

PLANNING COMMITTEE

Tuesday 16 December 2014 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes** (Pages 3 - 8)
- 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 9 - 10)
- 6 **14/00947/MFUL - ATS Euromaster, 25 - 27 Commercial Street, Norton** (Pages 11 - 80)
- 7 **14/01081/OUT - Land At, Piercy End, Kirkbymoorside** (Pages 81 - 91)
- 8 **14/00909/HOUSE - Newlands, 4 St Peters Crescent, Norton** (Pages 92 - 99)

- 9 **14/00980/MFUL - Ryelands Care Home, Hurrell Lane, Thornton-Le-Dale** (Pages 100 - 156)
- 10 **14/01187/FUL - 4 Dale Road, Sheriff Hutton, Malton** (Pages 157 - 160)
- 11 **Publication of the CIL Revised Draft Charging Schedule** (Pages 161 - 172)
- 12 **Policy Report - The Helmsley Plan: Land at Helmsley**
- 13 **Any other business that the Chairman decides is urgent.**
- 14 **List of Applications determined under delegated Powers.** (Pages 173 - 179)
- 15 **Update on Appeal Decisions** (Pages 180 - 181)

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 18 November 2014

Present

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

Substitutes: Councillor D Cussons (for Councillor J Hicks)

In Attendance

Jo Holmes, Karen Hood, Gary Housden, Matthew Mortonson, Rachel Smith and Anthony Winship

Minutes

115 Apologies for absence

Apologies were received from Councillor Hicks.

116 Minutes of meeting held on 21 October 2014

Decision		
That the minutes of the meeting of the Planning Committee held on 21 October 2014 be approved and signed by the Chairman as a correct record.		
[For 8	Against 0	Abstain 1]

117 Urgent Business

There was no urgent business.

118 Declarations of Interest

Councillor	Application
Cussons	6
Hope	6,8,9,17
Sanderson	6,8,9,17
Frank	6,9
Burr	6,7,9,14,15

Woodward	6,10
Richardson	8,9
Maud	6,9,10
Windress	8,9

119 **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.

120 **Enforcement Report - 10/00156/BC - Steam And Moorland Garden Centre, Malton Road, Pickering**

Decision

That the Officer recommendations be approved and that 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.

[For 6 Against 3 Abstain 0]

In accordance with the Members' Code of Conduct Councillors Hope, Mrs Sanderson, Mrs Frank, Mrs Burr, Woodward and Maud declared a personal non pecuniary but not prejudicial interest. Councillor Cussons declared a personal and prejudicial Interest and left the room.

121 **Enforcement Report - 14/00015/CU - Musley Bank Stables, Musley Bank, Malton**

Decision

That the Officer recommendation be approved and that no formal enforcement action be taken.

[For 10 Against 0 Abstain 0]

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

122 **Enforcement Report - 14/00007/UD - Canadian Fields, Gale Lane, Nawton**

Decision

(i) That 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; and
(ii) That the compliance period be two years.

[For 6 Against 4 Abstain 0]

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

123 **14/00949/FUL - Canadian Fields, Gale Lane, Nawton**

Decision

PERMISSION GRANTED – Temporary period of 2 years.

[8 For Against 0 Abstain 2]

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

124 **14/00947/MFUL - ATS Euromaster, 25-27 Commercial Street, Norton**

Decision

DEFERRED FOR SITE INSPECTION 2.12.14

[For 6 Against 0 Abstain 3]

In accordance with the Members' Code of Conduct Councillors Woodward and Maud declared a personal non pecuniary but not prejudicial interest. Councillor Mrs Burr declared a disclosable pecuniary interest and left the room.

125 **14/00132/MFUL - Kingspan, St Hildas Street, Sherburn, Malton**

Decision		
PERMISSION GRANTED – Subject to conditions as recommended.		
[For 10	Against 0	Abstain 0]

126 **14/00950/MFUL - Poplar House Farm, Leppington Lane, Leppington, Malton**

Decision		
PERMISSION GRANTED – Subject to conditions as recommended.		
[For 9	Against 1	Abstain 0]

127 **14/00976/MREM - Land At OS Field 9525, Crossgate Lane, Pickering**

Decision		
PERMISSION GRANTED – Subject to conditions as recommended and receipt of satisfactory landscape plan.		
[For 10	Against 0	Abstain 0]

128 **13/00885/FUL - Buildings At Mount Farm, Main Street, Westow**

Decision		
PERMISSION GRANTED – Subject to conditions as recommended.		
[For 10	Against 0	Abstain 0]

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

129 **14/00896/FUL - Rainbow Cottage, Westgate Lane, Old Malton**

Decision		
PERMISSION GRANTED – Subject to conditions as recommended.		
[For 10	Against 0	Abstain 0]

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

130 **14/01077/FUL - 44 Potter Hill, Pickering**

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

In accordance with the Members' Code of Conduct Councillor Woodward declared a personal and prejudicial interest and left the room.

131 **14/01081/OUT - Land At Piercy End, Kirkbymoorside**

Decision		
DEFERRED FOR SITE INSPECTION 2.12.14		
[For 8	Against 1	Abstain 1]

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

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

There was no urgent business.

133 **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.

134 **Update on Appeal Decisions**

Members' were advised of the following appeal decision.

Appeal Ref: APP/Y2736/A/14/2222762 – Ellis Patents Ltd, High Street,
Rillington, Malton

Meeting Closed at 9.40pm.

Agenda Item 5

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 16/12/14

6

Application No: 14/00947/MFUL

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

Proposal: Erection of 37no. 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

7

Application No: 14/01081/OUT

Application Site: Land At Piercy End Kirkbymoorside

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

8

Application No: 14/00909/HOUSE

Application Site: Newlands 4 St Peters Crescent Norton Malton North Yorkshire YO17 9AN

Proposal: Erection of single storey side and rear extensions to include integral garage with storage above

9

Application No: 14/00980/MFUL

Application Site: Ryelands Care Home Hurrell Lane Thornton-Le-Dale Pickering North Yorkshire YO18 7QR

Proposal: Demolition of existing buildings and erection of 6no. four bedroom dwellings, 4no. three bedroom dwellings, 2no. two bedroom dwellings and 2no. one bedroom dwellings with associated garaging, parking and amenity areas and repositioning of vehicular access

10

Application No: 14/01187/FUL

Application Site: 4 Dale Road Sheriff Hutton Malton YO60 6RZ

Proposal: Removal of roller shutter door to north elevation and replacement by 2no. timber windows and surrounding brickwork

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 16/12/14

#Error

Application No: 14/01096/FUL

Application Site: Land South Of Thornton House Low Street Thornton Le Clay

Proposal: Change of use and alteration of agricultural building to form a two bedroom dwelling with parking and amenity areas and incorporating an existing timber workshop within the curtilage

RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 14/00947/MFUL
Parish: Norton Town Council
Appn. Type: Full Application Major
Applicant: Mr Paul Sedman
Proposal: Erection of 37no. 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: 5 September 2014 **8/13 Week Expiry Date:** 5 December 2014
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Building Conservation Officer	Further design changes recommended
North Yorkshire Education Authority	Comments awaited re level of contribution
Sustainable Places Team (Yorkshire Area)	Further views awaited
Archaeology Section	Further views awaited
Highways North Yorkshire	Further views awaited
Parish Council	Further views awaited
North Yorkshire Police Architectural Liaison Officer	Further views awaited
Land Use Planning	Conditional support
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
Housing Services	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, Miss Cherry Potter, Mr Darron Callender, Mr Andrew Douthwaite, Mrs Janet Douthwaite, Mrs Jackie McGibbon, Lee Halsteal, J Wasley, Z M Rea, Julie Parker, Miss Rosie Wardale, Mrs Angela Wardale, Mr Roger Wardale, Mrs Vivienne Nicholson, Mrs Gaynor Johnson, Miss P Simpson, Mrs C J Miers, The Occupier, Hassan - Shoraka, N Abbey, T Jones, Karen

PLANNING COMMITTEE

16 December 2014

Overall Expiry Date: 28 December 2014

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SITE:

The application site is located within the identified development limits as shown on the Ryedale Local Plan Map - adopted 2002. The frontage of the site is shown within the Town Centre Commercial Limits and the entirety of the site is located within the designated Conservation Area.

Until recently, the eastern half of the rear of the site was occupied by the ATS tyre depot and its associated raised hardstanding area. The ATS buildings have now been demolished and the site gives open views to the rear boundary with the railway line. The River Derwent runs further to the north. There is also a small disused electricity sub-station building in the north-east corner of the site which will be removed as part of the development.

The site frontage with Commercial Street currently has a 13.6m wide open space, between shop units and flats fronting Commercial Street. These are buildings of varying eaves and apex heights - apex heights of the frontage building vary between 8.5, and 12.5m in height. The western site boundary abuts No. 5 Commercial Street and other properties known locally as Buckrose Court. Elevations showing the proportions and sections of the scheme in relation to the adjacent properties are appended to this report.

Parts of the site are located in Flood Zones 2 and 3 and this is addressed later in this report.

PROPOSAL:

The proposed development is for a market-led scheme comprised mainly of apartments (37No. 1-bed units and 20No. two-bed units) and also an attached terrace of 3No. 3-bed dwellings and 2No. four-bed apartments/dwellings. There is also associated undercroft parking for 59No. vehicles and 41No. bicycle storage spaces with 17No. surface parking spaces with associated communal areas and landscaping. In addition, a single commercial (shop) unit is proposed at the frontage of the site with a studio flat above.

The total number of residential units is sixty-three additional units and this gives rise to a requirement of 22.05 units of affordable accommodation based on a policy requirement of 35%. 18No. units are proposed on site, comprised of 11No. 1-bed apartments and 7No. 1-bed apartments. A commuted sum for the remainder is proposed.

The buildings are proposed to be constructed from a combination of predominantly clamp brick walls and clay/plain tiles. It is considered, however, that the final choice of materials should be the subject of a condition requiring the submission of samples to be agreed and sample panels to be constructed if permission is granted.

The heights and proportions of the buildings varies markedly and is described below:-

- 3-bed terraced houses - Each unit 5 metres x 8.4 metres floor area with 5 metres eaves and 8.5 metre apex
- 4-bed apartment/dwellings - Each unit 5.4 metres x 8 metres floor area

- 1 and 2-bedroomed apartments - Located in blocks up to 3.5-storeys with 8 metres eaves and apex heights between 12.4 metres and 13 metres above upper ground level as shown on the submitted plans
- Commercial Unit and Flat fronting Commercial Street - Floor area of 4.7 metres x 5.87 metres with 5 metre eaves and 7.4 metre apex heights

The application is accompanied by a series of detailed technical reports which may be inspected on the Council's website.

Appended to this report, however, for Members information is the Planning Support Statement; Design & Access Statement and Flood Risk Assessment; and a further letter from the agents dated 3 December 2014, setting out the changes to the scheme arising from consultation responses and officer negotiations.

POLICY:

National Policy

National Planning Policy Framework 2012
National Planning Policy Guidance 2104

Ryedale Plan Local Plan Strategy 2013

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP7 - Town Centres and Retailing
Policy SP11 - Community Facilities and Services
Policy SP12 - Heritage
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP18 - Renewable and Low Carbon Energy
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

HISTORY:

Previous history relating to tyre depot which is not relevant to this scheme.

14/00697/FUL: Demolition of former ATS buildings - Approved

APPRAISAL:

The main considerations in relation to this application are:-

- Principle of the development;
- Layout, scale and design of the scheme;
- Impact on the Conservation Area;
- Impact on the amenity of adjoining properties;
- Flood risk/drainage issues;
- Highway safety/parking;

PLANNING COMMITTEE

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- Noise;
- Affordable Housing;
- Other developer contributions; and
- Archaeology.

Principle of development

The site is located within the development limits of Norton. Malton and Norton is the principle focus for new residential development as identified in the Ryedale Local Plan Strategy. The LPS seeks to focus growth on the market towns. The proposal is consistent with the overall approach to development set out in Policies SP1 and SP2 which seek to promote development in sustainable locations. This site has direct access onto Commercial Street and is within walking distance of the railway station and bus depot. It is also within walking distance of Malton town centre.

At present, the Council cannot demonstrate a 5-year supply of housing sites. This means that paragraph 49 of the NPPF is engaged and there is a presumption in favour of the grant of planning permission for sustainable development. Para 14 also advises that proposals that accord with the development plan should be approved without delay and where the development plan is out of date, granting permission., Para 17 also advises Local Planning Authorities to proactively support new development to deliver the homes and business units that the county needs.

Notwithstanding the 5-year supply position, the site lies within the identified settlement limits and there is no objection in principle to the re-development of this brownfield site.

Layout, scale and design of the proposed scheme

The proposed scheme has a vehicular access onto Commercial Street, previously used as the entrance to the former ATS tyre fitting depot. The entrance to the site is currently a relatively unattractive open gap in an otherwise built-up street frontage.

The design promotes the construction of a small street front commercial unit with studio flat above in order to 'close up' the streetscene at this point. A 5.5 metre wide vehicular access with single footway is proposed to the eastern side of the shop unit which enters into the depth of the site to provide a turning area for all vehicles, include both emergency and service vehicles, as well as normal residents and visitors vehicles. A secondary pedestrian access is also shown on the amended plans which exits onto Commercial Street via an existing alley wall to the south-western corner of the site.

The bulk of the scheme is comprised of 37No. one-bed apartments, 20No. two-bed apartments, with 3No. 3-bedroom dwellings and 2No. four-bed apartment/dwellings. The units are provided with a significant area of undercroft parking at basement level with a smaller number of spaces at surface level. Each of the dwellings is provided with a small self-contained curtilge. The apartments are set in a courtyard layout with areas of communal space to the front and rear.

The buildings are comprised of a variety of heights and scales as set out earlier in this report. It is of note, however, that the taller elements of the scheme are set to the sides and rear of the site where they are reasonably well screened by other existing taller buildings on Commercial Street frontage and Buckrose Court. There are limited views from the north because of the presence of the railway line and river and limited public access at that point.

Whilst this is a high density scheme comprised of buildings up to 3½-storey in height, it is set in a town centre location and close to other buildings, some of which area of similar height. The layout, design and scale of the scheme is considered to be generally appropriate to this town centre, urban location.

Impact on the Conservation Area

Notwithstanding the current appearance of the site, it is all located within the designated Conservation Area. The Local Planning Authority therefore has a duty under S72 of The Planning Listed Buildings and Conservation Area Act 1990 to ensure that any development preserves or enhances the character of the designated area.

In this case, the scheme has been amended from a pre-application proposal to promote the introduction of a small commercial unit and flat on the Commercial Street frontage in order to close-up an unattractive gap on the Commercial Street frontage. This is considered to represent a significant enhancement to the character of the Conservation Area. The detail of the scheme in the depth of the site has also been amended to set a general reduction in the height of the tallest buildings and to provide more interest in the design of the scheme throughout. Further amended plans have been received which are currently being appraised by the Building Conservation Officer. Any further comments and responses will be reported on the late pages or at Committee.

Impact on adjoining property

Members will be aware that the site is located adjacent to the buildings on Commercial Street. It is close to Buckrose Court and other properties on the street frontage. At their closest point, the buildings near the western boundary (the 3No. bedroomed two-storey dwellings) are between 11 metres and 12 metres away from the adjoining properties with a side-to-rear relationship. The scheme has been amended in this area of the site in order to address a dispute over the extent of the site boundary red-line and also to ensure that a reasonable level of amenity is provided for both existing and future residents. The adjacent site to the east is a large area of undeveloped land which sits at a generally lower level. The adjacent land is all located in Flood Zone 3 and the nearest other properties to the east are in Wallgates Lane, varying between 60 to 80 metres from the boundary of the site. There are no other properties to the north or the south of the site that are considered to be adversely affected by the scheme.

Flood Risk and Drainage

A small section of the site in the north-western corner is located in Flood Zone 3. A Flood Risk Assessment has, however, been submitted as part of the application because it is categorised as a Major application. The FRA contains a sequential assessment and exception test and this has been considered by officers and the Environment Agency. The Environment Agency raise no objection, but conditions are recommended if planning permission is granted for the scheme, these include finished floor levels and other resilience measures; scheme for sustainable drainage to be agreed (including limiting run-off rates) and mitigation of any contaminates found.

Yorkshire Water had advised that the proposed drainage arrangements are now acceptable subject to conditions.

Highway Safety/Parking Issues

Members will note that a significant number of third party concerns have been raised in respect of highway safety and parking. Indeed, NYCC Highways had also raised concerns about the levels of parking proposed on site and other detailed matters relating to access.

Amended plans have been submitted which increase the levels of on-site parking to 76No. in total on the site, 17No. at surface level and 59No. in the undercroft parking area. In addition, 41No. lockable bike spaces are shown in the undercroft parking together with a cycle store for each of the dwellinghouses on the site. It is understood that these plans satisfy the requirements of NYCC Highways. Written confirmation is, however, awaited and this will be reported to Members on the late pages or to Committee.

Noise

A noise survey has been submitted with the application. However, a further appraisal regarding noise has been requested by the Council's Environmental Health Officer following the demolition of the former tyre depot buildings on the site. Members will be appraised of the further views of the Council's Environmental Health Officer on the late pages or at Committee.

Affordable Housing

Members will appreciate that the application is now being promoted as a market housing scheme. Policy SP3 requires that 35% on-site provision is made as part of such schemes, which will require 22No. units to be affordable. In this case, the applicants are proposing to offer 11No. one-bedroomed apartments and 7No. two-bedroomed apartments on site. These are located in the same block for ease of management purposes for a Registered Provider. The remaining four units are proposed to be offered as a commuted sum. In principle, this is considered to be acceptable by the Council's Housing Manager. However, the detailed comments relating to tenure and size of the units and the level of the commuted sum have yet to be agreed.

Other development contributions

There is a further requirement for an off-site contribution towards Public Open Space of £79,500 in accordance with Policy SP11 of the Ryedale Plan - Local Plan Strategy.

A contribution towards education provision will also be required. The final response from NYCC Education is awaited specifying this figure. These, together with the on and off-site affordable housing provision, these will need to be secured by a Section 106 Agreement.

Archaeology

The site is an area of known archaeological importance and a pre-determination excavation has already been carried out. The developer has submitted a proposed mitigation strategy following the results of the trial trenching which recommends an open area excavation in advance of contributions. The final comments of the NYCC Heritage Unit is awaited.

A number of third party comments have been received which are set out below.

The initial comments from Norton Town Council to the original scheme recommended objection to the scheme for the following reasons:-

- Concern over building heights and impact on the Conservation Area and adjacent property;
- Not in keeping with commercial nature of Commercial Street;
- Insufficient parking - should be at least 1 to 1 ratio;
- Possible congestion at access point and possible safety issues;
- Flooding - much of the site is within Flood Zones 2 and 3 further safety issues and cars trapped in undercroft.

Members will be aware that the scheme has been amended and it is understood that the amended plans will be re-considered by Norton Town Council on 8 December 2014. Members will be appraised of any further comments received at the meeting or via the late pages.

Third Parties

15No. Objection letters raising some or all of the following points:-

- Concern over scale of the scheme - out of character with the Conservation Area;
- Additional noise and disturbance;
- Concerns re infrastructure;
- Increased traffic and congestion;
- Possible anti-social behaviour/increase in crime;

- Impact on surgery;
- Adverse impact on on-street parking on Commercial Street;
- Encroachment on property owned by others;
- Additional overlooking;
- Loss of daylight; and
- Potential adverse impact on other potential future development on land to the east.

14No. letters of Support:

- Will get rid of heavy lorries that previously went to the ATS yard;
- Town needs new investment, jobs and homes;
- More trade for local businesses will arise from increased number of residents;
- Access to existing commercial premises at the rear will become possible;
- Site is an eyesore - this will be a key improvement;
- Ideal for younger people to get onto property ladder;
- Excellent use of a brownfield site; and
- Scale of buildings in keeping with those around.

Further re-consultation has taken place in respect of the amended information and plans received on 3 December 2014. Members will be updated on any further responses received.

RECOMMENDATION: **Recommendation Pending for final responses from outstanding consultees**

Background Papers:

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



MR PAUL SEDMAN
PROPOSED RESIDENTIAL DEVELOPMENT
 AT TYRE SITE, COMMERCIAL STREET, NORTON

YEW-277-015A LOCATION PLAN

MAY 13

SCALE 1:1250 @ A4

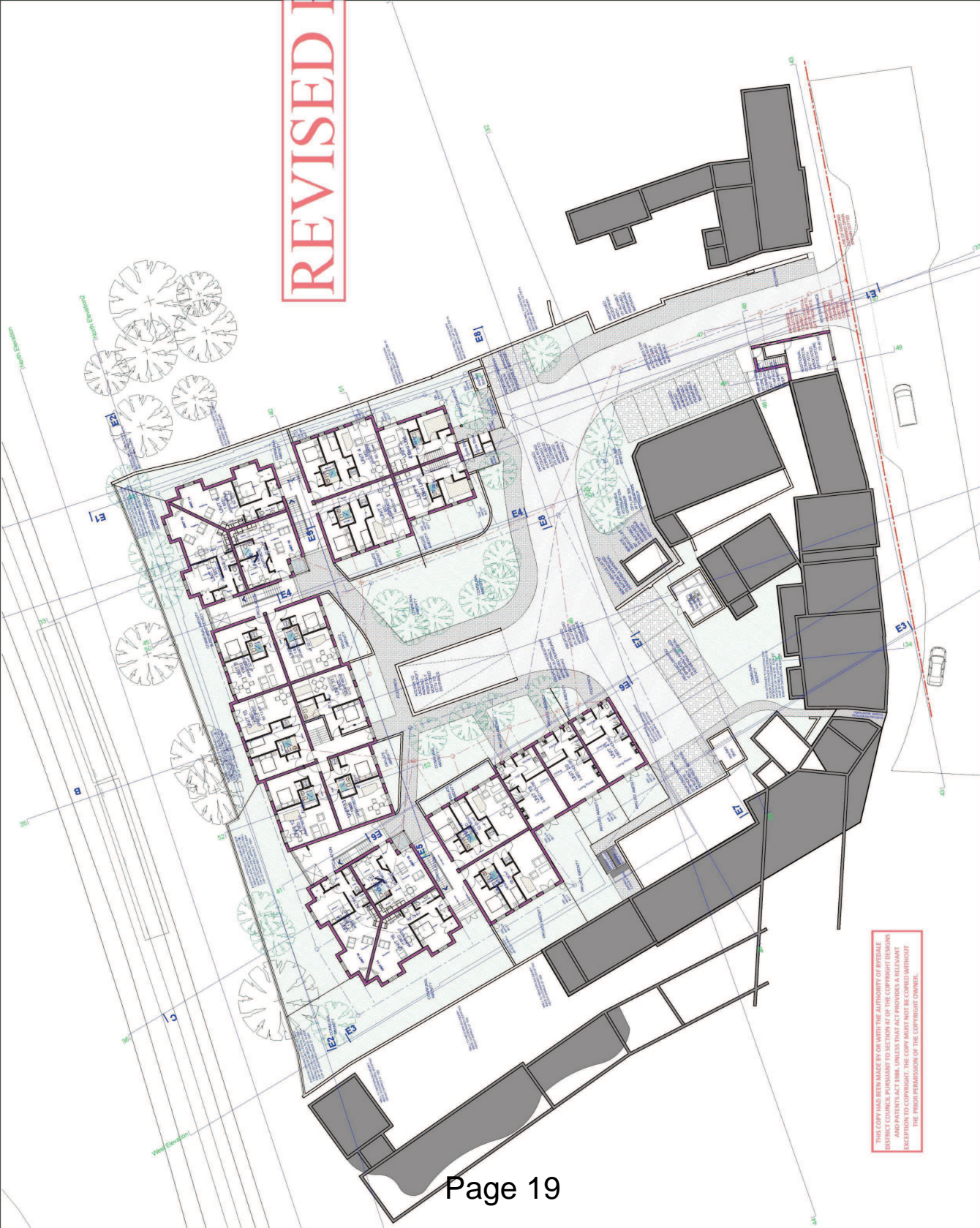
The Planning & Design Partnership
 PLANNING. ARCHITECTURE. INTERIORS. LANDSCAPE

The Chicory Barn Studio,
 The Old Brickyards, Moor Lane, Stamford Bridge,
 York, The East Riding Of Yorkshire, YO41 1HU.

Telephone 01759 373656 Fax 01759 371810
 E-mail: chicorybarn@thepdp.co.uk www.thepdp.co.uk

NOTES:
 1. This drawing is a preliminary drawing. It is intended to illustrate the proposed development and is not intended to be used for construction purposes. All dimensions, quantities and materials shall be subject to change without notice. The client shall be responsible for obtaining all necessary permissions and consents from the relevant authorities.
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REVISED PLAN



REV G 25/11/19 DRAWING AMENDED TO REFLECT THE FINAL FURNISHING OFFERS
 COMMENTS
 REV B 25/11/19 DRAWING OF FURNISHING OFFERS
 REV A 15/11/19 ADDITIONAL IMPROVEMENTS REQUESTED FROM THE CLIENT TO THE SITE

The Planning & Design Partnership
 PLANNING ARCHITECTURE INTERIORS LANDSCAPE
 The Cleopatra Barn Studios
 The Old Brickworks, Moor Lane, Stamford Bridge,
 York, The East Riding Of Yorkshire, YO94 1HL.
 Telephone: 01759 373656 Fax: 01759 371810
 Email: info@thepldp.co.uk www.thepldp.co.uk

DATE:	MR PAUL SEDMAN		
PROJECT:	PROPOSED RESIDENTIAL DEVELOPMENT AT 1 TYRE SITE, COMMERCIAL STREET, NOTTON		
DRAWING:	PROPOSED SITE PLAN		
Date:	MARCH 13	Drawn:	
Scale:	1:200 @ A1	Rev:	C
Issue:	PLANNING		
Draw No:	YEW-277-015 02		

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2. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE PROPOSED DEVELOPMENT AND HAS NOT CONDUCTED A VISUAL IMPACT ASSESSMENT. THE CLIENT ACCEPTS ALL RISKS AND LIABILITIES ASSOCIATED WITH THE USE OF THIS PLAN.
3. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE PROPOSED DEVELOPMENT AND HAS NOT CONDUCTED A VISUAL IMPACT ASSESSMENT. THE CLIENT ACCEPTS ALL RISKS AND LIABILITIES ASSOCIATED WITH THE USE OF THIS PLAN.
4. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE PROPOSED DEVELOPMENT AND HAS NOT CONDUCTED A VISUAL IMPACT ASSESSMENT. THE CLIENT ACCEPTS ALL RISKS AND LIABILITIES ASSOCIATED WITH THE USE OF THIS PLAN.
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DESIGN REVIEW BOARD
 609 WEST 125 STREET, 12TH FLOOR, NEW YORK, NY 10019
 TEL: (212) 261-5700 FAX: (212) 261-5701
 WWW.DRBA.DEC.state.ny.us

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 The Cherry Burr Studios
 100 West 42nd Street, 11th Floor, New York, NY 10018
 Tel: (212) 695-1234 Fax: (212) 695-1235
 www.thepdp.com

MR PAUL SEDMAN
 PROPOSED RESIDENTIAL DEVELOPMENT
 AT THE ONE COMMERCE STREET, SECTION
 PROPOSED BASEMENT PLAN

DATE	REVISION
01/14/10	1. INITIAL DESIGN
02/10/10	2. REVISED DESIGN
03/10/10	3. REVISED DESIGN
04/10/10	4. REVISED DESIGN
05/10/10	5. REVISED DESIGN
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04/18/18	100. REVISED DESIGN



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REVISED PLAN



REVISED PLAN

NOTES:

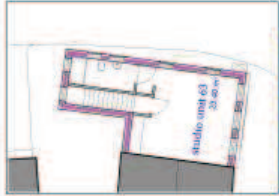
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL FINISHES ARE TO BE AS SHOWN ON THE FINISH SCHEDULE.
3. ALL MATERIALS ARE TO BE APPROVED BY THE ARCHITECT.
4. ALL WORK IS TO BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS REGULATIONS.
5. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS.
6. ALL ELECTRICAL WORK IS TO BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS REGULATIONS.
7. ALL MECHANICAL WORK IS TO BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS REGULATIONS.
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19. ALL CEILING WORK IS TO BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS REGULATIONS.
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21. ALL ELECTRICAL PANELS ARE TO BE APPROVED BY THE ARCHITECT.

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 www.thepdp.com

MR PAUL SEDMAN
 PROPOSED RESIDENTIAL DEVELOPMENT
 415 WEST 97th STREET, WESTCHESTER
 PROPOSED GROUND FLOOR PLAN
 DATE: MARCH 13, 2018
 SHEET: 1 OF 2
 SCALE: A
 PROJECT: PLANNING
 DRAWING NO.: YEW-277-015 11

1. The proposed development is a residential development consisting of 30 residential units and a commercial unit. The units are arranged in a U-shape around a central courtyard. The commercial unit is located at the end of the U-shape. The units are of varying sizes and are designed to provide a range of housing options. The commercial unit is designed to provide a range of services to the residents of the development. The development is located on a site that is currently vacant. The site is bounded by [redacted] to the north, [redacted] to the south, [redacted] to the east, and [redacted] to the west. The site is situated in a residential area. The development is proposed to be built on a plot of land that is currently vacant. The site is bounded by [redacted] to the north, [redacted] to the south, [redacted] to the east, and [redacted] to the west. The site is situated in a residential area. The development is proposed to be built on a plot of land that is currently vacant. The site is bounded by [redacted] to the north, [redacted] to the south, [redacted] to the east, and [redacted] to the west. The site is situated in a residential area.



FIRST FLOOR TO COMMERCIAL UNIT

The Planning & Design Partnership
 PLANNING ARCHITECTURE INTERIORS LANDSCAPE
 The Cherry Bush Studios, 1st Floor, Assorted Buildings, York, The East Riding of Yorkshire, YO1 1HL
 Telephone: 01430 731566 Fax: 01430 831410
 Email: info@pdp.co.uk www.pdp.co.uk

MR PAUL SEDMAN
 PROPOSED RESIDENTIAL DEVELOPMENT
 A 25 UNIT, 3/4, COMMERCIAL STREET, YORKE
 PROPOSED FIRST FLOOR PLAN
 Date: 15/03/12
 Scale: 1:50 @ A1
 Status: **PLANNING**
 Drawing No: **YEW-277-015 12**



1. The owner warrants that the information provided in this plan is true and correct to the best of their knowledge and belief.

2. The owner warrants that the information provided in this plan is true and correct to the best of their knowledge and belief.

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The Planning & Design Partnership
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 The Cherry Hill Society
 100 West End Avenue, 10th Floor, New York, NY 10023
 Tel: 212 692 1234 | Fax: 212 692 1234 | www.thepdp.com

MR PAUL SEDMAN	
PROPOSED RESIDENTIAL DEVELOPMENT	425 WEST END AVENUE, NEW YORK, NY
PROPOSED SECOND FLOOR PLAN	PLANNING
DATE: MARCH 13, 2013	SCALE: 1/8" = 1'-0"
PROJECT NO.: YEW-277-015	REVISION: 13



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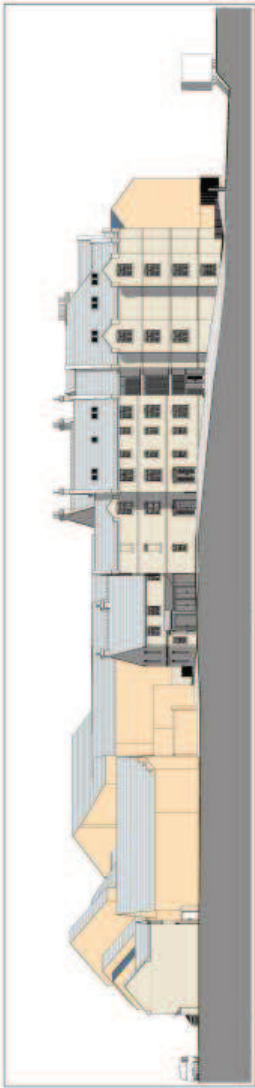
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 Telephone: 646-375-1500 Fax: 646-375-1510
 Email: info@pdpnyc.com www.pdpnyc.com

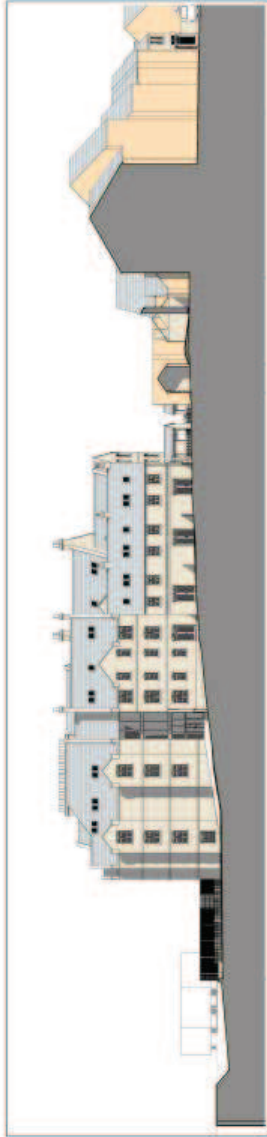
MR PAUL SEDMAN
PROPOSED RESIDENTIAL DEVELOPMENT
A-25 THE 376, COMMERCE STREET, APARTMENT
PROPOSED THIRD FLOOR LOFT PLAN

DATE	REVISION	BY
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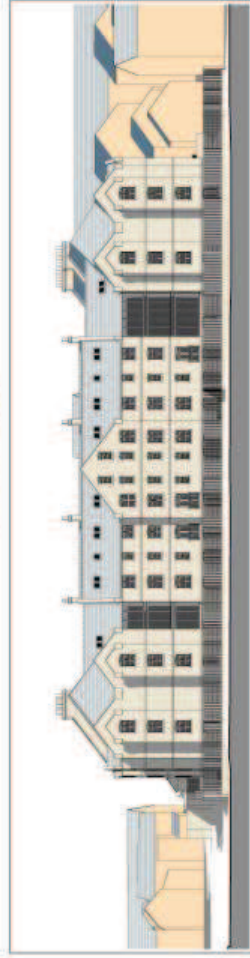




EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

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REVISED PLAN

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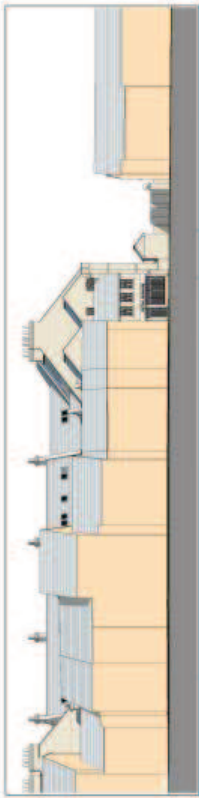
5. The Architect shall be responsible for the design and construction of the building and shall not be responsible for the design and construction of any other building or structure on the site. The Architect shall be responsible for the design and construction of the building and shall not be responsible for the design and construction of any other building or structure on the site.

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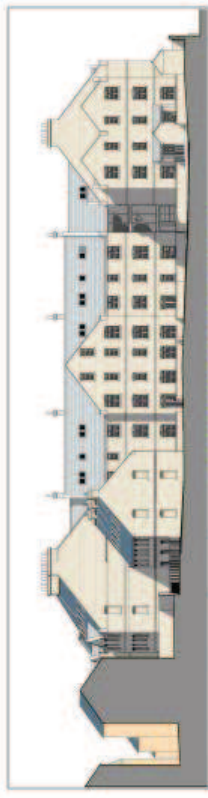
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 100 N. W. 11th St., Suite 1000, Fort Lauderdale, FL 33304
 954-561-1111

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 The Cherry Brook Studios, 1000 5th Avenue, 10th Floor, New York, NY 10011
 Telephone: 212-693-1700 Fax: 212-693-1710
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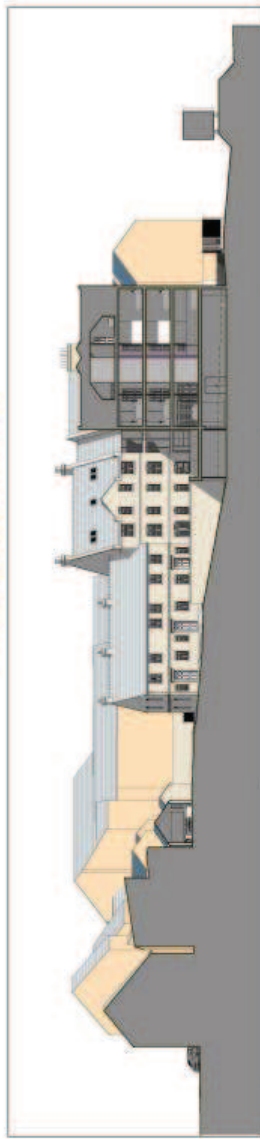
MR PAUL SEDMAN	
PROPOSED RESIDENTIAL DEVELOPMENT AT THE SITE, COMMERCE STREET, WESTON	
Sheet 1 of 2	
Date: MARCH 13	Scale: B
Drawn: ESKO & AI	Project: PLANNING
Draw No: YEW-277-015 03	



ELEVATION ALONG COMMERCIAL STREET



SOUTH ELEVATION (WITHIN SITE)



SECTIONAL ELEVATION (THROUGH BASEMENT ACCESS)



VIEW FROM SW

REVISED PLAN

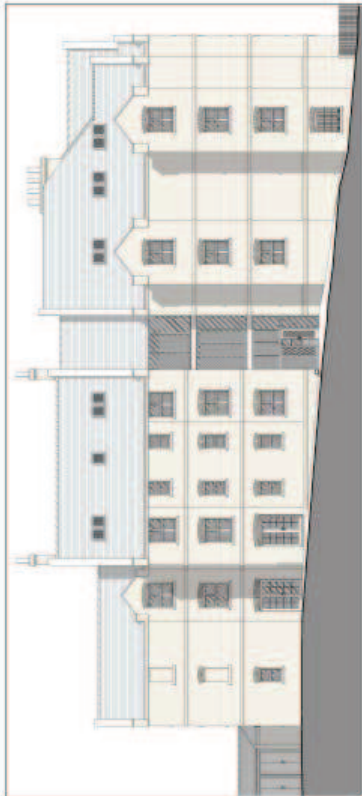
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MR PAUL SEDMAN	
PROPOSED RESIDENTIAL DEVELOPMENT	
A 15 UNIT, 3-FLY, COMMERCIAL STREET, YONKON	
PROPOSED SITE ELEVATIONS	
Sheet 2 of 2	
Date	MARCH 13, 2015
Drawn	PLANNING
Scale	AS SHOWN
Sheet No.	YEW-277-015 05

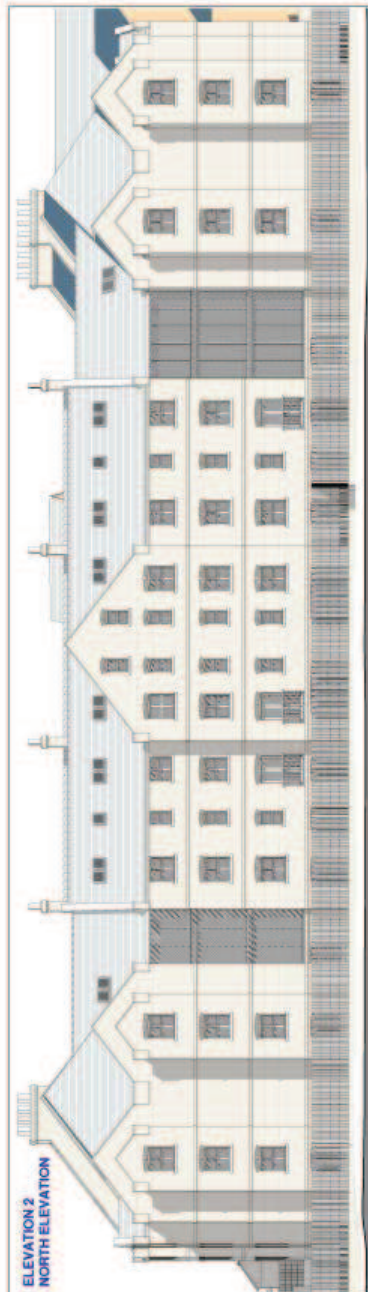
ELEVATION 1
EAST ELEVATION



NOT TO SCALE
THIS DRAWING IS TO BE USED ONLY FOR INFORMATIONAL PURPOSES AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

REVISED PLAN

ELEVATION 2
NORTH ELEVATION



ELEVATION 3
WEST ELEVATION

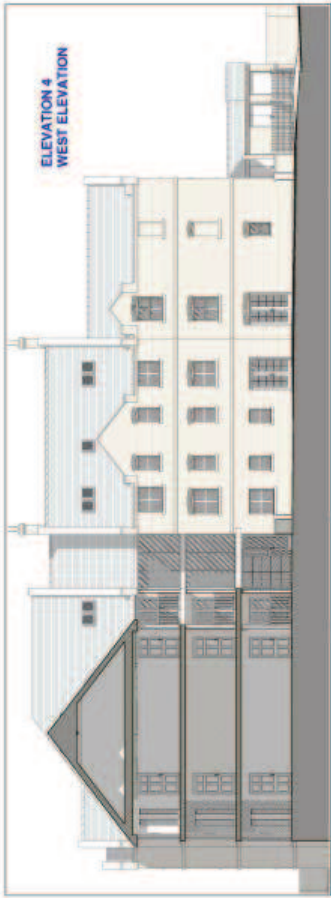


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MR. PAUL SEDMAN
PROPOSED RESIDENTIAL DEVELOPMENT
415 WEST 9TH STREET, NEW YORK, NY
PROPOSED ELEVATIONS
Sheet 1 of 3
DATE: MARCH 15, 2023
SCALE: 1/8" = 1'-0"
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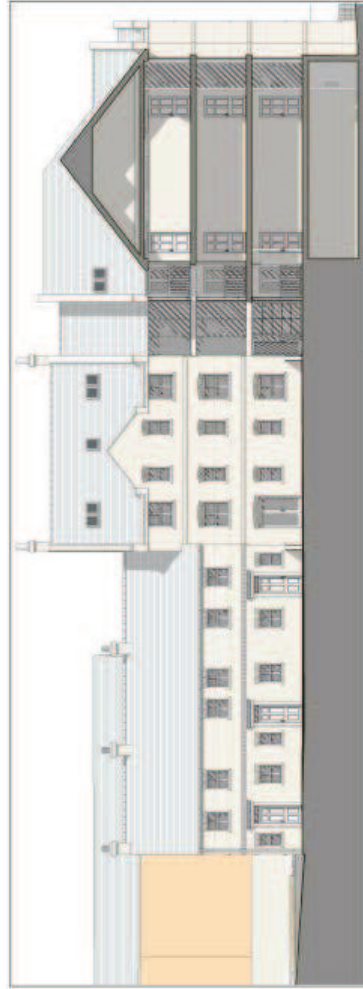


ELEVATION 4
WEST ELEVATION



ELEVATION 5
SOUTH ELEVATION

REVISED PLAN



ELEVATION 6
EAST ELEVATION

NOTES

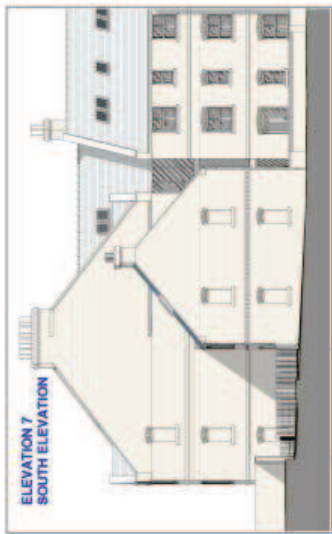
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DATE: 01/14/2024
DRAWN BY: [REDACTED]
CHECKED BY: [REDACTED]

The Planning & Design Partnership
PLANNING ARCHITECTURE INTERIORS LANDSCAPE

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DATE:	MR PAUL SEDMAN
PROJECT:	PROPOSED RESIDENTIAL DEVELOPMENT 437 E. 9TH, COMMERCE STREET, ASTORIA
SHEET NO.:	PROPOSED ELEVATIONS Sheet 2 of 3
DATE:	MARCH 13, 2024
SCALE:	AS SHOWN
STATUS:	PLANNING
PROJECT NO.:	YEW-277-015 07



ELEVATION 7
SOUTH ELEVATION



ELEVATION 8
SOUTH ELEVATION



FRONT (SOUTH) ELEVATION



SIDE (EAST) ELEVATION



REAR (NORTH) ELEVATION



SIDE (WEST) ELEVATION

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REVISED PLAN

NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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THE PLANNING & DESIGN PARTNERSHIP
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Email: info@pdpartnership.com | www.pdpartnership.com

MR PAUL SEDMAN	
PROPOSED RESIDENTIAL DEVELOPMENT AT THE ONE COMMERCE STREET, NEW YORK	
PROPOSED ELEVATIONS Sheet 3 of 3	
Date:	MARCH 13, 2008
Scale:	1/8" = 1'-0"
Sheet:	PLANNING
Draw No.:	YEW-277-015 08

14/947



LAND, PLANNING AND DEVELOPMENT CONSULTANTS

SUPPORTING PLANNING STATEMENT

FOR

THE ERECTION OF RESIDENTIAL DEVELOPMENT

AT

THE LAND AT THE REAR OF 5-17 COMMERCIAL STREET

NORTON

FOR

MR P SEDMAN

RYEDALE DM


- 8 DEC 2014

DEVELOPMENT
MANAGEMENT

4.9.14

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PARTNER: VALERIE NEWBY BA (HONS)

Contents

- 1. Introduction**
- 2. Site Location and Description**
- 3. Proposals**
- 4. Planning Policy**
- 5. Key Issues**
- 6. Other Material Considerations**
- 7. Conclusions**

1. Introduction

1.1 This statement provides support for a Detailed Planning Application for residential development on land to the rear of 5 – 17 Commercial Street, Norton, Malton, North Yorkshire and should be read in conjunction with the Design and Access Statement prepared by The Planning and Design Partnership.

2. Site Location and Description

2.1 The site is roughly rectangular in shape and is some 0.4952 ha (1.224 acres) in area and it lies to the north of Commercial Street, Norton to the rear of No.s 5 to 17 Commercial Street.

2.2 The site comprises two parts. The first being the premises of the former ATS tyre depot to the east which includes two workshops on the northern and eastern boundaries with associated hard standing to the front. The second is land to the west and to the rear of No.s 5 to 15 Commercial Street, which includes a garden area of the adjacent properties together with a now cleared area of previously self-planted shrubs. The site is bounded to the north by the York Scarborough railway line, to the west by residential development, to the south by a row of terraced properties in a mix of commercial and residential uses and the east by partly commercial properties, but mainly scrubland. The whole site is shown edged red on Fig. 1 below.



3. Proposals

3.1 The proposal is for the erection of residential development of 62 dwellings comprising the following accommodation schedule:-

Schedule of Accommodation

AFFORDABLE RENTAL (45 No. UNITS)

28 No. 1 BED APARTMENTS (UNITS 5, 6, 7, 8, 9, 13, 14, 15, 23, 24, 25, 26, 27, 32, 33, 34, 39, 40, 41, 42, 43, 48, 49, 50, 53, 54, 60, 61)

15 No. 2 BED APARTMENTS (UNITS 3, 4, 16, 17, 21, 22, 35, 36, 37, 38, 51, 52, 55, 56, 59)

LOCAL AUTHORITY INDEPENDENT LIVING (2 No. UNITS)
2 No. 4 BED TOWNHOUSE (UNITS 1, 2)

PRIVATE RENTAL (17 No. UNITS)
8 No. 1 BED APARTMENTS (UNITS 11, 12, 28, 31, 44, 46, 47)
5 No. 2 BED APARTMENTS (UNITS 10, 29, 45, 57, 58)
3 No. 3 BED TOWNHOUSE (UNITS 18, 19, 20)
1 No. 1 BED STUDIO
TOTAL 62 UNITS

(See the following drawings submitted with the application:-

YEW-277-015		LOCATION PLAN
YEW-277-015	01	EXISTING SITE PLAN
YEW-277-015	02	PROPOSED SITE PLAN
YEW-277-015	03	PROPOSED SITE ELEVATIONS AND VIEWS (Sheet 1 of 2)
YEW-277-015	05	PROPOSED SITE ELEVATIONS AND VIEWS (Sheet 2 of 2)
YEW-277-015	06	ELEVATIONS (Sheet 1 of 3)
YEW-277-015	07	ELEVATIONS (Sheet 2 of 3)
YEW-277-015	08	ELEVATIONS (Sheet 3 of 3)
YEW-277-015	10	BASEMENT PLAN
YEW-277-015	11	PROPOSED GROUND FLOOR PLAN
YEW-277-015	12	PROPOSED FIRST FLOOR PLAN
YEW-277-015	13	PROPOSED SECOND FLOOR PLAN
YEW-277-015	14	PROPOSED THIRD FLOOR LOFT PLAN

4. Planning Policy

4.1 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.

4.2 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).

4.3 It's relevant policies are as follows:-

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 SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP12 - Heritage
Policy SP16 - Design
Policy SP 17 - Managing Air Quality, Land and Water Resources
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

4.4 In addition and of equal relevance is the Government's National Planning Policy Guidance, the relevant paragraphs and references of which are:-

Paragraphs 11-16 Presumption in Favour of Sustainable Development Ministerial Forward
Paragraph 17 Core 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 186, 187, 196 and 197 Decision-Taking
Paragraphs 210 - 216 (inclusive) Annex 1

- 4.5 The Council's Malton and Norton River Rail Corridor Study is also relevant and to which reference will be made later.

5. Key Issues

- 5.1 Whilst the application is only in outline with siting design and access under consideration, we believe that it is worth considering also at this stage, the following key issues when assessing this proposal. These are therefore:-

1. Sustainable Development
2. The Principle of Housing
3. The Provision of Affordable Housing
4. Siting, Scale, Design and Effect Upon the Character of the Area
5. Impact on Heritage Assets
6. Flood Risk, Drainage and Climate Change
7. Impact on Highways
8. Residential Amenity
9. Noise from Adjacent Uses
10. Public Open Space
11. Impact on Nature Conservation and Protected Species
12. Archaeology
13. Ground Conditions
14. Trees

To take each in turn:-

5.1.1 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 restricted⁹

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.'

5.1.2 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)

5.1.3 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....)

5.1.4 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)

5.1.5 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)

5.1.6 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)

- 5.1.7 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)

- 5.1.8 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 Policy SP1 - General Location of Development and Settlement Hierarchy it states:-

'SP1 General Location of Development and Settlement Hierarchy

Ryedale's future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of the following hierarchy of settlements:

Principal Town - Primary Focus for Growth

** Malton and Norton (including Old Malton*)*

.....In allocating and releasing development sites at the above locations:

** the use of deliverable and developable Brownfield land will be prioritised and development will be guided to areas with lowest flood risk, taking account of the vulnerability of types of development and the need to achieve sustainable development and in accordance with the requirements of the Government's latest flooding guidance*

Additionally as part of the site selection process, the Local Planning Authority have regard to the deliverability and developability of sites and their ability to:

** deliver against the Objectives and Policies of the Plan, policy standards and Community Infrastructure Levy (CIL) requirements*

** support access on foot to centrally located shops, services and facilities*

** be compatible with neighbouring land uses*

** avoid adverse impacts on interests of acknowledged importance*

** be accommodated without detriment to the character of the settlement and its setting*

** satisfactorily address highway capacity and safety'*

(Our emphasis)

- 5.1.9 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.'

5.1.10 We submit that the site is in a sustainable location and therefore meets the requirements of the Ryedale Local Plan and NPPF.

5.2 The Principle of Residential Development

5.2.1 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, developable¹² 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)

5.2.2 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 and that which will explain later in this statement is that there is an overriding case for granting planning permission.

5.2.3 Turning to The Ryedale Plan – Local Plan Strategy we find support 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:

Principal Town - Primary Focus for Growth

• Malton and Norton (including Old Malton)*

Local Service Centres (Market Towns) – Secondary Focus for Growth

• Pickering

• Kirkbymoorside

• Helmsley....'

(Our emphasis)

- 5.2.4 Policy SP2 also supports the proposal as under the heading Delivery and Distribution of New Housing states that:-

'SP 2 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:

- Malton and Norton · Housing Land Allocations in and adjacent to the built up area*
 - Conversion and redevelopment of Previously Developed Land and Buildings within Development Limits*
 - Replacement Dwellings*
 - Sub-Division of existing Dwellings*
 - Infill Development (small open sites in an otherwise continually built up frontage)*
 - 100% Rural Exception Sites outside of and on the edge of Development Limits in line with SP3.*
 - Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate*
- Pickering, Kirkbymoorside,
Helmsley, Service Villages
· As above...'*

(Our emphasis)

- 5.2.5 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)

- 5.2.6 and policy SP4 follows:-

'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)

- 5.2.7 The proposed site lies in the town of Norton which is identified as a Principle Town with Malton where a significant proportion of new development is to be located and the scheme proposed will provide an appropriate mix and choice of housing. We submit therefore that the proposal accords with policies SP1, SP2 and SP4 of The Ryedale Plan – Local Plan Strategy and advice in the NPPF.

5.3 Siting, Scale, Design and Effect Upon the Character of the Area and Conservation Area

- 5.3.1 Policy SP16 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*

5.3.2 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.

- 5.3.3 We submit that the proposal 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.
- 5.3.4 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.
- 5.3.5 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.
- 5.3.6 The Design and Access Statement and associated drawings submitted with the application should be referred to here as it explains and justifies the scheme in design terms. We believe that the proposed scheme is considered not to have a detrimental adverse effect on the character and form of the area by virtue of its design, layout, scale, external appearance and landscaping. We submit that the proposed scheme therefore complies with and the policies of The Ryedale Plan – Local Plan Strategy and advice given in NPPF.
- 5.4 Impact on Heritage Assets
The application site is located within Norton 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.
- 5.4.1 Policy C1 of the Ryedale Local Plan is also relevant and requires new development to be of a high standard of design and to respect and maintain the character and appearance of the Conservation Area. In support of the application a Heritage Statement within the Archaeological Desk Based Assessment by MAP has been submitted which outlines the heritage asset's significance as the proposed development being located within the Norton Conservation Area. The Heritage Statement is included in the Design and Access Statement by The Planning and Design Partnership and provides the details of how the Heritage Asset will be affected and justifies the proposed design.
- 5.4.2 We submit that the proposed scheme is justified and the proposal is considered to be acceptable in terms of scale, form, position, design, detailing and materials. The proposal is considered to have a negligible impact on the nearby Listed Buildings and Scheduled Ancient Monument and there will be negligible effect on the Norton-on-Derwent Conservation Area as the Proposed Development is located behind the street frontage on Commercial Street. We consider therefore

that the proposal is considered to accord with Policies H7 and C1 of the Ryedale Local Plan and the advice contained within the NPPF.

5.5 Flood Risk, Drainage and Climate Change

- 5.5.1 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.
- 5.5.2 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'

- 5.6.3 The application site is located in Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map for Malton and Norton which is at a medium and high probability of flooding and as such as such a Flood Risk Assessment, Sequential and Exception Tests has been prepared in accordance with NPPF to accompany the planning application. This confirms that this site is suitable for residential use with an acceptable flood risk.
- 5.6.4 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 with surface water directed to a soakaway and/or attenuated to agricultural flows before discharge from the site.

5.6.5 We submit therefore that the site can be developed with an acceptable risk of flooding and can be satisfactorily drained and is therefore considered acceptable and in accordance with Policy SP17 of the Ryedale Plan and the guidance in NPPF.

5.6 Impact on Highways

5.6.1 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'

5.6.2 These Local Plan policies should be afforded weight as they are broadly consistent with the aims of the NPPF.

5.6.3 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.

5.6.4 Norton is considered to be a settlement which is capable of accommodating additional residential growth and as such it is considered to be a sustainable location with access to a range of services and facilities. The dwellings would be served from the existing access on to Commercial Street which is acceptable in highway terms by Stephen Boyne of North Yorkshire Highways. Adequate parking provision has also been provided for within the site.

5.6.6 The site is also close to the town centre where options for access and travel other than by means of private car are available to occupiers of the dwellings as well as their visitors.

5.6.7 We submit that the proposal is will not adversely impact on the highway network either from an access or parking standpoint and therefore consider 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.

5.7 Impact on the Residential Amenity of the Adjoining Neighbours

5.7.1 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.

5.7.2 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'

5.7.3 Suitable standoff distances are 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.

5.8 Noise from Adjacent Uses

5.8.1 A full acoustic report has been prepared by Dragonfly Acoustics Ltd and is submitted with the planning application. This shows that there are no unacceptable noise issues which would affect the proposed scheme providing minimal mitigation measures are employed such as acoustic glazing within the most vulnerable units.

5.9 Affordable Housing

5.9.1 Policy SP3 (Affordable Housing) of The Ryedale Plan – Local Plan Strategy states:-

'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 and 35% of new dwellings as affordable housing on-site with a further additional financial contribution equivalent to a further 5% of provision as part of developments of 5 dwellings or 0.2ha or more in West and South West Ryedale* (including Ampleforth, Helmsley**, Hovingham and Sheriff Hutton)*

Where the on-site contribution does not equate precisely to whole numbers of units, equivalent financial contributions will be sought.

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

(Our emphasis)

5.9.2 Whilst the application is in outline form the indicative scheme submitted with the application can accommodate some 62No dwellings and as such there is a requirement for 22No dwellings (35%). However, the scheme proposed includes only 17 open market properties, thereby providing 45 affordable units, which equates to an affordable housing provision of some 73%.

5.9.3 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

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)

5.9.4 We therefore submit that the proposed affordable housing proposed within the scheme will meet the requirements of Policy SP3 of The Ryedale Plan – Local Plan Strategy.

5.10 Public Open Space

5.10.1 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.'*

** Excludes replacement dwellings, residential extensions and annexes and temporary dwellings.*

(Our emphasis)

5.10.2 Apart from an area of Informal Amenity Space front of the main block of the development and a Communal amenity area to the rear of the properties on Commercial Street (see Landscape drawing CSN L1 by PDP Landscape and Urban Design), no public open space will be provided as part of the proposal as it would be impractical and unfeasible to make such a provision. As such and in accordance with Policy SP11 as set out above, a suitable Off Site Commuted sum will be agreed in lieu of onsite provision.

5.11 Impact on Nature Conservation and Protected Species

5.11.1 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.

5.11.2 A full Ecology Survey including a bat survey submitted with the application, has been undertaken by MAB Ecology which shows that:-

'The main area of habitat to be affected by the development is an overgrown garden area on the west side of the site. Habitats and species in this area are common, widespread and of little botanical interest. No designated conservation sites will be affected. No evidence of bat roosting was found within the buildings to be demolished at the site. The construction of most of the buildings is unsuitable for roosting bats. However, an old sub-station at the northeast corner of the site has an enclosed loft area which has potential for roosting bats, so a summer emergence survey between June and August will be undertaken to determine whether it is a roost site. In addition a bat emergence survey will also be undertaken at a hollowed out tree at the northeast corner of the garden area. The scrub and trees at the site provide good nesting habitat for birds as such clearance of this area will be scheduled outside the breeding period, which runs from March to August inclusive.'

- 5.11.3 The site does not contain any trees of note and is not a protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. Subject to the results of the bat surveys referred to above, we consider that the proposed would not harm any acknowledged nature conservation interests and therefore would not be contrary to the advice contained within the NPPF.

5.12 Archaeology

- 5.12.1 Policy SP12 (Heritage) of the Ryedale plan states:-

'SP12 Heritage

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 Derventio site at Malton*

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

· Encourage the sensitive re-use and adaptation of historic buildings and will, where appropriate, support flexible solutions to the re-use of those historic buildings identified as at risk where this would remove a building from English Heritage's At Risk Register or local records of buildings at risk.

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

· Consider ways in which planning obligations can be used in conjunction with the allocation of sites at the Service Villages in the Vale of Pickering to secure increased protection, management and/or understanding of archaeological assets

· Work with North Yorkshire County Highways, Town and Parish Councils to provide highway improvements and street furniture that are appropriate to the historic context of individual towns and villages

- *Work with partners and landowners to encourage sensitive land management in the Vale of Pickering and the Wolds*
 - *Work with and support local estates to identify appropriate ways in which to manage their historic landscapes, features and buildings*
 - *Support, in principle, the small scale extraction of local building stone that would enable the repair and restoration of high grade or recognised heritage assets and features*
- (Our emphasis)

5.12.2 A full Desk Top Archaeological Survey has been prepared by MAP Archaeology Practice Ltd and submitted with the application which reports that the site may have archaeological deposits dating from the Roman and Medieval period within the boundary of the site. However the date, depth and extent of the deposits are not known. As such in order to further inform the archaeological curators of the presence, nature, condition, extent and date of any deposits of archaeological significance, it is recommended that further archaeological evaluation by means of archaeological trial trenching be undertaken prior to construction work commencing.

5.12.3 The requirements of the above findings will be the subject of appropriate trial trenching in due course to all to meet the requirements of Policy SP12 (Heritage) of the Ryedale Plan and NPPF.

5.13 Ground Conditions

5.13.1 Policy SP17 Managing Air Quality, Land and Water Resources of the Ryedale Plan 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....'*

5.13.2 A Desk Top Ground Survey has been prepared by Geoenvironmental Ltd and submitted with the application and this shows that there is unlikely to be any contamination which would prevent the development of the site providing suitable mitigation measures were employed where necessary. As such we submit that the proposal will meet the requirements of Policy SP 17 of the Ryedale Plan.

5.14 Trees

5.14.1 There were a number of self-sown tree and bushes in the western part of the site, but as none of the vegetation was considered to be of any value (see Tree Report by TMS Management submitted with the application), this area has now been cleared. A suitable proposed landscaping scheme has been submitted with the application and is shown on drawing CSN L1.

6. Other Material Considerations

6.1 The Malton and Norton River-Rail Corridor Study

6.1.1 The Malton and Norton River-Rail Corridor Study was completed in 2004 and was subsequently resolved by the Council that its recommendations would be a material planning consideration in assessing any applications that were submitted for this site. The Study recommended that this site and adjacent land be pursued for a mix of residential use and public and states that development of the site for residential use would also be acceptable and has public support.

6.1.2 Whilst the scheme only concerns the western part of the site referred to and therefore as such has no ownership interest in the land the east, the scheme does however allow for access to the eastern part to allow for its development as a car park.

6.1.3 We believe that in terms of design, the scheme meets the recommendations of the Study in that it considers the impact it will have on views to and from the conservation area, and the relationship it will have with the backs of neighbouring properties. It also allows for the proposed

buildings on this site to be arranged to best allow views of the conservation area from new properties.

- 6.1.4 In addition it meets the requirement that new buildings on this site should develop their size, height and form from the existing buildings surrounding the site and as such 3-4 storeys (including undercroft storeys) would be appropriate and that the materials used to create buildings should be in context with existing vernacular of the surrounding urban environment.
- 6.1.5 In respect of flooding the Study recommends that any residential development which takes place in any areas of the site should comprise multi storey properties and as such the use of undercroft parking and raised floor levels is considered necessary. The scheme has been designed in this way.

7. Conclusions

- 7.1 We submit that the proposed development would not have a detrimental effect flood risk, character appearance of the conservation area, drainage, form and character of the area or either the residential amenity of the occupants of neighbouring properties or highways safety. The proposed scheme therefore accord with the Policies of the Ryedale Plan and the advice contained within the NPPF.
- 7.1.4 We respectfully suggest that there are no valid planning reasons for a refusal of permission and that the application is acceptable in all respects.

YTA 4.9.14



The Planning & Design Partnership

Planning.. Architecture.. Interiors.. Landscape

Ryedale District Council
Planning and Development
Ryedale House
Old Malton Road
Malton
North Yorkshire
YO17 7HH

date 3rd December 2014

FAO MR G. HOUSDEN

Dear Sirs,

RE ATS EUROMASTER, 25-27 COMMERCIAL STREET, NORTON
APPLICATION NUMBER 14/00947/MFUL

Further to our recent communications please find the following for your attention:

REVISED DRAWINGS:

All relevant drawings have been revised following consultee comments and re-issued (by email 01.12.14):

YEW-277-015 02C	Proposed Site Plan
YEW-277-015 03B	Proposed Site Elevations (sheet 1 of 2)
YEW-277-015 05B	Proposed Site Elevations (sheet 2 of 2)
YEW-277-015 06B	Proposed Elevations (sheet 1 of 3)
YEW-277-015 07B	Proposed Elevations (sheet 2 of 3)
YEW-277-015 08B	Proposed Elevations (sheet 3 of 3)
YEW-277-015 10C	Proposed Basement Plan
YEW-277-015 11A	Proposed Ground Floor Plan
YEW-277-015 12A	Proposed First Floor Plan
YEW-277-015 13A	Proposed Second Floor Plan
YEW-277-015 14A	Proposed Third Floor Plan
YEW-277-015A	Location Plan

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The Planning & Design Partnership Limited - Registered in England No. 05342518. VAT No. 853061540
Managing Director - R. T. J. Dykes. Company Secretary - T. A. Dykes



RESIDENTIAL MIX/END USER

The proposed scheme is now intended for open market with suitable affordable provision (to be agreed) provided within the scheme, the mix of units being as follows:

1no Studio Apartment
37no 1 Bed Apartments
20no 2 Bed Apartments
3no 3 Bed houses
2no 4 Bed Houses

63no UNITS TOTAL (plus an additional commercial unit)

Based on a max of 35% affordable provision, this would generate 22.05 units within the scheme. However given the split of the blocks it is proposed to give the following 18no units as these form self contained blocks (to the North/North West of the Site):

1 bed units: 14, 15, 16, 33, 34, 35, 49, 50, 51, 61 & 62
2 bed units 17, 18, 36, 37, 52, 53 & 60

The proposed tenure of these units would be 2/3rds Social rented, 1/3 market rent/discounted/shared ownership, which would be discussed/agreed with your housing manager in due course.

CONSERVATIONPLANNING

Following meetings/discussions with the conservation and planning officers:

- The ridge height to the North elevation has been reduced by approx. 1.5m
- The glass bays windows to the corner blocks have been replaced with a more traditional brick bay in keeping with the main development.
- The roof to units 1 & 2 has been adjusted to reduced ridge height by approx. 2.0m.
- Chimneys have been added to the development to provide variation in roof scape
- The ancillary stores have been omitted within the courtyard to enhance the landscape provision within the courtyard

HIGHWAYS

- Undercroft parking has been increased and additional spaces have been located at site level which increase parking to 76no - 120% parking provision across the site.

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- The site access has 6.0m radius and is 6.0m wide at the entrance with a consistent 5.5m wide carriageway width along its length – widening by 0.6m on the bend.
- The pier has been amended such that it no longer projects into the highway.
- 6.0m clear space is allowed to the rear of each parking space for reversing.
- An alternative pedestrian access has been indicated to/from the site (which is in the control of the applicant).
- A lay by has been indicated for maintenance vehicles.
- Appropriate sight lines are achievable both within the site and at the egress point.
- It is proposed to construct the highway in an approved permeable material (subject to suitable percolation test in accordance with BRE 365). Should the test not prove acceptable the highway will be drained separately to the non-highway areas.

ARCHAEOLOGY

Please see archaeological mitigation strategy by Messers MAB Archaeology Ltd issued by email 27.11.14.

YORKSHIRE WATER

Please see response from Messers Dudley Consulting Engineers issued via email 28.11.14. Please also note the site plan now indicates:

- Water butts have to the feet of the 'private' RWP's which will provide approx. 3000l above ground water storage.
- Permeable surface to the main hardstanding/carriageway areas (to reduce run off into mains drainage).
- The 'method' of dealing with S/W has been amended on the application form and been re-issued to reflect connection into the mains drain.

ENVIRONMENTAL HEALTH (ACOUSTIC & CONTAMINATION)

- Update report awaited from messers Dragonfly acoustics and will be forwarded upon receipt. It must however be noted that detailed discussions have occurred between the appropriate parties and agreements made re the standard to be achieved and the information to be provided.
- An updated contamination report is due from messers Geo Environmental Engineering Ltd tomorrow morning to respond to consultee comments.

CRIME PREVENTION

The site plan has been amended in line with comments from the Designing Out Crime Officer:

- Private areas are defined adjacent the GF apartments where appropriate

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- The communal areas to the northern boundary have been divided and better relate to the blocks.
- The works to the Northern boundary have been better identified (secure fencing) to avoid occupants walking onto the railway line (this was previously indicated a solid brick wall).
- Grilles have been located on the external openings to the undercroft parking to prevent unauthorised access.
- The undercroft parking will obviously be appropriately lit as will the remainder of the site.
- Secure access has been noted to the undercroft parking – which will be remotely monitored through CCTV.

As you can see every effort has been made to suitably respond to all comments, to achieve a mutually satisfactory solution.

We trust all is in order with the above – please contact us should you require further details.

Yours faithfully

Noel Dobson



YEW TREE ASSOCIATES

LAND, PLANNING AND DEVELOPMENT CONSULTANTS

FLOOD RISK ASSESSMENT

SEQUENTIAL TEST AND EXCEPTION TEST

FOR

THE ERECTION OF RESIDENTIAL DEVELOPMENT

AT

THE LAND AT THE REAR OF 5–17 COMMERCIAL STREET

NORTON

FOR

MR P SEDMAN

20.08.14

HEAD OFFICE: YORK AUCTION CENTRE, MURTON LANE, MURTON, YORK YO19 5GF

M: 07540119062

ALSO AT: YEW TREE HOUSE - SOUTH BACK LANE (WEST) - TERRINGTON - YORK - YO60 6PX

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YEW TREE ASSOCIATES: DIRECTOR - MARK NEWBY DR T & R P MRTPI
PARTNER: VALÉRIE NEWBY BA (HONS)



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- 1. Introduction**
- 2. Site Location and Description**
- 3. Proposals**
- 4. Flood Risk**
- 5. Sequential Test**
- 6. Exception Test**
- 7. Conclusions**

APPENDIX 1 TOPOGRAPHICAL SURVEY

APPENDIX 2 EMERGENCY FLOOD WARNING AND EVACUATION PLAN

1. Introduction

1.1 This flood risk assessment is to accompany a detailed planning application for the development of a site for residential use at land to the rear of 5 – 17 Commercial Street, Norton, Malton.

2. Site Location and Description

2.1 The site is roughly rectangular in shape and is some 0.4952 ha (1.224 acres) in area and it lies to the north of Commercial Street, Norton to the rear of No's 5 to 17 Commercial Street.

2.2 The site comprises two parts. The first being the premises of the former ATS tyre depot to the east which includes two workshops on the northern and eastern boundaries with associated hard standing to the front. The second is land to the west and to the rear of No's 5 to 15 Commercial Street, which includes the formal garden areas of the adjacent properties together with a more natural area of self- planted shrubs and trees. The site is bounded to the north by the York Scarborough railway line, to the west by residential development, to the south by a row of terraced properties in a mix of commercial and residential uses and the east by partly commercial properties, but mainly scrubland. The whole site is shown edged red on Fig. 1 below.



3. Proposals

3.1 The proposal is for the erection of residential development comprising 61 dwellings (See Drawings submitted with the Detailed planning Application for the site).

4. Flood Risk

4.1 In the consideration of developing sites where there is a possibility of flood risk we turn to the National Planning Policy Framework (NPPF) for guidance. This was issued on 27th March 2012 and replaced PPG 25.

4.2 At paragraph 103 of the NPPF it states that:-
'103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

●●within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

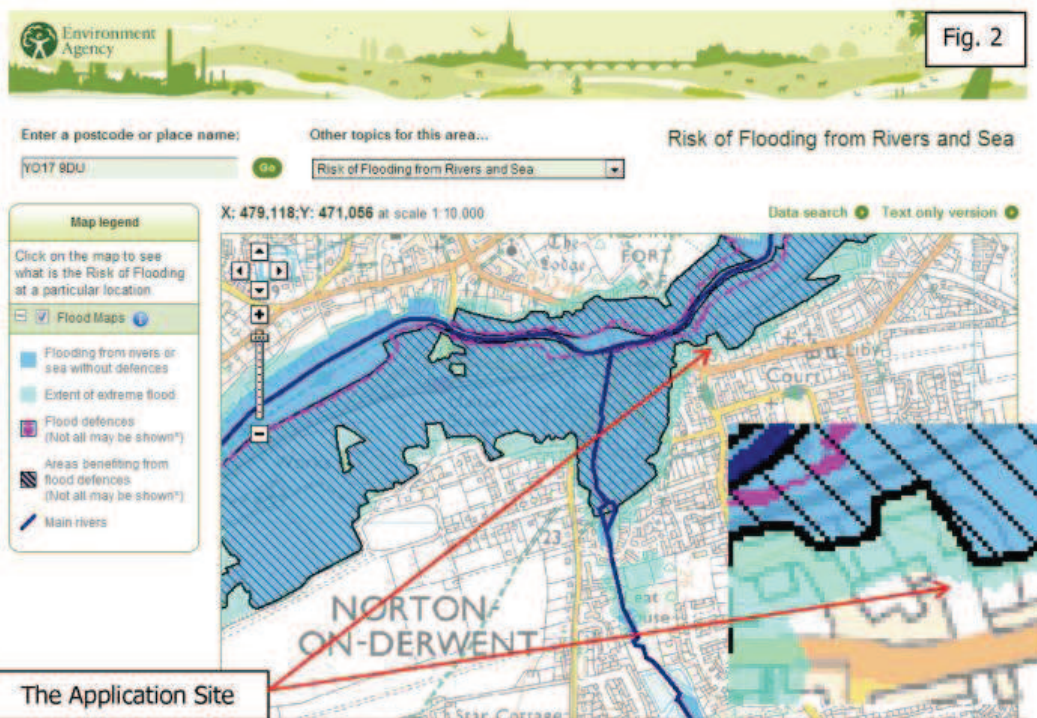
●●development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.'

4.3 To determine the extent of the potential flooding risk, we need to examine the Environment Agency's Flood Map.

4.4 The results of this are now provided as follows.

4.4.1 Environment Agency's Flood Map

The site is shown as within three flood zones as can be seen on the Environment Agency Flood Map see Fig.2 below.



4.4.2 The Environment Agency define these areas as follows

Clear Area

'Clear shows the area where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year.

(For planning and development purposes, this is the same as Flood Zone 1, in England only.)'

Light Blue Area-

'Light blue shows the additional extent of an extreme flood from rivers or the sea. These outlying areas are likely to be affected by a major flood, with up to a 0.1 per cent (1 in 1000) chance of occurring each year.

(For planning and development purposes, this is the same as Flood Zone 2, in England only.)

Dark Blue Area

'Dark blue shows the area that could be affected by flooding, either from rivers or the sea, if there were no flood defences. This area could be flooded: from the sea by a flood that has a 0.5 per cent (1 in 200) or greater chance of happening each year; or from a river by a flood that has a 1 per cent (1 in 100) or greater chance of happening each year.

(For planning and development purposes, this is the same as Flood Zone 3, in England only.)'

Hatched Area

'Hatched areas benefit from the flood defences shown, in the event of a river flood with a 1 per cent (1 in 100) chance of happening each year, or a flood from the sea with a 0.5 per cent (1 in 200) chance of happening each year. If the defences were not there, these areas would be flooded.

Flood defences do not completely remove the chance of flooding, however, and can be overtopped or fail in extreme weather conditions.'

In the case of the light blue area we take the view that this is classed as Flood Zone 2 and in respect of the dark blue/hatched area is classed as Flood Zone 3.

When referring to The National Planning Policy Framework (NPPF) Technical Guidance a different approach is taken for each zone.

To take each in turn:-

4.4.3 Flood Zone 1

The front part of the site where it accesses Commercial Street is in an area which at low probability of flooding as it is outside the floodplain.

4.4.4 Flood Zone 2

Most of the site, the northern part is shown as within Flood Zone 2 and The Environment Agency defines these areas as:-

'as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% – 0.1%) in any year.'

4.4.5 This is an area where the risk flooding is of medium probability. Dwellings are classed as a more vulnerable form of development in The National Planning Policy Framework (NPPF) Technical Guidance Table 2 and need to pass the sequential test in order to be permitted in Flood Zone 2. This is dealt with later in the report.

4.4.6 Flood Zone 3

The remainder and a small area on the north western boundary of the site falls within Flood Zone 3 and The Environment Agency define these areas as:-

'an area that has a moderate chance of flooding. The chance of flooding each year is 1.3% (1 in 75) or less, but greater than 0.5% (1 in 200).

Dwellings are again classed as a more vulnerable form of development in The National Planning Policy Framework (NPPF) Technical Guidance Table 2 and need to pass the sequential test referee to above in order to be permitted in Flood Zone 3 and this is also dealt with later in the report.

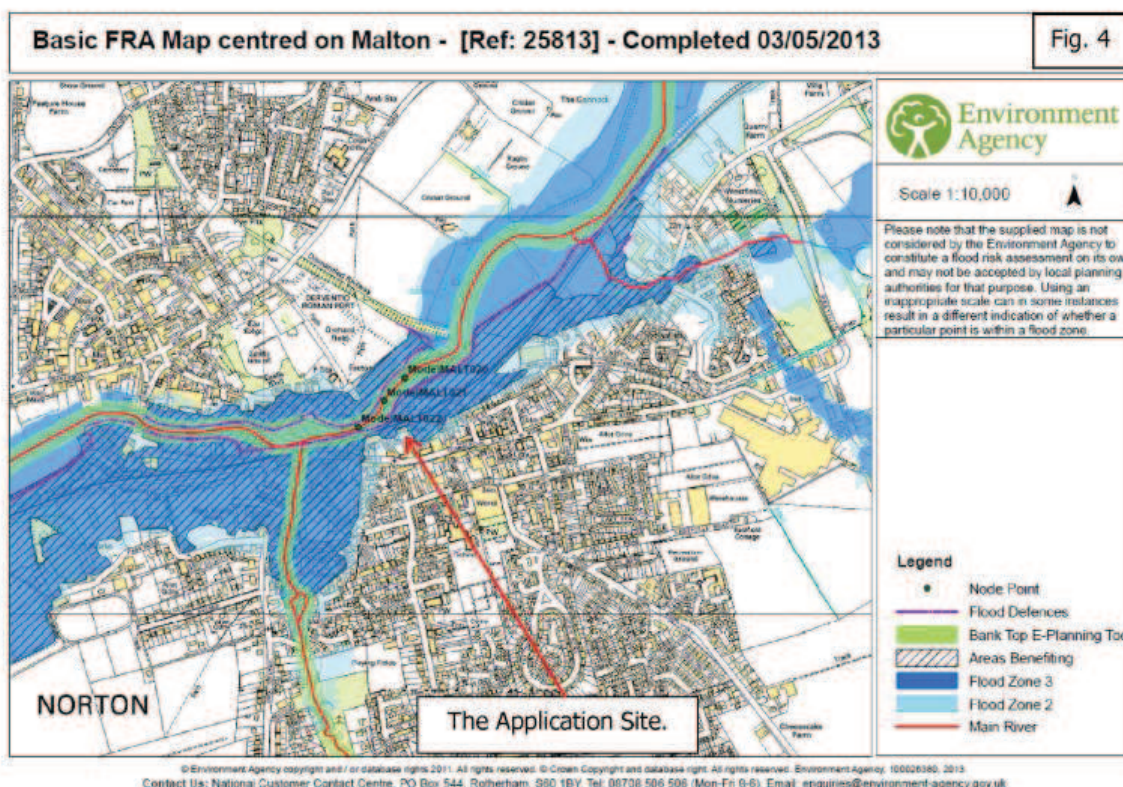
4.4.7 According to the Environment Agency's Model data from the 2009 Malton Data Improvements Study, the following flood levels are predicted (See Fig 3 Below). These node points are in mAOD and are shown on the map at Fig 4 below. The 101 return period is the 1 in 100 year plus climate change scenario.

Fig. 3

NodePointName	ReturnPeriod	LevelValue	FlowValue
ModelMALT020	5	18.18	83.08
ModelMALT020	10	18.47	95.62
ModelMALT020	25	18.82	112.9
ModelMALT020	50	19.26	135.4
ModelMALT020	75	19.27	135.4
ModelMALT020	100	19.54	149.2
ModelMALT020	101	19.92	171.4
ModelMALT020	200	19.7	157.5
ModelMALT020	1000	20.35	219.4
ModelMALT021	5	18.16	83.05
ModelMALT021	10	18.45	95.61
ModelMALT021	25	18.79	112.9
ModelMALT021	50	19.24	135.4
ModelMALT021	75	19.24	135.4
ModelMALT021	100	19.51	149.2
ModelMALT021	101	19.89	171.6
ModelMALT021	200	19.67	157.5
ModelMALT021	1000	20.3	225.7
ModelMALT022	5	18.16	83.04
ModelMALT022	10	18.44	95.61
ModelMALT022	25	18.79	112.9
ModelMALT022	50	19.24	135.4
ModelMALT022	75	19.24	135.4
ModelMALT022	100	19.51	149.2
ModelMALT022	101	19.89	173.9
ModelMALT022	200	19.67	157.4
ModelMALT022	1000	20.3	233.5

levels are in mAOD

101 = 1 in 100 year plus climate change scenario



4.4.8 In the light of the above information, it is reasonable to propose a minimum ground floor level of the 20.5m AOD for the new properties, which is at 200mm above the 1 in 1000 year predicted flood level.

4.4.9 In addition it must be noted that the proposed scheme involves the removal of two existing buildings on the site which currently occupy some 556 sq. m within the flood zone areas of the site which equates to some cubic metres of flood storage capacity. Furthermore, the proposed design of the scheme proposes that the new building will have ground floor uses that will allow inundation in the event of a flood. In essence the scheme will therefore result in a net increase in flood storage capacity to the benefit of the local area.

4.4.10 In the light of parts of the site lying in both Flood Zones 2 and 3 we therefore apply a Sequential Test to the site as follows.

5. Sequential Test

5.1 In general terms the Sequential Test should be applied to demonstrate that there are no reasonably available sites in the area with a lower probability of flooding that would be appropriate for this type of development. To demonstrate the case for the application site we consider the following:-

- (i) The Area of Search Used to Assess Alternative Sites
- (ii) Identification of Alternative Sites in the Area of Search
- (iii) Assessment and Explanation of Whether Alternative Sites at a Lower Flood Risk Level are Reasonably Available

To take each in turn:-

5.1.1 Area of Search

In the light of the nature of the development being most suitable in the urban area, the most reasonable and relevant area of search is defined as the town envelopes of Malton and Norton as shown in the Council's Strategic Housing Land Availability Update 2012 as Principle Service Centre.

5.1.2 Alternative Sites

In identifying reasonably available alternative sites, we consider only those within the development limit of the adopted Ryedale Local Plan and that meet the functional requirements of the proposed development in the urban area at a lower flood risk level and as such we refer to the Council's Strategic Housing Land Availability Assessment (SHLAA) Update 2012. (See Fig.3 below). The Flood Risk Zones are taken from the Environment Agency's Flood Map for Norton.

Sites 512 and 198 are missing from the table in Fig. 5, but they have been included in the assessment which follows.

5.1.3 The following table (Fig. 6) refers to (Fig. 5) above and provides information gathered on thirteen relevant sites identified in the SHLAA from the SHLAA 2009 and Update 2012, Ryedale Local Plan and the Council's Planning Application Register.

Fig. 5

SHLAA Site No	Flood Risk Zone	Planning Status In Adopted Ryedale Local Plan	In Dev. Limits	Site Capacity	Category	Deliverability	% Greenfield
Malton							
2	3(a) (50%+)	Area Liable to Flood	100%	36	3	Not Deliverable	0%
234	1 (90%+)	Residential Site Completed	100%	40	1	0-5 yrs.	60%
235	1 (90%+)	Leisure	100%	67	2	5+yrs	100%
240	1 (90%+)	OPP for Retail Use & Car Park	100%	16	2	5+yrs	0%
457	1 (90%+)	App for Retail Use Pending	100%	12	2	5+yrs	0%
275	1 (90%+)	Pt. Leisure Pt. Unallocated	0%	17	1	0-5yrs	100%
Norton							
113	3(a) (50%+)	Pt. Leisure Pt. Unallocated Pt. Area Liable to Flood	100%	326	3	Not Deliverable	50%
259	1 (90%+)	Unallocated	100%	21	2	5+yrs	0%
430	3(a) (50%+)	DPP for Retail Use	100%	29	3	Not Deliverable	0%
431*	3(a) (50%+)	Area Liable to Flood	100%	30	3	Not Deliverable	0%
433	3(a) (50%+)	Area Liable to Flood	100%	45	3	Not Deliverable	0%
512	1 (90%+)	Unallocated	100%	20	1	0-5yrs	0%
198	1 (90%+)	Unallocated	100%	18	1	0-5yrs	0%

* The application site is identified as being part of Site 431.

5.1.4 Assessment of Alternative Sites

In assessing the above sites we take account of the fact that the Council have acknowledged that they currently have a shortfall in their 5 year housing supply. In addition as the new Ryedale Plan Sites Document is at an early stage and there has been no consultation as yet on preferred sites due to the outcome of the Local Plan Strategy being still awaited. Moreover, an examination into the Sites Document will not take place until sometime in 2014.

5.1.5 Whilst there are significant numbers of potential dwellings within the total of the SHLAA sites, it is by no means certain that all of these will be allocated for housing in the eventual the Local Plan. We submit therefore that at this stage the decisions on the acceptability of new sites for housing in the short term must be restricted to current adopted national and local planning policy.

5.1.6 Our terms of reference are therefore limited to the Adopted Ryedale Local Plan designations and the requirement to consider brownfield sites in preference to greenfield sites for development as required by the national NPPF. Whilst we appreciate that the Council have granted recently a number of planning permissions for residential development on greenfield land outside development limits as a result of the Council's 5-year housing provision shortfall, we still maintain that brownfield land development should be the priority for new housing sites.

5.1.7 Our assessment of the various SHLAA sites is made in the light of the above position and it as follows:-

To take each in turn.

Malton

Site 2.

This brownfield site and lies 50% in Flood Zone 3a within the Development Limit and is comparable to the application site. The non deliverable designation is primarily the Flood Zone category. Whilst we would accept that on the basis that not all the greenfield sites proposed in the SHLAA that this site could be developed with appropriate flooding mitigation measures, we see this site as less preferable to the application site due to the its bad neighbour constraint and that that it has a higher Flood Zone designation.

Site 234.

This a brownfield site in Flood Zone 1 within the Development Limits on which a residential development has been recently been completed and is therefore not available. The site should therefore be discounted.

Site 235.

This site is currently greenfield and mostly within Flood Zone 2 within the Development Limits. However, it is currently an allocated area of open space which is well located to serve the local area and should be retained. The site is also identified as being only available in the 5+ Year period, whereas the application site is available immediately. The site should therefore be discounted.

Sites 240

This is a brownfield site mostly in Flood Zone 1 which has recently been granted Outline Planning Permission on appeal for a Retail Use and Car Park. This site is clearly not available as the intentions of the owners are clear and should therefore be discounted

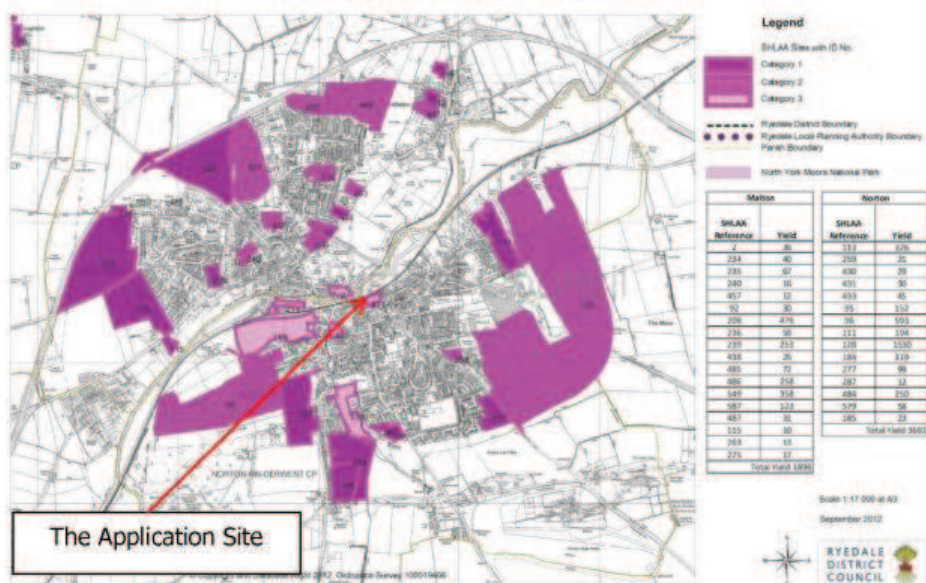
Site 457

This is a brownfield site mostly in Flood Zone 1 in the Development Limits and unallocated on which there is currently a planning application pending a Retail Use. This site is clearly not available as the intentions of the owners are clear and should therefore be discounted.

Site 275

This site is mostly in Flood Zone 1, unallocated, greenfield, allocated partly for leisure and outside the Development Limits. In addition it forms part of Malton School Playing fields which are a valuable resource to local. Its development would also be constrained by traffic noise from the A64 bypass. Whilst the site is in a lower flood zone it should be discounted for the reasons referred to above.

Malton and Norton SHLAA Sites



Norton

Site 113

The site lies 50%+ in Flood Zone 3(a), 50% greenfield, allocated part leisure, part unallocated, part in area liable to flood and undeliverable. In addition, access to the site is severely restricted and for this reason and those referred to above we would submit that the site should be discounted.

Site 259

This site is mostly in Flood Zone 1, unallocated, brownfield, inside the Development Limits and not available until 5+ Years. The site is currently occupied by an Elderly Persons Home, which will involve a relocation of the existing residents. The SHLAA states that there is currently no replacement facility is available. Whilst the site is in a lower flood zone it should be discounted as it is not immediately available.

Site 430

This site is 50% in Flood Zone 3(a), brownfield, within Development Limits and has recently been granted Detailed Planning Permission for a retail use. This site is clearly not available as the intentions of the owners are clear and should therefore be discounted.

Site 433

This site lies 50%+ in Flood Zone 3(a), brownfield, in area liable to flood and undeliverable. In addition, the site is currently occupied by the local bus station and a number of other commercial uses. For the above reasons we would submit that the site should be discounted.

Site 512

This site lies mostly in Flood Zone 1, unallocated, brownfield, unallocated, and inside the Development Limits. Whilst the site is in a lower flood zone, it should be discounted as we are aware that the site is the subject of a planning application for residential development which is currently awaiting validation.

Site 198

This site lies mostly in Flood Zone 1, unallocated, brownfield and inside the Development Limits. Whilst the site is in a lower flood zone, it has a very restricted access which will cause detriment to the neighbouring properties should it be developed.

Site 431

This site, which includes the application site, lies 20% in Flood Zone 1, 65% in Flood Zone 2 and 15% in Flood Zone 3(a), is brownfield, allocated as an area liable to flood and is not deliverable according to the SHLAA. However, of the other twelve sites assessed above, we consider that it is preferable in that it is immediately available, it is brownfield, inside the Development Limits, in a very sustainable location and we have a deliverable solution to overcome the Flood Zone designation.

In addition, as we have stated above, the Council have a shortfall in their 5 year housing supply in the District which we believe this site will contribute towards and assist in resolving. We therefore submit that the development of the site is acceptable from a flood risk standpoint.

5.1.8 In further support of the application the following should also be considered.

5.2 Current Planning Policy

5.2.1 Current Planning policy supports the development of the application site for residential development as is set out in the Planning Supporting Statement submitted with the planning application for the proposal.

5.3 Conclusion

5.3.1 In conclusion we consider that the Sequential Test for the construction of 61 No dwellings at land to the rear of No's 5-17 Commercial Street, Norton, Malton has been robustly applied and that the test has been passed.

6. Exception Test

6.1 The need for an Exception Test is demonstrated by reference to NPPF Technical Guidance as follows:-

6.2 As small part of the site lies in Flood Zone 3(a) we therefore turn to paragraph 5 Table 1 (See Fig.7 below) of the NPPF Technical Guidance where it states that:-

Table 1: Flood zones

(Note: These flood zones refer to the probability of river and sea flooding, ignoring the presence of defences)

Zone 3a - high probability	Fig. 7
Definition This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.	
Appropriate uses The water-compatible and less vulnerable uses of land (table 2) are appropriate in this zone. The highly vulnerable uses should not be permitted in this zone.	
The more vulnerable uses and essential infrastructure should only be permitted in this zone if the Exception Test is passed. Essential infrastructure permitted in this zone should be designed and constructed to remain operational and safe for users in times of flood.	
Flood risk assessment requirements All development proposals in this zone should be accompanied by a flood risk assessment.	
Policy aims In this zone, developers and local authorities should seek opportunities to: <ul style="list-style-type: none">• reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems;	

- 6.3 The nature of the proposed development is buildings used for dwelling houses and as such is classified in Table 2 in NPPF Technical Guidance (See Fig.8 below) as a 'more vulnerable' use of land and therefore an Exception Test is required.

Fig. 8

Table 2: Flood risk vulnerability classification

<p>Essential infrastructure</p> <ul style="list-style-type: none"> • Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk. • Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood. • Wind turbines.
<p>Highly vulnerable</p> <ul style="list-style-type: none"> • Police stations, ambulance stations and fire stations and command centres and telecommunications installations required to be operational during flooding. • Emergency dispersal points. • Basement dwellings. • Caravans, mobile homes and park homes intended for permanent residential use³. • Installations requiring hazardous substances consent⁴. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as "essential infrastructure")⁵.
<p>More vulnerable</p> <ul style="list-style-type: none"> • Hospitals. • Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels. • Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels. • Non-residential uses for health services, nurseries and educational establishments. • Landfill and sites used for waste management facilities for hazardous waste⁶. • Sites used for holiday or short-let caravans and camping, <i>subject to a specific warning and evacuation plan</i>.⁷
<p>Less vulnerable</p> <ul style="list-style-type: none"> • Police, ambulance and fire stations which are <i>not</i> required to be operational during flooding. • Buildings used for shops, financial, professional and other services.

6.4 Development within these areas may only be considered following application of the Sequential Test.⁸ See above. Table 3 of NPPF Technical Guidance states that an Exception Test is required for 'More Vulnerable' developments in Flood Zone 3. (See Fig. 9 below).

Table 3: Flood risk vulnerability and flood zone 'compatibility'

Flood risk vulnerability classification (see table 2)		Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
Flood zone (see table 1)	Zone 1	✓	✓	✓	✓	✓
	Zone 2	✓	✓	Exception Test required	✓	✓
	Zone 3a	Exception Test required	✓	✗	Exception Test required	✓
	Zone 3b functional floodplain	Exception Test required	✓	✗	✗	✗

Key: ✓ Development is appropriate.
✗ Development should not be permitted.

Notes to table 3:

This table does not show:

- a. the application of the Sequential Test which guides development to Flood Zone 1 first, then Zone 2, and then Zone 3;
- b. flood risk assessment requirements; or
- c. the policy aims for each flood zone.

- 6.5 We therefore now provide evidence of mitigation measures as required by Paragraph 103 of NPPF referred to above to prove that the Exception Test has been passed.
- 6.6 To pass the exception test the development is required to -
 - a) provide wider sustainability benefits
 - b) be located on previously developed land
 - c) be safe from flooding, without increasing flood risk elsewhere.
- 6.7 As required by a) and b), the development would de-contaminate the site, improve outlook for the occupants of surrounding buildings, make better use of a brownfield site, provide residential development, including affordable dwellings in the town centre and be constructed to BREEAM very good standards, as such there would be sustainability benefits. The site is also previously developed land.
- 6.8 However, to satisfy item c) we need to demonstrate by the following information that the site will be safe from flooding without increasing flood risk elsewhere.
- 6.9 In the most recent flood event in Autumn 2012 this area did not flood due to the existence of the Malton and Norton Flood Defences and the Malton - Scarborough railway line.
- 6.10 If the Flood Defences were over topped, water would either enter the site directly from the River Derwent over the Malton - Scarborough railway line to the north or directly from Commercial Street to the south.

- 6.11 The Environment Agency have provided information referred to above for flooding within this area which consists of modelled flood levels if the defences were to fail.
- 6.12 It has already been noted above that in the recent flood event in November/December 2012, the site was not affected by flooding.
- 6.13 A topographical survey to Ordnance Survey levels has been undertaken and this is attached at Appendix 2 of this report. This shows that the general levels of the site range between 18.6m AOD on the site's northern boundary adjacent to the railway line to 21.31m AOD at the site entrance on the southern boundary.
- 6.14 It has already been noted above that the two existing buildings on site are to be demolished to make way for the proposed development which together would increase the flood capacity of the site by some 1305 cubic metres.
- 6.15. **Alleviation Measures**
The projected 1 in 100 year plus climate change level of 19.51m AOD is a maximum of some 0.91m AOD above the existing ground levels of the northern most part of the site. The southern part being a maximum of some 1.80m AOD above. The 1 in 1000 year plus climate change level is 20.3m AOD and is 1.7m AOD above the northern half of the site and 1.10m AOD below the southern part of the site.
- 6.16 In the light of the above and as the existing ground levels at the site range between 18.6m AOD and 21.31m AOD it is recommended that the existing ground floor level of the proposed buildings are set a minimum of 200mm above the 1 in 1000 year plus climate change level i.e. 20.5m AOD.
- 6.17 In addition to raising the proposed ground floor level it is also advisable to include all or some of the following techniques to limit the damage to the building if flood water does enter the building:-
- Construct ground floor from solid concrete or suspended concrete floor
 - Construct external walls from masonry without cladding to first floor level
 - Construct interior walls with masonry to first floor level
 - Install water resistant insulation to walls
 - Install a water resistant plaster to ground floor walls
 - Install gas meters at high level within the houses to avoid flood water
 - Install electric consumer box at high level to avoid flood water
 - Feed electrical sockets from first floor and install sockets 600mm above ground floor level if practical
 - Install boiler preferably at first floor level or if impractical, high on wall at ground floor.
- 6.18 **Surface Water Drainage**
The existing site surface area is of the site is partly non permeable, being concrete. However, as the new development proposed will take up the whole site area, we don't believe the surface water areas will be significantly different from the existing, but these will be calculated with the appropriate solution and attenuation to achieve 30% reduction in flow rate.
- 6.19. **Safe Access and Egress**
It is likely that in the absence of over topping of the existing flood defences no flooding would affect the site and access would be via Commercial Street.
- 6.20 If a major flood event were to occur within this area as a result of the failure of the flood defences, then this area would be evacuated by the Environment Agency and Ryedale

District Council. Egress would be via Commercial Street before flood water depths became unsafe or as a worst case scenario, the first floor could be used as a safe refuge as it would be above the 19.51m being the projected 1 in 100 year plus climate change level. An appropriate Flood Plan is attached as Appendix 3 to this report.

6.21 Recommendations

The following recommendations should be incorporated in the construction of the new dwellings and site.

- Floor Levels should be set at 20.5m AOD. and 1.7m higher than the lowest site ground level.
- Flood resilient measures should be incorporated into the fabric of the building.
- The impermeable area of the proposed site will be smaller than the predevelopment site thus reducing surface water run-off.
- An Emergency Flood and Evacuation Plan shown at Appendix 3 is proposed to allow safe evacuation measures to put in place in the event of flooding.

6.22. Conclusions

The site is in Flood Zones 2 and 3a and is protected by the River Derwent Flood Defences. Under normal conditions this site will not flood. However, it may flood in a worst case scenario within a 50-100 year storm event, if the Flood Defences are over topped. Reasonable measures can be put in place to minimise this flood risk which make the site safe for residential use.

6.23 This FRA and Exceptions Test confirm that this site is suitable for residential use with an acceptable flood risk.

7. Conclusions

7.1 We submit that this Flood Risk Assessment confirms that this site is suitable for residential use with an acceptable flood risk.

SMN/YTA 1.7.14

Appendix 1 Topographical Survey.

Appendix 2 Emergency Evacuation Plan

EMERGENCY FLOOD WARNING AND EVACUATION PLAN
FOR LAND
AT
THE LAND AT THE REAR OF 5–17 COMMERCIAL STREET
NORTON
MALTON

1. WHY DOES THIS PROPERTY NEED AN EMERGENCY FLOOD WARNING AND EVACUATION PLAN?

1.1 This property is located adjacent to the River Derwent. The site is protected from flooding by the River Derwent Flood Defences. In normal circumstances during flood events, the defences will protect properties within this area from flooding. However the Environment Agency considers that the defences provide a 1 in 100 to 1 in 1000 year and 1 in 100 or greater protection against flooding. Therefore this property may be flooded within a flood event exceeding 1 in 100 years. To put this in context, the Environment Agency considers that any property with a flood risk between 1 in 100 years and 1 in 1000 years is at moderate risk of flooding and between 1 in 100 years or greater at a significant risk of flooding.

2. HOW WILL I KNOW IF THIS PROPERTY IS AT RISK DURING FLOODS?

2.1 The most important factor is to know when a flood is likely to affect this property. The Environment Agency provides a flood warning service to householders who are at risk of flooding. They can register with the Environment Agency on their floodline 0845 988 1188. Householders at this property should register with this service.

3. HOW CAN I BE READY FOR A FLOOD?

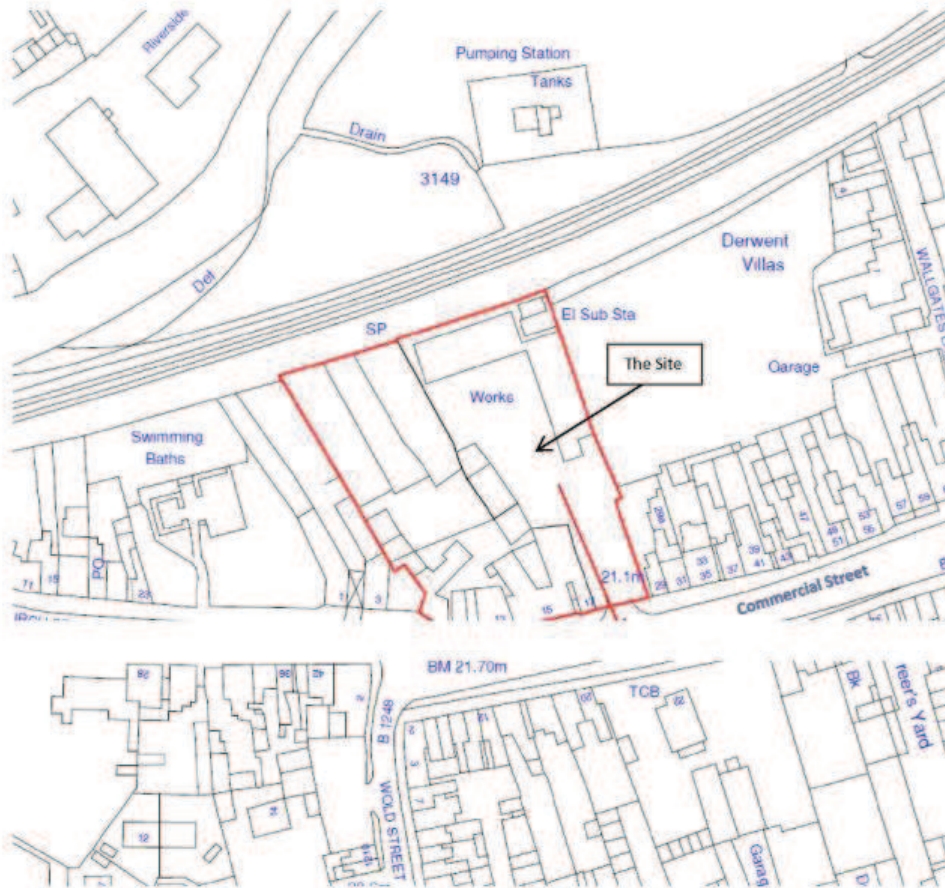
3.1 It is always prudent to design your own personal flood plan. The Environment Agency provide a template for this which is attached to this plan. This can be completed to help the householder to understand what actions to take in a flood.

4. WHAT IF I NEED TO LEAVE MY HOME?

4.1 The Personal Flood Plan provides advice on what to do in times of flood. In extreme events it may be necessary for the occupants to leave the premises. To do this, a safe route to higher ground should be available. For this property, the route is from the site south to Commercial Street.

A plan of the route is shown below.

5. EVACUATION ROUTE



6. WHAT IF I CAN'T LEAVE MY HOUSE FOR ANY REASON?

6.1 It is important to leave the premises if you consider that flood levels may affect your house and prevent you from leaving safely. You should also leave if you are advised to do so by the Environment Agency or by Officers of the Ryedale District. However, if the householder cannot leave for any reason, such if flood levels rise quickly and there is no safe exit, then the occupants should make their way to the first floor and use this as a safe refuge. The emergency services should then be contacted to arrange evacuation

Personal flood plan

Name



Are you signed up to receive flood warnings?
If not call Floodline on 0845 988 1188 to see
if your area receives free flood warnings.

Let us know when you've completed your flood plan by calling Floodline on **0845 988 1188**.
This will help us learn more about how people are preparing for flooding.

General contact list	Company name	Contact name	Telephone
Floodline	Environment Agency		0845 988 1188
Electricity provider			
Gas provider			
Water company			
Telephone provider			
Insurance company and policy number			
Local council			
Local radio station			
Travel/weather info			

Key locations

Service cut-off	Description of location
Electricity	
Gas	
Water	

Who can help/who can you help?

Relationship	Name	Contact details	How can they/you help?
Relative			
Friend or neighbour			

Be prepared for flooding. Act now

Personal flood plan

What can I do NOW?



- Put important documents out of flood risk and protect in polythene
- Check your insurance covers you for flooding
- Look at the best way of stopping floodwater entering your property
- Make a flood plan and prepare a flood kit
- Find out where you can get sandbags
- Identify who can help you/who you can help
- Identify what you would need to take with you if you had to leave your home
- Understand the flood warning codes

What can you do if a flood is expected in your area?

Actions	Location
Home	
Move furniture and electrical items to safety	
Put flood boards, polythene and sandbags in place	
Make a list now of what you can move away from the risk	
Turn off electricity, water and gas supplies	
Roll up carpets and rugs	
Unless you have time to remove them hang curtains over rods	
Move sentimental items to safety	
Put important documents in polythene bags and move to safety	
Garden and outside	
Move your car out of the flood risk area	
Move any large or loose items or weigh them down	
Business	
Move important documents, computers and stock	
Alert staff and request their help	
Farmers move animals and livestock to safety	
Evacuation - Prepare a flood kit in advance	
Inform your family or friends that you may need to leave your home	
Get your flood kit together and include a torch, warm and waterproof clothing, water, food, medication, toys for children and pets, rubber gloves and wellingtons	

There are a range of flood protection products on the market to help you protect your property from flood damage. A directory of these is available from the **National Flood Forum** at www.bloepages.org.uk

Be prepared for flooding. Act now

16/10/07/09/07/0-EE

PDP

The Planning & Design Partnership Planning.. Architecture.. Interiors.. Landscape

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DESIGN & ACCESS STATEMENT

PROPOSED 61 UNIT MIXED TENURE HOUSING DEVELOPMENT ON THE FORMER ATS TYRE DEPOT, COMMERCIAL STREET, NORTON YO17 9HX

21st July 2014



VIEW OF SITE ENTRANCE FROM COMMERCIAL STREET LOOKING NORTH

CONTENTS

- 1 INTRODUCTION
- 2 USE
- 3 AMOUNT
- 4 APPEARANCE AND LAYOUT
- 5 SCALE
- 6 LANDSCAPE
- 7 PLANNING POLICY CONTEXT
- 8 HIGHWAYS
- 9 DRAINAGE
- 10 SUNLIGHT AND PRIVACY
- 11 FLOOD RISK
- 12 SUSTAINABILITY
- 13 DESIGNING OUT CRIME
- 14 HERITAGE STATEMENT
- 15 ACOUSTICS
- 16 CONTAMINATION
- 17 TREES
- 18 CONCLUSION



AERIAL VIEW OF THE SITE

1. INTRODUCTION

This design statement is prepared generally in accordance with the requirements set out by DCLG Circular 01/2006 - Section 3. The appraisal will follow some of the process advocated by the CABE Guide to good practice.

2. USE

This is a detailed planning application for a development of 61 No. units of mixed tenure housing on the former ATS Tyre Depot, Commercial Street, Norton YO17 9HX. The units will range from 4 bedroomed houses to single bed apartments with the ratio of each house type and variety of method of tenure having being discussed and agreed with Ryedale District Council and a local Housing Association. The majority of the units will be smaller single and two bedroomed units to meet the local housing need and to be appropriate for the town centre location.

The current form of the development is as the result of extensive consultation and a Pre-application Planning Advice Submission to Ryedale District Council.

3. AMOUNT

The site is sandwiched between the York to Scarborough railway and the main retail street in Norton (Commercial Street) with the plot facing south at the western end of the town shopping centre. The site is approximately rectangular 65 m wide and 80 m deep with an area of 4,897 m², it slopes down from the highway at 21.0 m AOD to 18.60 m AOD adjacent to the railway line. The River Derwent also runs between the two towns along the northern side the railway line and has influenced the building styles in the past with river trade and even boatbuilding featuring in historical records.

The existing retail units to the front (southern) boundary of the site will be retained with the land immediately behind them altered and landscaped to form communal amenity spaces, twelve parking bays and two new ancillary stores. The existing site access position will be retained but reduced to a more domestic scale 5.5 m wide and a new forked drive created to serve the front retail units and the residential complex further to the northern boundary.

Parking spaces will be provided in an undercroft beneath the main development and this will also provide a floodable void in the event of extreme flood conditions.

Additional parking bays will be provided to the rear of the existing buildings along Commercial Street which will help reduce daytime congestion in the Town Centre.

36 No. of the units will be single bed with internal floor areas of approximately 50 m², 20 No. 2 bed units at approximately 60 m², 3 No. three storey town houses with 3 beds at approximately and 2 No. 4 bedrooms and 110 m² internal floor area.

Private and distinct gardens will be provided for the town houses and shared communal spaces for the apartments along with cycle and refuse stores to the central courtyard. The complex will be formally managed and supervised from a dedicated office on the ground floor.



VIEW OF THE SITE ENTRANCE LOOKING EAST ALONG COMMERCIAL STREET

4. APPEARANCE & LAYOUT

The town of Norton (population approx 7,000) runs alongside the southern bank of the River Derwent, with Malton (population approx 13,000) nearby on the northern bank. Malton is a market town and commercial centre with historic records dating back to a Roman fort - Derventio. The A64 trunk road skirts the northern edge of the towns and provides the main coastal trunkroad from York. The transpennine railway between Liverpool and Scarborough passes alongside the site with Malton Station within 700 m as is the bus station. The main land use in the area is agricultural but the towns are also known for a large bacon factory, many horse racing stables and a 27 hole golf course. Norton is a popular residential location for the major conurbations of Leeds, York and Hull which are readily accessible by commuters.

The proposed dwellings will be arranged in three connected wings around the boundary of the northern end of the site, but also to match the north south alignment of the adjacent burgage plots.

The development will be based predominantly on the characteristics of traditional Riverside Warehouses with the corner blocks incorporating full height glazed window bays to contrast with the fenestration of the connecting wings which is in a more domestic style and scale. The three storey building with loft accommodation will feature raised gable parapets, slate roofs and brick string courses and details to add interest and depth. The external doors and windows will include stone cills, brick arch heads and vertical sash windows set back within brick reveals.

The connecting and circulation spaces will utilise fully glazed walls to help define the separation between the differing housetypes and highlight the entry and exit positions.



VIEW OF THE SITE ENTRANCE LOOKING WEST ALONG COMMERCIAL STREET

5. SCALE

The existing buildings along the street frontage are three and two storey, stepping down and reducing in mass from Georgian town houses, to a more Victorian cottage terrace scale either side of the site access. The front elevations have been formally set out with geometric window groupings and contrasting brick details to emphasize quality and stature of the terrace with some still retaining most of their original features.

The proposed development will continue the theme in a similar manner and reinforce the local residential character, returning the industrial retail site to a more appropriate and community friendly use.



FRONT AND REAR VIEWS OF EXISTING THREE STOREY RETAIL UNITS TO THE SOUTHERN BOUNDARY

6. LANDSCAPE

See Tree Survey submitted with application, which concludes that the trees on the site are not worthy of retention, possibly giving shelter to vermin and contributing to the current run down and neglected appearance of the plot.

The proposed scheme includes a landscaping scheme which offers appropriate species and materials to further improve the area and contribute to an improved street scene, see Drawing Ref CSN L1.

7. PLANNING POLICY CONTEXT

See Planning Supporting Statement submitted with application.

8. HIGHWAYS

The existing vehicular access to the plot is from Commercial Street and will be retained although reduced in width to 5.5 m with the layout and arrangement having being discussed and agreed with the Local Authority Highways department.

Whilst it is not anticipated that the residents will all own cars, a parking ratio of almost 90% has been achieved by providing 41 bays in the undercroft and 12 bays behind the existing retail units. The corner locations of the undercroft will also provide secure storage for just over 60 bicycles.

Vision splays of 4.5 m x 33 m are achievable, with Commercial Street being restricted to 20 mph at this location.

The access drive will include an informal turning head and an approved verge crossing detail. No significant issues were identified with the vehicular access, however the exact requirements will be guided by the NYCC Highway Department requirements.

9. DRAINAGE

A separate foul and surface water drainage system will be installed within the plot and connected to the existing public sewers in Commercial Street with pumping stations as required to specialist specification. The hard standing and access road will be surfaced with permeable paving and a surface water storage tank will be incorporated with a flow restrictor to be designed by a specialist which will reduce surface water run-off from the site subject to the guidance and exact requirements of Yorkshire Water, the Environment Agency and YCC drainage department.

10. SUNLIGHT AND PRIVACY

National guidance on assessing new development proposals is set out in the Building Research Establishment Report "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" by P J Littlefair (1991). Local plan policies generally protect residential amenity and ensure that adjacent development does not result in unreasonable loss of light, overlooking or overshadowing. Good design ensures buildings which in their design, form and positioning are compatible with the

character of the surroundings, and which will not result in an unreasonable loss of privacy or natural light to neighbouring properties or be detrimental to neighbourhood amenity.

The horseshoe arrangement and southern facing orientation provides good levels of natural lighting throughout the development and with large spaces between the neighbouring dwellings and the proposed development, the loss of light concern is minimised and the shading created will fall mainly on the uninhabited railway and river bank to the north of the site.

11. FLOOD RISK

See Flood Risk Assessment and Maps submitted with application.

The River Derwent is prone to flooding at Malton and Norton although as the site is sloping, it includes areas ranging from flood zones 1 (low risk), 2 (medium risk) and 3 (moderate risk). This has been addressed with the inclusion of a floodable void in the undercroft which will improve the flood storage capacity and slightly reduce the flood risk locally.

The ground floor of the development will be elevated to 20.5 m aod which is 200 mm above the 1:1000 year predicted flood level, but still close to the existing level on site and some 600 mm lower than Commercial Street.

12. SUSTAINABILITY

The site is located in the centre of Norton, which is served by a regular bus and train services. It is readily accessible by public transport, footpath and by bicycle.

The proposed new dwellings will help Ryedale District Council to meet the housing need and the new residents will support and contribute to the local economy and prosperity.

The design is intended to enhance the street-scene and contribute to the character of Norton.

Materials used during the construction will be sourced locally and selected with regard to 'whole life' cost.

The refuse generated on site will be separated into the differing waste classes as requested in preparation for collection by the local authority.

The proposal will not create significant levels of pollution.

The access drive will be surfaced with permeable materials and a surface water storage tank with flow restrictor will be installed so that the site has no greater impact on flooding or rainwater run-off than it does at present.

The development is considered to be sustainable using the Bruntland 1987 definition of "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".

The dwellings will comply with current building regulations and will be efficient in terms of thermal insulation and energy consumption which assists in minimising their carbon footprint. The units will benefit from a thermally efficient heating systems and low energy lighting. The use of Low Carbon Technology is intended to reduce the demand on fossil fuels.

13. DESIGNING OUT CRIME

The proposed dwelling is arranged to provide close supervision of the access drive and amenity spaces. The provision of distinct borders with well-defined public and private spaces discourage antisocial behaviour and reduce the risk of crime. The development is intended to encourage a community feel and promote a 'crime-watch' conscious neighbourhood.

14. HERITAGE STATEMENT

See Archaeological Desk Based Assessment and Site History submitted with application.

15. ACOUSTIC

See Noise Impact Assessment submitted with application.

16. CONTAMINATION

See Phase 1 Desk Top Study with application.

17. TREES

See Tree Report and Plan submitted with application.

18. CONCLUSIONS

The plot is currently vacant and ideally positioned to provide additional dwellings in the centre of Norton.

The proposed new dwellings are intended to sit sympathetically and contribute positively to this setting.

The development has been designed with flood risk in mind, the ground floor being well above the 1:1000 year flood level, and a large floodable void to the undercroft below.

We believe this design statement has set out a well-considered scheme and the principles behind the evolution of the design.

The material planning considerations relevant to the determination of this application have been set out in relation to the national, regional and local plan policy as described in the Planning Supporting Statement.

We hope to have demonstrated that the broad principle of development on this site complies with these policies on many levels.

The applicant hopes that Ryedale District Council is able to support this planning application for the development of a high quality dwellings.

Agenda Item 7

Item Number: 7
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: 6 October 2014 **8/13 Week Expiry Date:** 1 December 2014
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	No views received to date
Parish Council	No objections or comments made
Highways North Yorkshire	No objections - recommend conditions
Building Conservation Officer	Object
Environmental Health Officer	Recommend condition

Neighbour responses: J Cossins, Mr David Brewster, John Freeman, Leslie Clarke, Mr Kentigern Hagan,

Overall Expiry Date: 16 December 2014

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INTRODUCTION:

This application was considered at the November Planning Committee where it was deferred pending a site visit. A Committee Site Inspection was undertaken on 2 December 2014.

UPDATE INFORMATION:

Since the November Committee the formal comments of Kirkbymoorside Town Council have been received. They have expressed their support for the development on the condition that the emergency services are consulted to determine that access is guaranteed at all times. They are of the opinion that the development will not affect the setting of the listed building, and will have no visual impact. They conclude that the mitigating circumstances of the application warrant further consideration.

A letter of support has also been received from the Parish Priest, who further advises that there will be no impact on their property. (This property lies to the immediate south of the application site).

Two letters expressing concern have also been received since the November Committee. The full responses are available to view on the Council website. However their main comments are that they are in agreement with Policy SP2 of the Ryedale Plan-Local Plan Strategy with regard to protecting and preserving open back land spaces within the Conservation Area. Furthermore they are concerned that due to parking problems on Piercy End they do not want their ability to park in front of their garage to be adversely affected by the development.

In relation to the Town Council comments, the road frontage clearly states 'keep clear', and the access itself has 'no parking' written across the width of the access. Keeping the direct access to the site is a civil issue which will be controlled by the applicant and the owners of the adjacent garages.

PLANNING COMMITTEE

16 December 2014

In relation to the comments raised in the neighbour letter, the protection of the open land within the Conservation Area is addressed in the earlier committee report on the November agenda. Comments relating to the ability to park in front of their garage are a civil issue. Nevertheless the applicant has confirmed that he has a right of access to the site at all times.

In relation to other issues, Members are aware that the application is in outline only, with all matters reserved. The application was however accompanied by a plan for illustrative purposes to demonstrate how the site could be developed. Officers expressed concern in the original report that, notwithstanding the objections to the principle of the development in relation to the Conservation Area, the illustrative design was out of keeping with the character of the area, and would erode the character of the burgage plots. Since the November meeting, the agent has submitted a revised plan which illustrates a dwelling incorporating a narrower, more traditional span, together with a predominantly linear footprint. The revised plan is attached for Members attention.

Officers are of the opinion that the revised design approach has illustrated a structure which is perhaps more in keeping with the appearance of linear, subordinate outbuildings, sometimes found in burgage plot locations. However, overriding officer objections relating to any development in this open and relatively undeveloped part of the Conservation Areas remains. The recommendation, therefore, is one of refusal for the reasons previously stated.

If Members are, nevertheless, minded to approve this outline application, it is recommended that a condition be imposed that requires the detailed plans to respect the single-storey linear form of development illustrated on the revised plan.

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

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.

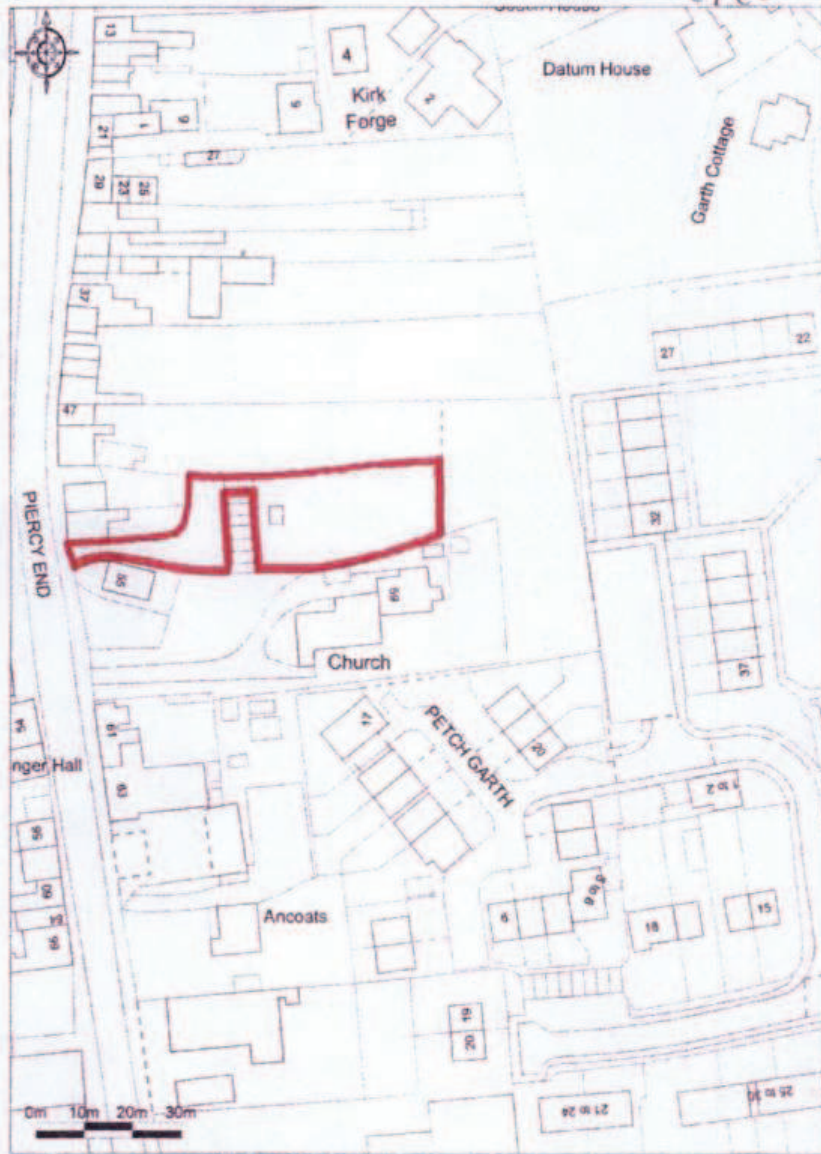
RECOMMENDATION: Refusal

- 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

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K/01081/OUT

ILLUSTRATIVE SKETCH PLAN OF
NEW DWELLING AT PIERCY END
KIRKBYMOORSIDE



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REVISER



Karen Hood

RJS

18/11/14

No objections -
comments made

From: Lisa Bolland [town.clerk@kirkbymoorsidetowncouncil.gov.uk]
Sent: 18 November 2014 11:02
To: Karen Hood
Subject: APP NO: 14/01081/OUT

APP NO: 14/01081/OUT
APPLICANT: Mr Paul Strickland

Management Development Team Leader

Please be advised that above planning application was considered at the meeting of the Planning Committee held at 7pm on Monday 17th November.

Unfortunately I was away from the office from 11 October to 31 October and subsequently your original correspondence dated 8 October 2014 was not received in the office until 1 November and it has not been possible for the Planning Committee to consider this application until this date. I apologise for the delay of this submission but would ask that you consider the views of the Kirkbymoorside Town Council Planning Committee as follows:

The Application is supported by the Town Council on the condition that the emergency services are consulted to determine that access is guaranteed at all times.

The Town Council disagree with the objections submitted by the Conservation Officer as the proposal does not affect the setting of a listed building. Furthermore the proposed dwelling will be set back from the road and out of view of the street scene thereby having no visual impact.

It is the opinion of the Town Council that the mitigating circumstances of this application warrant further consideration.

Regards
Lisa Bolland
Town Clerk
Kirkbymoorside Town Council

RYE
18 NOV 2014
DEVL
MANAGEMENT

Agenda Item 8

Item Number: 8
Application No: 14/00909/HOUSE
Parish: Norton Town Council
Appn. Type: Householder Application
Applicant: Mr Adam Wiles
Proposal: Erection of single storey side and rear extensions to include integral garage with storage above
Location: Newlands 4 St Peters Crescent Norton Malton North Yorkshire YO17 9AN

Registration Date: 19 August 2014 **8/13 Week Expiry Date:** 14 October 2014
Case Officer: Rachel May **Ext:** 329

CONSULTATIONS:

Parish Council Recommend approval
Highways North Yorkshire No objection

Neighbour responses: Fiona Delphine & Geof Dudding,

Overall Expiry Date: 18 November 2014

INTRODUCTION:

Members will recall that this application was deferred for further negotiation at the October meeting of the Planning Committee. A copy of the earlier committee report is attached for ease of reference.

APPRAISAL:

The earlier officer recommendation was one of approval. Concern was, however, expressed by Members with regard to the scale and design of the proposal. Following the committee, a further revision scheme was submitted. However, the neighbour has continued to object and therefore the application is referred to the December's Committee meeting for a final decision to be made.

The revised scheme omits the storage area above the garage. As a result, the height of the garage roof is reduced by a further 0.6 metres. The eaves height on the southern elevation has been reduced by 0.1 metres. The parapet wall has been deleted from the west elevation reducing the rear extension height by a further 0.35 metres.

The garage will now project approximately 2.8 metres off the existing side elevation, and will be approximately 6.4 metres in length. The eaves height is proposed at 2.5 metres, and the ridge height is approximately 4.3 metres. The extension is set back from the existing dwelling by 0.3 metres. The rear extension will extent 3.8 metres along the boundary, and will be 6.5 metres in length. The height of the flat roof is proposed at 2.8 metres above ground level.

It is considered that the revised plans will result in a reduced impact on the neighbouring occupiers' amenity.

In light of the above considerations, the proposed side and rear extension is considered to satisfy the relevant policy criteria outlined within Policies SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

The proposal is therefore recommended for approval subject to the following conditions.

PLANNING COMMITTEE

16 December 2014

RECOMMENDATION: Approval

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

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

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

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

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

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

Existing and Proposed Plans and Elevations: revised. (drawing ref: MG/1562/PL/2014)

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

Background Papers:

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

Item Number: 13
Application No: 14/00909/HOUSE
Parish: Norton Town Council
Appn. Type: Householder Application
Applicant: Mr Adam Wiles
Proposal: Erection of single storey side and rear extensions to include integral garage with storage above
Location: Newlands 4 St Peters Crescent Norton Malton North Yorkshire YO17 9AN

Registration Date:
8/13 Wk Expiry Date: 14 October 2014
Overall Expiry Date: 16 October 2014
Case Officer: Rachel May **Ext:** 329

CONSULTATIONS:

Parish Council Recommend approval
Highways North Yorkshire No objection

Neighbour responses: Fiona Delphine And Geof Dudding,

.....

SITE:

Newlands is a detached dwelling situated on St Peters Crescent, which is a predominantly residential area. The site lies within the Development Limits of Norton, as defined within the Ryedale Local Plan; and is within an archaeological sensitive area.

PROPOSAL:

Planning permission is sought for the erection of single storey side and rear extensions to include integral garage with storage above. The extension incorporates a garage with storage above to the side, and a garden room to the rear. At its highest point the garage roof is 5 metres above ground level, and the parapet wall of the garden room is 3.1 metres above ground level.

Amended plans were negotiated by Officers in order to reduce the impact of the scheme and these are subject of re-consultation locally which expires on 16th October 2014.

HISTORY:

There is no planning history relevant to this application.

POLICY:

National Planning Guidance

National Planning Policy Framework
National Planning Practice Guidance

Ryedale Plan - Local Plan Strategy

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

PLANNING COMMITTEE
21 October 2014

APPRAISAL:

The main considerations when assessing this application are;

- i. Character and Form
- ii. Impact upon the Street Scene
- iii. Impact upon Residential Amenity
- iv. Conclusion

- i. Character and Form

Original Scheme

An original scheme was submitted for a larger extension. This was the subject of a neighbour objection from the occupiers of '6 St Peters Crescent' raising material planning considerations including scale and proximity to their boundary.

A revised scheme, dropping the eaves and ridge height, was submitted to the Local Planning Authority in order to address these concerns. The occupiers of '6 St Peters Crescent' have however stated their objections remain in light of the revised scheme. Both letters can be viewed on the Councils' website.

Concerns were also raised regarding the size and location of the garage, compromising the off street parking facility. Following consultation with the Highway Authority, it is considered the garage would be able to accommodate a car inside and no objections are raised from NYCC Highways on highways grounds.

The Proposal

The proposed development is in the form of a single storey, side and rear extension. Following the demolition of the existing detached timber asbestos garage on the west elevation, an attached garage is proposed on almost exactly the same footprint, with additional storage space above. The garage will project approximately 2.8 metres off the existing side elevation, and will be approximately 6 metres in length. Originally the eaves height was 3.5 metres, and a ridge height of approximately 6 metres. However the revised plans propose the eaves height at approximately 3 metres, and 5 metres to the ridge. The extension is set back from the existing dwelling by 0.3 metres.

The rear extension will extend 3.8 metres along the boundary, and will be 6.5 metres in length. The height of the flat roof was originally set at 3.3 metres, but is now proposed at approximately 3.1 metres.

Overall, the scale and height of the development has been designed to ensure the extension will appear subservient when viewed within the wider street scene. It is also considered that it would not dominate the front elevation of the dwelling. It is considered the size and scale of the proposal is, on balance, appropriate and in compliance with Policies SP16 Design and SP20 Generic Development Management Issues of the Ryedale Plan – Local Plan Strategy.

The proposed construction materials are brick and concrete pan tiles. These materials will match the hosting dwelling, and are therefore considered acceptable. Timber painting bi-folding doors are proposed on the north elevation and a steel painted door is proposed for the garage on the south elevation.

- ii. Impact upon Street Scene

The application site and the surrounding plots are long and narrow, but there is no distinct housing pattern or spacing around the dwellings. In terms of the street scene, there is a mixture of types and sizes of detached and semi-detached dwellings in the crescent. '2 St Peters Crescent' has developed on the boundary shared with '4 St Peters Crescent'. '6 and 8 St Peters Crescent' sit centrally in the plot, and is a pair of symmetrical semi-detached houses.

In terms of impact on the street scene, the side extension compromising the garage would be seen from public viewpoints and is considered to be in keeping with the surrounding area. It is therefore considered the extension will not be detrimental to the visual amenity of the surrounding area. The rear element of the extension would not significantly impact on the street scene as it will not be easily seen from any public viewpoints.

iii. Impact upon Residential Amenity

An objection was received from the occupiers of property of '6 St Peters Crescent' to the original scheme stating the development would detrimentally impact on the amount of natural light entering their property, and that the design being inappropriate for the character of the neighbourhood.

Following a re-consultation with regard to the revised plans the occupiers of, '6 St Peters Crescent' stated there objection remains. There has been no response from Norton Town Council. However, the revised plans are considered to take into account the previous objection with regard to scale and siting.

Whilst the development will slightly increase the amount of the massing of building along the boundary shared with the immediate neighbour, the reduce pitch of the garage roof and existing fence will help mitigate any adverse impacts.

In addition, the west elevation extending along the boundary will not feature any fenestration. The side of 6 St Peters Square does have 3 small windows, however none are considered to serve primary rooms and therefore the presence of the extension within approximately 2.5 metres (as amended) is not considered to be intrusive.

On balance, it is considered there will not be a substantial material adverse impact on the amenity of the neighbours and therefore this application complies with SP20 Generic Development Management Issues of the Ryedale Plan – Local Plan Strategy.

iv. Conclusion

At the time of writing, there has been one objection received from '6 St Peters Crescent' to the original and revised proposals. The full letters can be viewed on the Council's website along with a response from the applicant, Mr Wiles to the issues raised.

The Highway Authority has no objections to the proposal and Norton Town Council recommends approval for this application.

In light of the above considerations, the proposed side and rear extension is considered to satisfy the relevant policy criteria outlined within Policies SP16 Design; SP19 Presumption in Favour of Sustainable Development; SP20 Generic Development Management Issues of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval subject to the following conditions.

RECOMMENDATION: Approval

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

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

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

Existing and Proposed Plans and Elevations: revised. (drawing ref: MG/1562/PL/2014)

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

- 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 a satisfactory external appearance and to satisfy the requirements of Policies 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

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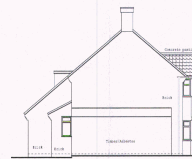
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EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

PROPOSED



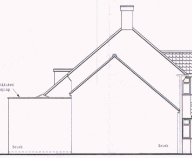
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EAST ELEVATION



NORTH ELEVATION

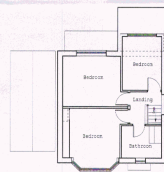


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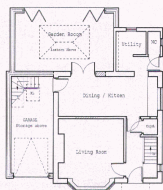


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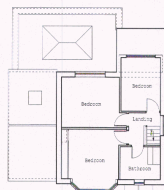


FIRST FLOOR PLAN

PROPOSED



GROUND FLOOR PLAN



FIRST FLOOR PLAN

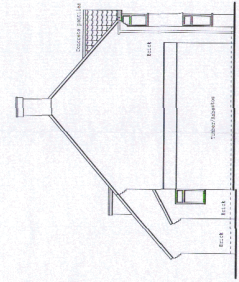
Key / Symbols

NOT TO SCALE
 ALL DIMENSIONS TO FACE UNLESS STATED OTHERWISE
 ALL WALLS TO BE CONCRETE
 ALL ROOFS TO BE TILED
 ALL WINDOWS TO BE UPVC
 ALL DOORS TO BE UPVC
 ALL FLOORS TO BE LAMINATE
 ALL CEILING TO BE PLASTER
 ALL LIGHTING TO BE LED
 ALL ELECTRICAL TO BE IP65
 ALL MEASUREMENTS TO BE CONFIRMED ON SITE

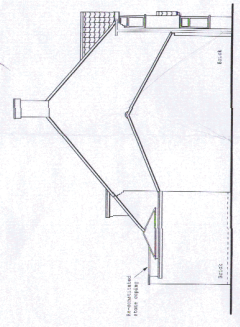
RYEDALE DM
 19 AUG 2014
 DEVELOPMENT
 MANAGEMENT

14/00001/HOUSE

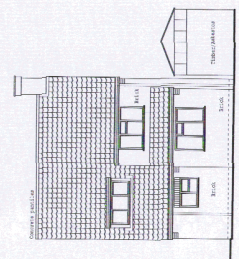
Client	Mr A. Miles
Address	4 St. Peters Crescent Langston Road Keston
Work	Proposed single storey extension, Garage and replacement canopy above front door
File	Existing and proposed plans and elevations
DATE OF DRAWING	Drawn: 19/08/2014 Checked: 19/08/2014
Scale	Do not scale from this drawing. All measurements to be confirmed on site.
Scale	1:100
Drawing No.	016/1562/PL/2014



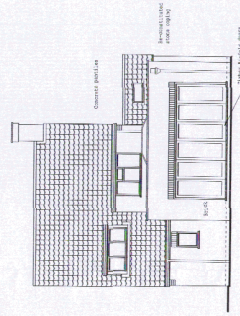
WEST ELEVATION



WEST ELEVATION



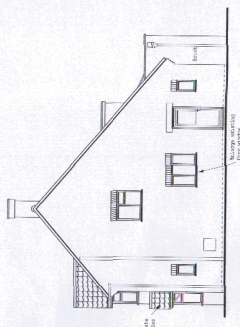
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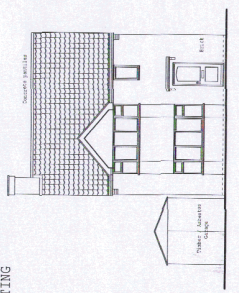
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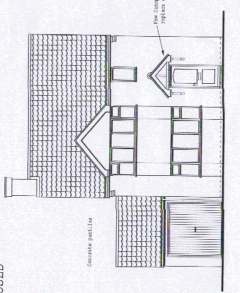
EAST ELEVATION



EAST ELEVATION



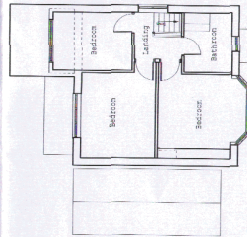
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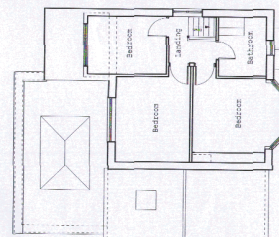
SOUTH ELEVATION

EXISTING

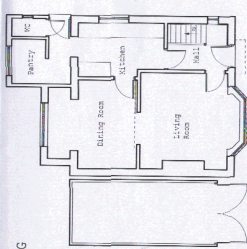
PROPOSED



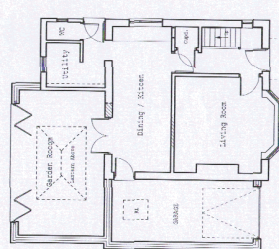
FIRST FLOOR PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN



GROUND FLOOR PLAN

EXISTING

PROPOSED

THIS COPY HAS BEEN REVISIONED WITH THE ORIGINAL SET. ANY CHANGES TO THIS COPY WILL BE MADE TO THE ORIGINAL SET. ANY CHANGES TO THIS COPY WILL BE MADE TO THE ORIGINAL SET.

REVISED

Notes:
 1. The garage roof reduced by a further 60cm
 2. The height of each elevation reduced by 10cm
 3. The height of the chimney reduced by 10cm
 4. The height of the roof reduced by 10cm
 5. The height of the roof reduced by 10cm
 6. The height of the roof reduced by 10cm
 7. The height of the roof reduced by 10cm
 8. The height of the roof reduced by 10cm
 9. The height of the roof reduced by 10cm
 10. The height of the roof reduced by 10cm

Client	Mr. A. Wiles
Address	4 St Reeves Crescent Sandown Road Boreham
Job	Proposed single storey extension, Garage and replacement canopy above front door
Date	17/08/2014
Scale	1:250
Drawn	17/08/2014
Checked	20/08/14
Project No.	MG/1562/3/P1/2014

Agenda Item 9

Item Number: 9
Application No: 14/00980/MFUL
Parish: Thornton-le-Dale Parish Council
Appn. Type: Full Application Major
Applicant: W&W Estates (Thornton Dale) Ltd (Mr John Warrington)
Proposal: Demolition of existing buildings and erection of 6no. four bedroom dwellings, 4no. three bedroom dwellings, 2no. two bedroom dwellings and 2no. one bedroom dwellings with associated garaging, parking and amenity areas and repositioning of vehicular access
Location: Ryelands Care Home Hurrell Lane Thornton-Le-Dale Pickering North Yorkshire YO18 7QR

Registration Date:
8/13 Wk Expiry Date: 19 December 2014
Overall Expiry Date: 16 December 2014
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Housing Services	Support
Property Management	Contribution towards affordable housing and public open space required
Parish Council	No objection
Highways North Yorkshire	No objection - recommends condition
Countryside Officer	No objection - recommend conditions
Environmental Health Officer	Recommend conditions
Land Use Planning	Recommend conditions
NYM National Parks	No objection
Tree & Landscape Officer	Recommend condition
Vale Of Pickering Internal Drainage Boards	No objection subject to improvements been carried out and a commuted sum agreed

Neighbour responses: Mike Halliday, Roger Dawson,

.....

SITE:

The application site contains a former Care Home located on Hurrell Lane, Thornton-le-Dale. The application site has a frontage of 59m and total depth of approximately 100m at its greatest, and measures 0.64 hectares in area. Part of the site wraps around the rear of a group of bungalows on the south side. The application site is located within the development limits of Thornton-le-Dale and adjacent to an Area of High Landscape Value, being the fringe of the Yorkshire Wolds.

There is existing residential development on the northern and southern sides, with open countryside to the western side. There is a group Tree Preservation Order (TPO) on the planting adjacent to the site on the eastern side.

PROPOSAL:

Planning permission is sought for the demolition of the existing Care Home and the erection of 14 dwellings with associated garages, parking, amenity areas and re-positioning of vehicular access. The scheme comprises the following mix:

- 6 no. 4 bed dwellings

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- 4 no. 3 bed dwellings
- 2 no. 2 bed dwellings
- 2 no. 1 bed dwellings

Of these, there are 8 semi-detached properties and 6 detached properties.

The proposal includes the provision of 35% affordable housing through:

- 2 no. 2 bed dwellings;
- 2 no. 1 bed dwellings;
- An off-site commuted sum equivalent to 0.9% of a dwelling to make up the balance.

The dwellings are to be constructed of a mixture of stone and brick under clay pantile roofs with timber windows and doors. The dwellings have eaves heights between 5m and 5.6m and ridge heights from 7.8m to 9.1m. The proposed dwellings are of traditional design.

The smallest units (Plots 1 and 6) will have a footprint of 7.6m by 4m, and the largest, Plot 14, will have a footprint of 11.4m by 9m at its greatest.

There has been the following documents submitted with the application:-

- Design & Access Statement;
- Arboricultural Report;
- Planning Statement;
- Ecological Report;
- Phase 1 Desk Based Ground study

These are available to view online.

HISTORY:

There is a varied history on the site relating mainly relating to the former Care Home. It includes:

2005: Planning permission granted for the erection of a glazed atrium roof over open courtyard to form reception area and offices together with conversion of garage to laundry room with windows to replace garage doors.

1999: Erection of a pair of semi-detached retirement bungalows and extension to nursing home.

1996: Erection of extensions to retirement home.

1994: Planning permission granted for the erection of a double garage.

1993: Planning permission granted for the erection of a conservatory and detached garage.

1991: Planning permission granted for the erection of a single storey extension to existing nursing home.

1991: Planning permission granted for the erection of an entrance porch

1988: Planning permission granted for the erection of part one storey/part two storey extension to nursing home.

1985: Planning permission granted for the change of use from offices to residential and nursing home for the elderly

POLICY:

National Policy

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

Ryedale Plan - Local Plan Strategy (2013)

Policy SP1 - General Location of New Development and the Settlement Hierarchy
Policy SP2 - Distribution and Delivery of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services
Policy SP13 - Landscapes
Policy SP14 - Biodiversity
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP18 - Renewable and Low Carbon Energy
Policy SP19 - Presumption in favour of sustainable development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

APPRAISAL:

The main considerations in relation to this application area:

- The principle of the proposed development;
- The layout, scale and design of the scheme;
- Impact upon the residential amenity of the adjoining properties;
- Whether the proposed development will have a satisfactory level of residential amenity;
- Affordable housing provision;
- Drainage;
- Highway safety;
- The impact upon the surrounding landscape;
- Protected species;
- Trees and landscaping;
- Developer contribution; and
- Other issues.

This application is classed as 'Major' development and therefore has to be determined by Planning Committee.

Officers have been in negotiations with the applicant regarding the layout of the proposed scheme. As a result revised plans have been submitted that have resulted in a reduction in the scale of Plot 14 along with improvements to its fenestration. Furthermore, Plots 1 and 2 have been 'swapped' with Plot 14. This is because it is considered that a detached dwelling would relate better to the detached property to the northern side on Hurrell Lane and a pair of semi detached dwelling would also have a better relationship to the terraced bungalows on the southern side of Hurrell Lane. Hedges have also been introduced within the 'inner' frontage areas and a side bedroom window has been altered on Plot 10. The central access point onto Hurrell Lane has also been moved 7m further south from that originally proposed. The revised plans are now subject to a period of re-consultation, which closes on the date of the Planning Committee meeting. Members will be updated at the meeting of any additional comments.

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Principle of the proposed development

There is considered to be no protection afforded to the Care Home use by Policy SP11 of the LPS. The building itself was built approximately 25 years ago, and there is considered to be no objection in principle to its demolition. It is understood that there is no need for this facility and the property has been bought by the applicants on the open market.

The adopted Local Planning Strategy is based on a residential strategy which seeks to focus new residential development in sustainable settlements comprising the four market towns and the selected 'service villages' Policy SP1 defines Thornton-le-Dale as a Local Service Centre, and a tertiary focus for growth. The village has public transport links, a schools, some retail provision and is very close to Pickering, that has two allocated employment sites.

Para. 49 of NPPF states:

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

The Council does not currently have a 5 year supply of housing (4.39 years of housing supply at 30.06.2014). Therefore in accordance with para. 49 of NPPF, the proposal must be considered against para. 14 of NPPF.

Para. 14 states:

' For decision-taking this means:

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

In this case Policy SP2 (Delivery and Distribution of new housing) of the Local Planning Strategy is the principal policy relating to housing supply and under the terms of para 49 has to be considered 'out of date'. Incidentally, Policy SP2 seeks to provide an additional 300 dwellings over the plan to be located within the ten identified Local Service Centres, including Thornton-le-Dale. However, in view of the site's location within the development limits of the settlement it is considered to be consistent with Policy SP2. Therefore, even if full weight could be attached to Local Planning Policy SP2 it is considered that the scheme would be consistent with that policy. It should be noted, however, that Policy SP1 (General Location of new development and settlement hierarchy) and Policy SP19 (presumption in favour of sustainable development) and all other relevant paragraphs of NPPF seek to encourage sustainable residential development in locations such as Thornton-le-Dale.

In view of the above, together with the sustainable location of the site within the development limits of Thornton-le-Dale, the principle of residential development on the site is considered to be acceptable. This is subject to any impacts associated with the proposal that are considered to cause 'significant' and 'demonstrable' harm in accordance with para 14, which will be addressed below.

The layout, scale and design of the proposed scheme

The proposed development has an access onto Hurrell Lane in a central position with a dwelling on the northern side and a pair of semi-detached properties to the southern side. The access leads to a cul-de-sac with dwellings at either side and along the rear (eastern side) boundary. This is considered to represent a logical and effective use of the site in view of its irregular shape.

The proposed semi-detached units (Plots 1 and 2) are designed to appear as a modest double fronted dwelling, with one central door and a side door. The largest dwelling (Plot 14) has been reduced in scale from the original submission and its fenestration has been significantly improved. As a result Plot 14 is considered to relate well to the existing detached properties to the northern side. The semi-detached properties to the southern side will form an appropriate link to the terraced bungalows to the southern side.

The general design of design and scale of the proposed dwellings is considered to respect the local vernacular of the village and is considered to result in a well designed scheme. The ridge heights of between 7.8m and 9.1m is typical of other two storey dwellings in the area.

The mix of the scheme was improved on the advice of officers to incorporate 6 semi-detached properties and 8 detached dwellings. Whilst some terraced units could improve the mix further in view of the location of the site, it is considered to be reasonable mix. The density of the site is 22 dwellings to the hectare, which is a relatively low density level. However, in view of the edge of the village location and the character of surrounding dwelling, and that this site has the potential to 'open up' another potential site via the proposed cul-de-sac, the density is considered to be acceptable in this respect.

There is considered to be a good mix on the size of dwellings on the site from 1-bed units to 4-bed dwellings.

Plots 5, 6, 7, and 12 are to be in brick and the remaining 10 plots are to be stone. The proposed dwellings are all to have clay pantile roofs with timber windows and doors. The design also incorporates details such as art stone quoins, brick dentil courses, and flush verges. It is considered that the proposed materials are considered to be acceptable and relate well to the character of dwellings in the village.

Affordable Housing provision

The affordable housing provision comprises the following:

- 2 no 2 bed dwellings
- 2 no. 1 bed dwellings

An off site commuted sum equivalent to 0.9 of an affordable unit is also required - calculated by the Council's Valuer to be £90,000. This provision meets the 35% on site requirement contained within Policy SP3 of the LPS. Of those on-site units one of the 2-bed units is required to be an intermediate property and the remaining three units are required to be available for rent. The precise terms will be secured through a Section 106 Agreement.

Impact upon the residential amenity of the adjoining properties

There is a detached dwelling to the north fronting Hurrell Lane. There will be a separation distance of between 6m and 12m between that dwelling and plot 14, and 5m between plot 2 and the adjoining bungalow to the south western side. Hurrell Court is a collection of bungalows to the southern side. These are relatively small properties with communal areas, that were formerly related to the operation of the Care Home. To the northern side are generally detached properties with large gardens. The proposed dwellings will all have separation distances from surrounding properties above the widely recognised minimums of 20m from a 'back to back' relationship. The side by side relationship for those proposed dwellings fronting Hurrell Lane is considered to be acceptable on the revised plan. As a result there is considered to be no unacceptable potential overlooking to adjoining properties, loss of sun lighting or day lighting, or an unacceptable massing of buildings in close proximity to existing dwellings. It is also noted that no objections have been submitted in respect to specific residential amenity impacts.

There is a first floor side window on Plot 1, which it appeared should be obscure glazed to prevent an unacceptable level of potential overlooking to the adjoining property.

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

The dwellings will all have their own private car parking and garden areas. The proposed dwellings will all have a satisfactory relationship with the existing dwellings and between individual plots. As a result each dwelling is proposed to have a satisfactory level of residential amenity.

The trees under the group TPO to the east are not considered to compromise the residential amenities of the proposed dwellings.

Drainage

Yorkshire Water has confirmed that the mains sewer can accept foul water and recommends standard conditions in this respect. The applicant originally proposed to drain surface water into the mains, however Yorkshire Water has requested that the applicant investigate other sustainable forms of drainage first. The applicant has identified that there is a watercourse/drain to the south of the site within the highway verge (400m to the south), which is managed by the Internal Drainage Board.

The Internal Drainage Board (IDB) has stated that there is a ditch approximately 400m south of the application site and it is in a moderate condition. The IDB have stated that they would have no objection to receiving the surface water subject to improvements being carried out to the ditch network. The IDB has requested a commuted sum for undertaking this work and this would have to be secured via a S106 agreement. Finally the IDB have stated that surface water would need to be attenuated on site and discharged at a controlled rate.

The agent has been asked for precise details of the above and has stated that there would be 100m³ storage underneath the parking areas for Plot 1 and 2 and surface water could be attenuated to 3 l/s. It is also understood that the highway drainage and the surface water drainage for the individual plots require separate pipes as the highway drainage pipe is to be adopted by the Highway Authority.

The applicants have confirmed that the underground tanks will not result in increases in the height of the development above existing ground levels and that a management company would be set up to manage the surface water drainage system.

Regarding the drainage of water within the highway, the proposal is to drain surface water from the highway into underground oversized pipes which will then drain into an existing network of drainage to the south via the existing highway. This will be delivered via a S278 agreement and a commuted payment in respect of future maintenance.

Highway safety

The proposed development relates to a former Care Home, the traffic associated with the lawful use of that building includes staff, visitors, medical personnel and deliveries. This level of activity should be considered against the anticipated movements of 14 dwellings. The local Highway Authority, given the scale of the proposal has not requested a Transport Assessment for the proposed development. The Highway Authority responded to the original submission to state that they had no objections subject to the imposition of standard highway conditions. These conditions include a detailed specification of all works within the highway proposed to be adopted, that roads are constructed prior to occupation of the dwellings, surface water drainage, precautions to prevent mud on the highway, parking for the individual dwellings, that the existing access is to be closed, construction parking, and the provision of a public footpath from the site to the existing public footpath on the A170.

The provision of a proposed footpath to the A170 is currently being considered further by officers.

The impact upon the surrounding landscape

The proposed development replaces a modern care home building with 14 well designed dwellings in a cul-de-sac layout. The site is surrounded on two sides (north and south) by existing residential development with mature planting to the eastern side. There is open countryside on the western side. The site lies within the development limits of Thornton-le-Dale and is considered to be enhancement to the current appearance of the site. It is considered that the proposed development will not have an adverse effect upon the special scenic quality of the Area of High Landscape Value.

Protected species

An Ecological Survey and Assessment has indicated that there is a significant maternity bat roost in the main building and several summer and transitional roosts throughout the site. A European Protected Species Licence will be required as these buildings are to be demolished. The site and buildings also contained suitable nesting habitats for birds and the Countryside Management Officer recommends that the submitted method statement is adhered to during construction works. The submitted reports also contain recommendations in respect of enhancement to the local biodiversity and it is recommended that conditions in respect of the above issues are imposed. Subject to these conditions it is considered that the proposal will meet the requirements of Policy SP14 of the LPS.

Trees and landscaping

An Arboricultural Report has been submitted and considered by the Tree and Landscape Officer who has stated:

“The proposal requires the removal of eight trees, i.e. two limes (T2 and T12) and a cherry (T13) on the site frontage, a sorbus species (T4) close to the northern boundary, and four apples in the eastern side of the site. Of these only two limes are considered to be of any amenity value. However, both of these trees are poorly structured and liable to suffer branches losses as they further mature”.

There is, therefore, no objection the loss of the trees and supplementary planting of small to medium sized trees is required by condition.

Furthermore changes have been negotiated to provide additional hedge planting along the frontage of plots within the scheme. Conditions are therefore recommended in respect of the additional planting.

A condition is also recommended in respect of a protecting fencing for the trees on the eastern side of the site, protected under a group Tree Preservation Order.

Developer contributions

The Council’s Valuer has calculated that there is a requirement for an off-site contribution towards Public Open Space (POS) of £30,912 in accordance with Policy SP11 of the Local Plan Strategy.

As outlined above a financial contribution of £90,000 has been calculated by the Council’s Valuer to make up the shortfall in respect of the 35% affordable housing provision.

These contributions together with the on-site affordable housing provision will need to be secured by S106 agreement.

Other issues

The Environmental Health Officer has no objection subject to a condition relating to potential ground contamination through the preparation of a Phase 2 report. The North York Moors National Park Authority has no objection to the proposal.

The Parish Council had no objection to the original submission. The neighbour to the south has written and asked that the proposed dwelling nearest to his property (Plot 14) has a carport to the rear and not the side of their property. One further neighbour letter has been received which raises the following issues; the security of boundaries and privacy; additional traffic using Hurrell Lane and suggested method to increase its safety; drainage; the width of Hurrell Lane; footpath provision possibly being a marked area on the road; re-positioned utility poles; suggest 8 dwellings instead of 14 would be more in keeping with the area; and the impact upon the adjacent bungalows at Hurrell Court.

The comment regarding the car port has been addressed through the revised plans. As a result the proposed scheme will have a better relationship with No. 12 Hurrell Court and is not considered to adversely affect its amenities. A condition is recommended regarding boundary details, with the aim that the private areas of surrounding properties are protected by a fence or structure to a suitable height. Highway safety has been assessed by the Highway Authority and is appraised above. The density of development is acceptable, 8 dwellings would clearly not be an efficient use of land in this sustainable 'service village' location. Furthermore, it would not secure the public benefits secured under this submission. Finally residential amenity impacts have been appraised above. Officers are currently considering the Highway Authority's request for how best to accommodate a pedestrian path from the application site to the A170.

In view of the above assessment, there has been no significant or demonstrable harm identified and Members of the Planning Committee are recommended to approve this application.

National Planning Policy Framework

National Planning Policy Guidance

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

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

Local Plan Strategy - Policy SP3 Affordable Housing

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

Local Plan Strategy -Policy SP11 Community Facilities and Services

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

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

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

RECOMMENDATION: **Approval subject to S106 Agreement in respect of developer contributions and the expiry of the consultation period.**

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

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

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

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

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

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

- 4 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 Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason:- To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason:- To ensure that no foul or surface water discharge takes place until proper provision has been made for their disposal and to satisfy the National Planning Policy Framework.

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

Reason:- In the interests of satisfactory and sustainable drainage, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

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

Reason:- To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 10 Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until a Phase 2 site investigation report is undertaken and approved in writing by the Local Planning Authority. Should the Phase 2 investigation recommend remedial works, or if these are requested by the Local Planning Authority, development shall not commence until a Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175(2011) Code of Practice for the Investigation of Potential Contaminated Sites. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to fully take account of potential contamination and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 11 Notwithstanding the submitted drainage details and prior to the commencement of the development full details of the method of draining surface water from the site, including its detailed design and routes, attenuation details, and future maintenance of the surface water system shall be submitted to and approved in writing with the Local Planning Authority.

Reason:- To ensure the site can be effectively drained and to satisfy Policy SP20 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework.

- 12 No removal of hedgerows, trees or shrubs shall take place between 1st of March and 31st of August inclusive, unless a competent ecologists has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority, by a suitably qualified ecologist for written approval prior to any such removal or clearance works.

- 13 The Following works – the demolition of the Ryelands Care Home shall not in any circumstances commence unless the local planning authority has been provided with either:

a) A license issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or

b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a license.

Reason:- In order to fully address the impact upon protected species and to satisfy Policy SP14 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 14 No development shall take place until a method statement for the creation of new wildlife features has been submitted to and approved by the Local Planning Authority. The content of the method statement shall include the following:-
- a) Purpose and objectives for proposed works
 - b) Detailed designs/working methods necessary to achieve stated objectives
 - c) Extent and location of proposed works
 - d) Timetable for implementation
 - e) Persons responsible for implementation
 - f) Initial aftercare and long term maintenance
- 15 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, unless the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
 - (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
 - (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross-sections at regular intervals along the proposed road showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
 - (4) Details of the method and means of surface water disposal.
 - (5) Details of all proposed street lighting.
 - (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
 - (7) Full working drawings for any structures which affect or form part of the highway network.
 - (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings

and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- 16 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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

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

- 18 There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20 metres into the site from the carriageway on the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

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

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

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

20 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 in connection with the construction of the access road or building(s) or other works until:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

(a) Provision of tactile paving

(b) provision of a 1.5 metre wide nominal width kerbed footway along the east side of Hurrell Lane, between the proposed estate road entrance and existing footway at the A170 junction, together with alterations to road drainage arrangements to give positive drainage where considered necessary due to kerbing, and street lighting as appropriate.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

21 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition 19.

Provision of footway etc as described in that condition.

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

22 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 1531/5A. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

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

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

24 During construction works, there shall be no:

- (a) Light Goods Vehicles exceeding 3.5 tonnes
- (b) Medium Goods Vehicles up to 7.5 tonnes
- (c) Heavy Goods Vehicles exceeding 7.5 tonnes

permitted to arrive, depart, be loaded or unloaded on Sundays or a Bank Holiday, nor at any time, except between the hours of 07:30 to 16:30 on Mondays to Fridays and 08:00 to 13:00 on Saturdays.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to avoid conflict with vulnerable road users.

25 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCV's brought onto the site until a survey recording the condition of the existing highway (Hurrell Lane) has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

26 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

27 Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV operation traffic have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the approved routes shall be used by all vehicles connected with construction on the site.

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

28 Prior to the commencement of the development hereby approved precise details of the existing ground levels and the proposed finished ground floor levels measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to ensure a satisfactory external appearance and to satisfy SP20 of the

Ryedale Plan – Local Plan Strategy.

- 29 Prior to the commencement of the development, details of the landscaping for the development shall be submitted for approval in writing. The submitted scheme shall include a planting schedule providing details of species, planting sizes, and numbers of each species and their locations within the scheme. The approved scheme shall be carried out before the use hereby permitted is commenced and prior to the completion of the development, or in accordance with a phased programme of development agreed in writing by the Local Planning Authority. If within a period of five years after planting (and including the existing tree or hedge to be retained), any trees or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased, another tree or plant of the same species and size as that originally approved shall be planted at the same place within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason:- In the interests of compliance with Policy SP13 of the Ryedale Plan - Local Plan Strategy, and in the interests of amenity and enhancement of the development.

- 30 Prior to the commencement of the development, including site stripping or demolition, tree protection fencing of a design previously agreed in writing with the Local Planning Authority shall be erected along the eastern boundary of the development along an alignment at least 1.0m outside the crown spread into the site of any tree along that boundary. Once erected the fencing shall remain in situ until the completion of the development.

Reason:- To ensure that the trees on the land immediately to the east of the development, which are protected under a Tree Preservation Order, are not damaged as a consequence of development, and in accordance with Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 31 Prior to the commencement of the development the mature lime and whitebeam in the north western corner of the site referred to as tree 1 and tree 3, and the large mature ash along the eastern boundary of the site referred to as tree 11, all shown to be retained on drawing No. ARB/CP/950/TPP, dated August 2014 shall be protected by protective fencing in accordance with BS 5837:2012 Trees in relation to demolish, design and construction – Recommendations or similar design agreed in writing with the Local Planning Authority along the alignment shown in red on the above drawing.

Reason:- To ensure that the roots and the upper parts pf the tree are not damaged as a consequence of development.

- 32 Unless otherwise agreed in writing with the Local Planning Authority, the first floor window on the south elevation of Plot 1 shall be permanently obscure glazed with obscure or opaque glass, with details to be submitted to and agreed in writing by the Local Planning Authority.

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

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

Drawing No. 1531/5D
Drawing No. 1531/6C
Drawing No. 1531/7
Drawing No. 1531/9
Drawing No. 1531/10
Drawing No. 1531/11
Drawing No. 1531/12
Drawing No. 1531/13
Drawing No. 1531/14
Drawing No. 1531/15B
Drawing No. 1531/16B
Drawing No. 1531/17
Drawing No. 1531/18
Drawing No. 1531/19
Drawing No. 1531/20A

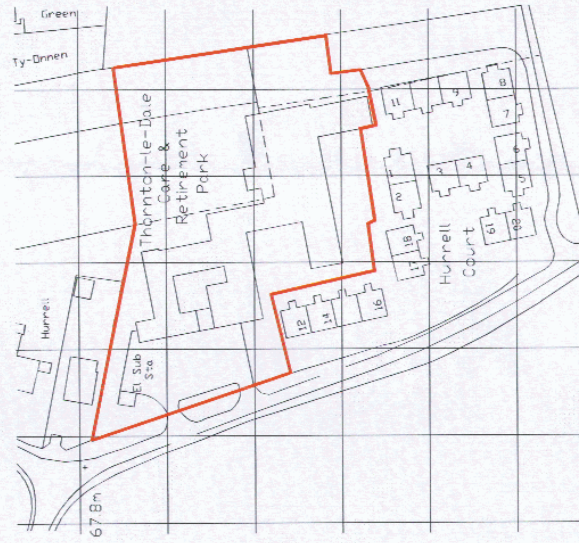
Reason:- For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.
3. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

Background Papers:

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



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W and W Estates (Great Edstone) Ltd Thornton le Dale Care Home Hurrell Lane Thornton le Dale, North Yorkshire YO18 7QR
location plan
andrew fletcher Architectural Design Consultant
147 design limited Pacemore House 51 High Street Stokesley TS9 5AD T: 01642 713300 147design@totalise.co.uk
SCALE 1/1250@A3 DRAWING 1531/2

REVISED PLAN

Note / key

The perimeter boundary between the new properties and the existing properties to the north are to have the hedges/fences repaired/reinforced to form 1800mm high fence

- 900mm high natural stone dry stone wall
- 900mm high close boarded timber fence
- 1800mm high close boarded timber fence
- mixed variety coniferous/deciduous non-thorn hedge
- Plot 2 semi detached house house type A drawing ref 1531/9
- Plot 3/4 semi detached house house type B drawing ref 1531/13
- Plot 5 Affordable (1 bed) house house type C drawing ref 1531/10
- Plot 6 Affordable (2 bed) house house type D drawing ref 1531/9
- Plot 7 Open market (4 bed) house house type E drawing ref 1531/17
- Plot 8 Open market (3 bed) house house type F drawing ref 1531/11
- Plot 9 Open market (4 bed) house house type G drawing ref 1531/19 & 20
- Plot 10 detached house house type H drawing ref 1531/11
- Plot 11 detached house house type I drawing ref 1531/12
- Plot 12 detached house house type J drawing ref 1531/8
- Plot 13 detached house house type K drawing ref 1531/8
- Plot 14 detached single garage drawing ref 1531/8
- Plot 14 detached carport drawing ref 1531/8

Houses for plots 1, 2, 5 and 6 are local assisted purchase or rented local occupancy properties
Houses for plots 3, 4, 7, 8, 9, 10, 11, 12, 13 and 14 are open market properties



See 6 drawings notes added for private and highway December 2014
See 6 plots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
See 4 plots 7/9, 10, 11, 12, 13, 14
See 4 plots 7/9, 10, 11, 12, 13, 14

W & W Estates (Thornton Dale) Limited
Thornton le Dale Care Home
Thornton le Dale
North Yorkshire YO18 7QR

proposed site layout

andrew fletcher
Architectural Designer Consultant

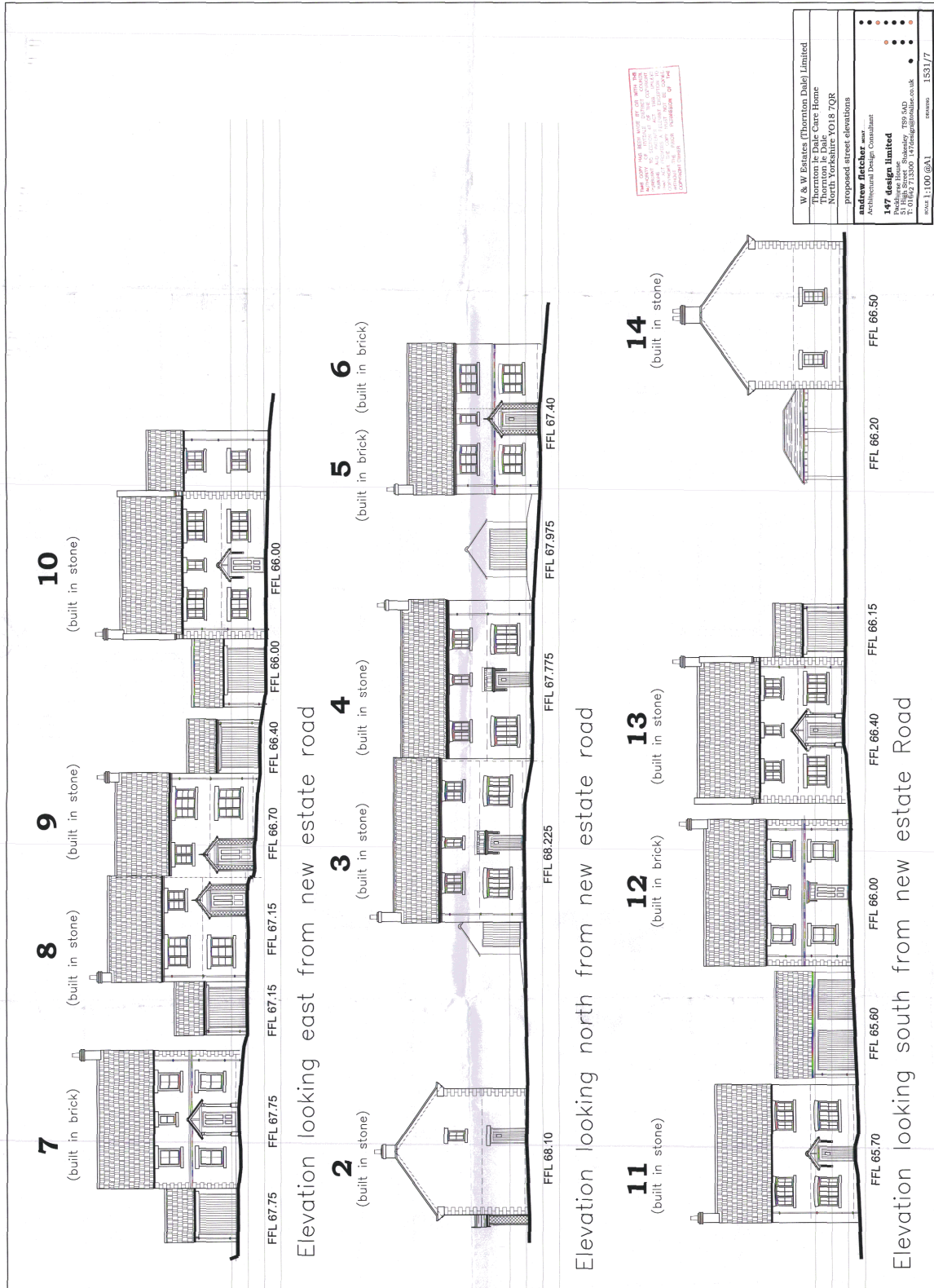
W & W design limited
51 High Street, Stouckley, TS9 5AD
T: 01642 713300 wwfdesign@bt.com

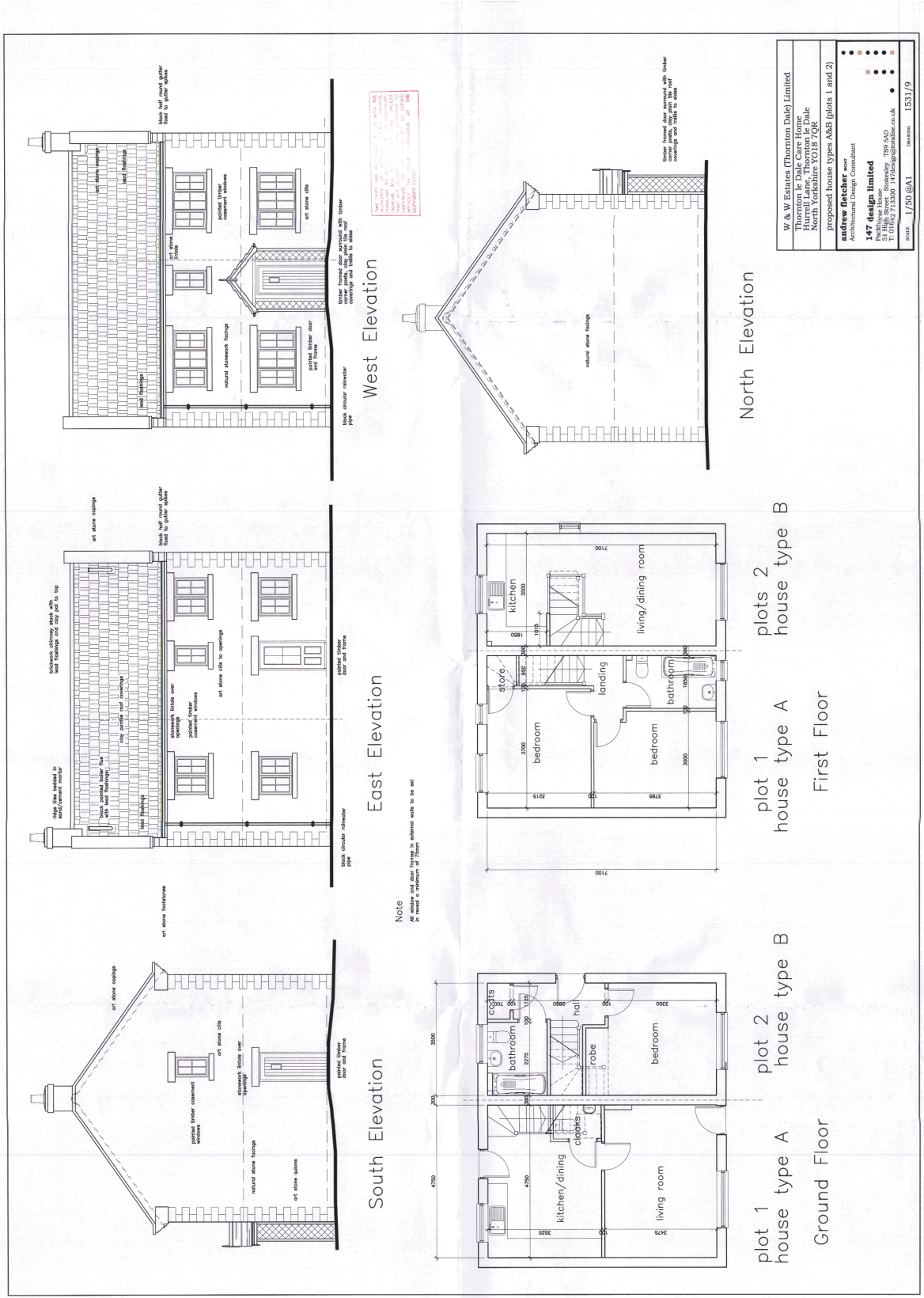
SCALE: 1:200 @A1 DRAWING: 1531/SD



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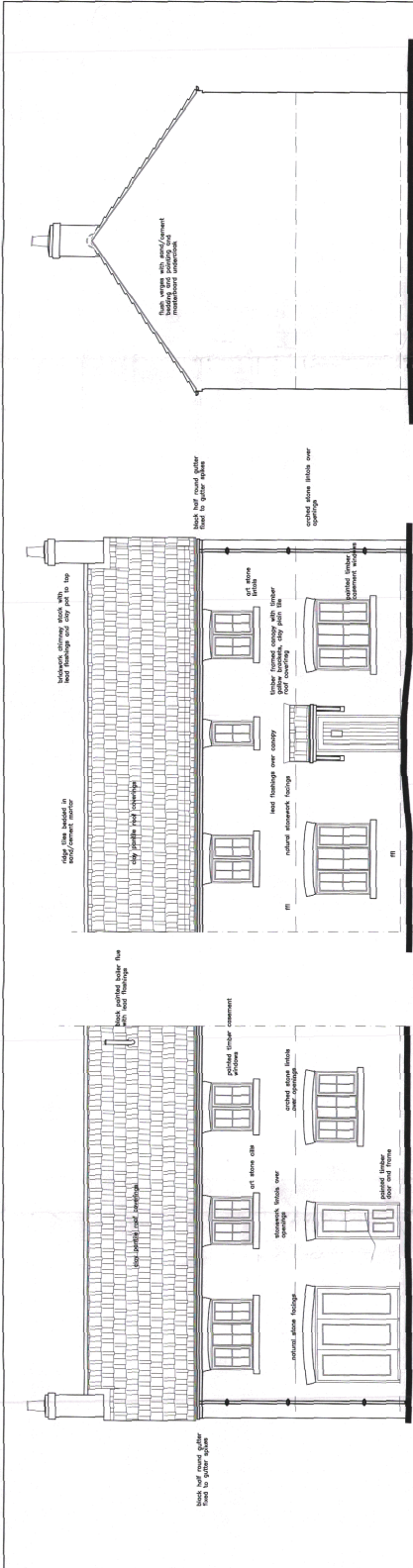






W & W Estates (Thornton Dale) Limited
 Thornton Dale Care Home
 Thornton Dale
 North Yorkshire YO18 7GR
 proposed house types A&B (plots 1 and 2)

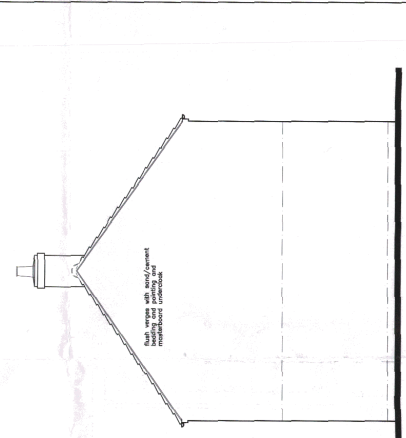
Andrew Fletcher
 Architect
 147 Design Limited
 51 High Street, Spenborough, TS99 6AD
 01823 713300 7436@andrewfletcher.co.uk
 1531/9



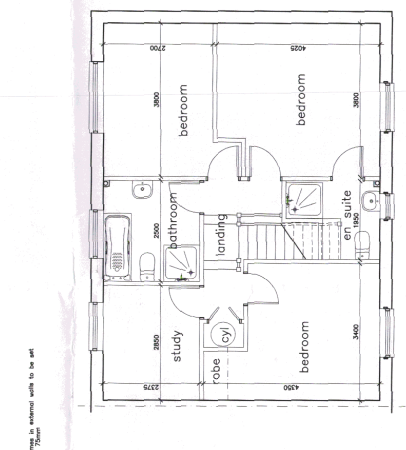
North Elevation (plot 3 handed)

South Elevation (plot 3 handed)

First Floor Plan (plot 3 handed)



West Elevation (plot 3)

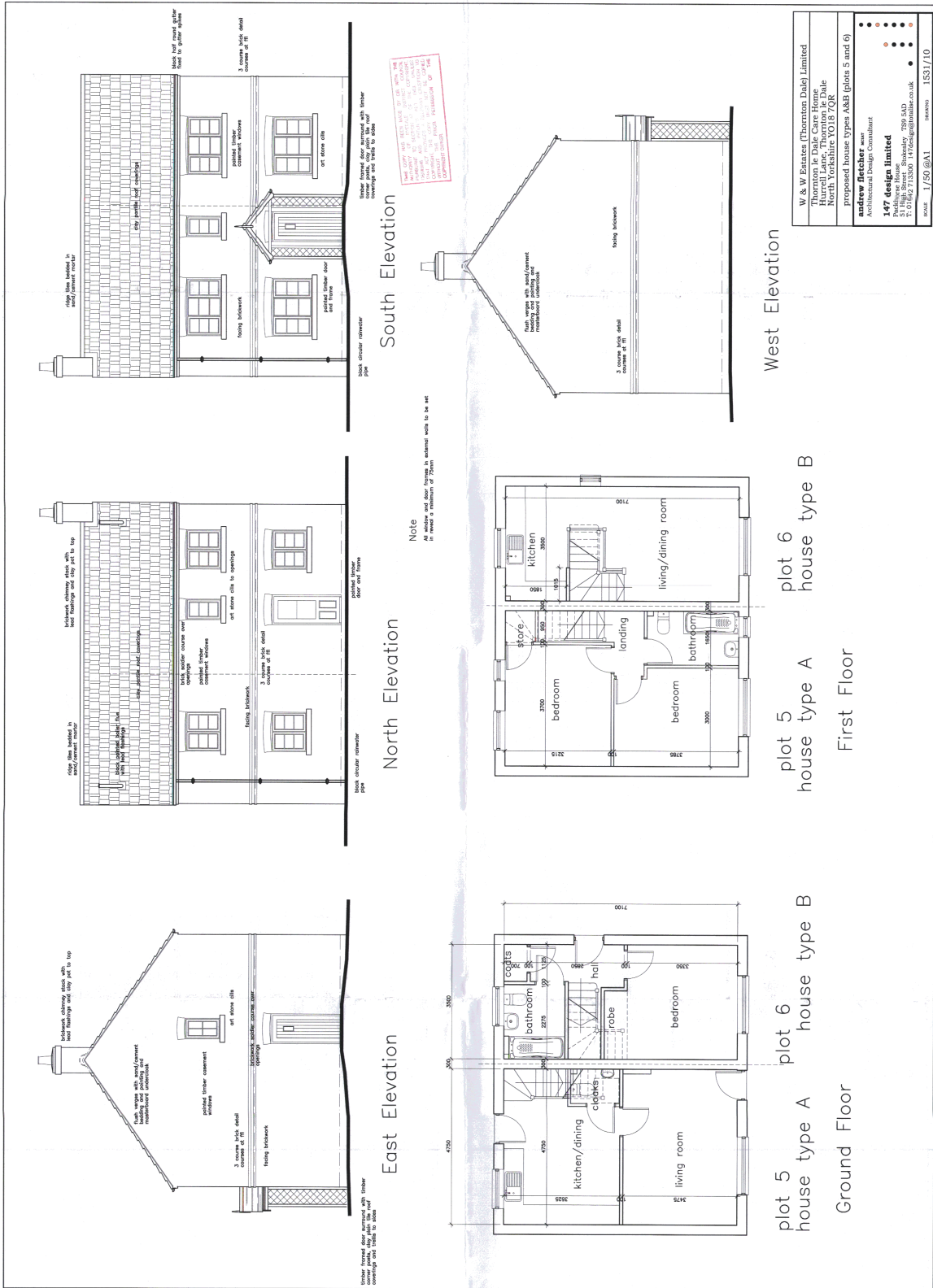


East Elevation (plot 4)

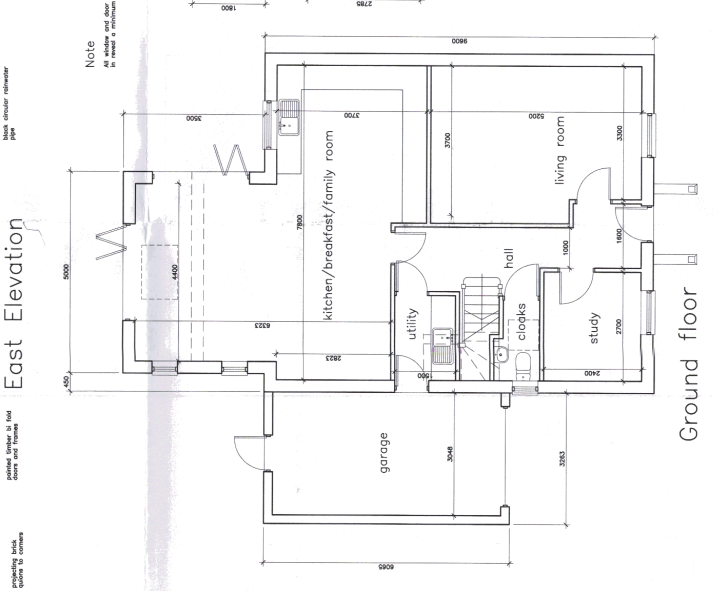
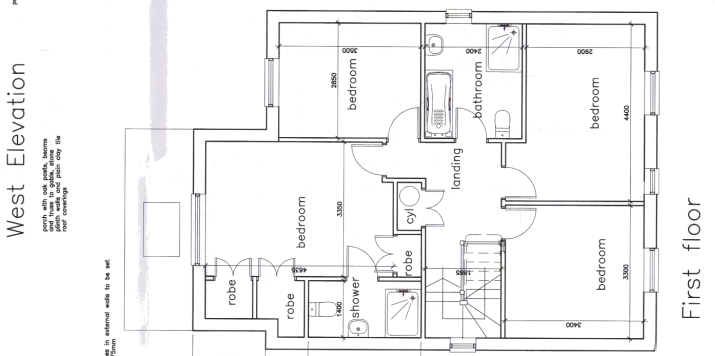
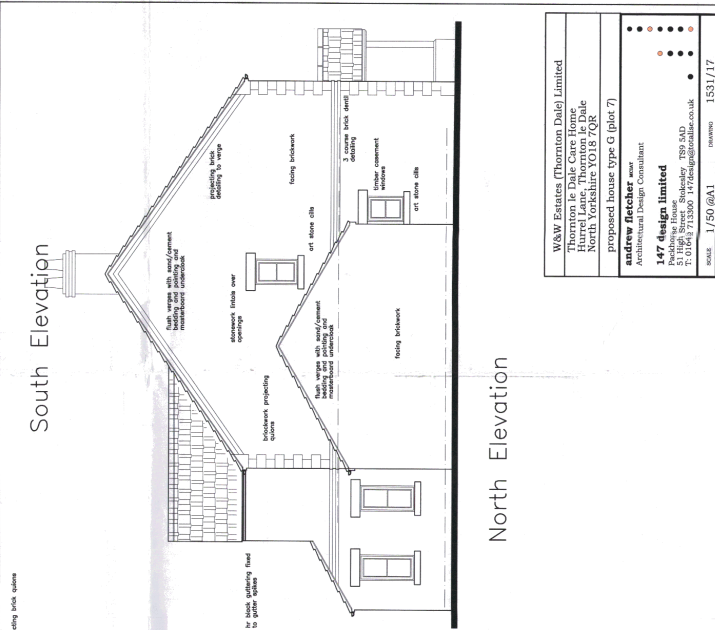
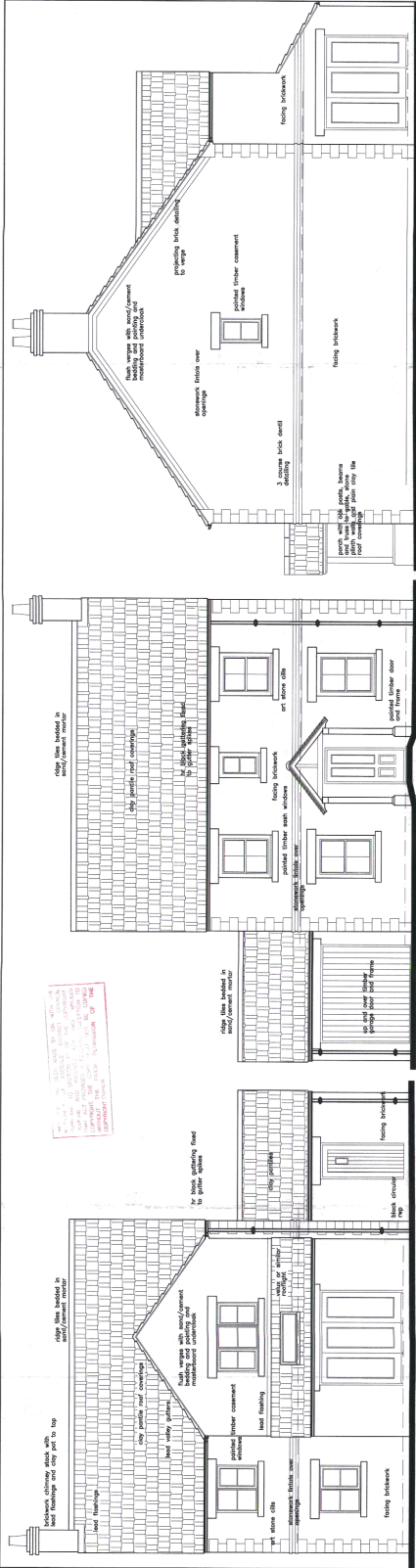
W&W Estates (Thornton Dale) Limited Thornton le Dale, Carse House Rufford Lane, Thornton le Dale North Yorkshire YO18 7QR	
Proposed house Type D (plots 3 and 4)	
andrew fletcher Architectural Design Consultant	1497 design limited 21 High Street, Boscawley, YO9 5AD T: 01654 715306 F: 01654 715306 www.1497design.co.uk
scale: 1/50 @A1	drawings: 1531/13

Note
 An accuracy and detail grading in reference with to be set
 in accordance with the following:

1. All drawings shall be prepared in accordance with the following:
 2. All drawings shall be prepared in accordance with the following:
 3. All drawings shall be prepared in accordance with the following:
 4. All drawings shall be prepared in accordance with the following:
 5. All drawings shall be prepared in accordance with the following:



W & W Estates (Thornton Dale) Limited Thornton Le Dale Gate House Harrell Lane, Thornton Le Dale North Yorkshire YO21 7JN	Proposed house types A&B (plots 5 and 6)
andrew fletcher Architectural Design Consultant	
147 design limited 51 High Street, Spookley, TS9 5AD T: 01452 713500 F: 01452 713501 www.147design.co.uk	
scale: 1/50 @A1	drawn: 1/531/10



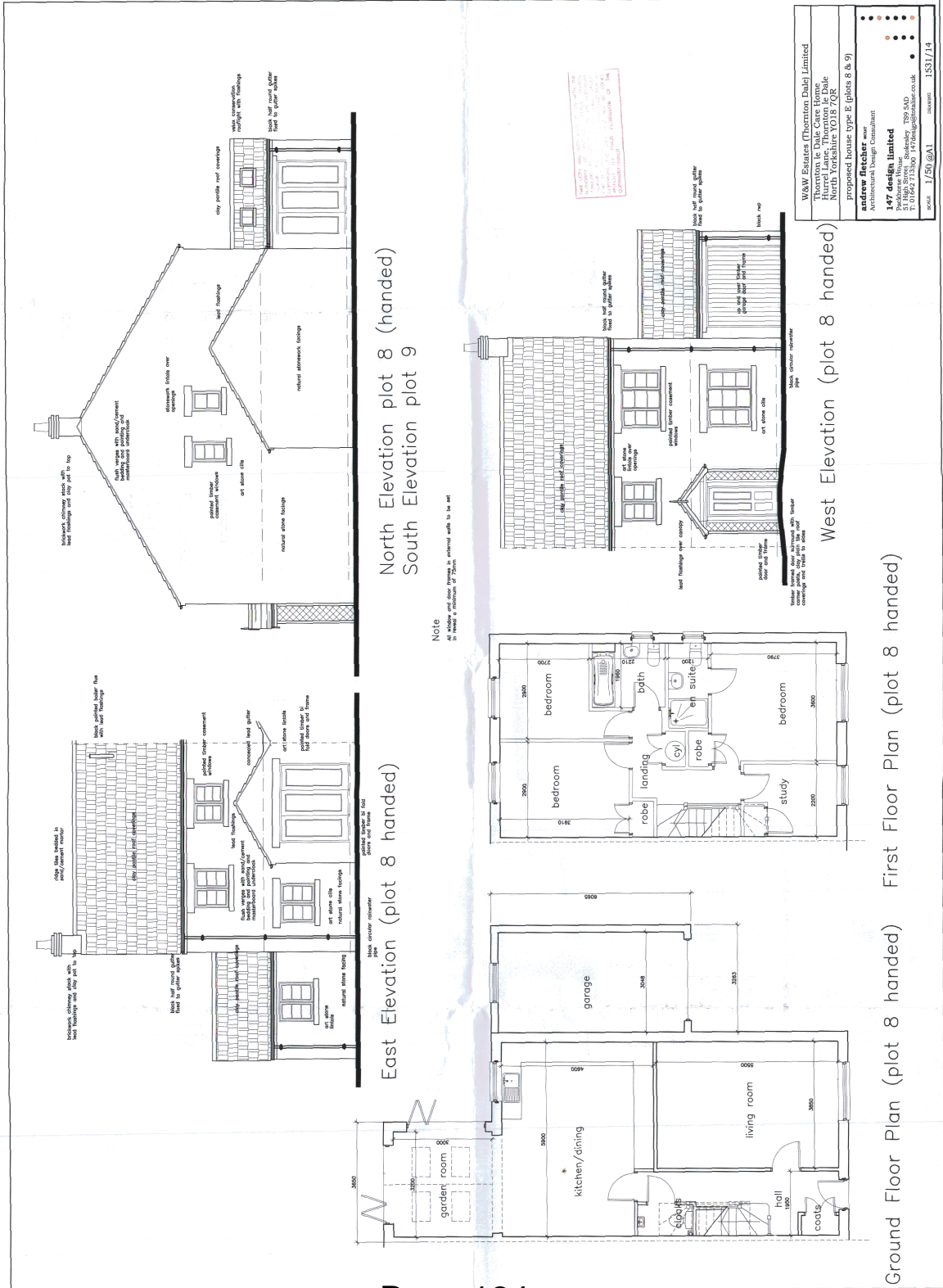
W&W Estates (Thornton Dale) Limited
 Thornton le Dale, Crayke
 Hurrell Lane, Thornton le Dale
 North Yorkshire YO18 7QR

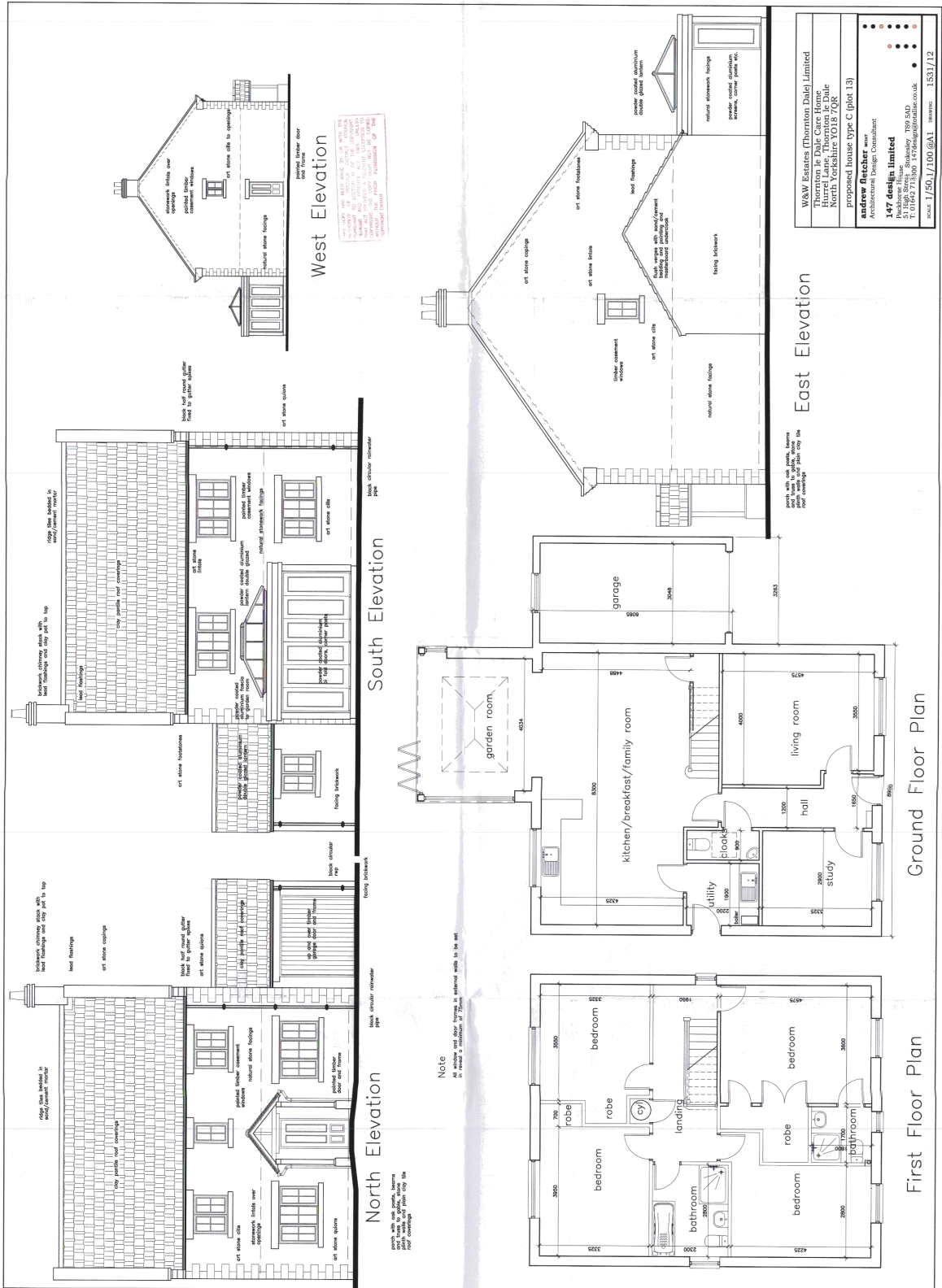
proposed house type G (plot 7)

andrew fletcher was
 Architectural Design Consultant

147 design limited
 11 High Street, Skelton, TOS SA5
 E: 01651 711306 • T: 01651 711306 • 147designlimited.co.uk

scale: 1/50 @A1
 drawings: 1531/17





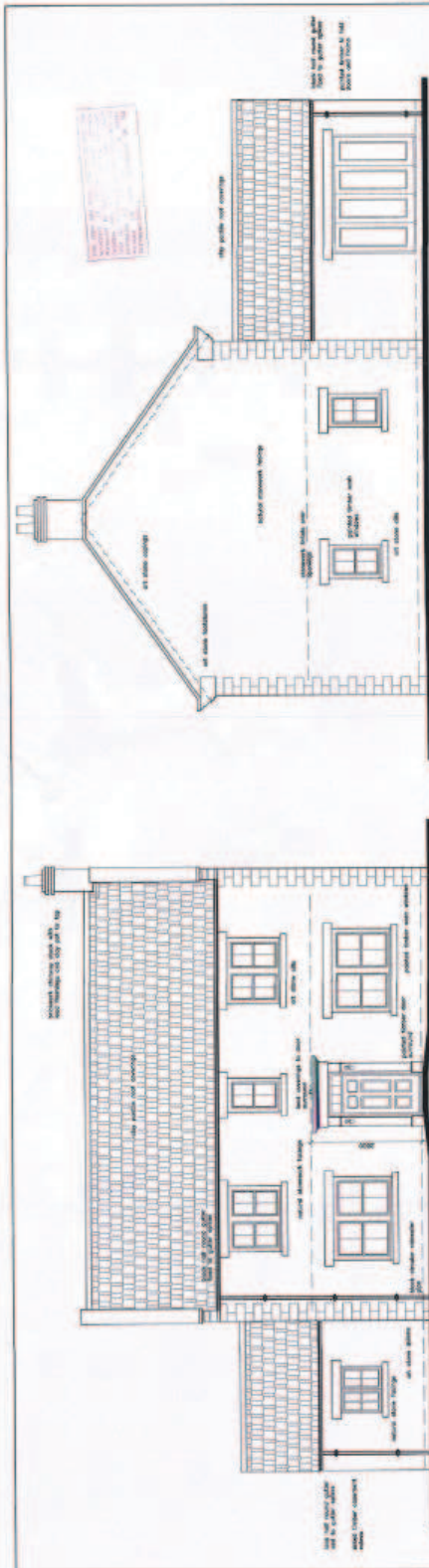
W&W Estates (Thornton Dale) Limited	Thornton le Dale Care Home	Thornton le Dale, Thornton le Dale	North Yorkshire YO18 7QR
proposed house type C (plot 13)			
andrew fletcher <small>arch</small>	Architectural Design Consultant	147 design limited	147 High Street, York, YO1 1AA
architect		147 design limited	147 High Street, York, YO1 1AA
architect		147 design limited	147 High Street, York, YO1 1AA
architect		147 design limited	147 High Street, York, YO1 1AA
architect		147 design limited	147 High Street, York, YO1 1AA
architect		147 design limited	147 High Street, York, YO1 1AA
architect		147 design limited	147 High Street, York, YO1 1AA
architect		147 design limited	147 High Street, York, YO1 1AA

Note:
 All window and door frames to external walls to be set in a maximum of 75mm.
 All work to be set in a maximum of 75mm.

Note

All window and door frames to external walls to be set in a maximum of 75mm.

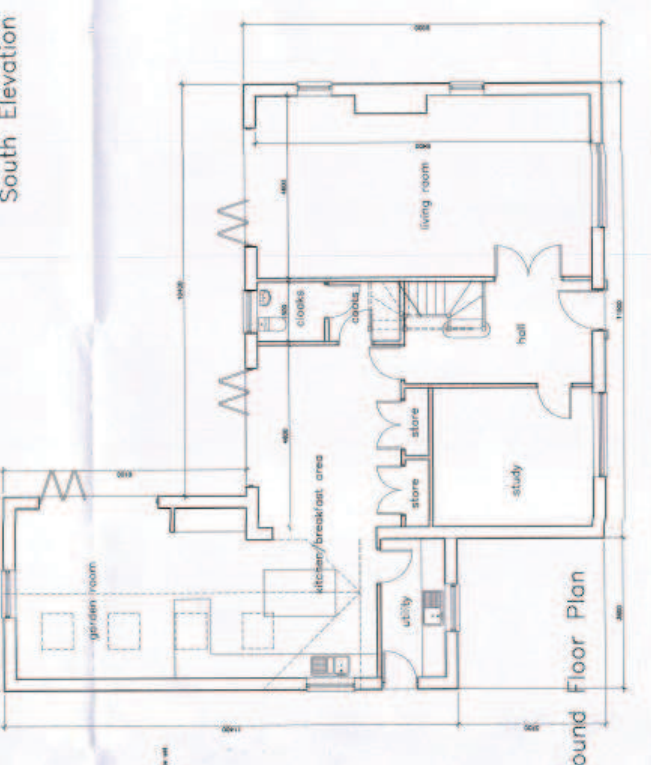
Note:
 All work to be set in a maximum of 75mm.
 All window and door frames to external walls to be set in a maximum of 75mm.



West Elevation

South Elevation

NOTE:
 IN WALLS AND CEILING, BRICKS TO BE Laid
 IN WALLS IN WALLS OF 250mm



Ground Floor Plan

REVISED

Site: 1/250/0041

147 design limited
 Architects
 147 design limited
 147 design limited

147 design limited
 Architects
 147 design limited
 147 design limited

147 design limited
 Architects
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147 design limited
 Architects
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 147 design limited

147 design limited
 Architects
 147 design limited
 147 design limited



East Elevation

North Elevation

Note:
 1. All doors will be fitted with external locks to be set
 to code 1234567890.

REVISED

<p>Plot 2 - 100m x 100m - November 2014 Plot 1 - 100m x 100m - October 2014 - No. 2/14</p>	<p>W&W Estates (Thornton Dale) Limited Thornton by Dalkeith, Home Rural Lane, Thornton by Dalkeith, North Yorkshire YO21 2JL proposed house type F (Plot 1)</p>
<p>Andrew Fletcher Independent Design Consultant</p>	<p>147 design limited 111 High Street, Bishops Cleeve, 199 5AQ 01925 712120 / 414141@147design.com.uk</p>
<p>Scale: 1/50 (EA)</p>	<p>revision: 03/1/16B</p>



South Elevation

East Elevation

First Floor Plan

REVISED

WAW Estates (Thousand Dales) Limited Planners in Home Care Home North Yorkshire YO21 8 7QR	
Proposed house type: B (plus 10)	
andrew ritchey Architectural Design Consultant	
147 design limited Plot 1, The Mill, 111, High Street, Ripon, YO5 1AP Tel: 01430 813131 Fax: 01430 813132	
Date: 1/20/2011	Revision: 1531/20A

Notes:
 If space is indicated by dashed lines, assume what is to be set



LAND, PLANNING AND DEVELOPMENT CONSULTANTS

Supporting Planning Application Statement

For

The Erection of 14 Dwellings

at

Hurrell Court

Hurrell Lane

Thornton le Dale

Pickering

North Yorkshire

for

W&W Estates (Thornton Dale) Ltd

5.9.14

HEAD OFFICE: YORK AUCTION CENTRE, MURTON LANE, MURTON, YORK YO19 5GE
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YEW TREE ASSOCIATES: DIRECTOR – MARK NEWBY Dip T. & L. P.M.S.T.P.L.
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 Enquiry for the erection of 14no. dwellings on land at Hurrell Court, Hurrell Lane, Thornton le Dale, Pickering, North Yorkshire.

2.0 Site Location and Description

- 2.1 The site is on the eastern side of Thornton Dale and to the east of Hurrell Lane. (See Fig. 1 below). The land extends to some 0.64ha (1.58 acres) and comprises the former Hurrell Court Care Home/Alcohol Rehabilitation Centre, now closed.
- 2.2 The site is bounded to the north and east by existing residential development, to the west by agricultural land and the south a complex of retirement bungalows known as Hurrell Court.



3.0 Planning Site History

- 3.1 The site has no relevant planning history.

4.0 The Proposal

- 4.1 The proposal shows 14 No new dwellings of mixed tenures on 0.64/1.58 acres of land at Hurrell Court, Hurrell Lane, Thornton le Dale. (See attached drawing ref. no. 1531.5).
- 4.2 A new access road in the same location as the existing access is taken from Hurrell Lane on the western boundary of the site. The dwellings are arranged in a frontage nature forming a small cul-de-sac.
- 4.3 The dwellings comprise 6No 4bed detached/semi-detached type units with garages, 2No 3/4bed detached, 2No 3bed semi-detached, 2no 2bed semi-detached and 2 1bed semi-detached units. This mix is consistent with the Council's Strategic Housing Market Assessment referred to in more detail later under Affordable Housing.
- 4.4 The density of the site follows the typical density of the settlement. There will be a variety of materials for walls and roofs-stone, brick, render and timber, with pantiles and slate used for

roof coverings. Existing boundary treatments will be enhanced and supplemented with good levels of new planting incorporated throughout the site.

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 SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP12 - Heritage
Policy SP16 - Design
Policy SP 17 - Managing Air Quality, Land and Water Resources
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

5.5 National Planning Policy Framework

- 5.5.1 The relevant paragraphs and references are:
Paragraphs 11-16 Presumption in Favour of Sustainable Development Ministerial Forward
Paragraph 17 Core 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 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

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
 4. Impact on the Residential Amenity of the Adjoining Neighbours
 5. Highway Safety
 6. Drainage and Flood Risk
 7. Affordable Housing
 8. Public Open Space
 9. Impact on Nature Conservation and Protected Species.
 10. Ground Conditions

11. Trees

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 Policy SP1 - General Location of Development and Settlement Hierarchy it states:-

'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)

- 6.1.9 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, developable¹² 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 although this is in question at present. However, and assuming a 5 year supply exists there will be a need to maintain this position and the Council will require a continuing supply of housing sites particularly as it appears that the housing market is gaining momentum again.

6.2.3 The site lies within the Development Limit as shown on the Ryedale Local Plan Inset Plan for Thornton le Dale (Fig. 2).



6.2.4 It is therefore submitted that as the current use of the site has already established the principle of development by the current use and that as it is surrounded by residential development, that the proposal for the redevelopment of the site for residential use should be considered acceptable in principle.

6.2.5 Turning to The Ryedale Plan – Local Plan Strategy 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

Service Villages

Service Villages

Local Service Centres –

Limited small-scale growth to address employment, housing and

Approach and Ambitions

- Limited small-scale housing growth*
- Protecting and enhancing local community facilities*
- Support the delivery of projects identified within local Parish Plans'*

(Our emphasis)

- 6.2.6 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:

Principal Town - Primary Focus for Growth

- Malton and Norton (including Old Malton*)*

Local Service Centres (Market Towns) – Secondary Focus for Growth

- Pickering*
- Kirkbymoorside*
- Helmsley*

Local Service Centres (Service Villages)- Tertiary Focus for Growth

- Amotherby and Swinton;*
- Ampleforth;*
- Beadlam and Nawton;*
- Hovingham;*
- Rillington;*
- Sherburn;*
- Sheriff Hutton;*
- Slingsby;*
- Staxton and Willerby;*
- Thornton le Dale...'*

(Our emphasis)

- 6.2.7 Policy SP2 also supports the proposal as under the heading Delivery and Distribution of New Housing states that:-

'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:

Malton and Norton

- Housing Land Allocations in and adjacent to the built up area*
- Conversion and redevelopment of Previously Developed Land and buildings within Development Limits*
- Replacement dwellings*
- Sub-division of existing dwellings*
- Infill development (small open sites in an otherwise continually built up frontage)*
- 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3*

· *Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate*

Pickering, Kirkbymoorside, Helmsley, Service Villages

· *As above*

· *100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3'*

(Our emphasis)

6.2.8 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)

6.2.9 and policy SP4 follows:-

'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)

6.2.10 Thornton le Dale is identified as a Service Village and therefore the location of development in the settlement accords with Policies SP1, SP2 and SP4 of the Ryedale Plan – Local Plan Strategy. As such the proposal to develop the application site is also in accordance with those policies.

6.3 Siting, Scale, Design and Effect Upon the Character of the Area

6.3.1 Policy SP16 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*

6.3.2 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'

- 6.3.3 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.
- 6.3.4 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.
- 6.3.5 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.
- 6.3.6 We believe that the proposed scheme is considered not to have a detrimental adverse effect on the character and form of the area by virtue of its design, layout, scale, external appearance and landscaping. We submit that the proposed scheme therefore complies with and policies SP16 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 Standard standoff distances are 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 a single new access in a similar position to the existing access on the western boundary of the site. Adequate sight lines and 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 consider 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

- 6.6.1 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 Thornton le Dale which is at a low probability of flooding and as such no Flood Risk Assessment is required.
- 6.6.4 The foul drainage from the dwellings will be connected into a new drain/sewer and routed around the private roadway which serves the existing dwellings to the south of the site and then connected into the foul sewer via the existing pumped system.
- 6.6.5 Due to the levels across the site which generally fall from north to south, the surface water and foul drainage from the new dwellings and the highway drainage cannot discharge directly into the existing foul and surface water sewers in Hurrell Lane, The surface water from the road and pavement will therefore be discharged into a small packaged pumping station located in the south east corner of the site and the water will be pumped into the sewer in Hurrell Lane.
- 6.6.6 The surface water discharge from the site will be regulated by the use of oversized drainage pipework to allow for onsite storage to accommodate 1 in 30 year storm conditions and to ensure that a 1 in 100 year event does not surcharge the site drainage system and can be stored on site without risk to people and property.
- 6.6.7 We submit therefore that the proposed development 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 Policy SP3 (Affordable Housing) of The Ryedale Plan – Local Plan Strategy states:-

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

more in West and South West Ryedale (including Ampleforth, Helmsley**, Hovingham and Sheriff Hutton)**

Where the on-site contribution does not equate precisely to whole numbers of units, equivalent financial contributions will be sought.

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

(Our emphasis)

- 6.7.2 The proposal is for 14No dwellings and therefore there is a requirement for 35% of the dwellings to be affordable i.e. 4.9 dwellings. However, 4No 2bed dwellings are to be provided in line with Policy SP3 which equates to 28.57% provision. The Applicant is prepared to make up the shortfall of the 0.9 of a dwelling by means of a commuted sum which has been calculated and agreed with Kim Robertshaw as:-

The difference between the open market value (research suggests £160,000) and the value that it would be sold to a housing association. This has been confirmed by Leslie Farguer at Yorkshire Housing as £65,000.

Therefore, the amount is 0.9 X (£160k-£65K) = £85,500.

- 6.7.3 The Applicants are content to pay this sum and as such we submit that the requirements of Policy SP3 are therefore met.
- 6.7.4 In addition however we find support for the affordable and open market 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	(Total)
	218	320	507	260	256	457	790	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)

- 6.7.5 In light of the above, 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 We submit that given the size of the site it is not appropriate to provide onsite Public Open Space. However, the applicant is prepared to consider that a financial contribution be made in lieu of such provision to assist the Parish Council with improving existing facilities in the village where appropriate. This can be the subject of a S106 or Unilateral Undertaking.

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 As such Ecological Assessment by Access Ecology Ltd has been prepared and this has found:-

'Phase 1 Habitat Survey

127. All of the habitats and floral species identified on site are common and the site was found to contain limited floral diversity.

128. As a result, it is considered that the habitats present on the site do not present a constraint to the proposed development and no further botanical survey is necessary.'

'Controlled Invasive Species

135. No evidence of any controlled or invasive species was found during the survey.

136. As a result, controlled invasive species do not present a constraint to development.'

'Bats

138. The proposals require the demolition of the building identified as containing a bat roost. One species has been identified as roosting on site, common pipistrelle.

139. When compared against the guidelines for proportionate mitigation (Mitchell-Jones, A.J. 2004) the site is considered to be of Moderate conservation significance.

Short Term Impacts: Disturbance

140. In the absence of mitigation, short-term disturbance impacts on bats from the proposed demolition of the buildings, if carried out at their most vulnerable times of year with no constraint on working hours, and would result in significant detrimental impacts to the bats from likely killing or injury of individual bats, and disturbance of a maternity colony, increase in noise, dust, human disturbance, and vibration disturbance. As a result the short term impact of the demolition is considered likely to be significantly adverse on both individual bats within the roosts as well as on bat populations at the local level.

141. It is considered that suitable mitigation (timing and exclusion) together with the provision of compensation would minimise these impacts, but the demolition would still result in an increase in noise, human presence, etc.'

'Long Term Impacts: Roost Loss

142. The proposed demolition would result in the destruction of a maternity roost, an annex roost and summer transitional roosts of one bat species (common pipistrelle).

'Without mitigation the impact of these losses is likely to be adverse for the population of this species at a local level.

144. As previously stated, the Bat Mitigation Guidelines classify buildings such as that at Hurrell Court as of moderate conservation significance. As a result of this the guidelines state the following mitigation / compensation is required;

145. "Timing constraints. More or less like for like replacement. Bats not to be left without a roost and must be given time to find the replacement. Monitoring for 2 years preferred." (Mitchell-Jones, A.J. 2004).

146. In practice, this means for the demolition to proceed, a suitable alternative roost structure would have to be constructed in close proximity to the current building.'

'Other Protected and Notable Species – Nesting Birds

152. The site contains suitable features for nesting birds namely trees, hedgerows and the building.

153. As a result, it is recommended that as much of the existing trees and hedgerow habitat as possible is retained, and that the building demolition works are carried out outside of the main bird nesting period (March to August).

154. Where this is not possible, a suitable method statement for the protection of nesting birds would have to be put in place'

'In order to maintain and enhance the ecological value of the site and in accordance with the aims of The National Planning Policy Framework (NPPF), it is recommended that as part of the new development, suitable replacement bird nest features be incorporated into the final building and landscaping scheme. This should include provision for swallow and other building nesting bird species and suitable habitat and nest boxes for tree and hedgerow nesting birds.'

- 6.9.3 We submit however, that providing the mitigation measures as recommended in the report are carried out, it will be possible for development to take place without harm to any acknowledged nature conservation interests and therefore would not be contrary to the advice contained within the NPPF.

6.10 Ground Conditions

- 6.10.1 Policy SP17 Managing Air Quality, Land and Water Resources of the Ryedale Plan 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....'

- 6.10.2 Desk Top Ground Survey has been prepared by Geo Investigate and submitted with the application and concludes that the risks to development of the site are low but recommends:-

'In light of the Phase 1 desk study findings it is recommended that a Phase 2 investigation including a ground investigation and contamination and gas testing is carried out at the site to establish the actual site conditions and to properly assess the risks from the geology of the site and its historical land use.

The Phase 2 investigation should be designed to focus on the potential contaminants highlighted in the CGHM (Figure 1 and Table 4). As the potential for hazardous gas to exist at the site is Low, as opposed to negligible, a gas survey is necessary also.

The Phase 2 investigation should comprise boreholes, gas monitoring and contamination analyses to establish the ground conditions across the site.'

- 6.10.3 As such we submit that subject to a Phase 2 survey and suitable planning conditions attached to any permission, the proposal will meet the requirements of Policy SP 17 of the Ryedale Plan.

6.11 Trees

- 6.11.1 The site contains a number of trees and as such an Arboriculture Report has been prepared by Elliot Consultancy Ltd and submitted with the application. This concludes that a number of trees will be lost as a result of the development, however a suitable landscaping scheme would mitigate their loss. The full recommendations are contained in the report.

7. Conclusions

- 7.1 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 5.9.14

Design and Access Statement

Housing development on land at Thornton le Dale Care Home, Hurrell Lane, Thornton le Dale, North Yorkshire

Introduction

This Design and Access Statement has been prepared in support of an application for planning approval, submitted to Ryedale District Council, for the demolition of the existing buildings, the construction of fourteen 2-storey dwelling houses with a mixture of integral or detached garages and private garden/amenity space to the front and rear and an adoptable estate road to provide access to the individual dwellings.

The proposed dwellings on the site are to include 6 detached dwellings, 4 semi detached dwellings and 4 low cost affordable homes for local residents.

The proposed scheme has been designed to reflect both the site's location within Thornton le Dale, in terms of quality of design and proposed materials, and also to ensure that the development is in keeping with the character and appearance of the immediate vicinity. In doing so it also ensures, importantly, that the application proposals accord fully with all relevant planning policy.

In terms of planning policy the principal policy documents relevant to the proposed development comprise the National Planning Policy Framework and the Ryedale Plan which comprises two parts, The Local Plan Strategy was adopted in September 2013 and the Local Plan Sites Document which is currently being prepared. Please see Supporting Planning Statement by Yew Tree Associates submitted with the planning application.

Site description and history

The site, which is approximately 0.6 hectares in area, is located within a predominantly residential area and was until recently, a Care Home/Alcohol Rehabilitation Centre now closed. The site is located at Ordnance Survey co ordinates 484320E and 483141N

The site is currently accessed from Hurrell Lane close to the junction with South Lane and is a large rectilinear single storey building with internal courtyard, gardens

and large carparking area to the area between the building and Hurrell Lane. To the west of the site are open fields with residential buildings beyond, to the south of the site are terraced and semi detached houses with detached houses to the north and east along Hurrell Lane and Winton Road (A170).

The site was previously occupied as a residential Care Home/Alcohol Rehabilitation Centre but has been for sale as a development site since May 2013. The selling agents, GVA prior to placing the site on the open market held discussions with members of the planning department at the local authority and produced a planning appraisal to identify that the site is suitable for housing.

The original buildings are to be demolished to allow for the redevelopment of the site which is currently unoccupied.

Principle of Development

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which is seen as a golden thread running through both plan-making and decision-taking. In terms of the application proposal paragraph 49 confirms that *'housing applications should be considered in the context of the presumption in favour of development'*. In seeking to establish this pro-active approach to development the NPPF confirms that its Core Planning Principles requires local planning authorities to:

- *'encourage the effective use of land by reusing land that has been previously developed, providing that it is not of high environmental value;*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.'*

In light of the above and, following discussions with the planning officers from the Local Authority, it has been established that the principle of residential development on the site is acceptable in planning terms.

The grant of planning consent will allow the opportunity for the applicant to progress with the proposals for the redevelopment of the site.

Design, Scale and Layout

One of the NPPF's 12 core planning principles underpinning both plan-making and decision-taking aims to ensure that planning should

'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Section 7 of the NPPF is dedicated to requiring good design and advises that:

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

Chapter H of the Ryedale Plan also requires good quality design with any development proposals. In terms of the former this advises that:

All development proposals will:

Provide a quality residential environment that reflects local distinctiveness in terms of location, scale, proportions, layout, materials, design, relationship to the street and size of plot and would maintain or enhance the character of the settlement. In addition, the density of the development would avoid the inefficient use of land whilst respecting local character;

In light of the policies highlighted above, with the NPPF and Ryedale Plan emphasising the importance of high quality design with new developments generally, the development scheme the subject of this planning application has been formulated, in close liaison with the Council's planning officer, in order that it accords fully with planning policy in all respects.

In terms of the layout and scale of the proposed development it was agreed with the planning officer that the scheme should comprise 14no 2-storey houses set around an adopted access roadway with 3no houses fronting onto Hurrell Lane.

It is proposed to provide a mix of dwelling types within the development and they will be as follows:

- Two semi detached one bedroom dwellings (low cost affordable dwellings)
- Two semi detached two bedroom dwellings (low cost affordable dwellings)
- Two semi detached three bedroom dwellings
- Two detached three/four bedroom dwellings
- Two semi detached four bedroom dwellings
- Four detached four bedroom dwellings

The plot sizes for each dwelling are commensurate with the existing arrangement of housing in the vicinity of the site and the proposed layout will provide each dwelling with rear private garden areas which are a minimum of 9m in depth.

The external treatment of the proposed houses will include door canopies, porches, chimney stacks and varying traditional window designs with stone/brick lintels and stone cills to provide a large variety of traditional designs around the development and which seeks to compliment the design and appearance of the local vernacular.

The houses are to be fronted predominantly with natural stonework with a small number of dwellings having new facing brickwork which will be complemented with either stone lintel, arched stone lintels or brick soldier course lintels to the windows and doors and with stone projecting cills together with timber framed porches and

door canopies (plain tile covered). The windows will be painted timber double glazed frames and the doors will be composite doors in painted timber frames

The houses will have flush pointed gable verges and the eaves of the houses are to be provided with half round black guttering fixed to the walls by means of gutter spike brackets and all of the roofs to the development will be covered using natural clay pantiles to local authority approval.

Landscaping

The existing site contains areas of landscaping around the perimeter including a number of trees and hedges on the eastern boundary abutting the wooded gardens to the properties on Winton Road. This hedge will be retained and reinforced with additional plants where necessary.

It is the applicant's intention to provide landscaped gardens at the rear of the houses including close boarded timber fences between the individual dwellings. Flagstone paving will be provided within the garden areas with paths to the refuse store area.

An Arboricultural Impact Assessment has been prepared to assess the effect of the development upon the existing landscaping at the site and a copy is attached to the application for consideration.

It is the client's intention to provide a stone wall around the perimeter of the site along the western boundary. The wall will be traditional in appearance.

Additional areas of landscaping will be provided to the southern boundary between the existing dwellings and the new development and also in the south eastern corner of the site around the surface water pumping station and this area of landscaping will comprise medium growth trees of a species to later agreement.

Land Contamination Assessment

The development will not cause pollution to the air, water or land and is not on, or near potentially contaminated or unstable land and therefore complies with the requirements of the Local authorities policies.

A site investigation survey was carried out by Geoinvestigate Limited of Stokesley, North Yorkshire and a report prepared numbered G14161a issued in September 2014.

Section 4.2 of the report assesses the contamination test results taken during the survey work and confirms that the contamination levels on the site are low with no test results exceeding the threshold values for residential usage of the site and therefore no remediation works are necessary.

Housing Mix and Affordable Housing Requirements

The proposals, the subject of this planning application is for the construction of fourteen 2-storey detached dwelling houses with a mixture of integral or detached garages and private garden/amenity space to the front and rear.

Ryedale Local Plan policies states that the Council will seek an appropriate mix of housing on all housing sites and this policy is complied with by the provision of eight house types for the development.

Ryedale Plan policy SP3 relates to Affordable Housing and where a 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

The local authority seeks to provide 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 and the proposed development will provide 4 affordable houses (2 no two bedroom and 2 no one bedroom dwellings). The shortfall to 35% of the total requirement (0.9 units) will be provided by a financial agreement which has been agreed in principle with Mr Barnsley and a section 106 agreement will be arranged in confirmation of this agreement

Waste Audit

A walk over visual survey of the site has been carried out and this survey/ report identified areas of waste on the site prior to any building works commencing.

The survey identified that the site is overlain with areas of concrete and the original buildings which are to be demolished and drainage pipelines below ground. Following demolition works, the materials arising from the demolition and the sub surface materials and the concrete slabs will be excavated and the excavated material stockpiled on site and then crushed and reused as hardcore within the development.

All waste products generated from the development will be sorted and segregated for recycling and will be stored on site in designated skips according to waste type for removal to a licensed waste disposal site as and when required.

Surface water management plan and flood risk in accordance with PPS25

The Environment Agency indicative flood maps have been consulted and they have confirmed that the site is not subject to a risk of flooding and that generally any potential flooding in the area would be from the River Derwent and Thornton Beck on the southern side of the site of the site; The river is approximately 4500m from the site.

The foul drainage from the dwellings will be connected into a new drain/sewer and routed around the private roadway which serves the existing dwellings to the south of the site and then connected into the foul sewer via the existing pumped system

Due to the levels across the site which generally fall from north to south, the surface water and foul drainage from the new dwellings and the highway drainage cannot discharge directly into the existing foul and surface water sewers in Hurrell Lane, The surface water from the road and pavement will therefore be discharged into a small packaged pumping station located in the south east corner of the site and the water will be pumped into the sewer in the main road, Hurrell Lane .

The surface water discharge from the site will be regulated by the use of oversized drainage pipework to allow for onsite storage to accommodate 1 in 30 yr storm conditions and to ensure that a 1 in 100 yr event does not surcharge the site drainage system and can be stored on site without risk to people & property.

Access Statement

The dwellings are all designed in accordance with the most recent Building Regulations and are DDA compliant.

The proposed new houses will be provided with wide entry doors and internal doors to the ground floor together with a level access to the principal entry door and all internal facilities which are required to allow the houses to be fully accessible, as required by current legislation.

The driveways will be level or will have very shallow gradients in accordance with approved document M of the building regulations and will provide a suitable approach from the point of access to the entrance of the house to allow disabled users to be able to gain easy access to the dwellings.

Energy Statement

Harnessing solar power to provide domestic energy and hot water is an efficient way of generating renewable energy. If necessary and in order to achieve the requirements of the building regulations, the development will be adapted to facilitate the use of pv panels, in terms of their orientation, the majority of the dwellings have been located so that either the south- or south west-facing roof of every dwelling can be constructed with photovoltaic panels to provide electricity.

Wherever possible, the house will be constructed in accordance with the principles of the Code for Sustainable Homes, they will exceed the current building regulations and will seek to meet and surpass the Government's requirements for new dwellings.

Transport, Highway and Parking Provision

The site is located in an area which has a range of bus services which serve Thornton le Dale and connect the town with Leeds, Scarborough, York, Helmsley

and Malton together with intermittent services to Whitby and the coast south of Scarborough

Vehicle access to the site is as shown on the submitted plans, and the position of the access to the site on the western boundary has been discussed and agreed with the highways officer. The access road radii at the junction with Hurrell Lane will be 6 metres and the access verge crossing will include dropped kerbs with tactile paving to maintain pedestrian, cycle and vehicle access to this part of Thornton le Dale.

A footpath along the western boundary of the site will be provided from the new access road to connect the site to Thornton le Dale for pedestrians.

Ample access will be provided for emergency and refuse vehicles along the proposed access road within the site which is 5 metres in width and a hammerhead turning area will be provided to the access roadway to allow emergency services, refuse vehicles etc to enter and leave the estate road in a forward gear.

The parking arrangements are indicated on the submitted site layout drawing and every house has either a garage and parking or at least one additional off-street parking space.

Conclusion

This statement has been prepared in support of an application for planning approval for the construction of 14 detached dwelling houses.

The planning policy context outlined above makes reference to the requirement of both the NPPF and the Council's Development Policies to formulate a scheme which is not only of a high quality design in its own right, but also preserves and enhances the character and appearance of the surrounding area. It is the applicant's view that this has very much been achieved with the scale, form and external appearance taking full account of the local vernacular.

In light of the above it is respectfully requested that officers support applications for planning approval for this housing development.

147 Design Limited
51 High Street
Stokesley
North Yorkshire
TS9 5AD

Item Number: 10
Application No: 14/01187/FUL
Parish: Sheriff Hutton Parish Council
Appn. Type: Full Application
Applicant: Ryedale District Council (Mr Roger Barnsley)
Proposal: Removal of roller shutter door to north elevation and replacement by 2no. timber windows and surrounding brickwork
Location: 4 Dale Road Sheriff Hutton Malton YO60 6RZ

Registration Date:
8/13 Wk Expiry Date: 30 December 2014
Overall Expiry Date: 28 November 2014
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Parish Council No objection
Highways North Yorkshire No objection

Neighbour responses:

.....

SITE:

'Unit 3c', 4 Dale Road, Sheriff Hutton is a small industrial unit located in the south of the Sheriff Hutton Industrial Estate. The Industrial Estate is located to the south west of the village and houses approximately 78 units of a B1, B2 and B8 Use Classes.

PROPOSAL:

The removal of a roller shutter door to the north elevation to be replaced by 2no. timber windows and surrounding brickwork.

Members are advised that this application has been referred to Planning Committee for determination as the application is submitted on behalf of Ryedale District Council.

HISTORY:

There is no relevant history in relation to this application.

APPRAISAL:

Planning permission is sought for the removal of a roller shutter door to the north elevation to be replaced by 2no. timber windows and surrounding brickwork. The main considerations to be taken into account are:

- i. Character and form
- ii. Impact upon the immediate locality

The roller shutter door that is proposed to be removed measures 2.45m in width and 2.7m in height, which is the same as the other three existing doors on the northern elevation of the industrial unit. The proposed two timber windows will measure approximately 1m in width. The proposed windows will match the existing timber windows of the industrial unit located to the north of the site. They are considered to be appropriate and sympathetic to the character of the host building, complying with

Policy SP16 (Design) and Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

The proposed timber windows are also considered to respect the character of the immediate locality of the industrial estate and will match the existing timber windows of the industrial unit to the north of the site.

Sheriff Hutton Parish Council and the Local Highway Authority have raised no objections to the proposal.

In light of the above considerations, the removal of a roller shutter door to the north elevation to be replaced by 2no. timber windows and surrounding brickwork is considered to satisfy the relevant policy criteria outlined within Policies SP16, SP19, SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval subject to the following conditions.

Local Plan Strategy - Policy SP16 Design

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

Local Plan Strategy - Policy SP20 Generic Development Management Issues

National Planning Policy Framework

National Planning Policy Guidance

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

Drawing Number DR/02.

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

Background Papers:

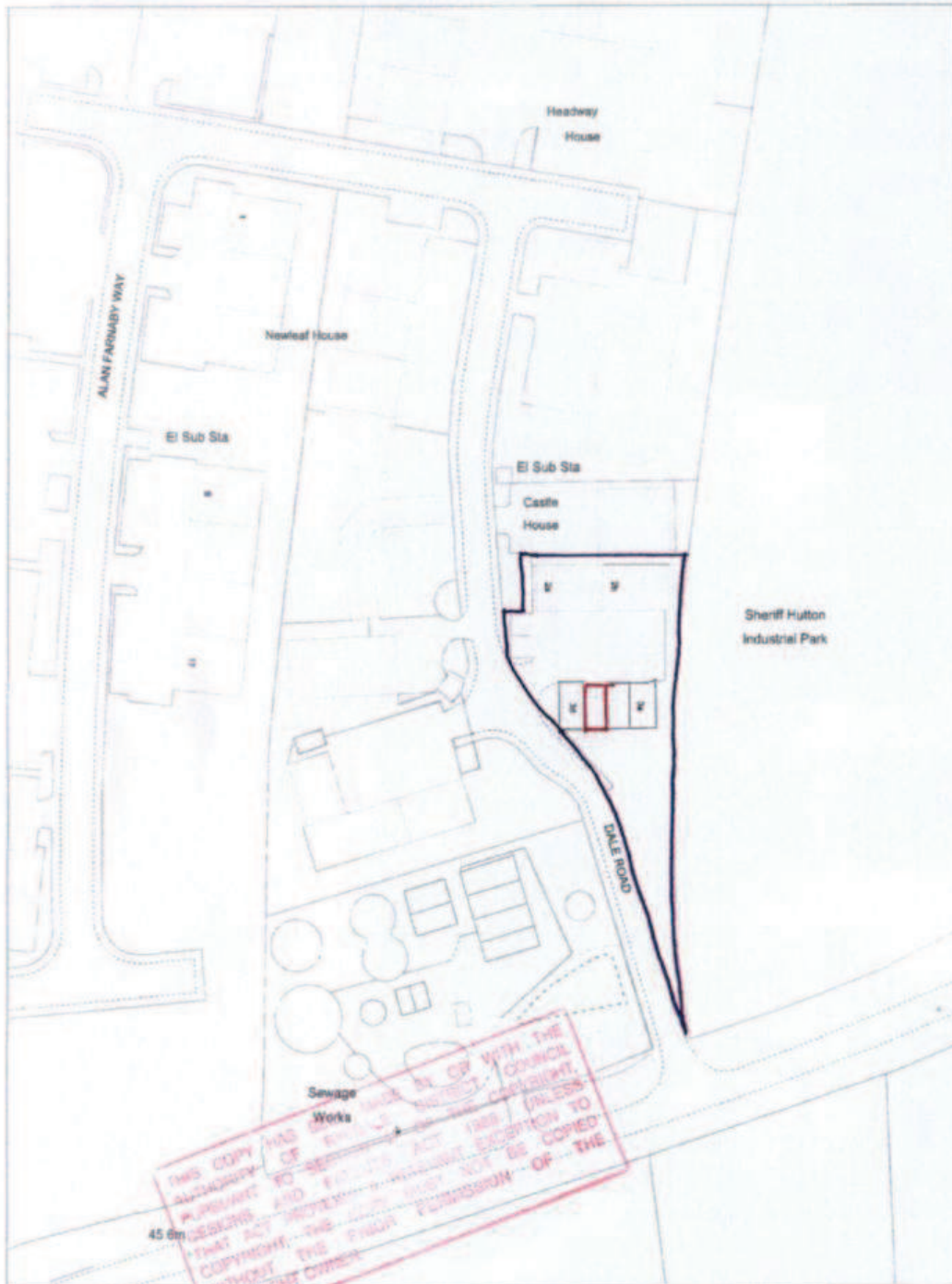
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

Alterations to 4 Dale Road, Sheriff Hutton

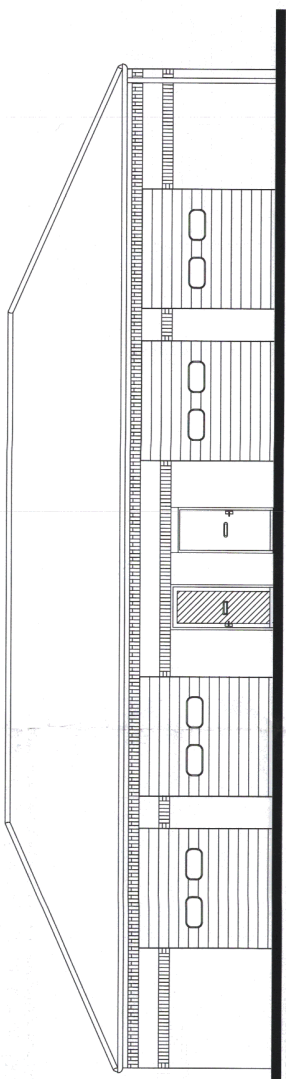


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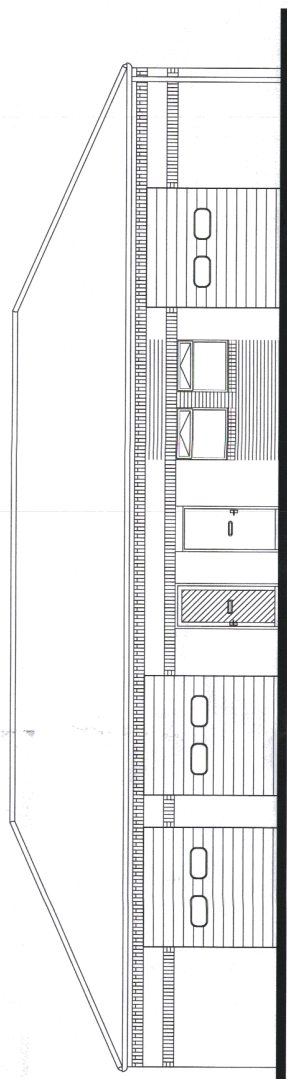


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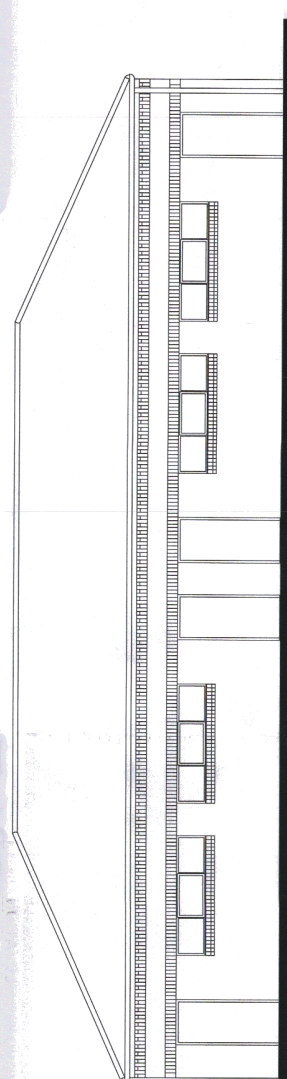




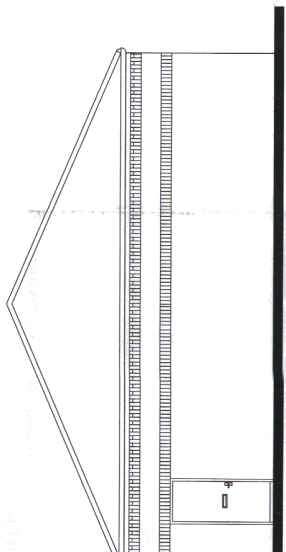
EXISTING ELEVATION ON a 1:50



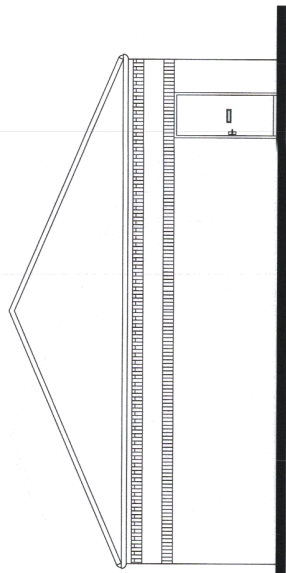
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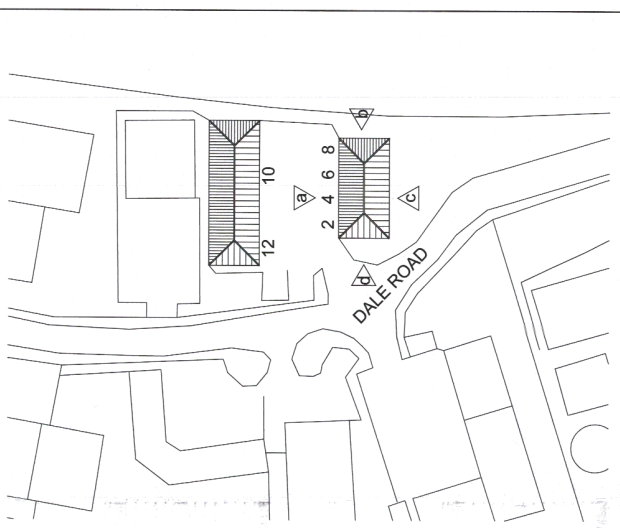
EXISTING AND PROPOSED ELEVATION ON c 1:50



EXISTING AND PROPOSED ELEVATION ON d 1:50



EXISTING AND PROPOSED ELEVATION ON b 1:50



SITE PLAN 1:500

THIS DRAWING HAS BEEN PREPARED BY OR FOR THE ARCHITECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

Rev	Date	Purpose of revision	Drawn	Checked	Approved

Ryedale District Council
 Ryedale House
 Old Malton Road
 Malton
 North Yorkshire
 YO17 7HH

Project
 Proposed alterations at:
 No. 4 Dale Road Sheriff Hutton

Drawing title
 Existing and Proposed Elevations and Site Plan

Drawing status
 Planning Application

Scale
 1:50 & 1:500

Chart Department
 DO NOT SCALE

Drawing number
 DR02

Rev

This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing.



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	PLANNING COMMITTEE
DATE:	16 DECEMBER 2014
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	PUBLICATION OF THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REVISED DRAFT CHARGING SCHEDULE
WARDS AFFECTED:	ALL EXCLUDING THE WARDS FALLING WITHIN THE NORTH YORK MOORS NATIONAL PARK.

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 For Members to agree to publish the revised Draft Charging Schedule (DCS) for formal consultation and subsequent submission to the Secretary of State for Examination in order to progress the introduction of the Community Infrastructure Levy.

2.0 RECOMMENDATIONS

- 2.1 Council is recommended to resolve to:
- (i) Approve the revised Draft Charging Schedule at Appendix 1 for formal public consultation and subsequent submission to the Secretary of State for Examination.

3.0 REASON FOR RECOMMENDATIONS

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

4.0 SIGNIFICANT RISKS

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

should CIL not be operative in advance of the April 2015 deadline.

5.0 POLICY CONTEXT AND CONSULTATION

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

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

- 5.5 Members of this Committee agreed the Preliminary Draft Charging Schedule in August 2013 and following subsequent ratification by Council, the Preliminary Draft Charging Schedule and the economic viability study were subject to public consultation in accordance with the regulations. This process concluded on 15 November 2013, during which a total of 16 responses were received. A summary of the comments received together with responses to these were considered at the 7 May meeting of Planning Committee (minute 224 refers).
- 5.6 Taking account of the comments made on the PDCS where appropriate, revisions were made and the Draft Charging Schedule (DCS) was produced and consulted on between June and August 2014. The charges proposed in the DCS remained the same as set out at the PDCS stage and shown above.
- 5.7 Following the DCS consultation, a total of 10 representations were received including several noting general support for the approach taken. Those that objected to the DCS, principally raised the same issues as set out in the responses to the PDCS. However one representation in particular identified a potential error in the viability modelling. Following a detailed review of the assessments, unfortunately an error was found to be present in the viability model, which meant that the level of viability had been over-stated in some cases. As a result, the Council's consultants have needed to revisit and revise the viability assessments.

6.0 REPORT

The revised Draft Charging Schedule

- 6.1 The Council's consultants have now corrected the error in the viability model, and then updated the key assumptions that are inputted into the model in terms of sales values, build costs and benchmark land values. In addition, the analyses of patterns of sales values that inform the approach to zoning have also been reviewed and updated. Given that the error in the original viability model results in changes to the original figures, it is necessary to re-consult on a revised DCS. This has sadly caused a time delay to the process of preparing and adopting a CIL charging schedule, to the extent that it will not be possible to have an adopted schedule by April 2015. Revised

viability assessments, along with all of the assumptions which underpin them, are set out in a Revised Draft Charging Schedule Viability Report that will be published as part of a consultation on the revised DCS.

- 6.2 In recommending charge rates based on the evidence, the starting point is a calculation of the maximum possible charge for each use that is consistent with maintaining viability. It is then necessary to drawn down from these maxima to ensure that the vast majority of development will remain viable. Consistent with previous work, the Council's consultants recommend charges are set at 50% - 75% of the maximum to achieve this, and balance the need to maintain viability, with the need to fund the infrastructure that is required to enable growth.
- 6.3 The revised assessments show that small adjustments to the DCS are required. The viability of residential development in lower value areas is shown to be lower than previously assessed. In addition, increased sales values mean that slightly higher charges for residential development in moderate and higher value areas are appropriate. No changes are required to the charges proposed for non-residential development. However, the changes to the residential charges proposed still mean that it is necessary and appropriate to consult on a revised DCS. The charge rates proposed in the Revised DCS are shown below.

Use	Proposed CIL charge (per sq.m)
Private market houses:	
<i>Lower Charging Zones</i>	£45
<i>All Other Areas</i>	£85
Supermarkets	£120
Retail Warehouses	£60
Public/Institutional Facilities as follows: education, health, community and emergency services	£0
All other chargeable development	£0

- 6.5 As can be seen the residential charge for lower charging zones has been reduced by £10 to £45, and for all other areas has increased by £15 to £85. All other charges remain the same. Officers consider that the charges reflect the need to strike the necessary balance required in the regulations in relation viability and that they are fully supported by robust evidence.
- 6.6 It should also be noted that the geographical extent of the charging zones for private market houses remain the same. (See charging zone map included in Appendix 1)
- 6.7 It is considered that the Council is now at the stage where the revised Draft Charging Schedule can be taken through the final formal stages of production. This process involves an additional consultation period following which any additional comments will be reviewed. Given that this is a revised DCS, Officers consider that the statutory minimum of four weeks is the appropriate consultation period. Subject to the outcomes of this consultation, the Draft Charging Schedule will then be submitted for

Examination along with all of the representations received.

- 6.8 The Regulations prescribe the procedural requirements for the formal publication and submission of the Draft Charging Schedule.

Other Procedural Matters

- 6.9 An important procedural requirement particularly at the formal stages of the preparation of a DCS is that it is taken forward in accordance with a timeframe achievable for adoption. The previously stated timescales have been altered by the discovery of the error in the model. Officers consider the following revised milestones should now be used for the next stages of the process:

Revised DCS consultation – January 2015

Submission – February 2015

Adoption – June 2015 (this date is an estimate and depends on the nature of representations received and the capacity of the Planning Inspectorate)

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

a) Financial

A budget has been set aside for the preparation of the Draft Charging Schedule and the costs of an Examination. Any additional work that has been required as a result of the error will be done at the Consultant's own expense. Once CIL is in place, it will generate revenue to the Council, although this revenue is ring-fenced for spending on a list of infrastructure items that the Council produces. This accompanies the charging schedule and is updated on a regular basis.

b) Legal

Preparation of the charging schedule is be subject to the requirements of the Community Infrastructure Regulations 2010 (as amended). On adoption, CIL will become a mandatory charge for development listed in the charging schedule.

8.0 NEXT STEPS

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

Gary Housden

Head of Planning and Housing

Author: Daniel Wheelwright, Forward Planning Officer

Telephone No: 01653 600666 ext: 313

E-Mail Address: daniel.wheelwright@ryedale.gov.uk

Background Papers:

PLANNING COMMITTEE

16 DECEMBER 2014

Revised Viability Assessment, December 2014
Background Papers are available for inspection at:
www.ryedaleplan.org.uk

RYEDALE
DISTRICT
COUNCIL



Ryedale District Council

Community Infrastructure Levy
Revised Draft Charging Schedule

Published December 2014

The Charging Authority

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

Statutory Compliance

The Draft Charging Schedule was approved for publication at the 18 December meeting of Full Council. It is published in accordance with Part 11 of the Planning Act 2008 (as amended), and the Community Infrastructure Levy Regulations 2010 (as amended).

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

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

Justifying the Introduction of CIL

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

As a part of the economic viability study that supports the charging schedule, a revenue projection has been produced to identify the potential revenue from the proposed CIL rates over the life of the development plan. This figure is estimated at £6,240,615, approximately £416,041 per annum.

Scope of CIL

The following development types will be liable to CIL:

- Development comprising 100m² or more of new build floorspace;
- Development of less than 100m² of new build floorspace that results in the creation of one or more dwellings, but excluding self-build properties; and
- The conversion of a building that has not been in use for at least 6 continuous months during the last three years.

CIL Exemptions and Relief

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

Development exempt from CIL

- The conversion of any building previously used as a dwelling house to two or more dwellings
- Development of less than 100m² of new build floorspace, provided that it does not result in the creation of a new dwelling
- The conversion of a building in lawful use, or the creation of additional floor-space within the existing structure of a building in lawful use
- Development of buildings and structures into which people do not normally go (eg, pylons, wind turbines, electricity sub stations)

Development entitled to Mandatory Relief from CIL

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

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

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

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

CIL Rates

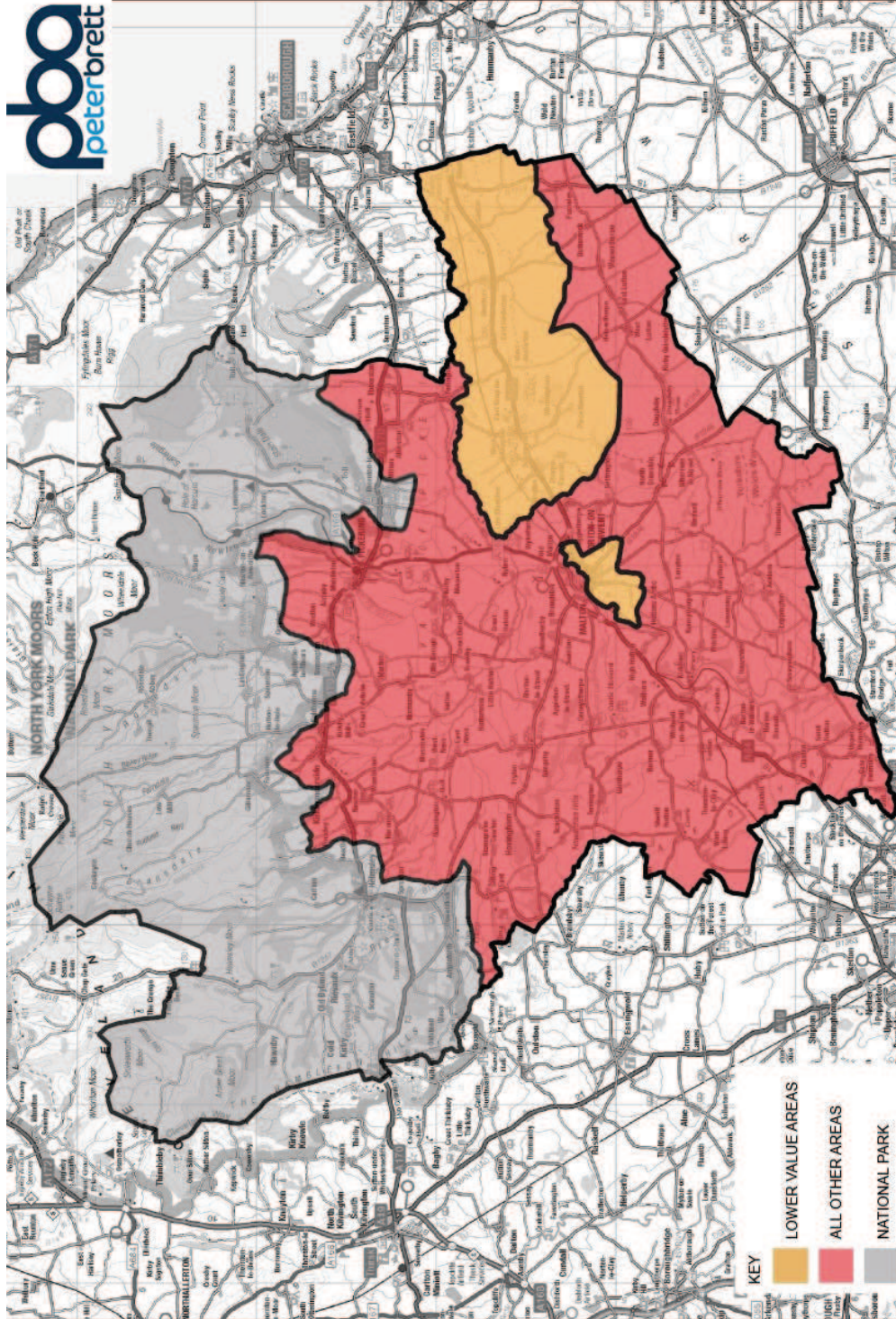
The Revised Draft Charging Schedule Report, undertaken by Peter Brett Associates (formerly Roger Tym and Partners), informs and provides the viability evidence for the CIL rates proposed by Ryedale District Council. The proposed charging schedule is as follows:

Use	CIL Charge per sq. m
Private market houses (excl. apartments)	
Low value areas	£45
All other areas	£85
Supermarkets	£120
Retail Warehouse	£60
Public/Institutional facilities as follows: education, health, community and emergency services	£0
All other chargeable development (incl. apartments)	£0

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

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

The charge zone areas are shown on map shown overleaf.



Supporting Information and Evidence Base

The documents listed below support this CIL Draft Charging Schedule. All documents are available on the Council's website, or can be viewed at the following locations:

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

RYEDALE DISTRICT COUNCIL

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

-
- 1.**
Application No: 13/00884/CON **Decision: Approval**
Parish: Westow Parish Council
Applicant: Mount Farm Partnership
Location: Buildings At Mount Farm Main Street Westow Malton
Proposal: Demolition of agricultural buildings.
-
- 2.**
Application No: 14/00710/FUL **Decision: Refusal**
Parish: Harome Parish Council
Applicant: Thomas Crown Associates Ltd.
Location: Land East Of Rye House Farm Helmsley
Proposal: Erection of an agricultural livestock building with stoned turning area and formation of vehicular access
-
- 3.**
Application No: 14/00792/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Mrs L Spink
Location: Land At Chandlers Wharf Malton North Yorkshire
Proposal: T2 - Sycamore - Crown thin by 10-15%
-
- 4.**
Application No: 14/00839/HOUSE **Decision: Approval**
Parish: Helmsley Town Council
Applicant: Miss Sandra Race
Location: 8 Storey Close Helmsley YO62 5DP
Proposal: Erection of external flue to gable end
-
- 5.**
Application No: 14/00952/FUL **Decision: Approval**
Parish: Appleton-le-Street Parish Meeting
Applicant: Mr A Studdart
Location: Glebe House Main Street Appleton Le Street Malton North Yorkshire YO17 6PG
Proposal: Erection of 4 bed detached dwelling with attached 2 bay garage following the demolition of the "central" stone barn and existing 3 bed dwelling, retaining a section of wall to form front courtyard together with change of use of part of existing "front" stone barn to form domestic workshop/garaging with storage above, and alterations to hard/soft landscaping to form yard and grassed areas to the rear, including formation of vehicular access to proposed grass bank.
-
- 6.**
Application No: 14/00989/HOUSE **Decision: Approval**
Parish: Sand Hutton Parish Council
Applicant: Mrs Karen Holbrook
Location: Sawmill House Upper Helmsley Road Sand Hutton YO41 1JZ
Proposal: Installation of 2 no. ground floor windows to south side elevation
-

7.
Application No: 14/01001/FUL **Decision: Approval**
Parish: Weaverthorpe Parish Council
Applicant: Mr Christopher Boyes
Location: The Paddocks Main Road Weaverthorpe Malton North Yorkshire YO17 8EX
Proposal: Formation of culverted bridge vehicular access and alterations to dwelling to include replacement of timber windows with UPVC, replacement of flat roofed dormer windows with pitched roofs and rendering of all elevations (part-retrospective application)

8.
Application No: 14/01003/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam(Malton) Estates (Mr Keith Davies)
Location: Old Talbot Yard Yorkersgate Malton North Yorkshire
Proposal: Erection of 470mm dwarf retaining wall to rear of front boundary trees and 200mm high timber stake and board retaining structure to front of trees

9.
Application No: 14/01010/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam (Malton) Estate (Mr Keith Davies)
Location: Old Talbot Yard Yorkersgate Malton North Yorkshire
Proposal: Internal fitting out works to unit

10.
Application No: 14/01017/FUL **Decision: Approval**
Parish: Flaxton Parish Council
Applicant: Claive Docwra
Location: Blacksmiths Arms PH Main Street Flaxton Malton YO60 7RP
Proposal: Erection of single storey extension to south-east elevation to form entrance lobby together with extension and change of use of existing detached garage to form a 1 bedroom holiday let, housing for biomass boiler and fuel/general storage areas

11.
Application No: 14/01020/FUL **Decision: Approval**
Parish: Flaxton Parish Council
Applicant: Mr G Barker
Location: Beech Lea Flaxton York YO60 7QZ
Proposal: Change of use of part of general purpose agricultural building to an agricultural repair workshop for personal use and also as a workshop for storage and repair of gardening equipment and motor vehicles for personal/private use of the applicant (retrospective application)

12.
Application No: 14/01049/TPO **Decision: Approval**
Parish: Foxholes Parish Council
Applicant: Ms M Hollowell
Location: 4 Ash Court Main Street Foxholes Drifffield North Yorkshire YO25 3QR
Proposal: To crown lift to provide a clearance from ground level of 3m, crown thin by approximately 10/20% and reduce the crown on the house and road side by 2-3m crown in respect of T3 (Cherry) within TPO No. 328/2011.

13.

Application No: 14/01050/TPO **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Tom Hirst
Location: Alba Rose Residential Home Keld Head Hall Middleton Road Pickering North Yorkshire YO18 8NR
Proposal: To fell T1 (sycamore), remove epicormic growths and reduce crown of T3, T5, T8, and T12 (limes) by 2-3meters, reduce roadside branches by 2-3 meters of T 14 (Horse Chestnut), and fell T15 (lime) all within TPO No.171/1991.

14.
Application No: 14/01031/HOUSE **Decision: Approval**
Parish: South Holme Parish Council
Applicant: Mrs Julia Foster
Location: Manor Farm South Holme Slingsby York YO62 4BB
Proposal: Erection of garden room to west elevation and installation of entrance door to west elevation of existing detached outbuilding

15.
Application No: 14/01032/LBC **Decision: Approval**
Parish: South Holme Parish Council
Applicant: Mrs Julia Foster
Location: Manor Farm South Holme Slingsby York YO62 4BB
Proposal: Erection of garden room to west elevation and removal of existing external door and section of wall to form a wider link between the existing kitchen and proposed garden room, together with installation of entrance door to west elevation of existing detached outbuilding

16.
Application No: 14/01034/LBC **Decision: Approval**
Parish: Acklam Parish Meeting
Applicant: Miss Amelia Risi
Location: 2 Main Street Acklam Malton North Yorkshire YO17 9RG
Proposal: Replacement of 2no. front single glazed timber windows by single glazed timber windows (retrospective application)

17.
Application No: 14/01065/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Dean Fitton
Location: 33 Elm View Pickering North Yorkshire YO18 7EF
Proposal: Erection of detached single garage to replace existing shed

18.
Application No: 14/01066/HOUSE **Decision: Approval**
Parish: Swinton Parish Council
Applicant: Mr Matthew Vasey
Location: Howe Dene High Street Swinton Malton YO17 6SL
Proposal: Alterations to existing vehicular access

19.
Application No: 14/01069/HOUSE **Decision: Approval**
Parish: Fryton Parish Council
Applicant: Mr A Laird
Location: West Farm Fryton West Fryton Lane Slingsby Malton YO62 4AT

Proposal: Erection of single storey garden room extension and repositioning of plant room entrance door

20.

Application No: 14/01070/LBC **Decision: Approval**
Parish: Fryton Parish Council
Applicant: Mr A Laird
Location: West Farm Fryton West Fryton Lane Slingsby Malton YO62 4AT
Proposal: Erection of single storey garden room extension to include removal of section of garden wall and repositioning of plant room entrance door

21.

Application No: 14/01060/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr And Mrs Rutter
Location: Uplands House Castle Howard Road Malton North Yorkshire YO17 7JH
Proposal: Slight reduction of south westerly branches in low to mid crown area, reduce low northerly limb by 1.5m to re-balance crown and slightly reduce overall height of 1No. Horse Chestnut by a maximum of 2m, and fell 1No. Elm suffering from Dutch Elm disease all within G2 within TPO No. 336/2014.

22.

Application No: 14/01072/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Mrs Thackray
Location: Sedums 20 York Road Malton North Yorkshire YO17 6AX
Proposal: To carry out minor crown shaping to T57 (holly) and slight crown lift, and slight crown re-shaping of T56 (yew) within TPO No. 247A/1999.

23.

Application No: 14/01074/ADV **Decision: Approval**
Parish: Pickering Town Council
Applicant: Food Programme Delivery Orchid Group
Location: Cooperative Store Champleys Mews Pickering North Yorkshire YO18 7AE
Proposal: Display of 1no. externally illuminated fascia sign, 1no. internally illuminated projecting sign and 1no. non-illuminated post mounted staff parking sign

24.

Application No: 14/01075/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mrs Tina Rush
Location: 49 Eastgate Pickering North Yorkshire YO18 7DU
Proposal: Change of use of domestic outbuilding to a retail unit with external display area

25.

Application No: 14/01079/TPO **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Roy Foggin
Location: 97 Middleton Road Pickering North Yorkshire YO18 8NQ
Proposal: To reduce the north eastern scaffold limbs of T5, T6, and T7 (Limes) by 1.5m, all within TPO NO. 89/1973.

26.

Application No: 14/01080/LBC **Decision: Approval**

Parish: Nunnington Parish Council
Applicant: National Trust (Mr John Moorey)
Location: Nunnington Hall The Avenue Nunnington YO62 5UY
Proposal: Raising of existing courtyard wall to 1.5m high and erection of 1.5m high stone enclosure to house 3 phase electric transformer on a 0.5m high concrete plinth following demolition of the existing oil tank bund

27.
Application No: 14/01084/73A **Decision: Approval**
Parish: Thornton-le-Dale Parish Council
Applicant: Mr Frederick Lees
Location: 12, 14, 15, 16, 17, 18, 19 & 20 Hurrell Court Hurrell Lane Thornton-Le-Dale Pickering North Yorkshire YO18 7QR
Proposal: Removal of Condition 02 of approval 02/01019/FUL dated 20.02.2003 to allow unrestricted residential use

28.
Application No: 14/01086/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: Fitzwilliam Malton Estate (Mr Alex Welburn)
Location: Building At Old Talbot Yard Yorkersgate Malton North Yorkshire
Proposal: Internal fitting out works to unit to include stairs to access first floor

29.
Application No: 14/01091/ADV **Decision: Approval**
Parish: Pickering Town Council
Applicant: McCarthy & Stone
Location: North Riding Garages Ltd Eastgate Pickering North Yorkshire YO18 7EQ
Proposal: Display of 2 no. non-illuminated post mounted sale boards

30.
Application No: 14/01092/HOUSE **Decision: Approval**
Parish: Edstone Parish Meeting
Applicant: Mr And Mrs I Hamilton
Location: Brecklands Farm Great Edstone Kirkbymoorside YO62 6PE
Proposal: Erection of part two storey/part single storey extension to east elevation

31.
Application No: 14/01105/FUL **Decision: Approval**
Parish: Marishes Parish Meeting
Applicant: Mr C Hoggard
Location: Howe Bridge Farm Low Marishes Malton North Yorkshire YO17 6RQ
Proposal: Erection of an agricultural building for storage and housing of livestock adjacent to existing agricultural buildings

32.
Application No: 14/01106/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mrs Sheila Everist
Location: Church Cottage Church End Sheriff Hutton YO60 6SY
Proposal: Erection of single storey rear extension

33.
Application No: 14/01107/HOUSE **Decision: Approval**

Parish: Settrington Parish Council
Applicant: Mr Philip Mason
Location: Park House Town Street Settrington Malton North Yorkshire YO17 8NR
Proposal: Erection of timber shed at rear of double garage for storage of garden equipment and tools (retrospective application)

34.
Application No: 14/01112/73A **Decision: Approval**
Parish: Huttons Ambo Parish Council
Applicant: R F Racing Ltd (Mr Richard Fahey)
Location: Musley Bank Stables Musley Bank Malton North Yorkshire YO17 6TD
Proposal: Variation of condition numbers 11,12 and 13 of approval 14/00574/MFUL dated 26.08.2014 by substitution of Tree Plan No. BA4799LAN02 by Tree Plan No. BA4799LAN05 - revision of landscaping scheme

35.
Application No: 14/01114/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: XYLO Of Pickering (Mr Dominique Bizien)
Location: Garage To Rear Of 20 Firthland Road Pickering North Yorkshire
Proposal: Change of use and alteration of garage to form an office to include erection of pitch roof over existing flat roof and installation of double timber doors to replace existing up and over metal door

36.
Application No: 14/01116/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr R And Mrs M E Crawford
Location: Glencoe The Avenue Eastgate Pickering North Yorkshire YO18 7EH
Proposal: Erection of attached single garage together with formation of vehicular access and paved parking/turning area

37.
Application No: 14/01123/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mrs Tina Rush
Location: 49 Eastgate Pickering North Yorkshire YO18 7DU
Proposal: Display of Ino. door mounted non-illuminated name and direction sign

38.
Application No: 14/01129/HOUSE **Decision: Approval**
Parish: Sherburn Parish Council
Applicant: Mr & Mrs T Mellor
Location: Burnside 54C St Hildas Street Sherburn Malton North Yorkshire YO17 8PH
Proposal: Erection of single storey side extension following demolition of existing attached single garage

39.
Application No: 14/01160/HOUSE **Decision: Approval**
Parish: Normanby Parish Meeting
Applicant: Mr And Mrs Bell
Location: Westfield House Westfield Lane Normanby Kirkbymoorside YO62 6RJ
Proposal: Erection of detached garden store

40.

Application No: 14/01165/HOUSE **Decision: Approval**
Parish: Thornton-le-Clay Parish Council
Applicant: Mr Thomas Lonsdale
Location: 1 Winston Row Low Street Thornton Le Clay YO60 7TQ
Proposal: Erection of single storey extension to rear to replace existing conservatory

41.

Application No: 14/01186/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr And Mrs Clements
Location: The Struan Vivers Place Kirkbymoorside YO62 6LX
Proposal: Erection of single storey rear extension



Appeal Decision

Site visit made on 18 November 2014

by A N Roland BSc DipTP MRTPI

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

Decision date: 26 November 2014

Appeal Ref: APP/Y2736/D/14/2226929

The Croft, Foston, YORK, YO60 7QG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Pickard against the decision of Ryedale District Council.
 - The application Ref: 14/00743/HOUSE was refused by notice dated 21 August 2014.
 - The development proposed is erection of two storey side and rear extension to incorporate integral double garage following demolition of existing detached garage and rear extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is whether the extensions would integrate satisfactorily with the character of the existing dwelling.

Reasons

3. The existing property is a modest detached cottage of some charm. The extension to the side of the dwelling would incorporate a set back in its front wall and taken in isolation, it would appear as a proportionate addition to the host property. However, the proposals also incorporate a full width two storey rear extension with a dual pitched roof. Because of its height, width and particularly its rearward projection, it would to my mind appear as an unwieldy addition to the property, with the net result that the property would appear engulfed in extensions.
4. I take the appellant's point that there are no public views to the rear of the house as it backs onto fields. Nonetheless, the depth of the rear extension would be visible from adjoining houses, as well as from the gaps between the properties along the road frontage. The two storey side extension would add to the impression of the property being subsumed in extensions, notwithstanding my view above that in isolation, it would be proportionate in scale.
5. The appellant points out that the property is unusually small relative to its immediate neighbours to either side, but further afield to the East is another example of a modest detached cottage and part of the charm of historic settlements such as this, is derived from an eclectic mix of styles and size of properties. My attention is also drawn to the fallback position of the demolition

of the dwelling and rebuilding in the manner proposed in this appeal. However, it is unclear to what extent such a proposal would comply with the Council's replacement dwelling policies, if they exist and it is by no means clear that it would receive permission. I therefore attach limited weight to this particular proposition.

6. Overall on the main issue whilst I have no concerns with the detailed design of the extensions, I am nonetheless concerned that their scale would dominate the host property, to the detriment of its character and appearance. The proposal would thus conflict with Policies SP16 and SP20 of the Ryedale Local Plan Strategy which seek to ensure that extensions are appropriate to the character of the host property in terms of amongst other things, their scale.

A Roland

INSPECTOR