sections

DRN AH CKD RC

DATE 04/11/14 REV 0

DWG NO. 1002



REV	DESCRIPTION	DRN	CKD	DATE
-	-	-	-	-

Integrated Solar Solutions

Kingspan Insulated Panels,
Greenfield Business Park No.2,
Hoywell, Rishare,
Co. Down,
BT36 7 1T2
www.kingspanpanels.com

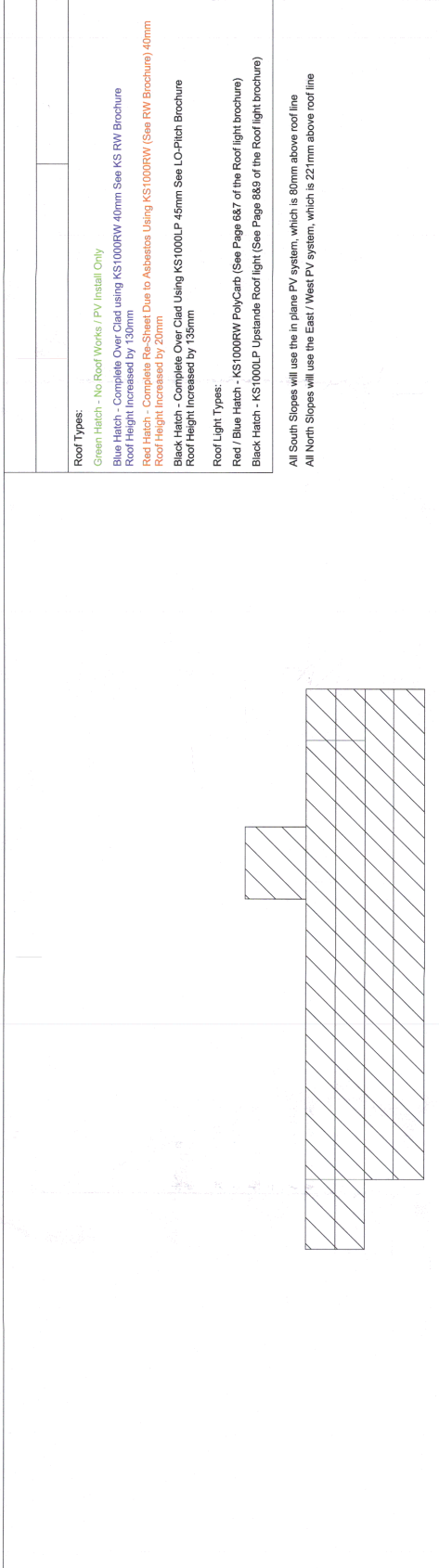


STATUS FOR INFORMATION	
PROJECT	KINGSPAN SHERBURN UK
TITLE	PV Layout
DRN	AH
CKD	RC
DATE	04/11/14
REV	0
DWG NO.	1000

ADDITIONAL PLANS

All South Slopes will use the in plane PV system, which is 80mm above roof line
All North Slopes will use the East / West PV system, which is 225mm above roof line

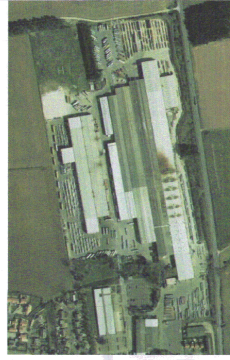
DATE: 04/11/14
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:100
PROJECT: KINGSPAN SHERBURN UK
DWG NO: 1000



Roof Types:

- Green Hatch - No Roof Works / PV Install Only
 - Blue Hatch - Complete Over Clad using KS1000RW 40mm See KS RW Brochure
Roof Height increased by 130mm
 - Red Hatch - Complete Re-Sheet Due to Asbestos Using KS1000RW (See RW Brochure) 40mm
Roof Height increased by 20mm
 - Black Hatch - Complete Over Clad Using KS1000LP 45mm See LO-Pitch Brochure
Roof Height increased by 135mm
- Roof Light Types:**
- Red / Blue Hatch - KS1000RW Poly/Carb (See Page 6&7 of the Roof light brochure)
 - Black Hatch - KS1000LP Upstande Roof light (See Page 6&5 of the Roof light brochure)

All South Slopes will use the in plane PV system, which is 80mm above roof line
All North Slopes will use the East / West PV system, which is 221mm above roof line



REV	DESCRIPTION	DRN	CKD	DATE
-	-	-	-	-

Integrated Solar Solutions

Kingspan Insulated Panels,
Kingspan Business Park No.2,
Goreway, Enniscorthy,
Co. Wick, Ireland.
Chig (CS), UK
Tel: +353 (0) 51 872 222
www.kingspanpanel.com

STATUS FOR INFORMATION	
PROJECT	KINGSPAN SHERBURN UK
TITLE	Roof / Roof light Types
DRN	AH
CKD	RC
DATE	04/11/14
REV	0
DWG NO.	1001

**ROOFTOP
SOLAR POWER**



Kingspan Sherburn

Supporting Statement

Contents:

1.0 Introduction

2.0 Site Location & Description

3.0 Proposals

4.0 Planning Policy

5.0 Planning Merits

6.0 Conclusions

1.0 Introduction

- 1.1 This statement has been prepared to support the application for installing 21,186 solar PV modules onto the Widespan roofs of Kingspan Insulated Panels in Sherburn, Malton, North Yorkshire.
- 1.2 The Solar PV array will generate power for use within the Kingspan plant, with any surplus energy being fed back into the Northern Power Grid network. The proposal forms part of the Kingspan Group PLC's strategy to move towards a greener low carbon future.
- 1.3 The roof are to be used to install the PV array will be having extensive upgrades to ensure the building is capable of holding the PV. The only visible area would be the most south facing roof on the entire site (Widespan 0). All the other roofs are confined in behind this one.

2 Site Location & Description

- 2.1 Kingspan Insulated Panels is situated adjacent to the main link road between York and Scarborough (A64).
- 2.2 The Kingspan Insulated Panels Plant is situated on the left hand side of the road when travelling from York to Scarborough using the A64. The whole site is a large rectangle, with smaller rectangular buildings situated in the centre. The whole site is approximately 45.94 acres, with the buildings adding to approximately 52,000M². It is on these buildings where the PV system will be situated, and one array may be visible from the A64.

3 Proposals

- 3.1 It is proposed to mount a total of 21,186 PV modules across the 7 roofs at Kingspan Sherburn. Each roof will have a South facing in plain PV system, and an east / west facing system on the North slopes. The roof dimensions vary considerably as you can see from our planning drawings.
- 3.2 The Total area of all 7 roofs will be approximately 52,000M²
- 3.3 The majority of the roof in which the PV is situated will be completely covered in PV modules, with some exception where we have existing flues, vents and exhaust system penetrating.
- 3.4 The Arrays will mainly sit 10 modules wide (10.1M) by approximately 9 modules high (9.09M). This will repeat itself through the entire arrays, unless we run to the end of the building where these may get smaller. For more information, please take a look at the supported roof layout drawings.
- 3.5 The Solar modules will be orientated south facing and in plain with roof on an angle of 5 degrees, and on the north slopes it will be east / west at around 10 degrees. The highest point of the PV modules will be the centre area of the east / west system will be approximately 0.4M above the plain of the roof.

3.6 All dimensions for the building and arrays can be taken from the planning application supporting drawings.

3.7 The appearance of the Solar PV array will be 40mm thick, dark navy with a non-reflective coating. These will be angled at 5 degrees in plain with the south slope, and 10 degrees facing east / west on the north slopes. Examples of these can be found in the full planning application document.

3.8 We shall be installing a safety system upon the roof, to allow safe inspection throughout the design life of the PV system. The only way of accessing the roof will be via MEWP controlled by a trained operative.

4 Planning Policy – National Planning Policy Framework

4.1 This guidance was first published in March 2012 and replaces all previous planning guidance. The guidance promotes sustainable development and local planning authorities should have regard to this guidance when preparing development plans and determining planning applications.

4.2 Section 10 of the NPPF deals with “meeting the challenge of climate change, flooding and coastal change”

Local Planning Policies

4.3 The Local Plan strategy was adopted in September 2013. Policy SP 18 – Renewable and low carbon energy of the local plan strategy is relevant.

5 Planning Merits

5.1 By their very nature solar pv modules need to be sited in locations which can take full advantage of available sunlight and where there is no over shading from trees, hedgerows, flues and buildings. The area chosen to situate the modules, is the newly upgraded roof of Kingspan Insulated Panels.

5.2 It is considered that the array will not be widely visible, and will not cause any significant harm to and area of the landscape.

5.3 The proposal is in accordance with guidance contained in paragraph 98 of the NPPF and Policy SP18 of the local plan strategy, and there is no reason why planning permission should not be granted without delay.

6 Conclusion

6.1 The NPPF requires local planning authorities to support the move to a low carbon future

6.2 The proposals meet the criteria set out in Policy SP18 Renewable and Low Carbon Energy and as such should be permitted.



ROOFTOP SOLAR POWER

Kingspan Energy Limited
Greenfield Business Park No. 2,
Holywell, Flintshire, CH8 7GJ, UK
Company No. 10386620
Registered in England and Wales

Tel.: +44 (0) 1352 717232
Email: pvenquiry@kingspan.com
Web: www.kingspanenergy.com

Care has been taken to ensure that the contents of this publication are accurate, but Kingspan Energy Limited does not accept responsibility for errors or for information that is found to be misleading.

Suggestions for, or description of, the end use or application of products or methods of working are for information only and Kingspan Energy Limited accepts no liability in respect thereof.



Net Zero Energy Policy Update Sherburn Site - October 2014



What is Net-Zero Energy?



“Net Zero Energy, as defined for our own purposes, is that our sites, over a year, on a net energy balance will be powered by renewable energy“

Target for Kingspan Group estate to achieve Net Zero Energy by 2020 with an interim target of 50% in 2016.

Kingspan Group NZE Progression



Net Zero Energy Progression

	Renewable GWH*	% Total Use
2009A	5	2
2011A	16	5
2013A	60	18
2016P	170	52

*Renewable power either generated on site, or bought in (A: actual; P: plan)

Sherburn Energy Efficiency Measures



- In 2014 we are spending £925,516 on energy efficiency measures at Sherburn. Grand total of energy savings amounts to 2,527,653 kWh.

Energy Efficiency Measure	kWh Saving Electricity	kWh Saving Fuel Oil	kWh Saving LPG	Carbon Dioxide Savings (Tonnes)
Lighting - Factory	1,124,000			612.6
Lighting - offices	176,313			96.1
Automatic monitoring / targeting	249,573	388,278	123,900	267.2
Building Management System		230,733		61.4
Compressed Air System	234,857			128
Totals	1,784,742	619,011	123,900	1165

Sherburn Energy Consumption Profile



	2012*	2013*	2014**	2015***
Electricity	5,888,186	5,850,607	5,650,000	4,500,000
Fuel Oil	9,668,461	8,934,926	8,415,000	8,000,000
LPG	1,714,216	1,714,055	1,690,000	1,600,000
TOTAL	17,270,863	16,499,588	15,755,000	14,100,000

* Actual kWh

** Predicted kWh with partial impact of energy efficiency measures

*** Predicted kWh with full impact of energy efficiency measures including business growth provision.

Net-Zero Energy Achievement



▪ Electricity

A 5.5MWp Rooftop Solar PV system will generate 4,500,000 kWh. This will cover the total electricity use predicted in 2015.

▪ Heat

Detailed feasibility study is being finalised for biomass / AD to potentially replace current fuel oil / LPG use.

Potential Electrical Energy Consumption Profile in 2015



	2016**** Predicted (kWh)	Non- renewable energy use (kWh)	Renewable Energy Generation (kWh)	Net non- renewable energy (kWh)
Electricity	4,500,000	0	4,500,000 (PV)	0

Solar rooftop PV system will generate 100% of site electricity demand (net).

Summary

- A 5.5MWp Rooftop Solar PV system is essential to cover our electricity requirements on site.
- Biomass possibly in conjunction with anaerobic digestion (AD) offers a potential solution to cover the site heat demand. Further work is ongoing to develop a finalised proposal.
- **Rooftop solar PV plus biomass / AD has potential to deliver renewable energy to cover 100% of total site energy demand in 2016 – helping to deliver a world-leading sustainable net zero energy manufacturing facility.**

**Kingspan
Sherburn**



Protecting Investment, Growth, Jobs

Kingspan Sherburn 2013 Data



1.0 Sherburn Economics

- Skilled & Fulltime Employees – 330 (plus a further 220No. Severfield employees located on site as Kingspan tenants, site total = 550)

	£million PA
■ Turnover	96.0
■ Export Sales	20.8
■ Rates	0.4
■ NI Contributions	0.8
■ Corporation Tax	2.6

1.1 Sherburn Environmental

■ Electricity (MWh)	5,851
■ Fuel Oil generated heat (MWh)	8,935
■ LPG generated heat (MWh)	1,714
■ Weight of Waste - Landfill (Tonnes)	zero
■ Weight of Waste - Recycled (Tonnes)	4,000

2.0 Kingspan Group – UK economy growth & jobs contribution

- 2,500 Employees
- £260 million per annum Tax – VAT – Salaries
- £200 million per annum Exports
- 17No. UK Locations



Deep Renovation Project Measures

- 1.0 Replace 55 year old end-of-life uninsulated asbestos roofs with a **high-performance energy efficient insulated metal panel roof system** to comply with 2014 building codes. The new roof system will incorporate high technology advanced natural daylighting panels to optimise light transmission at working space level.
- 2.0 Install a **5.5MW output 52,000² rooftop solar PV array** onto the new roof system across the site. Generation from the rooftop solar PV system is predicted to be equal to our site electricity demand in 2015.
- 3.0 In 2014 Kingspan has invested over £925,000 in energy efficiency measures at Sherburn to save over 2.8 GWh of energy. This measures include a full **Kingspan Smart-Lite LED lighting system** which yields an energy saving of 87.5% compared to the original lighting system. Also included are improvements to the compressed air system, sub-metering, building management systems and an automated targeting and energy monitoring system.



Deep Renovation Project Energy Savings



4.0 Energy and CO₂ emission savings summary of measures 1.0 to 3.0 inclusive are:

- Rooftop Solar PV Array
Energy Generation PA
Energy Generation 25 years
CO₂ Emission Savings PA
CO₂ Emission Savings 25 years
- Energy Efficiency Measures
Energy Savings PA
Energy Savings 25 years
CO₂ Emission Savings PA
CO₂ Emission Savings 25 years

4.5 GWh
101.6 GWh
2,345 te CO₂
52,430 te CO₂

2.5GWh
62.5 GWh
1,165 te CO₂
29,125 te CO₂

5.0 Combined energy and carbon dioxide emission impact:

- Combined Energy Generation and Savings PA
- Combined Energy Generation and Savings 25 years
- CO₂ Emission savings PA
- CO₂ Emission Savings 25 years

7 GWh
175 Gwh

3,510 te = 702 houses
87,750 te = 17,550 houses

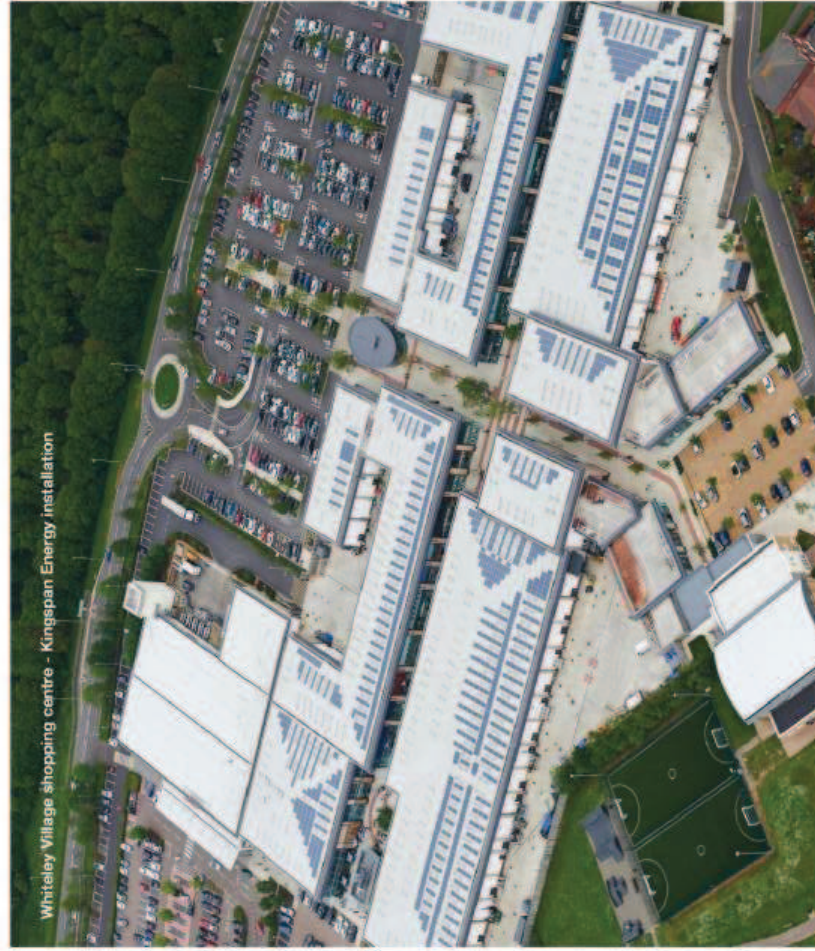


Addressing The Issues

- Stipulation that PV modules need to be black cells and black framed.

This will adversely impact the commercial viability of the project and make it non-viable as it will add 15% onto £8mio PV system investment.

Blue polycrystalline silver framed product is what is used country-wide on commercial industrial buildings in areas much more populated and visible than the Sherburn factory.

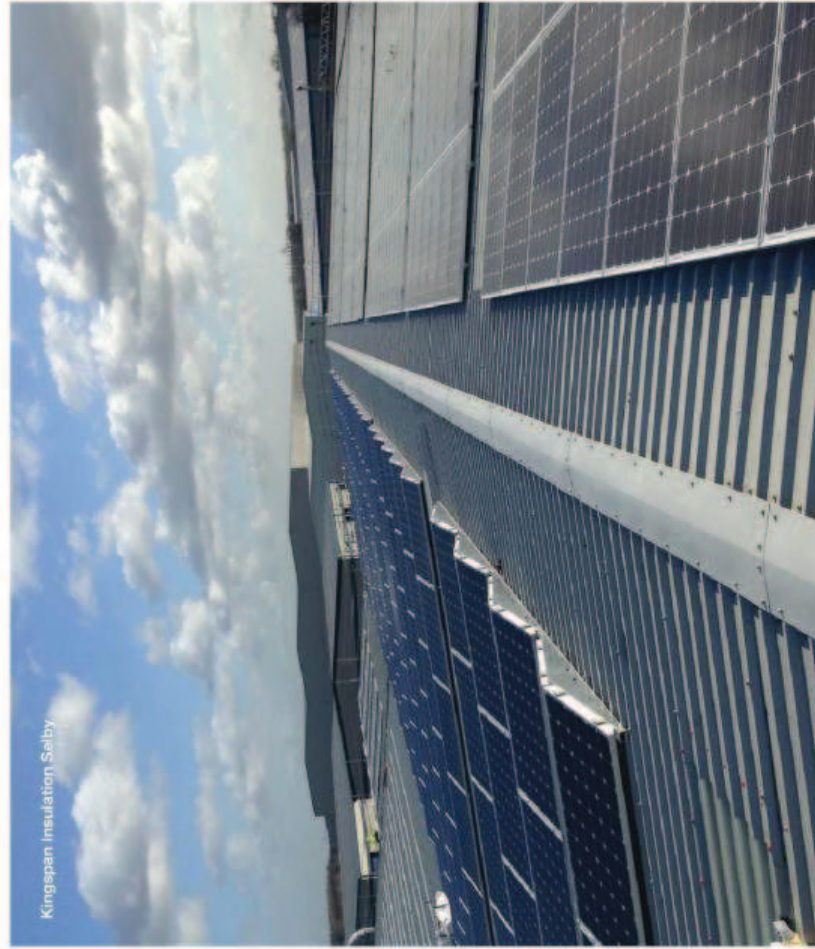


Whiteley Village shopping centre - Kingspan Energy installation

Addressing The Issues

- Stipulation that PV modules need to be in plane on the North face as opposed to tilted East-West.

Critically, if we place modules in plane on North face it will have a detrimental impact to output that will deem the whole project commercially non-viable.



Addressing The Issues

**BRE
NATIONAL
SOLAR
CENTRE**

Glint and Glare related to standard Crystalline Solar Modules

Crystalline Solar Modules comprise of a laminate made up of glass, solar cells and a rear back sheet bonded together with EVA and mounted in an anodised aluminium frame.

In order to maximise the generation of electricity from the Solar Cells the glass used is a non reflective stippled surface low iron white glass. This glass, unlike normal glass used in buildings or greenhouses, is designed to absorb light and not reflect light.

Solar modules have been used, for over 15 years, at various Airports across the World mounted on the roofs of terminal buildings / hangers or directly alongside the runways and cause no disturbance to the operation of the air traffic.

In order to give modules the necessary structural strength, the laminate is framed in an anodised aluminium frame. The frame is around 45mm in depth, for strength reasons but only overlaps the glass by around 6mm, the visible front face of the frame is less than 10mm wide. When mounted on roofs that framed modules are mounted side by side with only the top edge of the aluminium ever visible.

Experience shows that little or no glare comes from the frame and as it weathers it tarnishes and has even less reflective properties.

Non Crystalline Solar Technology and BIPV generally use reflective glass and need to be assessed on a site by site basis.

**Ray Noble – Associate BRE National Solar Centre
- Technical Adviser to DECC & Cabinet Office**



Route to Net-Zero Energy Buildings



2020 Target for Sherburn site to achieve Net-Zero Energy - 50 % to be achieved by 2016



Kingspan
The Energy Saver



EFFICIENCY
IT'S IN THE CORE



126,600 million kWh per year

TOTAL ENERGY SAVED BY KINGSPAN'S INSULATION SYSTEMS

EQUIVALENT TO...



saving
£3.64bn
in energy
costs



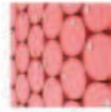
saving
25m
tonnes
per year



the annual
output of
90
gas-fired and
23 coal-fired
power stations



a car driven
4.375m
times around the
world



over
74m
barrels
of oil



up to
3 times
the annual energy
consumption of
Greater London



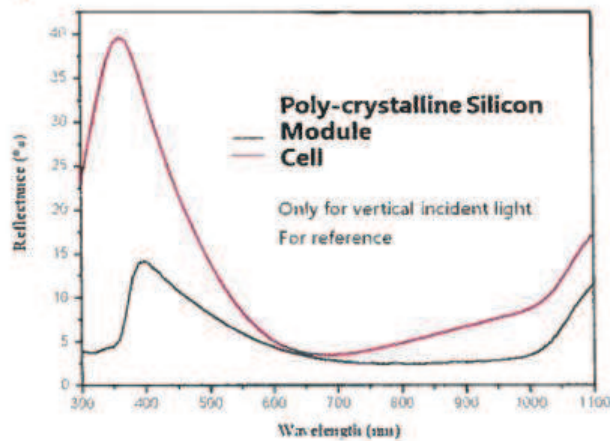
Declaration for Low Reflectivity of Module

Dear Sir/Madam:

Renesola offers module with high efficiency, positive tolerance of initial Pm, outstanding performance at low irradiation condition, and good electricity generation capacity under high temperature.

Low reflectivity is primary factor for increasing module efficiency. Reflection of incident light is suppressed to enhance the conversion efficiency of solar module with a nano-coating structure on the surface of the glass. Besides, the good light-trapping property of Renesola PV module reduces the dazzle caused by specular reflection.

Typical reflectivity test plots are shown as below. The reflectivity of panel is basically less than 5% within most of the wavelength range from 500nm~1000nm with AR-coated glass.



ReneSola Jiangsu Ltd.

ReneSola Jiangsu Ltd.

No.27, Qingyuan Road (East), Yixing Economic & Development Zone, Yixing, Jiangsu, China, 214200.
TEL: +86-510-87120518 FAX: +86-510-87128056 www.renesola.com

APPENDIX 1

Review of Glint and Glare Pertaining to Solar PV Arrays

'Glint' and 'glare' are defined by SunPower Corporation as follows:

- Glint: "Also known as 'spectacular reflection', [is] produced as a direct reflection of the sun in the surface of the Solar PV panel. This is the potential source of the visual issues regarding viewer distraction".
- Glare: is "[a] continuous source of brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint".

In the UK, there are no guidelines for the assessment of (or, indeed, the necessity to assess) the impact of glint and glare. As a result, a number of sources have been consulted, amongst them, sources from the United States, Australia and Cornwall County Council (under the authority of which conditional planning permission was granted for the development of a Solar PV array (application number: PA10/03993)).

This report argues the case that, in the majority of cases, a glint and glare assessment for static Solar PV arrays in the UK is unnecessary.

Reflectivity

The very nature of the Solar PV panel is such that reflectivity is kept to a minimum. The "concept of efficient solar power is to absorb as much light as possible while reflecting as little light as possible, standard solar module produces less glare and reflectance than standard window glass. [...] Solar modules use 'high-transmission, low iron glass' which absorbs more light, producing small amounts of glare and reflectance than normal glass". As shown in the graphs below (figures one and two) common construction materials, such as steel and glass, and many features of the natural

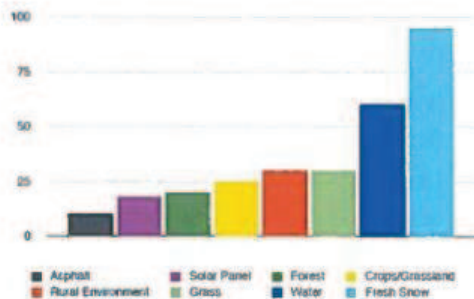


Figure One: Comparative Reflection Analysis¹⁰

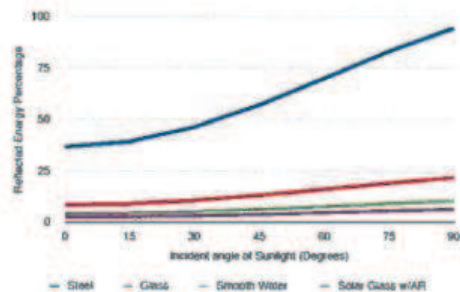


Figure Two: Analysis of Typical Material Reflectivity¹¹

environment, such as water and grass, have a higher reflectivity than Solar PV arrays. As such, the undertaking of a glint and glare assessment for Solar PV arrays, when one would not be undertaken for constructions such as greenhouses, unpainted metal roofing, or a pond or reservoir, is clearly unnecessary. Indeed, many, if not all, features surrounding a Solar PV array will have a higher reflectivity than the array itself.

Aircraft

One of the greatest concerns of a Solar PV array is the impact which it might have on aircraft flying overhead, owing to the angle of a static Solar PV panel. Of course, any glint and glare is dependent on aircraft altitude, relationship to the Solar PV array and the angle of the array. However, the increasing number of airports around the world which have on-site Solar PV arrays indicates the

miniscule health and safety risk presented to air traffic.^{iv} Solar PV arrays not located directly in, or on the immediate flight path into, or out of, an airport, cannot be considered to have any impact on air traffic.

Cornwall County Council

Cornwall County Council is unique in the UK insofar as it has begun to develop a planning policy pertaining to Solar PV arrays. However, it has taken the view that the development of Solar PV arrays is similar in character to that of greenhouses, with other comparisons having been made to polytunnels.^v These comparisons are problematic, however, as the character of Solar PV arrays is vastly different to either greenhouses or polytunnels. They are less reflective, and will generally be lower lying.

European Approach

In other European territories, glint and glare are not considered to be material impacts. In these countries, glint and glare assessments only tend to be carried out in specific circumstances; not as a matter of course. For example if 'tracking' panels are utilised, as they could cause differential diurnal and/or seasonal impacts.^{vi}

Practical Considerations

There is no methodology, which is accepted UK-wide, with which to carry out a glint and glare assessment of a Solar PV array prior to its construction. Wiltshire Council Strategic Planning Officers have recommended a review of the current understanding of glint and glare pertaining to Solar PV arrays. In the US, computer models have been used to assess the impact of glint and glare of major solar arrays, but these tend to be mirrored (which will have a far higher glint/glare impact) or tracking systems.^{vii}

Landscape and Visual Mitigation

As with any major development, the construction of a Solar PV array will require that mitigation measures be implemented in order to decrease the landscape and visual impacts of the development. These mitigation measures, which commonly involve the planting of trees or hedgerows, or utilising the surrounding landform, will also reduce, or eliminate, any perceived glint and glare originating from the screened Solar PV array.

Sources

- Notice of Grant of Conditional Planning Permission for Application Number: PA10/03993 (Solar PV Array at site of former tin mine Wheal Jane near Truro, Cornwall).
- SOLARGEN Energy: *Panoche Valley Solar Farm Project: Glint and Glare Study*, 21st May 2010
- *Tessera Solar: Imperial Valley Solar Project: Glint and Glare Study*, 26th April 2010
- <http://majorprojects.planning.nsw.gov.au/files/62890/Nyngan%20EA%20Final%201.0%20Appendix%20F%20Report%20Part11.pdf>
- http://regensw.s3.amazonaws.com/solar_parks_event_note_november_2010_cb7bd1d625965fdf.pdf

ⁱ Appendix B – SunPower Solar Module Glare and Reflectance, from SOLARGEN Energy: *Panoche Valley Solar Farm Project: Glint and Glare Study*, 21st May 2010

ⁱⁱ <http://majorprojects.planning.nsw.gov.au/files/62890/Nyngan%20EA%20Final%201.0%20Appendix%20F%20Report%20Part11.pdf>. Accessed: 15/02/2011

ⁱⁱⁱ *Ibid*

^{iv} SOLARGEN Energy: *Panoche Valley Solar Farm Project: Glint and Glare Study*, 21st May 2010

^v http://regensw.s3.amazonaws.com/solar_parks_event_note_november_2010_cb7bd1d625965fdf.pdf. P8. Accessed 15/02/2011

^{vi} http://regensw.s3.amazonaws.com/solar_parks_event_note_november_2010_cb7bd1d625965fdf.pdf. P18. Accessed 15/02/2011

^{vii} *Tessera Solar: Imperial Valley Solar Project: Glint and Glare Study*, 26th April 2010; and: SOLARGEN Energy: *Panoche Valley Solar Farm Project: Glint and Glare Study*, 21st May 2010

Glint and glare – how dazzling is PV?

Published by: Solarcentury

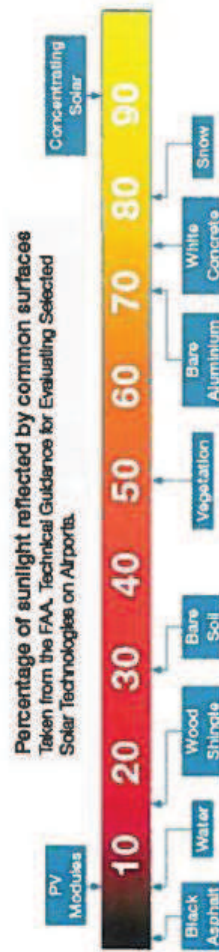
Date: 3/06/2013

With the expansion of Heathrow back in the press the old issue of glint and glare from solar PV systems will undoubtedly re-emerge. And whether you are installing multi-megawatts next to an airport or 50kWp next to an airfield, you've no doubt been asked about glare from modules at some stage in your solar life. Numerous studies have demonstrated that the risk of dazzling pilots with light reflected from solar PV modules is insignificant and yet this potential risk is raised on a regular basis.

No Glint and Glare

Anyone who has flown into Munich Airport will have seen the huge number of solar farms and roof top PV systems around the airport – and the most notable thing is how much blue there is – not how much reflected light is thrown up into the sky. The key thing to consider is the simple fact that solar cells are designed to absorb light NOT reflect it which is why the most detailed study into this issue by the Federal Aviation Administration in the US reports that “evidence suggests that either significant glare is not occurring during times of operation or if glare is occurring, it is not a negative effect and a minor part of the landscape to which pilots and tower personnel are exposed”.

Reflection from water, glass buildings and car parks is in fact more significant than from similar areas of solar PV. The chart below shows the relative reflectivity of different surfaces:



The simple fact that there are PV systems on and around many airports provides further post hoc evidence that solar PV near airports does not present a glare risk to pilots. The 14MW PV array on the flight path into the Nellis Airbase in Nevada was subjected to detailed glare analysis and the conclusion was that the worst possible case there was a slight potential for an "after image or flash glare" which was similar to the risk from reflections from water and less than that from snow or white concrete. The PV installations at the airports of San Francisco, Oakland, Denver, Munich, Zurich, Changi, Boston and Stuttgart all point to the same conclusion having been reached in each of these cases.

So wherever the debate goes on airport expansion there is no reason to hold off any PV projects due to concerns about glint and glare.



PAGERPOWER

Solar Photovoltaic Glint and Glare Briefing Note

Prepared for:

Kingspan Limited

Solar Roof Top Installation

October, 2014



www.pagerpower.com

ADMINISTRATION PAGE

Job Reference:	8279A
Date:	October, 2014
Prepared for:	Kingspan Limited
Author:	Danny Scrivener
Telephone:	01787 319001
Email:	danny@pagerpower.co.uk

First Reviewer:	Kai Frolic
Second Reviewer:	Jan Georgopoulos
Date:	October, 2014
Telephone:	01787 319001
Email:	kai@pagerpower.co.uk; jan@pagerpower.co.uk

Issue	Date	Detail of Changes
1	October, 2014	Initial issue
2	November, 2014	Minor amendments

*Confidential: The contents of this document may not be disclosed to others without permission.
Copyright © Pager Power Limited 2014.*

*Unless stated otherwise, all maps are reproduced by permission of Ordnance Survey on behalf of The
Controller of Her Majesty's Stationery Office © Crown copyright. All rights reserved.
Licence number LIG0631*

*Pager Power Limited, New Mill, Bakers Court, Gt Cornard, Sudbury, Suffolk CO10 0GG
T: 01787 319001 F: 01787 319007 E: info@pagerpower.co.uk W: www.pagerpower.co.uk*

EXECUTIVE SUMMARY

Kingspan Limited is proposing the development of a roof mounted solar photovoltaic (PV) installation in south east Sherburn, in north Yorkshire, England.

The proposed Solar Roof Top Installation is to be situated on rooftops at 15m above ground level (agl). All of the solar panels will be fixed at 6 degrees above the horizontal and orientated approximately north/south.

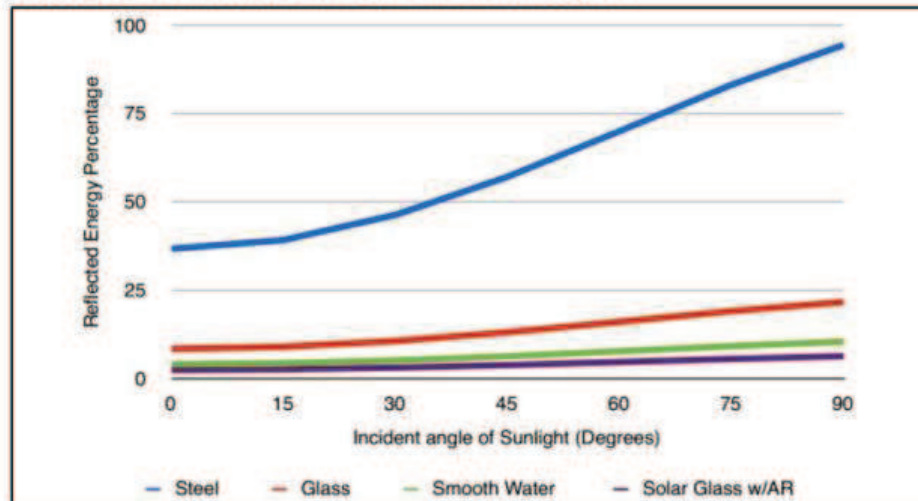
Glint and Glare Concern

A glint and glare assessment has been requested by the local Planning Authority due to concerns with regard to the possible impact of solar reflections upon aviation activity. This briefing note has therefore been compiled to address these concerns.

Guideline and Studies Overview

Guidelines exist in the UK, which have been produced by the CAA with respect to solar developments and aviation activity however, a specific methodology of assessment is not provided. Therefore the Pager Power approach is to identify receptors, undertake geometric reflection calculations (if required) and then to compare against available solar panel reflection studies. In this instance no geometric calculations have been undertaken due to the separation distance between the nearest identified airfield.

The available studies have measured the intensity of reflections from solar panels with respect to other naturally occurring and manmade surfaces. The results show that the reflections produced are of intensity similar to or less than those produced from still water and significantly less than reflections from glass and steel. The chart¹ below shows the reflectivity of solar panels relative to other natural and manmade surfaces².



The chart shows that solar glass reflects less solar energy when compared to steel, glass and smooth water.

¹ Source: Capital Solar Farm Visual Impact Assessment 2010- [Capital EA Final 1.0 Appendix F compresses Part1.pdf](#)

² w/AR= with anti-reflective coating

Analysis Results

The results of the analysis are presented below.

Identified Airfields in the Vicinity of the Proposed Development

The results of the analysis are as follows:

- Thirteen airfields have been identified;
- Three of the airfields are military at approximately 50km from the proposed solar development or beyond;
- The remaining 10 are small unlicensed airfields;
- The closest airfield (Eddsfield Airfield) is approximately 8.7km from the location of the proposed solar development;
- At this distance the proposed solar development is beyond the associated protected surfaces and approach paths for the airfield;
- No known objections or concerns have been raised by any nearby aviation stakeholder;
- No impact upon the operations of the identified airfields due to solar reflections from the proposed solar development is expected.

Airborne Solar Reflections

Airborne reflections will occur in the following directions:

- In the morning, reflections of the sun from the solar panels will be cast due west;
- In the afternoon/evening, reflections of the sun from the solar panels will be cast due east;
- Around midday, reflections of the sun from the solar panels will be cast in the airspace above the solar development in a northward direction.

Co-Existence of Solar Developments with Aviation Activity

An overview of the analysis is presented below:

- Eleven examples of solar developments co-existing with aviation activity are presented in Section 7 of this report;
- All of these developments are either on the airfield itself or within 5km;
- All of these solar developments are significantly closer to an airfield/airport, than the proposed solar development is to any of the identified airfields;
- There is no reason to believe that any of these solar developments are a hazard to the safe operation of their nearby airfield/airport;
- Hence, there is no reason to believe that the proposed solar development would be a hazard to the safe operation of any nearby airfields.

Results Discussion

A general discussion of the results is presented below:

- If reflections were to be viewed by general aviation activity, the reflection experienced would be of intensity similar to those from other reflectors/surfaces present in the ambient environment such as water;
- Aircraft fly over large areas of reflective water whilst on approach and departure from the runways- a key example of this is the Royal Marine Base Chivenor in Devon;
- Pager Power has reviewed the procedures for many airfields with respect to glint and glare hazards. No information regarding the potential safety hazard due to solar reflections from water has been identified to date;
- Aviators encountering solar glare is not an unusual occurrence. This may be from the sun directly or via reflections of the sun from ground based reflectors such as water. Any reflection from a solar panel will be significantly less intense than the direct sunlight;
- It is known that aviation activity and solar developments co-exist. A list of examples is presented in Section 7 of this report. All of these examples show solar developments that are significantly closer to an airfield than the proposed solar development is to any of the identified airfields.

Overall Expected Impact

Reflections from the solar development may be visible to general aviation activity in the airspace above. If a reflection is experienced, the reflection will be of similar intensity to those from still water and glass and significantly less intense than the light viewed directly from the sun. Overall, no significant impact upon aviation activity is expected.

LIST OF CONTENTS

Administration Page.....	3
Executive Summary.....	5
Glint and Glare Concern.....	5
Guideline and Studies Overview.....	5
Analysis Results.....	6
Results Discussion.....	7
Overall Expected Impact.....	7
List of Contents.....	8
List of Figures.....	9
List of Tables.....	9
1 Introduction.....	10
1.1 Pager Power's Experience.....	10
1.2 Glint and Glare Definition.....	10
2 Solar Development Location and Details.....	11
2.1 Solar Development General Location.....	11
2.2 Solar Development Aerial Image.....	12
2.3 Proposed Solar Roof Top Installation Layout Plan.....	13
2.4 Photovoltaic Panel Mounting Arrangements and Orientation.....	14
3 Overview of Glint and Glare Guidance.....	15
3.1 UK Planning Policy.....	15
3.2 Aviation Assessment Guidance.....	16
4 Overview of Glint and Glare Studies.....	20
4.1 Reflection Type from Solar Panels.....	20
4.2 Solar Reflection Studies.....	20
4.3 Conclusions.....	24
5 Overview of Sun Movements.....	25
5.1 Sun's Position.....	25
6 Identification of Aviation Receptors.....	27
6.1 Identification of Airfields.....	27
6.2 Aviation Activity in the Airspace Above.....	30
6.3 Overall Expected Impact.....	31
7 Co-existence of Solar Developments with Aviation Activity.....	32
8 Overall Conclusions.....	37
8.1 Identified Airfields in the Vicinity of the Proposed Development.....	37
8.2 Airborne Solar Reflections.....	37

8.3	Co-Existence of Solar Developments with Aviation Activity.....	37
8.4	Results Discussion.....	38
8.5	Overall Expected Impact.....	38

LIST OF FIGURES

Figure 1	Approximate location of the proposed solar development.....	11
Figure 2	Solar development aerial image.....	12
Figure 3	Proposed solar development layout plan.....	13
Figure 4	Panel design overview 1.....	14
Figure 5	Panel design overview 2.....	14
Figure 6	Solar Glare Hazard Analysis Plot (FAA).....	18
Figure 7	Specular and diffuse reflections (Source: FAA Guidance).....	20
Figure 8	Total reflectance % when compared to angle of incidence (Source: Riley & Olson 2011).....	21
Figure 9	Relative reflectivity of various surfaces (Source: FAA).....	22
Figure 10	Relative reflectivity of various surfaces (Source: Capital Solar Farm).....	23
Figure 11	Relative specular reflectivity of various surfaces (Source: Capital Solar Farm).....	24
Figure 12	Diagram showing how the azimuth and elevation change throughout a day/year).....	26
Figure 13	Identified airfields.....	29
Figure 14	Relative specular reflectivity of various surfaces.....	30
Figure 15	Royale Marine Base Chivenor.....	31
Figure 16	Solar panels near Manston Airport.....	32
Figure 17	Solar panels at Gatwick Airport.....	32
Figure 18	Solar panels near Dunsfold Aerodrome.....	33
Figure 19	Solar panels at Birmingham Airport.....	33
Figure 20	Solar panels at Chattanooga Airport.....	34
Figure 21	Solar panels at Denver International Airport.....	34
Figure 22	Solar panels at Fresno Yosemite International Airport.....	35
Figure 23	Solar panels at San Francisco International Airport.....	35
Figure 24	Solar panels at Oakland International Airport.....	36

LIST OF TABLES

Table 1	Solar azimuth and elevation at the proposed solar development.....	25
Table 2	Airfields in the vicinity of the proposed solar development.....	27

1 INTRODUCTION

Kingspan Limited is proposing the development of a roof mounted solar photovoltaic (PV) installation in south east Sherburn, in north Yorkshire, England. The development is hereby referred to as the 'Solar Roof Top Installation' or the 'solar development'.

A glint and glare briefing note has been requested to address concerns raised by the local Planning Authority with regard to the possible impact of solar reflections upon aviation. Therefore, this briefing note has been compiled to satisfy these concerns and includes the following:

- Solar development details;
- Glint and glare assessment guidance;
- Overview of relevant studies;
- Glint and Glare assessment methodology;
- Identification of the aviation receptors;
- Discussion of likely impacts;
- High level comparison between the solar development and existing reflectors in the ambient environment; and
- Examples of solar developments and aviation receptors coexisting.

The relevant technical discussion is presented in each section. Following the assessment, conclusions and recommendations are made.

Please note that any reference to visual impact made within this report should be read in the context of potential glint and glare. In addition, this report is solely desk based and no site visit has taken place. No geometric reflection calculations have been undertaken.

1.1 Pager Power's Experience

Pager Power has undertaken over 70 glint and glare assessments throughout the UK for inclusion within solar development planning applications. The reports have assessed concerns from stakeholders such as Network Rail, Ministry of Defence and Local Planning Authorities.

1.2 Glint and Glare Definition

The definition of glint and glare can vary however, the definition used by Pager Power is as follows:

- Glint- a momentary flash of bright light;
- Glare- a continuous source of bright light.

In context, glint will be witnessed by moderate to fast moving receptors whilst glare would be encountered by static or slow moving receptors with respect to the Solar Roof Top Installation. The term 'solar reflection' is used in this report to refer to both reflection types i.e. glint and glare.

2 SOLAR ROOF TOP INSTALLATION LOCATION AND DETAILS

2.1 Solar Roof Top Installation General Location

The general location of the proposed solar development is illustrated in Figure 1 below.

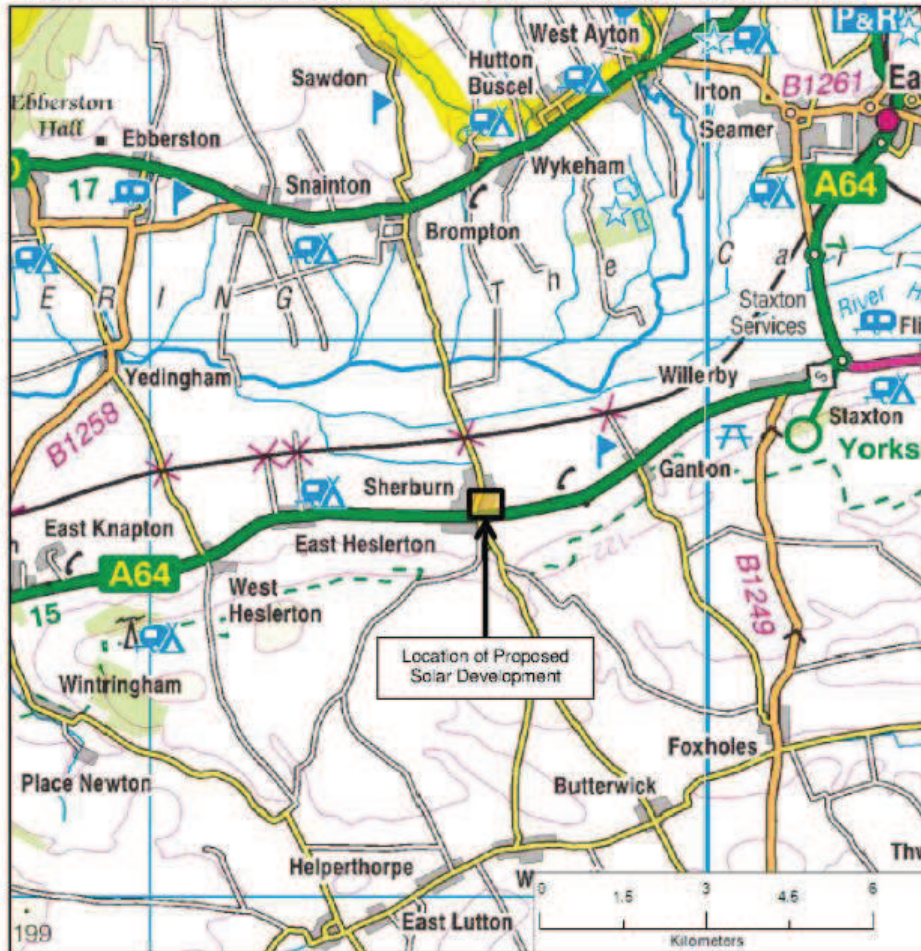


Figure 1 Approximate location of the proposed solar development

2.2 Solar Development Aerial Image

An aerial image of rooftops where the solar panels are to be located is shown in Figure 2³ below.

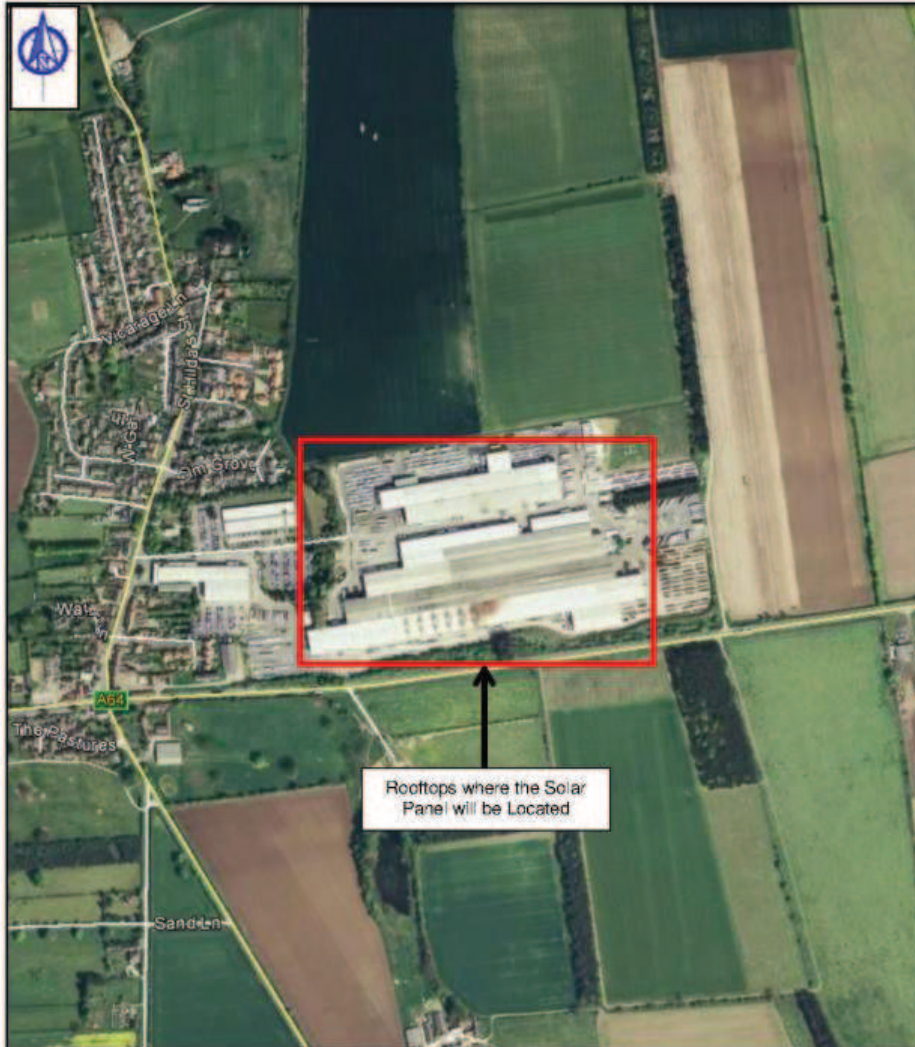


Figure 2 Solar development aerial image

³ © 2014 Google. © 2014 Infoterra td and Bluesky

2.3 Proposed Solar Roof Top Installation Layout Plan

The layout plan of the proposed solar development is shown in Figure 3⁴ below.

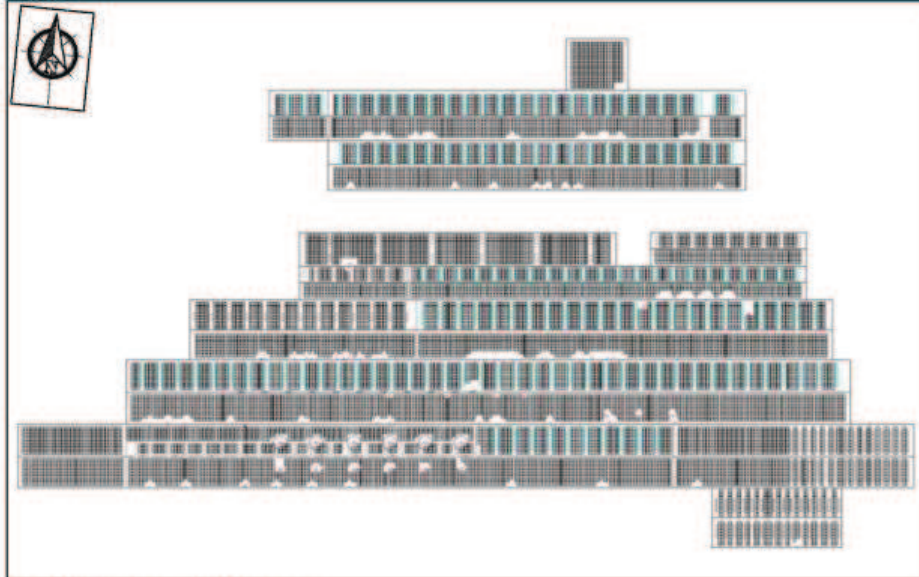


Figure 3 Proposed solar development layout plan

⁴ Source: Kingspan Limited

2.4 Photovoltaic Panel Mounting Arrangements and Orientation

The panels will be mounted from a minimum height 15m above ground level (agl). Figures 4 and 5⁵ show the panel dimensions:

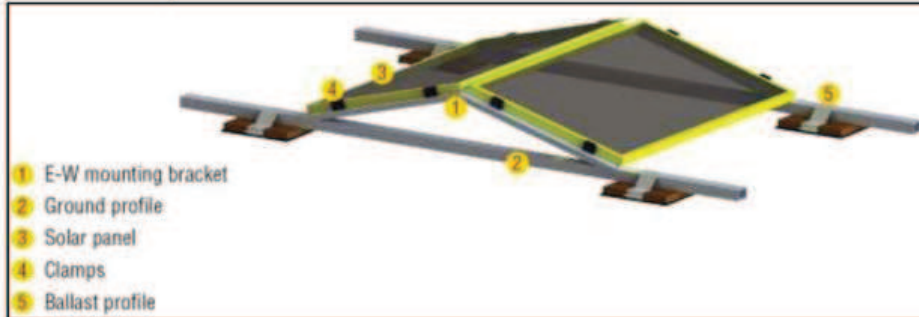


Figure 4 Panel design overview 1

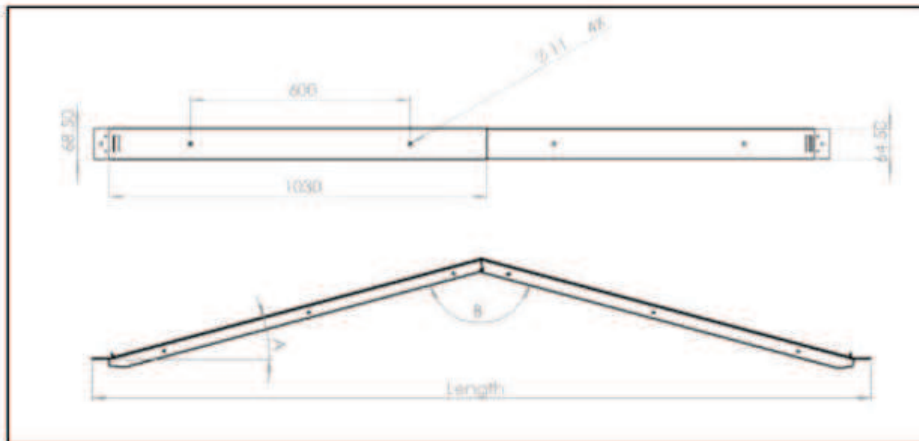


Figure 5 Panel design overview 2

The solar development is to be situated on land ranging between approximately 36m and 39m above mean sea level (amsl).

The panels are oriented to maximize electrical generation and will have a fixed position throughout the year. All the south-facing panels will be positioned at 6 degrees above the horizontal at an azimuth angle of 180°. All north-facing panels will also be positioned at 6 degrees above the horizontal with an offset azimuth angle of 350°.

⁵ Source: Avasco Limited

3 OVERVIEW OF GLINT AND GLARE GUIDANCE

This section presents an overview of the relevant guidance with respect to the considerations and effects of solar reflections from solar panels, known as 'Glint and Glare'.

3.1 UK Planning Policy

UK planning guidance dictates that in some instances a glint and glare assessment is required however, there is no specific guidance with respect to the methodology for assessing the impact of glint and glare.

The planning policy from the Department for Communities and Local Government (paragraph 27⁶) dictates:

*'Particular factors a local planning authority will need to consider include... the effect on landscape of glint and glare and on neighbouring uses and **aircraft safety**.'*

The National Planning Policy Framework for Renewable and Low Carbon Energy⁷ (specifically regarding the consideration of solar developments) dictates:

'What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic Farms?'

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- *the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and **aircraft safety**;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun⁸;*

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.'

The guidance states the effect of glint and glare should be considered in relation to the cumulative landscape and visual impact of a solar development. No process for determining and contextualising the effects of glint and glare are provided. The Pager Power approach is to identify receptors and determine whether a geometric assessment is required. An overview of the relevant studies (presented in section 4) is also presented to determine whether a reflection is likely to be significant. In this instance, a high-level overview of possible glint and glare issues has been presented based on the identification of aviation receptors in the surrounding area.

⁶ <http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/>

⁷ Reference ID: 5-013-20140306, paragraph 13-

13, <http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/>

⁸ The solar panels in this Solar Roof Top Installation are fixed.

For a cumulative assessment it would be reasonable to review the planning applications for solar developments within the surrounding area (either consented awaiting or under construction, or operational), determine the visibility of the developments to surrounding receptors and then, via a geometric assessment, determine whether there could be an 'in combination' or 'in sequence' glint and glare impact⁹.

3.2 Aviation Assessment Guidance

The UK Civil Aviation Authority (CAA) issued interim guidance relating to Solar Photovoltaic Systems (SPV) on 17 December 2010 and was subject to a CAA information alert 2010/53. The formal policy was cancelled on September 7th, 2012¹⁰ however the advisory is still applicable¹¹ until a formal policy is developed. The relevant aviation guidance from the CAA is presented in the section below.

3.2.1 CAA Interim Guidance

This interim guidance makes the following recommendations (p.2-3):

8. *It is recommended that, as part of a planning application, the SPV developer provide safety assurance documentation (including risk assessment) regarding the full potential impact of the SPV installation on aviation interests.*

9. *Guidance on safeguarding procedures at CAA licensed aerodromes is published within CAP 738 Safeguarding of Aerodromes and advice for unlicensed aerodromes is contained within CAP 793 Safe Operating Practices at Unlicensed Aerodromes.*

10. *Where proposed developments in the vicinity of aerodromes require an application for planning permission the relevant LPA normally consults aerodrome operators or NATS when aeronautical interests might be affected. This consultation procedure is a statutory obligation in the case of certain major airports, and may include military establishments and certain air traffic surveillance technical sites. These arrangements are explained in Department for Transport Circular 1/2003 and for Scotland, Scottish Government Circular 2/2003.*

11. *In the event of SPV developments proposed under the Electricity Act, the relevant government department should routinely consult with the CAA. There is therefore no requirement for the CAA to be separately consulted for such proposed SPV installations or developments.*

12. *If an installation of SPV systems is planned on-aerodrome (i.e. within its licensed boundary) then it is recommended that data on the reflectivity of the solar panel material should be included in any assessment before installation approval can be granted. Although approval for installation is the responsibility of the ALH¹², as part of a condition of a CAA Aerodrome Licence, the ALH is required to obtain prior consent from CAA Aerodrome Standards Department before any work is begun or approval to the developer or LPA is granted, in accordance with the procedures set out in CAP 791 Procedures for Changes to Aerodrome Infrastructure.*

13. *During the installation and associated construction of SPV systems there may also be a need to liaise with nearby aerodromes if cranes are to be used; CAA notification and permission is not required.*

14. *The CAA aims to replace this informal guidance with formal policy in due course and reserves the right to cancel, amend or alter the guidance provided in this document at its discretion upon receipt of new information.*

15. *Further guidance may be obtained from CAA's Aerodrome Standards Department via aerodromes@caa.co.uk.*

⁹ A cumulative assessment has not been undertaken for this development.

¹⁰ <http://www.caa.co.uk/application.aspx?catid=33&pagetype=65&appid=11&mode=detail&id=4370>

¹¹ Reference email from the CAA dated 19.05.2014.

¹² Aerodrome Licence Holder.

3.2.2 FAA Guidance

The most comprehensive guidelines available for the assessment of solar developments near aerodromes were produced initially in November 2010 by the United States Federal Aviation Authority (FAA) and updated in 2013. The 2010 document is entitled '*Technical Guidance for Evaluating Selected Solar Technologies on Airports*'¹³ and the 2013 update is entitled '*Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports*'¹⁴.

Key points from the 2010 FAA guidance is presented below.

- *The potential impacts of reflectivity are glint and glare (referred to henceforth just as glare) which can cause a brief loss of vision (also known as flash blindness).*
- *Reflectivity from solar panels could cause flash blindness¹⁵ episodes on pilots or air traffic controllers when 7-11 W/m² reaches the eye.*
- *Today's solar panels reflect as little as 2% of the incoming sunlight meaning roughly 20 W/m² are reflected off a typical PV panel.*
- *PV solar panels reflect less light than other substances such as snow, vegetation and water.*
- *Reflections from PV panels are specular because of their smooth surfaces – meaning that reflected light from a specific source is reflected in a single direction.*
- *Glare analysis can include one or more of:*
 - *A qualitative analysis of potential impact in consultation with the Control Tower, pilots and airport officials;*
 - *A demonstration field test with solar panels at the proposed site in coordination with FAA Tower personnel;*
 - *A geometric analysis to determine days and times when an impact is predicted.*
- *The extent of reflectivity analysis required to assess potential impacts will depend on the specific project site and system design.*
- *Reflection in the form of glare is present in current aviation operations. The existing sources of glare come from glass windows, auto surface parking, rooftops, and water bodies. Figure 16 (not shown) shows the percent of incoming sunlight that is reflected off of a variety of surfaces. At airports, existing reflecting surfaces may include hangar roofs, surface parking, and glassy office buildings. To minimize unexpected glare, windows of air traffic control towers and airplane cockpits are coated with anti-reflective glazing and operators will wear polarized eye wear. Potential glare from solar panels should be viewed in this context. Any airport considering a PV installation should first review existing sources of glare at the airport and the effectiveness of measures used to mitigate that glare.*
- *Geometric studies are the most technical approach for reflectivity issues that are difficult to assess. Studies of glare can employ geometry and the known path of the sun to predict when sunlight will reflect off of a fixed surface (like a solar panel) and contact a fixed receptor (e.g., control tower). At any given site, the sun not only moves across the sky every day, but its path in the sky changes during various times of year. This in turn alters the destination of the resultant reflections since the angle of reflection for the solar panels will be the same as the angle at which the sun hits the panels. The larger the reflective surface, the greater the likelihood of glare impacts.*
- *Solar installations are presently operating at a number of airports including megawatt-sized solar facilities covering multiple acres. Project managers from six airports where solar has been operational for one to three years were asked about glare complaints. Air traffic controllers were contacted from three of those airports and asked to comment on the effect of glare on their daily operations. To date, there have been no serious complaints from pilots or air traffic control due to glare impacts from existing airport solar*

¹³ http://www.faa.gov/airports/environmental/policy_guidance/media/airport_solar_guide_print.pdf

¹⁴ <http://www.gpo.gov/fdsys/pkg/FR-2013-10-23/pdf/2013-24729.pdf>

¹⁵ Flash Blindness, as described in the FAA guidelines, can be described as a temporary visual interference effect that persists after the source of illumination has ceased. This occurs from many reflective materials in the ambient environment.

PV installations. Any potential problems in this area have apparently been resolved prior to construction through one or a combination of the strategies described above. The anecdotal evidence suggests that either considerable glare is not occurring during times of operation or if glare is occurring, it is not a negative effect and is a minor part of the landscape to which pilots and tower personnel are exposed.

From October 2013, the FAA is reviewing multiple sections of the guidance based on new information and field experience. An overview of the 2013 FAA interim guidance is presented below.

- Solar energy systems located on an airport that is not federally-obligated or located outside the property of a federally-obligated airport are not subject to this policy.
- Proponents of solar energy systems located off-airport property or on non-federally-obligated airports are strongly encouraged to consider the requirements of this policy when siting such system.
- FAA adopts the Solar Glare Hazard Analysis Plot shown...below as the standard for measuring the ocular impact of any proposed solar energy system on a federally-obligated airport. This is shown in Figure 6 below.

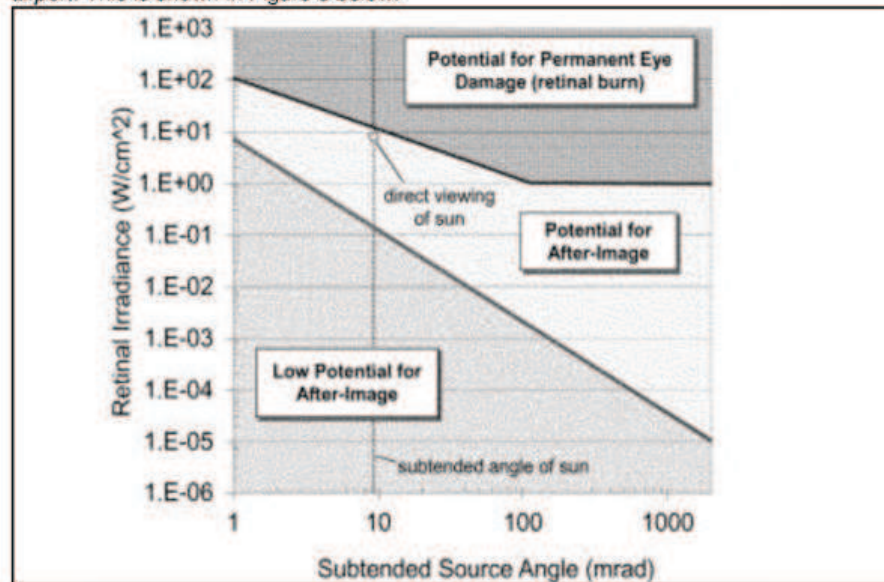


Figure 6 Solar Glare Hazard Analysis Plot (FAA)

- No potential for glint or glare in the existing or planned Airport Traffic Control Tower (ATC) cab, and
- No potential for glare or "low potential for after-image" ... along the final approach path for any existing landing threshold or future landing thresholds (including any planned interim phases of the landing thresholds) as shown on the current FAA-approved Airport Layout Plan (ALP). The final approach path is defined as two (2) miles from fifty (50) feet above the landing threshold using a standard three (3) degree glidepath.
- Ocular impact must be analysed over the entire calendar year in one (1) minute intervals from when the sun rises above the horizon until the sun sets below the horizon.

3.2.3 Air Navigation Order (ANO) 2009

In some instances an aviation stakeholder can refer to the ANO 2009 with regard to safeguarding. Key points from the document are presented below

Endangering safety of an aircraft

137. A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft

Lights liable to endanger

221. (1) A person must not exhibit in the United Kingdom any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the CAA to be a light described in paragraph (1) is exhibited, the CAA may direct the person who is the occupier of the place where the light is exhibited or who has charge of the light, to take such steps within a reasonable time as are specified in the direction—

- (a) to extinguish or screen the light; and
- (b) to prevent in the future the exhibition of any other light which may similarly endanger aircraft.

(3) The direction may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the power of the CAA under this article must not be exercised except with the consent of that authority.

Lights which dazzle or distract

222. A person must not in the United Kingdom direct or shine any light at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.

The document states that no 'light', 'dazzle' or 'glare' should be produced which will create a detrimental impact upon aircraft safety.

The following section presents an overview of the relevant studies with respect to glint and glare.

4 OVERVIEW OF GLINT AND GLARE STUDIES

Studies have been undertaken assessing the type and intensity of solar reflections from various surfaces including solar panels. An overview of these studies is presented below.

This is by no means a comprehensive review of the data sources, rather it is intended to give an overview of the important parameters and considerations that have informed this assessment.

4.1 Reflection Type from Solar Panels

Based on the surface conditions reflections from light can be specular and diffuse. A specular reflection has a reflection characteristic similar to that of a mirror; a diffuse will reflect the incoming light and scatter it in many directions. Figure 7 illustrates the difference between the two types of reflections. Because solar panels are flat and have a smooth surface most of the light reflected is specular, which means that incident light from a specific direction is reradiated in a specific direction.

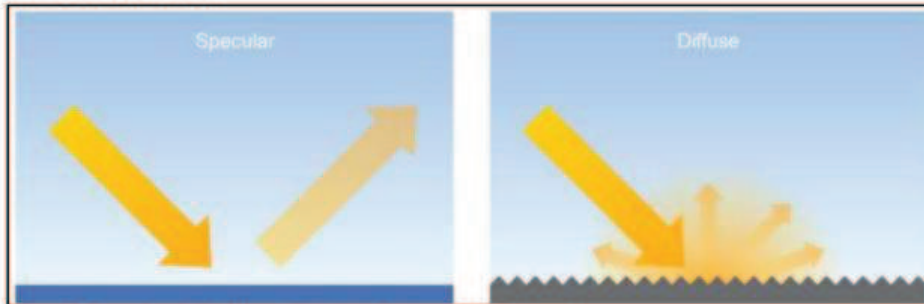


Figure 7 Specular and diffuse reflections (Source: FAA Guidance)

4.2 Solar Reflection Studies

The relevant information from the reports is presented in the subsections below.

4.2.1 Evan Riley and Scott Olson, "A Study of the Hazardous Glare Potential to Aviators from Utility-Scale Flat-Plate Photovoltaic Systems"¹⁶

Evan Riley and Scott Olson published in 2011 their study titled: *A Study of the Hazardous Glare Potential to Aviators from Utility-Scale Flat-Plate Photovoltaic Systems*⁵¹. They researched the potential glare that a pilot could experience from a 25 degree fixed tilt PV system located outside of Las Vegas, Nevada. The theoretical glare was estimated using published ocular safety metrics which quantify the potential for a postflash glare after-image. This was then compared to the postflash glare after-image caused by smooth water. The study demonstrated that the reflectance of the solar cell varied with angle of incidence, with maximum values occurring at angles close to 90 degrees. The reflectance values varied from approximately 5% to 30%. This is shown on Figure 8 on the following page.

¹⁶ Evan Riley and Scott Olson, "A Study of the Hazardous Glare Potential to Aviators from Utility-Scale Flat-Plate Photovoltaic Systems," *ISRN Renewable Energy*, vol. 2011, Article ID 651857, 6 pages, 2011. doi:10.5402/2011/651857

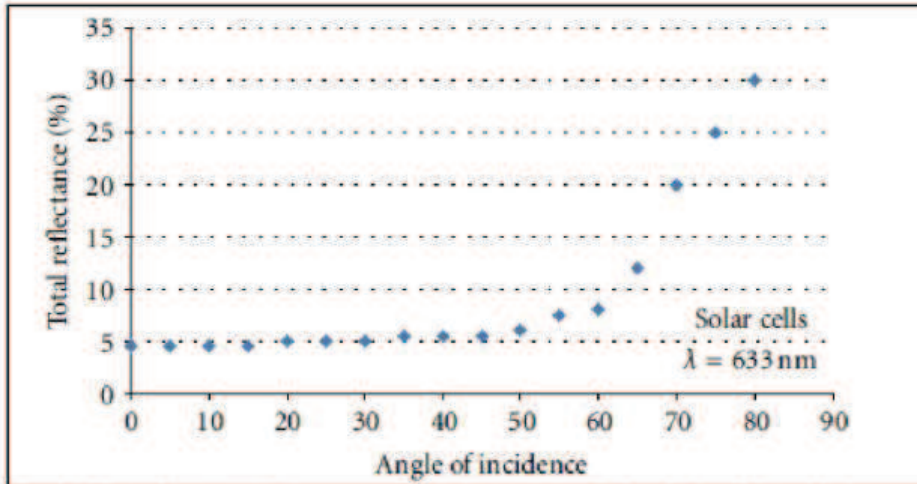


Figure 8 Total reflectance % when compared to angle of incidence (Source: Riley & Olson 2011)

The conclusions of the research study were:

- The potential for hazardous glare from flat-plate PV systems is similar to that of smooth water and not expected to be a hazard to air navigation.
- Portland white cement concrete (which is a common concrete for runways), snow, and structural glass all have reflectivities greater than water and flat plate PV modules.

4.2.2 FAA Guidance- “Technical Guidance for Evaluating Selected Solar Technologies on Airports”¹⁷

The 2010 FAA Guidance (discussed in section 3) included a diagram which illustrates the relative reflectance of solar panels compared to other surfaces. The figure shows the relative reflectance of solar panels compared to other surfaces. Surfaces in this table will produce reflections which are specular and diffuse. A specular reflection (those made by most solar panels) has a reflection characteristic similar to that of a mirror. A diffuse reflection will reflect the incoming light and scatter it in many directions. Figure 9 is presented on the following page.

¹⁷ FAA, November (2010): *Technical Guidance for Evaluating Selected Solar Technologies on Airports*.

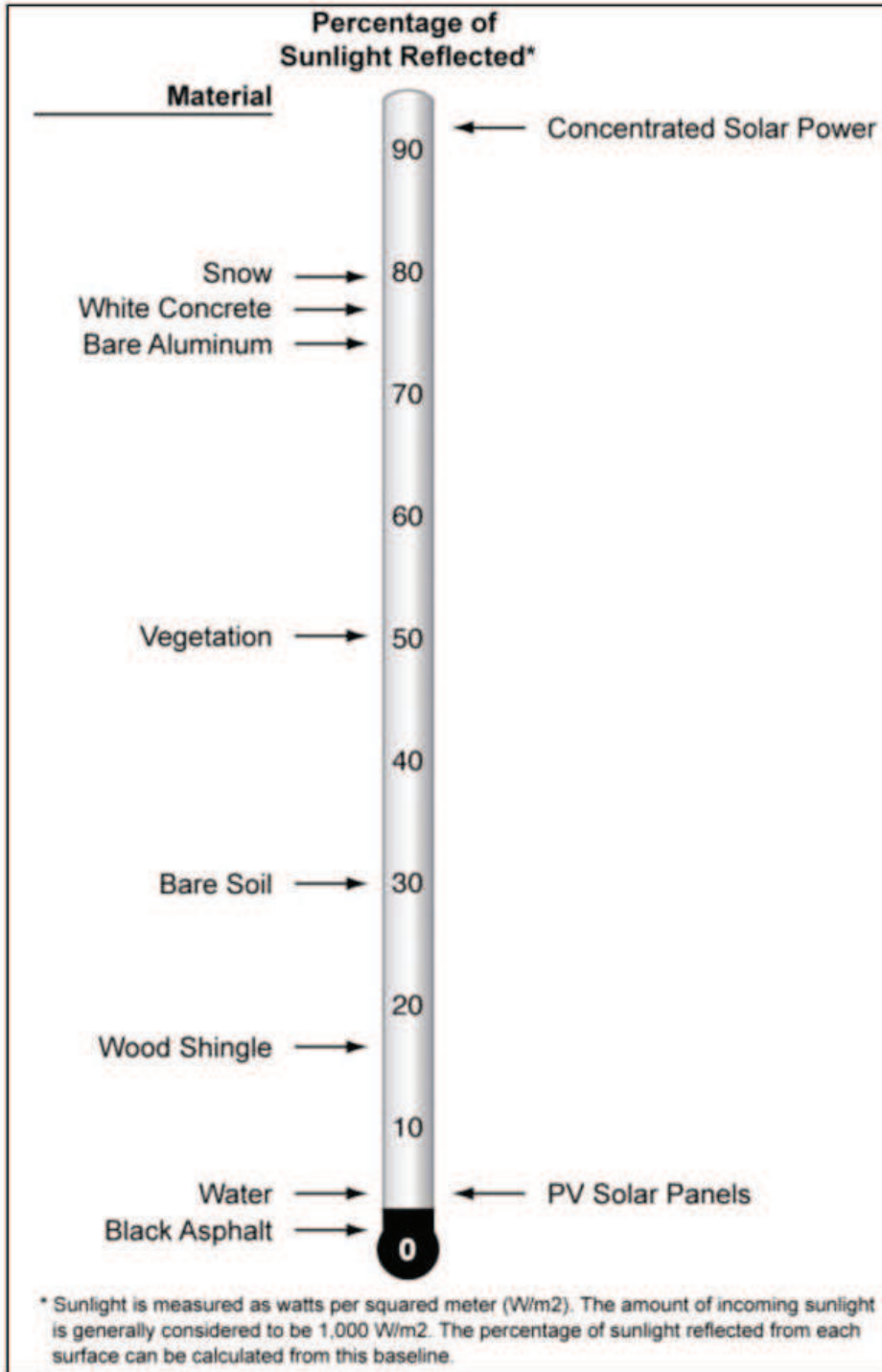


Figure 9 Relative reflectivity of various surfaces (Source: FAA)

The most important comparison in this table is the reflectivity compared to water. Water produces a reflection of very similar intensity when compared to that from a solar panel. The study by Riley and Olsen study (2011) also concludes that still water has a very similar reflectivity to solar panels. Whilst surfaces such as wood shingle and bare soil reflect more light energy in total, in this instance the comparison is not relevant. This is because these surfaces produce a diffuse reflection as opposed to a specular reflection, therefore light is not concentrated in one direction (specular reflections are generally produced from flat, smooth surfaces such as solar panels, water, bare aluminium etc.)

4.2.3 Capital Solar farm Visual Impact Assessment (2010)

A visual impact assessment undertaken for the Capital Solar Farm in Australia¹⁸ (up to 50 MW covering an area of approximately 100 hectares) presented analysis assessing the relative reflectivity of solar panels compared to other natural and manmade objects. Figures 10 below and 11 on the following page show the result of a reflection assessment comparing the reflections from solar panels to those from naturally occurring surfaces. The results, similarly to those from Riley and Olsen study (2011) and the FAA (2010), show that solar panels produce a reflection which is much less intense when compared to other naturally occurring surfaces. In this study the results showed that water was considerably more reflective.

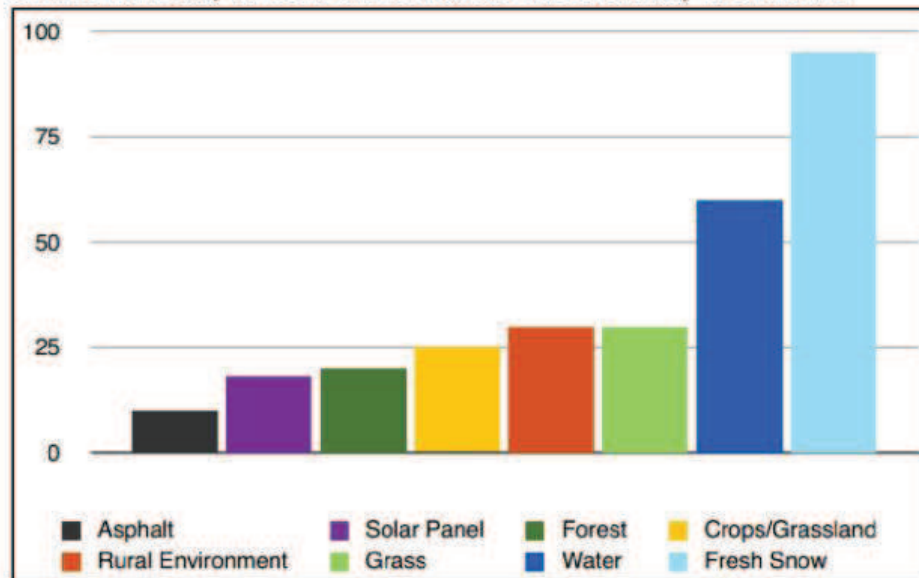


Figure 10 Relative reflectivity of various surfaces (Source: Capital Solar Farm)

Figure 11 is presented on the following page.

¹⁸ Capital Solar farm Visual Impact Assessment (2010): https://majorprojects.affinitylive.com/public/a56f5113529f7061acb6de0cb400a52e/Capital%20EA%20Final%201.0%20Appendix%20F_compressed_-_Part4%20.pdf

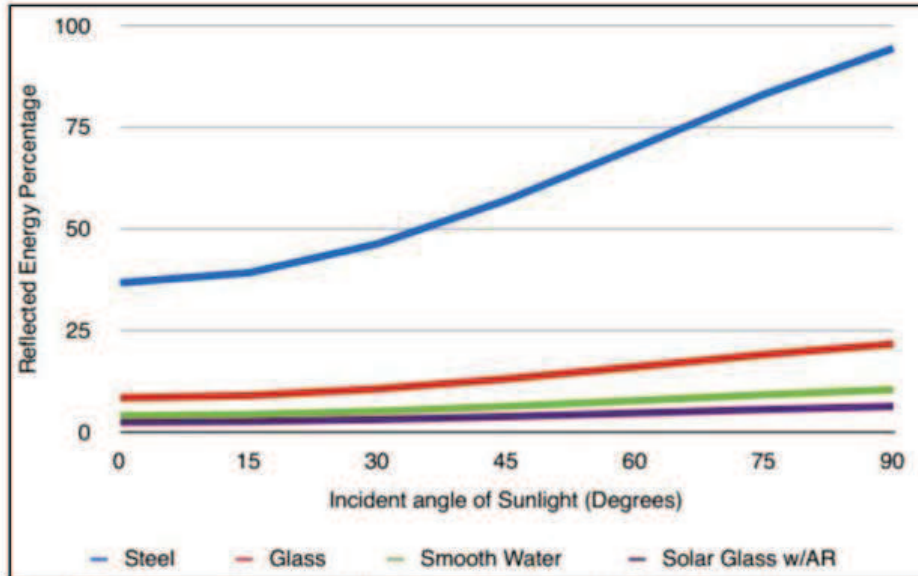


Figure 11 *Relative specular reflectivity of various surfaces (Source: Capital Solar Farm)*

Figures 10 and 11 show the relative specular reflections of solar glass when compared to other manmade and natural surfaces. Water is again measured to produce a reflection of greater intensity when compared to those from a solar panel. The intensity of reflections from glass and steel has also been measured. The results showed that a solar reflection from these surfaces is also more intense than those from solar glass.

4.3 Conclusions

The overall conclusions from the available studies are as follows:

- The results of the available studies state that reflections of the sun from solar panels are possible;
- The measured intensity of a reflection from solar panels can vary from 2% to 30% depending on the angle of incidence;
- Studies show that reflections from solar panels are equal to or less than those from still water;
- Other reflective surfaces such as glass and steel are likely to produce a more intense reflection.

5 OVERVIEW OF SUN MOVEMENTS

The following section outlines details regarding the sun's positions throughout the year.

5.1 Sun's Position

The sun's position in the sky can be accurately described by its azimuth and elevation. Azimuth is a direction relative to true north (e.g. 160 degrees) and elevation describes the sun's vertical angle relative to the horizon (e.g. 20 degrees).

The sun's position can be accurately calculated for a specific location. The following data is used for the sun location calculation:

- Time;
- Date;
- Latitude;
- Longitude.

The following is true at the location of the proposed solar development:

- The sun rises in the east (approximately¹⁹);
- The sun sets in the west (approximately²⁰);
- The sun is at its highest around midday and is to the south at this time;
- The sun rises highest on June 21st reaching a maximum elevation of 59.25 degrees²¹ (longest day);
- On December 21st the maximum elevation reached by the sun is only 12.38 degrees²² (shortest day).

It is known in general terms that the sun rises in the east and sets in the west however this is not always strictly true throughout the year. The sun can rise in positions between north east and south east, with the sun setting in locations between the south west and north west in the UK. Position parameters for selected dates in 2014 and 2015 are shown in the Table 1 below.

Date	Solar elevation at Solar Noon	Azimuth at Sunrise	Azimuth at Sunset
21 st December 2014	12.38 degrees	131.26 degrees	228.74 degrees
21 st March 2015	36.04 degrees	88.63 degrees	271.71 degrees
21 st June 2015	59.25 degrees	45.58 degrees	314.42 degrees
21 st September 2015	36.53 degrees	87.44 degrees	272.21 degrees

Table 1 Solar azimuth and elevation at the proposed solar development

With the sun's azimuth and elevation angle changing throughout the day, the direction and angle at which a reflection occurs will change constantly. The azimuth angle of the sun affects the height and direction of the reflection. The sun's azimuth angle is discussed on the following page.

¹⁹ In summer it is northeast and in winter southeast
²⁰ In summer it is northwest and in winter southwest
²¹ In 2015
²² In 2015

5.1.1 Sun Azimuth Angle and Elevation

Figure 12 below shows a simple diagram of the sun's movement across the sky as viewed by an observer facing south (in the northern hemisphere²³). This can be described as the sun's azimuth angle from true north. The orange lines show a simple illustration of the maximum and minimum elevation angle of the sun throughout one year as the sun travels through the sky each day. The high line illustrates the summer solstice (the longest day) and the lower line illustrates the winter solstice (the shortest day). For all other days in the year the sun would be between this maximum and minimum.

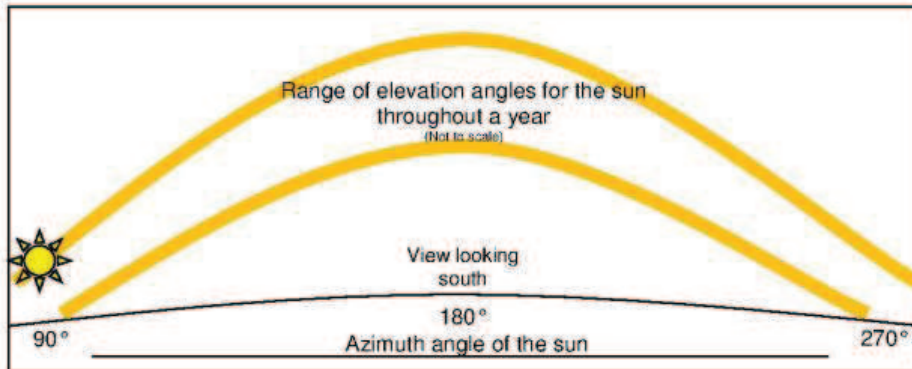


Figure 12 Diagram showing how the azimuth and elevation change throughout a day/year

The combination of the sun's azimuth angle and vertical elevation will affect the direction and angle of the reflection from a solar panel.

²³ The sun's azimuth angle is defined using 0° as north, heading clockwise so 180° is south and continuing round. This is reversed in the diagram as the perspective is as if viewed looking southwards.

6 IDENTIFICATION OF AVIATION RECEPTORS

The following section presents an overview of the relevant aviation receptors in the vicinity of the proposed solar development.

6.1 Identification of Airfields

Table 2 below presents a list of the identified airfields.

Airfield	Distance to Development	Comment
Eddsfield Airfield	8.7km	Beyond associated protected surface and approach paths- no impacts expected.
Bridlington Airfield	20.0km	Beyond associated protected surface and approach paths- no impacts expected
Kirkbymoorside Airfield	28.3km	Beyond associated protected surface and approach paths- no impacts expected
Full Sutton Airfield	31.3km	Beyond associated protected surface and approach paths- no impacts expected
Fadmoor Airfield	32.6km	Beyond associated protected surface and approach paths- no impacts expected
Pocklington Airfield	33.3km	Beyond associated protected surface and approach paths- no impacts expected
Thirsk Airfield	45.0km	Beyond associated protected surface and approach paths- no impacts expected
RAF Linton On Ouse	49.7km	Beyond associated protected surface and approach paths- no impacts expected
Bagby Airfield	50.3km	Beyond associated protected surface and approach paths- no impacts expected
York Airfield	50.5km	Beyond associated protected surface and approach paths- no impacts expected
Felixkirk Airfield	50.9km	Beyond associated protected surface and approach paths- no impacts expected
RAF Topcliffe	55.9km	Beyond associated protected surface and approach paths- no impacts expected
RAF Dishforth	58.3km	Beyond associated protected surface and approach paths- no impacts expected

Table 2 Airfields in the vicinity of the proposed solar development

Protected Surfaces are defined around licensed airfields. They are imaginary planes defined in three dimensions for physical safeguarding (i.e. ensuring that physical structures do not present a safety hazard at an airfield).

The dimensions and geometry of the surfaces are constructed based on detailed rules defined in the UK Civil Aviation Authority's Civil Aviation Publication 168. The size of the surfaces is dependent on the runway dimensions and the procedures carried out at the airfield.

Unlicensed airfields do not have Protected Surfaces however, Pager Power considers it good practice to assess them as if they do for the purpose of glint and glare.

From Pager Power's experience, solar developments located beyond the outer limits of the Protected Surfaces and not determined to be a likely hazard with respect to glint and glare.

Figure 13 on the following page shows the location of the identified airfields relative to the proposed solar development

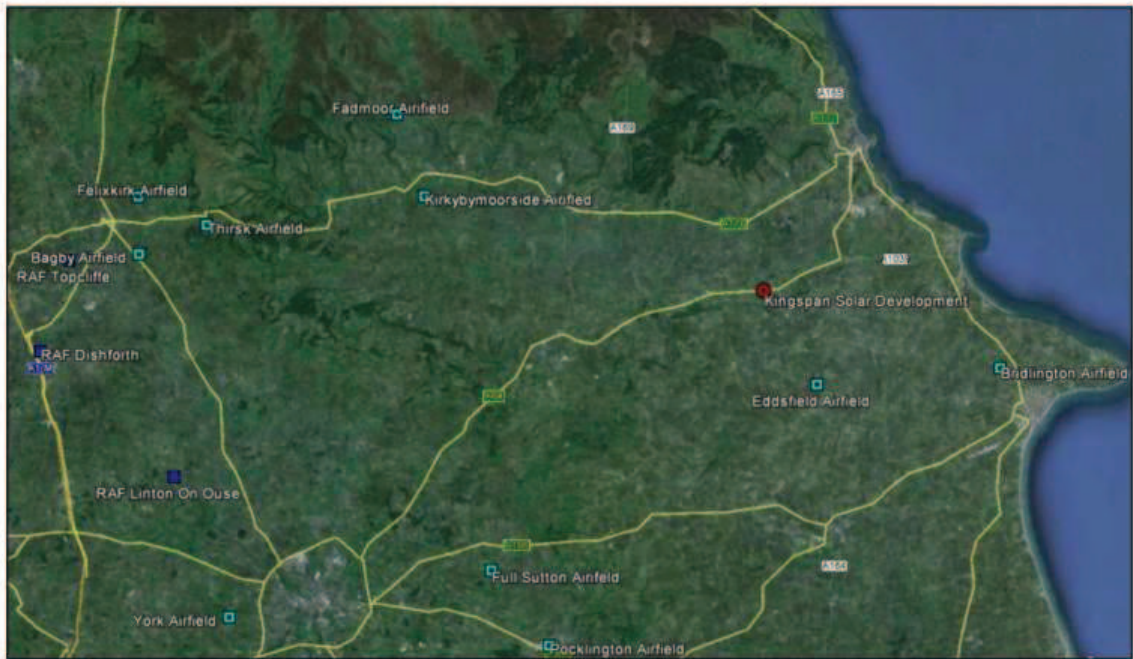


Figure 13. Identified airfields

Pager Power has encountered no cases of an objection/concern being received from a small local airfield with regard to a proposed solar development beyond land immediately adjacent to the airfield itself. At 8.7km, it is not expected that Eddsfield Airfield would be affected.

Solar reflections from the proposed solar development are not expected to affect any of the identified airfields.

6.2 Aviation Activity in the Airspace Above

During the course of the year, solar reflections towards the airspace above will occur. Generally speaking, reflections will occur in the following directions:

- In the morning reflections of the sun from the solar panels will be cast due west;
- In the afternoon/evening reflections of the sun from the solar panels will be cast due east;
- Around midday, reflections of the sun from the solar panels will be cast in the airspace above the solar development in a northward direction.

6.2.1 General Discussion Regarding Skyward Reflections

Figure 14²⁴ (presented in Section 4.2.3 and again here for clarity) shows how reflections from solar panels compare to those from other surfaces which may be present in the ambient environment.

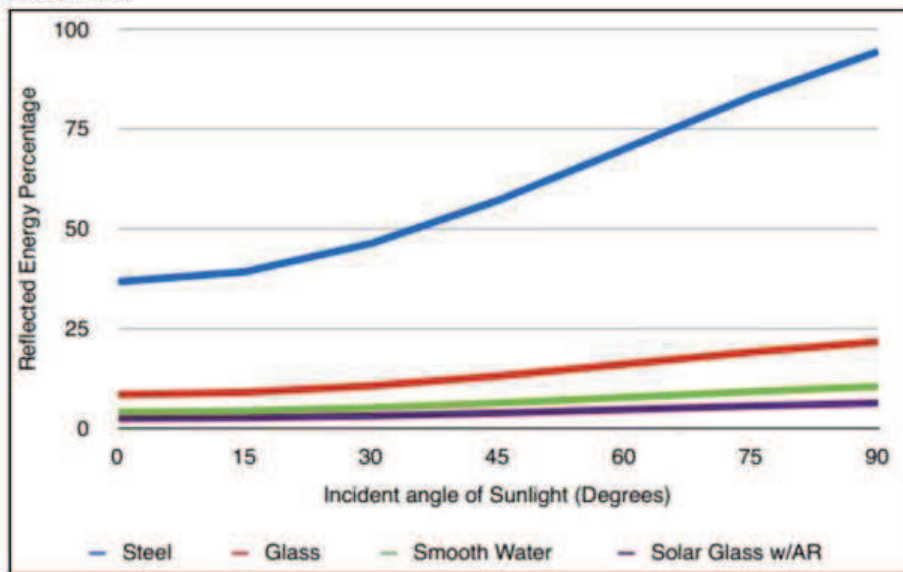


Figure 14 *Relative specular reflectivity of various surfaces*

The most important reflection intensity comparison in Figure 14 is to that of still water. This is also stated in the study undertaken by Riley and Olsen (2011)²⁵.

²⁴Capital Solar farm Visual Impact Assessment (2010): https://majorprojects.affinitylive.com/public/a5615113529f7061acb6de0cb400a52e/Capital%20EA%20Final%201.0%20Appendix%20F_compressed_Part4%20.pdf

²⁵ Evan Riley and Scott Olson, "A Study of the Hazardous Glare Potential to Aviators from Utility-Scale Flat-Plate Photovoltaic Systems," *ISRN Renewable Energy*, vol. 2011, Article ID 651857, 6 pages, 2011. doi:10.5402/2011/651857

Aircraft fly over large areas of water whilst on approach or departure from many airfields/airports. A key example of this is the Royal Marine Base Chivenor in Devon. An aerial image is presented in Figure 15²⁶ below.



Figure 15 *Royale Marine Base Chivenor*

Aircraft will fly over large areas of reflective water whilst on approach and departure from the runways.

Pager Power has reviewed the procedures for many airfields with respect to glint and glare hazards. No information regarding the potential safety hazard due to solar reflections from water has been identified to date.

Aviators encountering solar glare is not an unusual occurrence. This may be from the sun directly or via reflections of the sun from ground based reflectors such as water. Any reflection from a solar panel will be significantly less intense than the direct sunlight.

Finally, it is known that aviation activity and solar developments co-exist. A list of examples is presented in Section 7 of this report. All of these examples show solar developments that are significantly closer to an airfield than the proposed solar development is to any of the identified airfields.

6.3 Overall Expected Impact

Reflections from the Solar Roof Top Installation may be visible to general aviation activity in the airspace above the solar development. If a reflection is experienced, the reflection will be of similar intensity to those from still water and glass and significantly less intense than the light viewed directly from the sun.

Overall, no significant impact upon safe aviation activity is expected.

²⁶ Bing Maps. © 2014 Nokia. © 2014 Microsoft Corporation

7 CO-EXISTENCE OF SOLAR DEVELOPMENTS WITH AVIATION ACTIVITY

Solar developments can and do co-exist with airfields and there are many examples of a solar panels being sited on or very close to an operational airfield. An overview of examples is presented below. This is not a definitive list, the purpose is to give an overview of the varying size and location of solar developments next to airfields. All images are sourced from Google.

Manston Airport, UK

Manston Airport is now closed however the identified solar development to the north was present whilst the airport was operational. The solar development is approximately 1.2km from the threshold for runway 28.



Figure 16 *Solar panels near Manston Airport*

Gatwick Airport

Gatwick Airport has installed 212 solar panels 150m from the main runway.



Figure 17 *Solar panels at Gatwick Airport*

Dunsfold Aerodrome, UK

A solar development is present to the north west of Dunsfold Aerodrome within 450m of the threshold for runway 07



Figure 18 Solar panels near Dunsfold Aerodrome

Birmingham Airport, UK

Birmingham Airport has recently completed the installation of 200 solar panels measuring 1.6mx1m on the roof of one of its terminal buildings. The panels are highlighted in the figure below.



Figure 19 Solar panels at Birmingham Airport

Chattanooga Airport, USA

A 5 acre one megawatt ground mount solar development is located in the south west corner of the Chattanooga Airport. The panels are highlighted in the figure below.



Figure 20 Solar panels at Chattanooga Airport

Denver international Airport, USA

Denver International Airport (DIA) has completed the installation of its third large scale solar project comprising of 19,000 photovoltaic panels. The solar development spans 7.5 acres at the DIA's main terminal entrance. In a study of possible glint or glare impacts from a photovoltaic panel it was concluded that the possible glint glare from PV systems were at safe level and that reflections are usually decisively lower than other standard residential and commercial reflective surfaces. Glint and glare to aircraft was deemed not to be an issue. The panels are highlighted in the figure below.

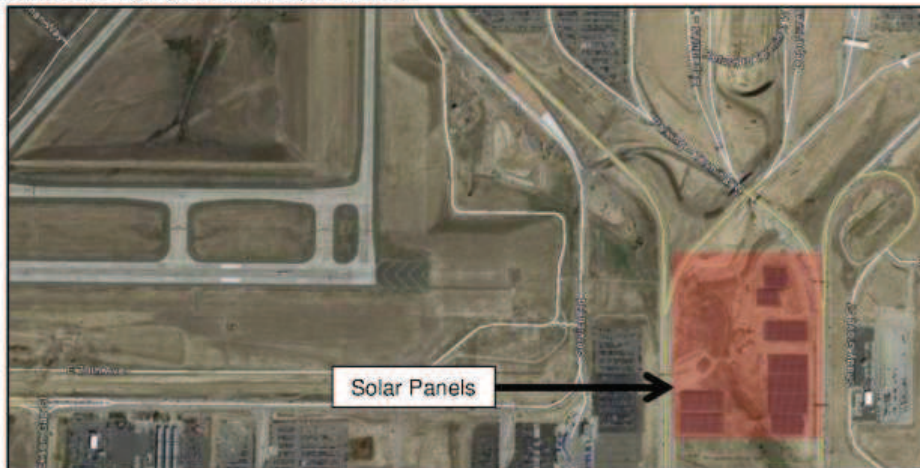


Figure 21 Solar panels at Denver International Airport

Fresno Yosemite International Airport, USA

Fresno Yosemite International Airport is the site of one of the largest airport-based solar development installation in the United States covering approximately 5 hectares. Permits had to be obtained from the FAA to ensure that the operational solar development was not a hazard to aviation at the airport. The best location for the solar arrays was deemed to be off the end and to the side of the approach to the main FYI runway (29R). The panels are highlighted in the figure below.

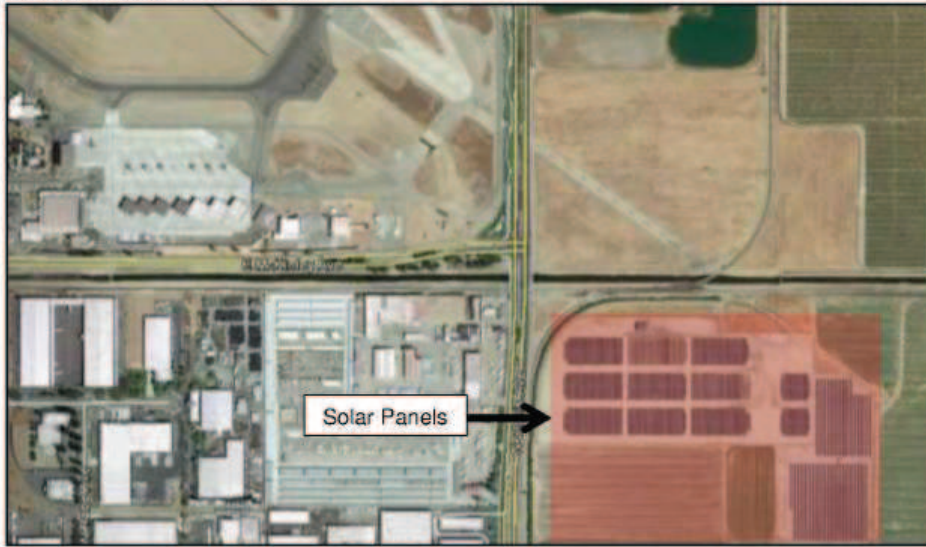


Figure 22 Solar panels at Fresno Yosemite International Airport

San Francisco International Airport, USA

San Francisco International Airport has completed the installation of a 500kW PV installation that consists of approximately 3,000 solar panels. These have been placed on the roof of terminal 3. The panels are highlighted in the figure below.

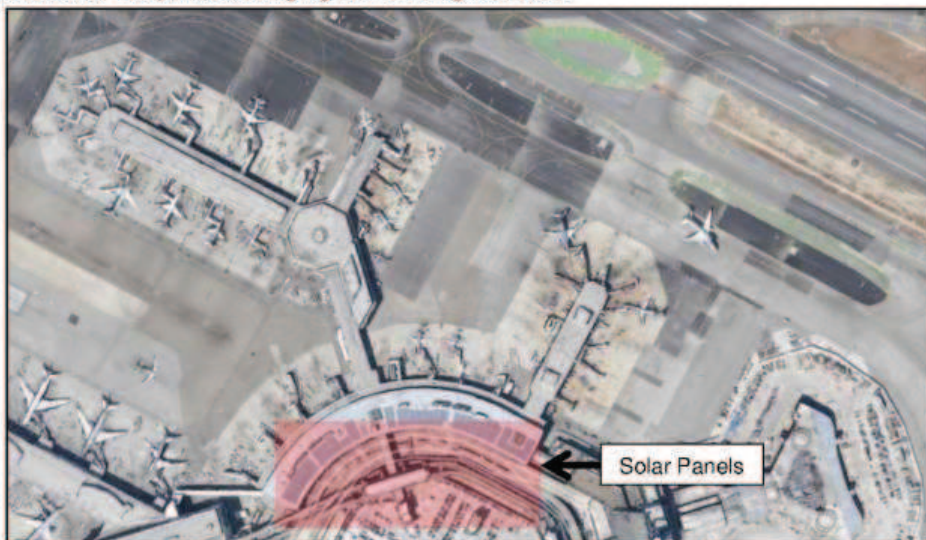


Figure 23 Solar panels at San Francisco International Airport

Oakland International Airport, USA

The Oakland International Airport PV installation features 5,769 solar panels covering 81,000 square feet of airport rooftop. The panels are highlighted in the figure below.



Figure 24 *Solar panels at Oakland International Airport*

Nellis Air Force Base, Nevada

The Nellis Solar Power Plant is located within Nellis Air Force Base in Clark County, Nevada, occupying 140 acres (57 hectares) of land at the north eastern corner of the base. It consists of approximately 70,000 solar panels.

Indianapolis Airport

Indianapolis Airport constructed 28,000 solar panels at the entrance of the airport with this number expecting to rise to 44,000 panels to be installed on 75 acres of land.

8 OVERALL CONCLUSIONS

The results of the analysis are presented in turn below.

8.1 Identified Airfields in the Vicinity of the Proposed Development

The results of the analysis are as follows:

- Thirteen airfields have been identified;
- Three of the airfields are military at approximately 50km from the proposed solar development or beyond;
- The remaining 10 are small unlicensed airfields;
- The closest airfield (Eddsfield Airfield) is approximately 8.7km from the location of the proposed solar development;
- At this distance the proposed solar development is beyond the associated protected surfaces and approach paths for the airfield;
- No known objections or concerns have been raised by any nearby aviation stakeholder;
- No impact upon the operations of the identified airfields due to solar reflections from the proposed solar development is expected.

8.2 Airborne Solar Reflections

Airborne reflections will occur in the following directions:

- In the morning, reflections of the sun from the solar panels will be cast due west;
- In the afternoon/evening, reflections of the sun from the solar panels will be cast due east;
- Around midday, reflections of the sun from the solar panels will be cast in the airspace above the solar development in a northward direction.

8.3 Co-Existence of Solar Developments with Aviation Activity

An overview of the analysis is presented below:

- Eleven examples of solar developments co-existing with aviation activity are presented in Section 7 of this report;
- All of these developments are either on the airfield itself or within 5km;
- All of these solar developments are significantly closer to an airfield/airport, than the proposed solar development is to any of the identified airfields;
- There is no reason to believe that any of these solar developments are a hazard to the safe operation of their nearby airfield/airport;
- Hence, there is no reason to believe that the proposed solar development would be a hazard to the safe operation of any nearby airfields.

8.4 Results Discussion

A general discussion of the results is presented below:

- If reflections were to be viewed by general aviation activity, the reflection experienced would be of intensity similar to those from other reflectors/surfaces present in the ambient environment such as water;
- Aircraft fly over large areas of reflective water whilst on approach and departure from the runways- a key example of this is the Royal Marine Base Chivenor in Devon;
- Pager Power has reviewed the procedures for many airfields with respect to glint and glare hazards. No information regarding the potential safety hazard due to solar reflections from water has been identified to date;
- Aviators encountering solar glare is not an unusual occurrence. This may be from the sun directly or via reflections of the sun from ground based reflectors such as water. Any reflection from a solar panel will be significantly less intense than the direct sunlight;
- It is known that aviation activity and solar developments co-exist. A list of examples is presented in Section 7 of this report. All of these examples show solar developments that are significantly closer to an airfield than the proposed solar development is to any of the identified airfields.

8.5 Overall Expected Impact

Reflections from the solar development may be visible to general aviation activity in the airspace above. If a reflection is experienced, the reflection will be of similar intensity to those from still water and glass and significantly less intense than the light viewed directly from the sun. Overall, no significant impact upon aviation activity is expected.











Agenda Item 12

Item Number: 12
Application No: 14/00950/MFUL
Parish: Scrayingham Parish Council
Appn. Type: Full Application Major
Applicant: Mr Stuart Wood
Proposal: Excavation of clay-lined slurry lagoon
Location: Poplar House Farm Leppington Lane Leppington Malton North Yorkshire YO17 9RL

Registration Date:
8/13 Wk Expiry Date: 1 December 2014
Overall Expiry Date: 19 November 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Environmental Health Officer	Recommend conditions
Sustainable Places Team (Yorkshire Area)	No objection
Parish Council	No objection - recommendations made
Highways North Yorkshire	No views received to date

Neighbour responses: Mr Simon Flounders,

SITE:

Poplar House Farm is an existing farmstead located within the village of Leppington. Whilst the farmhouse is within the development limits; the associated agricultural buildings are within the open countryside, which is an area of high landscape value.

The nearest residential dwellings to the application site are approximately 100 metres to the west and to the south. The amenity areas serving these dwellings are located closer to the proposal at approximately 80m - 90m.

PROPOSAL:

The proposal seeks planning permission for the excavation of a clay – lined slurry lagoon to be sited to the north west of Popular House Farm. The lagoon would measure 55.32metres by 40metres and have a slurry depth of 4m. The lagoon will be constructed using a ‘cut and fill’ method whereby the excavated soil is used to form embankments of 1.52m high above the foundation level. A 0.75 metres freeboard will be also be provided as required by The Water Resource (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO). A perimeter safety fence of 1.30m is proposed around the lagoon.

The lagoon would be sufficiently large to accommodate 2,500m³ of slurry including rainfall, and approximately 10% additional capacity if future expansion were proposed. The design will provide a gross capacity of 2,460m³.

Members will note that the applicant has begun the construction phase of the development.

ENVIRONMENTAL IMPACT ASSESSMENT:

The application site is not located within a sensitive area. Therefore, the proposed development is considered to fall within Section 11(d) of Schedule 2 of the EIA Regulations. The thresholds for this type of development is that the area of deposit or storage exceeds 0.5 hectare (or 5000 square metres), and / or where the site is intended to hold more than 5000 cubic metres of sewage sludge.

The proposed slurry lagoon has an overall dimension of 2,212.8sqmm with the proposed slurry line measuring 1,071.6sqm. The nominal liquid capacity of the lagoon is identified as 2,457.08 cubic metres. In this case, given the scale of the development in comparison to the identified thresholds, it has been determined that the proposal does not form EIA development.

HISTORY:

13/01326/FUL - Erection of replacement agricultural building for the housing of livestock (retrospective application). Planning permission granted.

13/01327/FUL - Erection of replacement agricultural building for the housing the livestock (retrospective application). Planning permission granted.

14/00458/FUL - Erection of an agricultural livestock building for calf housing. Planning permission granted.

14/00459/FUL - Erection of an agricultural lean to livestock building adjoining existing livestock building. Planning permission granted.

POLICY:

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Practise Guidance (NPPG)

Ryedale Plan - Local Plan Strategy

Policy SP9 - The Land-Based and Rural Economy

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable Development

Policy SP20 - Generic Development Management Issues

APPRAISAL:

Background Information

The farm is situated in a Nitrate Vulnerable Zone (NVZ). In such areas the EU Nitrates Directive recognises that most of the nitrate in fresh water comes from agricultural sources so where there is too much nitrate, farmers are required to reduce the risk that nitrates will pollute watercourses. In a NVZ there is a mandatory requirement for five months slurry storage.

As illustrated by the planning history of the site, there has been a recent expansion in the scale of the applicant's dairy herd operations which has been facilitated by new cattle accommodation. It is evident that the slurry storage currently available upon the unit does not provide sufficient storage for the number of cattle kept or for the duration required by the NVZ.

The existing farm currently produces approximately 1,600 cubic metres of slurry during the recommended 5 month NVZ storage period. The slurry is currently removed and recycled on a daily basis via a tanker to both sites around the farm and land outside of the NVZ. This treatment of slurry is currently contrary to the requirements of the NVZ rules hence the submission for this application.

Access to the lagoon will be via a concrete pad in the southeastern corner of the field. The siting and design of the lagoon has been subject to discussions with the Environment Agency and Planning Officers. It has been advised that the design and position of the lagoon is to minimise tractor time and will allow the manure to be pushed / scraped to the lagoon. This process means that no pumping of the slurry is required.

The applicant advises that the lagoon has been designed to meet the requirements of the NVZ regulations as the need of an active farm. The lagoon is designed to hold all the manure from housing the cattle to turnout at spring, and the cleaning of alley ways as they milk throughout the year. The lagoon will therefore be used to a degree all year round.

In terms of the processes of emptying the lagoon, the farm accommodates arable land to the west. It is planned to spread the manure within the lagoon via an umbilical pipe over the fields after harvest. This will provide the necessary nutrients into the land thereby reducing the need for artificial fertilisers. The whole lagoon would be emptied at this time. Members will note that when stored for prolonged periods slurry may separate with liquid on the surface and sludge on the bottom. Before emptying, the slurry has to be stirred thoroughly to mix. It is at this stage that the lagoon would be likely to omit the most odour. However the applicant has advised that the period for the stirring process and spreading of manure will be short, and will be a matter of a few days.

The applicant advises that as the manure will be stored on the site and moved across the fields rather than through the village this will reduce the number of traffic movements associated to the farm, and any dropping of manure that may occur as a result. Further, it is advised that cattle in cubicles use considerably less straw than those on straw yards. This system will significantly reduce overall volume of manure produced by the farm per annum compared to a straw based system.

Development Appraisal

Policy SP9 (The Land-Based and Rural Economy) of the Ryedale Local Plan Strategy provides the principle of this development. The policy states:

'Ryedale's land-based economy will be sustained and diversified with support for new buildings that are necessary to support land-based activity and a working countryside, including farming, forestry and equine purposes.'

The proposal is considered to be in accordance with the requirements of Policy SP9 and is acceptable in principle.

Impact on residential amenity

Policy SP20 of the Ryedale Local Plan Strategy seeks to ensure that new development will not have a material adverse impact on the amenity of present or future occupiers, the users or 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.

For this proposal, the primary consideration relates to the impact of the development in terms of odour and in relation to flies.

As described earlier within this report, the nearest residential dwellings to the proposed lagoon are situated approximately 100 metres to the west and to the south of the site, with the amenity areas serving a number of these dwellings located approximately 80m - 90m from the lagoon.

A letter of objection has been received from the occupiers of Poplar View, Leppington Lane, Leppington (this correspondence can be seen in full in the planning application electronic file). The issues raised include concerns relating to odour and flies. The objector also highlights that their property would be situated downwind from the proposal.

In considering the concerns of the objector, Members will note that the decomposition of slurry will create various emissions and gases that will have an impact on odour. However, these gases are heavier than air and therefore do not have a large dispersal rate. The supporting statement of the application confirms that during the NVZ closed period the slurry will form a crust. This crust creates a cap at the surface which helps to mitigate odour potential during the storage. Officers have discussed the possibility of covering the lagoon, however the applicant advises that this is unsafe due to the high levels of methane that are omitted from the slurry.

There have been no objections raised to the development by the Council's Environmental Health Officers. In their consultation response, to ensure that best practice is followed and in order to protect the amenity of residents from flies and odour, a condition is recommended that a manure management plan for the development is provided. This plan shall be required to be revised and updated, and implemented as necessary. The condition should include the control of the method by which the slurry is removed from the lagoon and the method by which it is spread to land. Other recommended conditions include preventing the import of other manures to the farm from other sources, and conditions relating to the construction phase of the development.

In light of the comments received from Environmental Health Officers, it is considered that the proposal will not lead to levels of material harm to nearby residents and the proposal is considered to accord with the requirements of SP20.

Landscape Impact

In terms of the visual impact of the development, it is unlikely that the lagoon will be visible from the nearby public highway or from any public footpaths or viewpoints. The development will be sited within the context of the existing farmstead thereby reducing any impact that may occur. Nevertheless, in accordance with the supporting statement, it is recommended that the permission be conditioned to ensure a hedge (Hawthorn/Blackthorn) is planted alongside the perimeter fence.

Environment Agency Comments

As part of the application process the Local Planning Authority has consulted the Environment Agency. Their consultation response raised no objections. However, it has been stated that the lagoon must be constructed to ensure it complies with the requirements of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. The site area has been reviewed by the Environment Agency who have not objected to the siting. The site overlies a non sensitive aquifer with generally low permeability. Therefore provided the lagoon is constructed to the appropriate standards, the risk to groundwater is considered to be low.

Parish Council Comments

Scrayingham Parish Council have no objections to the application, subject to the following proviso:

- 1. As Mr Wood has changed his waste management strategy for a proportion of the herd very shortly after he proposed a different regime in his recent application, we would not expect any further changes to either stated policy or volumes of waste.*
- 2. The Environment Agency and Ryedale Environmental Health should review the installation after an appropriate period of time to ensure that the environment is not being adversely affected, and should continue to undertake reviews on a regular basis*

3. *If the lagoon is found to affect the village with odour and flies that action is taken quickly on Mr Wood's part to mitigate this problem.*
4. *The arguments that the Parish Council have accepted are based on the premise that the operations on the farm are a) confined to areas at the West side of the farm away from the village; and b) that the size of the operation is not significantly increased beyond the figures previously provided, given that they are used as an argument to support the current application.*

Members will note that the relevant material considerations raised by the Parish Council have been taken into account and are incorporated into the conditions recommended by Environmental Health Officers. A number of the points raised however do not form material considerations that are within the control of the Local Planning Authority.

Highway related issues

The comments of NYCC Highway Authority are awaited. Members will be updated of these comments either in the Committee late pages, or at the Planning Committee Meeting.

Conclusion

To conclude, the proposed slurry lagoon is not considered to give rise to any impacts that would result in material harm. The development is necessary for the continued operation of the farm to overcome the requirements of the NVZ. Conditions are however recommended to protect the amenity of nearby residential properties. Therefore, the application is recommended for approval subject to outstanding NYCC Highway Authority comments.

RECOMMENDATION: Approval

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

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

- 2 The slurry lagoon, the subject of this approval, shall only be used for the storage of slurry produced at Poplar Farm, Leppington only.

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.

- 3 Before the first use of the development hereby permitted, a manure management plan shall be submitted for approval in writing to the Local Planning Authority. Thereafter the manure management plan shall be reviewed and updated as necessary and submitted to the Local Planning Authority for approval in writing prior to any major change occurring. The manure management plan shall include the method by which slurry is removed from the slurry lagoon and the method by which it is spread to the land.

Reason:- To prevent a build up of agricultural wastes leading to problems of odour and flies to neighbouring residents. To protect residential amenity in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 The operation of construction and excavation equipment in relation to the construction of the lagoon shall not operate outside of the hours of 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays, and not at all on Sundays and Bank Holidays.

Reason:- To ensure that the levels of activity associated with the construction of the development do not result in harm to nearby residential dwellings in accordance with Policy SP20 of the Ryedale Local Plan Strategy.

- 5 Before the first use of the development hereby permitted, large scale details of the perimeter of the lagoon shall be provided to the Local Planning Authority for approval in writing. The details shall include a perimeter fence and a hedge (Hawthorn/Blackthorn) planted alongside the perimeter fence.

Reason:- In the interest of the visual amenity of the area and safety in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 6 Any Highway related conditions

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

Drawing No. LDCL_DR_LAG_08_14_001
Drawing No. LDCL_DR_LAG_08_14_002
Drawing No. LDCL_DR_LAG_08_14_005
Drawing No. LDCL_DR_LAG_08_14_006

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

INFORMATIVE:

- 1 The lagoon must be constructed to ensure it complies with the requirements of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. Two weeks before the store is brought into use, the Environment Agency should be notified.

The form that can be used for this purpose can be found at the following webpage:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/298100/LIT_7281_1d0169.pdf

Background Papers:

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

Location Plan



THIS PLAN HAS BEEN MADE BY OR FOR THE APPLICANT AND IS NOT A DEVELOPMENT PLAN. IT IS NOT A DEVELOPMENT PLAN AND DOES NOT CONSTITUTE A DEVELOPMENT PLAN. IT IS NOT A DEVELOPMENT PLAN AND DOES NOT CONSTITUTE A DEVELOPMENT PLAN.

14/00950 / M Full
RYEDAILE DM

- 1 SEP 2014
DEVELOPMENT
MANAGEMENT

Applicant: S Wood

Poplar House Farm, Leppington

THIS COPY HAS BEEN MADE BY OR WITH THE
AUTHORITY OF SECTION 10 OF THE DEVELOPMENT
ACT 1993 AND IS VALID FOR THE PURPOSES OF
THE ACT PROVIDED A CURRENT DEVELOPMENT
CONTRIBUTION HAS BEEN PAID TO THE
COUNCIL. THE ACT DOES NOT REQUIRE THE
SUBMISSION OF THIS COPY TO THE COUNCIL.

14/00950/mfu.
RYEDALE DM

-1 SEP 2014

DEVELOPMENT
MATERIAL

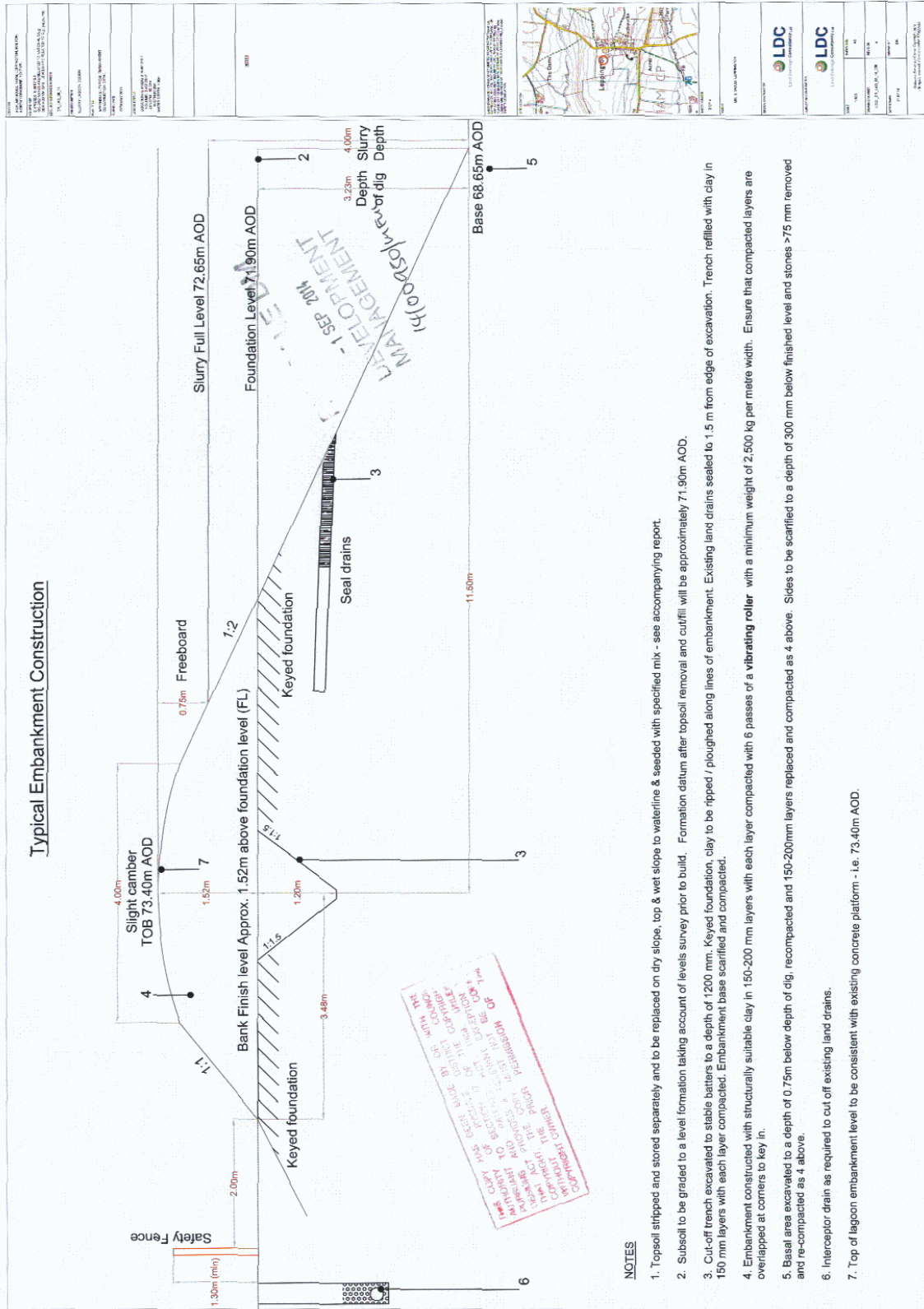


Fieldwork Survey © Crown Copyright 2014. All rights reserved. Licence number 00002211. Road 5/14 - 11126

Applicant: S Wood



Typical Embankment Construction



NOTES

1. Topsoil stripped and stored separately and to be replaced on dry slope, top & wet slope to waterline & seeded with specified mix - see accompanying report.
2. Subsoil to be graded to a level formation taking account of levels survey prior to build. Formation datum after topsoil removal and cutfill will be approximately 71.90m AOD.
3. Cut-off trench excavated to stable batters to a depth of 1200 mm. Keyed foundation, clay to be ripped / ploughed along lines of embankment. Existing land drains sealed to 1.5 m from edge of excavation. Trench refilled with clay in 150 mm layers with each layer compacted. Embankment base scarified and compacted.
4. Embankment constructed with structurally suitable clay in 150-200 mm layers with each layer compacted with 6 passes of a **vibrating roller** with a minimum weight of 2,500 kg per metre width. Ensure that compacted layers are overlapped at corners to key in.
5. Basal area excavated to a depth of 0.75m below depth of dig, recompacted and 150-200mm layers replaced and compacted as 4 above. Sides to be scarified to a depth of 300 mm below finished level and stones >75 mm removed and re-compacted as 4 above.
6. Interceptor drain as required to cut off existing land drains.
7. Top of lagoon embankment level to be consistent with existing concrete platform - i.e. 73.40m AOD.

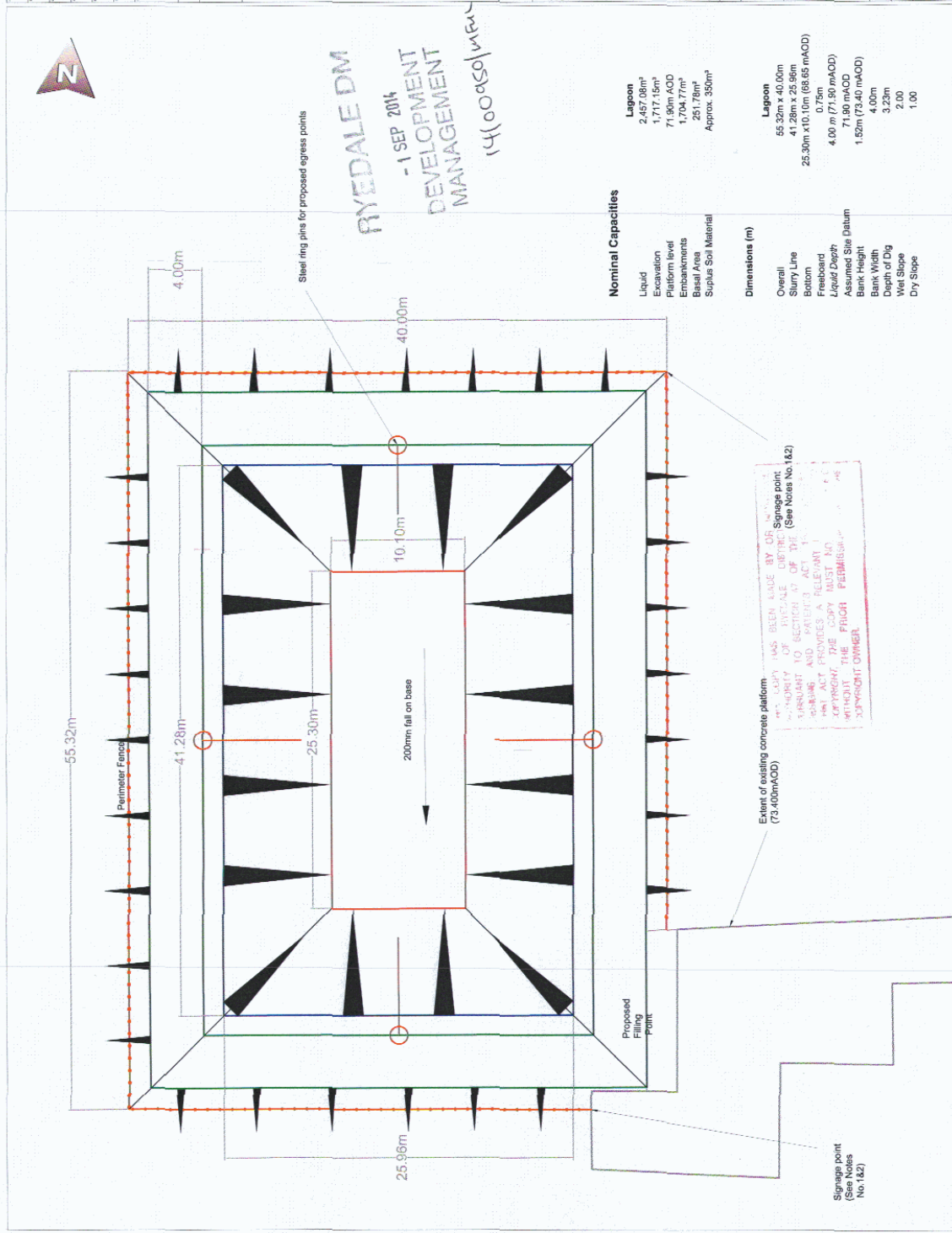
PROJECT: RYEDALE DM
 DRAWING NO: 141000sol/MEA
 DATE: 1 SEP 2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

Warning Signs:
 Note No. 1: Danger Slurry
 Note No. 2: Toxic gas No entry

Map: Location map showing the site within the Ryedale Development.

LDC: Local Development Corporation

Scale: 1:1000
 Date: 1 SEP 2014



<p>Tel: 01377 236010 Fax: 01377 236584 mail@ldcl.co.uk www.ldcl.co.uk</p>	 LDC Land Drainage Consultancy Ltd	<p>Cowslip Offices Fimber Drifffield East Yorkshire YO25 9LY</p>
---	--	--

RYEDALE DM
SLURRY LAGOON DESIGN
POPLAR HOUSE FARM
LEPPINGTON, NORTH YORKSHIRE

July 2014

SEP 2014
LDC DESIGN
MILES FLATHER
14/00950/MFL.

Submitted to:

Stuart Wood
Poplar Farm
Leppington
Nr Malton
North Yorkshire
YO17 9RL

Prepared by:

David Royle BSc (Hons)
Miles Flather MSc, BSc (Hons)
Land Drainage Consultancy Ltd.
Cowslip Offices
Fimber
Drifffield
East Yorkshire
YO25 9LY

Table of Contents

	PAGE NO.
1.0 BACKGROUND	1
2.0 AIMS AND OBJECTIVES	1
3.0 SITE SURVEY AND INVESTIGATION	2
4.0 FINDINGS	2
5.0 PROPOSED SYSTEM DESIGN	4
6.0 LAGOON CONSTRUCTION	6
7.0 SYSTEM MANAGEMENT	9
8.0 ADDITIONAL CONSIDERATIONS	9

Appendices

1. Topographical survey 1:500.
2. Contours and mean site ground level 1:500.
3. Proposed platform construction 1:500.
4. Site aerial photograph representation 1:500.
5. Lagoon dimensions and capacities 1:250.
6. Typical embankment construction 1:100.
7. Trial pit descriptions.
8. Soil analysis results.
9. Flood risk assessment map.
10. Groundwater assessment map.
11. Rural designation site check report.
12. Environment Agency form WQE3.
13. ADAS/Acorus CGN002 - Guidance for earth bank slurry stores.

1.0 BACKGROUND

Land Drainage Consultancy Ltd. has been asked to provide an assessment and design option for a proposed slurry lagoon at Poplar House Farm, Leppington, Malton, North Yorkshire.

Poplar House Farm is a mixed livestock and arable enterprise, incorporating a 200 head diary herd and is managed and farmed by Mr Stuart Wood. The business has continuing plans for expansion and improvement, necessitating a review of current farm waste production and infrastructure.

Integral to these plans is the provision of an adequate farm waste storage facility for the dairy unit. The storage site is required to accommodate both the needs of the business and to ensure compliance with environmental legislation, notably the NVZ Regulations. The location of the proposed storage area together with design considerations means that planning permission will need to be secured for its construction.

The construction of a slurry lagoon is proposed to allow a sufficient quantity of slurry to be temporarily held at the farm pending its use.

2.0 AIMS AND OBJECTIVES

This report provides the following:

- A review of current farm waste production, storage and recycling for the enterprise.
- A whole farm NVZ assessment to assess storage requirements and land availability for spreading of liquid manures.
- An assessment of ground conditions in the area proposed for slurry storage.
- A design specification for the lagoon in terms of location, dimensions, capacities and construction.
- Recommendations for compliance with relevant regulations.

3.0 SITE SURVEY AND INVESTIGATION

The following has been undertaken:

- A detailed survey of the proposed lagoon site has been completed by LDCL and is shown on the plans at Appendix 1-6.
- A site meeting has been held between the Environment Agency and the farmer, to determine the feasibility of installing an earth banked slurry lagoon at the site and whether the Agency would foresee any issues, in particular with regard to site location, groundwater, odour potential and environmental permitting. It is understood that no significant issues were raised by the Environment Agency with regard to these issues.

- A design and specification have been prepared for a proposed earth banked slurry store.
- Trial pits have been excavated in the site area and samples of superficial geological strata collected. These have been subjected to particle size distribution, permeability and compaction testing, at a suitably accredited laboratory, to determine the ground characteristics and suitability for slurry storage.

4.0 FINDINGS

4.1 Farm area

The farm holding comprises 124 hectares in mixed arable and grass production which is directly owned by the farm. A further 140ha of land is farmed under farm business tenancy agreements. This is shown below in Table 1.

4.2 Cropping

Cropping on the holding is a mixed rotation of winter combinables, primarily winter wheat, winter oilseed rape and winter barley together with a smaller proportion of spring combinables.

Table 1 Poplar House Farm - Land use 2014

Land Use	Area (approx ha)		Area (approx acres)	
	Owned	Tenanted	Owned	Tenanted
Grass	60	70	148	173
Arable	64	70	158	173
Sub Total	124	140	306	345
Total 264			650	

4.3 Current stocking

Current stock numbers are shown in Table 2 together with predicted farm waste arisings (5 month and annual). These have been derived using standard manure production and cropping figures detailed in NVZ guidance leaflet No 3.

Slurry is produced from dairy cows housed in cubicles with remaining stock on straw. The volume of arisings is shown in Table 2.

Table 2 Poplar House Farm – Stock numbers and slurry arisings 2014

Stock type and waste arisings	Total number/ annum	Volume per livestock unit per month	Slurry/Excreta volume produced each month	Slurry volume produced in 5 months
Slurry				
Dairy cow after first calf (6,000 - 9,000 litres)	200	1.59	318	1,590
Dirty water from yard areas	-	-	-	75
Parlour washings	-	-	-	250
Rainwater on lagoon area (1,100m ²)	-	-	-	360
Total potential storage requirement (m³)				2,275
Solid FYM				
Dairy heifer (13 months to first calf)	50	1.20	60	300
Dairy heifer (3 – 13 months)	50	0.60	30	150
Total	260 -		254	1,272

4.4 Solid farmyard manure (FYM)

Solid FYM is produced from housing of young stock and heifers and is all straw based. This is removed from the buildings after shed cleaning and placed into temporary field heaps pending spreading.

4.5 Slurry

Approximately 1,600m³ of slurry will be produced during the recommended 5 month storage period.

This slurry is currently removed and recycled via tanker to both arable and grassland at the farm together with remote land not currently subject to NVZ requirements.

Given recent fertiliser price increases, and the 5 month slurry storage requirement of the NVZ Regulations, the business recognises the value of its slurry and the need to store material to make the best use of the nutrients and organic matter that it contains.

4.6 Dirty water and parlour washings

Dirty water, consisting of rainwater contaminated with FYM, from two small outside yards, collects via concrete yards and gutters and will be directed to the lagoon. This material could currently be applied to land during the NVZ closed period but, with increased storage capacity, will be stored for the closed period. Approximately 75m³ of dirty water from open yard areas will be produced and 250-300m³ of parlour washings, which are currently stored in a separate tank.

It is possible that yard areas will increase in the foreseeable future with site development and dirty water arisings may therefore increase.

4.7 Roof water

Roof water is kept separate from dirty water. Downpipes are currently directed either to land drain and/or piped direct to suitable drains/ditches

5.0 PROPOSED SYSTEM DESIGN

It is proposed that slurry be stored through construction of an earth banked slurry lagoon. The rationale and design for this scheme are described below.

5.1 Poplar House Farm - rainfall data (Met Office data & calculations)

Table 3 Climate data

Site OS Grid Reference	SE 76273 61300
Altitude (AOD m)	72
Annual Rainfall (approx mm)	729
5 months excess winter rainfall (approx mm)	330

Table 4 Poplar House Farm- proposed slurry and rainfall arisings

Waste Type	(m ³)
Slurry + dirty water + parlour washings	1,915
Rainfall (Excess winter x internal surface area)	360
Total	2,275

5.2 Lagoon site

It is proposed that the lagoon be located to the west of Poplar House Farm, centred over OS National Grid Reference SE 76273 61300

The site is located approximately 100m to the west of the nearest dwellings in Leppington Village. A location plan of the proposed site is shown at Appendix 1 together with a levels survey and site plan at Appendix 2 and 3.

The site slopes gently with a fall of approximately 1.4m southeast-northwest. There are no ditches or watercourses present and no known drainage systems other than for roof water from the building to the south. It is possible that old clay tile systems will be encountered during the proposed construction.

Farm buildings lie to the south and southeast of the site which provide a degree of visual screening from the village and road to the east. An aerial photograph showing the lagoon site location is shown at Appendix 4.

Access to the site will be direct from the rear of the farm buildings and dairy.

It is understood, from the farmer, that there are no other buried services at the site. The appointed earthworks contractor is advised to seek confirmation of services through an appropriate site service search prior to build.

5.3 Lagoon capacity

The aim will be to provide as large a lagoon as the site will permit to allow maximum flexibility with slurry recycling, particularly to avoid the need to spread when crop, weather or ground conditions are unsuitable and to provide sufficient storage for spring application to adjacent land.

The lagoon is proposed to be sufficiently large to accommodate 2,500m³ of slurry including rainfall and approximately 10% additional capacity if future expansion were proposed. The design will provide a gross capacity of 2,460m³. The lagoon dimensions and capacities are shown at Appendix 5 and below in Table 5.

The net capacity in Table 5 should be considered as a minimum since no allowance has been made for evaporation. Cattle slurry, particularly containing rainfall, will be subject to summer evaporation depending on prevailing weather conditions. The result being that the effective volume of the lagoon will be slightly greater than the net capacity shown.

There are 125 ha of land available for spreading at Poplar House Farm which can be accessed by either umbilical spreading equipment or farm tanker. At a typical annual application rate of 80m³/ha the capacity of the proposed lagoon can easily be accommodated within the land area available and would require around 32 ha of land to service the slurry stored, or about one quarter of the land area owned, or one eighth of the land area available.

5.4 Lagoon design

Drawings of the proposed lagoon embankment and construction details are shown at Appendices 5 and 6 and detailed overleaf in Table 5.

5.5 Lagoon filling

Slurry and dirty water will be directed from the buildings to the southeast of the lagoon site. Liquids should ideally be introduced into the lagoon via a concrete spillway extending from bank top and flumed at the base to reduce potential bank erosion on the internal wet slope.

5.6 Planning permission

The proposed lagoon will require planning permission from Ryedale District Council and it is understood that this will be sought during 2014.

Table 5 Summary of lagoon dimensions and capacities

Capacity and Dimensions	Lagoon
Gross capacity (m ³)	2,457
Freeboard (m)	0.75
Bank height (m)	1.52
Bank top width (m)	4.00
Dry slope	1:2
Wet slope	1:2
Liquid depth (m)	4.00
Depth of dig (m)	3.23
Overall dimensions (m)	55x40
Slurry line (m)	41x26
Base dimensions (m)	25x10
Rainfall – (m ³)	360
Capacity minus rainfall (m ³)	2,097
Volume excavated (m ³)	1,717
Embankment volume (m ³)	1,704
Volume above ground level (m ³)	747
Access Ramp minimum gradient (if required)	1:10
Cut and fill volume (m ³ approx)	1,000
Assumed formation datum (m AOD after strip)	71.90

6.0 LAGOON CONSTRUCTION

6.1 Construction method

The lagoon should be constructed using a 'cut and fill' method whereby excavated soil is used to form the embankments. The design ensures that, as far as possible, excavated soil equals soil required for embankments. The construction detail for the embankments is shown at Appendix 6.

The success of the lagoon relies upon achieving impermeable banks and base. This can only be achieved if the excavated clay and shale material is thoroughly compacted using a vibrating roller. Alternative forms of compaction – e.g. wheeled or tracked vehicles - will not ensure even compaction and tracked vehicles do not compact since they are designed to apply low ground pressure. The overburden and clay subsoil at this site has a high clay content and might be prone to cracking during very dry periods and for this reason it should be re-worked prior to compaction to produce a homogenous mass. Below 1.5m all stones above 75mm diameter must be removed, and the sides scarified for a depth of 300mm, stones removed and then re-compacted. For the basal area it is recommended that 500mm of the mudstone be excavated, the lower layer reworked and compacted to 500mm and then the original 500mm be re-laid and compacted as above.

The lagoon can be constructed using tracked excavators and/or dumper and dozer, with the latter being used to finish shaping the banks, and in conjunction with a vibrating roller. Selection of equipment is the responsibility of the contractor excepting that a vibrating roller of the minimum weight (2,300kg/m) specified must be used.

The design assumes that the lagoon will be constructed off a level subsoil platform and that a graded site has been prepared in terms of cut and fill. Embankment heights are estimated to be 1.52m from a level platform and a small amount of bulkage (10% or thereabouts) will occur following excavation and placement. If the contractor elects to build without a cut and fill operation then it will be essential to set an appropriate site datum in terms of height and location. This should be based on the mean height of the site proposed under the cut and fill (71.90m). This will avoid any shortfall of excavation arisings relative to embankment volumes.

The recommended method of working is:-

- 6.1.1 Install a 100mm (minimum size) interceptor drain as required keeping the drain at least 10m from the outside of the internal slurry line. This drain would be best located on the upslope field side (west) of the safety fence and running northeast with the fall of the land. If agricultural underdrainage systems are encountered it will be important to ensure that all laterals are picked up and connected/junctioned into the new main.
- 6.1.2 Strip and store topsoil to a depth of 300mm from whole of working area, with the exception of those areas that are to remain completely undisturbed or are to be used for topsoil storage. Level the build formation through a cut and fill operation using a dozer from southeast to northwest and east-west.
- 6.1.3 Excavate cut off (or key) trench and remove any drains within 10m of the embankment. This trench should be excavated to seal any land drains and pores and fissures in the better structured upper subsoil. The clay excavated from the cut off trench can be used in the adjacent embankment. Excavated clay from the lagoon site should be re-laid into the trench in 150-200mm layers and compacted as below.
- 6.1.4 Scarify or plough and compact embankment areas to provide a key for construction working along the line of the embankment.
- 6.1.5 Construct embankments with clay deposited in 150-200 mm layers - each layer compacted with a minimum of 6 passes of a vibrating roller with a minimum weight of 2,300 kg/m width.
- 6.1.6 Soil layers to be fully overlapped/interlocked and compacted at corners
- 6.1.7 Scarify wet slope to a depth of 300mm, remove stones and re-compact as (6.1.4) above. Dig out any land drains to 1.5m and recompact using clay from excavation.
- 6.1.8 Grade the base formation with a slight fall north-south (or as preferred) to allow slurry to migrate towards the filling/emptying point.

- 6.1.9 Excavate 500mm from base, scarify below to a depth of 500mm, remove stones and recompact as (6.1.4-5) above, replace 500mm in two/three layers, scarify and recompact.
- 6.1.10 Respread topsoil on dry slope, top and wet slope to slurry level to a depth of 150mm and seed with a suitable low maintenance grass seed mixture. Make provision with farmer for re-using, or relocating, surplus topsoil on site.
- 6.1.11 Erect safety fence, install egress points and warning notices as required by Health and Safety Regulations.

6.2 Seeding

On completion the banks should be seeded at a rate of 5g/m² with a low maintenance grass seed mix, a typical mix is shown in Table 5.

Table 6 Typical grass seed mixture

Grass species	Composition
Strong Creeping Red Fescue	40
Slender Creeping Red Fescue	30
Sheeps Fescue	20
Browntop Bent	5
Chewings Fescue	3
Smooth Stalked Meadow Grass	2

6.3 Safety

The site of the lagoon must be fenced, and approved notices warning of the risks of entering the lagoon displayed at each entry point and on the lagoon (see Appendix 5). The fence must be of the 'child restraint' type - close spaced mesh allowing no hand or footholds - topped with at least 2 strands of barbed wire to give a minimum height of 1.3m. Gates must be lockable and climb proof or be sheeted/solid. An impenetrable hedge – Hawthorn/Blackthorn can be planted alongside the fence which will afford some screening, and help to restrict access and prolong fence life. There should be no tree or shrub planting on the embankments or lagoon top.

Egress or climbing points are recommended at 15m intervals around the lagoon sides. These can consist of rope ladders or tyres fitted to ropes/chains anchored to a steel pin assembly on the bank top.

7.0 SYST EM MANAGEMENT

Access to the lagoon will be via the concrete pad in the southeast corner of the field.

The system must be operated using the guidelines contained in DEFRA's Water Code (1998 as amended). It is imperative that a minimum freeboard of 750mm is maintained at all times.

Slurry may separate with liquid on the surface and sludge on the bottom when stored for prolonged periods. Before emptying, the slurry should be thoroughly agitated/mixed. Agitation is normally by PTO driven propeller type agitators, but floating or submerging electric types are also available.

Periodically, the lagoon may need to be de-silted using an excavator or a tracked shovel hence the need for less severe internal banks for access and a 4.00m bank width to allow 360° excavator access. Care must be taken not to disturb the base or sides during de-silting.

Slurry directly to the lagoon should make use of a channel constructed from GRC units should be used on the internal slope to minimise the risk of erosion during discharge.

Earth embankments must be inspected regularly for signs of deterioration particularly after heavy rain. Embankments must be kept clear of trees and shrubs, grass cover kept short and vermin controlled. Wet slope erosion can be caused by wave action and dry slope erosion by rainwater and should be monitored regularly together with drainage outfalls from the field.

The lagoon should be inspected each year when full, for signs of leakage. Inspection should involve a close examination of the embankments and ground up to 3m away from the external foot of the embankment. The most vulnerable areas are the foot of the embankment and points where it is pierced by pipework (which are not proposed).

8.0 ADDITIONAL CONSIDERATIONS

8.1 Geology and soils

A total of five trial pits (TP1-TP5) were excavated in the location of the proposed lagoon. The location of trial pits is shown on the plan at Appendix 1 and they are described at Appendix 7.

The Geological Survey of Great Britain (BGS Website, 1:50,000) shows that solid geology consists of the Penarth and Redcar Mudstone Formations. These are sedimentary bedrocks formed approximately 183 to 200 million years ago in the Jurassic Period in a local environment previously dominated by shallow seas. These rocks were formed mainly with siliciclastic sediments (comprising of fragments or clasts of silicate minerals) deposited as mud, silt, sand and gravel.

There is no recorded superficial drift in this area.

The site is not in a zone of influence from deep mine workings and is unlikely to be affected by subsidence.

Soils at the site were relatively consistent. They consist of a mean depth of 23cm (range: 20-25cm) of slightly stony (<2% sandstone and shale/coal) medium to heavy clay loam topsoil. This directly overlies heavy textured and slightly silty clay to 80-120cm depth grading into darker clay or grey/black weathering mudstone to a depth of more than 4.00m.

Profile stone contents were generally low to moderate containing few small and medium soft weathering sandstones and mudstones. Subsoils were generally slightly stony to 1.00m depth. Below this depth the proportion of soft weathering mudstones increased. This material was moderately compact and was neither significantly fissured or contained any water bearing layers. All of the materials below 1m depth had a high degree of plasticity and easily deformed in the presence of water.

8.2 Particle size distribution, permeability and compaction test results

Samples of clay subsoil (sample 1 – 0.50-2.00m) and mudstone (sample 2 - 2.00-3.50m) were collected and submitted for analysis for PSD, plastic limit, permeability, compaction and soil strength tests in unconsolidated and consolidated states. The results are shown at Appendix 8 and are summarised in Table 7.

The results demonstrate that the materials proposed for lining the lagoon and for embankment construction had a satisfactory slightly elevated clay content of 26-44% compared to the 20-30% recommended in CIRIA 126. The primary lining material (i.e. 2.00-4.00m) fell within the required optimum and had a medium clay loam texture.

Following compaction and testing in a triaxial cell, the permeability of the samples was 7.4×10^{-11} (sample 1) and 1.9×10^{-10} (sample 2). These materials therefore have the potential to be compacted with a resultant permeability at least 10 times lower than the 1×10^{-9} permeability required for a lined construction of this type. It can be concluded that, providing appropriate compaction is undertaken, the superficial deposits underlying the lagoon will provide an acceptable and extremely low permeability media for its construction.

Plastic limit and index results are within the recommended optimum detailed in CIRIA 126. Maximum density results and shear strengths (natural and consolidated) indicate that these materials will be suitable for the provision of stable embankments.

The optimum moisture content for maximum compaction was 19% (sample 1) and field moisture content was 20%. This indicates that the excavated material will be broadly at the optimum as excavated and there should be no requirement to augment the clay with water prior to embankment construction unless conditions are extremely dry during construction.

Table 7 Summary of analysis results – subsoil and mudstone deposits

Sample Reference & Depth	Sample 1 (0.50-2.00m)	Sample 2 (2.00-3.50m)	Recommended Optimum (CIRIA 126)*
Stones > 2mm	2	33	
Sand (%)	3	1	-
Silt (%)	51	40	-
Clay (%)	44	26	20-30
Texture	Clay	Medium clay loam	clay loam
Liquid Limit (%)	50	-	<90
Plastic Limit (%)	24	-	-
Plasticity Index (%)	26	-	<65
Permeability ((kv) m/s)	7.4×10^{-11}	1.9×10^{-10}	1×10^{-9}
Compaction achieved (dry Mg/m ³)	2.60	-	-
Maximum bulk density (Mg/m ³)	1.68	-	-
Optimum moisture (%)	19	-	-
Field Moisture (%)	20	-	-
Shear strength field (kpa)	>146	-	-

* CIRIA report 126 'Farm waste storage - guidelines for construction.'

8.3 Surface water and flood risk assessment

There are no field ditches or watercourses adjacent to the lagoon site.

Interrogation of the Interrogation of the Environment Agency's flood risk map (shown at Appendix 9) shows that the proposed site does not lie within a flood risk zone. The risk that the lagoon might affect flood water, or be subject to flood incidence, is considered low.

The field in which the lagoon stands may contain old drainage systems. All header and lateral drains will need to be severed and picked up by a 100mm cut off drain with permeable fill connected into the existing underdrainage scheme running to the west and north of the site. All laterals should be appropriately connected to the new main Drainage should be completed prior to or during lagoon construction and sufficient space retained between the outer lagoon batters and drains for construction work to proceed without affecting the newly installed drains.

8.4 Groundwater

Interrogation of the Environment Agency's groundwater vulnerability maps (shown at Appendix 10a and 10b) indicates that the proposed lagoon site does not lie within a sensitive aquifer designation. The site area has been reviewed with the Environment Agency who have agreed that the location of the site is suitable.

The site overlies a non sensitive aquifer with generally low permeability, described as having geological formations which do not have a high primary permeability. Provided the lagoon is constructed to appropriate standards, the risk posed to groundwater is considered low.

8.5 Farm waste management plan and NVZ Regulations

The farm is located in an NVZ and a whole farm assessment for the proposed slurry application is shown in Table 8.

Table 7 NVZ Summary (Whole Farm Basis)

Details	Total
Land area available (ha) (owned/rented)	264
Nitrogen from farm wastes	
200 Dairy cows after first calf (6,000 - 9,000 litres)	20,200
50 Dairy heifers (13 months to first calf)	3,050
50 Dairy heifers (3 – 13 months)	1,750
Total nitrogen produced (kg)	25,000
Whole farm organic nitrogen limit (kg/yr @ 170kg/ha)	44,880
Field based organic nitrogen limit (kg/yr @ 250kg/ha)	66,000
Land area required for spreading @ 170kg/ha/nitrogen field limit (ha)	147
Land area required for spreading @ 250kg/ha/nitrogen field limit (ha)	100
Whole Farm NVZ nitrogen balance for farm (kg/N/yr)	-19,880

The farm currently has approximately 264ha of land on which to apply the slurry. The slurry and other farm wastes can be comfortably accommodated within the existing land area at the farm without exceeding the 170kg/ha whole farm NVZ limit or the individual 250kg/ha field limit.

Poplar House Farm has been advised to maintain records of all slurry spreading and to reconcile this with their NVZ records.

8.6 Site designations and sensitive receptors

The lagoon is located in a grass field in a field corner with a limited ecological status.

A rural designation site check report has been produced using DEFRA's MAGIC website. This is shown at Appendix 11 and demonstrates that there are no sensitive environmental designations with a 1,000m radius of the site.

The nearest residential housing/receptors to the site lie 100-150m to the south and east.

8.7 Other environmental issues

8.7.1 Odour

The production and storage of slurry has the potential to generate odour. It is recommended that slurry storage and spreading be undertaken in accordance with the 1998 MAFF Codes of Good Agricultural Practice for the Protection of Air, Water and Soil.

Stored slurry has a tendency to form a crust or to cap at the surface which helps to mitigate odour potential during the storage. The lagoon is sited to the northwest of Leppington Village and, with a prevailing southwesterly wind, odours will usually be carried away from housing.

The period of filling for the lagoon (October-February) is generally a lower risk period for odour generation. Lagoon filling will tend to be passive and will not involve significant agitation or disturbance of the stored slurry. The mixing of slurry with other farm effluents (e.g. silage effluent), which may be antagonistic, will be avoided.

Activities of lagoon emptying, spreading and agitation should take careful account of prevailing weather conditions and particularly wind strength and direction. Sensitive periods such as weekends or bank holidays should be avoided wherever possible. Similarly, the location and use of recipient field sites must be considered carefully.

The use of high capacity umbilical injection or dribble bar systems for spreading is recommended, as opposed to higher trajectory spreading equipment. This will reduce the frequency and duration of spreading to a few days in spring and possibly Autumn.

Application to spring arable crops and silage aftermath is recommended to maximise the efficacy of the nutrients in the slurry and also to avoid warmer periods of the year.

8.8 Notification of construction to Environment Agency

Subject to approval by the Local Planning Authority, the Environment Agency must be notified of the intention to commence lagoon use and that it has been constructed to the appropriate design standard using the application form WQE3 shown at Appendix 12. A further notification of 14 days prior to the build must be undertaken according to 2013 NVZ Regulations Guidance.

8.9 Guidance and standards

The following are relevant documents for the construction and maintenance of the lagoon.

- CIRIA report 126 'Farm waste storage - guidelines for construction'.
- BS 5502 Buildings and Structures for Agriculture.
- Specifications Part 50: 1989 Code of Practice for design, construction and use of reception pits and storage tanks for slurry Part 41.
- ADAS/Acorus CGN002 - Guidance for earth bank slurry stores – See Appendix 12.
- DEFRA Codes for Air, Water and Soil (1998 and 2009).
- Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991. SI. 1991, No 324, HMSO (ISBN 0 11 013324 2) as amended 1997 SI 1997, No 547.
- The NVZ Regulations (2002 as amended) and associated guidance

r-me

7/10 lcc. - NO OBJECTION
RECOMMENDATION
MADE

Scrayingham Parish Council
06/10/2014

RYEDALE DM

Dear Sirs,

- 7 OCT 2014

Excavation of clay-lined slurry lagoon

**DEVELOPMENT
MANAGEMENT**

Poplar House Farm, Leppington Lane, Leppington, Malton North Yorks YO17 9RL

Ref. No: 14/00950/MFUL

In respect of Mr & Mrs Woods' application to establish a slurry lagoon at Poplar House Farm, we have had the opportunity to review the relevant documentation provided by Ryedale district council and also to hear from Mr and Mrs Wood who attended and were invited to speak at meeting of the Parish Council on 01/10/2014. Furthermore, we have also heard the views of some residents of the village in connection with the proposed development.

Prior to the meeting, Mr and Mrs Wood have been inclusive in the process of making the application, inviting Parish Councillors and other villagers to see their plans. This has assisted the process and we welcome this approach. At the meeting, Mr Wood explained the various aspects of farm operation, slurry storage and distribution of slurry over the fields. He also went on to provide reassurance over aspects of the proposed slurry management regime. This was in response to concerns voiced to the Parish Council by a number of parishioners, that establishment of the lagoon might adversely impact the village, bringing odour and flies and associated risk to health and wellbeing.

Residents had been invited by Ryedale's Environmental Health Officer Ailish Lilley a few days earlier to inspect a similar lagoon at a nearby farm. The lagoon holds the waste of a dairy herd of approximately double the size of that of Mr and Mrs Wood. Russ and Linda Scott had had the opportunity to attend the lagoon while its contents were being agitated and they reported that the odour was only significant in the area where it was held by the light wind and there was no presence of large numbers of flies. As the lagoon is similar to that proposed for Poplar House Farm, a conclusion could be drawn that the new lagoon might not emit strong odours other than when being agitated.

Mr Wood went on to make the following points which we believe were relevant to the application:

- The net impact of this dairy operation is no greater than the previous total operation in the village, and as all the operation is on one side of the village, at Poplar House Farm, this has reduced the requirement to use the village main street and access roads for the transportation of waste.
- Using the lagoon to store slurry negates the requirement to deploy large amounts of straw in the sheds, which then needs regular disposal via road.
- The lagoon's close proximity to the sheds reduces the effort to move slurry into it. If the lagoon were to be situated further away a pump would have to be deployed to move the slurry and this would have noise and energy implications.

- The consistency and lack of permeability of the earth in which the lagoon is to be dug means there is no risk of the slurry polluting the nearby watercourses.
- The contents of the lagoon had to be stored for a minimum of 6 months and it would only be dispersed on to the fields a good distance away from the village on an annual basis.
- Mr Wood advised that the prevailing wind should take any odours away from the village and that when slurry agitation and dispersal takes place he will ensure that this will only be carried out when the wind is in a favourable direction.
- He also advised that in the process of being emptied, then refilled, the lagoon's exposed bed and sides would not provide a habitat for flies. He also indicated that once a crust had formed on the surface of the slurry, this would not be attractive to flies.
- There are guidelines to indicate that lagoons should be covered but it was not the intention to cover this one on the basis that covers were difficult to maintain and could lead to a concentration of odour, as experienced by Boundale Farm in Leavening.

To summarise, Mr Wood is of the view that the lagoon will not adversely impact the village for the reasons given above and also that the overall impact of his farming operation on the village in terms of traffic and waste disposal has actually been reduced.

The view of the Parish Council is that this application has been conducted in an inclusive way and all necessary parties have been consulted with a good level of information provided throughout. We are not in a position to speculate over the future status of the lagoon; consequently, we have no objection to the application in line with our aim of supporting local businesses for the good of the community.

Our recommendation for approval does carry the following proviso:

1. As Mr Wood has changed his waste management strategy for a proportion of the herd very shortly after he proposed a different regime in his recent application, we would not expect any further changes to either stated policy or volumes of waste.
2. The Environment Agency and Ryedale Environmental Health should review the installation after an appropriate period of time to ensure that the environment is not being adversely affected, and should continue to undertake reviews on a regular basis
3. If the lagoon is found to affect the village with odour and flies that action is taken quickly on Mr Wood's part to mitigate this problem.
4. The arguments that the Parish Council have accepted are based on the premise that the operations on the farm are a) confined to the areas at the West side of the farm away from the village and b) that the size of the operation is not significantly increased beyond the figures previously provided, given that they are used as an argument to support the current application.

Yours faithfully,

Scrayingham Parish Council 06/10/2014

Agenda Item 13

Item Number: 13
Application No: 14/00976/MREM
Parish: Pickering Town Council
Appn. Type: Approval of Reserved Matters Major
Applicant: Rangeford Pickering Ltd
Proposal: Erection of a retirement community of 168no.assisted living units comprising 50no. two bedroom and 40no. one bedroom care suites/apartments and 70no. two bedroom and 8no. one bedroom bungalows together with associated community facilities, access, parking and landscaping (outline approval 13/00016/MOUT dated 21.01.2014 refers).
Location: Land At OS Field 9525 Crossgate Lane Pickering North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 11 December 2014
Overall Expiry Date: 22 October 2014
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Sustainable Places Team (Yorkshire Area) No views received to date
Land Use Planning No comments to make on the layout details
Tree & Landscape Officer Landscaping scheme acceptable
Parish Council Request Planning Authority to address issues raised by residents as listed
Highways North Yorkshire Object to elements of landscaping proposals
Archaeology Section Makes recommendations
Neighbour responses: Mr Peter Lee, P And A Asquith, Mr P And Mrs J Hudson, Mr Richard Kimmings, Ms Anne Wright,

SITE:

The application site lies to the eastern side of the A169 (Malton Road) approximately 800 metres to the south of Pickering Town Centre. Its western boundary abuts the A169; its northern boundary abuts Crossgate Lane and its southern and eastern boundaries are formed by field hedgerows with agricultural land beyond.

The site has a total area of approximately 4.4ha which, until recently, was in agricultural use. The site is bisected by four relatively narrow 'strip' fields which are marked by hedgerows and hedgerow/trees with some gaps in between.

The site is located outside of, but immediately adjacent to the 'saved' development limits of the town which in this locality, follow the curtilages of residential properties on Malton Road; Crossgate Lane and Outgang Road.

PROPOSAL:

This proposal has been submitted for the approval of the outstanding reserved matters following the grant of the earlier outline planning permission, reference 13/00016/MOUT which was approved on 21 January 2014.

The outline planning permission included approval of access, scale and layout and the application, therefore, only seeks approval for the external appearance of the buildings and the landscaping of the site. Members will recall that a significant amount of illustrative material uses also submitted with the outline application and the current application is consistent with that approach.

In addition to the reserved matters, applications to discharge numerous detailed conditions on the outline permission have been submitted which are being discharged in the normal manner under officer delegated powers.

Members will recall that there was much discussion with regard to the principle of the development and the scale and position of the buildings proposed with the outline planning permission. These matters are, however, all approved under the earlier permission and cannot be re-visited as part of this reserved matters application.

For Members information, the general proportions of the buildings is as follows:-

The application comprises a mixture of different types of accommodation in a range of one and two bedrooms, all of which are accessed via a new entrance off Malton Road. The bungalows are arranged around the south, west and part of the northern periphery's of the site. Typically, they have eaves heights of 2.4m and apex heights varying between 5.3 and 6 metres depending upon the particular design of unit.

The care suite/apartments and community facilities buildings is located in the north-western section of the site, close to the junction with Crossgates Lane and Malton Road. This block of buildings is set predominantly over two and three stories with the two-storey elements located close to the north and western boundaries of the site. The three-storey element shown on the submitted plans and elevations incorporates 12No. of the apartments listed in the description of the development. This element is located towards the centre of the site.

The eaves and apex heights of the two-storey buildings typically range between 5.2 and 6 metres and 8.5 and 9.6 metres respectively. The three-storey elements have eaves and apex height of approximately 8.2 and 11.5 metres respectively.

HISTORY:

13/00016/MOUT: The erection of a retirement community of 168no. assisted living units comprising 90no. care suites/apartments and 78no. bungalows together with associated community facilities, access, parking and landscaping (site area 4.37ha) - Approved 21.01.2014

POLICY:

National Planning Guidance

National Planning Policy Framework:

The presumption in favour of sustainable development - Paras 11, 12, 13 and 14

Core planning principles - Para 17

Promoting sustainable transport - Para 34

Delivering a wide choice of high quality homes - Paras 48, 49 and 50

Promoting healthy communities - Para 69

Meeting the challenge of climate change, flooding and coastal change - Paras 98 and 103

Conserving and enhancing the natural environment - Para 109

Conserving and enhancing the historic environment - Paras 129, 131, 132, 135 and 139

Determining applications - Paras 196 and 197

Enforcement - Paras 214, 215 and 216

Local Planning Policy

Ryedale Local Plan

‘Saved’ development limits

Adopted 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 SP12 - Heritage

Policy SP13 - Landscape

Policy SP14 - Biodiversity

Policy SP18 - Renewable and Low Carbon Energy

Policy SP19 - Presumption in Favour of Sustainable Development

APPRAISAL:

As mentioned earlier in this report, the outline planning permission establishes that the principle of the development, its layout and scale are already approved. The outline permission also established the matters relating to archaeology and impact on heritage assets were fully considered at the time the outline permission was granted.

Design Approach

The outline permission was also accompanied by a Design & Access Statement which set out in detail, the approach to the development of the site. The design approach was considered by Members at outline stage and illustrative elevations were produced to show how the scheme could be developed. The precise details of the appearance of the buildings was, however, reserved and is the subject of this current application.

The details plans and elevations submitted accord with the illustrative plan and elevations previously shown to Members and they are considered to be appropriate to the local vernacular in terms of their scale, appearance and palette of materials proposed. They include the use of natural clay pantiles and slate. These roofing materials are particularly welcome because the site is located on the edge of the market town and it is considered that the roofscape will be the most obvious aspect of the scheme when viewed from the adjacent public vantage points.

Landscaping

The application has been accompanied by detailed plans and a method statement. These are submitted in order to accompany this reserved matters application and also in order to discharge detailed Condition No. 24 of the outline permission (landscape method statement).

The submitted information has been considered by the Council’s Tree & Landscape Officer who considers the details to be acceptable.

It is of note, however, that NYCC Highways have currently objected to the detailed siting of some tree species adjacent to the main spine road within the site which have the potential to cause root damage to soakaways and branches overhanging the highway. This requires a minor amendment to the submitted landscaping plans and Members will be updated at the meeting.

NYCC Archaeology

Have no objection and note that they have recently approved a Written Scheme of Investigation required by Condition No. 21 of the outline permission. It is not necessary, however, to repeat the need for the condition as part of this reserved matters application.

Yorkshire Water

Yorkshire Water's initial comments relating to the drainage of the site are noted. Members will note that details to discharge the relevant drainage conditions have now been submitted and considered acceptable by both Yorkshire Water and the local Internal Drainage Board.

Third Party Comments

Five letters have been received from local residents. Four objections raising the following points:-

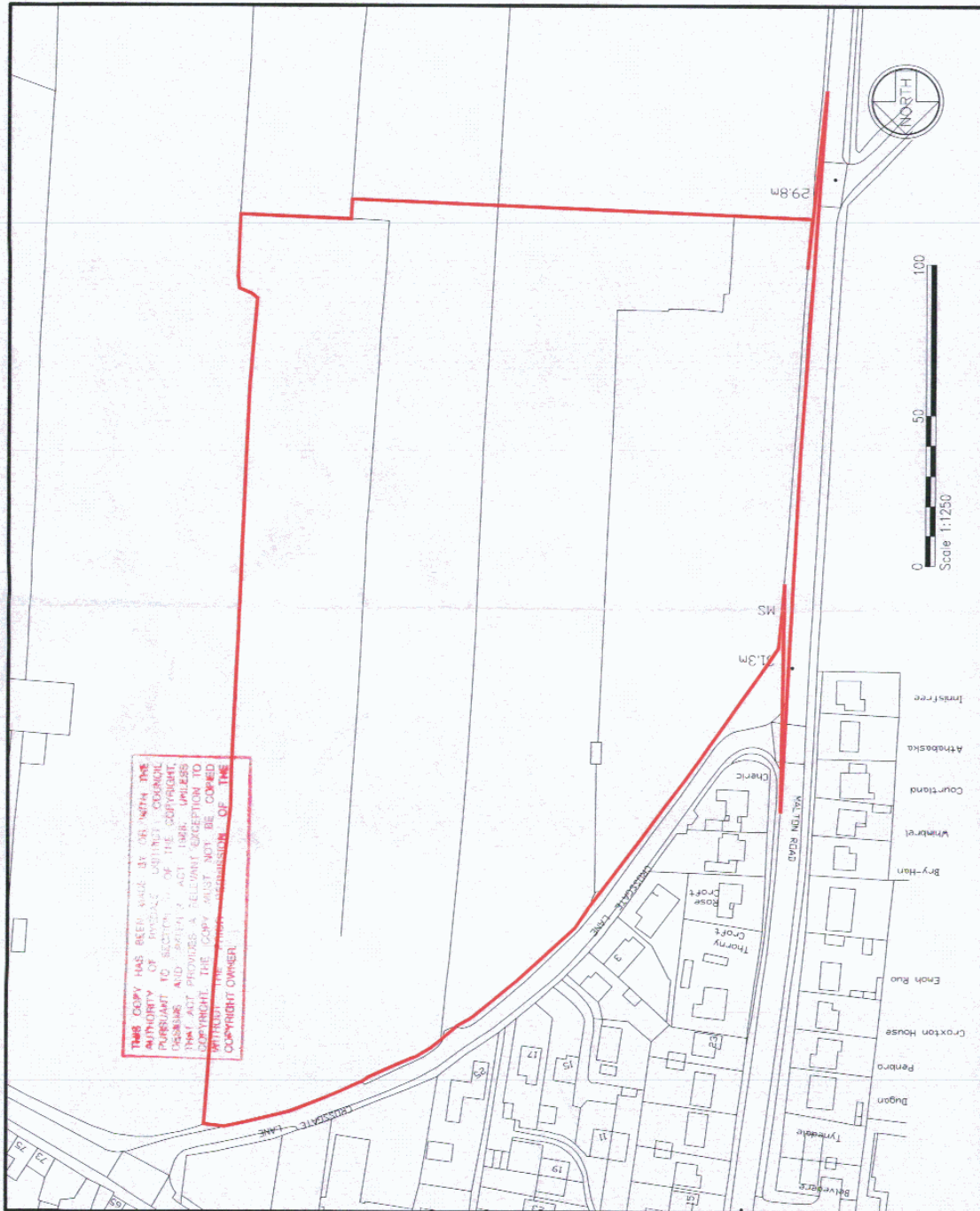
- Loss of Greenfield site;
- Concern at location of 3-storey elements of the scheme;
- Concern over construction traffic using Crossgate Lane;
- Impact on the Doctors surgery;
- Landscape Management Plan required by outline planning permission;
- Maintenance of hedge heights;
- Lighting detail needed; and
- Concern over pedestrian/access location.

The suggested letter identifies the need for such accommodation in the town which is needed for an aging population and will help to free-up family housing.

The Town Council's comments are appended to this report. It raises issues relating to hedgerow maintenance and enhancement and tree protection. In addition, the Town Council query the position of the pedestrian link on Crossgate Lane and overall parking levels in the scheme. However, both of these latter points were considered at outline stage by NYCC Highways and considered to be acceptable in terms of both vehicular and pedestrian safety.

In summary, this reserved matters scheme is considered to accord with the outline planning permission and furthermore, that the design and landscape approach is appropriate.

RECOMMENDATION: **Approval subject to receipt of amended landscaping plan**



THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF PHYSICAL PLANNING, CONSENT DECISIONS AND BREVIARY ACT 1988, UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT. THE COPY MUST NOT BE COPIED WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT OWNER.

Offices Architecture Planning Urban Design 32 Victoria Road, Sanditon, Sundry, KCB 4J7 020 8338 5183 Fax: 020 8388 3003 info@prcgroup.com www.prcgroup.com	Revisions: No. Description Date 1 Initial Design 15/11/2012 2 Final Design 15/11/2012 3 Final Design 15/11/2012	Client: METHODIST HOUSING ASSOCIATION Project: MALTON ROAD, PICKERING, YORKS Drawn as Title: SITE LOCATION PLAN	Scale: 1:1250 Scale Bar: 0 50 100 Scale: 1:1250	Scale: 1:1250 Project Co-Ordinator: PR Job No: 9060 Site: PL Drawing No.: 026 Date: NOV 2012 Rev.: Information <input type="checkbox"/> Preliminary <input type="checkbox"/> Tender <input type="checkbox"/> Construction <input type="checkbox"/> Approval <input type="checkbox"/>	PRC Group
---	--	---	---	--	------------------

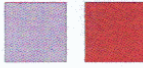
A 3/2014, CS (copy not updated, Text revised)
 B 3/2014, CS (Materials updated by full programme alterations)

THIS COPY HAS BEEN MADE BY OR WITH THE
 AUTHORITY OF ARCHITECTS WITHOUT
 PURSUANT TO SECTION 17 OF THE COPYRIGHT,
 DESIGN AND PATENTS ACT 1988. UNLESS
 THAT ACT PROVIDES OTHERWISE, THE COPYRIGHT,
 COPYRIGHT, THE COPY TOLERANCE EXCEPTION TO
 WITHOUT THE PRIOR PERMISSION OF THE
 COPYRIGHT OWNER.



Mickie Hill, Pickering
 Site layout materials
 3271(1)003 B
 date 22/05/2014
 drawn/checked AS CS /
 scale 1:1000 @ A3 CS /
 West + Machell
 architects
 1 Thurwest Business Park, Thurwest, York YO26 3JF
 Tel: 01753 261746 Fax: 01753 262200
 email: arch@westmachell.co.uk
 www.westmachell.co.uk

- Brickwork walls with natural slate roof
- Artificial stone walls with orange clay pantile roof



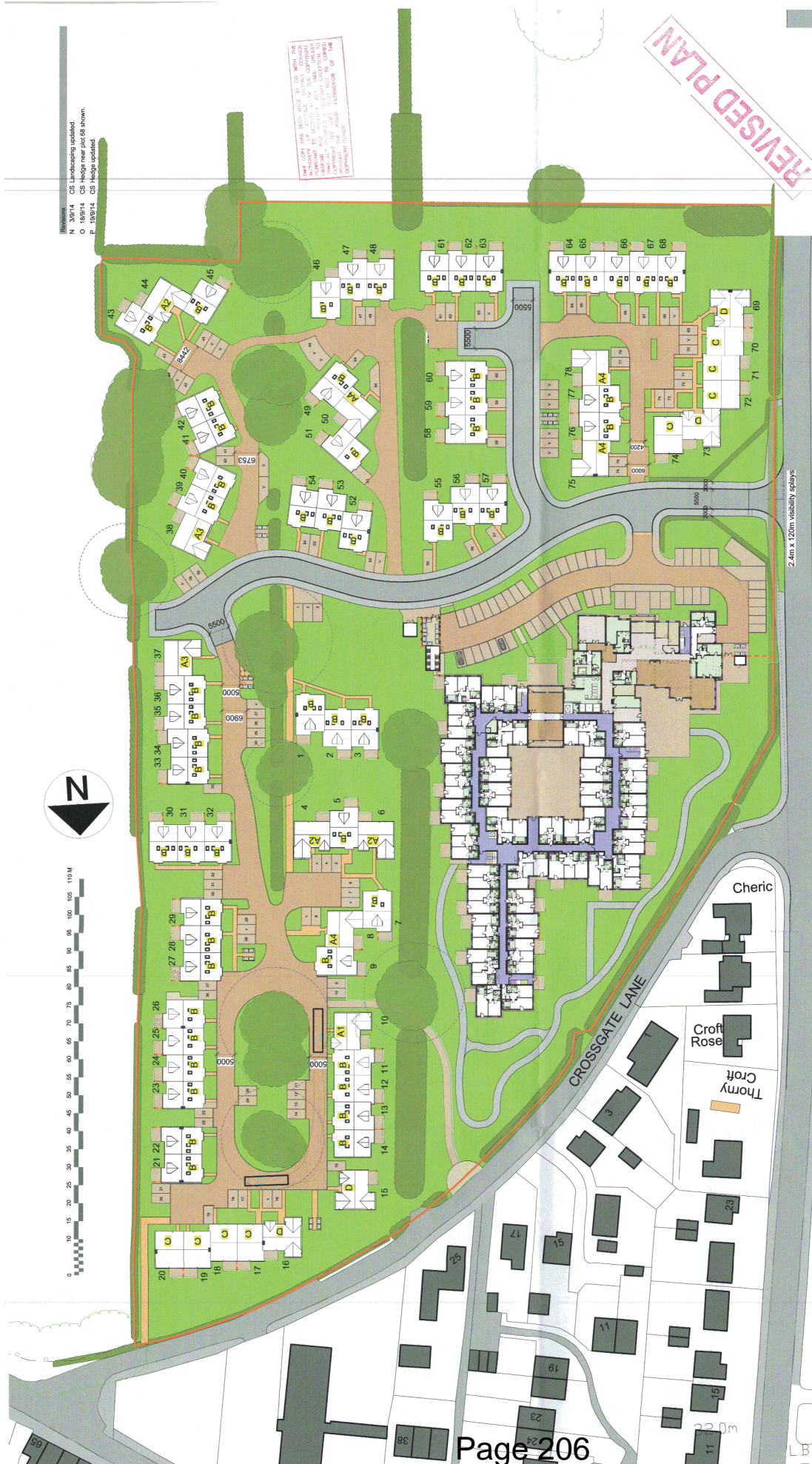
0 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100 05 110 M

BREVETTES: CS - Landscape indicated
 O - 889/14 CS - Macro indicated
 P - 199/14 CS - Micro indicated

THIS DRAWING HAS BEEN MADE AVAILABLE TO THE PUBLIC FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ANY REVISIONS TO THIS DRAWING WILL BE CARRIED OUT BY THE ARCHITECT.

REVISED PLAN

PROJECT: Mickie Hill, Pickering
SITE LAYOUT
CLIENT: 3271(1)002 P
DATE: 05/12/2013
ARCHITECT: West + Machell
 1 Northwest Business Park, South Hill, Leeds, LS9 2PA
 Tel: 0113 2461746 Fax: 0113 2342200
 email: architec@westandmachell.co.uk
 www.westandmachell.co.uk



2.4m x 120m visibility splays

Schedule of accommodation Reference	Area	78
A1	2 bed 3 person bungalow	68sqm
A2	2 bed 3 person bungalow	68sqm
A3	2 bed 3 person bungalow	68sqm
A4	2 bed 3 person bungalow	68sqm
B	2 bed 3 person bungalow	96.8sqm
C	1 bed 2 person bungalow	61.1sqm
D	2 bed 3 person bungalow	73.8sqm

Waste storage calculation
 There are 5 bin areas serving 78 bungalows = 16 bungalows per area
 4 bin areas hold 4 x 1100litre bins = 17600litres
 1 bin area holds 6 x 1100litre bins = 6600litres
 Total binstore capacity = 24200litres
 Binstore capacity per bungalow = 4400/16 = 310 litres
 The main building has a single binstore with capacity for 13 x 1100 litre bins = 14300 litres
 There are 90 flats in the main building giving 14300/90 = 159 litres per flat.
 Ratio of green / black bins to be agreed.

Parking schedule

Entrance building	63
Bungalows - allocated	78
Bungalows - visitor	24
Total	165

- Revisions:**
- A 3/2/14 CS Guest room revised.
 - B 3/2/14 CS Flat layouts revised.
 - C 3/3/14 CS Corridor doors added.
 - D 4/3/14 CS Flat 43 changed to CH.
 - E 4/3/14 CS Bathrooms added.
 - F 4/3/14 CS Flat 43 changed to CH.
 - G 24/4/14 CS Flat 73 changed to 2 bed.
 - H 4/7/14 CS Type C1 flats updated. Kitchen ventilation duct added adjacent flat 46.
 - I 8/8/14 CS Party walls thickness increased.
 - J 19/8/14 CS Window and door references added.
 - K 19/8/14 CS Guest room increased in size.

THIS DRAWING IS THE PROPERTY OF WEST + MACHELL ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF WEST + MACHELL ARCHITECTS.



REVISED PLAN

PROJECT: Mickle Hill, Pickering

CLIENT: GEMWORTH PLC

DESCRIPTION: First floor plan

NO: 3271(2)002 K

SCALE: 1:200

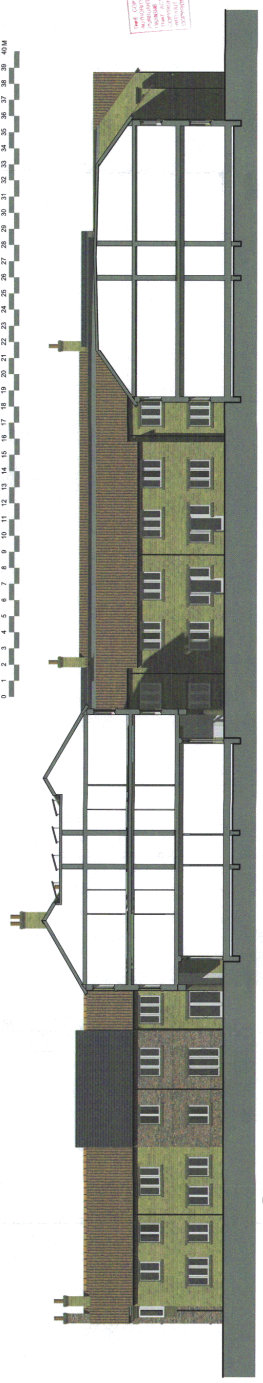
DRAWN/CHECKED: CS / CS

DATE: 16/12/2013

ARCHITECTS: West + Machell

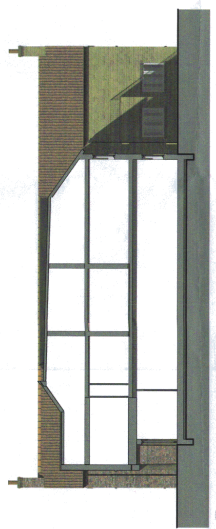
1 Northwest Business Park, Servis Hill, Leeds, LS8 2QH
 Tel: 0113 2461746 Fax: 0113 2345290
 email: architects@westmachell.co.uk
 www.westmachell.co.uk

- REVISIONS
- A CS Proposed
- B 20/07/14 CS Initial and site revised.
- C 18/08/14 CS Upper floor roof pitch revised.

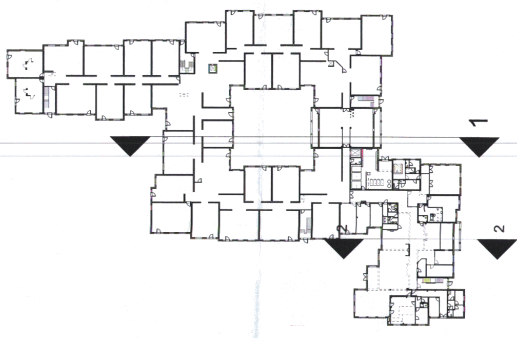


THIS DRAWING IS THE PROPERTY OF WEST + MACHELL ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF WEST + MACHELL ARCHITECTS.

1 Scale: 1:125



2 Scale: 1:125



Ground floor windows to comply with British Standard 7556
 External steps to comply with British Standard PAS 24

PROJECT
 Mickle Hill, Pickering

CLIENT
 Elevations 3

REFERENCE
 3271(3)004 C

DATE
 11/25

DESIGNED BY
 CS / CS

CHECKED BY
 12/05/2014

SCALE
 1:125

WEST + MACHELL
 architects

1 Northall Business Park, Church Way, South Cave, East Yorkshire YO21 2JL
 Tel: 0113 2481748 Fax: 0113 2342200
 email: architects@westandmachel.co.uk
 www.westandmachel.co.uk

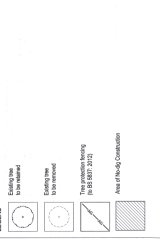
REVISED PLAN

The owner is the recipient of the final construction documents and is responsible for the construction of the project. The owner is responsible for the construction of the project and is not responsible for the design of the project. The owner is responsible for the construction of the project and is not responsible for the design of the project.

This drawing has been prepared for the purpose of planning purposes.

Planning Notes:
 The owner is responsible for the construction of the project and is not responsible for the design of the project. The owner is responsible for the construction of the project and is not responsible for the design of the project. The owner is responsible for the construction of the project and is not responsible for the design of the project.

LEGEND:



1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign



1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

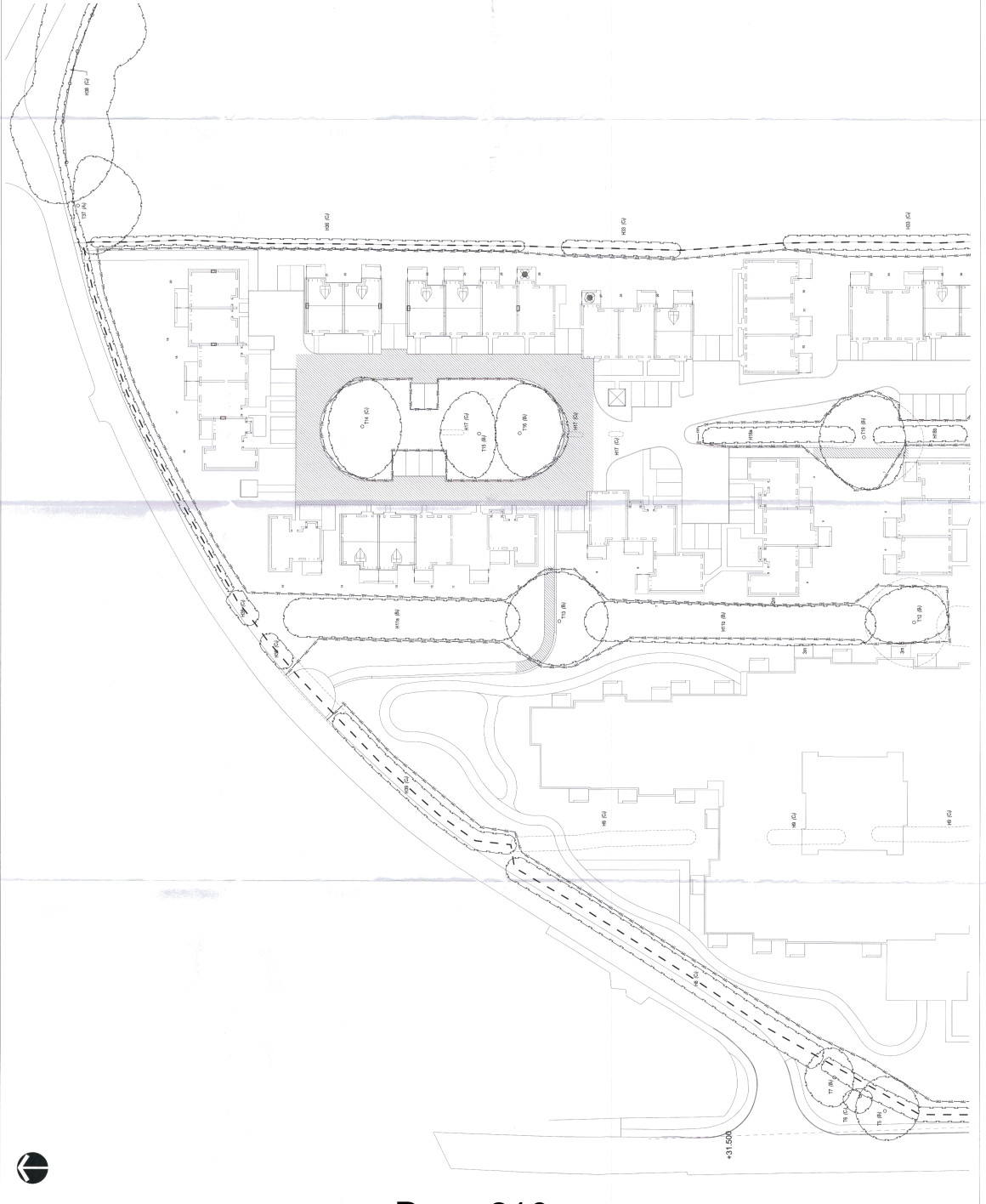
1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign

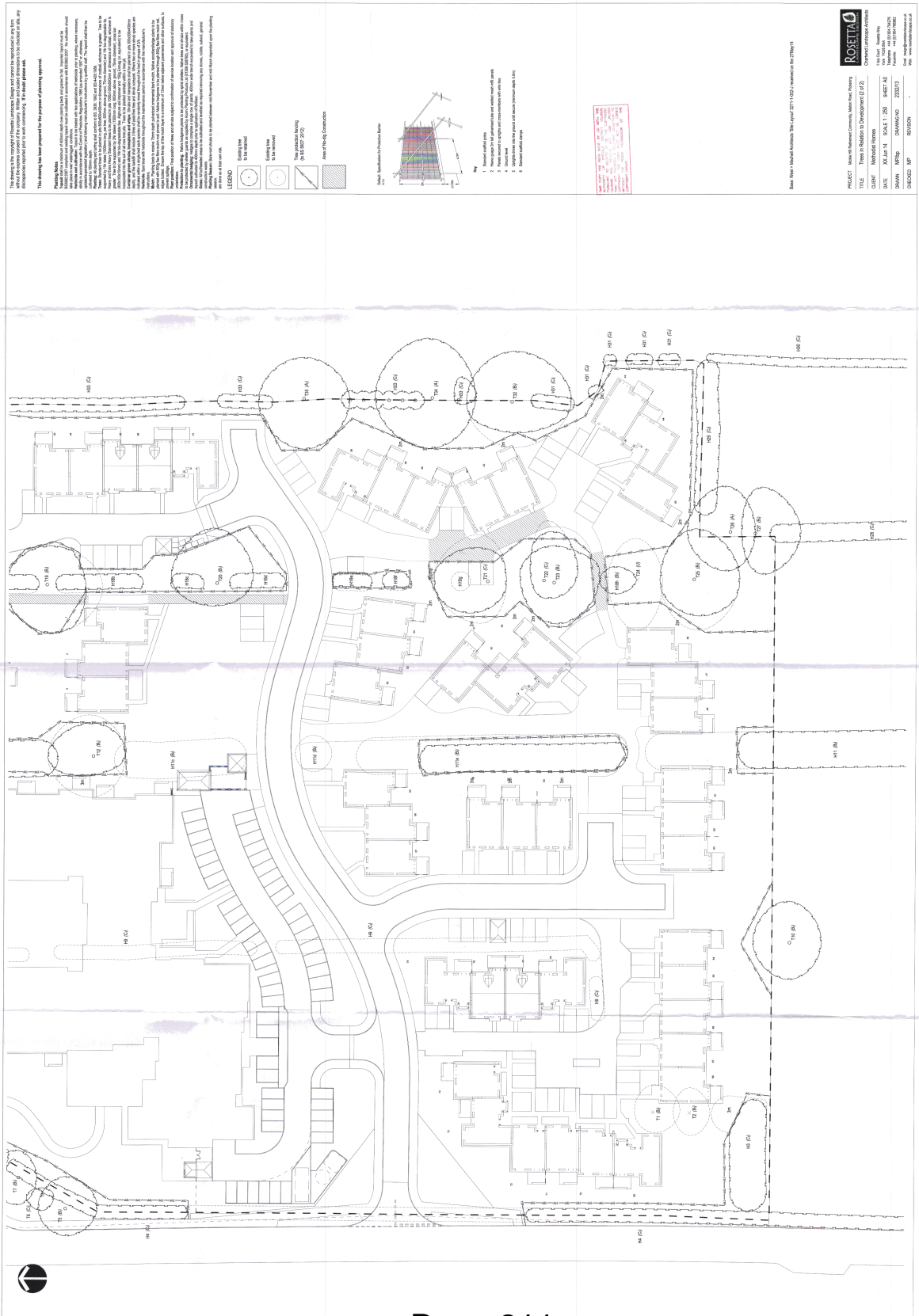
1. Proposed building
 2. Proposed parking
 3. Proposed driveway
 4. Proposed sidewalk
 5. Proposed utility
 6. Proposed landscape
 7. Proposed fence
 8. Proposed wall
 9. Proposed gate
 10. Proposed sign



+31.500

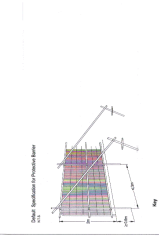
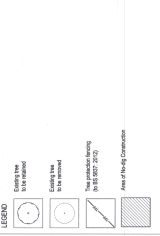
Scale: 1:500 (Horizontal), 1:100 (Vertical)

ROSETTA
 PROJECT: [Project Name]
 TITLE: [Project Title]
 CLIENT: [Client Name]
 DATE: [Date]
 DRAWN: [Designer Name]
 CHECKED: [Reviewer Name]



This drawing is the property of Rosetta LLC and is not to be reproduced or used in any manner without the express written consent of Rosetta LLC. The drawings are the property of Rosetta LLC and are not to be reproduced or used in any manner without the express written consent of Rosetta LLC. The drawings are the property of Rosetta LLC and are not to be reproduced or used in any manner without the express written consent of Rosetta LLC.

Planting Notes
 This drawing has been prepared for the purpose of planting approval.
 All plantings shall be installed in accordance with the specifications and quantities shown on this drawing. The contractor shall be responsible for the installation and maintenance of all plantings. The contractor shall provide a detailed planting schedule to the owner and the local authorities. The contractor shall also provide a list of all plants to be installed, including the name, quantity, and size of each plant. The contractor shall also provide a list of all trees to be removed, including the name, quantity, and size of each tree. The contractor shall also provide a list of all trees to be preserved, including the name, quantity, and size of each tree. The contractor shall also provide a list of all trees to be planted, including the name, quantity, and size of each tree. The contractor shall also provide a list of all trees to be removed, including the name, quantity, and size of each tree. The contractor shall also provide a list of all trees to be preserved, including the name, quantity, and size of each tree. The contractor shall also provide a list of all trees to be planted, including the name, quantity, and size of each tree.



- Notes**
1. All trees to be planted shall be installed with 100% soil.
 2. All trees to be planted shall be installed with 100% soil.
 3. All trees to be planted shall be installed with 100% soil.
 4. All trees to be planted shall be installed with 100% soil.
 5. All trees to be planted shall be installed with 100% soil.
 6. All trees to be planted shall be installed with 100% soil.

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08/15/2024
2	ISSUED FOR PERMIT	08/15/2024
3	ISSUED FOR PERMIT	08/15/2024
4	ISSUED FOR PERMIT	08/15/2024
5	ISSUED FOR PERMIT	08/15/2024
6	ISSUED FOR PERMIT	08/15/2024
7	ISSUED FOR PERMIT	08/15/2024
8	ISSUED FOR PERMIT	08/15/2024
9	ISSUED FOR PERMIT	08/15/2024
10	ISSUED FOR PERMIT	08/15/2024

Sheet: 1001 - Planting System (This layout: 2024-10-15 10:00 AM, prepared on the 12/29/24)

ROSETTA LLC
 Rosetta LLC
 10000 N. 10th Ave.
 Suite 1000
 Phoenix, AZ 85020
 Phone: 480.441.1111
 Fax: 480.441.1112
 Email: info@rosetta.com
 Website: www.rosetta.com

PROJECT: 1001 - Planting System, North Park
TITLE: Planting System (This layout: 2024-10-15 10:00 AM, prepared on the 12/29/24)
CLIENT: 1001 - Planting System
DATE: 08/15/2024
SCALE: 1/8" = 1'-0"
SHEET NO.: 1001-01
OWNER: 1001 - Planting System
DESIGNER: 1001 - Planting System
CHECKED: 1001 - Planting System

This drawing is the copyright of Rosetta Landscape Design and cannot be reproduced in any form without the express consent of the company. Written and scaled dimensions to be checked on site, any discrepancies reported prior to work commencing. If in doubt please ask.

This drawing has been prepared for the purpose of planning approval.

Planting Notes
 Topsoil shall be a minimum of 400mm depth over planting beds and graded to fall. Imported topsoil shall be used for all planting beds. Topsoil shall be treated with two applications of herbicide prior to planting, where necessary, strictly in accordance with the Control of Pesticides Regulations 1986 (as amended) and the manufacturer's instructions. No cultivation should take place in wet waterlogged conditions.

Herbicide and cultivation: Topsoil to be treated with two applications of herbicide prior to planting, where necessary, strictly in accordance with the Control of Pesticides Regulations 1986 (as amended) and the manufacturer's instructions. No cultivation should take place in wet waterlogged conditions.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

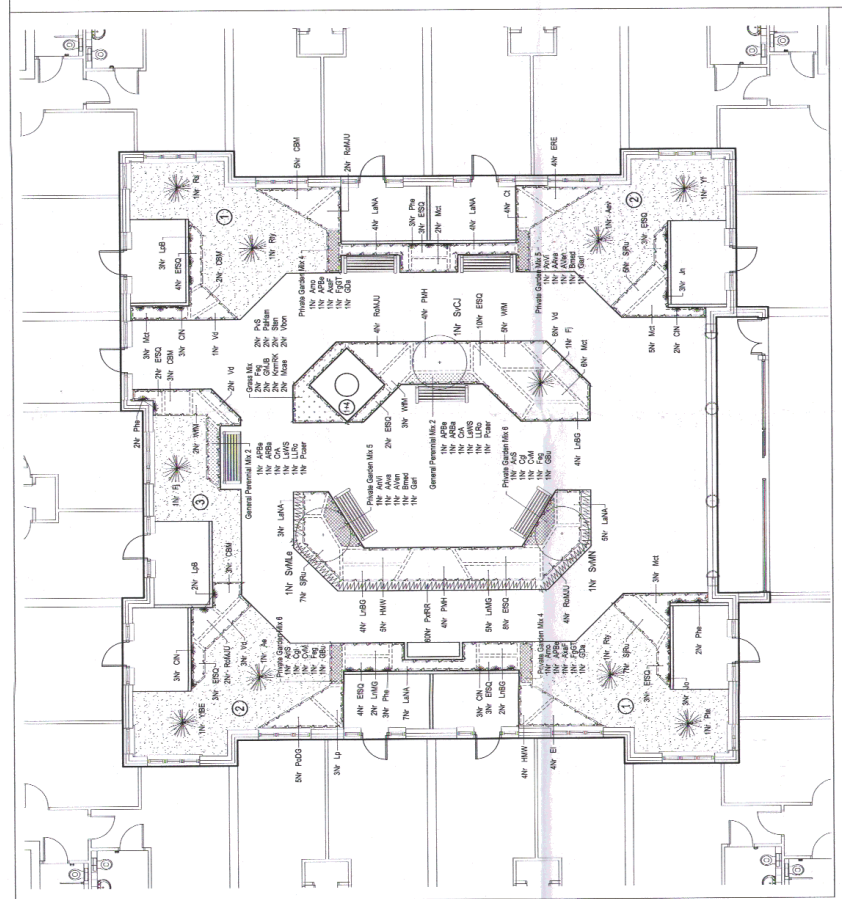
Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.

Planting: All planting and watering shall conform to BS:3536:1992 and BS:4433:1989. Trees: Standard trees to be planted in pits 1500x600mm or 1500x900mm (as shown) and 750mm above ground level. No topsoil shall be cultivated to 150mm depth.



Proposed Private Garden Mix 1 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Private Garden Mix 5 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Private Garden Mix 6 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Grass Mix (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Grass Mix 2 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Grass Mix 3 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Grass Mix 4 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Grass Mix 5 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Grass Mix 6 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Grass Mix 7 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1

Proposed Grass Mix 8 (0.00m²)

Nr	Code	Plant Name	Form	Height	Root	Depth	Qty
1	AN	Arbutus unedo	C	3	3	20.00	1
2	AN	Arbutus unedo	C	3	3	20.00	1
3	AN	Arbutus unedo	C	3	3	20.00	1
4	AN	Arbutus unedo	C	3	3	20.00	1



Rev A: Revised to client comments - 20Jun14 (MP/ps)
 Base: West + Michell Architects Viewport 17 received 28 May 14

PROJECT
 Melk Hill Retirement Community,
 Malton Road, Plympton

TITLE
 Courtyard Detailed Landscape Proposals

CLIENT
 Methodist Homes

DATE
 16 Jun 14

SCALE
 1:100

SHEET A2

DRAWN
 BP

DRAWING NO
 232/17

CHECKED
 MP

REVISION
 A

ROSETTA
 Chartered Landscape Architects
 11st Court, Roade Way
 York, YO2 9JW, UK, 01904 392378
 Fax: 01904 399632
 Email: info@rosetta.co.uk
 Web: www.rosetta.co.uk

THIS DRAWING HAS BEEN MADE BY ONE OF THE ARCHITECTS OF THE FIRM AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTS OF THE FIRM. ANY REPRODUCTION OR COPIING OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTS OF THE FIRM IS STRICTLY PROHIBITED.

GH

22/10
uu

Request planning authority
to address issues
raised by residents
as listed below.

Colin Douthwaite

From: Pickering Town Council [townclerk@pickering.gov.uk]
Sent: 22 October 2014 10:27
To: Development Management
Subject: 14/00976/MREM - Application for approval of reserved matters re retirement community (outline approval 13/00016/MOUT dated 21 January 2014 refers) on land at OS field 9525, Crossgate Lane.

The council has seen a copy letter addressed to the Head of Planning and Housing, Ryedale District Council, from Mr P and Mrs A Asquith and ask the planning authority to address the issues raised by the residents; amongst these issues were the importance of maintaining the hedgerows and planting additional hawthorns to strengthen and fill in gaps, the need to preserve trees such as the ash trees which would be close to residential units but which would contribute to the softening of the proposed built environment. The authority should also consider whether the proposed location of the pedestrian access on Crossgate Lane would be better sited, for safety purposes, towards the junction with Outgang Road. Finally, many residents in the proposed community could be buying in services, for example, care or cleaning. Therefore the authority should consider whether enough parking spaces had been provided as service providers would be visiting their customers by car or van.

Andrew Husband
 Clerk to Pickering Town Council

RYEDALE DM
 22 OCT 2014
 DEVELOPMENT
 MANAGEMENT

Agenda Item 14

Item Number: 14
Application No: 13/00885/FUL
Parish: Westow Parish Council
Appn. Type: Full Application
Applicant: Mount Farm Partnership
Proposal: Erection of 1no. 3 bedroom dwelling with attached carport and a terrace of 1no. 3 bedroom and 2no. 2 bedroom dwellings with associated parking and amenity areas.
Location: Buildings At Mount Farm Main Street Westow Malton

Registration Date:
8/13 Wk Expiry Date: 20 September 2013
Overall Expiry Date: 11 November 2014
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

English Heritage	Comments - No objection in principle
Environmental Health Officer	Recommend conditions
Building Conservation Officer	No objection
Countryside Officer	Recommend condition
Parish Council	Object
Highways North Yorkshire	Comments made
Highways North Yorkshire	No objections subject to conditions
Land Use Planning	Requires clarification
Public Rights Of Way	Recommends informative
Housing Services	Support

Neighbour responses: Mrs Elizabeth Anne Caley, Mr And Mrs P And C Colbeck, Kathy Charteris, Mr Patrick Colbeck, Mrs Angela Fothergill, Mrs Heidi Saxby, , P And J Ormrod, , Mr Tim Saxby, Mr Keith Smith, N.H.R Johnson, Mr Tony Manging, Miss Jackie Bradshaw,

SITE:

The application site is situated within Westow Conservation Area, and lies within the 'saved' development limits. It comprises a farm yard with relatively modern farm buildings which are constructed from a combination of portal steel frame with infill block work and timber buildings in a relatively poor state of repair. These are situated behind traditional houses and a barn on Main Street. The site extends in a northerly direction where it reaches open countryside, access is via Chapel Lane which runs to the north western corner of the site. The area is predominantly residential, with dwellings abutting the southern and western boundaries of the site. A terrace of houses is also located at right angles to the main street along the south eastern corner. Gardens to those properties forms the eastern boundary. A footpath runs part way down the western boundary.

After the retirement of the previous owner, Mount Farm no longer operates as a working farm.

PROPOSAL:

Permission is sought for the removal of the modern barns on the site, and the erection of 1 single storey, 3 bedroom dwelling with an attached carport and a terrace of 2 no. two bedroom dwellings and 1 no. 3 bedroom dwelling with associated parking.

The terraced houses run in a north-south orientation, with parking for the end terraces to either side, and two spaces in front of the central terrace. The houses have an eaves height of 4.2m and a ridge height of 7.4m. They will be constructed from stone under a clay pantile roof with brick stacks and timber windows.

To the north of the terrace, a single storey dwelling will be constructed from coursed rubble stone with an attached traditional car port to the side. The western elevation of the dwelling is blank with the exception of clay pipe vents which are included to give a more traditional semi-agricultural appearance.

It will be constructed from coursed rubble stone under a clay pipe vent.

As a result of the response from the Highways Authority, together with concerns expressed by some neighbouring occupiers, a turning head will be provided immediately adjacent to the northern boundary of the site.

POLICY:

Primary Legislation

The Planning and Compulsory Purchase Act 2004 (as amended)
Planning (Listed Buildings and Conservation Area Act) 1990

National Planning Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services (relates to Public open space Contributions)
Policy SP12 - Heritage
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP21 - Occupancy Conditions

Neighbour response

The application was submitted in August 2013. Since its submission, 12 letters of objection to the development have been received. However some are as a result of re-consultation. Revised plans have been received and re-consultation has been carried out since many of the comments were received. The full comments are available to view on the public website, however the following includes many of the main points raised:-

- Westow is a small village, the population increase would blur its rural identity and put pressure on resources
- Rural lanes are unlit and narrow, and an increase in traffic would be hazardous
- Light pollution
- Chapel Lane is at full capacity
- The turning head is out of keeping and will spoil the character of the area

- Ecological considerations
- Development does not preserve or enhance the character of the Conservation Area
- Overlooking neighbouring dwelling.
- HGV's have to reverse down Chapel Lane before they can turn around
- Impact of additional vehicular movements on the residents of Chapel Lane
- Small gardens out of keeping with the village
- Surface water problems

Re-consultation was carried out in relation to the most recent plans submitted on 15 October 2014. These plans include the re-location of the parking spaces for two of the dwellings to either side of the terrace, to reduce their prominence. Additional landscaping has also been included. Two letters have been received as a result of the re-consultation. The first letter comments that the position of the turning head is improved but will still require the removal of part of the hedge. Furthermore surface water drainage and water draining from the field onto Chapel Lane has not been addressed. Other comments from their previous letters in relation to access, traffic volumes, numbers of houses etc, still apply.

A second letter states that the revised plans have not addressed previous concerns in relation to the inappropriate design, impact on the character of the Conservation Area, overlooking, turning area will block view, and will become an overflow parking area. Furthermore additional traffic is a major concern.

Parish Council Response

Prior to the re-consultation on the recent plans, the Parish Council objected to the development. Their full comments are appended, however their main points are as follows:-

- The northern property *is* acceptable
- The three dwellings will result in increased traffic on roads in the village that were never intended to take the volume that they do now
- Consider the dwellings are too high
- Parking to the front of the dwellings is not acceptable
- The orientation of the dwellings could be altered to take their position from the cottages to the west
- If the traditional outbuildings at Mount Farm are ever developed, vehicles may have to park on the main street
- Don't support use of tarmac
- The turning head lacks sensitivity, and would be better located directly adjacent to the site.

No further comments have been received from the Parish Council at the time of writing this report in relation to the most recent revised plans.

APPRAISAL:

The main issues in the consideration of the application are:

- Principle of residential development
- Heritage assessment
- Design
- Neighbour impact
- Access considerations
- Contributions
- Ecological considerations
- Drainage

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Ryedale Plan - Local Plan Strategy directs most development to the market towns, with Malton and Norton supported as Ryedale's principal town, and Pickering, Kirkbymoorside and Helmsley as local service centres. Limited small scale growth will be directed to service villages. Housing in other villages is justified only in exceptional circumstances. Westow is not identified as a service village, and therefore falls within the category of 'other villages'. Policy SP2 states that the sources of new housing in such areas is restricted to:-

- *Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy*
- *Replacement dwellings*
- *Sub-division of existing dwellings*
- *Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy*
- *100% Rural Exception Sites outside and on the edge of Development Limits in line with Policy SP3*
- *Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to local needs occupancy.*

It is noted that this policy restricts development to local needs occupancy. The applicant has stated that the application was submitted prior to the adoption of the Ryedale Plan - Local Plan Strategy, when no such restriction would be imposed. Whilst officers accept that the application was submitted prior to the adoption of the Ryedale Plan - Local Plan Strategy, the decision can only be made on the basis of the development plan that is in place at the time the decision on the application is made. Accordingly, instead of restricting any dwellings to local needs occupancy, the applicant suggests that Plot 3 is provided as an affordable house, together with a financial contribution. The applicant argues that there is an identified need for affordable housing across the district which will not be met in non service villages or market towns, unless they are provided as 'exception' sites. The Strategic Housing Market Assessment demonstrates that the Derwent Ward has a current need of 14 affordable houses per year, 64% of which is for two bedroom property. Officers accept that affordable housing need exists across Ryedale (not just the Principal Towns and Local Services Centres) and that addressing imbalances in the housing stock and housing market can only be realistically achieved through the delivery of new homes.

In further support for their application, the applicant argues that in the absence of a 5 year housing supply, para 49 of the NPPF is engaged:

49 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 argument to be made in the light of the above is that because the Local planning Authority does not have a 5 year supply of housing (currently calculated at 4.39 years supply), the policies pertaining to housing distribution are made silent.

The current lack of a 5 year supply is not disputed by officers, and it is also accepted that whilst Westow is not a service village, there is a need for affordable housing which will not be met in such rural villages unless provided as an exception site. It is also accepted that when the development limits for Westow were drawn up, this site was specifically included unlike similar sites in some other villages, and indeed Manor House at the north western end of Westow.

Taking account of this justification, it is considered on balance that the development of the site for 4 houses including one affordable house together with a financial contribution to bring the provision up to 35% would not conflict with the development plan, subject to other material considerations being acceptable.

Appropriateness of layout

Policy SP2 includes a requirement for development to be infill only. This criteria was included in the plan to maintain the character of settlements, and restrict inappropriate development. If it is accepted that Policy SP2 is not applicable at this time (because of the lack of a 5 year housing supply) it is arguable that this criteria cannot be applied. Nevertheless, the site lies within Westow Conservation, and the Planning (Listed Buildings and Conservation Area Act) 1990 is primary legislation which includes the following duty at para 72:

Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area:

The site is not a greenfield site, and the majority of the site is covered by relatively modern agricultural buildings, which do not contribute to the character of the Conservation Area. They are in the main constructed from blockwork and cladding together with a timber building, there are parked cars, materials and there are large expanses of access and turning areas. The Council's Conservation Officer has not objected to the development, and in relation to the character of the area, and how the development accords with that character, she has advised:

This application site lies within Westow Conservation Area which was designated in 1985. The street pattern of Westow is unusual in that it does not follow a typical pattern of toft and croft development on both sides of the road with a back lane running behind. Historic development lies predominantly to the north and east of Main Street. The development pattern is also unusual in that there are small cottages in unusual places, set well back from the road frontage behind other properties, namely the row opposite the Old School House (Park Terrace) and the row at the south end of Chapel Street, Low Beams and Stonecroft) . There is quite an ad-hoc pattern of development in Westow and this has happened not only in recent times but historically as demonstrated above.

In my opinion the principle of developing the site is acceptable as it is currently a redundant farm yard with redundant agricultural buildings. The redundant buildings are a mixture of traditional and modern steel structures and it is proposed to remove the modern steel structures to make way for this development. I consider that the steel structures make no contribution to the character of the Conservation Area.

It is noted that some of the letters of objection express concern regarding the character of the development, and that it will not 'sit well' in a rural village. Other concerns relate to the height of the dwellings, and the inadequate garden areas. The Parish Council has suggested that the terrace be re-orientated. A number of letters also express concern regarding the provision of the turning head. Additional plans were sought to clarify the scale of the development in relation to neighbouring dwellings. It is considered that these plans demonstrate that the scale of the development is appropriate in relation to the character of the surrounding area. The turning head has also been positioned directly adjacent to the application site, and the agent is revising the detailing of it to include a new hedge of native species to soften its impact. This should soften its impact, and enable it to relate better to the character of this rural road.

It is considered that this assessment demonstrates that the location of the development is appropriate, and subject to appropriate conditions controlling the materials and detailing, will enhance the character of the Conservation Area.

Design

The duty under the Planning (Listed Buildings and Conservations Areas) Act 1990 referred to earlier in the report is also relevant to the detail of the development.

The importance of good design is also a requirement of the Ryedale Plan - Local Plan Strategy. The following paragraphs are particularly relevant to the consideration of this application;

- *Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:*
 - *Reinforce local distinctiveness*
 - *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
 - *Protect amenity and promote well-being*
- *The design of new development will also be expected to:*
 - *Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space*

As detailed in the section of the report on neighbour consultation, concern has been expressed by some residents that the design of the development is not in keeping with the character of the area, and the Parish Council raised concern regarding the orientation and height of the terrace. Particular concern has also been expressed about the turning area.

The duty under the act relates to the desirability of *preserving or enhancing*. The Council's Conservation Officer has advised that the existing steel structures make no contribution to the character of the Conservation Area. She further states:

In my opinion the combination of agriculturally inspired, and domestic treatment of this site works well. The small row of cottages reflects the surprising little rows found elsewhere in the village and the scale is appropriate for this location. The agriculturally inspired building creates a neat 'end stop' to the development and the village at this point, and its scale is befitting to its context.

Notwithstanding the above advice, officers did discuss the concerns expressed by some residents regarding the development, with the architect. This resulted in the most recent plans being submitted, which showed a relocation of the parking to two of the terrace houses to reduce the impact of the hard surfacing, and allow more soft landscaping. A planting buffer has also been provided along the west side of the application, with a hedge along the eastern boundary. Officers had sympathy with some of the concerns raised regarding the more 'urban' character of the turning head. In view of this further revisions have been requested to relocate it directly adjacent to the northern boundary of the application site, and erect a hedge of native species around it. Additional planting will also be planted to the east of the turning head. Officers consider that the surfacing and detailing of this area is crucial. The Highways Authority have recommended that the area be kerbed, nevertheless it is considered that it be detailed to include a style of kerbing more appropriate to a rural area.

In relation to details, recommended conditions will include a requirement for samples of all materials, including both the dwellings, and the ground surfacing. A further condition is also recommended to prohibit external lighting unless details have first been submitted to and approved in writing by the Local Planning Authority.

Impact of the development on the existing amenities of neighbouring occupiers

The character of the village has been identified above as one where residential properties do not all front the highway. This has resulted in dwellings set to the rear, and cheek-by-jowl with dwellings. There are residential dwellings to the south of the site, with a row of cottages to the south east of the site, at right angles to the Main Street.

The nearest dwelling to the development is Stonecroft which is situated approximately halfway along the western boundary of the site and has its gable towards the site. At its closest point the terrace of houses lies approximately 14m from the gable with this dwelling. The gable of the dwelling has one small window at first floor level. A letter of objection from the occupier of this dwelling has been received. Nevertheless it is considered that the distances between the development and this neighbouring property are acceptable and will not have a significant adverse impact on their existing amenities. The hedge planting will reduce overlooking of the neighbouring garden by virtue of the planting which is proposed on this boundary. In terms of the bulk of the development, it is not considered that the development will have a significant overbearing presence. It is noted that the existing agricultural buildings are in any event sited in close proximity to the boundary with Stonecroft.

A further letter raises concerns that *there are windows of properties fronting Chapel Lane that are 1.4 metres from the lane surface. When a HGV vehicle passes- with the overhang-the distance to the vehicle from the window is less than a metre. An increase in the level of vehicle activity on Chapel Lane would result in an unsatisfactory standard of residential amenity for the dwellings along this lane.*

The lane is a public highway where both pedestrians and vehicles are free to pass. This is typical of all rural villages. It is not considered that the traffic generated by the erection of four dwellings, over and above the activity that could occur if operations on the farm increased, will have a significant adverse impact on residential amenity.

Access

Significant concerns have been raised by nearby residents that the access along Chapel Lane is very poor. It is a narrow road, with no footpath, and large vehicles often have to reverse down the lane before they can turn. Well used public footpaths also exit onto this lane. Letters from concerned residents dispute the point made by the applicants that the development will not have a detrimental impact on the safety of pedestrians and road users. They state that because Mount Farm has a separate access onto Main Street not all vehicles from the farm access Chapel Lane. It is acknowledged that the road is narrow, and will be used by both pedestrians and vehicles. The turning head has been provided by the architect to address concerns made by both residents and the Highway Authority. It is likely that the erection of four dwellings will result in additional vehicular movements. However the size of vehicles will be reduced from large farm vehicles and associated machinery, to mainly domestic vehicles. On balance therefore, and in the light of no objection from the Highway Authority, it is not considered that a reason for refusal can be sustained on that basis.

Drainage

Concern has been expressed that in times of heavy rain, there is significant surface water running from the fields. Furthermore, Yorkshire Water has advised that the combined sewer does not have capacity to accept surface water from the development. Members will be updated on this issue at their meeting.

Ecology

The application is accompanied by an ecological survey. Small amounts of bat droppings were found spread at random on the floor of the Dutch barn building, however no other evidence of habitation by bats or birds was found in the modern buildings. It is therefore considered that any approval should be conditioned in accordance with the mitigation recommended in the submitted ecological survey. It is further recommended that a scheme for enhanced bio diversity be required to include bat and owl boxes.

- 6 Unless otherwise agreed in writing by the Local Planning Authority, all hard surfacing shall be permeable, details of which shall first be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of an appropriate external appearance, to achieve the satisfactory drainage of surface water, and to satisfy the requirements of Policies SP12 and SP20 of the Ryedale Plan – Local Plan Strategy.

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

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

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

Class D: Erection or construction of a domestic external porch

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

Reason: In the interests of ensuring an appropriate external appearance, and to preserve the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan- -Local Plan Strategy.

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

Reason: To safeguard the privacy and amenity of adjoining residents, and to satisfy Policy SP20 of the Ryedale Plan- Local Plan Strategy

- 9 Notwithstanding the submitted details, the chimneys on the dwellings hereby approved shall be constructed from brick, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

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

- 10 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 a satisfactory external appearance, and to satisfy the requirements of Policy SP12 of the Ryedale Plan- Local Plan Strategy

- 11 Unless specific details have first been submitted to, and approved in writing by the Local Planning Authority, there shall be no external lighting on any part of the development site.
- Reason: To reduce light pollution from the development, and to preserve the character of Westow conservation area, and to satisfy the requirements of Policies SP12, and SP20 of the Ryedale Plan- -Local Plan Strategy, and para 125 of the NPPF
- 12 Prior to the commencement of the development, details of all windows and doors, including means of opening, depth of reveal and external finish shall be submitted to, and approved in writing by the Local Planning Authority.
- Reason; To ensure a satisfactory external appearance, and to satisfy the requirements of Policy SP12 of the Ryedale Plan- Local Plan Strategy
- 13 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 ensure a satisfactory external appearance, to preserve the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policies SP12 and SP20 of the Ryedale Plan – Local Plan Strategy
- 14 The development hereby approved shall be carried out in accordance with the submitted report on protected species survey by Julian Hall. Particular attention is drawn to the mitigation and recommendation section of the report.
- Reason: In the interests of protecting those species protected under the Wildlife and Countryside Act and the Habitats Directive.
- 15 Prior to the commencement of any work of construction on site, details of biodiversity enhancement 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 dwellings.
- Reason: to satisfy the requirements of Policy SP14 of Ryedale Plan-Local Plan Strategy
- 16 Prior to the commencement of any works on site, precise details of the turning head shall be submitted to, and approved in writing by the local planning authority, in co ordination with the Highway Authority.
- Reason: To ensure a satisfactory external appearance, and to satisfy the requirements of Policy SP12 of the Ryedale Plan- Local Plan Strategy

17 Notwithstanding the submitted details, precise details of surface water and foul drainage shall 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 Policies SP17 and SP20 of the Ryedale Plan-Local Plan Strategy.

18 Highway Condition

19 Environmental Health condition

20 No construction work shall operate onsite outside the hours 8am until 6pm , Monday to Friday, 8am until 1pm on Saturdays and no work on Sundays or Bank Holidays.

Reason: To protect the amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

21 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 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as Amended) and applied to whoever carried out the work.

Contact details: Natural England, 4th Floor, Foss House, Kings Pool, 1 - 2 Peasholme Green, York, YO1 7PX Tel: 0300 060 1911

2 The applicant is advised that this decision notice should be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act 1990.

3 No development shall take place which causes an obstruction or hinders the public right of way.

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties



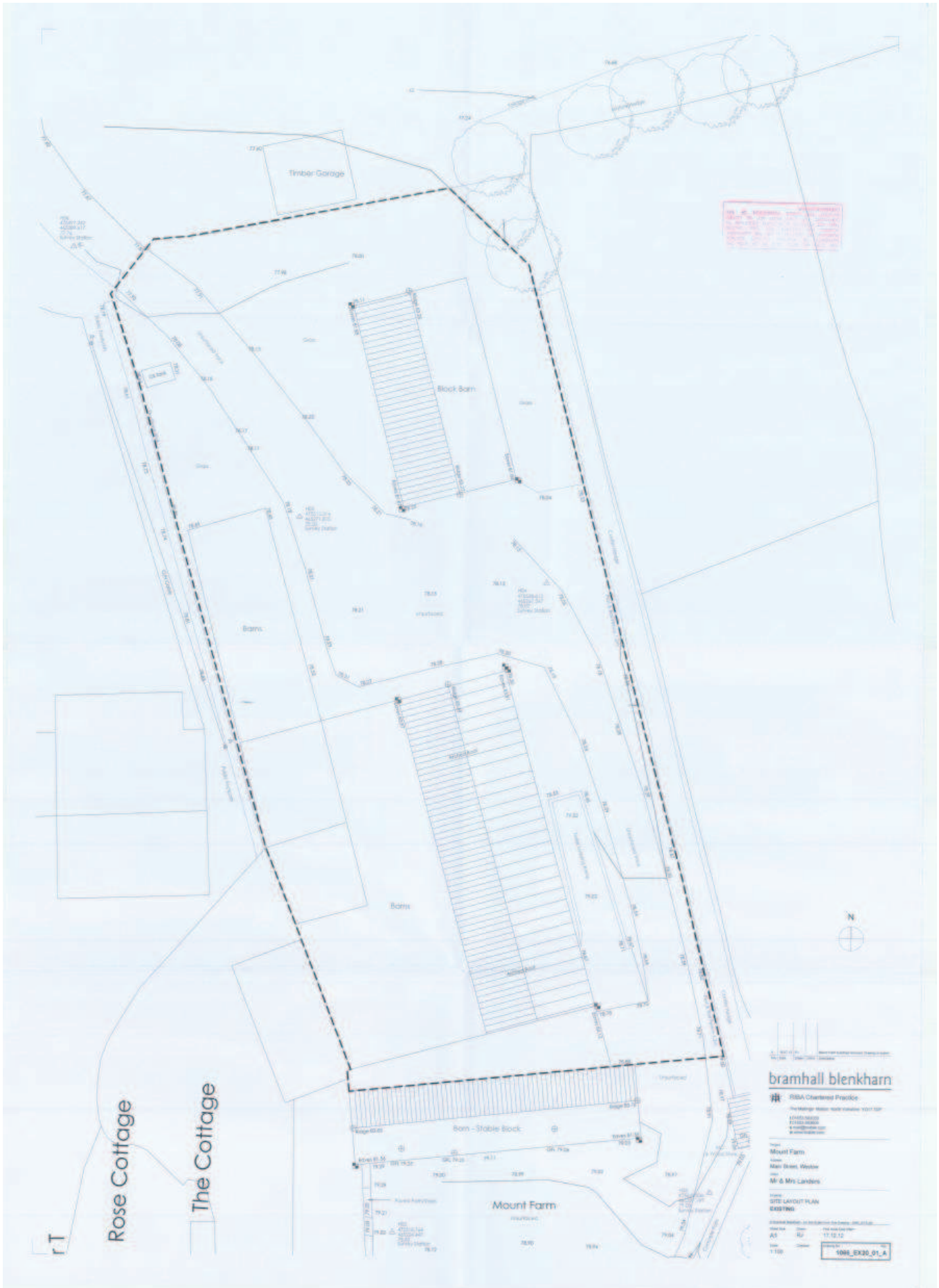
THIS COPY HAS BEEN MADE BY OR WITH THE ASSISTANCE OF AN ARCHITECT, CONSULTING ARCHITECT, ENGINEER, SURVEYOR, LANDSCAPE ARCHITECT, PLANNING CONSULTANT, ARCHITECTURAL PHOTOGRAPHER, OR OTHER PERSONS TO WHOM THE COPYRIGHT IN THIS DRAWING IS TRANSFERRED BY OR FOR THE ARCHITECT, ENGINEER, SURVEYOR, LANDSCAPE ARCHITECT, PLANNING CONSULTANT, ARCHITECTURAL PHOTOGRAPHER, OR OTHER PERSONS TO WHOM THE COPYRIGHT IN THIS DRAWING IS TRANSFERRED.

Site OS Plan (1:1000)



Site OS Extents (N.T.S.)

<p> </p>	<p> bramhall blenkarn RIBA Chartered Practice The Mangle, Millin North, London EC1M 6JF 01853 893333 e mail@bramhall.com www.bramhall.com </p>
<p> Mount Farm Main Street, Westlow Mr & Mrs Landers </p>	<p> Site OS Plan © Bramhall Blenkarn. All rights reserved. This drawing is for the use of the client only. A3 1:1000 1066_EX10_01_A </p>





THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF THE ARCHITECTS FOR THE PURPOSES OF THE CONTRACT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTS.



REVISED PLAN

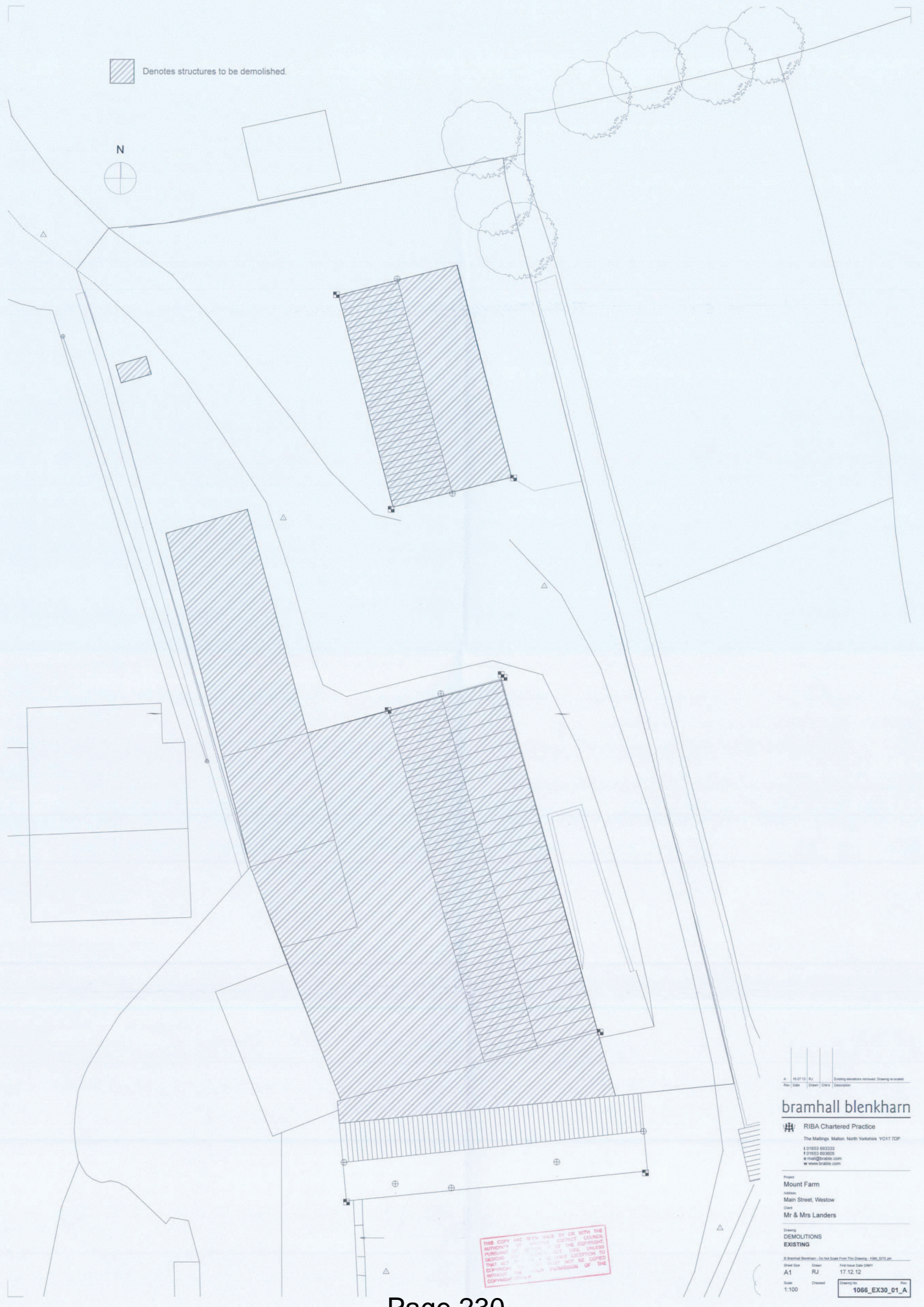
0	07.11.14	AS	RB	Pre-boarding meeting
1	13.11.14	SB	RB	Review of site plan
2	19.11.14	SB	RB	Finalisation

bramhall blenkharn
 RIBA Chartered Practice
 The Millings, Malton, North Yorkshire YO17 7DP
 T 01653 882033
 F 01653 882032
 M 01653 882032
 W www.bramhall.com

Project: Mount Farm
 Address: Main Street, Westow
 Client: Mr & Mrs Landers
 Drawing: SITE LAYOUT PLAN
 LANDSCAPING

© Bramhall Blenkharn, Do Not Scale From This Drawing. 1066_AR20_Plan_B&A.dwg
 Sheet Size: A1
 Date: 08.10.14
 Scale: 1:200
 Drawing No: 1066_AR20_04_C

 Denotes structures to be demolished.



Rev	Date	Drawn	Checked	Description
A	16.07.13	RJ		Existing structures removed. Drawing to issue.

bramhall blenkarn

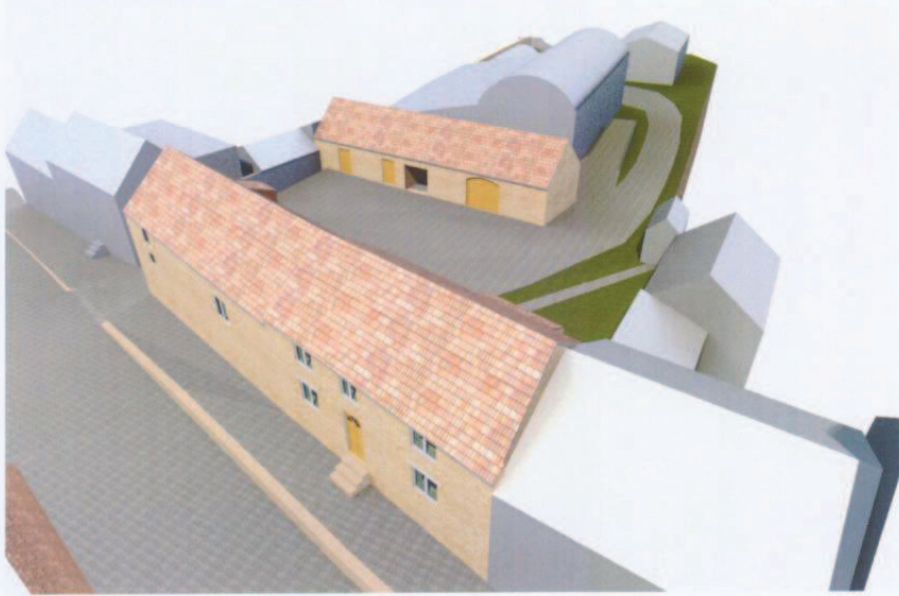
 RIBA Chartered Practice
The Maltings, Malton, North Yorkshire YO17 3DP
t 01653 893333
f 01653 893000
e mail@bramble.com
www.bramble.com

Project
Mount Farm
Address
Main Street, Westow
Client
Mr & Mrs Landers

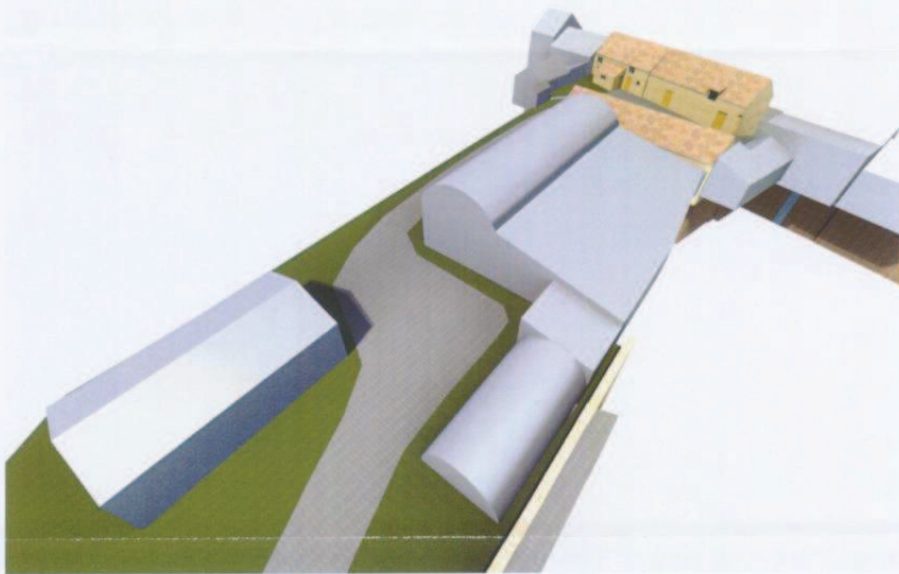
Drawing
DEMOLITIONS
EXISTING

© Bramhall Blenkarn. On Site Scale from This Drawing: 1:500, 1:200
Sheet Size: A1
Date: 17.12.12
Scale: 1:100
Drawing No: 1066_EX30_01_A

THIS COPY HAS BEEN MADE IN CO-OPERATION WITH THE
AUTHORITY OF THE LOCAL DISTRICT COUNCIL
PUBLISHED BY ORDER OF THE DISTRICT COUNCIL
THIS ACT IS IN FULL COMPLIANCE WITH THE
DEMOLITION ACT 1994 AND THE DEMOLITION
REGULATIONS 2003. NO OTHER PERMISSION OF THE
COUNCIL IS REQUIRED.



Site Existing - View 1



Site Existing - View 2

THIS DRAWING IS THE PROPERTY OF BRAMHALL BLENKHARN AND SHOULD NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRAMHALL BLENKHARN.

No.	Date	Drawn	Checked	Description

bramhall blenkarn

RIBA Chartered Practice

The Maltings Malton North Yorkshire YO17 7DP

T 01653 882333
 F 01653 882600
 e mail@brabl.com
 www.brabl.com

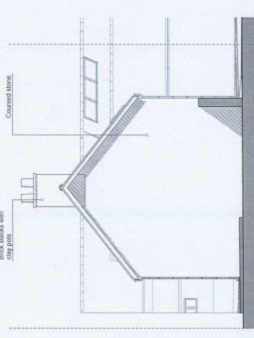
Project
Mount Farm
 Address
 Main Street, Westow
 Client
Mr & Mrs Landers

Drawing
Site Existing - 3D Images

© Bramhall Blenkarn - Do Not Scale From This Drawing - 1066_EX_01.dwg

Sheet Size A3 Drawn RJ Date 27.09.12

Scale N.A. Checked Drawing No. **1066_EX50_01_-** Rev



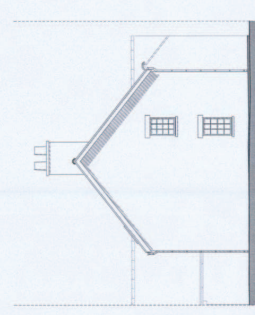
Elevation FF - Houses 2,4



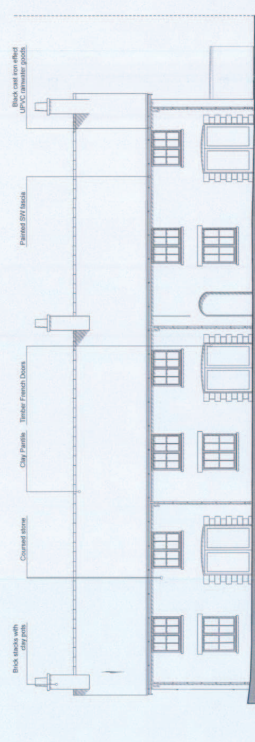
Elevation EE - Houses 2,4



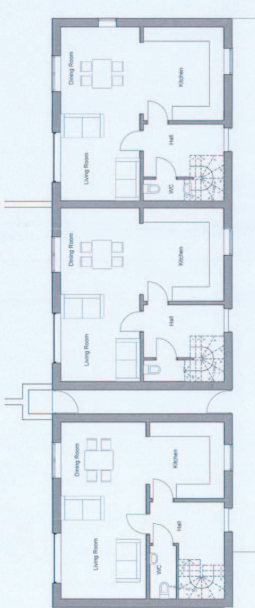
Houses 2,4 FF Plan



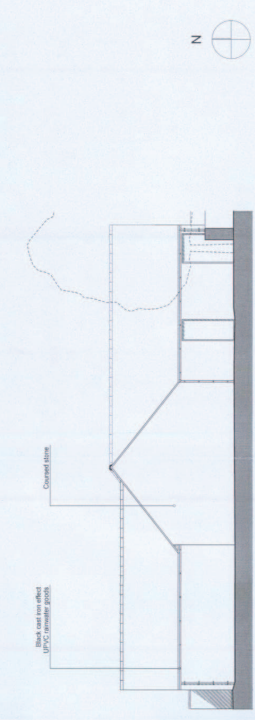
Elevation HH - Houses 2,4



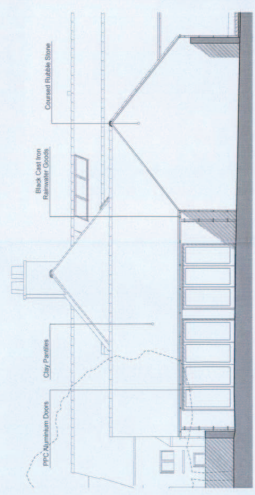
Elevation GG - Houses 2,4



Houses 2,4 GF Plan



Elevation BB - House 1



Elevation AA - House 1



House 1 GF Plan

bramhall blenkharn
 RIBA Chartered Practice
 The Maltings, Malton North Yorkshire YO17 7DP
 01905 600333
 www.bramhallblenkharn.com

Project: Mount Farm
 Main Street, Westow
 Mr & Mrs Landers

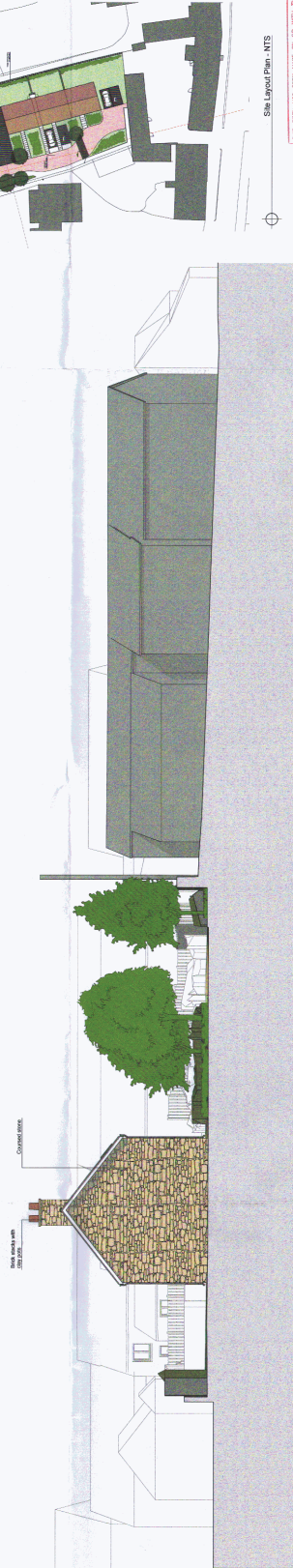
Drawn: J.S. & L.
PLANS & ELEVATIONS - PROPOSED
 Scale: A1 T3
 Date: 16/11/12
 Sheet: 1/100
 Ref: 106L_AR01_LD



Site Section A - Scale 1:100



Site Section A - Scale 1:200



Site Section B - Scale 1:100



Site Section C - Scale 1:100



Site Layout Plan - JTS

THIS COPY HAS BEEN MADE BY US WITH THE
 ASSUMPTION THAT IT IS A TRUE COPY OF THE ORIGINAL
 DRAWING. WE ACCEPT NO LIABILITY FOR ANY ERRORS OR
 OMISSIONS. THE USER OF THIS COPY SHALL BE RESPONSIBLE
 FOR OBTAINING THE NECESSARY PERMISSIONS OF THE
 COPYRIGHT HOLDER.

bramhall blenkharn
 RIBA Chartered Practice
 The Malpas Works, North Street, 1021 75P
 Chester, CH1 1JG
 01244 380000
 www.bramhall.com

Project Name: Mount Farm
 Architect: Bramhall Blenkharn
 Client: Mr & Mrs Landers

DATE: 10/08/2014
 DRAWN BY: RB
 CHECKED BY: RB
 SCALE: 1:100
 PROJECT NO: 1008_A000_001_A

REVISED

Mount Farm,
Westow

Design & Access Statement &
Heritage Asset Impact Assessment
Rev B - 13.10.14

bramhall | bramhall The Maltins Malton North Yorkshire YO17 7DP
t 01653 693333 f 01653 693605 e mail@bramhall.com www.bramhall.com

Introduction

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Heritage Asset Assessment
- 6 Access & Accessibility
- 7 Flood Risk Assessment
- 8 Scheme Drawings

1.1 This design and access statement is written to supplement the application for Conservation Area Consent for the demolition of existing farm buildings and Planning Approval for the construction of 4 no. new dwellings: Mount Farm, Westow.

1.2 The site is the yard of the former Mount Farm, covering an area of approximately 1500 SqM. The yard is accessed from Chapel Lane to the North and contains a number of relatively modern barns in varying states of repair.

1.3 To the south is an area of approximately 630 SqM that forms the remainder of the farm yard with stone under pantile farm house and barns which has access from Main Street to the South. This section of the site is not included in this application.

1.4 The application for Conservation Area Consent is for the demolition of the range of barns to the northern section of the site. Further detail of these barns is given later in this document.

1.5 Planning approval is then being sought for the construction of 4 no. new dwellings to the northern section of the site.



Site Location

Site Existing

1 Introduction

2 **Site Existing**

3 Site Proposed

4 Planning Policy

5 Heritage Asset Assessment

6 Access & Accessibility

7 Flood Risk Assessment

8 Scheme Drawings

The applicant site is located at Mount Farm, Main Street Westow, and takes in approximately 1500 SqM of land which was previously used as a working farm yard and which is situated to the north of the main farm house. Due to the retirement of the previous owner, Mount Farm no longer operates as a working farm. As a consequence, the buildings and barns, especially those in the rear (North) portion of the site, are of no particular use and are starting to fall into disrepair. It is proposed that these newer barns to the rear be demolished in order to provide space for new development. The existing farmhouse, which fronts on to Main Street, is currently occupied via private rental and no changes are proposed to this building or the adjacent older stone under partile barns as part of this application.

The site features two existing access points for vehicles - to the North is an existing 3.5m wide access point that links to Chapel Lane. To the South, an access point links the existing farm house and stone barns to Main Street which then runs around the buildings to the south of the applicant site. It is currently possible to drive across the site between these two entrance points.

Site Existing

1 Introduction

2 **Site Existing**

3 Site Proposed

4 Planning Policy

5 Heritage Asset Assessment

6 Access & Accessibility

7 Flood Risk Assessment

8 Scheme Drawings



Existing barn structure - north yard



View to north yard from Chapel Lane



Existing barn structure - north yard



View from north yard to Chapel Lane

Site Existing

- 1 Introduction
- 2 Site Existing**
- 3 Site Proposed
- 4 Planning Policy
- 5 Heritage Asset Assessment
- 6 Access & Accessibility
- 7 Flood Risk Assessment
- 8 Scheme Drawings



3D Computer Model - Aerial view from South (Main Street)



3D Computer Model - Aerial view from North

Site Proposed

- 1 Introduction
- 2 Site-Existing
- 3 **Site Proposed**
- 4 Planning Policy
- 5 Heritage Asset Assessment
- 6 Access & Accessibility
- 7 Flood Risk Assessment
- 8 Scheme Drawings

3.1 Demolitions

The North section of the farmyard is characterised by a number of relatively modern farm buildings. There are a variety of buildings in this area, including steel portal frame with infill block work, steel frame clad in corrugated cement boarding and timber frame clad in timber boarding. These buildings are now surplus to requirements, have fallen into varying states of disrepair and do not positively contribute to the surrounding area. It is therefore proposed that this area of land be cleared of buildings in order to provide land for the proposed housing. A plan showing the buildings scheduled for demolition can be found on drawing 1066_EX30_01_A.

3.2 Site Proposed

The proposals are split into two elements, a row of three terraced cottages to the southern side of the site and a detached single storey property to the North adjacent to the entrance.

The terraced properties are positioned in a line running north-south through the site, consisting of 1 no. three bed dwelling and 2 no. two bed dwellings. Two parking spaces for each property, these are sited at the end of the terrace and in front of the mid terraced house. To the rear is lawned gardens with stone boundary walls. These properties are proposed to be built of coursed rubble stone under pantile with brick chimneys, white painted timber windows and black cast-iron effect UPVC rain water goods. The windows will be detailed with cast stone lintels and cills with an arched brick head detail to the front elevation. Conservation-grade rooflights are proposed (one per dwelling) to the front elevations to provide adequate light/ventilation to the accommodation at first floor whilst limiting the number of windows to the elevation.

The detached dwelling contains three bedrooms, is single storey and is positioned to the North edge of the site adjacent to the vehicle entrance point. Given this buildings position at the edge of the site, the scale and detailing are intended to be more in the style of a low barn, limiting impact of the development on the surrounding landscape. The building is L-shape in form, with the central private garden well screened to the adjacent land by existing trees and hedge planting. A number of tall openings look onto this area, with the windows and sliding folding doors in dark grey PPC Aluminium. To the 'outside' elevation, the openings will be of more traditional size and position, with windows in white painted timber and areas of reclaimed brick infill. As with the terrace properties, the main materials will be coursed rubble stone under pantile. Parking is provided on a hardstanding driveway with double car port.

Planning Policy

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 **Planning Policy**
- 5 Heritage Asset Assessment
- 6 Access & Accessibility
- 7 Flood Risk Assessment
- 8 Scheme Drawings

4.1 The applicant site sits within the development limits of Westow village. Policy H7 of the Ryedale Local Plan outlines policy for residential developments within settlements. It states that these schemes will be permitted provided that

4.2 *The development will not result in the loss of or materially affect the character or appearance of any visually undeveloped area or spaces important to the character of the settlement. Given the existing use of the applicant site and the buildings currently on the site, the proposed development is felt to represent a clear improvement upon this. Visually the development is felt to be overall beneficial to the village and the conservation area.*

4.3 *The proposed development will provide a quality residential environment, reflect local distinctiveness in terms of location, scale and materials and would maintain or enhance the character of the settlement. In addition, the development will avoid the inefficient use of land whilst respecting local character. The proposed dwellings have been designed to reflect the local traditional properties and materials. As stated above, it is felt that this represents a considerable improvement upon the current use of the land. The number of properties proposed for the site is considered to reflect a good balance of use of the land without the danger of over-development. The submitted drawings note the relationship of the new scheme to the surrounding buildings. Care has been taken to keep the scale of the new buildings down, with a relatively low eaves level and narrow front to back plans, to reduce gable widths. Windows are sited to prevent overlooking of surrounding dwellings.*

4.4 *The proposed development will not have a detrimental impact upon the safety of pedestrians and road users or flow of traffic upon the highway network, appropriate levels of off-street parking will also be provided. Access to the site will be via the existing vehicle access point to Chapel Lane. Whilst the number of new properties will result in an increase in the number of cars accessing the site, it should be remembered that this was previously a working farm-yard and as such required regular access by larger agricultural machinery. A parking provision of 2 no. spaces per dwelling has been allowed for in the proposals. The road within the site is informal and low key in nature. Immediately to the north of the physical site development a new adoptable turning head is proposed, which provides for refuse vehicle turning and in addition, a valuable turning facility for residents of Chapel Lane-a facility which does not exist at present.*

4.5 *The proposed development will not have a material adverse impact upon neighbouring properties. Given the current use of the land, it is felt that there will be not adverse impact upon neighbouring properties. The buildings have been positioned and designed to be of a scale in order to minimise over-looking, both between themselves and the neighbouring buildings.*

4.6 *The proposed development will provide a satisfactory standard of residential amenity. The applicant scheme allows for a range of size of dwellings, all of which provide well designed and generously sized accommodation. All properties have private gardens and private off-street parking.*

Planning Policy

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 **Planning Policy**
- 5 Heritage Asset Assessment
- 6 Access & Accessibility
- 7 Flood Risk Assessment
- 8 Scheme Drawings

4.7 The proposed development takes appropriate account of local housing need in terms of the types of dwellings provided. The scheme provides a balance of 2 and 3 bed properties of varying sizes.

4.8 The site is not an important area for its nature conservation interest or historic or archaeological importance. Given its former usage, the site is not thought to have natural or historical importance. A wildlife survey for the buildings has been submitted as part of this application.

4.9 Whilst the site is not in an Area of High Landscape Value, it does sit adjacent to one. Policy ENV 3 covers such designations, with points (i) and (iv) being seen as pertinent in this situation.

4.10 ENV 3 (i) states that within such areas development which would materially detract from the special scenic quality of the landscape will be resisted whilst (iv) states that non-agricultural buildings and development will be required to reflect the traditional character of buildings...and use of materials traditional to the area. The proposed dwellings have been designed specifically to take reference from the character of the existing settlement and to reflect the traditional materials of the area.

4.11 National Planning Policy Framework (NPPF) - As stated in the NPPF, at the heart of the document 'is a presumption in favour of sustainable development.' It is felt that this application represents just such a development, providing a supply of a range of new houses.

4.12 Policy Conclusions - It is felt that it has been clearly demonstrated that these proposals are sympathetic to the materiality and character of the village of Westow and represent the opportunity for development of a range of properties on currently disused land.

Heritage Asset Assessment

1. Introduction
2. Site Listing
3. Site Proposed
4. Planning Policy
5. **Heritage Asset Assessment**
6. Access & Accessibility
7. Flood Risk Assessment
8. Scheme Drawings

5.1 Identification of Heritage Assets

The development site sits within the Westow Conservation Area as well as adjacent to an Area of High Landscape Value, and as such a Heritage Asset Assessment must be undertaken to assess the impact of the proposals upon these assets.

5.2 Conservation Area

In its analysis of the village of Westow, the Ryedale Local Plan details the Westow Conservation Area as containing a large number of listed limestone and pantile cottages that characterise the village. Future development within the village is expected to "reflect the historic character and appearance of the settlement in terms of its relationship to the street and surrounding buildings, in its design and detailing and in the choice of materials used for construction".

The existing farm buildings to the rear of the site are in varying states of repair and are not felt to contribute positively to the conservation area. It is therefore felt that the demolition of these buildings will not adversely impact upon the conservation area.

Westow has varying patterns of development, with a large amount of back land development facing onto Chapel Lane, to the North West of the village. It is felt that the addition of the four properties on the rear yard, act as a natural extension to this pattern. The positioning of these dwellings is such that they have limited visual impact on the surrounding area and the adjacent area of high landscape value, however materially they have been designed to reflect the traditional palette of the village.

Access / Flood Risk Assessment

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Heritage Asset Assessment
- 6 Access & Accessibility
- 7 Flood Risk Assessment
- 8 Scheme Drawings

6.0 Access & Accessibility

These properties have been designed to meet the requirements of Part M of the Building Regulations (*Access to and Use of Buildings*) as a minimum standard.

7.0 Flood Risk Assessment

From information available on the Environment Agency website, it has been determined that the site falls outside the area prone to significant flooding risk as demonstrated below on the Environment Agency flood risk map.



Flood risk map for site from environment agency website

Scheme Drawings

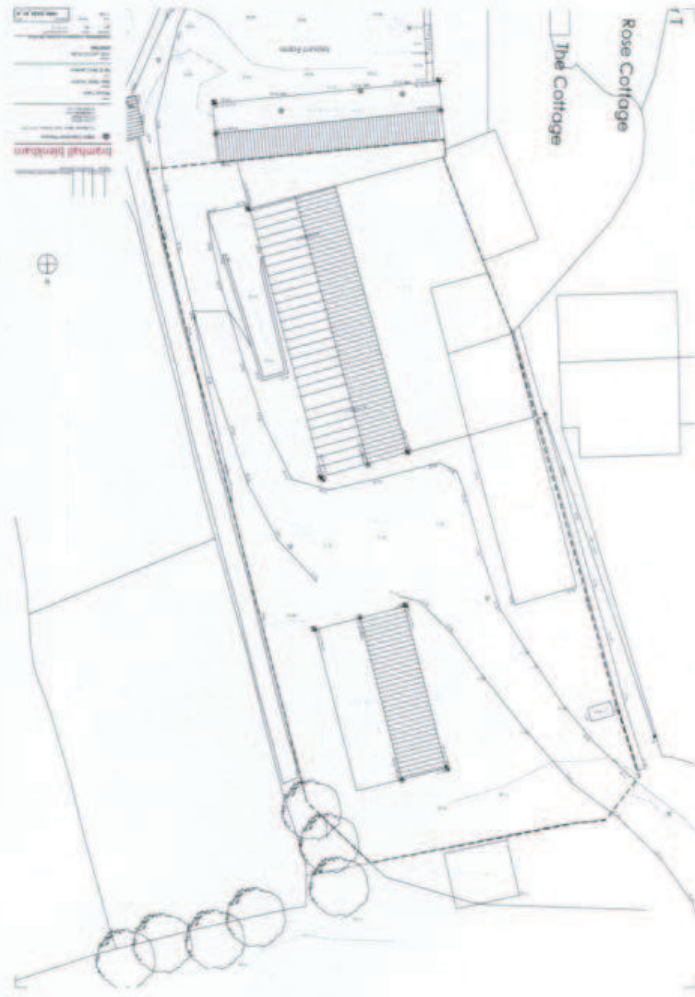
1. Introduction
2. Site Existing
3. Site Proposed
4. Planning Policy
5. Heritage Asset Assessment
6. Access & Accessibility
7. Flood Risk Assessment
8. **Scheme Drawings**



Site Existing OS Site Plans

Scheme Drawings

- 1 Introduction
- 2 Site Existing
- 3 Site Proposed
- 4 Planning Policy
- 5 Heritage Asset Assessment
- 6 Access & Accessibility
- 7 Flood Risk Assessment
- 8 **Scheme Drawings**



Existing Site - Plans

Scheme Drawings

1. Introduction
2. Site Existing
3. Site Proposed
4. Planning Policy
5. Heritage Asset Assessment
6. Access & Accessibility
7. Flood Risk Assessment
8. **Scheme Drawings**



Existing Buildings - Proposed Demolitions

Scheme Drawings



Site Layout Proposed

Scheme Drawings

- 1 Introduction
- 2 Site-Existing
- 3 Site-Proposed
- 4 Planning Policy
- 5 Heritage Asset Assessment
- 6 Access & Accessibility
- 7 Flood Risk Assessment
- 8 **Scheme Drawings**





YEW TREE ASSOCIATES

LAND, PLANNING AND DEVELOPMENT CONSULTANTS

Revised Supporting Planning Statement

for

Residential Development

at

Mount Farm

Main Street

Westow

North Yorkshire

for

Mr and Mrs Landers

HEAD OFFICE: YORK AUCTION CENTRE, MURTON LANE, MURTON, YORK YO19 5CF
ALSO AT: YEW TREE HOUSE - SOUTH BACK LANE (WEST) - TERRINGTON - YORK - YO60 6PX
T: 01653 648448 - M: 07540119062

W: www.yewtreeassociates.co.uk - E: mark.newby@yewtreeassociates.co.uk

YEW TREE ASSOCIATES: DIRECTOR - MARK NEWBY DIT & PARTNER
PARTNER: VALERIE NEWBY



Contents

- 1. Introduction**
- 2. Site Location and Description**
- 3. Planning Site History**
- 4. The Proposal**
- 5. The Planning Policy Context**
- 6. Key Issues**
- 7. Conclusions**

1.0 Introduction

1.1 This statement provides support for a Detailed Planning Application for the erection of 4no. dwellings on land at Mount Farm, Main Street, Westow, Malton, North Yorkshire.

2.0 Site Location and Description

2.1 The site is on the northern side of Westow and forms part of Mount Farm. Residential development lies to the west, east and south with open agricultural fields to the north and comprises some 0.15ha (0.37 acres) (See Fig. 1 below).



3.0 Planning Site History

3.1 There is no planning history in respect of the site.

4.0 The Proposal

4.1 The proposal shows 4No. dwellings on 0.15ha/0.37 acres of land at Mount Farm, Main Street, Westow with access from Chapel Lane to the north. (Revised drawings have been forwarded direct by Bramhall Blenkharn Architects).

4.2 The proposals are split into two elements, a row of three terraced cottages to the southern side of the site and a detached single storey property to the North adjacent to the entrance.

4.3 The terraced properties are positioned in a line running north-south through the site, consisting of 1 no. three bed dwelling and 2 no. two bed dwellings. Hardstanding to the front provides two parking spaces for each property, to the rear is lawned gardens with stone boundary walls. These properties are proposed to be built of coursed rubble stone under pantile with brick chimneys, white painted timber windows and black cast-iron effect UPVC rain water goods. The windows will be detailed with cast stone lintels and cills with an arched brick head detail to the front elevation. Conservation-grade rooflights are proposed (one per dwelling) to the front elevations to provide adequate light/ventilation to the accommodation at first floor whilst limiting the number of windows to the elevation.

- 4.4 The detached dwelling contains three bedrooms, is single storey and is positioned to the North edge of the site adjacent to the vehicle entrance point. Given this buildings position at the edge of the site, the scale and detailing are intended to be more in the style of a low barn, limiting impact of the development on the surrounding landscape. The building is L shape in form, with the central private garden well screened to the adjacent land by existing trees and hedge planting. A number of tall openings look onto this area, with the windows and sliding folding doors in dark grey PPC Aluminium. To the 'outside' elevation, the openings will be of more traditional size and position, with windows in white painted timber and areas of reclaimed brick infill. As with the terrace properties, the main materials will be coursed rubble stone under pantile. Parking is provided on a hardstanding driveway with double car port.

5.0 The Planning Policy Context

- 5.1 The main issue in respect of the proposal is whether the principle of development is acceptable from a planning standpoint and to determine this we turn to the Planning Acts.
- 5.2 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 any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Ryedale District comprises the policies in The Ryedale Plan – Local Plan Strategy (adopted on 5th September 2013).

Its relevant policies are as follows:-

- 5.3 The Ryedale Plan – Local Plan Strategy 2013
Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services Provision
Policy SP12 – Heritage
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
- 5.4 National Planning Policy Framework/Guidance
- 5.4.1 The relevant paragraphs and references are:
Paragraphs 11-16 Presumption in Favour of Sustainable Development Ministerial Forward
Paragraph 17 Core Planning Principles
Paragraph 39 Promoting Sustainable Transporting
Paragraphs 47, 49, 50 Delivering a wide choice of High Quality Homes
Paragraphs 56, 60, 61 and 65 Requiring Good Design
Paragraphs 94 and 95 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Paragraphs 109 - 125 Conserving and Enhancing the Natural Environment
Paragraph 159 Plan Making
Paragraphs 187, 196 and 197 Decision-Taking
Paragraph: 001 Reference ID: 50-001-20140306

6. Key Issues

6.1 The key issues to be taken into account when assessing this proposal are:

1. Sustainable Development
2. Principle of Residential Development
3. Siting, Scale, Design and Effect Upon the Character of the Area and Conservation Area
4. Impact on the Residential Amenity of the Adjoining Neighbours
5. Highway Safety
6. Drainage and Flood Risk
7. Affordable Housing/Local Needs Occupancy
8. Public Open Space
9. Impact on Nature Conservation and Protected Species.

To take each in turn.

6.1.1 Sustainable Development

A number of references are made to the presumption in favour of sustainable development in the NPPF.

In the Ministerial Forward it states that:-

'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.'

and at Paragraph 14 states:-

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'.

For plan-making this means that:

●● local planning authorities should positively seek opportunities to meet the development needs of their area;

●● Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

—specific policies in this Framework indicate development should be restricted.⁹

For decision-taking this means:¹⁰

●● approving development proposals that accord with the development plan without delay; and

●● where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

—specific policies in this Framework indicate development should be restricted.⁹

(Our emphasis)

Footnote 9

For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

Footnote 10.

Unless material considerations indicate otherwise.'

- 6.1.2 At paragraph 17 under the heading 'Core Planning Principles' the document sets out 12 planning principles of which the following is particularly relevant namely:-

'...proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area...'

(Our emphasis)

- 6.1.3 In addition, at paragraph 49 it states that:-

'49. Housing applications should be considered in the context of the presumption in favour of sustainable development....')

- 6.1.4 The document continues a paragraph 50:-

'50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

••plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities,....)'

(Our emphasis)

- 6.1.5 Paragraph 50 is reinforced at paragraph 159 under the heading 'Plan Making – Housing' where it states:-

'159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

.....—addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and

—caters for housing demand and the scale of housing supply necessary to meet this demand;...'

(Our emphasis)

- 6.1.6 We find further support for the proposal at paragraph 187 which states:-

'187. 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.'

(Our emphasis)

- 6.1.7 and at paragraph 197 under the heading 'Determining applications we find further support as follows:-

'197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'

(Our emphasis)

- 6.1.8 In The Ryedale Plan – Local Plan Strategy at Paragraph 1.2 of the Introduction to the plan states:-

'1.2 The purpose of the Ryedale Plan is to encourage new development and to manage future growth whilst ensuring that change across the District is based on a presumption in favour of sustainable development.'

(Our emphasis)

and at Section 3 Aspirations and Strategy it states:-

'Service Villages

Local Service Centres – Limited small-scale growth to address employment, housing and community requirements'

(Our emphasis)

6.1.9 Further policy support is found at Policy SP19 'Presumption in Favour of Sustainable Development' which states:-

'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

• Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

• Specific policies in that Framework indicate that development should be restricted.'

6.2 The Principle of Residential Development

6.2.1 The NPPF under the heading 'Delivering a wide choice of high quality homes' the document states at paragraph 47 that:-

'47. To boost significantly the supply of housing, local planning authorities should:

●●use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

●●identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against 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 realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

●●identify a supply of specific, developable² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

¹¹ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.'

(Our emphasis)

6.2.2 The Council have only recently confirmed that they have a demonstrable 5-year supply of housing sites. However to maintain this position the Council will require a continuing supply of housing sites particularly as it appears that the housing market is gaining momentum again. We submit therefore that in the light of this position that there is an overriding case for support for the proposal.

6.2.3 The recently issued National Planning Practice Guidance states under the heading Rural Housing Paragraph: 001 Reference ID: 50-001-20140306 that:-

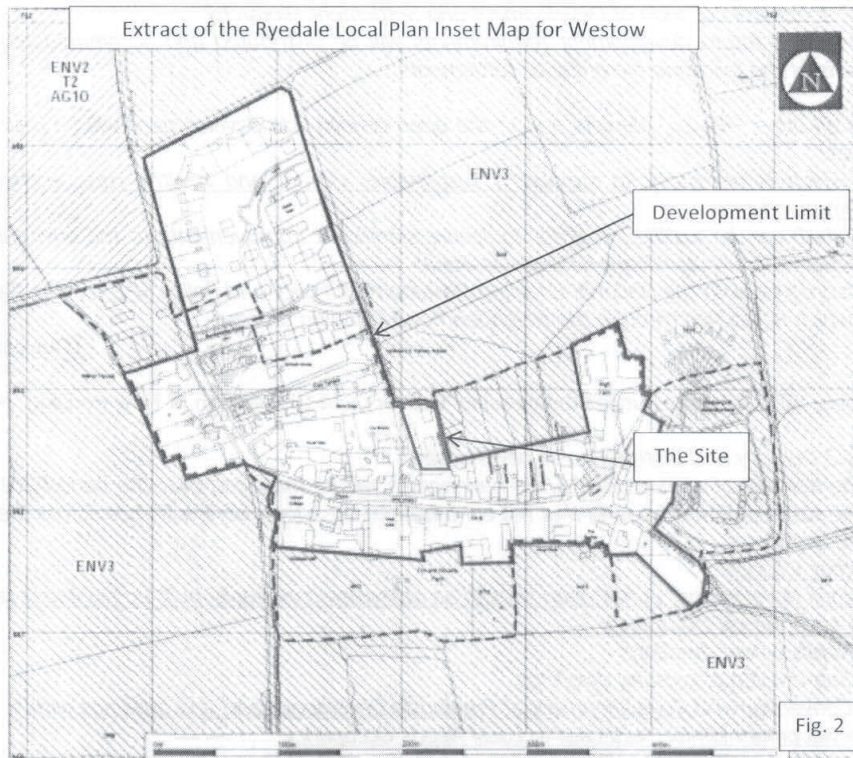
'It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'

6.2.4 The site lies within the current Development Limit as shown on the Ryedale Local Plan Inset Plan for Westow (Fig. 2).



6.2.5 Turning to The Ryedale Plan – Local Plan Strategy already referred to above we find support at Section 3 of the Plan where under its Aspirations and Strategy - Strategy Summary it states:-

'SECTION 3 – ASPIRATIONS AND STRATEGY

The Ryedale Plan – Local Plan Strategy

Place / Role

Other Villages

Consolidation of new development within current development limits, with the expansion of settlements for housing, justified only in exceptional circumstances.

• Housing to address local housing requirements and affordable housing needs and restricted by a Local Needs Occupancy Condition unless it is:

- A Community Right to Build scheme*
- Protecting and enhancing local community facilities*
- Support the delivery of projects identified within local Parish Plans*

(Our emphasis)

6.2.6 We submit as we will show later, that the development will meet the requirements of the above strategy.

6.2.7 At Policy SP1 under the heading General Location of Development and Settlement Hierarchy where it states that:-

*'SP 1 General Location of Development and Settlement Hierarchy
Ryedale's future development requirements will be distributed and accommodated on the basis of the following hierarchy of settlements:*

In all other villages, hamlets and in the open countryside development will be restricted to that:

- which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or*
- which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or*
- which is justified through the Neighbourhood Planning process....'*

(Our emphasis)

6.2.8 Policy SP2 also states under the heading 'Delivery and Distribution of New Housing' :-

*'SP2 Delivery and Distribution of new housing
The delivery of at least 3000 (net) new homes will be managed over the period 2012-2027. The sources of new housing that will contribute to the supply of new homes across the District are as follows:*

Other Villages

- Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy*
- Replacement dwellings*
- Sub-division of existing dwellings*
- Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy*
- 100% Rural Exception Sites outside and on the edge of Development Limits in line with Policy SP3*
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to local needs occupancy.'*

(Our emphasis)

6.2.9 and at paragraph 4.34 under the heading 'Type and Mix of New Housing' the plan states:-

'4.34 The provision of an appropriate mix and choice of new housing is central to the objective of creating sustainable and balanced communities. The District will need to ensure a range and choice of market housing is provided to respond to changing demographics and market drivers.'

(Our emphasis)

6.2.10 The Plan continues at Policy SP4:-

'SP 4 Type and mix of new housing

Increased housing choice and high quality housing will be provided through :

- New housing development*
- The re-use of empty properties*
- Improvements and adaptations to existing homes*
- New housing sites in Ryedale will provide increased housing choice and contribute to the provision of a balanced housing stock.'*

(Our emphasis)

6.2.11 We submit that the proposal, local needs occupancy aside, will meet the requirements of Policies SP1, 2 and 4 of the Ryedale Plan. We will deal with the issue of Local Needs Occupancy later under the heading of affordable housing.

6.3 Siting, Scale, Design and Effect Upon the Character of the Area and Conservation Area

6.3.1 The application site is located within Westow Conservation Area. Whilst in considering proposals which affect conservation areas regard is to be made to S72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

6.3.2 Policy SP12 Heritage of The Ryedale Plan – Local Plan Strategy states:-

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

· The nationally significant prehistoric archaeological landscapes of the Yorkshire Wolds and the Vale of Pickering

· The individual and distinctive character and appearance of Ryedale's Market Towns and villages

· Large country houses and associated estates and estate villages, with Castle Howard being of international importance

· The unique distribution of Saxon churches on the fringe of the Vale of Pickering and the North York Moors, including Kirkdale and Stonegrave Minsters

· Victorian churches throughout the Yorkshire Wolds

· Medieval features including relatively large numbers of deserted medieval villages, moated manorial sites and granges, such as Kirkham Priory and notable castle sites, including Sheriff Hutton and Bossall Hall, Pickering and Helmsley

· The network of historic field systems across the District and in particular, the historic field patterns around Pickering and other settlements on the northern side of the Vale of Pickering

· The Roman Derwentio site at Malton....

.....Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.'

6.3.3 and Policy SP16-Design of The Ryedale Plan – Local Plan Strategy states:-

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

· Reinforce local distinctiveness

· Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated

· Protect amenity and promote well-being

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

· Topography and landform that shape the form and structure of settlements in the landscape

· The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale

- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
 - *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
 - *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
 - *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail*
- The design of new development will also be expected 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, buildings 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 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 buildings 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 density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context*
 - *Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated.'*

(Our emphasis)

6.3.4 Furthermore, Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

Character

New development 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 proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses

The cumulative impact of new development on the character of an area will also be considered

Design

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

Amenity and Safety

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

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance'

- 6.3.5 We submit that the proposal meets all the requirements of the above criteria and some weight should be attached to these policies as they are broadly consistent with the aims of the NPPF.
- 6.3.6 The NPPF paragraph 56 states 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.
- 6.3.7 Paragraphs 60, 61 and 65 of the NPPF make it clear that decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, should address the connections between people and places and the integration of new development into the natural, built and historic environment and proposals should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.
- 6.3.8 The Westow conservation area largely encompasses the whole of the village save for the most recent post war development to the northern part of the village. The village is L shaped in form with frontage development along the southern and western sides of the main road and development in depth to the north and east sections of the village. Mount Farm sits on the internal corner of the L shaped building form, and is distinct in having access from both Main Street and Chapel Lane to the rear. The buildings to Main Street and small outbuildings to the rear are in stone, but the remaining large sheds are steel framed clad structures.
- 6.3.9 In a character assessment of the village in respect of the grain of development and design of housing, we submit that whilst the development is not infill, we believe that the scheme should be considered as acceptable for the following reasons.
- 6.3.10 The majority of the conservation area buildings are two storey, double pitched stone built with pantile roofs. There are also a number of scattered brick buildings with elements of render and plain tile roofs. The post war housing to the northern end of the village is in red brick and render with plain tile roofing. Mount Farm and adjoining buildings along Main Street are generally built along the frontage, with deeper burgage plots to the rear. A significant number of these plots have small scale developments approached by narrow lanes, which add to the character of the settlement. These openings add to the open/closed nature of the streetscape. Generally, buildings set within the deeper plots, follow the form of the plots, with buildings along, rather than across, the grain of the plots.
- 6.3.11 The previous Ryedale Plan noted that future development should be limited to infilling within the built up area of the inset plan and that development within the conservation area will be expected to reflect the historic character and appearance of the settlement in terms of its relationship to the street and surrounding buildings-also in its design, detailing and choice of materials. The Mount Farm site is shown deliberately included within the development plan,

- presumably being occupied by buildings out of character with the conservation area, and also since it is at the heart of built up development in the village. In comparison the undeveloped rear gardens to adjoining plots to the east, are shown excluded from the development area.
- 6.3.12 The Westow Village Design Statement has been adopted by the Council as supplementary planning guidance. In the statement it notes that "all new developments should be designed so that they blend in with the style of the majority of buildings in the Conservation Area." It goes on to note that "the villagers do not support large scale development, but supportive of development within the current development limit if constructed in stone, pantile, timber windows, half round cast iron gutters." The proposed development complies with these principles. The Statement also refers to the reuse of former buildings, but clearly the scale and form of the large steel sheds would only lend themselves to agricultural or industrial use, which would be considered as inappropriate uses within the confines of adjoin residential development.
- 6.3.13 Mount Farm ceased as a working farm several years ago, and the rear contemporary steel framed buildings have been used for ad hoc storage. There is residential development to the adjoining plots to east and west. As noted above, it is considered that reuse of such buildings would likely attract commercial/industrial activities, which would be at odds with adjoin residential use.
- 6.3.14 We believe therefore that the proposed scheme is considered not to have a detrimental adverse effect on the character and form of the conservation area by virtue of its design, layout, scale, external appearance and landscaping. We submit that the proposed scheme therefore complies with and policies SP12, 16 and 20 of The Ryedale Plan – Local Plan Strategy and advice given in NPPF.
- 6.4 Impact on the Residential Amenity of the Adjoining Neighbours
- 6.4.1 One of the core planning principles set out in Paragraph 12 of the NPPF states that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.
- 6.4.2 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-
-'Amenity and Safety
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'*
- 6.4.3 We submit that the development will not have a significant adverse impact on the existing amenities of neighbouring occupiers for the following reasons.
- 6.4.4 The proposed new development consists of 3 small scale cottages in a linear form responding to the grain of the burgage plot. The access road for these dwellings is kept to the western edge of the site, to act as a buffer between dwellings to the west. The removal of buildings along the western edge of the site, will offer a significant improvement to the openness of the existing dwellings to the west.
- 6.4.5 At the northern edge of the site, a new single storey building is proposed. The scale and character of this building is a deliberate response to the edge of village location and seen as

a building emerging from a stone boundary wall enclosure. This is typical of buildings within edges of villages and responds closely to the statement in the Westow Village Design Statement, that stone boundary walls are important visual components of the village.

6.4.6 The dwellings have been designed with principal rooms overlooking private gardens and ancillary spaces facing the informal access road. The access road is deliberately low key in approach. As part of the development, a new turning head is proposed on adjoining land to the north. This has the double benefit of removing the need for large scale turning and hard surface within the scheme and the added advantage of turning for residents along Chapel Lane.

6.5.7 Adequate standoff distances will be achieved in respect of all the dwellings with no overlooking issues. The proposed development is therefore considered not to cause a significant detrimental impact on the residential amenities of the neighbouring properties in accordance with Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan and the NPPF.

6.5 Highway Safety

6.5.1 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

'Access, Parking and Servicing

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads'

6.5.2 These Local Plan policies should be afforded weight as they are broadly consistent with the aims of the NPPF.

6.5.3 In addition with respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high emission vehicles.

6.5.4 The dwellings would be served from one new access from the north of the site where a suitable turning head is to be provided. This will not only serve the new development, but create a vehicle turning facility for a number of the existing properties on Chapel Lane, which don't have this facility. This proposal has the approval of NYCC Highways. Adequate parking provision has also been provided for within the site.

6.5.5 We submit that the proposal will not adversely impact on the highway network either from an access or parking standpoint and therefore submit that the proposal is acceptable as it accords with policies SP20 of The Ryedale Local Plan-The Local Plan Strategy and Paragraph 39 of the NPPF.

6.6 Drainage and Flood Risk

7.6.1 The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations

and ways which reduce greenhouse gas emissions; actively support energy efficiency improvements to existing buildings.

6.6.2 Policy SP17 (Managing Air Quality, Land and Water Resources) of The Ryedale Plan – Local Plan Strategy states:-

'Land resources will be protected and improved by:

· Supporting new uses for land which is contaminated or degraded where an appropriate scheme of remediation and restoration is agreed and in place

· Prioritising the use of previously developed land and protecting the best and most versatile agricultural land from irreversible loss. New land allocations will be planned to avoid and minimise the loss of the Best and Most Versatile Agricultural Land. Proposals for major development coming forward on sites that are not allocated for development which would result in the loss of the Best and Most Versatile Agricultural Land will be resisted unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource

Flood risk will be managed by:

· Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment. In addition, major development proposals within areas highlighted as having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage system

· Ensuring new development does not prevent access to water courses for the maintenance of flood defences

· Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national 'Exception Test' will be applied if required'

6.6.3 The application site is located in Flood Zone 1 as shown on the Environment Agency's Flood Map for Westow (See Fig. 5 below) which is at a low probability of flooding.

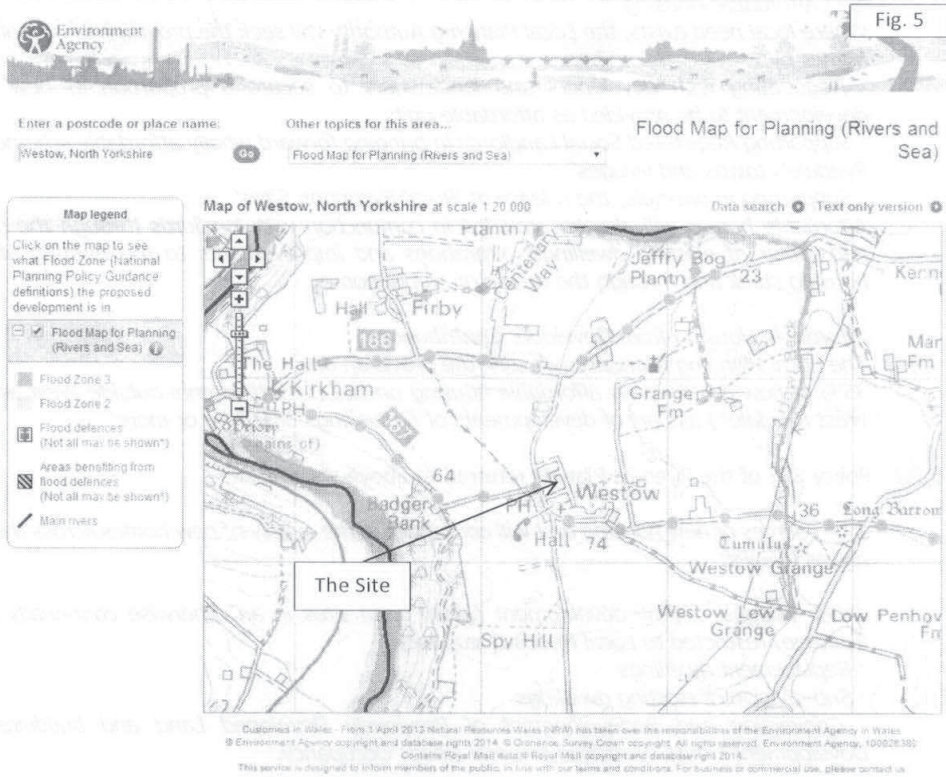


Fig. 5

6.6.4 We understand that there is adequate capacity in both the foul and surface water sewers in the area and that an adequate water supply is also available. The development will be connected to the mains sewer.

6.6.5 We submit therefore that the proposed development is not at risk from flooding and can be satisfactorily drained and is therefore considered acceptable and in accordance with Policies and the guidance in NPPF.

6.7. Affordable Housing

6.7.1 The supporting text to Policy SP3 of the Ryedale Plan states:-

*'4.34 Increasing the supply of new affordable homes is a priority in Ryedale in order to address the acute affordable housing need in the District.
Securing new affordable housing through the planning system is one of the most effective ways in which this can be achieved.'*

;'4.40 The Council will aim to secure affordable housing provision on-site, to include a mix of social rented, affordable rent and intermediate affordable tenures that reflects the needs of local communities. The Strategic Housing Market Assessment produced in 2011 suggests'

6.7.2 In addition Policy SP3 follows and states:-

'SP3 Affordable Housing

Where local need exists, the Local Planning Authority will seek the provision of new affordable homes by:

- Negotiating with developers and landowners to secure a proportion of new housing development to be provided as affordable units*
- Supporting Registered Social Landlords in bringing forward wholly affordable schemes within Ryedale's towns and villages*
- Supporting in principle, the release of 'Rural Exception Sites'*

Affordable homes will also be provided in conjunction with landlords through the purchase and repair of existing dwellings, alterations and improvements to the existing affordable housing stock and through the re-use of empty homes.

Affordable Housing from Developer Contributions

The Local Planning Authority will seek the provision of:

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 0.2 ha or more'*

6.7.2 Policy SP2 of the Ryedale Plan as referred to above states that:-

'The sources of new housing that will contribute to the supply of new homes across the District are as follows:

Other Villages..... Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy

- Replacement dwellings*
- Sub-division of existing dwellings*
- Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy.'*

6.7.3 The proposal is however for 4No dwellings and therefore there is no requirement for affordable housing with the scheme. However, in the light of the requirement for the dwellings to be only sold to those persons who would comply with the Local Needs Occupancy restriction, we believe that in the light of the fact that the application was submitted well before the Ryedale Local Plan was adopted, that there is a case for an alternative response to the Local Needs Occupancy Policy and this is as follows:

6.7.4 We propose that an affordable housing unit (Plot 3, 2 bed) is provided as part of the scheme despite it not being required under the latest Ryedale Plan policies.

In this respect we have investigated the affordable housing needs from Colin Huby, the Council's Rural Housing Enabler he has confirmed that:-

'In the existing affordable stock in Westow and Yorkshire Housing has 13 x 2bed bungalows (elderly accommodation) and 5 x 3bed houses. (See below for relets on the bungalows and 1 x 3bed house).

Future relets will have fewer bids as people with a local connection will now get priority.

Westow parish has approximately 160 households and comes under Derwent ward.

No parish survey has been done but the SHMA shows Derwent ward having current need of 27 and annual need of 14 the need of which is for one beds (36%) and two beds (64%).

A two bed affordable house (general needs) would probably be our preference due to the absence of such properties in the parish.'

'Over the past 18 months there have been 4 x 2 bed bungalows let for over 55's – 52, 40, 14 and 13 bids (the most recent being in Dec 2013).

The only family home to be let under NYHC in the past couple of years in Westow is:

3 bed house let in March 2012 – 52 bids.'

(Our emphasis)

- 6.7.5 In addition, we find support for the affordable house type provision in the North Yorkshire Strategic Market Housing Assessment which states:-

'Future Need for Affordable Housing

1.36 If North Yorkshire were to meet the needs of all households who cannot afford to buy or privately rent a home on the open market¹⁴ it would have to deliver 2,808 affordable dwellings (excluding Selby) each year over the next 5 years. This is shown in the table below.

Figure 10: Net Annual Affordable Housing Need (Next 5 Years) – North Yorkshire

Net Annual Affordable Housing Need – North Yorkshire & Local Authorities

Craven Hambleton Harrogate Richmondshire Ryedale Scarborough CityofYork Nth Yorkshire

<i>218</i>	<i>320</i>	<i>507</i>	<i>260</i>	<i>256</i>	<i>457</i>	<i>790</i>	<i>2,808 Total</i>
------------	------------	------------	------------	------------	------------	------------	--------------------

Source: North Yorkshire SHMA, 2011

1.37 In particular, there is currently a shortfall in smaller 1 and 2 bedroom and larger 4 or more bedroom affordable properties across North Yorkshire. The shortage of these property types is making it harder for the authorities of North Yorkshire to meet the housing needs of households who cannot afford to buy or privately rent a home on the open market.'

(Our emphasis)

- 6.7.5 The applicants are currently in negotiation with Broadacres Housing to find a suitable tenant to occupy the affordable housing unit proposed.
- 6.7.6 A copy of a revised layout showing the affordable unit, together with some minor parking arrangement changes is to be forwarded direct by Bramhall Blenkharn Architects.
- 6.7.7 We submit that this is an equitable solution to the current issue of the application of the new Local Needs Occupancy in the Ryedale Plan in the light of the delay in determining the application and would provide an additional affordable housing dwelling in the village of Westow to meet local needs which would ordinarily not be required under current planning policy.
- 6.7.8 In light of the above and on balance, we therefore submit that the proposal should be considered acceptable under Policy SP3 of The Ryedale Plan – Local Plan Strategy.

6.8 Public Open Space

- 6.8.1 Policy SP11 (Community Facilities and Services Provision) of the Ryedale Plan states:-
*'Proposals for the provision of new community facilities or services will be supported in principle as follows:
Malton and Norton;
Pickering; Kirkbymoorside;
Helmsley
Sites allocated for such uses or as part of a mixed use allocation; expansion and improvement of existing facilities in and outside of Development Limits; provision of new facilities within development limits or outside of Development Limits where the facility is needed and cannot be located within Development Limits or as part of a mixed use allocation.
Service Villages and other villages
Expansion and improvements to existing facilities in or outside of Development Limits; provision of new facilities - within Development Limits, conversion of existing buildings outside of Development Limits or new provision outside of Development Limits where the facility is needed to serve the local area and could not be provided with Development Limits
New or enhanced provision of open space, leisure and recreational facilities will address identified deficiencies set out in Table 3 and be undertaken in line with Local Open Space Standards as set out in Table 4. All new residential development* will be expected to contribute to the provision of open space, recreation and leisure facilities. Residential 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. On-site formal children's playspace will be sought on residential sites of 50 dwellings or more.'*

(Our emphasis)

- 6.8.2 As the site falls below the requirement for onsite POS provision the applicants are happy to pay the calculated sum of £8830 as provide by Roger Barnsley the Council's Asset Management Surveyor. We submit therefore that this provision is sufficient to meet the requirements of Policy SP11 (Community Facilities and Services Provision) of the Ryedale Plan.

6.9 Impact on Nature Conservation and Protected Species

- 6.9.1 NPPF paragraphs 109 to 125 relate to conserving and enhancing the natural environment and to impacts of development proposals on protected species planning policy and guidance which is provided by the NPPF and accompanying ODPM Circular 06/2005 "Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System" in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.
- 6.9.2 However, a Bat Survey prepared by Julian Hall Environmental Resource Management found:-
'Minor evidence of habitation by bat species was recorded in the buildings during building and activity surveys' and 'The potential for discovery of bats in hibernation, which may be uncovered during demolition or alteration to buildings in winter between November and the end of March should be taken into consideration, since they cannot otherwise be detected due to their lack of activity.'
- 6.9.3 We submit that the proposals will not have an adverse impact on Nature Conservation and Protected Species and therefore meet the requirements of Circular 06/2005 and NPPF.

7. Conclusions

- 7.1 Whilst we appreciate that planning applications should be determined on the basis of the current development plan applicable at the time of decision, and whilst we believe that the scheme would meet the requirements of the last criterion of the policy, the application of the Local Needs Occupancy requirement would render the whole scheme unviable. Indeed, if Mr and Mrs Landers had been aware that such a policy would be applicable to the scheme when they submitted the application, it is certain that they would not have pursued the matter
- 7.2 We believe that we have provided a substantive case through not only Central Government's most recent planning policy statements, but also the Council's own planning policies and material considerations we respectfully submit that the proposal is acceptable in all respects and should receive the support of the local planning authority.

SMN/ YTA 30.5.14

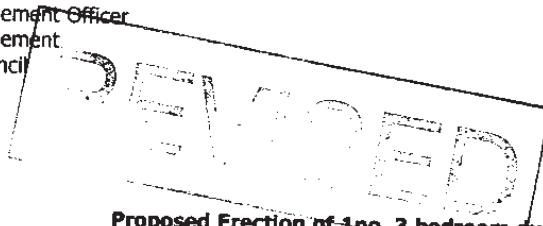


YEW TREE ASSOCIATES

LAND, PLANNING AND DEVELOPMENT CONSULTANTS

29th October 2014

Mrs R Smith
Development Management Officer
Development Management
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH



Dear Mrs Smith,

Proposed Erection of 1no. 3 bedroom dwelling with attached carport and a terrace of 1no. 3 bedroom and 2no. 2 bedroom dwellings with associated parking and amenity areas at Mount Farm, Main Street, Westow, Malton for Mr and Mrs N Landers. Planning Application Ref. No. 13/00885/FUL.

Further to our continuing discussion on the above we have submitted further revised drawings which we believe address the concerns of both yourself and the Parish Council.

By way of explanation please see below the following:-

Parish Council Comments

Bramhall Blenkharn Architects, for the scheme, have assessed the Parish Council's comments as follows:-

1. The scheme has been designed, discussed and amended over time with the planning officer and conservation officer at RDC. The terrace of 3 properties is situated along the grain of the plots applicable to this and the eastern plots of Westow village. The size of the terraced units have been amended over time, to decrease the physical front to back footprint, thereby creating smaller scale gables. The plan form consists of a principal and ancillary room as a footprint front to back rather than the usual two main rooms. Similarly, the eaves height has been reduced to a level which is a balance between scale and practicality. The actual eaves height is 4.2m, considerably less than the normal eaves height of a 2 storey dwelling.

2. The parking issue raised has been addressed by amending the site layout, to incorporate parking spaces to either end of the short terrace, with only the mid terrace having parking in front of the dwelling. Additional site planting has been provided as shown on the revised layout plan. The intention is to provide a very informal access into the site, so that the road acts as an informal shared surface. The road surface would not be tarmac, but either block paved or a resin type bound surface- and I would agree with the Parish Council in it not being a black tarmac surface. I would also make the point, that the preference would for the scheme would be to not have street lighting as part of the development.

YORK AUCTION CENTRE, MURTON LANE, MURTON, YORK YO19 5GF

M: 07540119062

W: www.yewtreeassociates.co.uk E: mark.newby@yewtreeassociates.co.uk

YEW TREE ASSOCIATES: DIRECTOR - MARK NEWBY DIP. T. & R. P. M. R. T. P. I.
PARTNER: VALERIE NEWBY BA (HONS)



YEW TREE ASSOCIATES LIMITED REGISTERED IN ENGLAND NO: 9221926



3. To facilitate the requirement of refuse vehicles turning near or adjacent to the development, a new adoptable turning head has been designed immediately adjacent to the northern boundary. This has the added advantage of creating a facility which has been previously lacking from Chapel Lane, which surely is of considerable benefit to those nearby properties?

4. In terms of the numbers of houses on the site, we suggest that the density, scale and layout is appropriate to the context of surrounding properties. The physical footprint of the new dwellings is considerably less than the existing buildings on site, and the resulting open space within the confines of the site, with enhanced planting will be of a net benefit to the area.

We feel that the amended plans and site layout go a long way to addressing the concerns of the Parish Council.

Local Needs Policy and Affordable Housing

In respect of your request for further justification of our proposals to include an affordable housing unit in lieu of the application of the Local Needs policy we can comment as follows:-

Within the market towns and service villages all residential development triggers a requirement for the provision of affordable housing either on site (where it relates to the 5 houses or more or exceeds 0.2 hectares) or a contribution based on 9% of market value of the site. This requirement does not apply to non-service villages such as Westow in the recently adopted Local Plan Strategy because they are subject to a local needs occupancy condition which in itself would affect viability.

In this case however the application was submitted on the basis of the earlier adopted Ryedale Local Plan. As a result, it includes the provision of 1 no. two bedroomed affordable house on the site together with a commuted sum.

The Strategic Housing Market Assessment demonstrates that the Derwent Ward has a current need of need of 27 and annual need of 14 the need of which is for one beds (36%) and two beds (64%).

We have previously stated that:-

'The supporting text to Policy SP3 of the Ryedale Plan states:-

4.34 Increasing the supply of new affordable homes is a priority in Ryedale in order to address the acute affordable housing need in the District.

Securing new affordable housing through the planning system is one of the most effective ways in which this can be achieved.'

;4.40 The Council will aim to secure affordable housing provision on-site, to include a mix of social rented, affordable rent and intermediate affordable tenures that reflects the needs of local communities. The Strategic Housing Market Assessment produced in 2011 suggests'

In addition Policy SP3 follows and states:-

'SP3 Affordable Housing

Where local need exists, the Local Planning Authority will seek the provision of new affordable homes by:

- Negotiating with developers and landowners to secure a proportion of new housing development to be provided as affordable units*
- Supporting Registered Social Landlords in bringing forward wholly affordable schemes within Ryedale's towns and villages*
- Supporting in principle, the release of 'Rural Exception Sites'*

Affordable homes will also be provided in conjunction with landlords through the purchase and repair of existing dwellings, alterations and improvements to the existing affordable housing stock and through the re-use of empty homes.

Affordable Housing from Developer Contributions

The Local Planning Authority will seek the provision of:

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 0.2 ha or more'*

Policy SP2 of the Ryedale Plan as referred to above states that:-

'The sources of new housing that will contribute to the supply of new homes across the District are as follows:

Other Villages..... Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy

- Replacement dwellings*
- Sub-division of existing dwellings*
- Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy.'*

The proposal however is for 4No dwellings and therefore there is no requirement for affordable housing with the scheme. However, in the light of the requirement for the dwellings to be only sold to those persons who would comply with the Local Needs Occupancy restriction, we believe that in the light of the fact that the application was submitted well before the Ryedale Local Plan was adopted, that there is a case for an alternative response to the Local Needs Occupancy Policy and this is as follows.

In the light of the above we propose that the application is considered under Policy SP3 in terms of a percentage requirement and this would result in 35% x 4 dwellings i.e. 1.4 dwellings. We therefore propose that Plot 3, a 2 bed unit is provided as an affordable unit with the remaining 0.4 of a dwelling being provided by means of a commuted sum as part of the scheme. This is despite it not being required under the latest Ryedale Plan policies.

By way of supporting evidence for the type of unit, we have investigated the affordable housing needs with Colin Huby, the Council's Rural Housing Enabler he has confirmed that:-

'In the existing affordable stock in Westow and Yorkshire Housing has 13 x 2bed bungalows (elderly accommodation) and 5 x 3bed houses. (See below for relets on the bungalows and 1 x 3bed house). Future relets will have fewer bids as people with a local connection will now get priority.

Westow parish has approximately 160 households and comes under Derwent ward. No parish survey has been done but the SHMA shows Derwent ward having current need of 27 and annual need of 14 the need of which is for one beds (36%) and two beds (64%). A two bed affordable house (general needs) would probably be our preference due to the absence of such properties in the parish.'

'Over the past 18 months there have been 4 x 2 bed bungalows let for over 55's - 52, 40, 14 and 13 bids (the most recent being in Dec 2013).

The only family home to be let under NYHC in the past couple of years in Westow is: 3 bed house let in March 2012 - 52 bids.'

(Our emphasis)

In addition, we find support for the affordable house type provision in the North Yorkshire Strategic Market Housing Assessment which states:-

'Future Need for Affordable Housing

1.36 If North Yorkshire were to meet the needs of all households who cannot afford to buy or privately rent a home on the open market¹⁴ it would have to deliver 2,808 affordable dwellings (excluding Selby) each year over the next 5 years. This is shown in the table below.

Figure 10: Net Annual Affordable Housing Need (Next 5 Years) – North Yorkshire

Net Annual Affordable Housing Need – North Yorkshire & Local Authorities

Craven	Hambleton	Harrogate	Richmondshire	Ryedale	Scarborough	City of York	Nth Yorkshire	Total
218	320	507	260	256	457	790	2,808	2,808

Source: North Yorkshire SHMA, 2011

1.37 In particular, there is currently a shortfall in smaller 1 and 2 bedroom and larger 4 or more bedroom affordable properties across North Yorkshire. The shortage of these property types is making it harder for the authorities of North Yorkshire to meet the housing needs of households who cannot afford to buy or privately rent a home on the open market.'

(Our emphasis)

The applicants are currently in negotiation with Broadacres Housing to find a suitable tenant to occupy the affordable housing unit proposed.

We submit therefore that this proposal is an equitable solution to the current issue of the application of the new Local Needs Occupancy in the Ryedale Plan in the light of the delay in determining the application and would provide an additional affordable housing dwelling in the village of Westow to meet local needs which would ordinarily not be required under current planning policy.

In light of the above and on balance, we therefore submit that the proposal should be considered acceptable under Policy SP3 of The Ryedale Plan – Local Plan Strategy.

We find further support by turning to Government guidance on the issue of housing supply and rural housing and we note that Paragraph 49 of the 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.'

In addition paragraph 001 of the NPPG states:-

'A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.'

'Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'

(Our emphasis)

The Council currently accept that they cannot meet the 5 year supply requirement and government guidance advises that all settlements can play a role in providing rural housing, as such we would submit that the NPPF and NPPG provide further support for the application to be approved.

We conclude therefore that in the light of the amendments made to the scheme to address the Parish Council comments and the guidance contained in NPPF and NPPG that there are now no other planning reasons that would warrant a reason for refusal of the scheme.

Yours Sincerely,

S.M. Newby. Dip T&RP MRTPI
Chartered Town Planner
Director.

RSS

ASJ

Glenys Yates

From: Pc Westow [westowpc@ymail.com]
Sent: 01 September 2013 20:46
To: Development Management
Subject: Planning Application 13/00885/FUL

Please find, below, the comments from Westow PC regarding the planning application from the Mount Farm Partnership, ref no: 13/00885/FUL.

Thank you.

Ryedale Planning Dept. Planning Permission ref. No: 13/00885/FUL

The Parish Council objects to this development

In the first instance we must say that the new plans for the stack yard development are an improvement on the originals from the beginning of the year.

There are a number of areas which are still causing some concern to us;

Access

The building features

The height of the terraced houses

The existing stone wall

RYEDALE DM

- 2 SEP 2013

DEVELOPMENT 2/g
MANAGEMENT

Access

It appears that access has not been addressed. We are still looking at eight vehicles, or ten – it is not clear on the plans whether access is available to the existing farm house from the stack yard,

The roads to Chapel Lane are already heavily used and more vehicles, residential and commercial, will cause further problems. The Lane itself is a road used as a footpath by local residents of all ages and too much increase in traffic could be dangerous. (c/f notes from 11/2/2013)

The reference to cars being parked in the front of houses – rather like town houses - appears to have been ignored and the new plans show exactly this feature again. Reducing the number of properties by one could alleviate this problem and would also help towards reducing the number of vehicles.

The building features

Tarmac drives and the type of hard standing are not appropriate – Yorkshire Water made a comment regarding this in their objection and statement of requirements from the original plans in January.

The height of the terraced houses

This has been improved, but we do wonder if the line of the terraced houses could be made a little more village friendly by the use of dormer windows and therefore reduce the height of the ridge a little further and give a better eye line from the cottages nearby.

The existing stone wall

No mention of this has been made and we are concerned that this feature is retained and repaired.

In the Planning Policy booklet, point 4.4 it is states that:

“..it should be remembered that this was previously a working farm-yard and as such required regular access by larger agricultural machinery. A parking provision of 2 no. spaces per dwelling has been allowed for in the proposals.”

This gives the impression that it is acceptable to have this number of vehicles and appears to be a ‘fair swap’. It is a long time since the mentioned ‘larger agricultural machinery’ was present in the stack yard and it was not in the numbers that will be present in this proposal; the volume of traffic in the village has grown considerably in the intervening time.

SJS

RYEDALE DIV

*M 23/6
23 JUN 2014*

*No objection
Comments made.*

Colin Douthwaite

From: Pc Westow [westowpc@ymail.com]
Sent: 20 June 2014 10:27
To: Development Management
Subject: Planning 13/00885/FUL

Please find below comments from Westow Parish Council regarding the referenced planning application.

Application No: 13/00885/FUL

Comments on the revised plan for Mount Farm Westow from the Parish Council

The Parish does not object to the development of Mount Farm stack yard; however we must point out that there are issues which need to be dealt with sympathetically if the development is to go ahead.

The property at the northern end of the plan is acceptable.

The terrace of three properties does, however, cause us some concern.

Having 3 properties here has a knock on effect with increased traffic (potentially 8 vehicles) using roads in the village which were never designed to take the volume of traffic they do now, let alone more. A reduction from 3 to 2 properties would help to alleviate congestion in the Orchards.

We would like to see the overall height reduced as we feel they are still too high.

The parking of vehicles in front of the cottages is not acceptable, if the number of cottages were to go to 2 instead of 3 it would be possible to park vehicles at the side of the properties.

The orientation of the properties could be altered to face north, thus having a south facing rear garden.

The line of the properties, if re-orientated, could take their position from the cottages to the west (Stone Croft and Low Beams).

If, in the future, there is any development of the outbuildings and farm house of Mount Farm the access for any vehicle can only be made from main street. If the development of these areas takes place and there are two properties (the barns and outbuildings and the farm house itself) as in the original plans then the lack of access for a vehicle for the farmhouse will mean any vehicle(s) will have to be parked on Main Street. We are already crowded with vehicles in the village, and this is not acceptable.

The use of tarmac is not one we can support. The water authority has already said this. There are a number of alternative materials which could be used which are more environmentally friendly and visually

more attractive. We do not recommend the use of limestone chippings, they degrade too quickly and turn to a paste when wet.

The computer generated pictures show a wall dividing the developed area from the rest of the village. Why build another wall when there is one there already. The existing wall could be repaired and planting could take place by the side of it to soften the environment. We appreciate that this sort of thing needs some maintenance but careful selection could minimise this.

The turning head which the Highways department requested has, it would appear, be placed with little thought for the environment around it. As it is, a hedge will have to be removed; if the turning head were to be moved so that it was adjacent to the northern line of the development there is already a space there, this would be a far better solution.

There is, we feel, room for some more sensitivity in this development, both for the environment and for the conservation area it is in. We repeat that we are not against the use of this area for residential development, but there are issues which we need to take into account over and above the stack yard area.

Regards

Westow Parish Council

Item Number: 15
Application No: 14/00896/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Rainbow Equine Hospital
Proposal: Erection of a steel framed building to incorporate 30no. stables for use in association with The Rainbow Equine Hospital to include demolition of existing former dog kennels and new vehicular access point.
Location: Rainbow Cottage Westgate Lane Old Malton Malton North Yorkshire YO17 6SG

Registration Date:
8/13 Wk Expiry Date: 5 December 2014
Overall Expiry Date: 28 November 2014
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	No objection
Environmental Health Officer	Verbally advised no objection
Sustainable Places Team (Yorkshire Area)	No views received to date
Public Rights Of Way	Recommends informative

Neighbour responses: R And A Shipley,

SITE:

The site comprises a detached house and former kennels, and is located in an area of open countryside to the north of Malton. It can be accessed via an unadopted lane from both Rainbow Lane, and Westgate in Old Malton. Access from both directions is single width. It is noted however that the directions for the existing equine hospital which is situated on the adjacent site are via Westgate in Old Malton.

Rainbow Equine Hospital is situated to the west, with the A64 trunk road forming the northern boundary.

It is noted that in August this year, Members resolved to grant planning permission for approximately 50 dwellings on land to the immediate south west of the existing equine hospital which will result in improvements to the access from Rainbow Lane. The application is subject to a Section 106 Agreement.

PROPOSAL:

The adjacent equine hospital has recently purchased the site, and permission is sought for the demolition of the kennels, and the erection of a steel framed building to accommodate 30 stables for use in connection with the equine hospital. The building will be located to the north eastern boundary of the site which is screened from the lane by mature planting. The building will have a footprint of 18m by 39m. The eaves height is 4.4m and the ridge height 6m. It will be constructed from concrete panel to a height of 2.4m with cladding above. Permission is also sought for a new access at the south eastern corner of the site.

HISTORY:

There is no recent planning history for the kennels which were approved in 1979. The following history relates to the adjacent equine hospital.

86/00020/OLD - Erection of four loose boxes and conversion of farm building into veterinary store and office - Application Permitted

94/00018/OLD - Erection of extension to veterinary practice buildings - Application Permitted

03/01286/FUL - Erection of two bedroom dwelling for use in connection with the equine business

09/00823/FUL - Erection of 1 bedroom annexe

10/01410/FUL - Erection of a steel framed building to provide extra stabling facilities - Application Permitted

11/00878/FUL - Permission granted for the erection of 3 stables

POLICY:

Ryedale Plan - Local Plan Strategy (Ryedale Plan)

Policy SP6 - Delivery and Distributing of Employment Land and Premises

Policy SP9 - The Land Based and Rural Economy

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

APPRAISAL:

The main issues in the consideration of the application are:

- The principle of the business in this location.
- Appropriateness of design
- The impact of the development on the character of the open countryside
- Access considerations
- Environmental considerations
- Neighbour impact

Principle of use

The veterinary practice occupied the adjacent site since 1986, and has continued to grow since that time. The principle of the use in this location has therefore been accepted. The applicant has advised that the business is a tier 3 accredited equine hospital, and one of only 17 RCVS accredited equine hospitals in the county. The application site itself has also been occupied by buildings since 1979. It is also accepted that because the hospital specialises in large animals, a town centre location would not be appropriate.

The business employs 31 members of staff, and as such is of significant benefit to the rural economy. It is also considered that whilst situated in the countryside, the site is in walking and cycling distance of both Malton and Old Malton, which will enable sustainable access for staff at the practice. Accordingly, it is considered that the principle of the business in this location is acceptable.

Appropriateness of the Design, and impact on character of open countryside

Policy SP16 of the Ryedale Plan states that development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

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

The proposed building is of modern construction and proportions, including a shallow pitched roof. Nevertheless the site is relatively well screened by existing mature planting, and the ridge height of the building is relatively low. From more distant views it would have the appearance of a farm house with associated farm buildings. As such it will not be dissimilar to other small farm steads in the wider area. The applicant has proposed the use of green walls under a mushroom grey roof. It is recommended however that the roof colour is changed to dark grey, which would be less obtrusive through most of the year.

As stated the site is reasonably well screened from most locations, however it is recommended that should permission be granted, it be subject to a condition requiring the planting of further native species to re-enforce some areas of the hedge that are less substantial. This includes in particular part of the frontage to the site, and the northern boundary where views are glimpsed from the A64 trunk road. The proposed access will create an opening on the corner of the site; however this will only give glimpsed views into the site.

The development of this site has been established since 1979, and accordingly, the development will not have a significant adverse impact on the character of the area.

Access to the site

The site can be accessed via Rainbow Lane, which is a single track unadopted road, or via Westgate in Old Malton, and again onto an unadopted road. There is concern that the Rainbow Lane approach is regularly used by adults and children walking, and the visibility is very poor. The website for the adjacent Equine Hospital, directs customers via Westgate in Old Malton. It is considered that this access is preferable. It is noted that a letter of objection has been received from a resident of Westgate who considers that there has been a significant increase in horse boxes and associated traffic since the Equine Centre's last expansion. They further state that in the light of the recent planning approval for residential development of the former Highways Depot and Coronation Farm site, the residents and general public would be in great danger due to the size and number of horse boxes involved.

It is clear that the site has grown significantly in recent years, and the addition of a further 30 stables is likely to result in more vehicular traffic. The capacity of the road network is therefore a significant material consideration. The previous use of the site as a kennels, however, would also generate vehicular movements if it was brought back into full use, and indeed the former highways depot would have resulted in additional traffic from larger vehicles. Farm traffic also uses this access to the open countryside. It is acknowledged however that the access is through a residential area, and horse boxes are significantly larger than most traffic that passes through such areas.

The applicant has also provided additional information regarding the operation of the equine hospital:-

'The building of further stabling capacity is expressly designed to try and decrease the numbers of horses that are having to come back and forth to and from the hospital base for repeat diagnostics and treatments as we have no room left for them with our current stabling capacity. As such, would like to clarify that far from increasing traffic; a new stabling facility would help to reduce the volume of horse related traffic moving to and from the premises as it would enable horses to remain on site until diagnostics and treatments had been completed.

The hospital is a fully functional equine hospital unrivalled in the north-east of England. As such, we currently employ 31 members of staff all of whom will drive to work. This presents a 20% increase in staffing numbers in the past 6 years. This will account for an increase in numbers of vehicles passing through Westgate over the past six years.

As a fully equipped referral equine veterinary hospital, we only accept horses that are referred to pre-arranged appointments between the hours of 8am to 6pm. We must accommodate for emergency treatment of horses 24 hours a day 7 days a week, however, the building of the new barn will not increase the numbers of horses arriving for emergency treatment, as it is being used for a different purpose. Our current facilities are used to accommodate the emergency referrals and the proposed new barn is not intended to be used for expansion of this service which is sufficiently met with our current capacity'.

The Highways Authority has not objected to the proposed development, and advises that the public highway element of Westgate Lane is considered acceptable for the proposed use. The views of the Public Rights of Way Officer has also been consulted, but has not objected subject to the inclusion of an informative advising that no works be undertaken which create an obstruction to the Public Right of Way.

Neighbour Impact

There are no near residential properties to the site itself. It is therefore considered that the neighbour amenity impact relates to the access to the site. The Council's Environmental Health Officer has advised that any approval should be conditioned to restrict the burning of stable waste, together with details of waste disposal.

Conclusion

It is considered that the principle of the development accords with policy, and the recommendation is therefore 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 Notwithstanding the submitted details, the roof of the building hereby approved shall be dark grey, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

3 There shall be no burning of stable waste.

Reason:- In the interests of the amenity of neighbouring properties, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

4 Unless otherwise agreed in writing by the Local Planning Authority and 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 character of the area, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Unless otherwise agreed in writing by the Local Planning Authority, a Transport Plan shall be submitted to and agreed in writing by the Local Planning Authority which restricts vehicular access to the site, to Westgate Lane only.

Reason:- In the interests of highway and pedestrian safety, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 The development hereby approved shall be operated in accordance with the Rainbow Equine Hospital and shall not be sold or let off separately.

Reason:- It is considered that the independent use of the site could give rise to greater vehicular movements, to the detriment of pedestrians safety and neighbouring amenity, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Any conditions at the request of the Environment Agency

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

Revised site plan, scale 1:2500;
Drawing No. 14-1043-2 - Layout;
Drawing No. 14-1043-2 - Elevations; and
Drawing No. 14-1043-3 - Block Plan

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

INFORMATIVE:

- 1 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

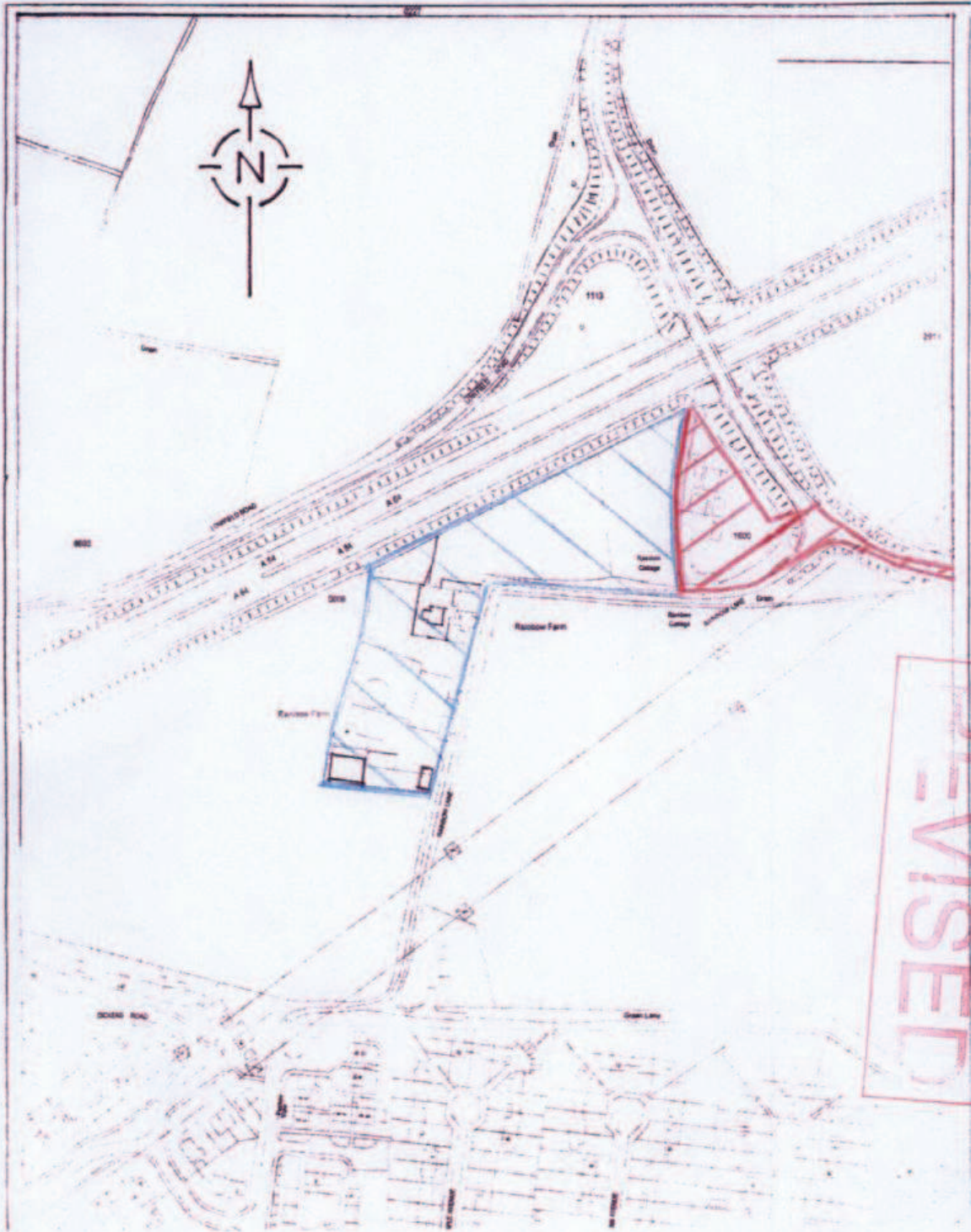
Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

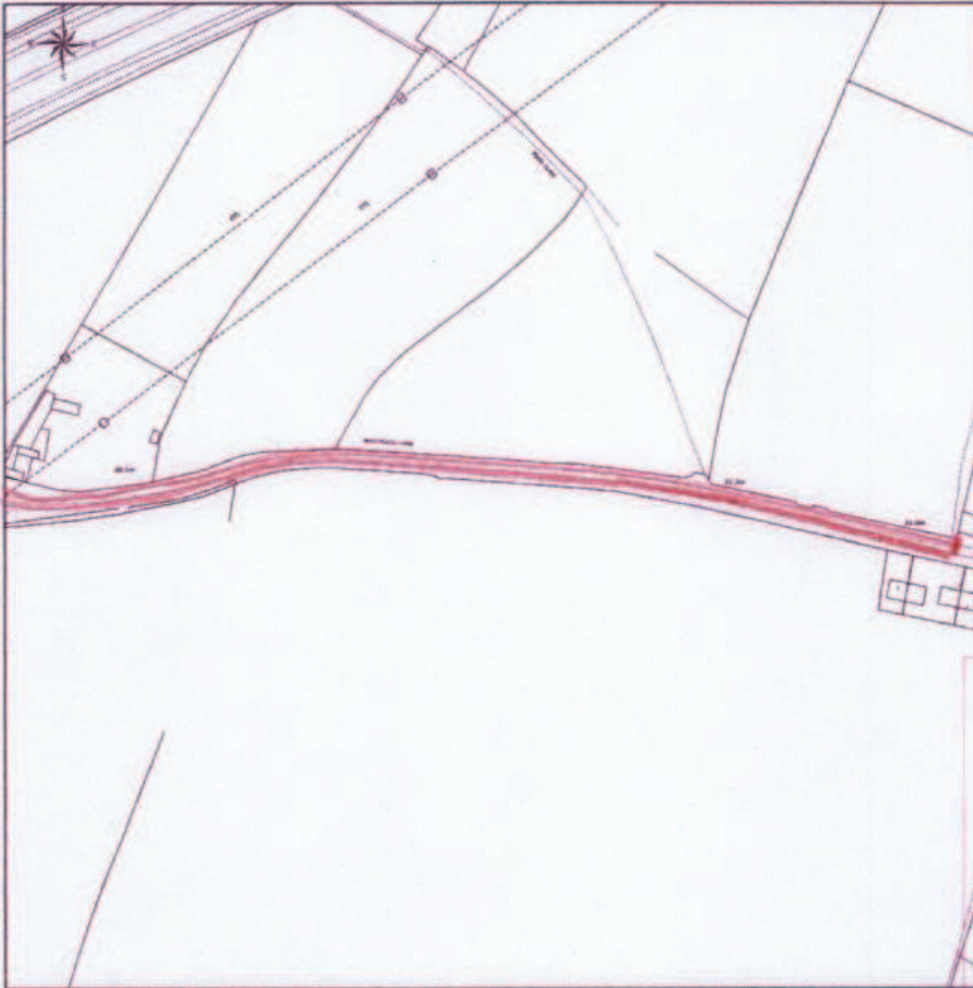
Responses from consultees and interested parties



DEVISED

Rainbow Cottage, Old Malton.
Scale:- 1:2500.

Site Plan #710186



This Plan includes the following Licensed Data: OS MasterMap Black and White PDF Site Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2014 Ordnance Survey 0100031673

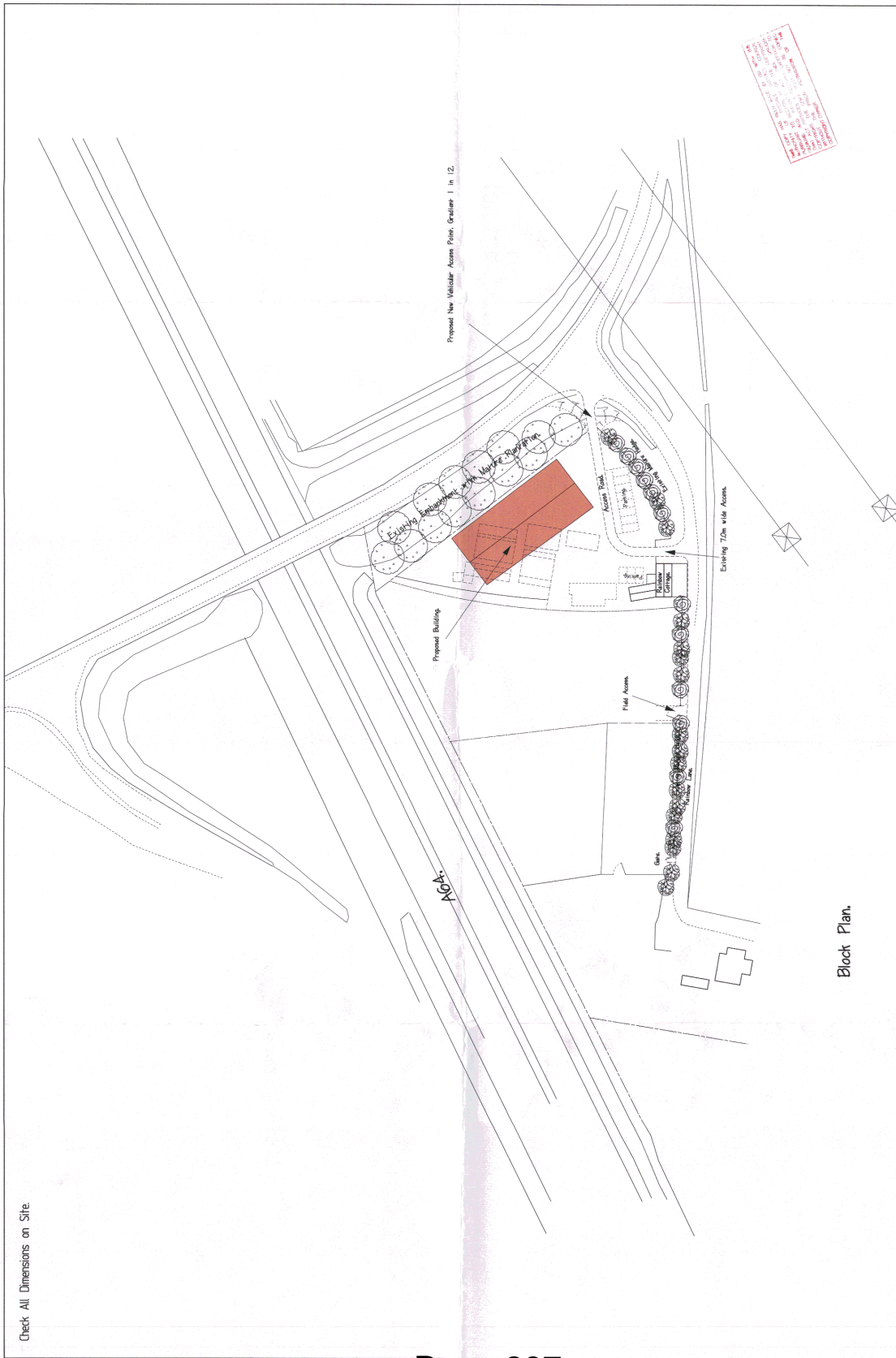
0m 25m 50m 75m 100m 125m 150m 175m 200m

Scale: 1:2500, paper size: A4

DEVISED

plans ahead by emapsite™

Prepared by: Mike Punched, 09-10-2014



Check All Dimensions on Site

Block Plan.

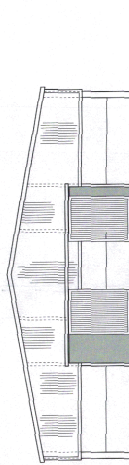
MIKE PUNCHARD
PLAN DRAWING SERVICE
 9 THE AVENUE, NORTON, MALTON,
 NORTH YORKSHIRE

TITLE :- Proposed Stable Block. **AT :-** Rainbow Cottage, Rainbow Lane, Old Malton. **FOR :-** Rainbow Equine Clinic.

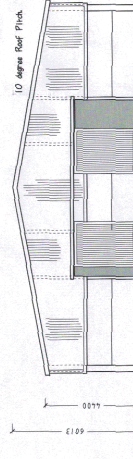
Check All Dimensions on Site.



Proposed South West Elevation.

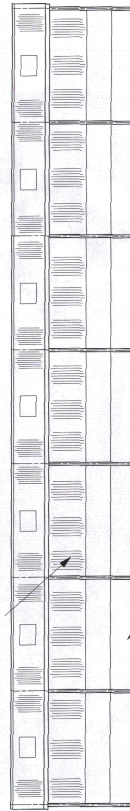


Proposed North West Elevation.



Proposed South East Elevation.

Profiled Steel Sheeting (Larger Green or as agreed).

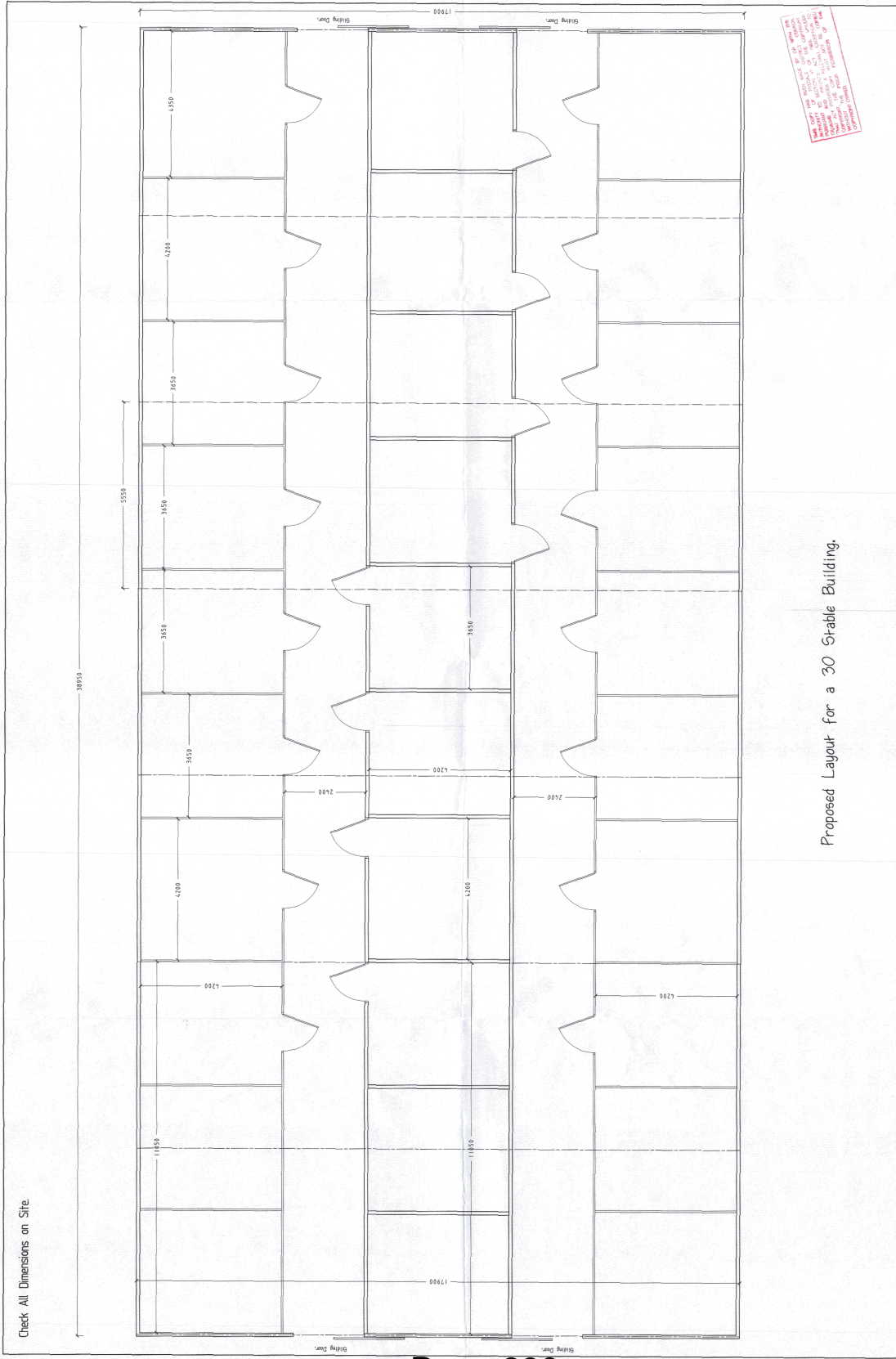


Proposed North East Elevation.



MIKE PUNCHARD
PLAN DRAWING SERVICE
9 THE AVENUE, NORFOLK, MALTON,
N. YORKS. YO17 9EP

TITLE:- Proposed Stable Block. **AT:-** Rainbow Cottage, Rainbow Lane, Old Malton. **FOR:-** Rainbow Equine Clinic.



Check All Dimensions on Site.

Proposed Layout for a 30 Stable Building.

MIKE PUNCHARD
PLAN DRAWING SERVICE
 9 THE AVENUE, SUTTON, MALTON,
 N. YORKS. YO17 7BP

TITLE:- Proposed Stable Block. **AT:-** Rainbow Cottage, Rainbow Lane, Old Malton. **FOR:-** Rainbow Equine Clinic.

MIKE PUNCHARD Assoc R.I.C.S.
Plan Drawing Service

9 The Avenue
Norton
Malton
North Yorkshire
YO17 9EF

Telephone 01653 694276

Email; mikepunch2@btinternet.com

14 August 2014

Development Management
Ryedale District Council
Ryedale House
Malton

Dear Sir/Madam

Re:- Design & Access Statement in respect of the proposed Erection of a Steel Framed Building to form additional Stabling for The Rainbow Equine Hospital at Rainbow Cottage, Rainbow Lane, Old Malton.

The Rainbow Equine Hospital seek Planning approval for the erection of a Steel Framed Building (measuring approximately 39.0 x 18.0 metres) to provide additional facilities for the practice.

The practice is a Tier 3 Accredited Equine Hospital and one of only about 17 RCVS accredited Equine Hospitals in the country and possibly the only one in the North of England. The Hospital offers the best in Veterinary care for owners, trainers and breeders of horses and is at the forefront of equine veterinary medicine in both knowledge and equipment for surgical and diagnostic facilities.

Since gaining Hospital status some four to five years ago, the team of staff has more than doubled due mainly to the intensive care facilities that the practice provide and the number of vets has increased over the years from 3 to 13.

The practice have therefore looked at options available to expand the business to meet the increased demands and have been fortunate enough to be able to extend their facilities by purchasing Rainbow Cottage which abutted their complex and which is in sight and sound of their main centre. The existing Dwelling is also ideal accommodation for on call vets.

The proposal is to tidy up the site by removing the cluster of concrete Block and fibre cement sheeted buildings (former dog kennels) and then erect a steel framed building to form space for up to thirty stables. The building will be set up against the North East boundary of the site where it will be seen against a substantial and mature copse of trees which cover an embankment approach to a bridge over the A64. Mature hedges and trees will also screen views of the building from the A64 and Rainbow Lane.

There is adequate land available for roof water drainage to be discharged to soakaways or direct to the adjacent land drains and ditches.

As is the case with the existing stables, any manure and used bedding will be removed from the site by a local farmer on a weekly basis.

The building will allow the practice to meet the increasing demand they are experiencing.

The applicants also propose to improve access for horse boxes by forming an additional vehicular access point from the unclassified Rainbow Lane.

The Ryedale Plan (Para 5.34) acknowledges that Land-based economic activity is integral to the Districts economy, culture heritage and identity, farming, forestry and the equine industry, in particular horse racing, have all been longstanding and traditional components of economic activity. The Rainbow Equine Hospital obviously provides a vital service to the equine establishments in Ryedale and further a field and literally keeps them in good health.

The National Planning Policy Framework promotes supporting a prosperous rural economy and supporting the sustainable growth and expansion of all types of business and enterprise in rural areas.

It is considered that the proposed location for the building will make it easily accessible from Rainbow Lane and will limit its impact on the visual amenities of the area.

Yours faithfully

Mike Punchard

Agenda Item 16

Item Number: 16
Application No: 14/01077/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Mr Carl And Mrs Elaine Wood
Proposal: Erection of single storey linking extension, conversion of outbuilding to office/study and change of use and alteration of detached outbuilding to a two bedroom holiday cottage with 2 no. parking spaces (part retrospective application)
Location: 44 Potter Hill Pickering North Yorkshire YO18 8AD

Registration Date:
8/13 Wk Expiry Date: 27 November 2014
Overall Expiry Date: 12 November 2014
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	No objection to proposal - concerns regarding increased vehicular movement
Building Conservation Officer	No objection
Highways North Yorkshire	No objection - subject to conditions
Land Use Planning	No comments required from Yorkshire Water
Neighbour responses:	Patricia Dring,

SITE:

44 Potter Hill is a grade II listed building situated on the northern side of Potter Hill, which lies within Pickering Conservation Area.. There are a number of outbuildings to the rear of the property. There is an existing access to the side of the dwelling from Potter Hill, together with an access to the rear from Lambs Lane to the north. The area is predominantly residential, with dwellings closely abutting the curtilage of the site on the western boundary. It is also noted that the application site 'wraps around' the small rear yard of the adjacent dwelling at 45 potter Hill

PROPOSAL:

Permission is sought for;

- (i) The erection of a single storey extension to form a garden room between the existing dwelling and the adjacent outbuilding. It will be constructed from stone under a pantiled roof. The boundary with the yard of 45 Potter Hill will be formed by extending the height of the existing stone wall by approximately 600mm where it abuts the outbuilding and 1.4m adjacent to the main house. Timber bi- fold doors will be inserted in the northern elevation.
- (ii) Conversion of existing outbuilding to form an office/store together with the insertion of a roof light on the northern and southern roofslopes.
- (iii) Conversion of outbuilding to form a two bedroom holiday cottage.

HISTORY:

10/1321/FUL - July 4th 2011 permission granted for the erection of a single storey extension together with conversion of outbuildings to office/study, and two bedroom holiday cottage.

10/1322/LBC – March 2011. Listed building consent granted for internal and external works to dwelling together with conversion of outbuildings as detailed above.

POLICY:

Planning (Listed Buildings and Conservation Areas) Act 1990
Development Plan

Policy SP 12 Ryedale Plan – Local Plan Strategy
Policy SP16 Ryedale Plan – Local Plan Strategy
Policy SP14 Ryedale Plan – Local Plan Strategy
Policy SP20 Ryedale Plan - Local Plan Strategy

APPRAISAL:

Members will note from the history section of this report that permission was granted for much of the proposed development in 2011. That application has expired, and the application has been re submitted to include an amendment to the fenestration on the proposed garden room. The proposed plans also include further detail of the proposed southern elevation of the outbuilding that will form an office/study. This includes a velux window on the southern elevation which was not included in the previously approved application.

It is considered that the principle of the development has been accepted. However the Ryedale Plan – Local Plan strategy has been adopted since the previous application was approved. It is therefore necessary to consider the application in relation to the current development plan, together with an assessment of any amendments to the application. The application has been brought before members because of an objection from a neighbouring owner, and also because of concerns regarding the access which have been raised by the Town Council.

The material considerations are therefore:

- Impact of development on the character of the listed building and Pickering conservation Area.
- Is the design of the proposed development acceptable? And does it reflect local distinctiveness.
- Impact of development on the existing amenities of neighbouring occupiers
- Ecological considerations
- Access considerations

Impact of development on character of listed building, and on Pickering conservation Area

During consideration of the previous applications, the Councils Conservation Officer advised that the proposed extension was appropriate in terms of scale, proportion design and location.

It was not considered that the development would result in the loss of significant historic fabric or harm the character of the listed building. Accordingly, in view of the broad compliance with policy, permission was granted for both planning and listed building consent. In relation to the current application, the Conservation officer has advised that in her opinion the amendments to the previously approved scheme are minor, and that they preserve the special interest of the listed building. In relation to the conservation area, the design of the extension, and alteration of the outbuildings is considered to be appropriate, and it will preserve the character of the conservation area. Accordingly the development complies with the duty imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appropriateness of design

It is considered that the proposed development has been designed in a manner which respects the character of the existing outbuildings. Indeed the repair and re-use of the buildings is welcomed to preserve their long term retention. The garden room forms a link between the existing dwelling and one of the outbuildings. The proposed bi-fold doors will be constructed from timber, and it is considered that their design is in keeping with the character of the principal listed building. The roof lights to either side of the roof slope to the proposed office/store are traditional in design and scale and will not have a significant adverse impact on the character of the building.

Impact of development on the existing amenities of neighbouring occupiers

There are a number of dwellings in very close proximity to the southern and western boundaries of the application site. During consideration of the previous application however, it was considered that the development was appropriate, and that it would not result in a significant adverse impact on their existing amenities. The rear wall to the holiday cottage is blank, and any comings and goings associated with it would be away from the boundary with neighbouring occupiers. It was also considered that the change of use of the outbuilding to form a domestic office/study together with the link extension would not have a significant adverse impact on the existing amenity of neighbouring occupiers. A letter has however been received in relation to the current application from the owner of 45 Potter Hill. Her concerns relate to:

- the inclusion of a rooflight on the roof slope of the outbuilding which forms the northern boundary of her property. She expresses concern that if a second floor is inserted in the building, it would enable people to overlook her property
- clarification is requested in relation to materials for the construction of the rear wall of the garden room and details of drainage.

In relation to the rooflight, it is noted that this is positioned approximately 2.8m above the internal floor level of the building. In view of this it will not be possible to look out of the window onto the neighbouring property. The concerns of the neighbouring in relation to the insertion of a floor have however been taken into account. Whilst it is unlikely that there is sufficient head height to create a second floor, it is considered that any approval should be conditioned to prevent a floor being inserted without the submission of a formal application. Given the close relationship between the dwellings in this part of Potter Hill, it is not considered that opening the rooflight will give rise to such additional noise that would warrant refusing the application. It is also considered that the increase in the height of the boundary wall which forms the rear wall of the garden room will reduce some noise transfer between the dwellings.

Additional plans have been received to provide clarification in relation to the neighbouring occupiers concerns regarding the construction of the boundary wall, and method of surface water drainage. The existing stone wall will be increased in height by approximately 1.4m diminishing to 600mm, and will be constructed in matching stone. A rainwater gutter will be erected on the rear of the garden room on the neighbouring occupiers side of the building, which will run to a box gutter on the applicants own land. The applicant has signed certificate A to state that they are the owners of all the land in the application site. In relation to the gutter, whilst it overhangs the rear of the garden room, the applicant has advised that the existing wall is set slightly off the boundary and therefore the gutter will still be within his land ownership.

Accordingly, subject to the implication of the condition referred to above, it is not considered that the development will have a significant adverse impact on the existing amenities of neighbouring occupiers.

Ecological considerations.

Local Planning authorities have a legal duty under the Habitats Regulations in respect of protected species. They must address the following three tests when deciding whether to grant planning permission;

- the activity must be for imperative reasons of overriding public interest
- there must be no satisfactory alternative and;
- favourable conservation status of the species must be maintained

In this case the buildings are curtilage listed and therefore the repair and re-use of the buildings is in the public interest. Given this, there is no satisfactory alternative to the proposed development. Furthermore, the change of use to holiday accommodation is beneficial to the local economy.

The previous application included an emergence survey in relation to bats. The survey found no evidence of bat habitation at that time. Since then, work commenced on re-roofing the buildings to make them watertight. The applicant has verbally confirmed that this was carried out in accordance with the recommended mitigation contained within the survey. In view of this, the Council's Countryside officer has advised that no further survey work is required. However it is recommended that an informative be applied to any permission advising the applicant of their duties in regard to protected species.

Access.

In terms of access, it is noted that the Town Council and two neighbours expressed concern regarding the access to the previous application. Nevertheless, it was accepted that there was sufficient room within the site to accommodate five vehicles. Furthermore, the Highway Authority did not object to the application. The Town Council has not objected to the current application. However they have expressed concern that the creation of the holiday cottage would increase vehicular movement between the road and the site. This is of concern because the access runs along a narrow diagonal slope and across a footpath used by children walking to school. The situation has not changed since the previous application was approved. Indeed the Highways Authority has advised that because the proposal involves an existing building, and utilises an existing access onto the public highway they have no objection to the application subject to a condition which is listed as condition 4 on this report.

Conclusion

It is considered that the principle of the development has already been accepted. The current application has been considered in the light of the policies in the Ryedale Plan – Local Plan Strategy, and the responses to consultation on the application.

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 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 that the development hereby approved does not harm the character of the listed building or Conservation Area, and to satisfy the requirements of Policies SP12 and SP20 of the Ryedale Plan - Local Plan Strategy.

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

(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 that the development hereby approved does not harm the character of the listed building or Conservation Area, and to satisfy the requirements of Policies SP12 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:

(i) have been constructed in accordance with the submitted drawing (Reference 1:500 block plan)

Once created, these 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 Plan - Local Plan Strategy and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 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 SP12 of the Ryedale Plan - Local Plan Strategy.

- 6 The holiday accommodation hereby approved will be subject to the following conditions:-
- The accommodation shall be occupied for holiday purposes only; and not as a person's sole, or main place of residence; and
 - It shall be available for commercial holiday lets for at least 40 days a year and no let must exceed 31 days; and
 - The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason:- It is not considered that the building is suitable for independent residential occupancy due to its relationship with 44 Potter Hill and to satisfy the requirements of Policy SP21 of the Ryedale Plan - Local Plan Strategy.

- 7 The holiday cottage hereby approved shall remain in the same ownership as that of 44 Potter Hill, and shall not be sold or let off separately.

Reason:- In the interests of neighbouring amenity and highway safety, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

Reason:- To safeguard the privacy and amenity of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 The office/study shall remain as a single storey building at all times, and no mezzanine or additional floor shall be created within it.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

Site block plan 1:500
Site location plan scale 1:1250
Proposed west elevation 1:50
Proposed north elevation 1:50
Outbuildings-east elevation 1:50
Outbuildings-ground floor plan 1:50
Outbuildings-first floor plan 1:50
Proposed extension conversion
And alterations – south elevation 1:50
Ground floor plan 1:50

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

INFORMATIVES:

- 1 The applicant is advised to ensure that all vehicles associated with the property enter and leave in a forward gear, and in addition, do not park on the grass verge to the front of the site.
- 2 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as Amended) and applied to whoever carried out the work.
Contact details: Natural England, 4th Floor, Foss House, Kings Pool, 1 - 2 Peasholme Green, York, YO1 7PX Tel: 0300 060 1911
- 3 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).

Background Papers:

Adopted Ryedale Local Plan 2002

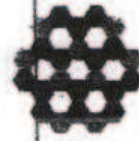
Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

Land Registry Official copy of title plan

Title number NYK375803
Ordnance Survey map reference SE7984SW
Scale 1:1250 enlarged from 1:2500
Administrative area North Yorkshire: Ryedale



© Crown Copyright. Produced by Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.



This official copy issued on 10 February 2010 shows the state of this title plan on 10 February 2010 at 12:21:15. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).
 This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.
 This title is dealt with by Land Registry, Durham Office.

SITE BLOCK PLAN

44 POTTER HILL, PICKERING

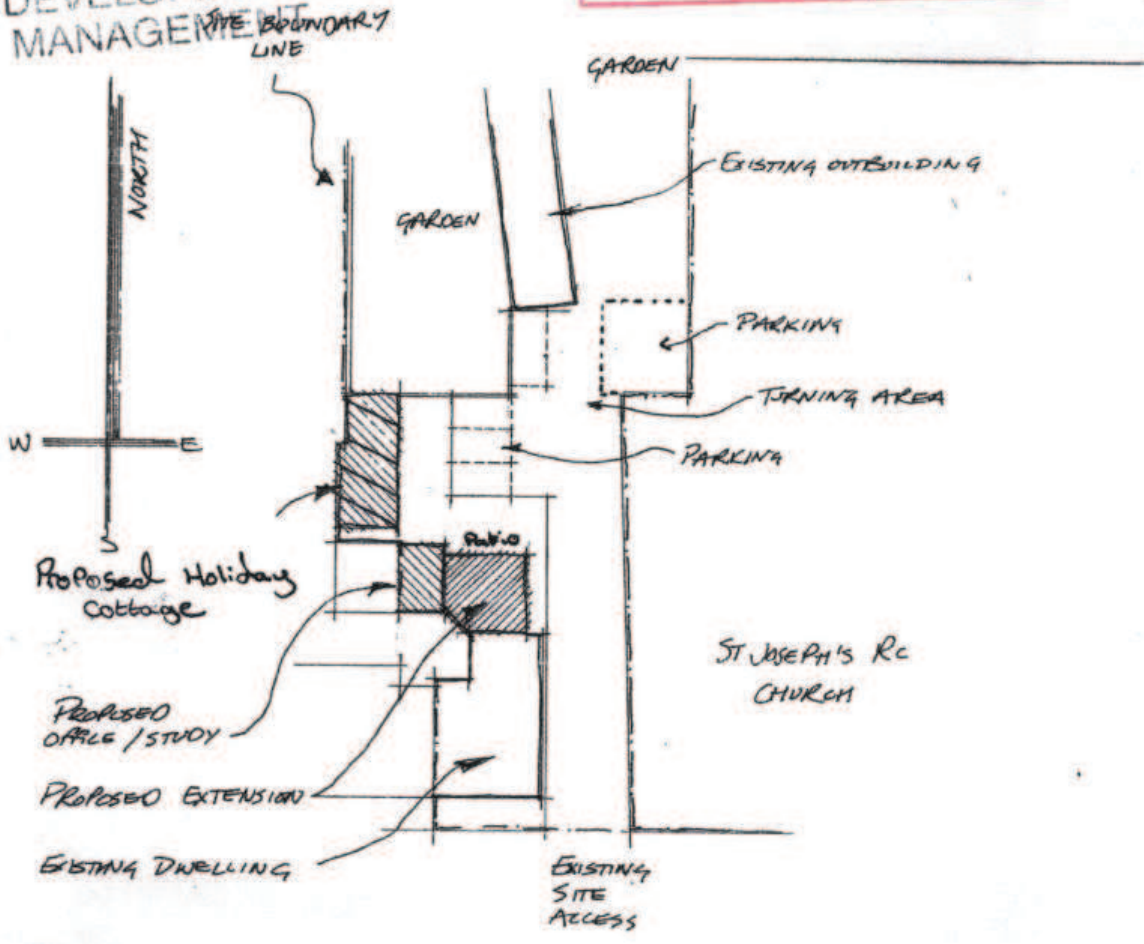
RYEDALEDM SCALE 1:500

-2 OCT 2014

DEVELOPMENT
MANAGEMENT

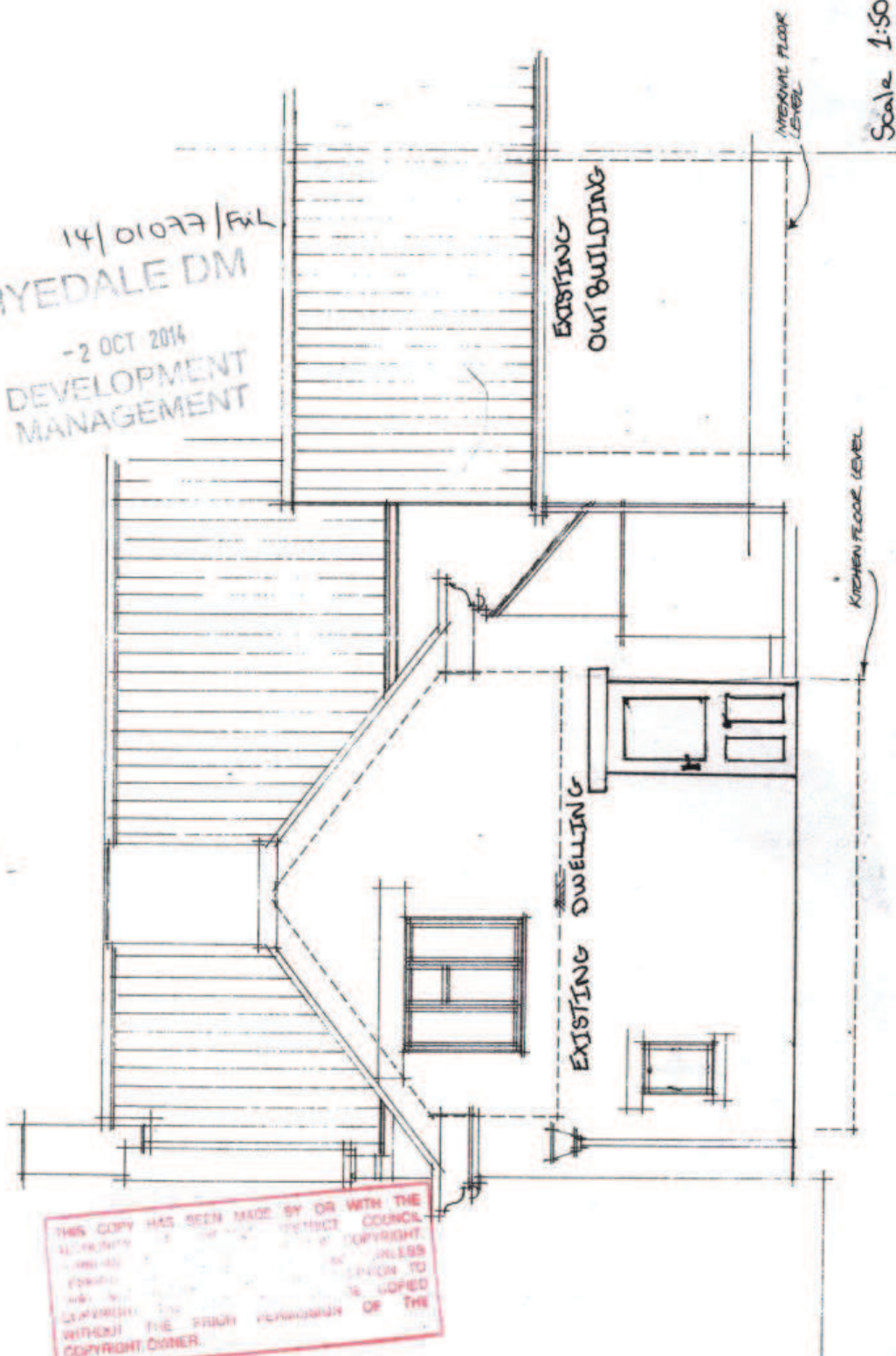
14/01077/R

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF SHEFFIELD DISTRICT COUNCIL PURSUANT TO SECTION 44 OF THE COPYRIGHT, DESIGN AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES A WELLWARRANT EXCEPT TO COPYRIGHT, THIS COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



EXISTING DWELLING & OUTBUILDING
NORTH ELEVATION

14/01077/FUL
RYEDALE DM
-2 OCT 2014
DEVELOPMENT
MANAGEMENT

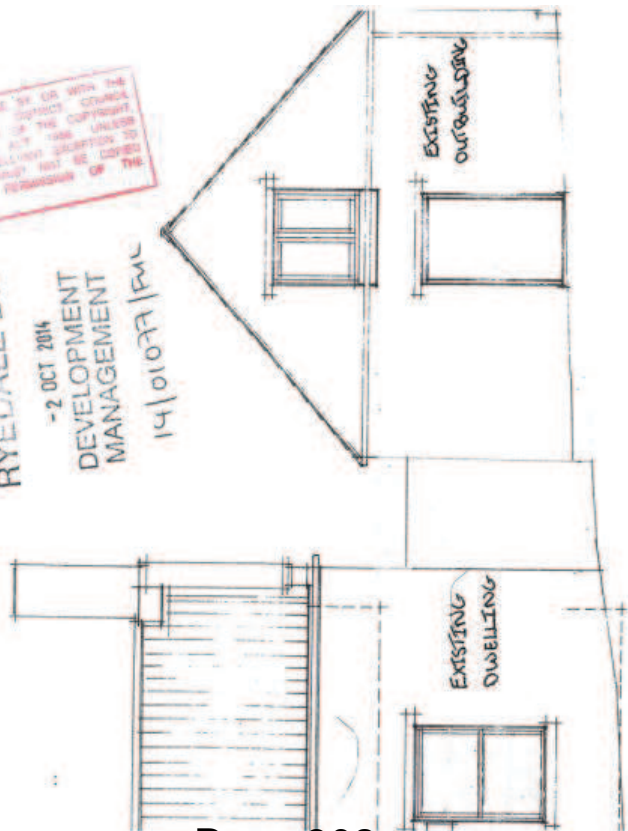


THIS COPY HAS BEEN MADE BY OR WITH THE
ASSISTANCE OF THE ARCHITECTURAL COUNCIL
OF GREAT BRITAIN AND IRELAND. ALL RIGHTS RESERVED.
NO PART OF THIS DRAWING IS TO BE REPRODUCED OR
TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC
OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM,
WITHOUT THE PRIOR PERMISSION OF THE
COPYRIGHT OWNER.

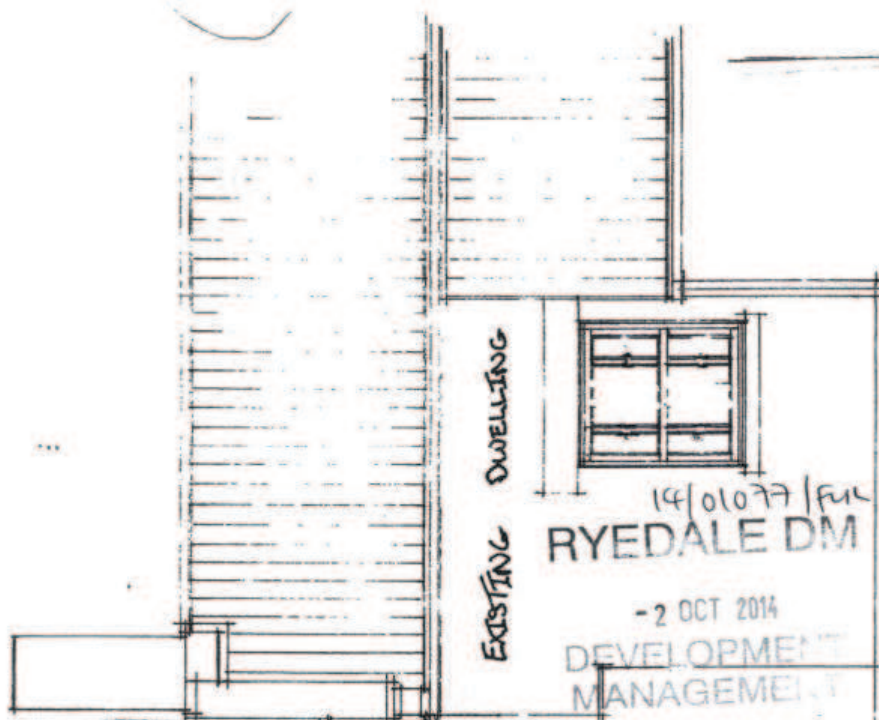
EXISTING DWELLING & OUTBUILDING
WITH BOUNDARY WALL
EAST ELEVATION

THIS DRAWING HAS BEEN MADE BY OR WITH THE
ASSISTANCE OF A REGISTERED ARCHITECT
REGISTERED IN THE REGISTER OF ARCHITECTS
OF THE UNITED KINGDOM. THE ARCHITECT'S
NAME AND ADDRESS ARE SHOWN ON THE DRAWING.
THIS ACT PROVIDES A LIMITED TIME LIMITED
WARRANTY TO THE BEST OF HIS ABILITY
WITHIN THE MEANS PERMITTED BY THE
REGISTERED ARCHITECTS ACT 1967.

RYEDALE DM
-2 OCT 2014
DEVELOPMENT
MANAGEMENT
14/01077/PAC



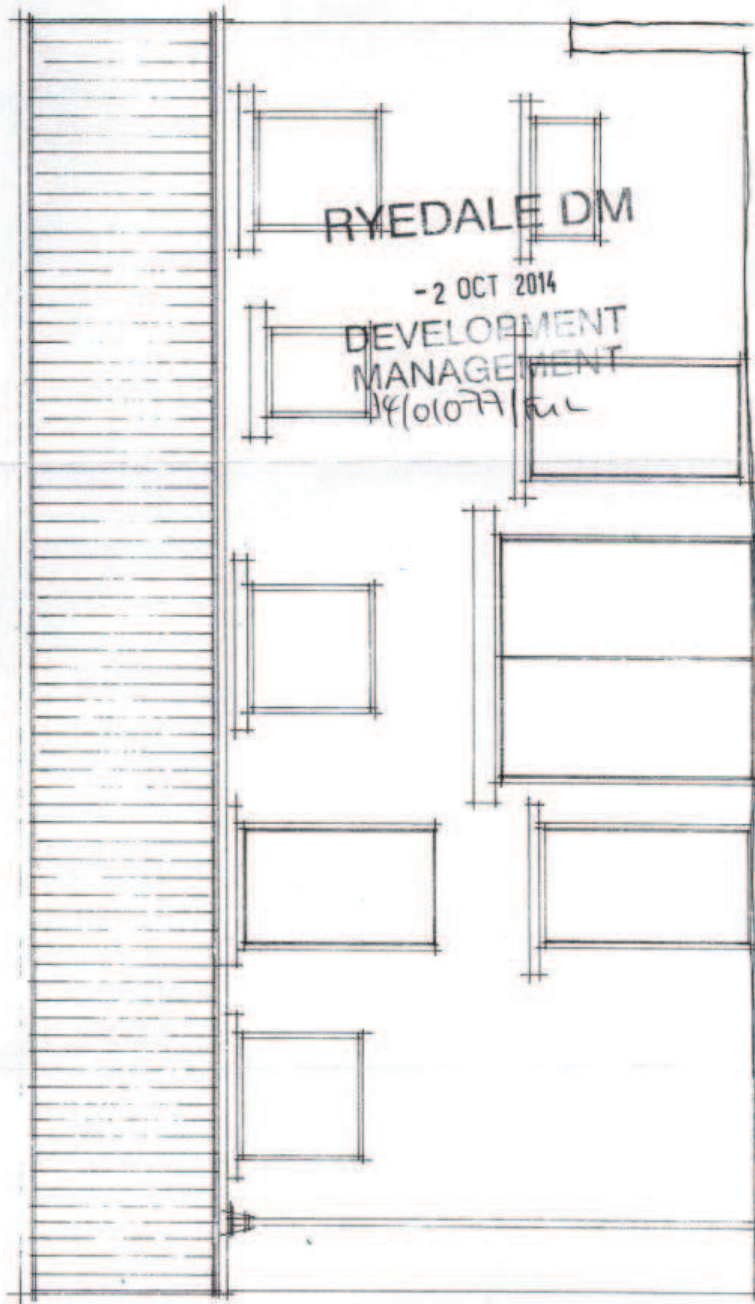
Scale 1:50



EXISTING DWELLING &
OUT BUILDING EXISTING WEST
ELEVATION

EXISTING OUT BUILDING

THIS COPY HAS BEEN MADE BY OR WITH THE
AUTHORITY OF THE DISTRICT COUNCIL
PURSUANT TO SECTION 41 OF THE COPYRIGHT,
DESIGN AND PATENTS ACT 1988 UNLESS
STATED OTHERWISE. THE COPYRIGHT OWNER
WILL NOT BE HELD RESPONSIBLE FOR ANY
REPRODUCTION OF THIS COPY WITHOUT THE
PRIOR PERMISSION OF THE
COPYRIGHT OWNER.



SCALE 1:50

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF THE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT ACT 1988 UNLESS OTHERWISE INDICATED. PERMISSION TO REPRODUCE THIS COPY MUST NOT BE CONFERRED WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER.

OUTBUILDING : EXISTING EAST ELEVATION

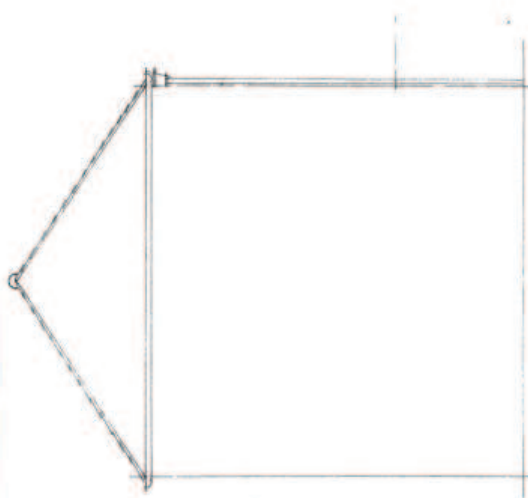
RYEDALE DM

- 2 OCT 2014

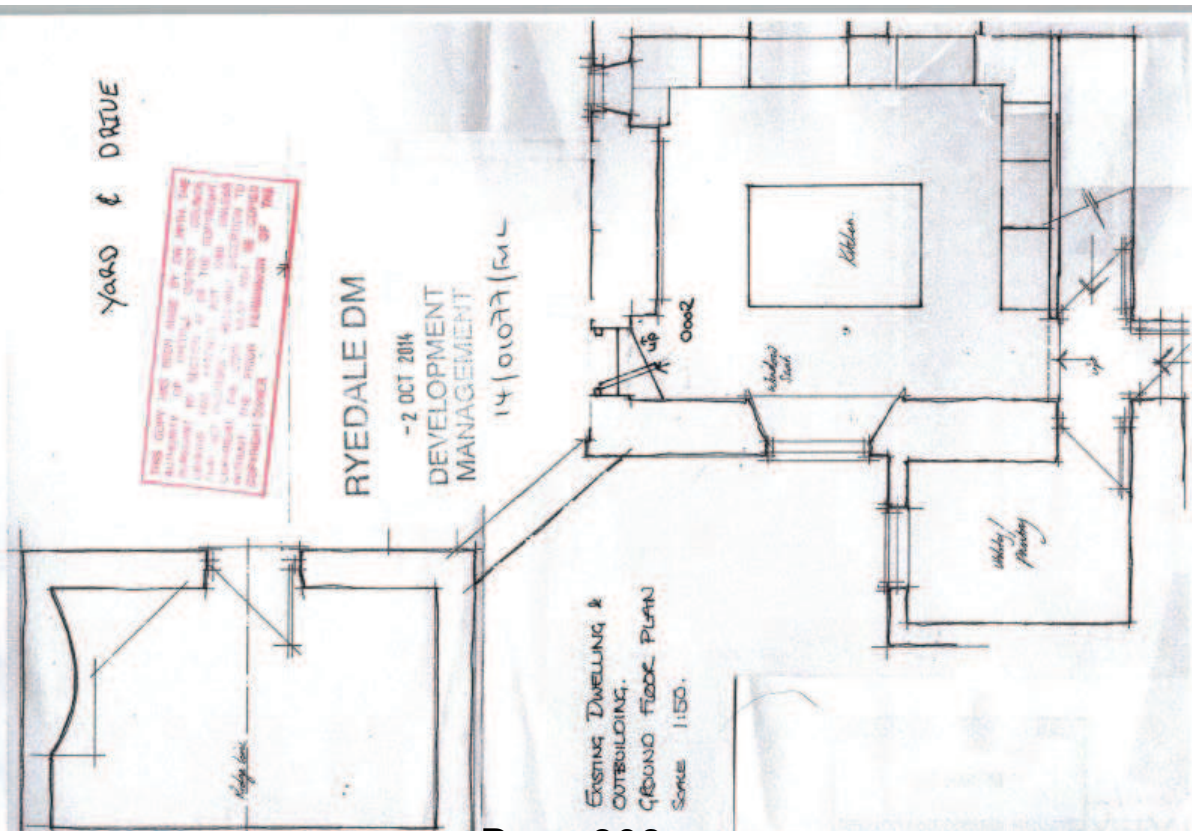
DEVELOPMENT
MANAGEMENT

14/10/14 16:42

NO. 100/1000 HUNTS & HIRON SHELTERS
SUNNINGDALE



ALL RIGHTS RESERVED
NO. 100/1000 HUNTS & HIRON SHELTERS
SUNNINGDALE
DEVELOPMENT
MANAGEMENT
14/10/14 16:42



YARD & DRIVE

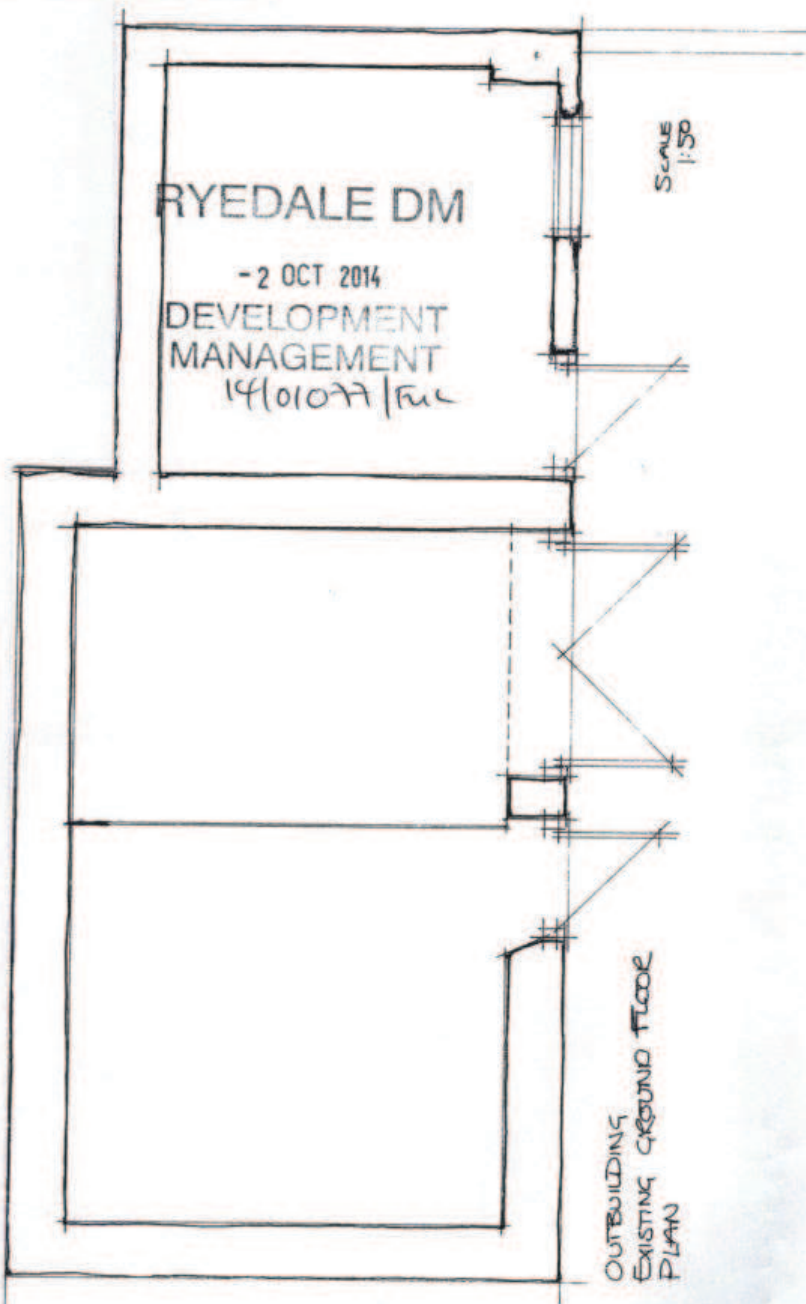
THIS COPY HAS BEEN MADE BY AN ARTIST ON BEHALF OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS COPY. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS COPY.

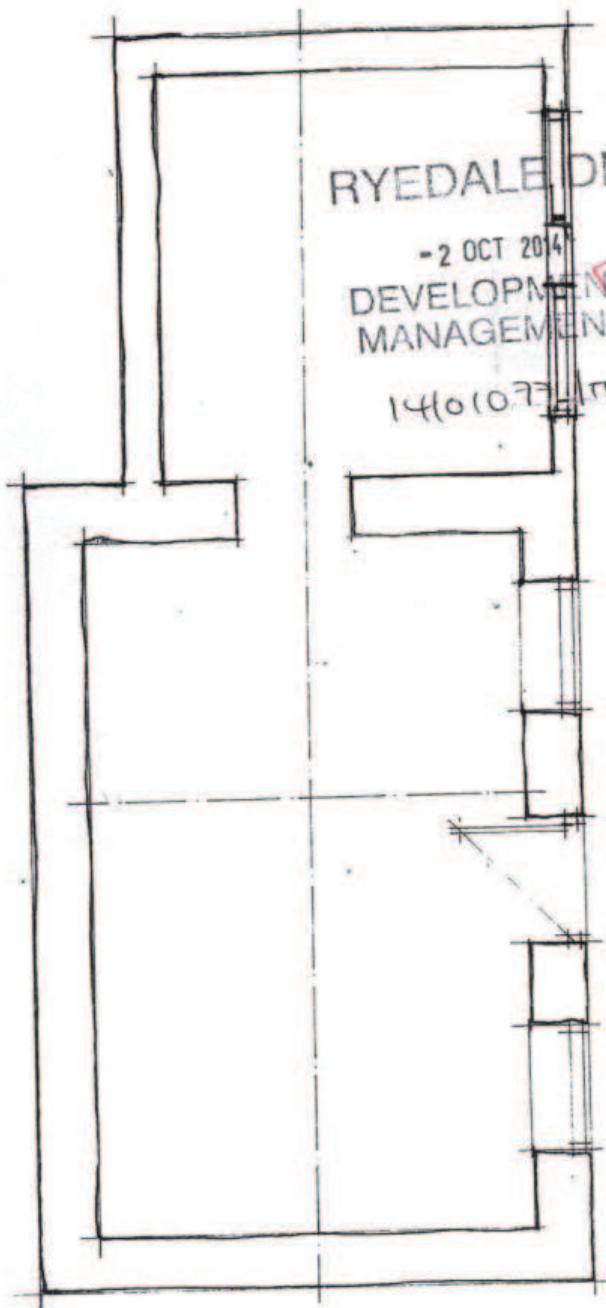
RYEDALE DM
-2 OCT 2014
DEVELOPMENT
MANAGEMENT

14/10/07/RL

EXISTING DWELLING &
OUTBUILDING.
GROUND FLOOR PLAN
SCALE 1:150.

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF THE DISTRICT COUNCIL PURSUANT TO SECTION 106 OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES OTHERWISE, NO EXCEPTION TO COPYRIGHT, OR ANY OTHER RIGHT, SHALL BE COPIED WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER





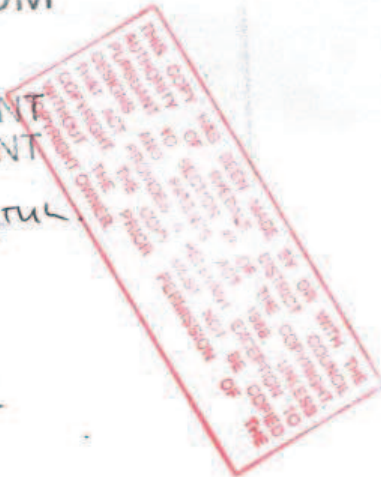
RYEDALE DM

-2 OCT 2014

DEVELOPMENT
MANAGEMENT

14101077/176

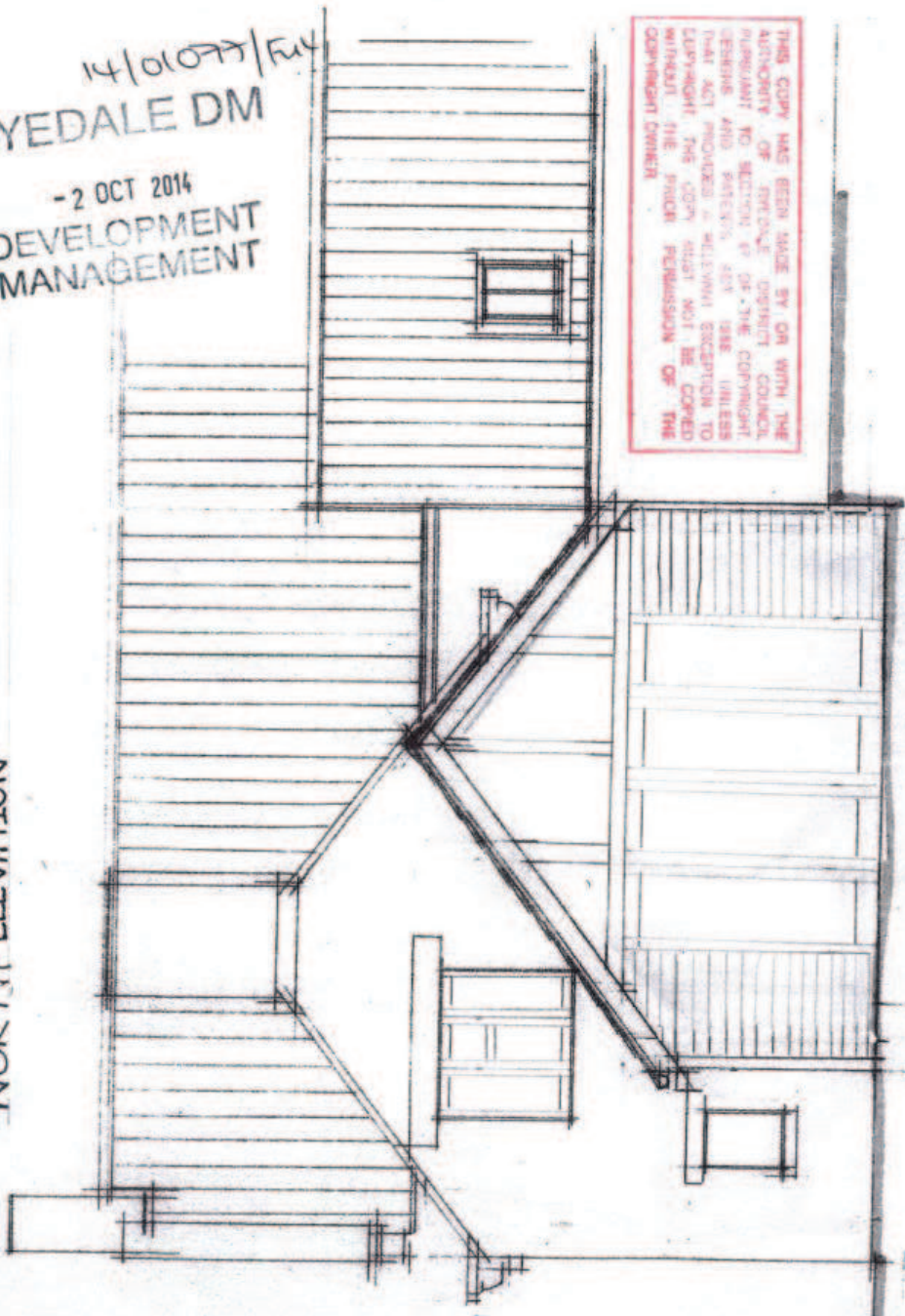
Scale 1:50



OUTBUILDING
EXISTING FIRST FLOOR PLAN

EXISTING DWELLING & OUTBUILDING
PROPOSED EXTENSION, CONVERSION & ALTERATIONS
NORTH ELEVATION

14/10/14/RM
RYEDALE DM
-2 OCT 2014
DEVELOPMENT
MANAGEMENT



THIS COPY HAS BEEN MADE BY OR WITH THE
AUTHORITY OF RYEDALE DISTRICT COUNCIL
PURSUANT TO SECTION 85 OF THE COPYRIGHT
DESIGN AND PATENTS ACT 1988 (UNLESS
NOTED OTHERWISE) AND WILL BE REPRODUCED
WITHOUT THE WRITTEN PERMISSION OF THE
COPYRIGHT OWNER

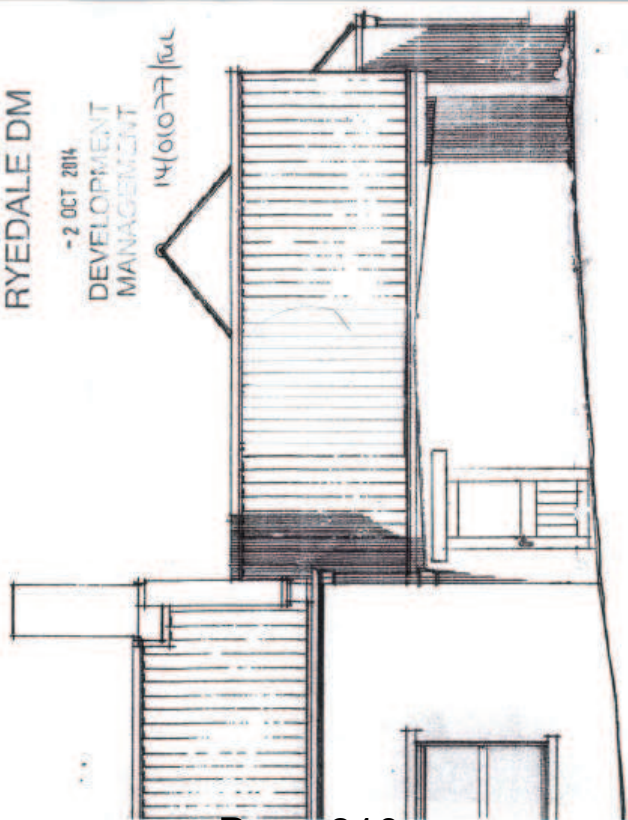
Scale 1:50

THIS COPY IS NOT VALID IN OR OUT OF THE
MUNICIPALITY OF RYEDALE
FOR ANY PURPOSES
DATE: 10/02/2014
BY: [Signature]
FOR THE TOWN ENGINEER
FOR THE TOWN ENGINEER
FOR THE TOWN ENGINEER
FOR THE TOWN ENGINEER
FOR THE TOWN ENGINEER

RYEDALE DM

-2 OCT 2014
DEVELOPMENT
MANAGEMENT

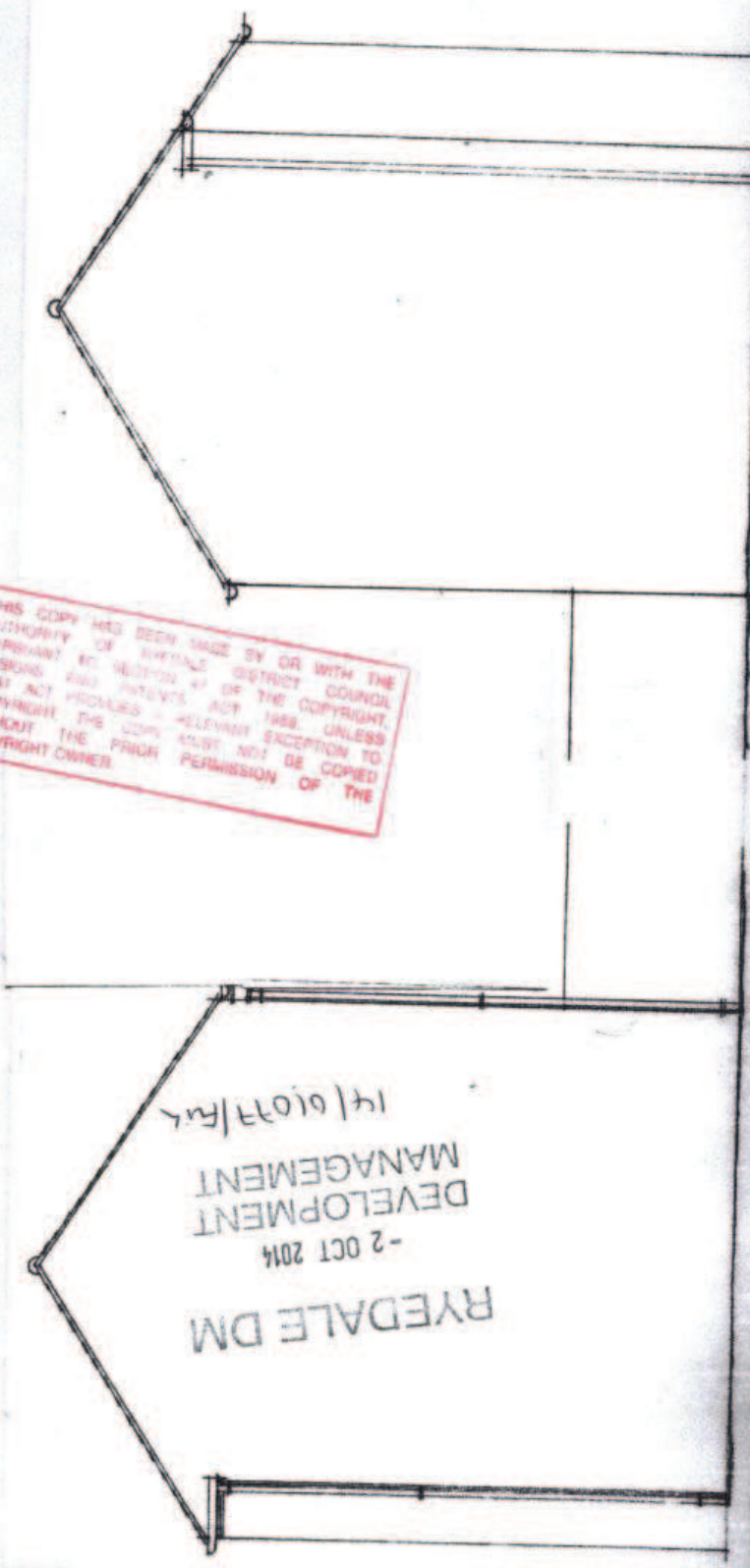
14/01077/14



EXISTING DWELLING & OUTBUILDING
PROPOSED EXTENSION, CONVERSION & MODIFICATIONS
EAST ELEVATION

Scale 1:50

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF SWALE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, PATENT AND DESIGNS ACT 1988. UNLESS OTHERWISE PROVIDED, NO LIABILITY FOR INFRINGEMENT OF THIS COPY SHALL BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.

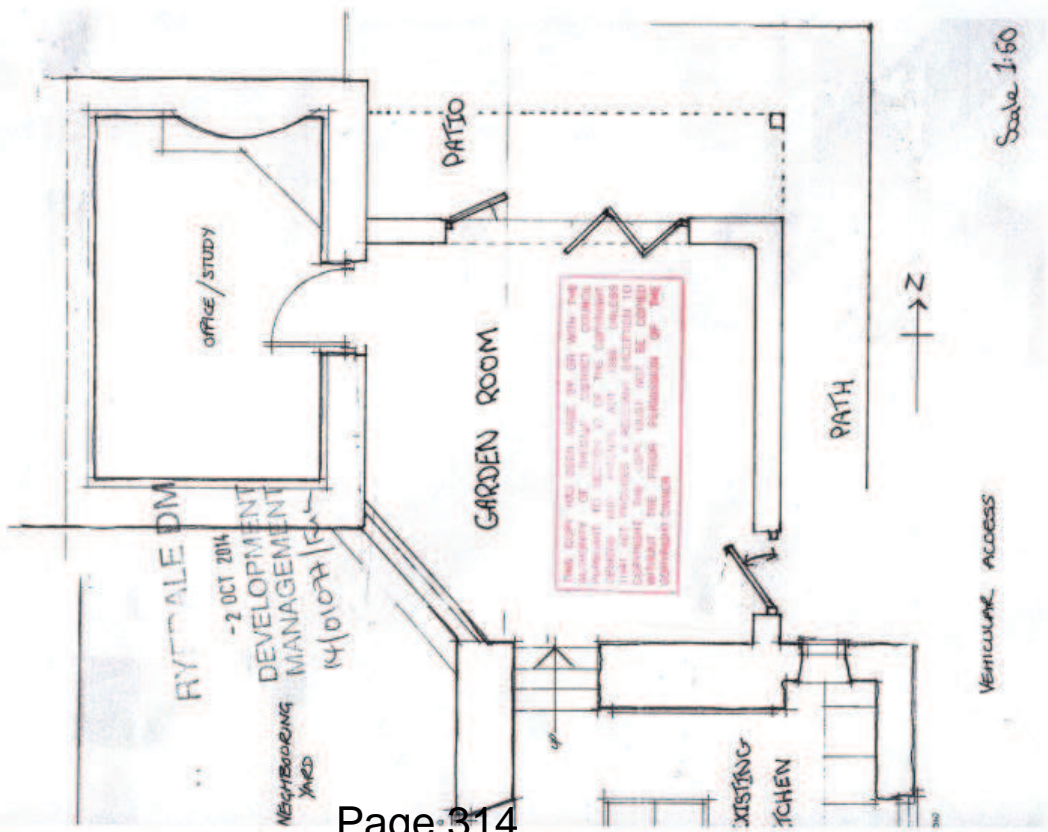


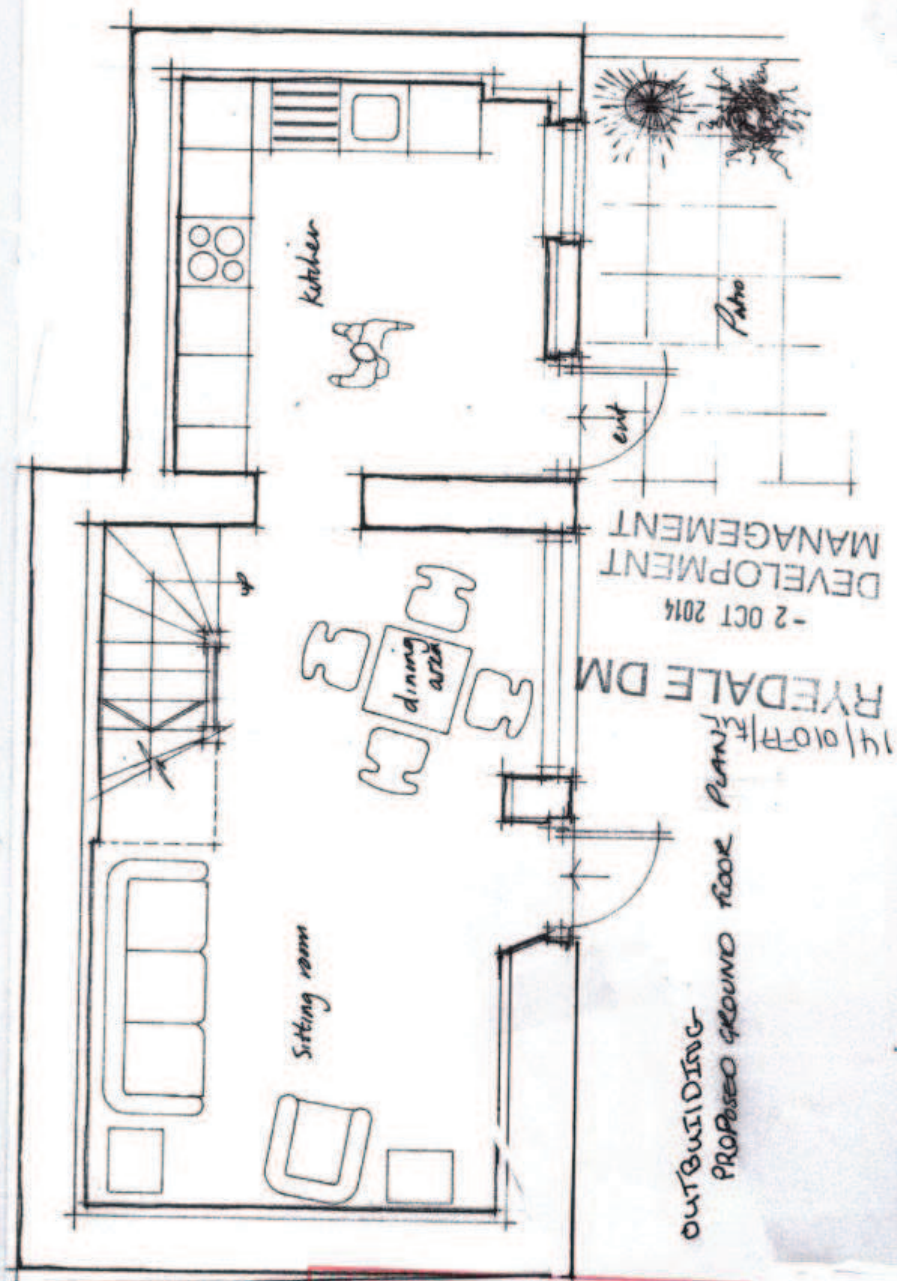
OUTBUILDING:
PROPOSED CONVERSION TO HOLIDAY ACCOMMODATION
NORTH ELEVATION

RYEDALE DM
- 2 OCT 2014
DEVELOPMENT
MANAGEMENT
14/01/2014

OUTBUILDING:
PROPOSED CONVERSION TO HOLIDAY ACCOMMODATION
SOUTH ELEVATION

EXISTING DWELLING & OUTBUILD
PROPOSED EXTENSION, CONVERSION & ALTERATION
GROUND FLOOR PLAN



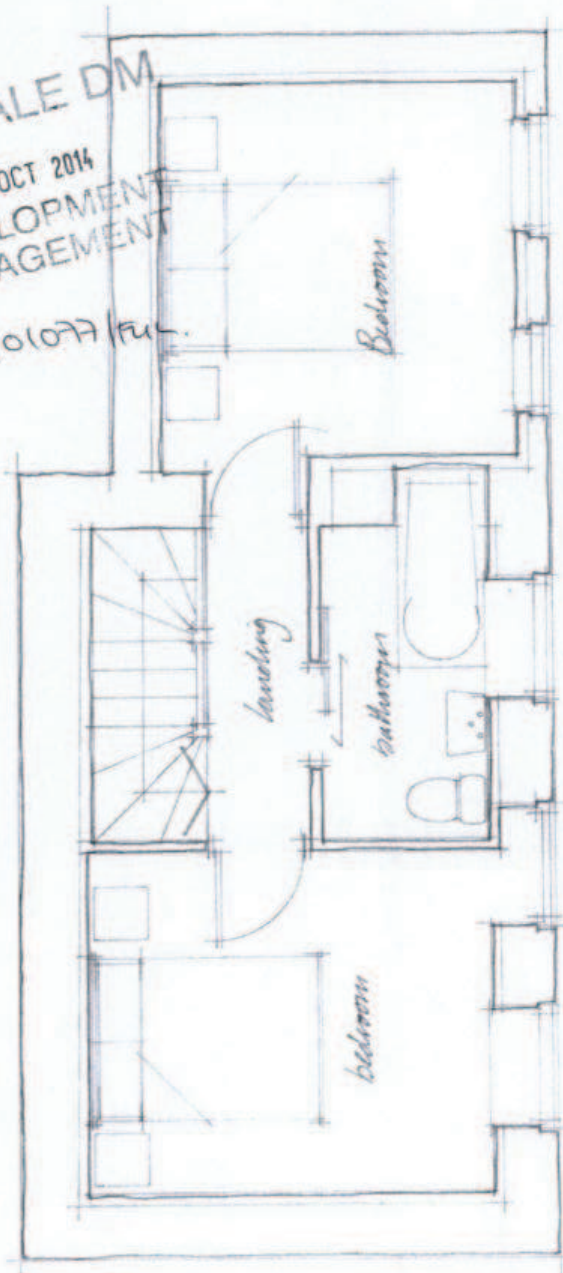


THIS COPY HAS BEEN MADE BY OR WITH THE
 AUTHORITY OF RYEDALE DISTRICT COUNCIL
 PURSUANT TO SECTION 47 OF THE COPYRIGHT,
 DESIGN AND PATENTS ACT 1988 UNLESS
 THAT ACT PROVIDES A RELEVANT EXCEPTION TO
 COPYRIGHT. THIS COPY MUST NOT BE COPIED
 WITHOUT THE PRIOR PERMISSION OF THE
 COPYRIGHT OWNER

RYEDALE DM

-2 OCT 2014
DEVELOPMENT
MANAGEMENT

14/01077/FL



THIS COPY HAS BEEN MADE BY OR WITH THE
AUTHORITY OF SECTION 5 OF THE COPYRIGHT,
DESIGNS AND PATENTS ACT 1988. PERMISSION TO
REPRODUCE THIS COPY MUST NOT BE GIVEN
WITHOUT THE WRITTEN PERMISSION OF THE
COPYRIGHT OWNER.

OUTBUILDING:
Proposed first floor plan

Design and Access Statement for 44 Potter Hill, Pickering

44 Potter Hill is a stone built grade two listed semi detached dwelling which occupies a prominent site within the conservation area of Pickering. The property is of traditional construction with locally quarried stonewalls and a red clay pantile roof with brickwork chimneys.

The main dwelling faces due south and has a gated side access road from Potter Hill to the east which serves the whole site. To the rear of the dwelling there are a collection of single and two storey outbuildings constructed in a mixture of stonework and brickwork matching the main dwelling. Within the buildings is the site parking for up to five vehicles and turning area.

The two storey outbuilding lends itself to being converted into a two bedroom holiday cottage. This will have very little impact on the character or appearance of the existing building. There are to be no new openings formed in the external fabric but all of the existing windows will need replacing. The new ones proposed are to be a Yorkshire Sliding Sash timber window in keeping with the local vernacular. Pickering is a tourist area and has a lot to offer people who visit i.e. archaeological landscapes of the Vale of Pickering and the Yorkshire Wolds, Recreational pursuits and outdoor adventures including Dalby Forest, encouraging people to visit can only help local businesses and surrounding tourist attractions as per statement SP8 on tourism in Ryedale in the local plan strategy.

Having examined this part of the conservation area of Pickering the general character and appearance is that of well defined street frontage with a low key vehicle access and parking arrangements. The majority of the buildings are traditional in style with varying degrees of more recent extensions to the rear. The gardens generally within this part of Pickering are not visible.

The proposed extension to the house and conversion of the two outbuildings have been designed sympathetically using matching materials to the original building and in keeping with the style and scale of adjacent properties.

The proposed works will not be visible from the street scene and there is minimal overlooking from the adjacent properties.

The extension to link the small outbuilding to the main dwelling would make good use of an otherwise small unusable outbuilding. As in recent years the outbuilding has been very neglected due to being unusable.

We therefore feel that the proposed works would not have any kind of impact on the Heritage asset of this part of the Conservation area and together with the amount of repair and conservation work carried out on the original fabric of the dwelling, landscaping and outbuildings, we feel it will also enhance this property and preserve it in accordance with its listing and SP12 and SP16 of the local plan strategy.

In accordance with the SP20 of the Local Plan strategy the access to the

property is as existing - you can drive into the property and turn around and drive back out again so no disruption or alteration to the front of the property.

The development is sympathetic to the character and appearance of the original property and its neighbours in terms of sitting, scale, character, materials and design.

It would not have an adverse effect on the amenity of adjoining residents.

Having already had the plans passed we have actually started some of the repair jobs as follows:-

We have re roofed both outbuildings in accordance with the bat survey dated May 2011 which you already have details of when these plans were originally passed under Application No 10/01322/LBC & 10/01321/FUL

44 Potter Hill
Pickering
North Yorkshire
YO18 8AD

F.A.O. Rachel Smith
Ryedale District Council
Ryedale House
Malton
North Yorkshire

28th October 2014

Dear Rachel

**C P & Mrs E Wood 44 Potter Hill, Pickering, North Yorkshire YO188 AD
Planning Application Number 14/01077/FUL**

Further to our meeting today I would like to reply to the concerns of Mrs Dring.

The wall will be constructed of the same stone that the wall is constructed of now.

The rainwater will go into the guttering which will then run out into the box gutter between our garden room and our study/office. It will then run along the box gutter and into a fall pipe which will be on our land. We would like to point out that the boundary wall was re built considerably narrower and in the middle of the existing wall line so in fact the outer side of the wall which would take the guttering would still be in our boundary and would be approximately two and a half metres from ground level so would not cause any problem.

As far as the velux window is concerned you cannot see the roof of the houses from the furthest point of the room, you can in fact only see the chimney pots and this is shown in the photographs we have already sent to you. We will happily accept a condition to say that we will not put a second floor in the office/study and in fact the room is not tall enough to take two floors.

We also enclose two further drawings, an existing dwelling and outbuilding south elevation and existing dwelling and outbuilding proposed extension, conversion and alteration south elevation (showing velux).

We look forward to hearing from you.

Yours sincerely

C P & Mrs E Wood

RJS
22/10
KLR

NO OBJECTION TO
PROPOSALS - CONCERNS
REGARDING INCREASED
VEHICULAR MOVEMENT.

Glenys Yates

From: Pickering Town Council [townclerk@pickering.gov.uk]
Sent: 21 October 2014 09:43
To: Development Management
Subject: 14/01077/FUL and 14/01078/LBC

There were no objections to the proposals in themselves. Councillors were only concerned that the creation of a holiday cottage would increase vehicular movement between the road and the site: the access runs along a narrow, diagonal slope and across a public footpath used by children and teenagers walking to and from the junior school, the Roman Catholic Primary School and Lady Lumley's School.

Andrew Husband
Clerk to Pickering Town Council

PICKERING TOWN COUNCIL
DEVELOPMENT
MANAGEMENT

Item Number: 17
Application No: 14/01081/OUT
Parish: Kirkbymoorside Town Council
Appn. Type: Outline Application
Applicant: Mr Paul Strickland
Proposal: Erection of dwelling with detached garage (site area 0.1ha)
Location: Land At Piercy End Kirkbymoorside

Registration Date:
8/13 Wk Expiry Date: 1 December 2014
Overall Expiry Date: 3 December 2014
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	No views received to date
Building Conservation Officer	No objection
Environmental Health Officer	No views received to date

Neighbour responses: J Cossins,

SITE:

The site is situated in Kirkbymoorside Conservation Area to the rear of 51-55 Piercy End. The access to the site is situated between the existing dwellings, which also provides access to a block of six garages. The Catholic Church and vicarage is situated to the immediate south of the site. The applicant has advised that the land is currently used as an allotment and is not a private garden, it is approximately 800 square metres and is bounded to the west by the garage block, with hedges around the other boundaries. The adjacent dwelling, 53 Piercy End, is a grade II listed building.

PROPOSAL:

Outline planning permission is sought for the erection of a single-storey dwelling and detached garage, with all matters reserved. An illustrative plan has been submitted to demonstrate how a dwelling and garage could be accommodated on the site. Vehicles and pedestrians would use the existing access to the garages. The application is accompanied by detailed information relating to the personal needs of the applicant. The applicants have a daughter with a progressive neurological disorder who has to use a wheelchair or walking frame. The family currently live in a two-storey house approximately 1 mile from the centre of Kirkbymoorside. The application site is within their ownership. Letters in support of the application have been submitted from the following people:

- Consultant Paediatrician
- Consultant Paediatric Cardiologist
- Occupational Therapist - York Teaching Hospital
- Occupational Therapist - NYCC Social Services
- Head Teacher, Kirkbymoorside Primary School
- Chief Officer, Ryedale Special Families
- The applicant's personal statement

A letter of support has also been received by a Kirkbymoorside Town Councillor.

HISTORY:

There is no recent history on the application site itself. The following history is pertinent to the adjacent Catholic Church:

00/00553/FUL - Permission granted for the change of use of 1st floor to office together with formation of car parking area

08/001037/FUL - Permission granted for extension to church to form toilets

POLICY:

Primary Legislation

The Planning and Compulsory Purchase Act 2004 (as amended)
Planning (Listed Buildings and Conservation Area Act) 1990

National Planning Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services (relates to Public open space Contributions)
Policy SP12 - Heritage
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP21 - Occupancy Conditions

APPRAISAL:

The main issues in the consideration of the application are:

- Principle of residential development
- Heritage assessment
- Design
- Neighbour impact
- Access considerations
- Contributions

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Ryedale Plan - Local Plan Strategy directs most development to the market towns, with Malton and Norton supported as Ryedale's principal town and Pickering, Kirkbymoorside and Helmsley as local service centres. Limited small-scale growth will be directed to service villages. Housing in other villages is justified only in exceptional circumstances. Policy SP2 states that the sources of new housing that will contribute to the supply of new homes across the District area as follows:

- Housing Land Allocations in and adjacent to the built up area
- Conversion and redevelopment of Previously Developed Land and buildings within Development Limits
- Replacement dwellings
- Sub-division of existing dwellings
- Infill development (small open sites in an otherwise continually built up frontage)
- 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate.

Policy in the development plan therefore supports new development in Kirkbymoorside in principle. A key requirement of Policy SP2, however, is that such development is limited to ‘infill only’. The proposed site is located in a backland location which is not classed as ‘a small gap site in an otherwise built up frontage’. As such, the development would not be supported by Policy SP2. Furthermore the site is situated within a sensitive area location. It is within Kirkbymoorside Conservation Area, and within the setting of a grade II listed building. Accordingly the *acceptability of development* in this location is inextricably linked to the impact of the development on designated heritage assets. The Council’s Conservation Officer has objected to the development for the following reason:-

“This application lies within the Kirkbymoorside Conservation Area and as such, under the Planning (Listed Building and Conservation Areas) Act 1990, Ryedale District Council has a duty to have special regard to the preservation of the character of the area. In addition, a Grade II listed building neighbours the development site to the north and in my view this application would have an impact on the setting of the listed building. Under Section 66 of the above Act, Ryedale District Council also has a duty to pay special regard to the preservation of the special interest of the listed building or its setting.

The character of the conservation area at this point is on the cusp between strong linear burgage plot development to the north of the proposed site and more varied development to the south including the 19th Century Roman Catholic church and vicarage and a mid-late 20th century house set back at a canted angle. A block of mid 20th Century garages lies behind the frontage buildings visible through and accessed by a vehicular access off Piercy End.

The above outline application proposes a ‘Single Storey Dwelling’. A detached building presumed to be a garage is also shown on the block plan however no details of this are provided with the application. In my opinion as this application is within the conservation area and affecting the setting of a listed building, an outline application is not appropriate and detailed drawings should be provided.

The development site uses the existing vehicular access and is positioned behind the existing garage block. Views of the dwelling from the road, would be screened by the garage block. The pre-application proposes a single storey ‘L’ shaped dwelling to the western boundary.

I consider that the principle of developing this site is unacceptable. In my opinion the character of the conservation area which is desirable to preserve is the burgage plot arrangement that consists of undeveloped gardens behind frontage buildings. This development does not follow that historic form and would position a bungalow style dwelling in a backland location roughly centred within the plot. Although I acknowledge that there is a vicarage behind the church at roughly the same location as the proposed building, I am of the opinion that this is an anomalous form of development within the conservation area and does not reflect the predominant character.

I also have concerns regarding the development of this plot and its harmful effect on the setting of the neighbouring Grade II listed building sharing a boundary with the plot to the north of the site. At present, the setting of the listed building includes undeveloped tranquil back gardens which maintains and strengthens the historic burgage plot character. The significance of the listed building in this context can be described as a vernacular cottage set within a domestic street setting. The domestic curtilage including neighbouring gardens forms the setting to the listed building and these all contribute to its significance as they emphasise a historic cottage set within a traditional burgage plot arrangement. I am of the opinion that a dwelling on this site would undermine this character and cause harm to the setting of the listed building”.

Prior to the submission of this application, the applicant submitted a pre-application request, and was advised that on the basis of the fundamental concerns regarding the backland location of the site, and the concerns of the Council’s Conservation Officer, an application for the development of the site was unlikely to be considered favourably.

The applicant has, nevertheless, resolved to pursue an application for the development of the site, and accompanied it with a supporting statement. The full statement is appended, however the agent disputes that this site was ever a garden because it was originally located behind a foundry. Furthermore he argues that the location is marginal between the burgage plots which are found to the north and the developed area of the Catholic Church and Petch Croft to the south. He also refers to comments made by the Conservation Officer that the site is “*only on the cusp*” between these areas.

In relation to the impact of the development on the setting of the listed building he states:

The traditional house on the street frontage is important in its own right and contributes to the character and appearance of the conservation area. However behind, apart from the traditional brick and stone outbuilding, there are also three further, unsightly, outbuildings of plastic sheeting and roofing felt.

The proposed house would be some 40m away from the traditional outbuilding, separated from it by the hedge. The unsightly outbuildings define much of the setting of the listed building.

The applicant sums up this section of his statement by the following paragraph;

26. Policy SPI2 of the Ryedale Plan, Heritage, rightly states that designated heritage assets will be conserved. It also says that proposals resulting in ‘less than substantial harm’ will only be agreed where there is public benefit outweighing any harm. In my judgement there is no harm, but if it is considered that there was it would not be substantial and the benefit to the applicants is a compelling reason to approve the proposal.

The Conservation Officer has taken account of the applicant’s statement, and acknowledges that the site is on the cusp between two zones. Nevertheless she advises that the site falls more within a zone where green space to the rear of the plots contributes to the character of the conservation area. Historic mapping also shows the site as being largely undeveloped and open. As such, she advises that in her opinion, harm would be caused by the development which would not preserve or enhance the character of the designated Conservation Area.

Paragraph 134 of the development plan states:-

“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, including securing its optimum viable use”.

Officers have taken account of the detailed personal statement submitted by the applicant together with the submitted letters of support. Officers accept that there is a functional reason why the applicants would benefit from living in a market town where there is good access to facilities. It is also accepted that there are few single storey properties on the market which are within a short distance of the town centre. Nevertheless, personal circumstances are not a public benefit, and carry little weight as a material planning consideration. The agent has made reference to para 50 of the NPPF which requires Local Planning Authorities to plan for a mix of housing based on the needs of different groups in the community, including people with disabilities. It is considered however, that this paragraph is intended to be taken into account when forming policies in development plans, and by requiring developers of large housing sites to provide a mix of house types. It is not intended to relate to the personal requirements of applicants.

In view of this it is considered that the development fails the duty under the act, and is contrary to the requirements of policy SP12 of the Ryedale Plan and Section 12 of the NPPF.

Design

The application is in outline with all matters reserved. A plan has been submitted for illustrative purposes, but is not binding on the outline application. Nevertheless it is an indication of the proposed development and shows an 'L' shaped dwelling and double garage. The application form states that the dwelling would be brick walling with red clay pantiles to the roof. Officers consider that, notwithstanding the officer recommendation, if it is accepted that a single storey dwelling would be acceptable in this location, it should better enhance the form of the burgage plots, such as a simple linear dwelling. The agent has advised that this would not be possible without increasing the width of the dwelling with a corresponding increase in ridge height. Officers accept that circulation space would be an essential feature of any dwelling. Nevertheless, it is still considered that a more sympathetic plan form could be achieved. It is also considered that the form and location of the garage is inappropriate and diminishes the burgage plots.

Neighbour considerations

The access to the site lies between two existing dwellings. Given that this is already used to serve six garages, it is not considered that the use of the access for one further dwelling would result in a significant adverse impact on the existing amenities of neighbouring occupiers. Nor is it considered that the dwelling would result in an adverse impact on their amenities by virtue of overlooking or overshadowing. The vicarage to the rear of the Catholic Church is, however, sited in close proximity to the southern boundary of the site, with windows overlooking it. In the absence of the submission of detailed plans, it is not possible to fully assess the impact of a dwelling on the existing amenities. Nevertheless it is considered that it would be possible to mitigate any significant impact on their existing amenities by an appropriate design.

Access.

The views of the Highways Authority are awaited. However, it is accepted that the site is served by an existing access which already provides access to six garages.

Conclusion

Officers have taken account of the particular personal circumstances regarding the submission of this application, and have sympathy with the applicant's need to be situated with easy access to facilities, together with family and friends. It is also accepted that there are few single storey dwellings currently available on the market in close proximity to the centre of the town. Nevertheless, it can not be demonstrated that the development preserves or enhances the character of the conservation area. It will result in harm to the setting of the listed building and the character of the conservation area. Furthermore the illustrative plan and elevation accompanying the application fails to respect the character of the burgage plots. Accordingly, the recommendation is one of refusal.

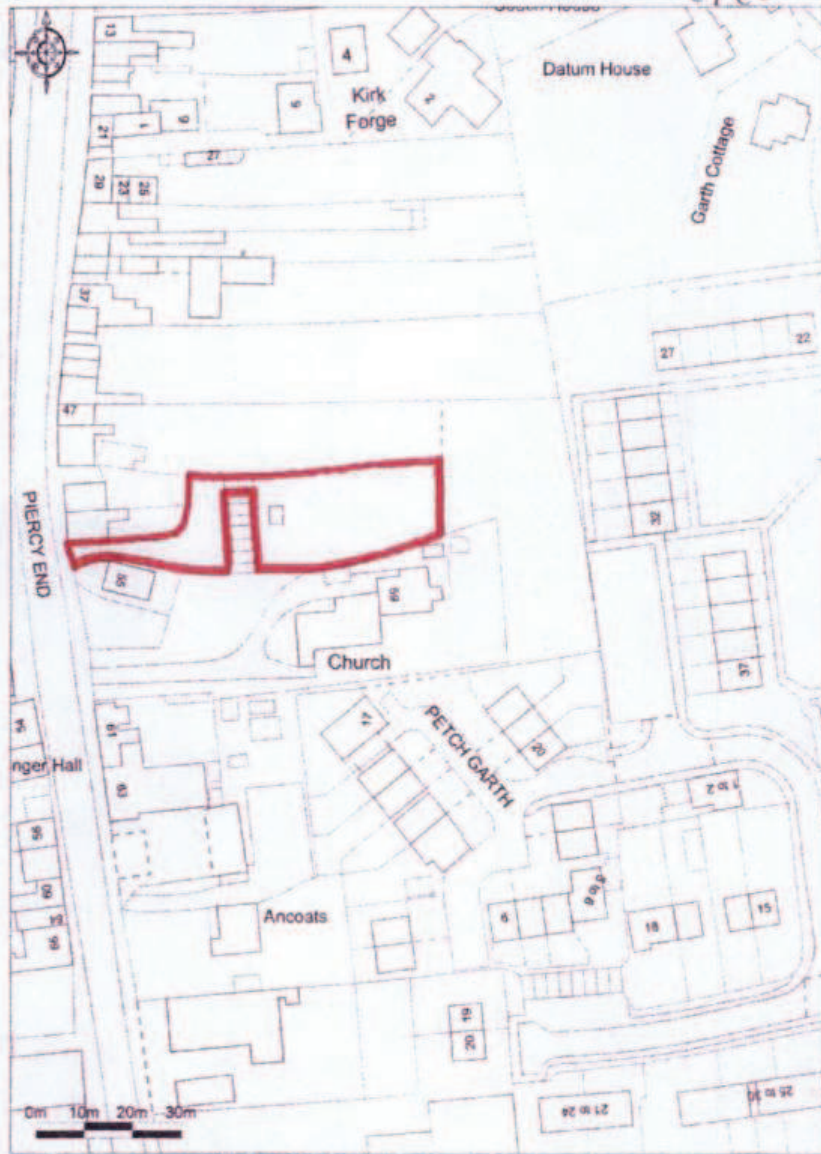
RECOMMENDATION: Refusal

- 1 The proposed dwelling is in a backland location which does not constitute infill development. As such, the development is contrary to the principles of Policy SP2 of the Ryedale Plan – Local Plan Strategy.
- 2 The proposed development fails to preserve or enhance the character of the Conservation Area, by virtue of the harm to the burgage plot arrangement that consists of undeveloped land behind frontage buildings. As such, it is contrary to the principles of Policy SP12 of the Ryedale Plan - Local Plan Strategy, and Section 12 of the National Planning Policy Framework.
- 3 The development would harm the setting of the neighbouring Grade II listed building which shares a boundary with the application site. As such, it is contrary to the principles of Policy SP12 of the Ryedale Plan - Local Plan Strategy, and Section 12 of the National Planning Policy Framework.

Background Papers:

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

Land at Piercy End
Kirkbymoorside



Promap

THIS COPY HAS BEEN MADE BY OR WITH THE
AUTHORITY OF RYEDALE DISTRICT COUNCIL
PURSUANT TO SECTION 47 OF THE COPYRIGHT,
DESIGNS AND PATENTS ACT 1988 UNLESS
THAT ACT PROVIDES A RELEVANT EXCEPTION TO
COPYRIGHT. THE COPY MUST NOT BE COPIED
WITHOUT THE PRIOR PERMISSION OF THE
COPYRIGHT OWNER.

Peter Rayment Design Ltd
Swan House, Keld Head, Pickering, YO18 8LL

architectural designers
email: design@peterayment.co.uk
tel: 01751 472541

ILLUSTRATIVE SKETCH PLAN
NEW DWELLING AT PIERCY END
KIRKBYMOORSIDE

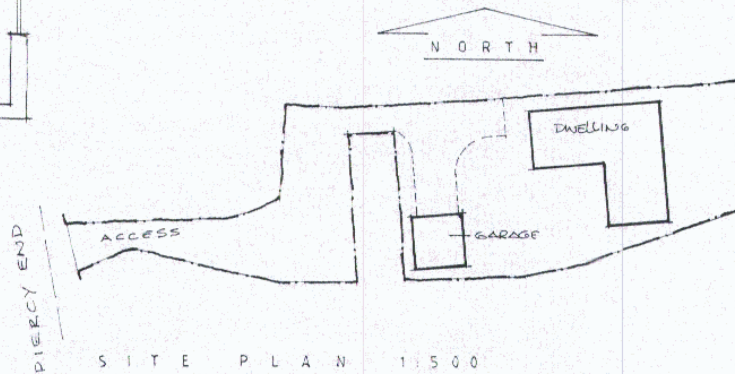
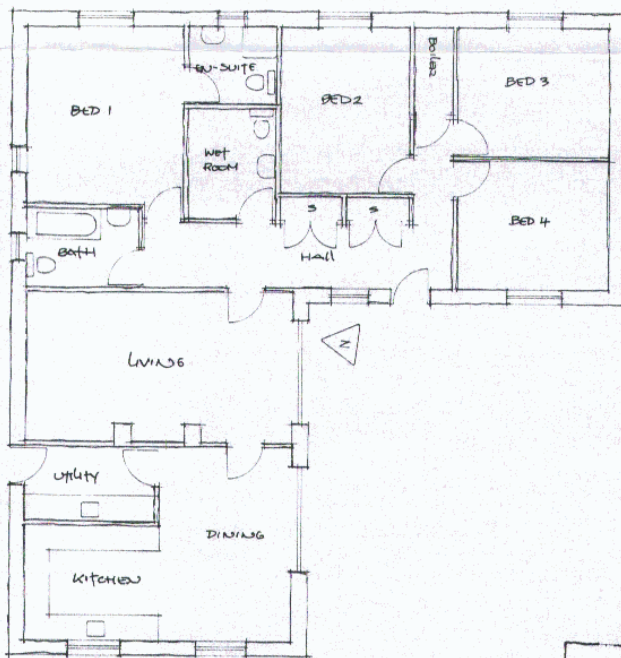
Scale: 1:100 A3
No: 290 914 1

THIS COPY HAS BEEN MADE BY OR WITH THE AUTHORITY OF RYEGALE DISTRICT COUNCIL PURSUANT TO SECTION 47 OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988. UNLESS THAT ACT PROVIDES A RELEVANT EXCEPTION TO COPYRIGHT, THE COPY MUST NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF THE COPYRIGHT OWNER.



WEST ELEVATION 1:100

SKETCH PLAN 1:100



SITE PLAN 1:500

Specialised bungalow for the Strickland family, Piercy End, Kirkbymoorside.
Planning, Heritage, Design and Access Statement.

1. The proposal is for a single-storey dwelling purpose-built to accommodate the applicants' very disabled young daughter, Mia. The planning application follows a pre-application enquiry ('preapp'), reference 14/00530/PREAPP and answered on 9 July 2014.

2. Their letter of 19 September which forms part of this planning application describes Mia's medical condition. See also the several supporting letters from medical and social services specialists listed in 30 below. They explain Mia's medical condition, why specialised accommodation without stairs is needed and why the present family house cannot be adapted.

3. There are three considerations:
1. The principle of the development.
2. Impact on heritage assets.
3. Personal needs.

These are now expanded. The first two were defined by the Council in the preapp. I regret that the third issue was not explained at that time.

4. To avoid repetition or duplication this statement includes the required Heritage and Design and Access statements. It contains in sequence:
• descriptions of the site and its surroundings,
• the proposals,
• the Heritage and Design and Access statements, and finally
• my assessment of the three main planning issues.

5. Location. The site is behind 51-55 Piercy End, a development consisting of a detached brick house, a pair of semis and a row of six garages behind. I understand that the houses were all built in 1973 and that previously the site was a foundry on the frontage with wasteland behind. Paul Strickland's late father owned 53 and the application site but none of the three houses or the garages are now owned, occupied or used by members of the Strickland family.

6. The site itself is behind the garage block. It is a flat area currently used by Mr Strickland's sister as an allotment to grow vegetables and keep a few hens and rabbits. It is not private residential garden assigned to any of the three houses. Its area is about 800 square metres. It is bounded on the west side by the brick garage block and otherwise by hedges between 1 and 1.8m high.

7. Fortunately Paul Strickland has inherited the site. Otherwise as his letter explains he considers that the current high property prices in Kirkbymoorside would have priced him out of the area. Paul and his partner Miss Lisa Dearlove particularly want to stay in Kirby because both their large families live locally and provide an important support network for them.

8. The surroundings. South of the site is St Chad's Catholic Church and its presbytery, both built in stone with slate roofs. Beyond is recent housing in

Petch Garth, in both brick and stone. North is 49 Piercy End, a listed stone house with pantile roof and outbuildings (see 12 later). Immediately east is a narrow part of the garden to 49 and beyond is the modern Oxcroft area of local authority housing, built mainly in brick. The three modern houses at 51-55 Piercy End to the west have been described in 5.

9. The proposal is in outline form and some details will follow. Nevertheless it is for an L-shaped four-bedroomed bungalow in the north-east of the site with a gross floor area of 152 sq m. It has been expressly designed to accommodate Mia Strickland's disabilities and would for instance have a wet room as well as a bathroom. It has also been designed to complement the setting of the conservation area; materials would be brick walling with red clay pantiles for the roof which are appropriate to the mixture of materials in the vicinity. The existing road access between 51 and 53 to the garages would be used.

10. Heritage Statement. The relevant heritage assets are the Kirkbymoorside Conservation Area and the adjacent listed building.

11. The Kirkbymoorside Conservation Area was first designated, I believe, in the early 1970s. It covers most of the historic centre of this market town. In the Piercy End area it mainly includes older traditional stone buildings on the frontage with private gardens behind. The Conservation Area Appraisal puts it in Area 2, which is characterised by narrow burgage plots along Piercy End and West End. Near the application site it includes the catholic church but not the modern development to the south (Petch Garth) and east (Oxcroft). It does contain the later 51-55 Piercy End, which would have been built after the conservation area was designated.

12. Listed Building. 49 Piercy End is now a house but was formerly a nursery and shop. It is listed with number 47. The listing text says they are late 18C with sandstone walls, a pantile roof and traditional windows with horizontal sliding sashes. There is an attached outbuilding in brick and stone.

13. Design Statement. The proposed bungalow has been described at 9 above.

14. It is more satisfactory and cost-effective to build accommodation designed for the family's needs than to adapt an existing property. The Strickland family has the opportunity to build a single-storey dwelling on a flat site easily accessible to the town centre. It allows Mia to move independently around the bungalow and to access the town centre, or alternatively makes it easier for carers.

15. Access Statement. Vehicles and pedestrians would use the existing access to the garages, which is satisfactory. Internally the bungalow has of course been designed to give inclusive access to people with disabilities.

16. Assessment. In this section I assess the three issues identified in 3 above.

17. Issue 1: the principle of development. The site is within the defined development limits for Kirkbymoorside. It is surrounded by existing development as described in 8.

18. The reply to the preapp concluded that the proposal was contrary to Policy SP2 of the Ryedale Local Plan because it was backland and as such did not fall into any of the development categories ('sources') defined under that policy. In particular it was not infill frontage development.

19. However I consider this a rather narrow interpretation. It is a fundamental tenet of good planning practice to use land efficiently. Paragraphs 17 and 111 of the NPPF encourage the effective use of land. I am surprised that the wording of SP2 appears to rule out the possibility of any backland development at all. It appears to be silent on the matter. Well-planned backland sites which can be developed without harm to other acknowledged planning interests have for years been recognised as contributing usefully to the supply of housing. In contrast to SP2, Policy H7 of the previous Ryedale Local Plan allowed *'other small-scale developments within...settlements'*, provided that the development is in character and site factors are satisfactory (para 5.5.1.1).

20. This site represents an opportunity for development without extending the town into the countryside. Site factors are satisfactory: there would be no overlooking or other nuisance to neighbours and access is good.

21 Issue 2: heritage assets. The reply to the preapp also objected to the loss of the *'burgage plot arrangement...of undeveloped gardens behind frontage buildings'*.

22 As mentioned traditional burgage plots are characteristic of Piercy End and West End. However historically we do not believe that the application site itself has ever been a garden. In the past: it was behind a foundry. In any event its location is marginal between the burgage plots which are found to the north and the developed area of the catholic church and Petch Croft to the south. Indeed the Conservation Officer herself comments that it is only *'on the cusp'* between these areas.

23 The preapp also expressed concern at the *'harmful effect'* on the setting of the grade 2 listed building adjacent to the north. This setting *'includes undeveloped tranquil back gardens'*.

24. The listed building has been described at 12. The traditional house on the street frontage is important in its own right and contributes to the character and appearance of the conservation area. However behind, apart from the traditional brick and stone outbuilding, there are also three further, unsightly, outbuildings of plastic sheeting and roofing felt.

25. The proposed house would be some 40m away from the traditional outbuilding, separated from it by the hedge. The unsightly outbuildings define

much of the setting of the listed building. In my professional judgement the proposed dwelling would too far away to have any meaningful effect, particularly a harmful one, on its setting.

26. Policy SP12 of the Ryedale Plan, '*Heritage*', rightly states that designated heritage assets will be conserved. It also says that proposals resulting in '*less than substantial harm*' will only be agreed where there is public benefit outweighing any harm. In my judgement there is no harm, but if it is considered that there was it would not be substantial and the benefit to the applicants is a compelling reason to approve the proposal.

27. Issue 3: personal needs. The Stricklands have two children. Mia, 8, is severely disabled. She has a progressive neurological genetic disorder called Friedrich's Ataxia and has to use a wheelchair or walking frame. Her parents describe her condition fully in their accompanying letter, dated 19 Sept. In brief the condition affects her balance and coordination. As it progresses it can also affect her speech, ability to swallow foods, vision, hearing and heart. It can lead to scoliosis and diabetes.

28. At present the family lives in a 2-storey house at 42 Keld Head Orchard, which is on a steep slope. There is no downstairs bathroom or wc and Mia has to be carried up the stairs. The family needs adapted accommodation. NYCC Social Services has previously helped with alterations to the house but says in the letter dated 29 August that it considers it unsuitable for further such alteration because it is 2-storey and because of the steep outside slope.

29. Keld Head Orchard is almost one mile away from the centre of Kirkbymoorside and walking involves the hilly Gillamoor Road. It is not easily accessible for wheelchair journeys.

30. The family's needs are described in the following letters which have been submitted with the planning application.

- Dr R A Smith, Consultant Paediatrician, York Teaching Hospital (12 June).
- Dr R Kirk, Consultant Paediatric Cardiologist, and Sister P Walshe, Cardiac Liaison, Freeman Hospital, Newcastle (4 August).
- Sister P Bruce, Occupational Therapist, York Teaching Hospital (26 August).
- Amanda Bassett, Occupational Therapist, NYCC Social Services (29 August).
- Mrs Gill Hardacre, Head Teacher, Kirkbymoorside Primary School (4 Sept).
- David Brewster, Chief Officer, Ryedale Special Families (15 Sept).
- The applicants, the Strickland family (19 September).

31. The NPPF says that LPAs should '*plan for a mix of housing....for the needs of different groups in the community (such as....people with disabilities...'* Para 50). The proposed bungalow is the ideal solution to the particular predicament of the family.

32. Other considerations. No other dwellings would be adversely affected. The only nearby residential property is the church presbytery to the south. Any ground floor overlooking is prevented by the hedge. Generous distances also reduce possible nuisance: the presbytery is about 10m away from the south wall of bedrooms 3 and 4, which have no windows, and otherwise it is about 15m away. The presbytery is also on lower ground. In the other direction, north, there are no nearby houses. The proposed dwelling would have two windows facing north but neither is for a main room, and there is a hedge very close.

33. Conclusion. The NPPF sets out the important planning principle of the presumption in favour of sustainable development. Development proposals that accord with the development plan (unless it is silent or out of date) should be approved without delay (para 14). This sentiment is broadly repeated in Policy SP19 of the Ryedale Plan.

- The first issue raised in the preapp is the principle of development. Policy SP2 is silent on the role of backland development. However the site is within the Development Limits and site factors appear to be satisfactory.
- I do not believe that the proposals cause any harm to heritage assets. In any event Policy SP12 permits the approval of development resulting in what the Council considers to be '*less than substantial harm*' if outweighed by public benefit.
- The accommodation is much needed by the applicants.

34. I hope that with this additional information the application can now be supported by the Council. It meets a most important need for the applicants, it causes no harm to principles of good planning in Kirkbymoorside, or to heritage assets, or to neighbours or to any other issues of planning importance.

Pat Sutor, BA, Dip TP, MRTPI.
Planning Consultant for the Strickland family.

24 Sept 2014.

Incoming doc

Rachel Smith

From: Pat Sutor
Sent: 31 October 2014 10:44
To: Rachel Smith
Cc: Dearlove,; Rayment,
Subject: Piercy End, Kirkbymoorside (14/01081/OUT)

Dear Mrs Smith,

I write further to your recent conversation with Peter Rayment on this application, with some comments.

I have read the Conservation Officer's memo of 23 Oct. I note that her comments are very similar to those in the council's 'preapp' response of 9 July. I did address some of those in my Planning Statement which is part of the planning application, and which also covers Heritage, Design and Access.

Please would you consider the following in conjunction with the Planning Statement.

1. I note the important contribution that burgage plots make to the character of the conservation area. However as I have said I do not consider that this applies to the site. See 22 of the Planning Statement (PS).
2. The proposed garage would be immediately behind the existing modern garages and would hardly affect the setting of the listed building to the north. See 23-25 of the PS. In any event details can be protected by condition and considered at reserved matters stage.
3. It has been suggested that a simpler linear design would be more appropriate. However the building has been designed to provide the specialised accommodation needed for Mia Strickland including the wet room and to fit into the site. See 9 and 14 of the PS. If it was redesigned it would have to be wider and so the roof would be higher and more prominent.
4. I do not believe that the proposal would result in any harm. However if there was any harm it would be *'less than substantial'* and in my opinion outweighed by the benefit. See 33 of the PS, and also para 134 of the NPPF which in effect says the same.

I trust that these comments will be of assistance,

Regards,

Pat Sutor.

- PARISH

Rys

Support.

BOA VISTA
WEST END
KIRKBYMOORSIDE
NORTH YORKSHIRE
YO62.6AD.
TEL.NO.01751 432043

20th - OCTOBER 2014

THE PLANNING OFFICER
RYSDALE DIST. COUNCIL
RYSDALE HOUSE
MANTON.

PLANNING DIV
RYSDALE DIST. COUNCIL
DEVELOPMENT
MANAGEMENT

APPLICATION NO. 14/01081/OUT

CASE OFFICER - RACHEL SMITH

Dear Ms Smith

I am writing in support
of Mr. PAUL STRICKLAND of KEND HEAD
ORCHARD, KIRKBYMOORSIDE, who would
like to apply for planning permission
to build a bungalow on land he
owns just behind 53 PIERCE END

2

KIRKBYMOORSIDE.

He has a disabled daughter who has a degenerative condition and in the future will need more care. At the moment she receives help from Ryedale Special Families

I think great consideration should be given to this application. Yes, it is "infill", but you have allowed "infill" in other parts of Kirkbymoorside for example, Wainds Field, The Forge, Percy End, Town Farm - Tinley CARTH, Prospect Court High Market Place and Dog and Duck Farm, ^{VM} High Market Place.

Yours sincerely

(JEAN E COSSINS)

COUNCILLOR KIRKBYMOORSIDE TOWN COUNCIL

RYEDALE DISTRICT COUNCIL

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

1.

Application No: 14/00756/LBC **Decision: Approval**
Parish: Scackleton Parish Council
Applicant: Mr Nigel Hayes
Location: Hovingham Lodge (Hayes) Scackleton Lane Scackleton YO62 4NA
Proposal: Installation of replacement single access door to north-west elevation, replacement of single glazed french doors with double glazed doors to north-east elevation and replacement of single glazed with double glazed window to south-east elevation

2.

Application No: 14/00908/TPO **Decision: Approval**
Parish: Warthill Parish Council
Applicant: Mr Bayne
Location: Hill Farm House Common Lane Warthill Sand Hutton North Yorkshire YO19 5XW
Proposal: T1 Beech - Crown reduce by approximately 6 metres and crown clean to remove deadwood. T2 Beech - Crown clean to remove deadwood.

3.

Application No: 14/00902/ADV **Decision: Approval**
Parish: Norton Town Council
Applicant: Ast Signs Ltd (Miss Shellie Hall)
Location: Campbells of Malton Norton Road Norton Malton YO17 9RA
Proposal: Display of 1 no. internally illuminated fascia sign and 1 no. internally illuminated wall mounted sign

4.

Application No: 14/00906/FUL **Decision: Refusal**
Parish: Weaverthorpe Parish Council
Applicant: Mr & Mrs A Mason
Location: Gara Farm Weaverthorpe Malton North Yorkshire YO17 8ER
Proposal: Erection of replacement 4 bedroom detached dwelling following demolition of existing dwelling

5.

Application No: 14/00912/FUL **Decision: Refusal**
Parish: Harome Parish Council
Applicant: Mr & Mrs Silk & Pern
Location: The Pheasant Hotel Mill Street Harome York YO62 5JG
Proposal: Erection of detached outbuilding to house 198KW biomass heating system.

6.

Application No: 14/00916/FUL **Decision: Approval**
Parish: Birdsall Parish Council
Applicant: Birdsall Estates Company Ltd.
Location: Birdsall House Birdsall Malton YO17 9NR
Proposal: Erection of fuel store together with alterations to Brew House and Laundry Buildings for installation of biomass boiler system and associated pipework in the service wings of the house

7.
Application No: 14/00917/LBC **Decision: Approval**
Parish: Birdsall Parish Council
Applicant: Birdsall Estates Company Ltd.
Location: Birdsall House Birdsall Malton YO17 9NR
Proposal: Erection of fuel store against rebuilt retaining wall linked by auger system to externally and internally altered Brew House and Laundry buildings housing the biomass boiler system with associated pipework in the service wings of the house.

8.
Application No: 14/00921/HOUSE **Decision: Approval**
Parish: Norton Town Council
Applicant: Mr John Todd
Location: 4 St Nicholas Street Norton Malton North Yorkshire YO17 9AQ
Proposal: Erection of single storey rear extension and 2.4m high timber fence, re-rendering of the existing dwelling and widening of existing vehicular access to the rear following demolition of existing detached garage.

9.
Application No: 14/00939/HOUSE **Decision: Approval**
Parish: Appleton-le-Street Parish Meeting
Applicant: Mr T Burdekin
Location: Spring Bank House Easthorpe Malton North Yorkshire YO17 6QX
Proposal: Enclosure of existing covered porch area to form single storey front extension, erection of front entrance canopy and erection of first floor rear extension to include formation of 2 no. balconies

10.
Application No: 14/00953/FUL **Decision: Refusal**
Parish: Nunnington Parish Council
Applicant: Mr & Mrs Spencer
Location: Land East Of Rectory Lane Nunnington Helmsley
Proposal: Erection of block of 2 no. stables with store and tack/feed rooms, for private domestic use

11.
Application No: 14/00954/FUL **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr N Marwood
Location: Land South Of Carrick House Sheriff Hutton Malton
Proposal: Formation of vehicular access.

12.
Application No: 14/00957/FUL **Decision: Approval**
Parish: Henderskelfe Parish Meeting
Applicant: Mr Neil Swain
Location: Castle Howard Estate Castle Howard York North Yorkshire YO60 7BY
Proposal: Replacement of stainless steel flue with anodized black flue to serve proposed biomass heating system within the existing boiler room

13.
Application No: 14/00958/LBC **Decision: Approval**
Parish: Henderskelfe Parish Meeting

Applicant: Mr Neil Swain
Location: Castle Howard Estate Castle Howard York North Yorkshire YO60 7BY
Proposal: External and internal alterations to include replacement of stainless steel flue with anodized black flue, installation of biomass heating system within existing boiler room, blocking up of windows internally and fitting of removeable couplings

14.
Application No: 14/00959/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mrs Susan Wright
Location: 53 West End Kirkbymoorside York YO62 6AD
Proposal: Replacement of 4 no. single glazed timber windows to first and second floor front elevation by 4 no. double glazed timber windows and replacement of 1 no. rear second floor single glazed timber window by double glazed timber window.

15.
Application No: 14/00972/HOUSE **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Mr And Mrs Jonathan Bull - Diamond
Location: Stone Lea Main Street Welburn Malton YO60 7DZ
Proposal: Erection of part two storey/part single storey rear extension, replacement front porch, detached double garage with storage above and detached block of three timber stables.

16.
Application No: 14/00974/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mrs Hazel Wood
Location: The Cottage (Wood) New Lane Sheriff Hutton YO60 6QT
Proposal: Replacement of flat roof with pitched roof to the rear and raising of ridge height of central section of dwelling.

17.
Application No: 14/00975/HOUSE **Decision: Approval**
Parish: Wharram Parish Council
Applicant: Mr William Dewsnap
Location: Wellmont Cottage Salents Lane Wharram Le Street Malton North Yorkshire YO17 9TL
Proposal: Erection of detached single garage.

18.
Application No: 14/00978/HOUSE **Decision: Refusal**
Parish: Malton Town Council
Applicant: Mr & Mrs Robert Tooke
Location: 25 East Mount Malton North Yorkshire YO17 7JT
Proposal: Erection of part two storey/part single storey extension to south west elevation, following demolition of existing sunroom

19.
Application No: 14/00984/FUL **Decision: Approval**
Parish: Burythorpe Parish Council
Applicant: Mr Charles Clarkson
Location: Agricultural Buildings At Beck House Farm Menethorpe Lane Menethorpe Malton North Yorkshire
Proposal: Erection of an agricultural grain store to replace existing dryer shed and 5no. silos

20.
Application No: 14/00985/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr & Mrs J Stables
Location: Prospect House Farm Bean Sheaf Lane Pickering North Yorkshire YO17 6UL
Proposal: Installation of 15KW peak ground mounted solar PV system (60 panels in total) to generate electricity for on-farm use

21.
Application No: 14/00986/LBC **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Sir William Worsley
Location: Hovingham Hall Church Street Hovingham YO62 4LX
Proposal: Blocking up of existing doorway and removal of existing internal wall together with formation of new doorway and internal wall, to second floor of east wing to allow formation of additional bathroom facilities

22.
Application No: 14/00987/HOUSE **Decision: Approval**
Parish: Lillings Ambo Parish Council
Applicant: Mr Nigel Wilson
Location: The White House Goose Track Lane West Lilling YO60 6RP
Proposal: Erection of extension to side and rear to incorporate a single garage/store with first floor storage above following demolition of existing detached single garage/store (revised details to refusal 14/00058/HOUSE dated 15.04.2014)

23.
Application No: 14/00988/FUL **Decision: Approval**
Parish: Burythorpe Parish Council
Applicant: Mr Trevor Austin
Location: Langhill Cottage Burythorpe Malton North Yorkshire YO17 9LB
Proposal: Change of use from holiday let to a single dwelling house for owner's use (retrospective application).

24.
Application No: 14/01000/TPO **Decision: Approval**
Parish: Norton Town Council
Applicant: JCP Arboriculture Ltd (James Philpott)
Location: Sutton Farm Langton Road Norton Malton YO17 9PU
Proposal: T1 Ash, Fell to ground level due to disease Ash Heart Rot. Re-plant like for like.

25.
Application No: 14/01008/ADV **Decision: Approval**
Parish:
Applicant: Fitzwilliam (Malton) Estate (Mr Keith Davies)
Location: 43 Yorkersgate Malton North Yorkshire YO17 7AA
Proposal: Display of 1no. externally illuminated hanging sign adjacent to the arched north elevation entrance door (revised details to refusal 14/00675/ADV dated 11.08.2014).

26.
Application No: 14/01009/LBC **Decision: Approval**
Parish:
Applicant: Fitzwilliam (Malton) Estate (Mr Keith Davies)

Location: 43 Yorkersgate Malton North Yorkshire YO17 7AA
Proposal: Display of 1no. externally illuminated hanging sign adjacent to the arched north elevation entrance door (revised details to refusal 14/00682/LBC dated 11.08.2014).

27.

Application No: 14/01013/LBC **Decision: Approval**
Parish: Marton Parish Meeting
Applicant: Mrs Hazel Leonard
Location: Telephone Box Marton Road Marton Kirkbymoorside
Proposal: Installation of non-illuminated internally fixed "defibrillator" sign over the existing "telephone" signs that relate to the installed defibrillator equipment within the telephone box

28.

Application No: 14/01015/TPO **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr B Lowe
Location: 32 Outgang Road Pickering North Yorkshire YO18 7EL
Proposal: Lime Tree - Crown reduction by a maximum of 2m overall.

29.

Application No: 14/01018/HOUSE **Decision: Approval**
Parish: Amotherby Parish Council
Applicant: Mr And Mrs Suddaby
Location: East View Main Street Amotherby Malton North Yorkshire YO17 6UN
Proposal: Erection of part first floor/part single storey extension to side and rear

30.

Application No: 14/01019/HOUSE **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Mr And Mrs Paul Spencer
Location: The Croft Main Street Welburn Malton YO60 7EQ
Proposal: Erection of single storey extension and extended bay window

31.

Application No: 14/01078/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Carl And Mrs Elaine Wood
Location: 44 Potter Hill Pickering North Yorkshire YO18 8AD
Proposal: External and internal alterations to include erection of single storey linking extension, conversion of outbuildings to office/study and conversion of detached outbuilding to a two bedroom holiday cottage

Appeal Decision

Site visit made on 8 October 2014

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 24 October 2014

Appeal Ref: APP/Y2736/A/14/2222762

Ellis Patents Ltd, High Street, Rillington, Malton, YO17 8LA

- 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 Ellis Patents Ltd against the decision of Ryedale District Council.
 - The application Ref 14/00150/FUL dated 4 February 2014, was refused by notice dated 12 May 2014.
 - The development is a fuel oil tank.
-

Costs

1. An application for costs has been made by Ellis Patents Ltd against Ryedale District Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission granted for a fuel oil tank at Ellis Patents Ltd, High Street, Rillington, Malton, YO17 8LA in accordance with the terms of the application, Ref 14/00150/FUL dated 4 February 2014, and the particulars submitted with it, subject to the following condition:

- 1) Within 3 months of the date of this decision, a landscaping scheme shall be submitted to the local planning authority for approval in writing. The landscaping scheme shall include particulars of any additional and replacement planting, including species and sizes of plants, and any other measures designed to screen the oil tank from nearby dwellings and gardens in the short or long term. The landscaping scheme shall include a programme for implementation.

The landscaping scheme shall be carried out as approved. If, within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Main Issue

3. The main issue is the effect of the oil tank, which is already in place, on the character and appearance of the area and the visual amenity of nearby residents in Woodlands Road.

Reasons

4. The tank is located on open land close to the boundary of an established factory on the fringe of the village. The tank is separated from rear gardens of dwellings in Woodlands Road by a narrow strip of landscaping, comprising closely positioned saplings of varying species. The saplings are young, and a few appear to be dead or dying. They do not presently screen the 10,000 litre capacity oil tank from rear gardens and windows of the nearest dwellings.
5. I am told that there is a separation of about 20m between the tank and the nearest dwelling. However, there is a largely open aspect between the tank and the closest dwelling at no. 3, so that it appears prominent from the garden and ground-floor windows. In the domestic context of the dwellings and their gardens, the dark-coloured tank appears overly large and out of place. It appears as a commercial scale structure that dominates views of the foreground from the rear of dwellings. There is a backdrop of industrial buildings beyond the tank, but these buildings are further distant.
6. Given the proximity of the oil tank to gardens and dwellings, its non-domestic scale and appearance, and the lack of any effective screening, it fails to take the opportunities available for improving the character and quality of an area contrary to paragraph 64 of the National Planning Policy Framework. It does not secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, contrary to paragraph 17 of the Framework. In these respects, notwithstanding the lack of public vantage points, the tank harms the character and appearance of the area and the visual amenity of some nearby residents.
7. Although the appeal tank replaced another tank nearby, I am mindful that the site of the former tank was closer to the industrial buildings and further from the dwellings. Given the very close planting of some saplings immediately next to the tank, and the dead or dying state of some in the intervening area, I cannot be certain that the existing planting scheme is adequate to screen the existing tank from nearby dwellings in a satisfactory manner.
8. A condition could be imposed to require further planting and replacement of any dead or dying plants. There is also potential for other screening mechanisms as part of a landscaping scheme, such as a timber fence abutting the tank, particularly until plants have become established to provide a more effective screen. I am satisfied that there is sufficient intervening space to incorporate additional screening without compromising nearby residents' living conditions. The tank may not become entirely invisible from nearby dwellings, but with some screening the tank would appear less obtrusive and dominating, and there would be no material harm to the character and appearance of the area and to residents' visual amenity.
9. Policy SP16 of the Ryedale Plan – Local Plan Strategy (LP) requires development to reinforce local distinctiveness and LP Policy SP20 to respect the character and context of the immediate locality. The development does not meet the objectives of these policies, but a condition could be imposed that mitigates the existing harm. I have therefore imposed a condition requiring a landscaping scheme.

10. There is no substantive evidence to indicate that any leakage or safety hazard would occur. These matters are subject to other legislation. The separation distance from the dwellings is such that there would be no undue loss of daylight or sunlight from landscaping. I also do not consider that permission could reasonably be withheld on account of any noise or disturbance from the occasional filling of the tank.
11. The site is of archaeological interest, close to a Scheduled Ancient Monument. However the development is already in place, and no mitigation measures are deemed necessary, other than compliance if needed with other legislation. I have taken into account all other matters, including all the policies in the Framework and other national planning guidance, but I find none that justify the dismissal of this appeal.

Sue Glover

INSPECTOR



Costs Decision

Site visit made on 8 October 2014

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 24 October 2014

Costs application in relation to Appeal Ref: APP/Y2736/A/14/2222762

Ellis Patents Ltd, High Street, Rillington, Malton, YO17 8LA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ellis Patents Ltd for a full award of costs against Ryedale District Council.
 - The appeal was made against the refusal of planning permission for a fuel oil tank.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and, the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. Paragraph 049 (Reference ID 16-049-20140306) of the guidance sets out examples of types of behaviour that may give rise to a substantive award of costs against a local planning authority, although the examples listed are not exhaustive. The examples include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations (bullet point 1).
 4. The applicant indicates that the appeal should not have been necessary, and the application to the Council was refused without proper and substantive grounds on which to base a valid reason for refusal. The applicant suggests that the Council gave vague, generalised or inaccurate assertions about impact, unsupported by any objective analysis, contrary to bullet point 3 of paragraph 049 of the guidance. The applicant says that the committee departed from the advice of their officers without a proper and rational basis for doing so.
 5. However, the reason for refusal sets out the committee's judgement about the impact of the tank on neighbouring properties on account of its siting, design and location. The reasons were expanded, albeit briefly, in the Council's appeal statement.
-

6. Although the tank is not located immediately adjacent to the boundary with nearby dwellings, I found that the strip of intervening landscaping is not well established as indicated by the applicant. There is a largely open aspect between the tank and the closest dwelling, so that the tank appears prominent from the garden and ground-floor windows.
7. Given the very close planting of some saplings immediately next to the tank, and the dead or dying state of some in the intervening area at the time of my site visit, I could not be certain that the existing planting scheme was adequate to screen the existing tank from nearby dwellings in a satisfactory manner. I also found that the site of the former tank was closer to the industrial buildings and further from the dwellings.
8. I am therefore satisfied that the committee exercised reasonable judgement about the development. Although I came to a different conclusion from the Council, having considered that a condition could be imposed that would address the matter of landscaping and screening, I do not find the Council's decision to be unreasonable.
9. The proposed development should not have clearly been permitted having regard to its accordancy with the development plan, national policy and other material considerations. I therefore do not find this matter constitutes grounds for the award of costs.
10. To conclude, there are insufficient grounds to demonstrate that the appeal could have been avoided. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

Sue Glover

INSPECTOR