



## **PLANNING COMMITTEE**

Tuesday 10 May 2016 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 - 11)
- 6 **14/01259/MFUL - Land To Rear Of, Firthland Road, Pickering** (Pages 12 - 42)
- 7 **16/00238/MFUL - Common Farm, Upper Helmsley, Malton** (Pages 43 - 68)
- 8 **16/00251/MREM - Land At, Edenhouse Road, Old Malton, Malton** (Pages 69 - 80)

- 9 **15/00917/73A - Wm Morrisons, Castlegate, Malton** (Pages 81 - 113)
- 10 **16/00302/FUL - Mast At Pickering Sewage Works, Westgate Carr Road, Pickering** (Pages 114 - 148)
- 11 **16/00336/HOUSE- Ashdale House , Main Street, Flaxton** (Pages 149 - 167)
- 12 **16/00361/HOUSE - Briarfield, Vivers Place, Kirkbymoorside** (Pages 168 - 179)
- 13 **16/00363/HOUSE - The Bungalow ,Vivers Place, Kirkbymoorside** (Pages 180 - 191)
- 14 **Any other business that the Chairman decides is urgent.**
- 15 **List of Applications determined under delegated Powers.** (Pages 192 - 199)
- 16 **Update on Appeal Decisions** (Pages 200 - 202)



## Planning Committee

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held at Council Chamber, Ryedale House, Malton  
Tuesday 12 April 2016

### Present

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Councillors Burr MBE, Cleary, Farnell, Frank (Vice-Chairman), Goodrick, Maud, Shields, Thornton and Windress (Chairman)

### In Attendance

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Rachael Balmer, Charlotte Cornforth, Gary Housden, Ellis Mortimer, Steve Richmond and Mel Warters

### Minutes

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#### 194 Apologies for absence

Apologies were received from Cllr Hope.

#### 195 Minutes

Decision			
That the minutes of the Planning Committee held on 15 March 2016 be approved and signed as a correct record.			
[For 9	Against	0	Abstain 0]

#### 196 Urgent Business

There was no urgent business.

#### 197 Declarations of Interest

Councillor	Application
Thornton	6, 15
Shields	6
Burr	5, 6, 8
Goodrick	6
Frank	5

#### 198 Part A Report - Slingsby, South Holme and Fryton Village Design Statement

## Slingsby, South Holme and Fryton Village Design Statement

### Decision

The Slingsby, South Holme and Fryton Village Design Statement (Appendix 1) is approved for progression through the necessary procedural requirements for the production of Supplementary Planning Documents.

[For 9 Against 0 Abstain 0]

In accordance with the Members Code of Conduct Councillors Burr and Frank declared a personal non pecuniary but not prejudicial interests.

## 199 Consultation Report - Malton Level Crossing HCV Ban

### Consultation on Malton Level Crossing HCV Ban

### Decision

**Members resolved to support the officer recommendation as set out in paragraphs 6.10 and 6.11 of the officer report which strongly favoured the introduction of the 7.5 tonne restriction.**

[For 9 Against 0 Abstain 0]

In addition Members wished to make the following additional responses to those raised in the officer report which are listed below;

1. In addition to the proposed limitation at the crossing that thorough thought would also need to be given by NYCC to where the Heavy Goods Vehicles would be re-routed to in Malton , Old Malton and Norton .
2. That 12 months of additional monitoring would need to be undertaken by RDC and by NYCC in respect of Nitrogen Dioxide and of vehicular movements in the vicinity of the crossing after commencement of introduction of the weight limit. Members also requested that a report setting out the results of the monitoring should be provided in order that the effects of the limitation could be fully understood.

3. In addition to the reasons for supporting the imposition of the weight limit set out in the report Members wished to include an additional matter relating to the safety of vulnerable highway users at the crossing . In particular the presence of large numbers of heavy vehicles using the crossing is considered to be detrimental to the safety of both pedestrians and cyclists at the present time. It is considered that the removal of large vehicles from the highway network at this point would be clearly beneficial in terms of the safety of pedestrians and cyclists .

In accordance with the Members Code of Conduct Councillors Thornton, Shields, Burr and Goodrick declared a personal non pecuniary but not prejudicial interests.

200 **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 thereon.

201 **15/01517/73AM - Land North of Broughton Road, Malton**

**15/01517/73AM** - Variation of Conditions 11, 14 and 33 of approval 14/00346/73AM dated 27.08.2014 by submission of amended and additional plans in relation to road arrangements and associated landscaping

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and Deed of Variation to existing S106 Agreement.

[For 9                      Against 0                      Abstain 0]

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

202 **15/01522/73AM - Land North of Broughton Road, Malton**

**15/01522/73AM** - Variation of Conditions 04 and 08 of approval 11/01182/MREM dated 26.10.2012 by submission of amended and additional plans in relation to landscaping

<b>Decision</b>			
<b>PERMISSION GRANTED</b> - Subject to conditions as recommended.			
[For	8	Against	0
		Abstain	0]

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

203 **15/01156/MOUT - North Yorkshire Highways Depot, Manor Vale Lane, Kirkbymoorside**

**15/01156/MOUT** - The erection of 16 no. 3 bed semi-detached dwellings, 3 no. 1 bed apartments and 1 no. 1 bed duplex apartment with associated access and parking areas together with the realignment of the existing road.

<b>Decision</b>			
APPLICATION WITHDRAWN			

204 **16/00236/MFUL - Givendale Head Farm, Malton Cote Road, Ebberston**

**16/00236/MFUL** - Erection of an agricultural building for the storage of straw and machinery.

<b>Decision</b>			
<b>PERMISSION GRANTED</b> - Subject to conditions as recommended,			
[For	8	Against	0
		Abstain	0]

205 **15/00818/OUT - Land East Of 68 Welham Road, Norton**

**15/00818/OUT** - Erection of a dwelling (site area 0.099ha)

**Decision**

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

[For 8 Against 0 Abstain 0]

206 **16/00059/FUL - 85 West End, Kirkbymoorside**

**16/00059/FUL** - Alterations to the two bedroom street front dwelling to form a two bedroom holiday cottage together with Change of Use and alteration of unoccupied former attached dwelling to rear to form a one bedroom holiday let to include demolition of domestic outbuildings

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended with amendments in respect of holiday occupancy conditions and deletion of need to obscure high level velux windows.

[For 8 Against 0 Abstain 0]

207 **16/00113/FUL - Barton Cottage, York Road, Malton**

**16/00113/FUL** - Change of use of part of dwelling to a B1(a) office use for the dwelling occupiers business with associated business parking (retrospective application)

**Decision**

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

[For 8 Against 0 Abstain 0]

208 **16/00191/FUL - Red Oak House, 110A Outgang Road, Pickering**

**16/00191/FUL** - Erection of an extension to agricultural building for the storage of machinery

<b>Decision</b>					
<b>PERMISSION GRANTED</b> - Subject to conditions as recommended.					
[For	7	Against	0	Abstain	1]

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

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

There was no urgent business.

210 **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.

211 **Update on Appeal Decisions**

Members were advised of the following appeal decisions:

Appeal Ref - APP/Y2736/W/15/3003484 - Land to the North of Main Road, Weaverthorpe, Malton

Appeal Ref - APP/Y2736/W/15/3140213 - Pheasant Hill Farm, Ebberston, Scarborough, YO13 9PB

Appeal Ref - APP/Y2736/W/15/3133933 - Martlet House, Back Lane, Ampleforth, YO62 4DE

**Meeting Closed 8.20pm**

## APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 10/05/16

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6

**Application No:** 14/01259/MFUL

**Application Site:** Land To Rear Of Firthland Road Pickering North Yorkshire

**Proposal:** Erection of 12 no. four bedroom dwellings, 27 no. three bedroom dwellings, and 13 no. two bedroom dwellings with associated garaging, parking, amenity areas, public open space, landscaping and formation of vehicular accesses and site roads

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7

**Application No:** 16/00238/MFUL

**Application Site:** Common Farm Upper Helmsley Malton YO41 1JX

**Proposal:** Erection of replacement horse barn, block of 24no. loose boxes, 3no.horse walkers, roofing over of existing horse walker, provision of a horse wash down area and a horse warm up area, resurfacing of tracks and yard area, provision of an all weather gallop, horse walks, gallops access lay-by, widening of access road and siting of temporary office/rest room building (part retrospective application)

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8

**Application No:** 16/00251/MREM

**Application Site:** Land At Edenhouse Road Old Malton Malton North Yorkshire

**Proposal:** Construction of retention pond with associated landscaping and construction of pumping station together with erection of perimeter fencing and formation of vehicular access: Phase 1 of reserved matters (outline approval 14/00426/MOUTE dated 24.03.2015 refers).

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

**PLANNING COMMITTEE - 10/05/16**

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**9**

**Application No:** 15/00917/73A

**Application Site:** Wm Morrisons Castlegate Malton North Yorkshire YO17 7DT

**Proposal:** Variation of Condition 13 of approval 99/00123/FUL dated 17.02.2000 to state: "All deliveries to the store shall be limited to between 05.00 hours and 23.00 hours Monday to Saturday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 21.00 and 23.00. All deliveries to the store shall be limited to between 06.00 hours and 22.00 hours on a Sunday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 06.00 and 07.00 and one Morrisons company vehicle between the hours of 20.00 and 22.00. The company vehicles delivering to the site shall switch off any refrigeration units prior to accessing the site, reversing beepers shall be switched off during manoeuvring and the engine shall be switched off as soon as manoeuvring is completed. Other vehicle deliveries to the store during the permitted hours shall switch off refrigeration units prior to accessing the site and switch off engines after manoeuvring." - alteration to delivery hours and restrictions.

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**11**

**Application No:** 16/00336/HOUSE

**Application Site:** Ashdale House Main Street Flaxton Malton YO60 7RP

**Proposal:** Erection of 3 bay detached garage to serve both Ashdale House and Sunnyside.

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**12**

**Application No:** 16/00361/HOUSE

**Application Site:** Briarfield Vivers Place Kirkbymoorside YO62 6LX

**Proposal:** Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store

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

**PLANNING COMMITTEE - 10/05/16**

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**13**

**Application No:** 16/00363/HOUSE

**Application Site:** The Bungalow Vivers Place Kirkbymoorside North Yorkshire YO62 6EA

**Proposal:** Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store

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# Agenda Item 6

## RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

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

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

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**Item Number:** 6  
**Application No:** 14/01259/MFUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application Major  
**Applicant:** Persimmon Homes (Yorkshire) Ltd (Mr Robin McGinn)  
**Proposal:** Erection of 12 no. four bedroom dwellings, 27 no. three bedroom dwellings, and 13 no. two bedroom dwellings with associated garaging, parking, amenity areas, public open space, landscaping and formation of vehicular accesses and site roads  
**Location:** Land To Rear Of Firthland Road Pickering North Yorkshire

**Registration Date:** 20 November 2014      **8/13 Week Expiry Date:** 19 February 2015  
**Case Officer:** Rachel Smith      **Ext:** 323

#### CONSULTATIONS:

<b>Flood Risk (Stuart Edwards)</b>	No further comments
<b>North Yorkshire Education Authority</b>	Contributions sought (superseded by CIL)
<b>Countryside Officer</b>	Recommend conditions
<b>Archaeology Section</b>	Advise scheme of archaeological mitigation and conditions
<b>Housing Services</b>	No objection
<b>North Yorkshire Police Architectural Liaison Officer</b>	In respect of 'designing out crime', it is still difficult to support this application.
<b>Tree &amp; Landscape Officer</b>	Final comments awaited
<b>Parish Council</b>	No objection
<b>Vale Of Pickering Internal Drainage Boards</b>	Comments made
<b>Sustainable Places Team (Yorkshire Area)</b>	No further comments to make
<b>Land Use Planning</b>	Points to be addressed
<b>Highways North Yorkshire</b>	Final comments awaited

**Neighbour responses:** Ms Jane Hartley, Mr Toby Forsdyke, Mr And Mrs Keld, Dawn Morrison, Mrs S Russell, Mr David Hampshire, Mr John Quinlan, Miss Amanda Fields, Mr Matthew Bower, Jane, Lily, Miranda Hartley, Mr Richard Kimmings, Ms Rosemary Holt, Mr John Quinlan,

**Overall Expiry Date:** 11 May 2016

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#### UPDATE REPORT

Members will be aware that the attached report was initially reported to Planning Committee on February 16th 2016. The application was deferred however without consideration or debate by Members, at the request of the applicant.

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This was to enable them to address concerns raised by the Council's Housing Services Officer regarding the size of the flats to be provided as affordable units. Other updates since the previous report was written relate to Highways, comments of the Police Designing out Crime Officer, together with additional information in relation to comments from Yorkshire Water Services.

## **AFFORDABLE HOUSING PROVISION**

A revised house type has now been submitted to take account of the concerns raised by Housing Services in relation to the size of the affordable flats. Housing services have confirmed that the proposed affordable housing units are acceptable. This is on condition that the revised Linton house types are 1 bedroom flats at the increased size of approximately 55sqm and the Henley are amended as the 2 bedroom house type.

## **HIGHWAYS**

The Highways Authority advised that they had no objection in principle to the housing development. However as referred to in the attached report, further details were requested in relation to traffic calming measures on the main spine road, and also additional parking spaces to Plots 17 and 18, to take account of revised North Yorkshire County Council Interim Parking Standards. The revised plans take account of these issues, and the formal comments of the North Yorkshire Highways are awaited. For information, North Yorkshire Highways responded to comments made by Pickering Town Council:

## **PARKING**

*The proposals have been assessed under the general advice contained within the Planning Practice Guidance – overarching principles on Travel Plans, Transport Assessments and Statements which has sought to ensure the development does not result in congested streets, and rather not on the principles of maximum parking provision advocated in previous guidance. Subsequently, the vast majority of the new dwellings now meet the interim parking standards advice previously mentioned.*

*Further I have ensured that on-street parking remains for the residents of Firthland Road opposite the site, which was not originally planned.*

## **TRAFFIC MOVEMENT**

*The application was submitted with a Transport Statement which identified peak hour movements of less than 30 vehicles. Given that there are 2 access points onto the A170 (3 with Anchorite Lane), it is not considered that the development will give rise to unacceptable traffic congestion. However, I have looked at the construction phase, whereby larger vehicles will be accessing the site, and recommended a condition to cover routes and timings of site / delivery traffic. This is likely to involve a one-way arrival and departure system, and look to introducing temporary waiting restrictions along certain short lengths of the immediate highway network within the working day, to ensure this traffic is able to pass along the highway safely and satisfactorily.*

## **VERGES**

*Other than for the purpose of visibility and accommodating underground statutory undertakers' apparatus, verges would not normally be adopted by the highway authority. Given that the new estate road will be a 20mph design speed. Most of the verges shown will be for amenity purposes. It is advised that the applicant should be asked to provide a suitable commuted sum in agreement with the planning authority and Town Council to ensure a suitable long-term maintenance regime can be upheld for the new areas proposed.*

## **FOOTPATH LINK – GREENLANDS ROAD**

*This is not currently maintained by the highway authority, and as it is likely that the primary reason for connecting to this link will be to access the play area, it is not intended to have this footway adopted as part of the highway footway network. A suitable link is provided through the new development and out onto Firthland Road and the wider network, including into Greenlands Road.*

*Again the applicant should be asked to consider the future maintenance requirements through a commuted sum agreement.*

## **YORKSHIRE WATER SERVICES**

The site layout includes a landscaped bund to provide noise mitigation in relation to Westgate Carr Industrial Estate. The consultation response from Yorkshire Water Services raised concern regarding its location in relation to a public rising main that crosses that parcel of land. The revised plan takes account of the concern raised, and shows a revision to the location of the bund. The formal comments of Yorkshire Water Services are awaited.

## **POLICE DESIGNING OUT CRIME OFFICER**

The consultation response from the Police Designing Out Crime Officer states that it is difficult to support the application, but acknowledges that officers have to balance public safety and the need to deter crime and vandalism against other material considerations. The main points raised are;

- rear parking courts and tandem parking spaces are not supported
- Affordable housing concentrated in one corner
- inappropriate sub-divisional fencing
- insecure rear gardens as a result of uncontrolled access from the front, leaving rear gardens vulnerable
- gating of rear service alleyways
- footpath link between the development and Greenlands Road
- Parking provision for site users and visitors.

In relation to the parking court, this is a result of ensuring adequate parking on-site, whilst ensuring that the street scene is not car dominated. The rear of the parking spaces will be landscaped, and this will include deterrent species of planting.

The site is relatively small, and it is therefore inevitable that affordable houses will be close together. Nevertheless they are within two groups on the site, with market housing between. Furthermore, the houses have been designed to incorporate the design ethos of the rest of the site. The majority of houses have fencing to rear gardens, however such fences can be increased in height should future occupiers consider it appropriate. The footpath link to Greenland has been provided to provide better accessibility and links with public open space. Most of the path is directly overlooked from four houses. In relation to parking provision for site users and visitors, the layout accords with North Yorkshire County Council Standards.

## **SUMMARY**

The recommendation is one of Approval subject to:

- No objection from statutory consultees as a result of the re-consultation
- Conditions,
- And a Section 106 agreement in respect of securing the delivery of the affordable houses, and a management plan for the maintenance of open space.

Members are advised that the application is also liable for the Community Infrastructure Levy.

**RECOMMENDATION:                      Approval**

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

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

2            Prior to the commencement of the development hereby permitted, 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 buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority. Such materials shall include details of the proposed walling, roofing, verge details and boundary treatment.

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

3            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 dwellings hereby approved.. 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 hereby permitted, 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 16 and SP20.of the Ryedale Plan - Local Plan Strategy.

5            Unless otherwise agreed in writing by the Local Planning Authority, there shall be no rooflights on the rear of plots 11 to 16.

Reason:- To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy

6            Prior to the commencement of any building work on site, details of proposed planting to provide additional screening to the development, and supplement existing landscape features, shall be submitted to the Local Planning Authority for approval in writing. The submitted scheme shall consist of locally native species only, and specified in a planting schedule providing details of species, planting sizes and numbers of each species. The approved scheme shall be implemented within the first available planting season (Nov – March ) following completion of the development. In the event of any plant dying , or become seriously diseased or damaged within a 5 year period following planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Reason: To ensure that the development is properly integrated into its rural and to protect the amenities of neighbouring occupiers, in accordance with Policies SP13 and SP20 of the Ryedale Plan – Local Plan Strategy

- 7 In relation to plots 11 - 16 only, and notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Additions etc to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: Porches

Class E: Buildings etc incidental to the enjoyment of dwellinghouse

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

Class G: Chimneys, flues etc on a dwellinghouse

Class H: Microwave antenna on a dwellinghouse

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Prior to the occupation of the first dwelling, or such longer period as may be agreed in writing by the Local Planning Authority, the landscaped bund shown on drawing 687/001 Rev L, shall be carried out in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the amenities of future occupiers of the dwellings hereby approved, and to satisfy the requirements of policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the 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 to a 20mph design speed

(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 roads 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.

- 10 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.

- 11 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 for 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.

- 12 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 of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 (copy attached) 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.

- 13 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with policy number SP20 of the Ryedale Plan - Local Plan Strategy and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

- 14 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.

(ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

(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. Re-alignment / widening of Firthland Road from its junction with Manor Drive, to include vehicle parking bays along the north side, new vehicular turning head at the western extremity, footway, drainage, street lighting and kerbing works as considered appropriate to enable the proposed estate spine road to be satisfactorily connected into the local highway network, also include enhancements to road markings at the Manor Drive / Firthland Road junction. Submitted Drawing Number 687 / 001 Rev. K gives a layout indication of most of the works required.

c. 2 no. SLOW road markings on red anti-skid patches within the centre of the Firthland Road carriageway at the approach to the bend / junction with Anchorite Lane.

Reason:- In accordance with policy number 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.

- 15 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 14 above: (Improvements to Firthland Road / Manor Drive as described in the 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.

- 16 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 687/001 Rev. K or as amended. 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 interest of safety and the general amenity of the development.

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:- In accordance with policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

- 18 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

- 19 During construction works there shall be no:

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

permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 09.15 and 15.30 on Mondays to Fridays and 07.30 and 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.

- 20 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway (Firthland Road and Manor Drive) 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.

- 21 Unless approved otherwise 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 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 storage facilities, in the interests of highway safety and the general amenity of the area.

- 22 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 construction traffic, along with a traffic construction management safety plan, have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The plan shall include temporary waiting restrictions along certain short sections of the immediate highway network where considered necessary during working hours to help permit the safe and satisfactory passage of construction traffic.

Thereafter the approved routes shall be used by all vehicles connected with construction on the site and in accordance with the traffic construction management safety plan.

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.

- 23 Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- (i) the appointment of a travel co-ordinator
  - (ii) a partnership approach to influence travel behaviour
  - (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
  - (iv) provision of up-to-date details of public transport services
  - (v) continual appraisal of travel patterns and measures provided through the travel plan
  - (vi) improved safety for vulnerable road users
  - (vii) a reduction in all vehicle trips and mileage
  - (viii) a programme for the implementation of such measures and any proposed physical works
  - (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason:- In accordance with policy SP20 of the Ryedale Plan - Local Plan Strategy and to establish measures to encourage more sustainable non-car modes of transport.

- 24 Condition (A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. Community involvement and/or outreach proposals
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the

site investigation

6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan – Local Plan Strategy and Section 12 of the NPPF as the site is of archaeological interest.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan – Local Plan Strategy and Section 12 of the NPPF as the site is of archaeological interest.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan – Local Plan Strategy and Section 12 of the NPPF as the site is of archaeological interest

25 Ecology

26 Approved Plans -

Further conditions to follow as required by a result of re-consultation

### **Informatives**

In imposing condition 09 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

You are advised that a separate licence will be required from the Local 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

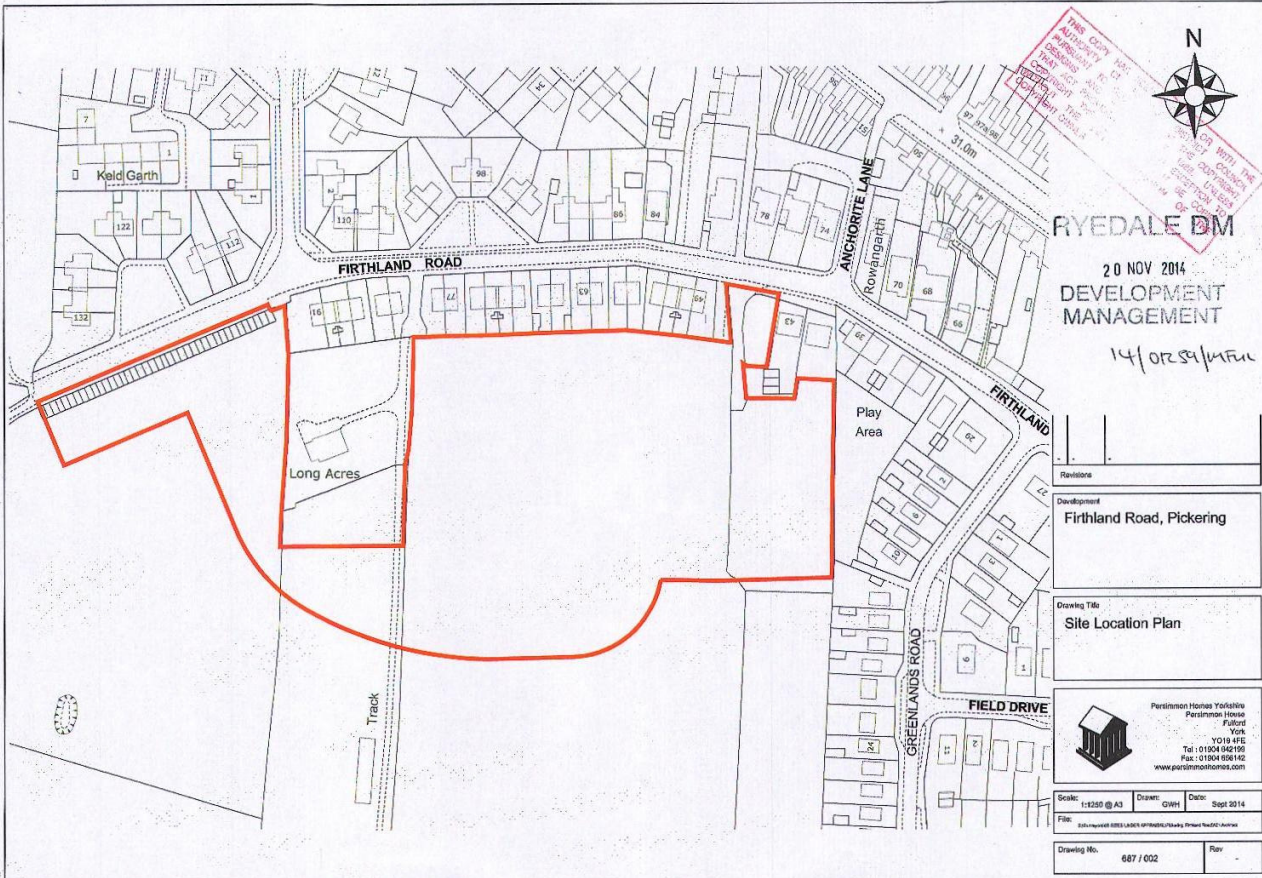
### **Background Papers:**

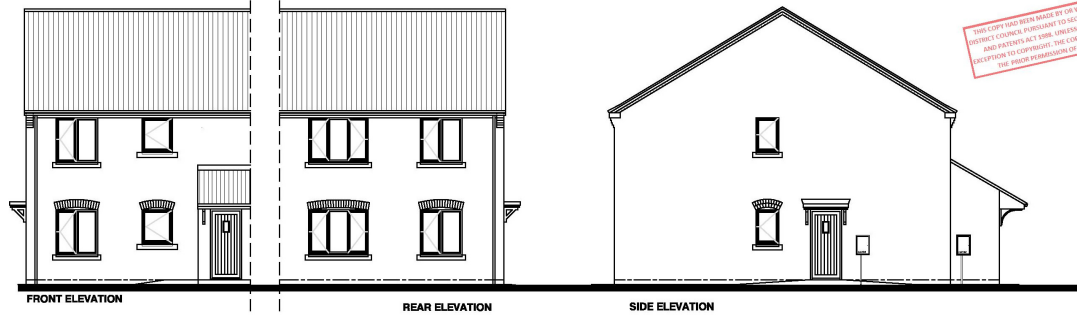
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties






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**REVISED PLAN**



Revisions		
Development Firthlands Road, Pickering		
Drawing Title Linton Housetype Plans & Elevations		
 Persimmon Homes Yorkshire Persimmon House Fufford York YO19 4FE Tel : 01904 662199 Fax : 01904 659142 www.persimmonhomes.com		
Scale: 1:100 @ A3	Drawn: ATC	Date: 28.02.16
File: -		
DATE 07/04/16	Drawing No. 68/GCT/Planning-01	Rev -

**Item Number:** 8  
**Application No:** 14/01259/MFUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application Major  
**Applicant:** Persimmon Homes (Yorkshire) Ltd (Mr Robin McGinn)  
**Proposal:** Erection of 12 no. four bedroom dwellings, 27 no. three bedroom dwellings, and 13 no. two bedroom dwellings with associated garaging, parking, amenity areas, public open space, landscaping and formation of vehicular accesses and site roads  
**Location:** Land To Rear Of Firthland Road Pickering North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 19 February 2015  
**Overall Expiry Date:** 11 May 2016  
**Case Officer:** Rachel Smith **Ext:** 323

#### CONSULTATIONS:

**Flood Risk (Stuart Edwards)**  
**North Yorkshire Education Authority** Contributions sought  
**Countryside Officer** Recommend conditions  
**Archaeology Section** Advise scheme of archeological mitigation and conditions  
**Housing Services** Comments awaited on revised plans  
**Highways North Yorkshire** Final comments awaited  
**North Yorkshire Police Architectural Liaison Officer** In respect of 'designing out crime', it is still difficult to support this application.  
**Tree & Landscape Officer** No objection in principle  
**Parish Council** No objection  
**Vale Of Pickering Internal Drainage Boards** Comments made  
**Sustainable Places Team (Yorkshire Area)** No further comments to make  
**Land Use Planning** Points to be addressed regarding on landscaped land and raised main

**Neighbour responses:** Ms Jane Hartley, Mr Toby Forsdyke, Mr And Mrs Keld, Dawn Morrison, Mrs S Russell, Mr David Hampshire, Mr John Quinlan, Miss Amanda Fields, Mr Matthew Bower, Jane, Lily, Miranda Hartley, Mr Richard Kimmings, Ms Rosemary Holt, Mr John Quinlan,

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## 1.0 SITE DESCRIPTION

1.1 The application comprises 2.3 hectares of agricultural land on the western side of Pickering. It is situated to the south of Firthlands Road, with existing housing which fronts Firthlands Road forming the northern boundary of the site. These existing dwellings are one and a half stories in height. Access is at the western end of the site, on a parcel of land currently occupied by run down garaging. The north and east of the site is bounded by residential development, with agricultural land to the immediate south and west. Westgate Carr Industrial Estate is situated to the west.

## 2.0 PROPOSAL

2.1 Full planning permission is sought for the erection of:

- 52 houses comprising:
  - 15 no. 4 bedroom dwellings
  - 28 no. 3 bedroom dwellings
  - 5 no. 2 bedroom dwellings of which two are bungalows
  - 4 no. 1 bedroom flats.
- Vehicular access and site roads
- Public open space including a local area of play. (LAP)
- Landscaping.

A new access will be provided from the western extent of the site. The access will incorporate a landscaped buffer along its eastern boundary. The access is separated from the proposed housing by an existing small holding which is not part of the application site. A pedestrian link will be provided from the development through to Greenlands, which is a residential area to the east. An additional access will also be provided from the north in the location of an existing farm access. However this will be restricted to emergency vehicles only, together with vehicular access to existing garages that adjoin the site and are owned by a neighbouring occupier.

### **3.0 ENVIRONMENTAL IMPACT ASSESSMENT**

3.1 The application was screened in relation to the Environmental Impact Assessment Regulations. It was determined that the proposed development comprised Schedule II development. However taking into account the selection criteria contained within Schedule 3 of the Regulations it was determined that an Environmental Impact Assessment was not required.

### **4.0 PLANNING POLICY CONTEXT AND DECISION TAKING PRINCIPLES**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of the application must be made in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the area of Ryedale (not within the North York Moors National Park) consists of:

- The Ryedale Plan – Local Plan Strategy (2013)
- ‘saved’ policies of the Ryedale Local Plan (2002) and the 2002 Proposals Map
- The Yorkshire and Humber Plan (Regional Spatial Strategy), York Green Belt Policies (YH9 and Y1)

Wider legislation places specific statutory duties on planning authorities.

Section 40(1) of the **Natural Environment and Rural Communities Act 2006** (the ‘NERC’ Act), imposes a duty on public authorities in exercising their functions, to have regard to the purpose of conserving biodiversity.

All public bodies are required to comply with the rights and freedoms of the European Convention on Human Rights under the provisions of the **Human Rights Act (1998)**

#### **4.2 Development Plan**

None of the remaining saved policies of the Ryedale Local Plan or the Yorkshire and Humber Plan are considered to be relevant to the assessment of this application. It is noted however that the

development limits for Pickering are, 'saved' through Policy SP1 of the Ryedale Plan-Development Plan Strategy.

The Ryedale Plan – Local Plan Strategy (LPS) , adopted 5th September 2013, provides recently adopted development plan policies which are compliant with national planning policy (the National Planning Policy Framework – NPPF). The current Proposals Map is the 2002 adopted Proposals Map. The LPS contains strategic policies to manage development and growth across Ryedale to 2027. It seeks to integrate the need to address development needs whilst protecting the environment and landscape and securing necessary improvements to services and infrastructure. The Plan directs most new development to the Market Towns and recognises that green field extensions to the Towns will be required to address development needs. It confirms that as part of this strategic approach, Pickering is a local service centre and secondary focus for growth. Of the three Market Towns of Pickering, Kirkbymoorside and Helmsley, the Local Plan Strategy states that Pickering provides the greatest range of shops, services and employment. In view of this the plan states that it is appropriate that Pickering accommodates a higher level of new development than both Kirkbymoorside and Helmsley. The following policies of the Ryedale Plan – Local Plan Strategy are relevant to the assessment of the application:

Ryedale Local Plan Strategy - adopted 5 September 2013 ( Ryedale Plan)

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 (In respect of public open space)  
Policy SP12 - Heritage  
Policy SP13 - Landscapes  
Policy SP14 - Biodiversity  
Policy SP15 - Green Infrastructure Networks  
Policy SP16 - Design  
Policy SP17 - Managing Air Quality, Land and Water Resources  
Policy SP18 - Renewable and Low Carbon Energy  
Policy SP19 - Presumption in favour of sustainable development  
Policy SP20 - Generic Development Management Issues  
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

### **4.3 National Policy Guidance**

#### **National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)**

The NPPF provides national planning policy and it is also accompanied by practice guidance. Both are significant material planning considerations.

The NPPF makes it clear that it is the purpose of the planning system to contribute to the achievement of sustainable development. The framework makes it clear that there are three dimensions to sustainable development which give rise to the need for the planning system to perform an economic role, a social role and an environmental role. Para 6 of The Framework states:

*6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.*

The Framework establishes a set of core land-use principles to underpin the planning system within its overarching purpose of contributing to the achievement of sustainable development which include that planning should:



- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- 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
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

#### **4.4 The Presumption in Favour of Sustainable Development**

Both the Development Plan and the National Planning Policy Framework include policies which promote a presumption in favour of sustainable development to be applied in the decision making process alongside the legislative requirement that decisions are made in accordance with the development plan unless material considerations indicate otherwise.

Paragraphs 11-16 of the National Planning Policy Framework details how the presumption in favour of sustainable development is to be applied. Paragraph 12 of the NPPF makes it clear that;

*“ Proposed development that accords with an up to date Development Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise”.*

Paragraph 14 specifically confirms that a presumption in favour of sustainable development is at the heart of the NPPF and should be seen as a golden thread running through plan-making and decision taking. It states that for decision- taking this means (unless material considerations indicate otherwise)

- *“ 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 that development should be restricted.”*

Policy SP19 of the Local Plan Strategy is consistent with the above national presumption but makes specific reference to the Local Plan and Neighbourhood Plans; working proactively with applicants and clarifies the application of the second bullet of the national presumption. It 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 of 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”*

## **5.0 APPRAISAL**

**5.1** The main considerations in relation to this application are:

- The principle of the proposed development.
- Accessibility and sustainability
- Design considerations
- Neighbour impact.
- Highway Considerations including vehicular access, pedestrian, and general highway safety;
- Ecological considerations
- Drainage considerations
- Landscaping
- Archaeology
- Affordable Housing provision;
- Designing out crime;
- Potential ground contamination;
- Public Open Space; and
- Developer contributions.
- Contributors

## **6.0 Principle of Development**

6.1 As detailed above, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The site is not allocated in the development plan for residential development and falls outside the 'saved development limits. The principle of development will be established by taking account of the relevant policies in the development plan, together with all other material considerations.

## **6.3 Housing Supply**

Members will be aware that a number of housing sites that lie outside the 'saved' development limits have been approved in recent years. This was because at the time of their consideration, the Local Planning Authority were unable to demonstrate a deliverable 5 year supply of housing.

Policy SP2 (Delivery and Distribution of new housing) of the Local Plan Strategy commits the authority to the identification and maintenance of a supply of deliverable housing sites sufficient to provide five years worth of housing against the planned annual requirement of 200 homes per annum. The policy also commits to the provision of an additional 20% supply of housing land over the life of the plan (the equivalent of 200 homes over a five year period).

The policy is framed to reflect the requirements of national policy (paragraph 47 of the NPPF) which requires Local Planning Authorities to identify and maintain a five year supply of deliverable housing land with an additional supply buffer to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

The NPPF states (paragraph 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. It makes it clear that if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the NPPF confirms that for decision making, the presumption in favour of sustainable development means:

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

Currently, Ryedale can demonstrate that it has a five year supply of deliverable housing sites. At 31/3/15 a total net supply of 1461 plots with planning permission existed which equates to 7.31 years of housing land supply (based on the planned housing requirement of 200 units per annum). The recent SHLAA Part 1 update (May 2015) illustrates that from this ‘raw’ supply (which equates to a numerical 5 year supply plus an additional 46%), 1173 new homes will be delivered over the next five years. This equates to 5.92 years worth of deliverable housing supply.

Members should be aware that this supply position does not include applications which are approved in principle and which are currently awaiting the completion of Section 106 agreements. In addition, it does not include the supply of housing land allocated in the Helmsley Plan. Members should note however that the ability to demonstrate a five year deliverable supply of housing land is not in itself a reason for the refusal of a planning application. Indeed, development can help to deliver a continuity of supply.

This is relevant in Pickering where there are limited sites with planning permission. It is however considered that the ability to demonstrate a five year deliverable supply has the effect of meaning the immediate need to release a site on the basis of housing land supply is not, in itself, a significant benefit of the application when considering the overall planning balance. In addition it means that the presumption in favour of sustainable development referred to in Paragraph 49 of the National Planning Policy Framework is not engaged. In view of this position, it is considered appropriate to consider the site in relation to other policies in the Ryedale Plan - Local Plan Strategy.

## **6.4 Location of Development**

Policies SP1- (General Location of Development and settlement Hierarchy) of the Local Plan Strategy identifies Malton and Norton as a Primary Focus for Growth. Pickering, Kirkbymoorside and Helmsley are identified as a secondary focus for growth together with a number of identified Service Villages as a tertiary focus for growth. Policy SP2 (Delivery and Distribution of new housing), identifies that at least 3000 new homes will be managed over the period 2012-20127 to this hierarchy of settlements, with 25% directed towards Pickering.

**Policies SP1 - General Location of development and Policy SP 2 - Delivery and Distribution of Housing** includes the following strategy summary in respect of Pickering:

### ***Pickering***

#### ***Place/Role***

*Local Service Centre - Growth to accommodate new homes and local employment opportunities. Centre for tourism and gateway to tourism and recreation opportunities further a field*

### **Approach/Ambitions**

- *Support the town's role as the main Service Centre in northern Ryedale*
- *Housing and employment growth*
- *Provision of limited food retailing within existing Town Centre or sites with existing permission for food retailing*
- *Traffic management measures and sustainable travel initiatives to reduce congestion, impact on the character of the town and enhance the pedestrian experience*
- *New and improved sport and recreation facilities for residents and visitors*
- *Support the towns regional tourism role and support for existing attractions including Beck Isle Museum, Pickering Castle and the North York Moors Railway and events such as the Steam Rally and Wartime Weekend*
- *Support the town's role as a gateway to tourist attractions and recreational activities in the North York Moors National Park, northern Ryedale, including Dalby Forest, the Vale of Pickering and the Coast*

**Policy SP2** (Delivery and Distribution of new housing), identifies the sources of new housing that will contribute to the supply of new homes across the District. The part of the policy that relates to delivery in Pickering is 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

The key contributor to housing supply is:

*Housing land allocations in and adjacent to the built up area.*

It should be noted that reference to housing land allocations in Policy SP2 is because the anticipated supply of housing is to be made through residential allocations through the Sites Document. Whilst the Site Allocations Document is still at an early stage, and can only be given limited weight at this time, the key strategic locational principle equally applies to speculative proposals in advance of the site allocations reaching an advanced stage.

The Council is preparing the Local Plan Sites Document, and a public consultation on preferred sites has recently taken place. The application site was included as a potential site option for Pickering, and generally performed well. It is closely related to existing housing to the south of Pickering, and from any distant views will be seen in the context of the existing built development. It is well related to enable access to services, schools and employment by foot or bicycle. The applicant has advised that the nearest bus stops are on Greenlands, Firthland Road and Manor Drive, where hourly bus services to the town centre operate. The Coastline bus also provides a regular bus service to other towns including Malton, York, Leeds and Whitby. The supporting information further advises that:

*The local area has good provision of services which include Humpty Dumpty Nursery which is within a 5 minute walking distance, St Joseph's Primary School, Pickering Junior School and Lady Lumley Secondary School which are within 10 minute walking distance. Pickering town centre is within 10 minute walking distance where a variety of restaurants, pubs, shops and other services can be found.*

*Pickering medical practice which is the local healthcare facility is also within 10 minute walking distance from the site. The proposed scheme has been designed to encourage use of various transport modes and it includes safe and accessible routes and footpath links to increase connectivity by foot to the local facilities.*

The table below includes information submitted by the application to demonstrate the sustainability of the site:

**Table 5.1 – Key Trip Attractors by Foot**

Trip Attractor	Most Direct Route	Approx Walking Distance (& Time*)
<b>Schools</b>		
Pickering Community Junior School	• Firthland Road – Anchorite Lane – Teal Lane – Middleton Road	800m (10 mins)
St Joseph’s RC Primary School	• Firthland Road – Anchorite Lane – Teal Lane – Swainsea Lane	800m (10 mins)
Lady Lumley’s School	• Firthland Road – Anchorite Lane – Teal Lane – Swainsea Lane	1km (12 mins)
Northern Ryedale Sure Start Children’s Centre	• Firthland Road – Anchorite Lane – A170 Westgate – The Ropery – Potter Hill – Train Lane	1km (12 mins)
Pickering Community & infant Nursery School	• Firthland Road – Goslipgate – A170 Southgate/Hungate – Kirkham Lane	1.4km (18 mins)
<b>Foodstores</b>		
Co-op Food	• Firthland Road – Goslipgate – A170 Southgate – The Ropery – Market Place – Champley Mews	1.1km (14 mins)
Co-op Food	• Firthland Road – Goslipgate – A170 Southgate/Hungate – Eastgate	1.4km (18 mins)
<b>Main Town Centre Bus Area</b>		
• Firthland Road – Anchorite Lane – A170 Westgate – The Ropery		800m (10 mins)
<b>Town centre shops and employment sites – Market Place/Birdgate: (including: banks, travel agents, cafes, butcher, baker, public houses, electrical appliance shops, post office, pharmacy, chemist, newsagent, florist, estate agent, restaurants, greengrocers, independent shops)</b>		
• Firthland Road – Goslipgate – A170 Southgate – The Ropery – Market Place - Birdgate		1.3km (16 mins)
<b>Health</b>		
Pickering Medical Practice	• Firthland Road – Goslipgate – A170 Southgate	800m (10 mins)
North Yorkshire Dental Care	• Firthland Road – Anchorite Lane – A170 Westgate – The Ropery – Potter Hill – Train Lane	1km (12 mins)
Pickering Pharmacy	• Firthland Road – Goslipgate – A170 Southgate – The Ropery – Market Place	1.1km (14 mins)
Pickering Dental Health Practice	• Firthland Road – Goslipgate – A170 Southgate/Hungate	1.1km (14 mins)
Birdgate Dental Practice	• Firthland Road – Goslipgate – A170 Southgate – The Ropery – Market Place - Birdgate	1.3km (16 mins)
<b>Leisure Facilities</b>		
Northern Ryedale Leisure Centre	• Firthland Road – Anchorite Lane – Teal Lane – Swainsea Lane	1km (12 mins)
Ryedale Pool and Pickering Recreation Club	• Firthland Road – Goslipgate – A170 Southgate/Hungate – A169 Malton Road – Mill Lane	1.4km (18 mins)

\* Based on an average walking speed of 1 mile per 20 minutes (3mph).

In view of the above, it is considered that the site accords with the spatial and locational criteria in the Ryedale Plan - Local Plan Strategy, and the proposal is not of a scale that would limit other choices in

Pickering. Furthermore it fits with the criteria of the type of site that the Council is looking for. Accordingly, it is considered that the principle of the development of this site is acceptable.

## 6.5 Type and Mix of Housing

It is considered that the proposed development will provide a mix of house types in accordance with Policy SP4 Type and mix of new housing. Furthermore the development will result in the provision of two bungalows.

## 7.0 DESIGN

7.1 Policy SP16 design, includes the following requirements;

Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- Reinforce local distinctiveness
- provide a well-connected public realm which is accessible and usable by all, safe and easily navigated
- protect amenity and promote well-being.

The NPPF also recognises the importance of good design, and states:

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

The application is accompanied by a Design and Access statement. This makes reference to the historic core of Pickering, but states that;

*Viewing the built vernacular in the round, there is little to suggest a dominant built form or style to the area surrounding the site to give a detailed design cue for the scheme. However, despite the varying age and style of the properties the majority are two storey in height with front and rear gardens with more modern properties benefitting from off street parking. The materials palette is equally as mixed with red/brown engineering and buff bricks being the main facing material of choice whilst the older properties have slate roofs, concrete roofs are also prevalent.*

Officers acknowledge that the housing immediately around the site lacks any definitive architectural character. Nevertheless it was considered that the plans as originally submitted failed to pick up on the character of dwellings fronting the street with important spacing between them, and in some areas attractive areas of grassland to the frontages. Furthermore, the application includes a new access road which could in the future lead to further housing land. If the development of the submitted site failed to provide an attractive entrance to this site, and potentially further land, this would set a low design parameter from the start. In view of this officers have spent a significant amount of time working with the applicants to seek to improve the relationship of the proposed houses with those in the surrounding area, the layout of the access roads, and the provision of sufficient room for 'meaningful landscaping.

The revised plans include a more traditional road layout with houses better related to it. The house types themselves are standard ones used by Persimmon Homes. However the revised plan includes better spacing between them, and also more traditional detailing. The main access road will have landscaped areas to the western approach together with a row of statement trees. These will continue into the entrance to the housing site itself. Further meaningful landscaping will be provided between plots 49 and 43 Firthlands Road, which includes a footpath from the site. Officers consider that further improvements could be made to spacing between the dwellings. Rows of houses with parking to the front can result in a car dominated environment. Providing more driveways to the side of dwellings would also provide more room for landscaping. It is also considered that some aspects of



the design of the dwellings could be improved. However some improvements have been made to the detailing. Given the improvements that have been made to the development as a whole, in particular in relation to the road layout the landscaping overall, it is considered that the proposal is acceptable in terms of its design approach and that a refusal on these grounds could not be sustained.

## **8.0 NEIGHBOUR IMPACT**

**8.1** The nearest neighbours to the site are the row of dwellings that form the northern boundary of the site. Houses to the eastern boundary are predominantly separated by an existing area of public open space. A detached dwelling, Long Acres is also situated between the proposed housing and the access road.

**8.2** Officers had significant concerns regarding the initial plans submitted. This was because the layout included an almost continuous row of housing which would have few breaks in it. Officers considered that this layout would have resulted in an over bearing presence for existing occupiers. This is in particular because the existing houses on Firthland Road are one and a half storey. The revised plan has broken up the row of houses to provide some gaps in the block length. Concerns were also raised in relation to the location of the open space which was situated to the rear of plots 49 to 57 Firthland Road. This could have resulted in disturbance by virtue of general noise activity and the possibility of ball games against the common boundary. The public open space has been deleted from this area, and a larger landscaped boundary provided near to the footpath. Two detached dwellings have now been located to the rear of plots 49 to 55 Firthland Road. The separation distance between the existing and proposed houses in this area ranges between 22m and 24m. Plots 20 and 21 are 21m to the rear of 57 to 61 Firthland Road. The proposed dwellings are however, single storey. The separation distance to the rear of 65 to 67, and 77 to 79 Firthland Road is 25m. These are two storey dwellings. Plots 11 to 16 are a minimum of 25 from the rear of 69 to 75 Firthland Road. These dwellings are two and a half storey high, with a ridge height of 9.7m. Four parking spaces will be provided to the rear albeit separated from the common boundary by 4m. Whilst space standards between dwellings no longer apply it is commonly accepted that a separation of 18m to 20m between directly facing bedroom windows is acceptable. All the distances shown are in excess of this guidance. Officers have taken account of the small scale of the existing dwellings, and also the significant height of plots 11 to 16. They have also considered the orientation of the site in relation to existing dwellings. However, it is considered that the distances are within accepted tolerances. Equally, plots 7 and 8 are in excess of 35m from the existing dwelling to the west of the site, Long Acres. The separation between 41 and 43 Firthland are also considered acceptable. The existing houses on Greenlands have a separation from the proposed houses by an area of existing open space. Due to the shape of the open space, 6 and 10 Greenlands are the closest to the proposed dwellings. However it is again considered that the distances are in excess of accepted distances.

**8.3** It is considered that there will be some impact on dwellings elsewhere due to the increase in traffic associated with the development. This will in particular be in relation to those houses directly opposite the proposed access. However the site is located within a primarily residential area, and there will be some visual improvements as a result of the removal of the unkempt garages and proposed landscaping.

**8.4** There is no doubt that the development will have some impact on the exiting amenities of neighbouring occupiers, however it is not considered that the impact is sufficient to warrant refusal of the application on that basis.

## **9.0 AFFORDABLE HOUSING PROVISION**

**9.1** Policy SP3 - Affordable Housing- states that where local need exists, the Local Planning Authority will seek the provision of new affordable homes. The requirement on this site is 35 per cent. the scheme will provide 18 affordable homes comprising:

- 4 no. 1 bedroom flats
- 8 no. 2 bedroom semi detached and;



6 no. 3 bedroom terrace houses.

The remaining 0.2 of a dwelling would be made in the form of a contribution.

9.2 The affordable housing provision will comprise 10% intermediate, and 90% rented. The Councils' Affordable Housing Officer expressed concerns regarding the floor area of the proposed one bedroom flats, which are approximately 35m<sup>2</sup>. This is below the 50m<sup>2</sup> space standards recommended by most registered providers, the 3 bedroom dwelling is also below recommended sizes. The applicant has however advised that they have built the same size properties in Easingwold where they have been taken on by Broadacres.

On going discussions are being carried out with the Council's Affordable Housing Officer and the applicant regarding this matter. It is hoped to update members at the meeting.

## 10.0 HIGHWAY CONSIDERATIONS

10.1 The layout includes the provision of a new access at the western extent of the site, running along the southern extent of the proposed housing. The entrance is separated from the proposed housing by a detached house set back from the road. A large landscaped area will be provided adjacent to the access road. An emergency vehicle access will be provided at the eastern end of the site, which will also incorporate a footpath in a landscaped setting. A pedestrian link will also connect the south eastern corner of the application site with Greenlands Road.

10.2 North Yorkshire Highways have been consulted on the application. In relation to the original plans they advised:

*1. The section of Firthland Road onto which the proposed estate road access is to be formed has a long standing issue with on-street parking, due to the adjacent properties having no on-site provision. With the loss of the adjacent garaging this is unlikely to improve. Given that the carriageway only has an effective width of 3.5 metres due to the parked vehicles, I would expect that the developer improve this section of highway to ensure two-way traffic can be accommodated for all vehicles, and as the new estate road is proposed at 6 metres wide, this width would be expected here.*

*2. I have concern over the parking provision shown, with many of the two and three bedroom properties having a single on-site parking space, the likelihood is that this will lead to on-street parking. The applicant is no doubt aware that Governmental advice contained in Planning Practice Guidance urges local planning authorities seek to ensure parking provision appropriate to the needs of the development that would not lead to congested streets. Given the widths proposed I am of the opinion this may well give rise to such a problem and the parking allocation should therefore be looked at more favourably. 3. The proposed layout does not provide any measures to ensure traffic speeds are kept to the recognised 20mph within the site, especially on the approach road.*

*4. Section 4.18 of the Planning Statement mentions a submitted Travel Plan, but it does not appear to be included with the documents available on-line. Similarly, it mentions public transport enhancements, but no further information or commitment on the part of the applicant has been mentioned, and these should be brought forward for consideration.*

10.3 Negotiations were carried out with the applicant in response to these comments. This in particular included better parking provision. In view of this North Yorkshire Highways responded as below:

**Re. Revised plans (Drawing Nos. 687/001 Rev. C; R/1751/1; 687/003 and various house plans) as notified by letter from Ryedale DC dated 3 August 2015.**

*Some of the parking allocation for the 4 bedroom properties would appear to be too tight. Provision should be made for 3 spaces each, all clear of the proposed adoptable estate road and/or private shared driveway, and still enable pedestrian access via the property doors. Plots 22, 23, 24, 28, 39, 41 and 48.*

*The link off the estate road back to Firthland Road needs to be modified to keep pedestrian/cyclists clear of the existing vehicular access to the garages. Appropriate restraints will be required to prevent through use by vehicular traffic, and similarly between the two proposed culs-de-sac and footway link into Greenlands Road.*

*The landscaping plan does not identify the whereabouts of the species. For the main spine road, it is recommended that the verge width be increased to six metres to permit a more varied, hardwood tree species that would mature well. This could be achieved on both sides up to where the housing is located, and continued along the south side if desired. This principle of this arrangement could also*

*be brought in along future sections of the spine road at the time of any scheme coming forward. The remaining three metre-wide verges can be planted with trees, but the species allowed would be limited.*

*The developer is advised to refer to Appendix H of the NYCC Residential Highway Design Guide. Some traffic calming features would need to be designed for the spine road along the 'open' section. These may not necessarily be vertical restraints.*

*The off-site changes to accommodate parking arrangements on Firthland Road opposite the site are noted. During the construction period, it is expected that a traffic management plan be prepared and implemented that covers routes and timings of site / delivery traffic. This is likely to involve a one-way arrival and departure system, and **may** need to include introducing **temporary** waiting restrictions along certain short lengths of the immediate highway network, in order to ensure traffic is able to pass along the highway safely and satisfactorily.*

*Subject to receiving amended plans that satisfactorily clarify the on-site parking, safeguarding the footway links and verge landscaping arrangements, no highway authority objections are raised in principle to the proposed development, and conditions are recommended.*

10.4 Letters of objection from neighbouring occupiers have raised concerns regarding the capacity of the surrounding roads. This is also referred to in the response from Pickering town Council. The highway aspect of their response states:

*The Council asks that consideration is given to improving traffic flow along Manor Rive and Firthland Road. The new development, during construction and upon completion, will generate additional traffic movement. Manor Drive is now a single lane thoroughfare (because of parking on the west side of the road) and drivers along Firthland Road have to negotiate higgledy-piggledy parking on the north side of the road. Anchorite Lane where it meets the A170 is a junction where drivers have to take the greatest care. Negotiating these roads becomes even more demanding when traffic is backed up along Westgate from the traffic lights as some drivers, travelling eastwards, who do not want to be unduly delayed, will leave the A170 at Manor Drive, travel along Firthland Road and return to the end of Vivis Lane, thereby creating additional traffic movement along roads already difficult to negotiate.*

North Yorkshire Highways have taken account of the capacity of the road system, and have not objected to the development on that basis. Clarification of their views in response to the comments of the Town Council have been sought, and Members will be updated at their meeting. In relation to comments of neighbouring occupiers regarding pedestrian crossing of Firthlands Road. North Yorkshire County Council - Highways have made the following response:

*I've looked on site regarding the objection letter on the matter of the crossing of Firthland Road, and do not consider that the amount of traffic v. pedestrians crossing there at school times will be raised to such a level as to be detrimental to highway safety.*

*For example, a check done on the afternoon of 13 January 2016 saw only 3 pedestrians cross Firthland Road to the west of Anchorite Lane over a 45-minute period (15.40 to 16.25), during which time 55 vehicles passed this point in both directions (i.e. an average of 1 vehicle every 41 seconds).*

*However, it would not be unreasonable to request that the applicant install 2 no. SLOW road markings on red anti-skid patches on the approaches to the bend/junction with Anchorite Lane as a low cost outlay to give additional awareness to drivers at that point. The SLOW marking should be positioned in the middle of the carriageway, so to still be visible if a parked vehicle was over the side of the patch.*

10.5 In relation to the proposed parking, the revised plans have now resulted in most dwellings having a minimum of two parking spaces off road. A number of dwellings also have a garage. The exception are Plots 17 and 18 which are two bedroomed and have one space each. Plots 34 to 37 are one bedroom flats, and again have one parking space each.

## **11.0 LANDSCAPING**

11.1 The Ryedale Plan - Local Plan Strategy in policy SP12 Heritage requires that distinctive elements of Ryedale's historic environment will be conserved and where appropriate enhanced. This includes:

- *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 site lies at the southern edge of Pickering where there is evidence of historic field patterns. Nevertheless, the fields covered by the application site are not intact, and have lost some of their original hedges. In addition the western edge of the site is truncated and has lost its historic character. The site is also surrounded to the west and east by existing development and has a more urban feel to it. Accordingly, it is not considered that the loss of the application site would result in **the loss of important historic fields.**

11.2 In relation to the landscaping of the site itself, concern was raised by officers that the application as submitted left little opportunity for any meaningful landscaping either within the site, or along the boundaries. This was in part due to the lack of spacing between dwellings and also the proliferation of parking to the front of dwellings. The revised plans have resulted in a significant improvement to the plans. Whilst the layout still includes areas where parking will dominate the streetscene, further planting has been provided elsewhere. Of particular note is the provision of mature trees along the main access to the site, and the landscaped areas around the emergency access/pedestrian access. Hedges have also been provided where possible to front gardens. It is considered that subject to appropriate condition, the landscaping proposed is acceptable.

11.3 The Town Council has queried future maintenance of landscaped areas, and verges. The applicant has advised that a management company will take charge of the Public open space and landscaping on site. In relation to verges, the applicant has advised that they are working with the Highway Authority in order to get the grass verges along the roads adopted. Taking on board the comments of the Town Council this aspect will be discussed further with the applicant, to ascertain if the landscaping along the new road can be 'classed' as public open space and subject to maintenance by the management company.

## **12.0 PUBLIC OPEN SPACE**

12.1 The application triggers a requirement for Public Open Space provision on site. This is in the form of a Local Area of Play. Contributions will also be required equivalent to 0.2 hectares for outdoor sports. This will be subject to a Section 106 agreement. The Town Council has advised that a play area adjoins the site which has limited equipment on. They stated that with a new estate, additional equipment will be required. It is considered that the LAP is necessary to serve the application site itself.

## **13.0 ECOLOGY**

**13.1** The application is accompanied by an ecological appraisal. This states that the site will have no adverse effects on any statutorily designated sites or indeed non statutory designated sites. None of the hedgerows are classified as important, and the grassland within the site is species poor, and of a type that are of widespread and common occurrence. One tree contains a single feature suitable for use by roosting bats, and therefore the retention of the tree is recommended. Further bat roost surveys will be required if the tree is to be removed. Reference is made to owls nesting in one of the buildings, whilst the building is not located on this part of the site, it could be affected by the development.

The Councils' Countryside Management Officer has been consulted on the application, and has recommended that the following conditions be imposed:

### **13.2 Biodiversity method statement - Condition**

No development shall take place until a method statement for the creation of new wildlife features had 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.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner.

### **Protection of breeding birds during construction - Condition**

No removal of hedgerows, trees or shrubs shall take place between 1<sup>st</sup> of March and 31<sup>st</sup> 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.

### **Condition - Immediate pre-development Barn Owl re-survey**

No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no birds are nesting (at the development site to which this consent applies) immediately prior to work commencing.

Reason: to ensure that nesting Barn Owls are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981).

### **Condition - .Permanent provision within buildings**

A permanent accessible nesting space for Barn Owls shall be provided within one or more of the developed buildings to which this consent applies, and thereafter maintained, in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority, and in line with natural England guidance.

Reason: to secure the long-term protection of the species

## **14.0 ARCHAEOLOGY**

**14.1** During consultation on the application, the County Archaeologist advised that the development lies within an area of high potential for the presence of archaeological remains relating to settlement and burial activity dating from the prehistoric and Roman periods. The area lies at the interface between the Tabular Hills and the wetlands of the Vale of Pickering. In view of this a geophysical survey together with trial trenching was required.

14.2 The recommended work was carried out by the applicants, which included 11 trenches. Four of the eleven trenches contained archaeological features which pre-dated the medieval ridge and furrow. These features provided evidence for the survival of significant archaeological remains relating to an Iron Age/Romano British system of ditches, enclosures and settlement. Therefore there is high potential for the ground disturbing works associated with the development to encounter further significant archaeological remains. It is therefore recommended that a scheme of archaeological mitigation recording is undertaken. In order to secure such a scheme, it is recommended that an appropriate condition be imposed.

## **15.0 DRAINAGE**

15.1 The site lies within Flood Zone 1, and as such is not at risk of flooding. In relation to drainage, foul drainage will connect to the existing system on Firthland Road, and surface water will discharge to soakaways. The applicant has advised that the ground conditions are suitable. Yorkshire Water has not objected to the proposal. The Environment Agency has not objected subject to the development being carried out in accordance with the submitted Flood Risk Assessment. The Internal Drainage Board have been consulted and advised that they do not object. However if there is a change from the use of soakaways it may be necessary to make a commuted sum payment to upgrade the local ditch network.

## **16.0 NOISE**

16.1 The site is situated to the east of the industrial estate on Westgate Carr Road. In view of potential noise associated with it, the applicants carried out a noise survey. The Councils' Environmental Health Officer expressed concerns regarding the original details, and requested that further survey work be carried out. Furthermore no mitigation was proposed. She has advised that complaints have been received by existing residents in the area in relation to noise from the industrial estate. It is important that new residential developments close to industrial sites do not result in complaints that would ultimately harm the existing business or result in an unacceptable residential environment. Detailed negotiations have been carried out with the applicant, and the latest plans include a landscape buffer on land to the extreme west of the proposed housing. This has been modelled, to take account of the various noises sources and the Councils' Environmental Health has confirmed that the mitigation proposed is acceptable

## **17.0 LAND CONTAMINATION**

17.1 A preliminary geo-environmental investigation of the site was carried out, which included a wider area of land. The report found that there were some potential sources of contamination on the site. This could have been as a result of a small back filled quarry. It is therefore recommended that if permission be granted, it be subject to a condition requiring a phase 2 investigation.

## **18.0 REPRESENTATIONS**

**18.1** 13 letters have been received in relation to the application. The letters are available for Members to view on the Councils' public access system. The following is however a list of the main points made:

<b>objection</b>	
Access and Parking	<ul style="list-style-type: none"> <li>• Access too near Anchorite Lane. Parking on Firthlands Road makes access difficult</li> <li>• Parking provision not acceptable</li> </ul>

	<ul style="list-style-type: none"> <li>• Additional traffic will cause problems, and the site is too far from amenities</li> <li>• Transport assessment not adequate</li> </ul>
<b>Response</b>	<b>The Highway Authority has been consulted on all aspects of the application process. They have requested changes which have been incorporated. The parking provision complies with North Yorkshire County Council standards . See section 10.0</b>
Emergency access/pedestrian link	Numbers 41 and 43 Firthland Road have access to their rear garages. What will stop motor bikes or cars using it ?
<b>response</b>	<b>The access is for emergency vehicles only, and can be signed and bollarded as required near the entrance to the housing. The access to the garages is maintained</b>
Social Housing	The social housing is all together and not spread through the site.
<b>Response</b>	<b>12 houses are located together, but directly opposite market housing, and with market housing to either side. A further 6 houses are situated further along the access road. It is considered that the spread and mix of houses together is acceptable.</b>
Neighbour amenity	Including overlooking, increased risk of access to neighbours property, noise and light pollution,, impact on house prices. Particular concern regarding height of 2.5 storey houses to rear of those on Firthland.
<b>Response</b>	<b>Development inevitably increases activity. However the site is in a predominately existing residential area, and the distances between dwellings complies with accepted standards. House prices are not a planning consideration. Neighbour impact is addressed in section 8.0 of this response. Officers agree that the 2.5 storey dwellings are high and sought to re-locate them. The applicants contend that this is the only location they will work as a layout. Given the distance from the dwellings on Firthlands Road it is not considered that the development can be refused on neighbour impact grounds.</b>
Insufficient services	E.g. lack of dentists/ doctors, schools, child care
<b>Response</b>	<b>In relation to schools, County Education have requested contributions towards Pickering junior school. During work on the Ryedale Plan - Local Plan Strategy, there was no evidence of a shortfall in provision, however retention of GP's goes beyond what can be considered through this application.</b>
Landscape and impact on wildlife	High density houses will have a devastating impact on wildlife and attractive open countryside.
<b>Response</b>	<b>The application is accompanied by an ecological survey. This has been addressed in section 13 of the report.</b>
Public open space	Development will deliver insufficient open space
<b>Response</b>	<b>The POS accords with policy, and will also provide significant landscaping on the entrance to the site. Contributions will also be required.</b>
Is there a need? No new employment	Not aware of increase in jobs
<b>Response</b>	<b>Principle of development and housing supply considered earlier in this report. Given the location of the site within a market town, it is not</b>

	<b>considered that lack of new jobs is a reason for refusing housing that accords with the spatial strategy of the development plan.</b>
Drainage	Site becomes waterlogged. how will drainage cope
	<b>The site is Flood Zone 1 recommend SUDS to address flood risk issues</b>
Loss of agricultural Land	<b>The site is Greenfield land, however this in itself is not sufficient reason to refuse the application. It is Grade 3 land which is good to moderate. The site is on land which is identified as having an agricultural land value of GIII with no differentiation between 3a and 3b, it cannot be assumed that the sites' development would not lead to a loss of some Best and Most Versatile Land . However, the land surrounding Pickering is GIII with an area of GII to the south. On balance, the loss of Best and Most Versatile Land on this site would not lead to an unacceptable loss of Best and Most Versatile Land, within the Pickering area.</b>
Loss of View	<b>Loss of View is not a material planning consideration</b>

- insufficient public open space.
- Social housing all together making it possible for a bad image area.
- Neighbour at 43 Firthland states he has access to the rear of his property. what prevents the path being used by cars and motor cycles

## 19.0 CONTRIBUTIONS

**19.1** As detailed above, contributions will be required in respect of Public open space and affordable housing.

**19.2** In addition, the County Education Authority has advised that contributions to take account of a shortfall of 11 spaces at Pickering Community Junior school are required.

## 20.0 SUMMARY

20.1 The Council can demonstrate a 5 year supply of land. As such when considering the planning balance, housing supply is not an overriding reason why the site should be brought forward at this stage. Nevertheless, the site performs generally well and its limited development accords with the strategic locational policies in the Ryedale Plan - Local Plan Strategy. It is of note that the approval of such sites for housing in sustainable localities help to maintain the overall supply of sites.

The application was validated on November 20th 2014. Officers had significant concerns regarding the layout of the application as submitted. It has been a long process, but it is now considered that significant improvements from the original scheme have been made. This is in particular in relation to the provision of driveways to the side of some dwellings, which provides a less car dominated approach together with the submission of a meaningful landscaping scheme. There are however unresolved issues in relation to the size of the proposed affordable housing, and comments from the Police Designing Out Crime Officer. As such the recommendation is pending. It is hoped to update member at their meeting.

**RECOMMENDATION:**                      **Recommendation Pending**

### Background Papers:

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





**Item Number:** 7  
**Application No:** 16/00238/MFUL  
**Parish:** Upper Helmsley Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Mr David O'Meara  
**Proposal:** Erection of replacement horse barn, block of 24no. loose boxes, 3no.horse walkers, roofing over of existing horse walker, provision of a horse wash down area and a horse warm up area, resurfacing of tracks and yard area, provision of an all weather gallop, horse walks, gallops access lay-by, widening of access road and siting of temporary office/rest room building (part retrospective application)  
**Location:** Common Farm Upper Helmsley Malton YO41 1JX

**Registration Date:**  
**8/13 Wk Expiry Date:** 19 May 2016  
**Overall Expiry Date:** 10 April 2016  
**Case Officer:** Tim Goodall **Ext:** 332

## CONSULTATIONS:

<b>Environmental Health Officer</b>	No response received to date
<b>Countryside Officer</b>	No objection but conditions attached
<b>Tree &amp; Landscape Officer</b>	Submitted details acceptable
<b>Lead Local Flood Authority</b>	No objection
<b>Sabic Ethylene Pipeline</b>	No response received to date
<b>Highways North Yorkshire</b>	No objection
<b>Parish Council</b>	No comments/objections

## Neighbour responses:

.....

## SITE:

The application site lies outside of a defined settlement limit, to the west of the village of Upper Helmsley. The site contains an existing farm with associated buildings and an existing horse gallop. Vehicular access is from the east of the site on the Gate Helmsley to Upper Helmsley road.

To the south west of the site is existing woodland and further land in equine use. There is agricultural land to the west and north of the site.

The site is also located within the York Green Belt.

## PROPOSAL:

Retrospective planning permission is sought for the following development:

- Erection of a replacement horse barn
- erection of a block of 24no. loose boxes,
- 3 no. horse walkers and the roofing over of the existing horse walker,
- the provision of a horse wash down area and a horse warm up area,
- resurfacing of the tracks and yard area,
- provision of an all weather gallop, horse walks and gallops access lay-by,
- widening of the access road

- the siting of temporary office/rest room building

## **CONSULTATION RESPONSES:**

Gate & Upper Helmsley Parish Council do no object to the application.

North Yorkshire County Council Highways and Flood Risk Management teams do not object.

Ryedale District Council's Countryside Officer does not object but has requested some enhancements in line with Policy SP14 such as Barn owl nest boxes, swift boxes or bat boxes or the restoration of field hedges or boundary trees.

The Council's Tree and Landscape Officer considers the new hedge and tree planting proposed by the applicant to be acceptable.

There were no other responses to the consultation. As the application meets the criteria for a major application, it is brought before Members for consideration and determination.

## **POLICY:**

### National Planning Policy

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

### Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy  
Policy SP6 - Delivery and Distribution of Employment Land and Premises  
Policy SP9 - Land Based and Rural Economy  
Policy SP13 - Landscapes  
Policy SP14 - Biodiversity  
Policy SP16 - Design  
Policy SP19 - Presumption in Favour of Sustainable Development  
Policy SP20 - Generic Development Management Issues

### Retained Policies of the revoked Yorkshire and Humber Regional Spatial Strategy (RSS)

Policy Y1 - York sub area policy  
Policy YH9 - Green Belts

## **HISTORY:**

3/141/4/PA - Refused - Outline application for the construction of a detached bungalow and garage at Common Farm, Upper Helmsley.

3/141/8/PA - Permitted - Change of use of disused farm buildings to 9 self contained holiday cottages at Common Farm, Upper Helmsley.

3/141/8A/FA - Permitted - Erection of two storey accommodation block to form six family dwellings and a 10 bedroom stablemans dwelling together with parking for 20 cars.

16/00376/HOUSE - Pending Consideration - Erection of a single storey extension to side elevation.

## **APPRAISAL:**

The key issues to consider are:

- i. Principle of development in the York Green Belt
- ii. Character and Form
- vi. Other Matters
- vii. Conclusion

**i. Principle of development in the York Green Belt**

Policy SP1 states that proposals for development within the Green Belt will be assessed against national policy. The NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate. Exceptions to this are:

- Buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Policy SP9 supports Ryedale's land-based economy and a working countryside through support for the replacement of non-traditional general purpose storage buildings to support farming, forestry or equine related activity. New buildings will be supported if they are necessary to support land-based activity. In conjunction with Policy SP9, the small scale conversion of existing buildings or provision of new buildings to support appropriate rural economic activity is supported in the wider open countryside.

Prior to the commencement of development, the existing site contained an existing farm house with associated buildings, an existing vehicular access and a grassed gallop. The retrospective planning application is for a replacement building in use for equine purposes and the erection of associated structures including a gallop, timber horse boxes and horse walkers. Further operational development at the site includes the siting of a temporary office building/rest room, additional hard standing and alterations to the access track. The new horse barn will replace a smaller, now demolished barn in the same location. This building is located centrally within the cluster of buildings. The all weather gallop will be sited adjacent to the existing grassed gallop. The additional hardstanding is modest in nature and provides for car parking and passing places on the narrow access track. The office is a temporary cabin building of modular construction and its permanent retention is considered to be unacceptable. While, larger than the demolished development, the equine use of the site and its location mean that the development is not considered to be inappropriate in the Green Belt and it accords with the NPPF and Policy SP1. The equine use of the site and the provision of 25 full time and 10 part time employees is considered to be in accordance with Policies SP6 and SP9.

**ii. Character and Form**

Policy SP13 (Landscapes) seek to protect the quality, character and value of Ryedale's diverse landscapes by encouraging new development and land management practices which reinforce the distinctive elements of landscape character within Ryedale's broad character landscape areas including the Vale of York.

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The development at the site includes the creation of a hardstanding, timber horse boxes, single storey metal framed horse walkers and part block work part timber buildings. The buildings are located within an existing cluster of development and are in keeping with the rural location of the site. The site has been in equine use for many years and a grassed version of the gallop and a horse walker were already on site. Furthermore, the adjoining site to the south west is also in equine use. As such, the design of the buildings and structures are considered to be appropriate for the location. The existing gallop has been developed with the siting of a raised all weather track to allow all weather use. The development is for the most part obscured from public view with the exception of a section of the gallop and access track visible from the highway at the eastern end of the site. The running rails that border the gallop are less than 2.0 metres in height and therefore do not require planning permission.

The development under consideration is due to its design, considered to be an appropriate use in a rural area and its screened location accords with the criteria set out in Policies SP13, SP16 and SP20.

### **iii. Other Matters**

The applicant has proposed the planting of additional hedging adjacent to the existing hardstanding within the site. This proposal is considered to be acceptable by the Council's Countryside Officer in terms of meeting the requirements of Policy SP14.

Due to the isolated nature of the site and the level of natural screening provided by woodland and the topography of the site, the development is not considered to have any material adverse impacts on the amenity of neighbouring occupiers, in accordance with Policy SP20.

The development has been considered by the local highway authority in terms of its impacts and there are no objections related to highways matters.

### **iv. Conclusion**

The proposed development is considered to accord with national and local planning policies and is recommended for approval subject to the following conditions.

### **RECOMMENDATION: Approval**

- 1 The office/restroom building hereby permitted shall be removed and the land on which it is sited restored to its former condition at or before 11 May 2018; unless an extension of the period shall first have been approved in writing by the Local Planning Authority.

Reason:- The development permitted would be unacceptable on a permanent basis because of its temporary nature and its location with the Green Belt.

- 2 The proposals for the landscaping of the site shown on plan No CF11; shall be completed in the first planting season following the decision date of this planning permission or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written

consent to any variation.

Reason:- To enhance the appearance of the development hereby approved.

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

Drawing CF1, site location plan, validated by the local planning authority 18 Feb 2016

Drawing CF2, site layout plan, validated by the local planning authority 18 Feb 2016

Elevation, loose boxes scale 1:100 validated by the local planning authority 18 Feb 2016

Drawing no 1: new stable building validated by the local planning authority 18 Feb 2016

Drawing CF6, office and rest room, validated by the local planning authority 18 Feb 2016

Drawing CF5 (d), roofed horse walker, validated by the local planning authority 18 Feb 2016

Drawing CF8, equaflow full infiltration bed, validated by the local planning authority 18 Feb 2016

Drawing CF5 (b), claydon stoneleigh 4,5 \_ 6 horse exerciser, validated by the local planning authority 18 Feb 2016

Plan of loose boxes scale 1:100 Drawing CF1 validated by the local planning authority 18 Feb 2016

Drawing CF7A validated by the local planning authority 22 Mar 2016

Drawing CF11, landscaping, validated by the local planning authority 22 Mar 2016

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

### **Background Papers:**

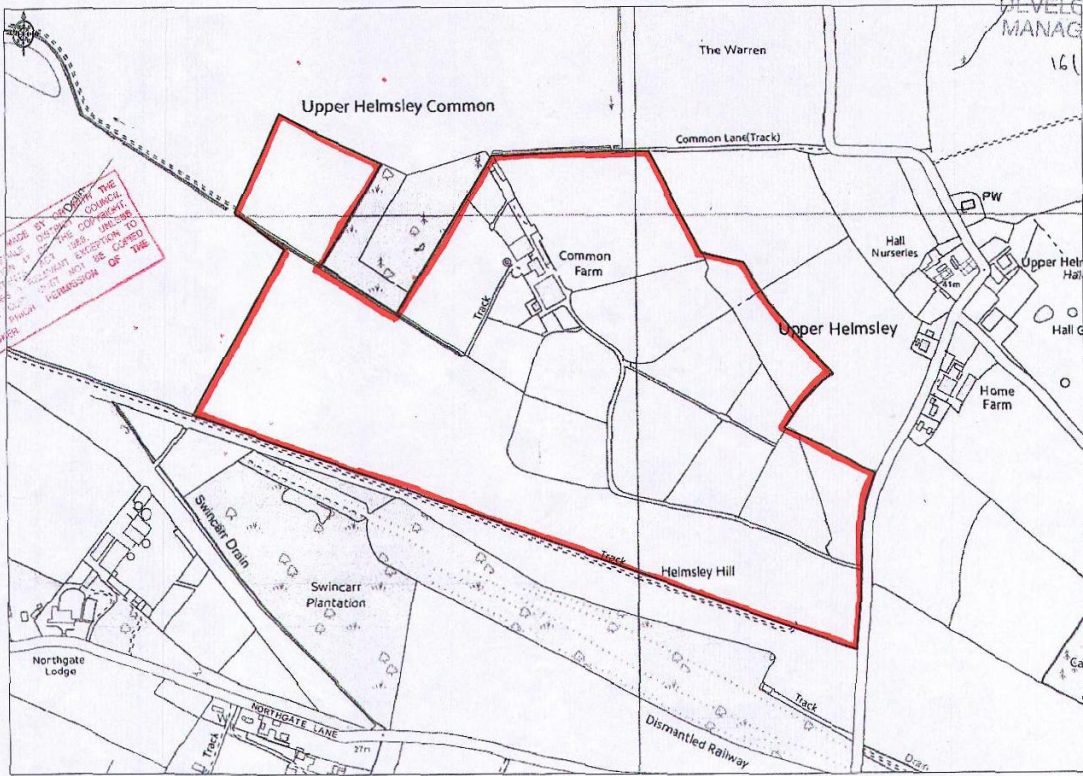
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

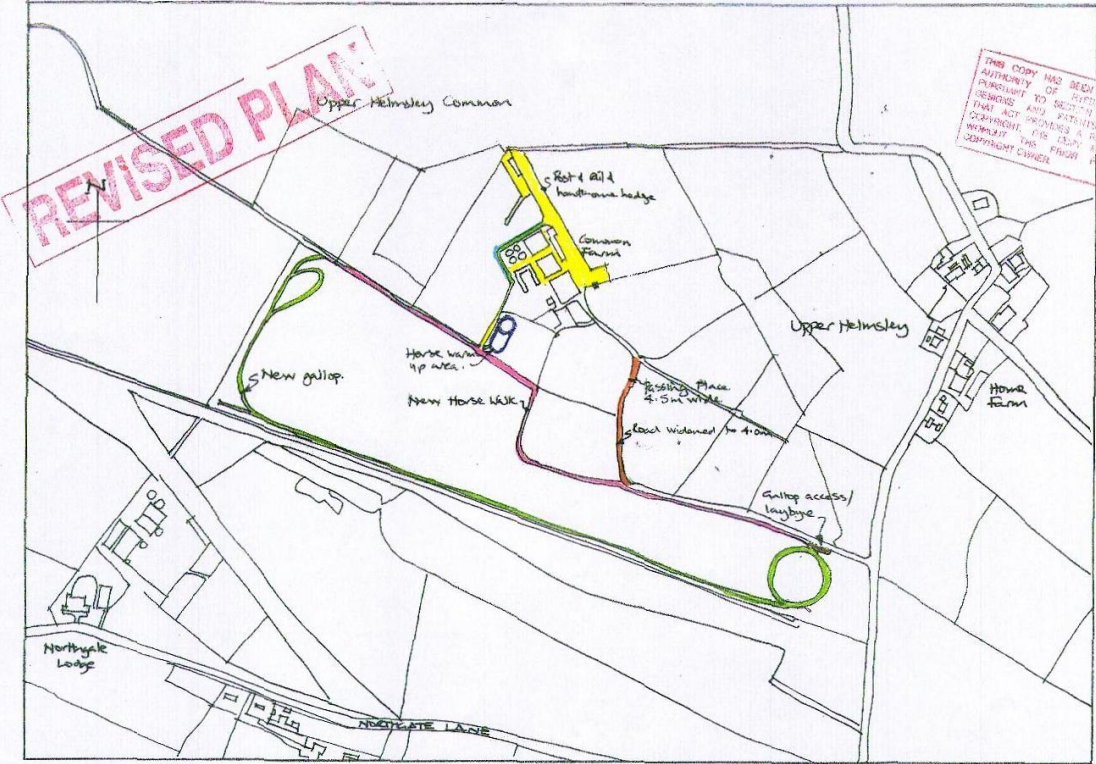
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Promap

CF1





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REVISED PLAN

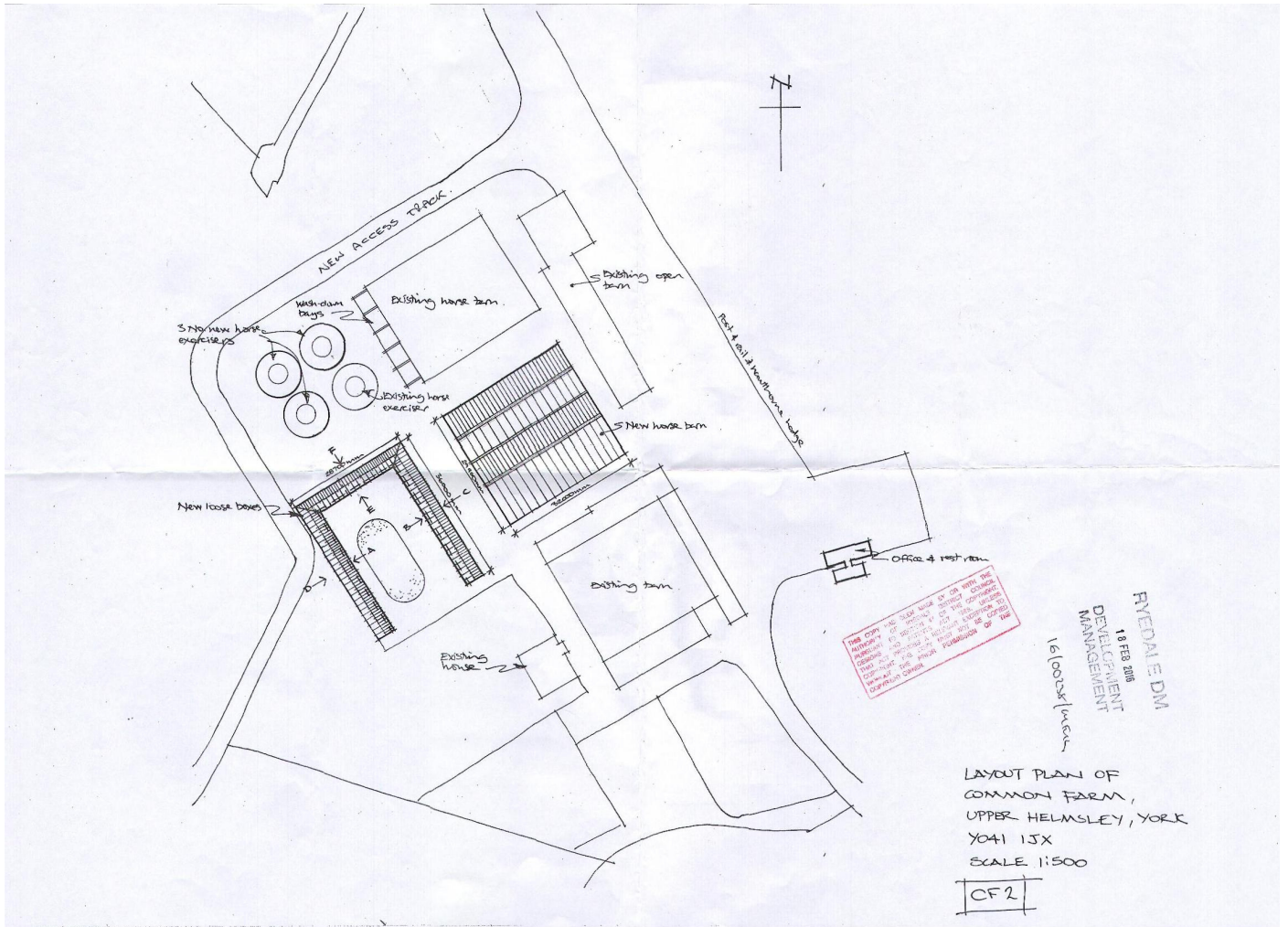
REVISIONS 3/16  
HORSE WARM UP ARE  
ADDED  
ACCESS ROAD WIDEN  
ADDED

ALL WEATHER GALLOP ———  
HORSE WALK ———  
RESURFACED YARD & TRACK ———  
NEW ACCESS TRACK ———  
GALLOP ACCESS + LAYBY ———

HORSE WARM UP AREA ———  
ACCESS ROAD WIDENED ———

GALLOP AND HORSE WALK AT  
COMMON FARM,  
UPPER HELMSLEY, YORK.  
YO41 1JX  
SCALE 1:5000

CF 7A  
MARCH 2016





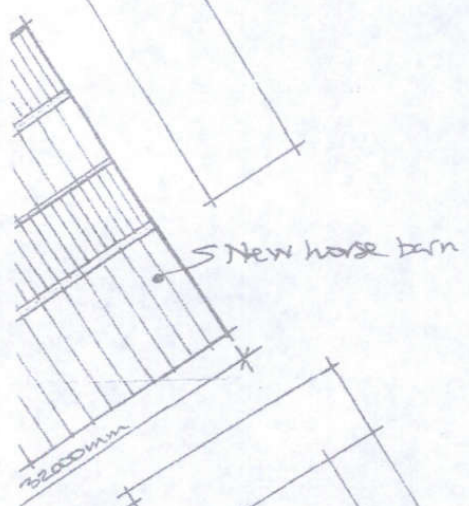
LANDSCAPING  
 Common FARM  
 UPPER KELTISLEY  
 SCALE 1:500.



207 INTERVALS  
 TO NORTHERN  
 BOUNDARY OF  
 THE SITE.

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Existing open  
 barn

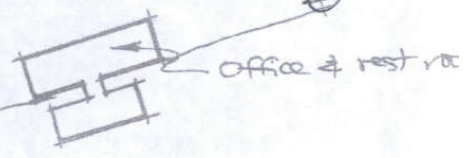


New horse barn

Existing barn

Post & rail Hawthorn hedge

⊕ TREE PLANTING



CF 11  
 MARCH 2016

CF 5 (c)

# HORSE WALKER BEFORE ROOF INSTALLATION

RYEDALE DM

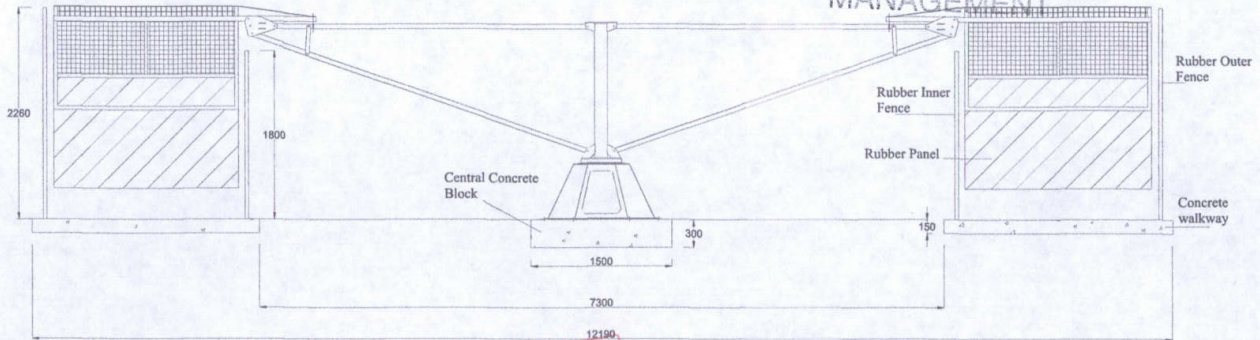
Stoneleigh 39ft With Hexagonal Base

18 FEB 2016

16/00238/14/14

Elevation Showing Claydon Rubber Fences

DEVELOPMENT  
MANAGEMENT



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All measurements are in millimeters.

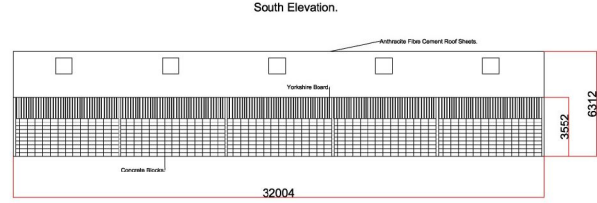
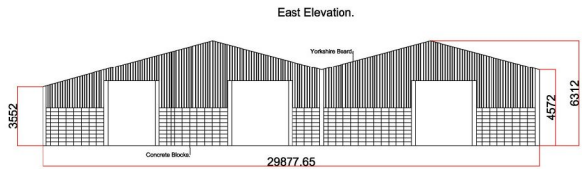
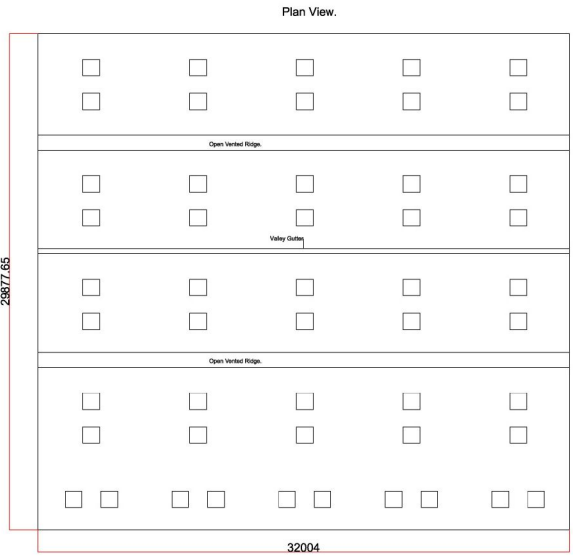
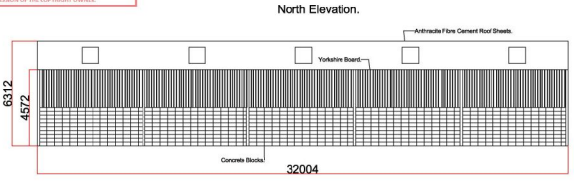
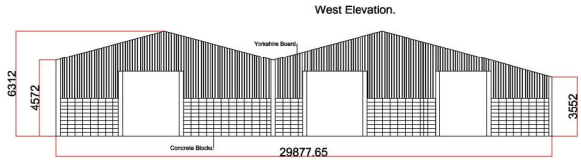


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Claydon Horse Exercisers Ltd.

# Norman & Gray Ltd

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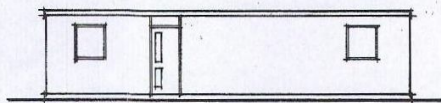


DATE VALID  
18/02/16

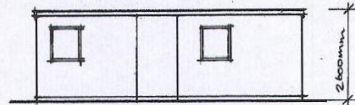
All Dims +/- 2mm

Clients Name	D O'Meara	Scale	1:100	Date	27/01/2016
Drawing Number	1	Project	New Stable Building	Issue Number	1

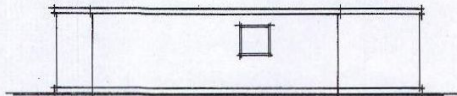




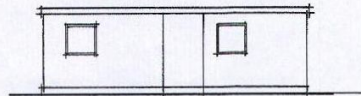
FRONT ELEVATION



SIDE ELEVATION

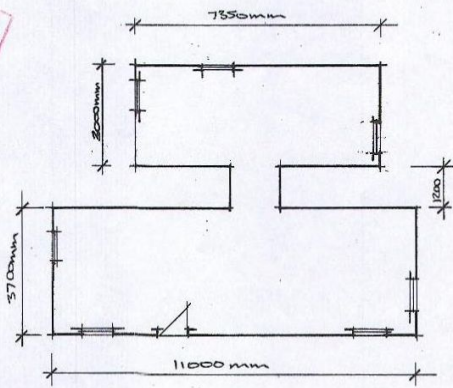


REAR ELEVATION



SIDE ELEVATION

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PLAN

RYEDALE DM

18 FEB 2016

DEVELOPMENT  
MANAGEMENT

16/00238/16/14

OFFICE AND REST ROOM  
AT  
COMMON FARM,  
UPPER HELMSLEY,  
YORK

YO41 1JX SCALE 1:100  
CF6

Roofed Horse Walker

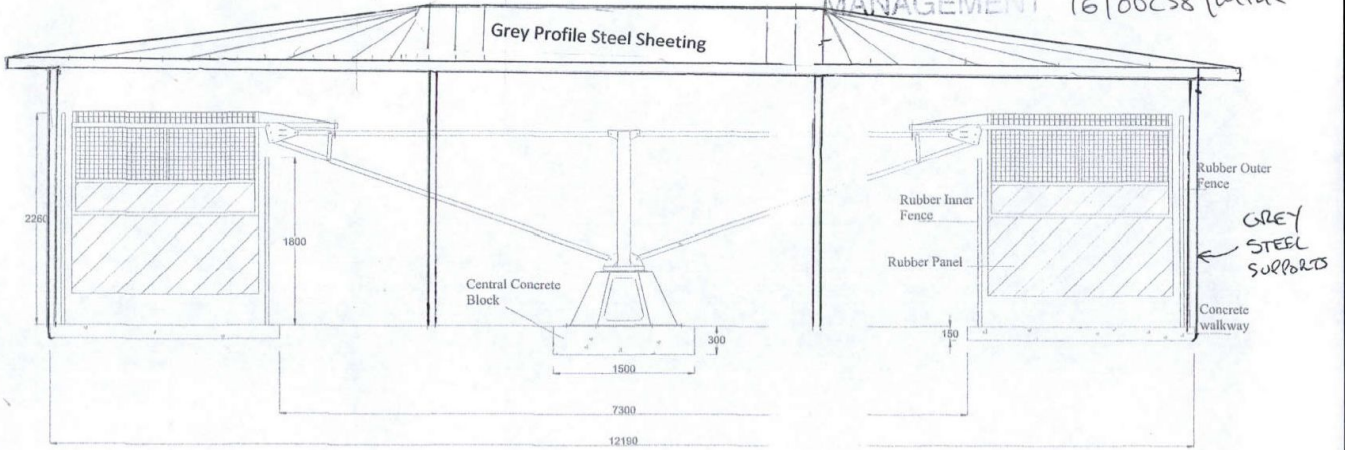
RYEDALE DM

CF 5 (d)

18 FEB 2016

DEVELOPMENT  
MANAGEMENT

16/00238 (u/f)



All measurements are in millimeters.



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1:50

Claydon Horse Exercisers Ltd.

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CF 8

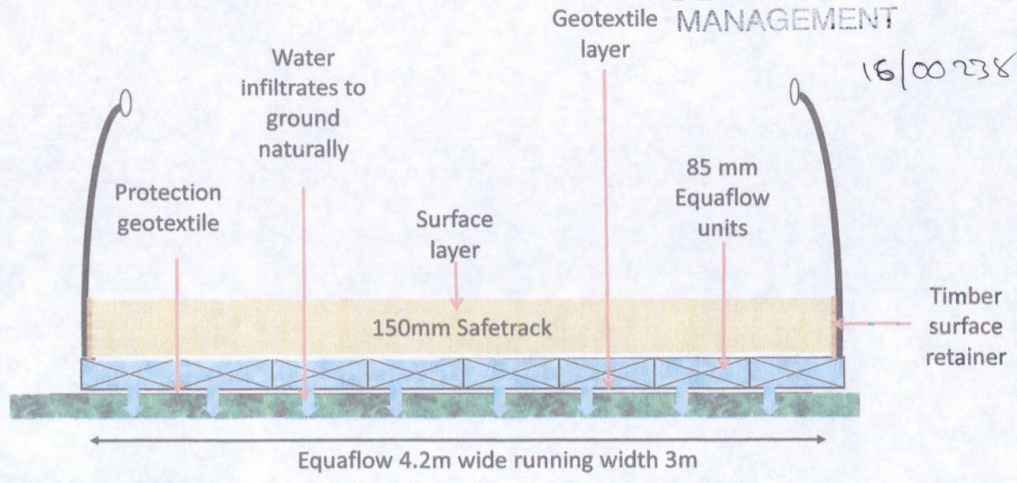
RYEDALE DM

18 FEB 2016

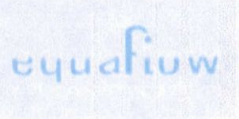
DEVELOPMENT MANAGEMENT

16/00 238/WFH

**Equaflow Full Infiltration Bed**



[www.andrewsbowen.co.uk](http://www.andrewsbowen.co.uk)





CF5(b)

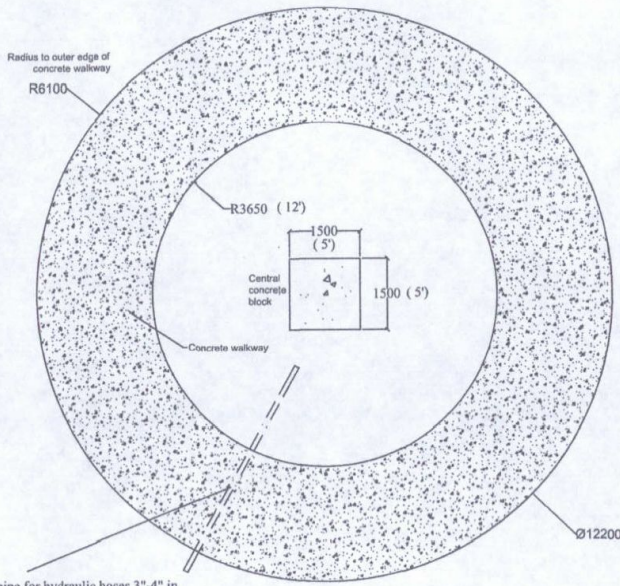
Claydon Stoneleigh 4,5 & 6 Horse Exerciser, 11.88 (39') diameter,  
using Claydon Inner & Outer Pens

RYEDALE DM

18 FEB 2016

DEVELOPMENT  
MANAGEMENT

16/00238/14/11



Plastic pipe for hydraulic hoses 3"-4" in diameter, goes under the concrete walkway and is positioned to the left of the gate position.

These are the minimum measurements;

The Centre Concrete Block is 1500mm (5') x 1500mm(5') x 300mm (12") deep.

The centre block should be a minimum of 300mm (12") into the ground and be level with the outer edge of the walkway.

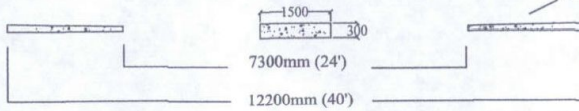
The Walkway should be approx. 150mm (6") in depth and should have a slight fall of approx. 50mm (2") to the centre for drainage.

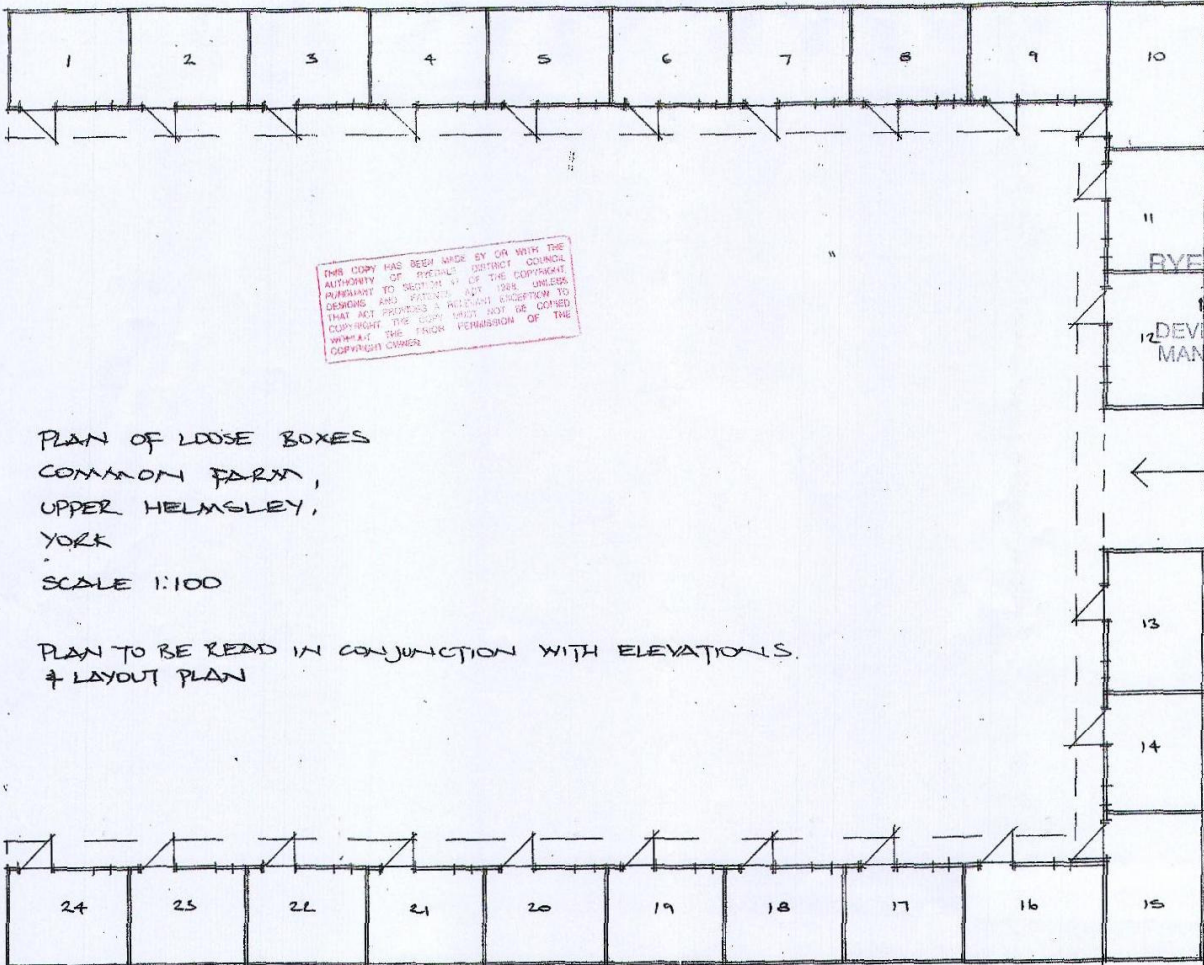
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Concrete should be min. 150mm (6") in depth with sufficient compacted hardcore.

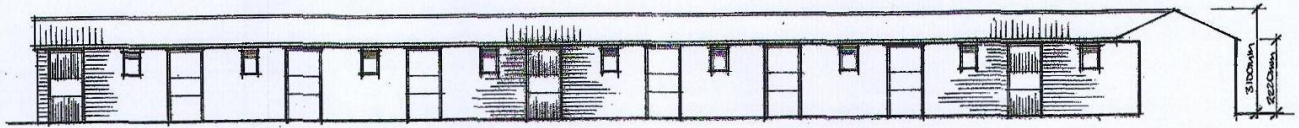




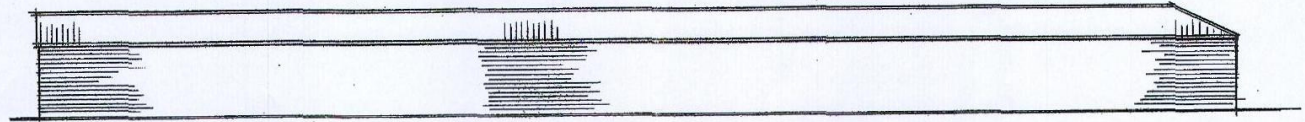
PLAN OF LOOSE BOXES  
 COMMON FARM,  
 UPPER HELMSLEY,  
 YORK  
 SCALE 1:100

PLAN TO BE READ IN CONJUNCTION WITH ELEVATIONS.  
 & LAYOUT PLAN

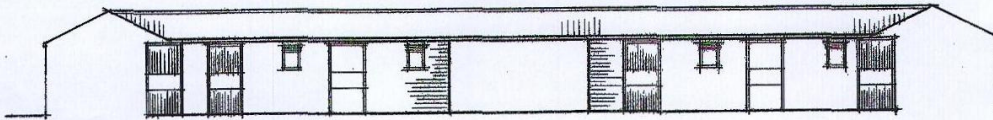




ELEVATION A + B (HANDED)



ELEVATION C + D (HANDED)



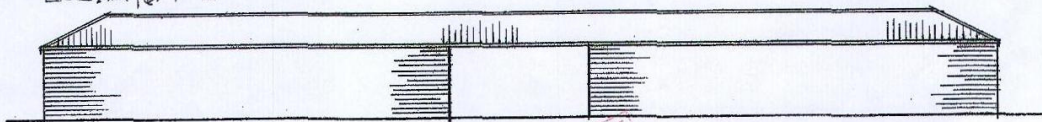
ELEVATION E

RYEDALE DM

18 FEB 2016

DEVELOPMENT  
MANAGEMENT

16/00238/UR/1



ELEVATION F

Materials:

Roof - profiled sheeting

Walls - timber shiplap boarding.

Windows - timber.

Doors - stable door - batten type.

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LOOSE BOXES AT  
COMMON FARM,  
UPPER HELMSLEY, YORK  
YO41 1JX

SCALE 1:100

Amended - 2 No. boxes added to covers.

# Development at Common Farm Stables Upper Helmsley

## Design and Access Statement

16/00238/MFL  
RYEDALE DM

February 2016

18 FEB 2016

DEVELOPMENT  
MANAGEMENT

### 1. The Applicant

David O'Meara is a racehorse trainer originally operating from stables in Nawton in Ryedale. Commencing training in 2009 with only 12 horses Mr O'Meara has risen swiftly through the training ranks to be one of the most successful trainers in the country. In 2015 122 winners were amassed realising a total prize money of £1,580,569 from 110 horses and since 2009 5 Group 1 races have been won. In addition, Mr O'Meara has been the top trainer at York for the past 2 seasons and had runners in Dubai, France, Canada, Ireland, America and Hong Kong.

22 full and part time staff were employed at Nawton when the yard was in full summer operational mode.

Whilst successful at Nawton Mr O'Meara wishes to upgrade his operation both in terms of facilities and location and sees Common Farm as the basis to achieve this.

Mr O'Meara is not seeking to establish a new venture in the countryside but to enhance and extend the existing yard at Common Farm previously operated by Mr Mel Brittain and others. The upgraded yard would be in a position to continue to take advantage of and utilise the expertise, trained staff, and ancillary providers that the Ryedale racing community rely on whilst having good transport links to tracks nationwide.

### 2. Site

Common Farm is an existing racehorse training yard and stud situated approximately 650 m west of the village of Upper Helmsley. The existing unit consists of 1 purpose built horse barn capable of accommodating 44 horses, and a former converted and extended fold yard which has been used for stabling but has fallen into disrepair. A further barn previously capable of accommodating 35 horses was demolished late in 2015.

In addition, there is a range of outbuildings, a group of 5 isolation looseboxes, a horse walker and a dwelling all set within a large gallops area, turnout paddocks and grazing areas. Part of the gallops will continue to be used in association with the Northgate Lodge racing yard.

Access to the site is via an existing track/drive which joins the County Highway 500 m south of the village of Upper Helmsley.

### **3. History**

The stables have operated since the 1990s and formed part of the racing complex associated with Northgate Lodge situated to the south of the site. Originally the whole complex including Common Farm and Northgate Lodge was owned and operated by trainer Mr Mel Brittain. Latterly Common Farm was subdivided and let to other trainers.

The only relevant planning history is in 1996, permission was granted for the erection of a block of 6 residential units and staff accommodation to be wholly and only used in connection with training racehorses at Common Farm. At this time Mr Brittain was intent on splitting the yard and offering to let a set number of boxes with a residential unit thus enabling the yard and associated facilities including the gallops to be used by a number of trainers.

At that time the number of loose boxes available, as stated in the 1996 application, was 142.

### **4. Design and Access Statement/ Proposals**

Retrospective permission is sought for the erection of a replacement horse barn, 24 loose boxes, 3 horse walkers, roof over 1 existing horse walker, the provision of a horse wash down area, resurfacing of tracks and yard area, provision of an all weather gallop, horse walks, access track, and gallops access/layby, and siting of temporary office/rest room building.

Due to a misinterpretation and misinformation work has commenced on the above works which is essentially an upgrading of the complex to make it fit for modern racehorse training.

#### **A. Stables barn**

The stables barn is a purpose built unit capable of accommodating 50 horses. Built on the site of a previous barn used for stabling the proposed building measures 32 m x 29.9 m, with an eaves height of 4.57m on its north elevation and 3.55m on its southern elevation and a double ridge height of 6.31m. The building has been specifically designed to accommodate racehorses in a modern, clean, easily maintained environment. Externally the building appears as a modern agricultural barn, similar to countless others in the area, steel framed with block walling and Yorkshire Boarding to the sides and eaves under a dark grey fibre cement roof. The roof has a double ridge which keeps the height down. Closely reflecting the local "modern" vernacular in terms of design and situated between 2 other large barns the existing appearance of Common Farm as a group of rural buildings is maintained. The building is viewed from public areas to the north east and south west. Both views, from public highways, are long range and the proposed building and the complex as a whole are viewed against a back drop of trees.

The proposed barn is a larger replacement of, and on the site of, a concrete block and corrugated iron former grain store, and parking and circulation area. Unfortunately, no visual information is available regarding this building although it is clearly shown on the submitted ariel photo (CF9) and had a footprint with a maximum length of 26 m and a maximum width of 17 m. Although used in the past for the stabling of horses it was not built for this purpose and had seen better days.

#### **B. Loose boxes**

The proposed loose boxes are intended to provide additional stabling in close proximity to the existing buildings and horse walkers. They in effect replace the boxes in the fold yard barn which have fallen into disrepair and are no longer fit for purpose. Proposed in a "U" shaped block the building is proposed wholly in timber under a dark green fibre cement roof and would measure 3 m x 36 m in 2 blocks connected by 3m x 20 m link with an eaves height of 2.22m and a ridge height of 3.1 m. The units are of a traditional loose

box design and form a small quadrangle with doors, windows, and eaves overhang facing inwards. The buildings are partially on the site of the 1996 permission for residential accommodation. In addition to the traditional loose box appearance the buildings are to be located within 11m of the proposed barn and will continue to maintain the group appearance of Common Farm and are not apparent from public areas.

#### C. Horse walkers

Horse walkers are an essential piece of kit associated with modern racehorse training and are used to exercise horses, warm up horses prior to using the gallops and to warm down after. At present Common Farm has 1 existing walker. It is proposed to erect 3 others and roof over that existing. The structure is essentially a steel framed carousel with a diameter of 12.2 m and a maximum height including the roof of 3.4 m situated on a circular concrete pad. The walls of the walker are clad with a rubber type material and the roofs are clad in a grey sheet steel.

The existing walker is situated at the southwest end of an existing barn and the 3 others are to be located adjacent forming a block of 4. Whilst mechanical in appearance the walkers continue to form part of the Common Farm group and are not visible from public areas.

#### D. Wash down area

The wash down area is used to wash horses after exercise. The proposal is to erect 1.8 m high block walls and a hardstanding attached to the southwest end of the existing barn to form 5 No bays. This part of the proposal is functional, not obtrusive and is not visible from public areas.

#### E. Resurfacing existing tracks and yard area and provision of horse walks.

The existing complex suffers, to an extent, from a lack of serviceable access roads around the buildings and between essential elements of the training complex. It is proposed to improve this situation by overlaying existing tracks with 150 mm of road planings and to overlay the existing yard area with 150 mm of road planings. A new access track to the north of the existing horse barn is also proposed using the same material. This material is durable, permeable and substantially improves access around the unit for horses, vehicles, staff, and visitors.

In addition to surfacing existing track and hardstanding areas it is proposed to surface the storage parking area to the north east of the fold yard barn. This area has previously been used for storage of hay, straw, equipment and parking and can be seen on the submitted arial photographs (CF9 CF10). The area had previously been partially enclosed by a dilapidated post and rail fence. Part of the proposal is to fence the northeast boundary of the complex with a new post and rail fence and to plant the boundary with a hawthorn hedge and hedgerow trees. This area is viewed intermittently from the Upper Helmsley to Sand Hutton road although it would be seen as part of, and against, the back drop of the existing buildings and trees and through the proposed planting.

It is also proposed to create horse walks consisting of 150 mm of sifted road planings between the existing track leading to the gallops and the start of the 5.5 furlong all weather gallop (see below) and from the top of the gallop, following the access road and hedge line, back to the stables.

In addition, a stoned passing bay is proposed adjacent to the access track 60m from the junction with the county highway. As well as allowing vehicles to pass close to the junction with the county highway the stoned area will provide a serviceable access to the top of the gallop.

Visually the surfaced tracks and yard areas will not be apparent from public areas, but will allow the complex to be more functional in all weathers.

#### **F. All weather gallop**

Common Farm is an existing racehorse training establishment. Part of this complex are the gallops. The gallops sit between Common Farm and the racehorse training complex of Northgate Lodge. The gallops will continue to be shared by both establishments. In respect of Common Farm, it is proposed to create an all-weather 5.5-furlong gallop with a straight shoot. The gallop would be created by placing a plastic grid 4.2 m wide on top of the existing ground surface and then covering it with a mix of sand and fibres to a depth of 150 mm and contained at its edges by 150 mm boarding. A running rail is then provided at either side.

This type of facility is a common feature at racing stables and is essential for the safe conditioning and training of horses in all weathers and seasons. Often grass gallops can become waterlogged in the winter or dry out too much in the summer thus making them unusable.

As a physical feature the all-weather gallop will not be visible from public areas.

Whilst the need for planning permission for the all-weather gallop could be questioned on balance this element of the proposal is included within the application. However, the running rail that runs alongside the gallop is considered to be permitted development being a means of enclosure less than 2 m in height and not adjacent to a highway. Its inclusion in the drawings is for illustrative purposes.

#### **G. Temporary office/rest room building**

The proposal as a whole is part of a phased upgrading of the facilities on site. Currently there is no proper office or welfare facilities on site. Eventually it is intended to incorporate such facilities into the adjacent former fold yard barn situated to the rear of the dwelling. Until this happens there is a need for an office on site to administer the business, including making race entries, contacting owners, general admin, storing racing colours, and ordering equipment, etc. and a rest room for staff.

### **5. Access**

Access to the site is via an existing drive/track which joins the public highway 400 m south of Upper Helmsley. Visibility is good and the access has served the complex well. Prior to the demolition of the previously mentioned barn in late 2015, the complex was in theory capable of accommodating 142 horses. This figure is based on the 3 large barns on site which were referred to in the 1996 application to erect stable staff accommodation and the subdivision of the yard. Whilst this development has never been completed the 1996 permission clearly acknowledges the level of use and consequently vehicle movements, that Common Farm could have been put to. The proposed level of accommodation at 123 horses is less than the previous maximum level.

### **4. Landscaping**

The site is not within a nationally designated landscape area. However, the appearance of the site and place within the wider landscape are important to the applicant. The buildings associated with Common Farm are not easily seen in the landscape being on the north side of Helmsley Hill and protected on its south side by Swincarr Plantation. Long range views of Common Farm are available from the Warhill to Stockton on Forest road although the site is seen as a farm group set against a backdrop of trees. The site is also viewed from the Upper Helmsley to Sand Hutton Road. Whilst this view of the main complex is clearer it is seen as a farm group in the landscape and against a back drop of trees. Common Farm is concealed from other areas by landform and woodland.

The proposals do not fundamentally change the landscape that Common Farm is set within. A small length of hawthorn hedge has been removed in the area where the loose boxes will be erected. Their loss will be supplemented by a planting of a hawthorn hedge with hedgerow trees along the north east side of the resurfaced areas on the north east side of the complex.

It is not intended to remove any other features in the landscape and the complex will remain viewed as a farm type complex set within managed grassland and agricultural land.

### **5.Flooding/Drainage**

The site is not subjected to flooding and is not shown as being within a flood zone on the Environment Agency flood map for the area.

Surface water from new roofs will be disposed of via the existing surface water system, used to drain the existing buildings on site, that flows to the beck to the north and partially via soakaway. The trackways and horse walks will be self draining.

### **6.Conclusion**

The proposal seeks to upgrade, enhance, and extend an existing horse racing stables. As can be seen above in the description of the proposals care has been taken to achieve both modern functional additions to the existing racing yard whilst retaining the existing group of buildings within the landscape. The main barn essentially replaces a previous barn used for stabling, the loose boxes replace the dilapidated boxes contained within the old fold yard, the old fold yard will in the future be refurbished to provide offices and welfare accommodation that will replace the temporary office, the horse walkers represent an essential piece of kit at a racing stables, the all-weather gallop is a common feature situated on an existing grass gallop, and the upgraded trackways and hard standings make the whole complex much more functional.

The proposals will enhance the quality of facilities on the site and coupled with Mr O'Meara's standing in the racehorse training fraternity will result in one of the premier training yards in the north of England. To this end there is a need for a quality appearance to the yard and facilities which Mr O'Meara is keen to promote whilst keeping its impact on the surrounding area to a minimum.

### **6.Policy**

#### **National Planning Policy Framework (NPPF)**

The site is within the City of York Green Belt. Section 9 of the NPPF places great importance on keeping the Green Belt open. Para 89 states that the construction of new buildings within the Green Belt is considered to be inappropriate development. However, exceptions to this stance include amongst others the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 89 further indicates that the limited infilling or partial redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, is not considered inappropriate development.

In addition, para 90 of the NPPF states that engineering operations are also not inappropriate development in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

The proposals are considered to meet Green Belt Policy and as such are considered to be appropriate development as set out in para 89 and 90 of the NPPF.

1. The proposed development is for the training of horses for racing which is clearly an outdoor sport and the proposed facilities are appropriate for this type of use. The proposed barn, loose boxes and horse walkers are purpose built and specifically designed for the accommodation and exercising of racehorses. By definition the "provision of appropriate facilities" that meet Green Belt criteria at para 89 i.e. "construction of new buildings" will lead to some loss of openness. In this case that loss of openness is limited by both the redevelopment of land previously used for buildings and ancillary facilities associated with the training of racehorses and therefore could not be described as open, and essential additional stabling and horse walkers which para 89 of the NPPF does not consider to be inappropriate.
2. In addition, the proposal is a partial redevelopment of a previously developed site. The site has been used for the training of racehorses since the early 1990s. The existing barn is clearly designed to accommodate horses and the fold yard has clearly been converted and used for stabling. Isolation boxes, the horse walker, circulation and storage areas, and gallops also clearly indicate the use of the site. This use was confirmed during the submission and approval of ancillary residential accommodation associated with the training of racehorses in 1996 and has continued. The proposed development of the new barn on the site of the former converted grain store, and parking and circulation area is clearly a redevelopment of a previously developed site.
3. The resurfacing of the circulation areas in the yard, horse walks, and all weather gallop are considered to be engineering operations. By their very nature being development that has little or no impact on openness and represent in essence the simple change to the surface of the land.

The development, due to the design and location of the proposed buildings and structures is not considered to conflict with the purpose of including land within it.

#### Special circumstances

In addition to the proposed development meeting the requirements of the NPPF in terms of Green Belt policy there are special circumstances that should, if necessary, also be weighed in the balance. The Government, in para 28 of the NPPF, place great emphasis on the economic benefits of appropriate development in the countryside. In addition, the Planning Authority accepts that the horseracing industry is an important economic element within the District and one of its major employers. Objective 10 of the Ryedale Plan seeks to support the land base economy by promoting sustainable rural enterprise and activity that helps to retain traditional land uses such as food production and horse racing.

In this case we have a site that is substantially under used but with the potential to meet the aspirations of the Planning Authority by bringing about the economic benefits of a successful horseracing yard and creating/preserving jobs in the District. The complex as a whole has been underused and the facilities on site do not meet the requirements of modern stabling, care, and conditioning of racehorses. Only substantial

investment will arrest that situation and allow the yard to flourish and be successful. This is important not just from a local perspective in terms of bringing an underused, economically beneficial site back to its full potential, but the size, location, and standard of the yard has national ramifications. It is important for Ryedale's racing industry that it has success. Ryedale is one of the top 4 horse racing centres in the country along with Newmarket, Lambourn and Middleham. Ryedale is effectively in competition with these other areas for patronage. Good facilities and successful trainers will attract owners to Ryedale which in itself an investment in the area.

Mr O'Meara wishes to remain in Ryedale but his options in terms of establishing a yard in his own right have been limited due to lack of suitable premises. Common Farm, an existing racing yard in Ryedale, forms that basis of a well-equipped modern training establishment including its own gallops. This can only be achieved by a substantial investment in Common Farm. This would apply to anyone wishing to realise the potential of the existing yard. If the fact that the site is within Green Belt is to stifle considerable development the yard may continue to deteriorate and remain an underused asset in the District.

The proposed development is not considered to be excessive and specifically seeks to upgrade the yard to high standard whilst retaining a level of horse accommodation commensurate with a trainer of his standing. Again this is important. Mr O'Meara is one of the most successful trainers in Ryedale and in order to maintain that success, and to continue to attract and maintain owners, good facilities including stabling and gallops and a certain level of horses are essential. One factor relating to success, in addition to the skill of the trainer and his staff, and the facilities available, are the number of horses trained in the yard. The most successful trainers in the country and also in Ryedale will usually accommodate in excess of 100 horses. In this case the current site was capable of accommodating in excess of a 100 horses but not all in an acceptable modern standard. The proposal will allow facilities to be provided, that realise the potential of the site, to a level that would result in a yard capable of accommodating a trainer with a high profile in terms of success and horse numbers. Again this would be an asset both locally and District wide.

The development is sustainable (NPPF para 7 – 16) making use of an existing complex and improving its appearance within the countryside by replacing a poorly designed former agricultural building and limiting any material expansion resulting in the continued grouping of buildings.

Furthermore, the NPPF para 28 places importance on supporting and promoting the growth and expansion of rural based business. In this case when fully operational in summer mode the site will provide for 25 full time and 10 part time staff in addition to local ancillary business which will benefit such as farriers, local farmers, feed merchants etc.

### The Development Plan

In terms of Green Belt Policy, the Ryedale Plan relies on those relevant policies in the NPPF.

However, there are several relevant policies in the Ryedale Plan and the importance of the horse racing industry is clearly acknowledged.

In particular Objective 10 seeks to support the land base economy by promoting sustainable rural enterprise and activity that helps to retain traditional land uses such as food production and horse racing.

Section 3 Aspirations and Strategy supports development that is necessary to support a sustainable and healthy rural economy.



In terms of specific policies, the following are considered relevant.

**SP6 Delivering and Distribution of Employment Land and Premises**

*"New land and Buildings for employment will be supported from the following locations: -*

*Wider Open Countryside*

*Expansion land for existing major employers/established business; small scale conversions of existing buildings or provision of new buildings to support appropriate rural economic activity in line with the provisions of Policy SP9."*

**SP9 The Land Based and Rural Economy**

*"Ryedale's Land Based Economy will be sustained and diversified with support for: -*

.....

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

It is clear that the principle of the development is supported by both Policy SP6 and SP9.

**SP13 Landscape**

Care has been taken to ensure the development does not have an adverse impact on the landscape character of the area and is referred to in the Proposals section above.

**SP16 Design**

Care has been taken to ensure the design of the development is compatible with its surroundings and is referred to in the Proposals section above.

**SP19 Presumption in favour of Sustainable Development**

It is considered that the upgrading and continued use of this economically beneficial facility is sustainable and in accordance with the NPPF.

**SP20 Generic Development Management Issues**

As demonstrated above in the proposals section the proposed development is considered to meet the requirements of Policy SP20 in terms of Character, Design, Amenity and Safety, and Access and Parking.

• **6.Overall Conclusion**

The proposed development is a well-planned upgrade, and limited expansion of an existing racehorse training stables. The development will result in one of the country's leading training centres thereby enhancing Ryedale's standing in the racing world which is a vital element of Ryedale's economy. The re-developed site will provide employment for 25 full time and 10-part time staff when fully operational and will be an asset to the area and the wider District with minimal impact beyond that existing.

The proposals are supported by policies contained within both the NPPF and the Ryedale Plan.

**Item Number:** 8  
**Application No:** 16/00251/MREM  
**Parish:** Malton Town Council  
**Appn. Type:** Approval of Reserved Matters Major  
**Applicant:** Commercial Development Projects (Mr Charles Vyvyan)  
**Proposal:** Construction of retention pond with associated landscaping and construction of pumping station together with erection of perimeter fencing and formation of vehicular access: Phase 1 of reserved matters (outline approval 14/00426/MOUTE dated 24.03.2015 refers).  
**Location:** Land At Edenhouse Road Old Malton Malton North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 25 May 2016  
**Overall Expiry Date:** 3 April 2016  
**Case Officer:** Gary Housden **Ext:** 307

## CONSULTATIONS:

<b>Public Rights Of Way</b>	Recommend informative
<b>Lead Local Flood Authority</b>	Comments made
<b>Sustainable Places Team (Yorkshire Area)</b>	No response
<b>Parish Council</b>	No response
<b>Highways North Yorkshire</b>	No objections
<b>Land Use Planning</b>	details submitted on drawing 4656-D1 (revision F) dated 26/01/2016 that have been prepared by JPG are not acceptable to Yorkshire Water as currently shown
<b>Vale Of Pickering Internal Drainage Boards</b>	No further comments to make
<b>Archaeology Section</b>	Scheme of archaeological evaluation should be undertaken and geophysical survey. Conditions recommended
<b>Tree &amp; Landscape Officer</b>	no comments to make.
<b>Countryside Officer</b>	No comments to make
<b>Land Use Planning</b>	No objection in principle and comments made
<b>Neighbour responses:</b>	Nick Greenhalgh,

-----  
**SITE:**

This application is the first of the reserved matters applications to be submitted in relation to outline planning permission 14/00426/MOUT at the Eden House Rd site Old Malton. The full detail of the extent of the outline permission is set out in the history section of this report below .

Members will be aware that the outline permission extends to three parcels of land on either side of the Edenhouse Rd and this parcel relates to the southernmost site which is situated in front of the Eden camp museum and visible from the adjacent A169 and the minor county road.

## PROPOSAL:

The outline application granted permission for a variety of business uses but also included permission for associated development including drainage, provision of services, landscaping, boundary treatments, attenuation ponds and associated highway works.

The illustrative plans submitted at outline stage envisaged a retention pond on the southern parcel and the current reserved matters application elaborates on the following details,

- The retention pond
- The associated pumping station and access to it.
- Landscaping

A full set of the submitted drawings are appended to this report together with the agents covering letter and a copy of the earlier approved plan submitted as part of the outline planning application

## **HISTORY:**

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

## **POLICY:**

### **Local Plan Strategy**

Policy SP1 General Location of Development and Settlement Hierarchy  
Policy SP6 Delivery and Distributing of Employment Land and Premises  
Policy SP9 The Land-Based and Rural Economy  
Policy SP10 Physical Infrastructure  
Policy SP12 Heritage  
Policy SP13 Landscapes  
Policy SP14 Biodiversity  
Policy SP16 Design  
Policy SP20 Generic Development Management Issues

## **APPRAISAL:**

The principle of development has already been established by the grant of outline planning permission. In this instance the matters for consideration therefore relate to the following detailed matters;

- Drainage
- Highways
- Ecology
- Landscaping
- Archaeology

### **Drainage**

The reserved matters applications have been considered by the Vale of Pickering IDB, NYCC Lead Local Flood Authority and Yorkshire Water and no objections have been received. Members may wish to note that the IDB have confirmed that they will be taking over the maintenance of the area when the work is complete.

## **Highways**

No objections are raised from NYCC highways subject to confirmation that the existing PROW in the vicinity of the site is protected and kept clear of any obstruction. An informative to confirm this is recommended.

## **Ecology**

The outline planning permission highlighted the potential to enhance biodiversity on the site as a result of the development. The Landscaping plan produced by Smeeden Foreman has been designed to contribute to local and national objectives. The pond has been designed to provide habitat 'niches' and is positioned close to hedgerows to promote connectivity, variations in water levels to provide some standing water, the pond base to be sown with wet tolerant species and a hay meadow and hedgerow mix beyond the pond. The Council's Countryside Management Officer has no additional comments to make and the details are considered to be acceptable.

## **Landscaping**

The Council's Tree and Landscape Officer similarly is happy with the details shown on the submitted landscape plan.

## **Archaeology**

NYCC Heritage Services had originally expressed concern that this part of the site was not subject to a geophysical survey at outline stage and that further evaluation work should be undertaken prior to determination.

If however the council is minded to approve the application evaluation is required prior to commencement and a WSI condition is recommended.

The applicants advisors consider this part of the site to be low risk and advise that the best method of evaluation of the pond area is to 'strip, map and record' in order to monitor the topsoil strip and evaluate during work. In the circumstances they consider a pre determination evaluation is unnecessary in this area

Two further documents have since been submitted from Prospect Archaeology and CFA Archaeology on behalf of the applicant which have been forwarded to NYCC Heritage Services for further comment and response. Members may wish to note that no evidence of any surviving Roman activity has been found. Later evidence of former late 19th Century / 20th century field boundaries/structures are the only features discovered and it is anticipated therefore that NYCC 's initial concerns regarding archaeology on this part of the site have been addressed. Any further comments received from NYCC will be reported to members at the meeting

## **Other Matters**

No response has been received from Malton Town Council

One third party letter has been received from a resident of Old Malton who considers that an alternative drainage solution could involve diverting Riggs Road Drain into the pond with a controlled outflow and that this might give an improved wider benefit at little extra cost. These comments are noted , however the local IDB have been involved at various stages in this process and consider the submitted details to be acceptable. Any further comments from the IDB in response will be reported to Members

## **RECOMMENDATION - Approval**

Subject to no additional adverse comments being received from NYCC Heritage Services Approval is recommended to this reserved matters application

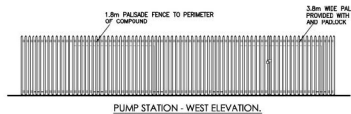
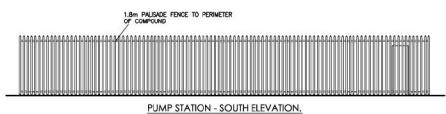
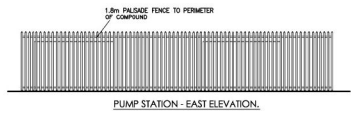
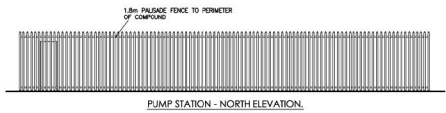
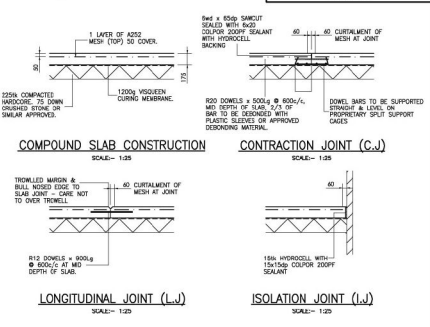
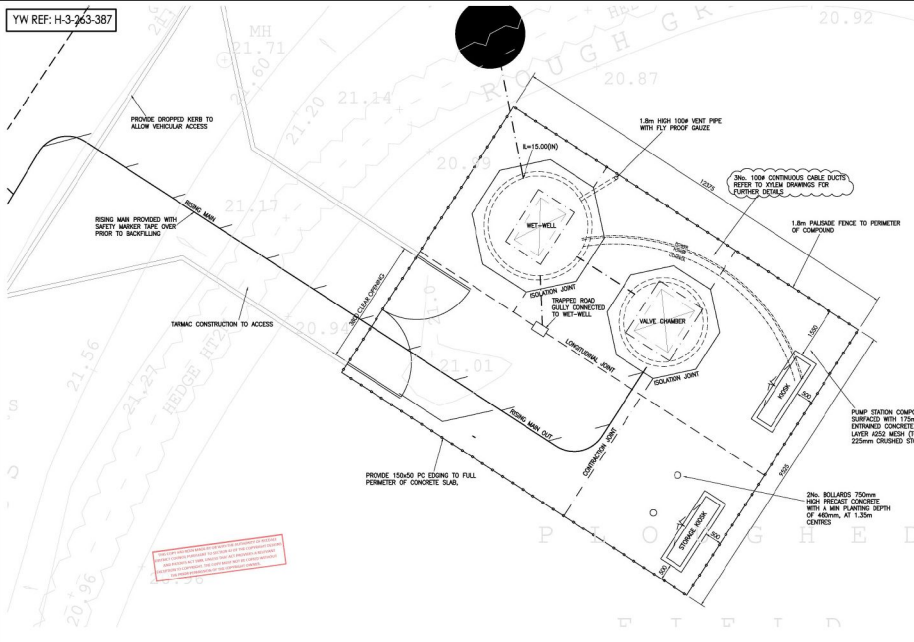






YW REF: H-3-963-387

DO NOT SCALE  
NOTES



REV	DESCRIPTION	DATE	BY
E	SECTIONS ADDED ACCESS MORE	26.01.15	AMF
D	200mm VENT ADDED	07.10.15	AMF
C	200mm VENT ADDED	26.10.15	AMF
B	200mm VENT ADDED	26.10.15	AMF
A	200mm VENT ADDED	26.10.15	AMF

JOB TITLE  
PROPOSED DEVELOPMENT  
EDENHOUSE ROAD  
MALTON

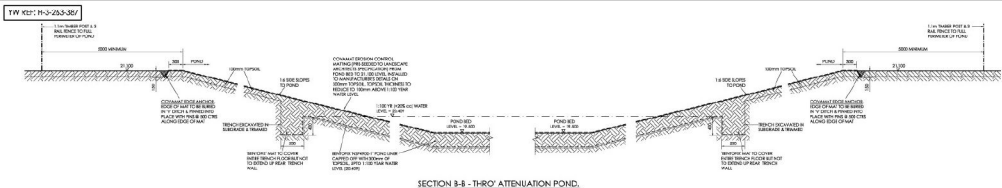
PRELIMINARY

Architect:

www.jpggroup.co.uk  
144 (0)113 20 1122 | Ave: London & Macc

Checked	Date	Scale	Alt	Drawn

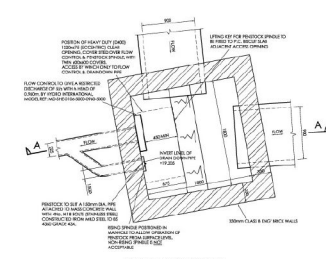
Drawing No: 4656-D3 | E



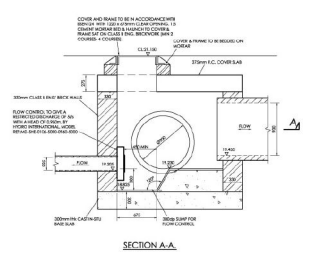
SECTION B-B - THRU ATTENUATION POND.



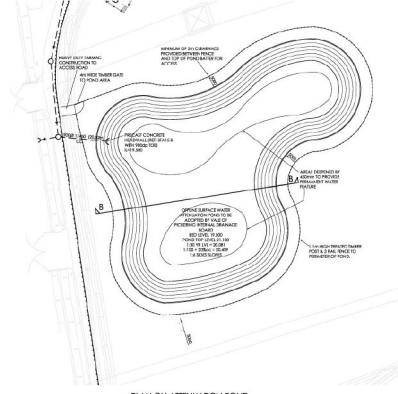
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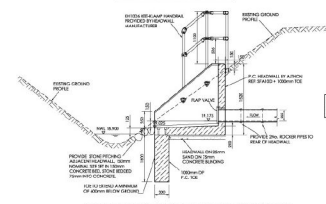
PLAN ON MANHOLE SW/ FLOW CONTROL MANHOLE.



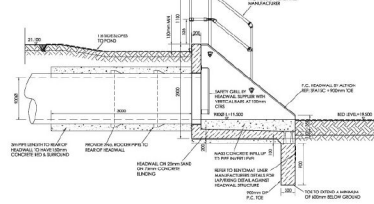
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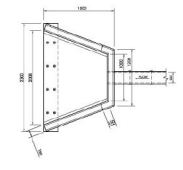
PLAN ON ATTENUATION POND.



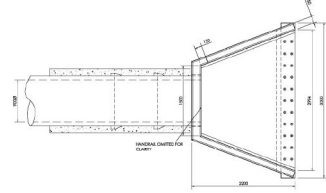
SECTION THRU 2250 OUTFALL PIPE TO WATERCOURSE.



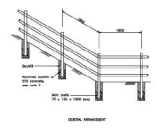
SECTION THRU 9000 INLET/OUTLET PIPE TO POND.



PLAN ON 2250 OUTFALL PIPE TO WATERCOURSE.



PLAN ON 9000 INLET/OUTLET PIPE TO POND.



POST & 3 RAIL FENCE DETAIL.

REV	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITS		
2	REVISED DEVELOPMENT		
3	FOR POWER ROAD		
4	MANHOLE		
5	CHANGING THE ATTENUATION POND LAYOUT & MISCELLANEOUS DRAINAGE DETAILS		

**PRELIMINARY**

**JPG**

DATE CALCD: 11/10/10

Drawing No. 4656-D5



Artist's Impression of the Office Campus at the Eden Camp East Site

# FREETHS

## RECORDED DELIVERY

For the attention of Gary Housden  
Ryedale District Council  
Development Management  
Ryedale House  
Malton  
YO17 7HH

Direct dial: 0845 050 3676  
Direct fax: 0115 859 9642  
Switchboard: +44 (0)115 936 9369  
Email: liz.garvey@freeths.co.uk

16 February 2016

Our Ref: 2069778/3/163/LXG

Dear Mr Housden,

**OLD MALTON: LAND AT EDENHOUSE ROAD (PLANNING PERMISSION REFERENCE 14/00426/MOUTE)**  
**PHASE 1 – SUBMISSION OF RESERVED MATTERS**

I refer to the above outline planning permission and ongoing discussions in relation to the submission of reserved matters.

This application represents the submission of 'phase 1' of the reserved matters and relates to the following work:

- The construction of the retention pond at Eden Camp;
- The construction of the pumping station at Eden Camp;
- Access to the pumping station; and
- Landscaping around the retention pond.

For clarity the Smeeden Foreman drawing (no. LL02) entitled 'Landscape Strategy Proposals' shows the boundary for land to which the phase 1 reserved matters application relates, and is detailed with a red dashed line. The overall red line boundary for the outline application is detailed with a solid red line. The wider red line plan showing the extent of the site which benefits from outline planning permission is also attached (drawing no. 052).

Below are the details which are submitted with this application, pursuant to each relevant reserved matter:

### Access

JPG drawing (no. 4646-D3) entitled 'Foul Pump Station Compound General Arrangement' identifies the access that will be provided to the foul pumping station for Yorkshire Water. The access will be constructed of Tarmac and will have a dropped kerb to Edenhouse Road and one lockable demountable bollard.

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JPG drawing (no. 4656-D1) entitled 'Infrastructure Drainage Layout' also details a 4 m wide vehicle access which is also provided to the retention pond for Yorkshire Water. The access will have a lockable gate, be constructed of tarmac and feature a dropped kerb.

Both accesses will provide vehicular access in perpetuity for Yorkshire Water.

### **Scale**

The majority of the work proposed in relation to this reserved matters application is to be below ground.

JPG drawing 'Foul Pump Station Compound General Arrangement' (no. 4656-D3) details the palisade fence which will be provided around the perimeter of the pumping station compound. Smeeden Foreman drawing (no. LL02) 'Landscape Strategy Proposal' provides details of the post and 3 rail fence around the retention pond.

Asides from these there will be no other built form above the surface of the site.

### **Appearance**

As detailed above, with the exception of the palisade fence around the pumping station, there will be no built development on the site for which it is necessary to secure the appearance of through this reserved matters approval.

Smeeden Foreman drawing (no. LL02) 'Landscape Strategy Proposal' provides a section through the pond and details the planting which will take place around the site.

JPG drawing (no. 4665-D5) 'Attenuation Pond Layout and Miscellaneous Drainage Details' details the drainage infrastructure which will be underground.

### **Layout**

JPG drawing (no. 4656-D1) entitled 'Infrastructure Drainage Layout' identifies the layout of the site, including the size, shape and location of the retention pond.

JPG drawing (no. 4646-D3) entitled 'Foul Pump Station Compound General Arrangement' details the layout of the foul pumping station.

### **Landscaping**

Pursuant to this reserved matter, Smeeden Foreman drawing (no. LL02) details the Landscape Strategy Proposal for the site.

In order to demonstrate compliance with condition 5 of the outline approval, which states that *"full details of habitat creation and mitigation measure shall be submitted prior to the commencement of development on site. The measures shall draw on the suggestions contained in the Ecological Appraisal submitted by FCPR in March 2014 and the approved measures shall be fully*



*implemented on site in accordance with an agreed timescale*", Smeeden Foreman have designed the following elements, which have been incorporated into the design of the retention pond, to enhance the biodiversity of the site, and contribute to local and national biodiversity objectives.

1. The proposed retention pond has been designed with a naturalistic shape to provide habitat niches and adjacent to hedgerows to ensure associated and potentially connective areas of habitat.
2. Two over-deepened areas (approx 450mm) to the base of the retention pond have been created to provide some standing water or permanent dampness within the pond.
3. The base of the pond should be sown with a suitable damp tolerant/wet grassland mix and margins sown with herb-rich grassland.
4. Beyond the pond a hay meadow and hedgerow mix is specified to provide a rich species diversity and re-create some of the natural habitat and enhance the biodiversity of the site

#### **Summary**

This application represents the submission of reserved matters in relation to Phase 1 of the work at Eden Camp. This application provides information pursuant to the construction of the retention pond and associated infrastructure and should be acceptable to the Local Planning Authority.

I therefore look forward to receiving confirmation of the registration of this application. If you have any further queries please do not hesitate to contact me.

Yours sincerely

THIS DOCUMENT IS FORWARDED ELECTRONICALLY AND SO IS UNSIGNED

Liz Garvey  
Senior Planning Executive  
Planning and Environment Group.

Please respond by e-mail where possible

Enc

**Item Number:** 9  
**Application No:** 15/00917/73A  
**Parish:** Malton Town Council  
**Appn. Type:** Non Compliance with Conditions  
**Applicant:** Wm Morrison Supermarkets Plc  
**Proposal:** Variation of Condition 13 of approval 99/00123/FUL dated 17.02.2000 to state: "All deliveries to the store shall be limited to between 05.00 hours and 23.00 hours Monday to Saturday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 21.00 and 23.00. All deliveries to the store shall be limited to between 06.00 hours and 22.00 hours on a Sunday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 06.00 and 07.00 and one Morrisons company vehicle between the hours of 20.00 and 22.00. The company vehicles delivering to the site shall switch off any refrigeration units prior to accessing the site, reversing beepers shall be switched off during manoeuvring and the engine shall be switched off as soon as manoeuvring is completed. Other vehicle deliveries to the store during the permitted hours shall switch off refrigeration units prior to accessing the site and switch off engines after manoeuvring." - alteration to delivery hours and restrictions.  
**Location:** Wm Morrisons Castlegate Malton North Yorkshire YO17 7DT

**Registration Date:**  
**8/13 Wk Expiry Date:** 27 October 2015  
**Overall Expiry Date:** 11 May 2016  
**Case Officer:** Rachel Smith **Ext:** 323

## CONSULTATIONS:

**Parish Council**  
**Highways North Yorkshire**  
**NY Highways & Transportation** No objection  
**Environmental Health Officer** object  
**Environmental Health Officer**  
**Parish Council**

**Neighbour responses:** Ms Lucy Jennings,

---

## SITE:

Morrisons Supermarket is situated on the southern side of Castlegate, Malton, within Malton Conservation Area. The site is accessed by customers from Castlegate and via Railway Street/Carpenters Yard for deliveries, and some pedestrian access. The store is bordered to the south by the River Derwent to the west by a retail warehouse with flats beyond and to the north and east by a mix of residential and commercial premises.

## PROPOSAL:

Permission was granted in 1999, application ( 99/00123/FUL), for the erection of alterations to the existing supermarket. The application included the formation of a new service access from Railway Street. The application was approved subject to a number of conditions, including the following:

*All deliveries to the store shall be limited to between 0600 hrs and 2200 hrs. The number of delivery vehicles shall be limited to one Safeway company vehicle between the hours of 0600 and 0700 and one Safeway company vehicle between the hours of 2000 and 2200. The Safeway company vehicles delivering to the site shall switch off any refrigeration units prior to accessing the site, reversing beepers shall be switched off during manoeuvring and the engine shall be switched off as soon as manoeuvring is completed. Other vehicle deliveries to the store during the permitted hours shall switch off refrigeration units prior to accessing the site and switch off engines after manoeuvring.*  
*Reason:- In the interests of residential amenity.*

The current application seeks to vary this condition to allow deliveries:

- *between 05:00 and 23:00 Monday to Saturday with the number of delivery vehicles for Morrisons restricted to a maximum of one between the hours of 21:00 and 23:00.*
- *06:00 and 22:00 on a Sunday, limited to one delivery between the hours of 06:00 and 7:00, and one between the hours of 20:00 and 22:00.*

## **PLANNING HISTORY:**

Permission was granted in 1983 for retail development of the site. The following includes a summary of the principle applications that provide background information for the current application.

1999: Application 99/00123/FUL: Permission granted for the erection of alterations to the supermarket including additional car parking and formation of new service access from Railway Street.

2000: Erection of extension to supermarket additional car parking and formation of service access - approved

2000: Amendment to condition to allow coffee shop facility - approved

2004 Permission granted for the erection of an extension to the southern elevation, to provide staff access route, installation of eight covered trolley stores within the car park and revision to layout of car parking bays. (appln 04/01482/FUL)

2004 Permission granted for the removal of condition 22 of approval 99/00123/FUL to allow the service yard to be secured as required between the hours of 06:00 and 22:00 and erection of service yard gates with increase in height of existing service yard walls.

2005: Erection of extension to south elevation and revision to car park layout - Approved. Application number 05/00233/FUL

2006: Extension to café - approved

2009 Permission granted (08/01144/MFUL) for the erection of a two storey and single storey extension, use of existing staff accommodation as extension to warehouse and alterations to parking layout. Subject to legal agreement to secure strategic transport contributions.

2012 ( appln 11/00825/73A) Permission granted for removal of conditions 11 and 12 of application 08/01144/MFUL.

## **POLICY:**

### **Ryedale Plan Local Plan Strategy**

Policy SP7 Town Centres and Retailing  
SP 20 Generic Development Management Issues.



**APPRAISAL:**

The following includes the material considerations in relation to this application:

- policy considerations
- residential amenity
- highway considerations

**POLICY CONSIDERATIONS**

The NPPF states that Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work. It requires local planning authorities to define the extent of town centres and also promote competitive town centres that provide customer choice.

In this case the application relates to an existing food store, which is situated within the town centre commercial limits. The applicants have submitted a supporting statement which includes the following:

*1.02 "Food retailing is a highly competitive business and it is essential that major food retailers are able to organise their operations in an efficient manner. An important part of this is the need to ensure that the delivery to the store operates efficiently, providing the freshest produce at the store in time for it to be merchandised, at minimal cost whilst also considering other factors such as road congestion and the carbon footprint of such activities.*

*1.03 significant proportion of deliveries to Morrisons stores are made during the night (defined in acoustic terms as 23:00 - 07:00 hours). This provides a number of advantages including:*

- *Fresh produce as it arrives, is unloaded and made available for purchase prior to the store opening;*
- *Delivery vehicles do not add to congestion on the road network during busier periods thereby minimising journey times and the carbon footprint;*
- *Ensuring vehicles can be unloaded in an efficient manner as opposed to unloading several vehicles at a time which leads to inefficient work and excessive noise as this has to be done as quickly as possible;*
- *Prevents congestion of delivery vehicles in and around the delivery yard/foodstore;*
- 

The statement further advises that at present, there is insufficient time to unload vehicles, unpack products, merchandise and stock shelves ready for the store opening at 08:00 hours. The variation of condition 13 will allow deliveries to the store to be staggered and thereby provides the benefits identified at paragraph 1.03 above.

Given the location of the store in the town centre commercial limits, it is considered that the rationale for the extension of the delivery hours set out above accords with both national and local policy, in terms of enhancing the vitality of town centres and improving choice. Furthermore it will enable the store to remain competitive in the retail market. As such it is considered that the *principle* of the change to the delivery hours is acceptable.

## NEIGHBOUR AMENITY

The site is located in a part of the town centre where there are existing neighbouring occupiers in relatively close proximity to the delivery yard. The closest are those in the Corn Mill on Railway Street which are around 50 metres from the delivery yard.

When the application to extend the store, and provide delivery from Railway Street was considered in 1999, the Committee report referred to the highway and neighbour amenity considerations. It included the following paragraph:

*"The access route passes between Yates store and the Cornmill Flats. In addition the service dock and vehicle manoeuvring area would be only 50 metres from the flats. Currently delivery times are not fixed and activity at unsociable hours could result in a detrimental impact on neighbouring residential properties. This situation has to be balanced by the fact that the last user of the application site used the Carpenters Yard entrance to receive and deliver agricultural equipment often on larger vehicles. This issue is being addressed by either amendments to the scheme or possibly conditions."*

Accordingly the conditions attached to application 99/001233/FUL were considered to be necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects. As such they satisfied the tests for condition detailed in the now superseded Circular 11/95. The tests are however repeated in para 206 of the NPPF.

Nevertheless it is considered that the information submitted by the applicant in support of the current planning application is a material consideration that carries significant weight. Which is required to be balanced against continuing neighbour amenity concerns. It is noted that an objection has been received from Yorkshire Housing, on behalf of some of the residents of Cornmill flats who are directly affected by the Morrison's delivery wagons. They have raised the following points;

- Delivery wagons are already arriving before 5am and can be as early as 4.30am
- The refrigeration wagons are often left running until they are allowed to deliver, and this disturbs sleep.
- Unloading from the wagons is also noisy with lots of banging etc.

The response from Yorkshire Housing further states *" Many are accepting of the fact that the deliveries need to happen and acquiesce that it is a fact of life whilst living at The Cornmill. However, if it is the case that deliveries are happening before the current 5.30 curfew then they are not adhering to the current restrictions and this is not fair to our customers"*

Officers have taken account of the objection raised. Nevertheless, the NPPG states that neither the Noise Policy Statement for England nor the National Planning Policy Framework expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

In this case, it is accepted that there are sound retail and economic reasons why extended delivery hours should be considered. It is also noted that Morrison's delivery lorries regularly wait outside the front of the flats at The Cornmill with their engines running. This occurs when the yard is already occupied by a delivery vehicle, and is likely to add to the disturbance of neighbouring occupiers. It is therefore considered that a review of the delivery process is required to address existing problems.

The Council's Environmental Health Officer has considered the submitted information, and expressed concern about the possible impacts of the longer delivery times on the amenity of neighbouring residents. She further advised that there was insufficient delivery information to demonstrate that the variation of conditions would not have a detrimental impact on nearby residents.

The Council's Environmental Health officer and Planning Case Officer visited the site and held a meeting with the store manager to consider which elements of the delivery process caused the greatest noise. It appears that the main concerns are the sound of trolleys clattering across the docking plate to the lorry and being pulled back into the store, together with queuing vehicles with their engines running, and refrigeration units. The applicants agreed to provide a delivery management plan to reduce such noise generating processes, in particular at unsociable hours. An initial plan has been submitted which addresses the points raised. However it is considered that it requires further amendment to ensure that the conditions within in it are sufficiently precise to be enforceable if required. The final version of the delivery management plan is awaited but includes the following broad terms;

- Minimise noise from vehicles travelling/manoeuvring within the site by making sure that the access road and delivery yard are kept clear of obstruction.
- Avoid excessive engine revving when entering and manoeuvring
- Drivers waiting outside the yard should switch their engine off, radio's kept low and cab doors closed.
- Unless otherwise instructed when leaving the distribution centre, the driver should make sure that reversing alarms are switched off before arriving at the site and if specified, ensure that trailer refrigeration units are switched off before arriving at the site.
- Avoid any unnecessary activity in the yard during the night
- Ensure that latches and bolts on the entrance gates to the service yard are properly maintained
- Appropriate signage to ensure all personnel are aware of need to avoid noise.
- Ensure that dock levellers are used correctly and PIEK compliant or Pedestrian Operated Electrically Powered pallet truck is used correctly by properly trained personnel.
- Move pallets slowly across the dock leveller/plate and the bed of the trailer and slowly enter/leave pallets to avoid noise being radiated from the bed of the trailer.
- Keep the delivery bay doors closed, particularly during the night.
- Establish and maintain good communication with neighbouring residents, ensuring they realise that their concerns are taken seriously.
- In the event of a major failure that will prevent the above systems being adhered to, postpone the night delivery until the morning.
- In order to ensure that delivery vehicles can drive straight into the delivery yard on arrival, delivery vehicles will wait at an industrial site in York before being called to the store to confirm that the yard is clear to receive deliveries.
- Rubber strips to be fitted to the 3 pallet trucks and the edge of the docking plate to reduce any clattering

The Council's Environmental Health Officer is of the opinion that changes are needed to the submitted delivery management plan to tailor it more specifically to this particular store, in order to address the noise concerned raised, and also ensure that the conditions are precise and enforceable. However, it is considered that subject to the receipt of a satisfactory revised document, the revision to the delivery hours can be permitted without having a significant adverse impact on the existing amenities of neighbouring occupiers. Furthermore it will reduce the existing impact that results from lorries waiting to enter the delivery yard, with their engines running. Nevertheless it is considered that it would be appropriate to restrict any approval to a temporary one year period. This will enable officers to monitor the impact of the proposed change for a trial period before committing to a permanent change.

Re-consultation on the submitted information has been carried out with the 3 neighbours that have raised an objection, and Members will be updated at their meeting if any further comments are received.

## HIGHWAY CONSIDERATIONS

It is considered that the proposed changes to delivery hours will result in lorry movements being better spaced, without queuing vehicles. Accordingly, the Highway Authority has not objected to the development.

### Conclusion

Officers have taken account of the need to ensure that the existing store remains competitive whilst balancing this with preserving the existing amenities of neighbouring occupiers. Accordingly, the recommendation is one of approval subject to:

- A temporary one year permission - trial period
- The expiry of the consultation period
- The submission of a revised delivery management plan that is precise and enforceable.

### 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 There shall be no sale of food or drink for consumption on the premises by members of the public.

Reason: In the interests of the retail vitality and viability of Malton Town Centre.

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

Reason: To enhance the appearance of the development hereby approved.

4 No development or other operation shall commence on site until a scheme (herein after called the Method Statement for Arborticultural Works) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the Method Statement. In relating to that Statement:

a) No operations shall commence on site in connection with the development hereby permitted (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the Method Statement are in place on site.

(b) No excavations for services, storage of materials, or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place inside or within 10m of an area fenced off or otherwise protected in the Method Statement.

(c) The fencing or other works which are part of the Method Statement shall not be moved or removed, until all works including external works, have been completed and all equipment, machinery and surplus materials removed from the site, without the prior written approval of the Local Planning Authority.

Reason:- To secure the protection, throughout the time that the development is being carried out, of trees, shrubs or hedges growing within or adjacent to the site which are of amenity value to the area.

- 5 Before the development hereby permitted is commenced, details and samples of the materials to be used on the exterior of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. No variation of the approved materials shall be undertaken without the express consent in writing of the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance.

- 6 No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:- The site is of archaeological interest.

- 7 There shall be no raising of ground levels or storage of materials, including soil, within that part of the site liable to flood as delineated on the attached plan.

Reason:- To ensure that there will be no increased risk of flooding to other land/properties due to the impedance of flood flows and/or reduction of flood storage capacity.

- 8 Notwithstanding the provision of Schedule 2, Part 4, Class A of the Town & Country Planning General Development Order 1995 (or any Order revoking or enacting that Order) no temporary buildings or storage containers shall be erected within that part of the site liable to flood as delineated on the attached plan.

Reason:- To ensure that there will be no increased risk of flooding to other land/properties due to the impedance of flood flows and/or reduction of flood storage capacity.

- 9 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason:- To prevent pollution of the water environment.

- 10 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres of the line of the sewer which crosses the site.
- Reason:- In order to allow sufficient access for maintenance and repair work at all times.
- 11 The site shall be developed with separate systems of drainage for foul and surface water.
- Reason:- In the interest of satisfactory drainage.
- 12 Prior to the commencement of the development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority.
- Reason:- In the interests of visual amenity.
- 13 All deliveries to the store shall be limited to between 05.00 hours and 23.00 hours Monday to Saturday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 21.00 and 23.00. All deliveries to the store shall be limited to between 06.00 hours and 22.00 hours on a Sunday with the number of delivery vehicles limited to one Morrisons company vehicle between the hours of 06.00 and 07.00 and one Morrisons company vehicle between the hours of 20.00 and 22.00. The company vehicles delivering to the site shall switch off any refrigeration units prior to accessing the site, reversing beepers shall be switched off during manoeuvring and the engine shall be switched off as soon as manoeuvring is completed. Other vehicle deliveries to the store during the permitted hours shall switch off refrigeration units prior to accessing the site and switch off engines after manoeuvring.
- Reason: In the interests of residential amenity.
- 14 Prior to the commencement of the development, details of the pallet trucks to be used in association with the unloading of produce at the store shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the only approved pallet trucks shall be used for unloading purposes.
- Reason:- In the interests of residential amenity.
- 15 Details of ventilation and refrigeration shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.
- Reason:- In the interests of residential amenity.
- 16 Prior to the commencement of the development, detailed construction drawings shall be submitted and approved in writing by the Local Planning Authority for the improvement to the site access with Castlegate as indicated on Drawing No 4549/001 Rev B. The approved details shall be completed to the reasonable satisfaction of the Local Planning Authority before the extended store is first brought into use.
- Reason:- To secure implementation of the approved access arrangements in the interests of highway safety and the convenience of vehicles and pedestrians visiting the site.
- 17 Prior to the commencement of the development, detailed construction drawings for the service yard access and footpath link junction with Carpenters Way shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed to the reasonable satisfaction of the Local Planning Authority before the service yard and footpath are first brought into use.

Reason:- To secure implementation of the approved access arrangements in the interests of highway safety and the convenience of vehicles and pedestrians visiting the site.

- 18 The development shall not be commenced until full details of the construction, surfacing, lighting, surface water drainage and marking out of the car park, cycle park, recycling areas and service yard indicated on Drawing No A906/SK5 Rev E have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed to the reasonable satisfaction of the Local Planning Authority before the extended store is first brought into use.

Reason:- To secure implementation of the approved access arrangements in the interests of highway safety and the convenience of vehicles and pedestrians visiting the site.

- 19 The existing public right of way shall be protected and kept clear of any obstruction at all times.

Reason:- To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 20 Prior to the commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority for the access and parking for construction traffic associated with the building of the extended store.

Reason:- To secure implementation of the approved access arrangements in the interests of highway safety and the convenience of vehicles and pedestrians visiting the site.

- 21 Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during the construction of the store shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. The approved precautions shall be made available before the development commences on the site and shall be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal.

Reason:- To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 22 Details of any gates, barriers or other means of enclosure at the boundary of the service yard and the public highway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the access gates shall remain open to vehicular traffic between the hours of 0600 and 2200.

Reason:- To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 23 Provision shall be made to prevent surface water from the site discharging onto the public highway.

Reason:- To ensure a satisfactory arrangement of highway drainage in the interests of the amenity of the area.

- 24 Prior to the commencement of the development a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the car parking regime on site shall be managed in accordance with the approved management plan.

Reason:- To ensure the maximum utilisation of the car park.

**Background Papers:**

Adopted Ryedale Local Plan 2002

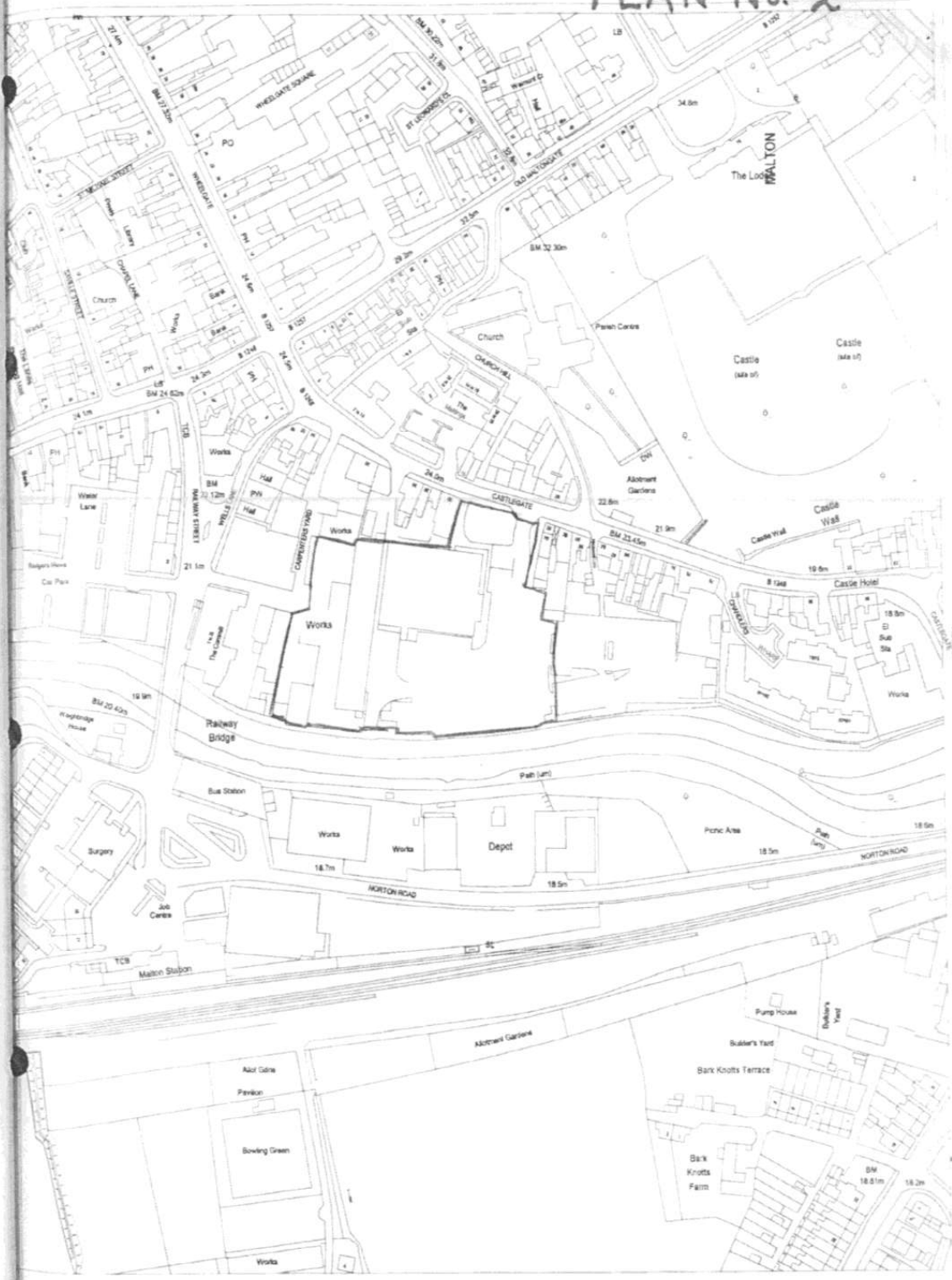
Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties



# PLAN No. 2



SCALE 1:2500	DRAWN BY	DATE 26th July 1999
Department	Planning Services	Drawing No.

Ryedale House, Malton  
North Yorkshire, YO17 7HH

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WM MORRISON SUPERMARKETS PLC  
MORRISONS FOODSTORE, CASTLEGATE  
MALTON

## PLANNING STATEMENT

AUGUST 2015

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### **REPORT**

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- SECTION 2:** SITE DESCRIPTION
- SECTION 3:** PLANNING POLICY CONTEXT
- SECTION 4:** PLANNING ANALYSIS
- SECTION 5:** CONCLUSIONS

### **APPENDICES**

- APPENDIX 1:** DECISION NOTICE REF 99/00123/FUL

1. INTRODUCTION

**Introduction**

- 1.01 This Report comprises a statement prepared in support of an application submitted on behalf of Wm Morrison Supermarkets plc ("Morrison's") to vary Condition No. 13 of planning permission ref: 99/00123/FUL (a copy of which is appended to this Statement at **Appendix 1**) dated 17 February 2000, which relates to the delivery hours of the Morrison's foodstore (former Safeway store), located on Castlegate, Malton, YO17 0DT.

**Background**

- 1.02 Food retailing is a highly competitive business and it is essential that major food retailers are able to organise their operations in an efficient manner. An important part of this is the need to ensure that the delivery system to the store operates efficiently, providing the freshest produce at the store in time for it to be merchandised, at minimal cost whilst also considering other factors such as road congestion and the carbon footprint of such activities.
- 1.03 A significant proportion of deliveries to Morrison's stores are made during the night (defined in acoustic terms as 23:00 – 07:00 hours). This provides a number of advantages including:
- Fresh produce as it arrives, is unloaded and made available for purchase prior to the store opening;
  - Delivery vehicles do not add to congestion on the road network during busier periods thereby minimising journey times and the carbon footprint;
  - Ensuring vehicles can be unloaded in an efficient manner as opposed to unloading several vehicles at a time which leads to inefficient work and excessive noise as this has to be done as quickly as possible;
  - Prevents congestion of delivery vehicles in and around the delivery yard/foodstore;

- 1.04 Condition 13 states that:

*"All deliveries to the store shall be limited to between 06.00 hours and 22.00 hours. The number of delivery vehicles shall be limited*

*to one Safeway company vehicle between the hours of 06.00 and 07.00 and one Safeway company vehicle between the hours of 20.00 and 22.00. The Safeway company vehicles delivering to the site shall switch off any refrigeration units prior to accessing the site, reversing beepers shall be switched off during manoeuvring and the engine shall be switched off as soon as manoeuvring is completed. Other vehicle deliveries to the store during the permitted hours shall switch off refrigeration units prior to accessing the site and switch off engines after manoeuvring."*

- 1.05 As such, currently, there is insufficient time to unload vehicles, unpack products, merchandise and stock shelves ready for the store opening at 08.00 hours.
- 1.06 The variation of Condition No. 13 will allow deliveries to the store to be staggered and thereby provide the benefits identified at paragraph 1.03 above.

#### **Planning Issues**

- 1.07 The reason for Condition No. 13 of planning permission ref: 99/00123/FUL relates to the interests in residential amenity. However, as outlined in this report, neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed developments.

#### **Structure of the Report**

- 1.08 This report is written in the following sections:
- Section 2 describes the application site;
  - Section 3 summarises the salient elements of the planning policy context against which the proposal should be assessed;
  - Section 4 provides an analysis of the issues highlighted above; and
  - Section 5 sets out overall conclusions and the consistency of the proposal with relevant planning policy.

**2. SITE DESCRIPTION**

- 2.01 The Morrisons store is located on Castlegate in Malton Town Centre. The store is the main foodstore facility within the town centre.
- 2.02 To the north of the site is Castlegate (B1248) with a mix of retail and office units. The Maltings, a residential and office development is located on the other side of Castlegate, adjacent to the access point into the car park.
- 2.03 To the east of the site is Chandlers Wharf, a small residential development.
- 2.04 To the south of the store is the customer car park. The south of the site is then bounded by the River Derwent.
- 2.05 To the west of the store is the service yard which has its own vehicle access point off Carpenters Yard. To the west of the site is a mix of commercial and industrial properties located on Carpenters Yard, including the hardware and country clothing store Ralph Yates. The garden centre and pet shop is also located there.
- 2.06 The surrounding area is strongly dominated by a mix of retail and commercial units as the site is located at the southern extent of the town centre. The only nearby residential properties are those located to the east of the site on Chandlers Wharf; which is the furthest point from the service yard, and the flats contained within The Maltings on Castlegate, close to the vehicular access point into the store.

**3. PLANNING POLICY CONTEXT**

- 3.01 The purpose of this Section is to establish the planning policy framework against which the criteria of the application should be assessed.
- 3.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the Plan should not be allowed unless material considerations justify a grant of planning permission.
- 3.03 However, Paragraph 215 of the NPPF confirms that following a period of 12 months from the day of publication of the NPPF due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given).
- 3.04 The Statutory Development Plan comprises:
- The Ryedale Local Plan – saved policies (adopted March 2002).
- 3.05 Further material policy considerations include:
- The Ryedale Plan Local Plan Strategy DPD (adopted September 2013) ;
  - The National Planning Policy Framework (2012);
  - Planning Practice Guidance (2014); and
  - Noise Policy Statement for England (2010).
- 3.06 Each of these documents is reviewed below.

**Development Plan**

The Ryedale Local Plan – saved policies (March 2002)

- 3.07 The Ryedale Local Plan allocates the site as being with Malton Town Centre which is defined as the principal town centre within the district.

- 3.08 The Saved Policies only relate to some of the housing and employment allocations so there are no saved policies within the Local Plan of relevance to this planning application other than the site's allocation.

**Other Material Policy Considerations**

The Ryedale Plan Local Plan Strategy DPD (September 2013)

- 3.09 Ryedale Council are in the process of preparing a replacement Local Plan 'The Ryedale Plan'.
- 3.10 The Local Plan Strategy contains a policy on Town Centres and Retailing (Policy SP7). The policy identifies Malton as the principal town centre in the district and also identifies Castlegate as part of the Primary Retail Frontage where the policy will protect retail uses.
- 3.11 Policy SP7 also states that retail uses will be supported where proposals maintain and enhance the vitality and viability of Malton Town Centre.

The National Planning Policy Framework (NPPF) (2012)

- 3.12 The NPPF contains national planning policy on a variety of different subjects and how these are expected to be applied. The Framework is to be read in conjunction with the Planning Practice Guidance (2014).
- 3.13 The NPPF does not change the requirement for planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004).
- 3.14 The NPPF confirms that the purpose of planning is to help achieve sustainable development. There are three dimensions to sustainable development, which are:
- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;



- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.15 Paragraph 14 confirms that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. In respect of 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 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.

3.16 Paragraph 17 outlines a number of core planning principles, which undermine both plan-making and decision-taking. These include the statement that planning should *inter alia*...

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.....;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Support the transition to a low carbon future in change climate.....; and
- Contribute to conserving and enhancing the natural environment and reducing pollution.....

- 3.17 Paragraphs 18 and 19 confirm that the government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. In addition, the government is committed to ensuring that the planning system does all it can to support sustainable economic growth with the planning system encouraging and not acting as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 3.18 In respect of promoting sustainable transport, paragraph 30 is clear that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 3.19 Having regard to decision taking, paragraph 187 states that the advice to Local Planning Authorities is that solutions rather than problems should be looked for with decision takers at every level seeking to approve applications for sustainable development where possible.
- 3.20 Paragraph 196 re-iterates that the planning system is plan-led and that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. In respect of decision making, the NPPF is a material considerations. Paragraph 197 re-iterates that LPAs should apply the presumption in favour of sustainable development.

Planning Practice Guidance (Noise) (2014)

- 3.21 As outlined above, the NPPF is supported by a range of guidance on a variety of topics. In this instance, the most relevant topic is noise.
- 3.22 Paragraph 002 confirms that noise can override other planning considerations. However, neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.
- 3.23 When determining the noise impact, LPAs and decision takers should take account of the acoustic environment and in doing so consider:

- Whether or not a significant adverse effect is occurring or likely to occur;
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

3.24 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed effect level for the given situation. As noise is a complex technical issues, it may be appropriate to seek experienced specialist assistance when applying this policy.

Noise Policy Statement for England (2010)

3.25 The NPSE outlines the Noise Policy Aims as

*“Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

- *Avoid significant adverse impacts on health and quality of life;*
- *Mitigate and minimise adverse impacts on health and quality of life; and*
- *Where possible, contribute to the improvement of health and quality of life”.*

3.26 Paragraph 2.7 confirms that the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.

3.27 Paragraph 2.23 states that the first aim of the NPSE is that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development.

3.28 Paragraph 2.24 states that the second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL<sup>1</sup> and SOAEL<sup>2</sup>. It requires that all

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<sup>1</sup> Lowest Observed Adverse Effect Level – this is the level above which adverse effects on health and quality of life can be detected

reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects can occur.

- 3.29 Paragraph 2.25 confirms that the third aim of the NPSE is to, where possible, positively improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development, recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.

#### Summary

- 3.30 There are no policies in the statutory development plan of relevance to the application proposals.
- 3.31 The NPPF is clear that the golden thread running through planning is the presumption in favour of sustainable development and that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.
- 3.32 The NPSE and Planning Practice Guidance are clear that whilst noise can override other considerations, it should not be considered in isolation, separately from the economic, social and environmental dimensions (the three dimensions of sustainable development) of proposed development.
- 3.33 The NPPF confirms that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 3.34 Within NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. In respect of decision taking this means:
- Approving development proposals that accord with the development plan without delay; and

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<sup>2</sup> Significant Observed Adverse Effect Level – this is the level above which significant adverse effects on health and quality of life occur

- 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.

#### 4. PLANNING ANALYSIS

##### Introduction

4.01 This Section addresses the issues identified at paragraph 1.07 above.

##### Impact on Residential Amenity

4.02 As outlined at above at paragraph 1.07, Condition No. 13 of planning permission ref: 99/00123/FUL was imposed to protect the amenity of residents.

4.03 In order to assess the impact on the amenities of neighbouring properties, it is important to understand the site layout and the access route that delivery vehicles take and the relationship to residential dwellings in the vicinity of the site.

4.04 Delivery vehicles utilise the entrance off Carpenters Yard to the west of the application site. This provides direct access into the service yard. As Carpenters Yard is occupied by retail, commercial and industrial units, there is no residential properties overlooking or within close proximity to the service yard. Furthermore, the surrounding area to the north and west of the site is strongly dominated by a mix of retail and commercial units, given the site's location within the town centre.

4.05 It is also important to consider the store's location within the town centre. Planning policy in relation to noise is clear. Whilst noise can override other considerations, it should not be considered in isolation.

##### Other considerations

4.06 As outlined above, at paragraph 3.22, planning practice guidance confirms that the impact of noise should not be the sole consideration in determining planning applications, but regard should also be had to the economic, social and environmental dimensions of the proposal.

4.07 In respect of the economic dimension, if approved, the proposal would improve the efficiency of deliveries to the store and reduce the journey times / fuel consumption by delivering outside peak traffic periods. This will lead to positive economic benefits and should therefore be afforded significant weight as per the provisions of paragraph 19 of the NPPF.

- 4.08 In respect of the social dimension, the proposed variation of Condition No. 13 would ensure that the accessible local service is able to provide the relevant goods that the community requires as soon as the store is open for trading. This therefore reduces the need to travel longer distances to other stores which is particularly important in a large town serving a largely rural area. As the only main foodstore in Malton; this is an extremely important consideration.
- 4.09 The proposal would also have a positive impact on the environment by reducing the carbon footprint of delivery vehicles and customer vehicles i.e. it should reduce the journey times / fuel consumption for delivery vehicles and reduce the need for customers to travel to other stores for goods that may not be available when the store opens. The proposal is therefore consistent with paragraph 30 of the NPPF.

**Summary**

- 4.10 Having regard to the above information, it is clear that the proposal would not have an adverse impact on residential amenity.
- 4.11 In addition, the proposal has a number of benefits in respect of the three dimensions which form sustainable development.
- 4.12 The proposal is therefore considered to represent a sustainable form of development.

**5. CONCLUSIONS**

- 5.01 The analysis set out at Section 4 above demonstrates that:
- (a) the proposed variation of Condition No. 13 attached to planning permission ref: 99/00123/FUL will not impact on amenity and/or any other residents in the locality; and
  - (b) the variation of Condition No. 13 has a number of benefits in respect of the three dimensions that form sustainable development and can therefore be classed as sustainable development.
- 5.02 As such it can be concluded in relation to relevant planning policy that the proposal is compliant with the provisions of **Policy SP7** contained in the Ryedale Plan Local Plan Strategy DPD.
- 5.03 In addition, the proposal is consistent with national planning policy contained in the NPPF and Planning Practice Guidance (Noise) and the Noise Policy Statement England.
- 5.04 Accordingly, with the above in mind, it is respectfully requested that as stipulated at paragraph 14 of the NPPF, the application to vary Condition No. 13 from planning permission ref: 99/00123/FUL is **approved** without delay.



# **APPENDIX 1**

DECISION NOTICE REF: 99/00123/FUL

**RYEDALE DISTRICT COUNCIL**  
**TOWN & COUNTRY PLANNING ACT 1990**

**FULL APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT**

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

**Application No:** 99/00123/FUL

**Proposal:** Erection of extensions and alterations to supermarket to include additional sales area, storage/loading/staff/preparation facilities, plant room, additional car parking and formation of new service access from Railway Street

**at:** Safeway Stores Plc Castlegate Malton North Yorkshire YO17 0DT

**for:** Safeway Stores PLC

**Decision Date:** 17 February 2000

**CONDITIONS AND ASSOCIATED REASONS**

01 The development hereby permitted shall be begun on or before 16 February 2005.

Reason:- To ensure compliance with Sections 91 to 95 and Section 56 of the Town & Country Planning Act 1990.

02 There shall be no sale of food or drink for consumption on the premises by members of the public.

Reason: In the interests of the retail vitality and viability of Malton Town Centre.

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c/o Dennis Lister & Associates  
58 Albert Road  
Middlesborough  
Cleveland  
TS1 1QD

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

Reason: To enhance the appearance of the development hereby approved.

- 04 No development or other operation shall commence on site until a scheme (herein after called the Method Statement for Arborticultural Works) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the Method Statement. In relating to that Statement:

(a) No operations shall commence on site in connection with the development hereby permitted (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the Method Statement are in place on site.

(b) No excavations for services, storage of materials, or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place inside or within 10m of an area fenced off or otherwise protected in the Method Statement.

(c) The fencing or other works which are part of the Method Statement shall not be moved or removed, until all works including external works, have been completed and all equipment, machinery and surplus materials removed from the site, without the prior written approval of the Local Planning Authority.

Reason:- To secure the protection, throughout the time that the development is being carried out, of trees, shrubs or hedges growing within or adjacent to the site which are of amenity value to the area.

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c/o Dennis Lister & Associates  
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Middlesborough  
Cleveland  
TS1 1QD

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- 05 Before the development hereby permitted is commenced, details and samples of the materials to be used on the exterior of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. No variation of the approved materials shall be undertaken without the express consent in writing of the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance.

- 06 No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:- The site is of archaeological interest.

- 07 There shall be no raising of ground levels or storage of materials, including soil, within that part of the site liable to flood as delineated on the attached plan.

Reason:- To ensure that there will be no increased risk of flooding to other land/properties due to the impidence of flood flows and/or reduction of flood storage capacity.

- 08 Notwithstanding the provision of Schedule 2, Part 4, Class A of the Town & Country Planning General Development Order 1995 (or any Order revoking or enacting that Order) no temporary buildings or storage containers shall be erected within that part of the site liable to flood as delineated on the attached plan.

Reason:- To ensure that there will be no increased risk of flooding to other land/properties due to the impidence of flood flows and/or reduction of flood storage capacity.

- 09 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason:- To prevent pollution of the water environment.

- 10 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres of the line of the sewer which crosses the site.

Reason:- In order to allow sufficient access for maintenance and repair work at all times.

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- 11 The site shall be developed with separate systems of drainage for foul and surface water.  
Reason:- In the interest of satisfactory drainage.
- 12 Prior to the commencement of the development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority.  
Reason:- In the interests of visual amenity.
- 13 All deliveries to the store shall be limited to between 0600 hrs and 2200 hrs. The number of delivery vehicles shall be limited to one Safeway company vehicle between the hours of 0600 and 0700 and one Safeway company vehicle between the hours of 2000 and 2200. The Safeway company vehicles delivering to the site shall switch off any refrigeration units prior to accessing the site, reversing beepers shall be switched off during manoeuvring and the engine shall be switched off as soon as manoeuvring is completed. Other vehicle deliveries to the store during the permitted hours shall switch off refrigeration units prior to accessing the site and switch off engines after manoeuvring.  
Reason:- In the interests of residential amenity.
- 14 Prior to the commencement of the development, details of the pallet trucks to be used in association with the unloading of produce at the store shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the only approved pallet trucks shall be used for unloading purposes.  
Reason:- In the interests of residential amenity.
- 15 Details of ventilation and refrigeration shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.  
Reason:- In the interests of residential amenity.
- 16 Prior to the commencement of the development, detailed construction drawings shall be submitted and approved in writing by the Local Planning Authority for the improvement to the site access with Castlegate as indicated on Drawing No 4549/001 Rev B. The approved details shall be completed to the reasonable satisfaction of the Local Planning Authority before the extended store is first brought into use.  
Reason:- To secure implementation of the approved access arrangements in the interests of highway safety and the convenience of vehicles and pedestrians visiting the site.

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- 17 Prior to the commencement of the development, detailed construction drawings<sup>1</sup> for the service yard access and footpath link junction with Carpenters Way shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed to the reasonable satisfaction of the Local Planning Authority before the service yard and footpath are first brought into use.

Reason:- To secure implementation of the approved access arrangements in the interests of highway safety and the convenience of vehicles and pedestrians visiting the site.

- 18 The development shall not be commenced until full details of the construction, surfacing, lighting, surface water drainage and marking out of the car park, cycle park, recycling areas and service yard indicated on Drawing No A906/SK5 Rev E have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed to the reasonable satisfaction of the Local Planning Authority before the extended store is first brought into use.

Reason:- To secure implementation of the approved access arrangements in the interests of highway safety and the convenience of vehicles and pedestrians visiting the site.

- 19 The existing public right of way shall be protected and kept clear of any obstruction at all times.

Reason:- To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 20 Prior to the commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority for the access and parking for construction traffic associated with the building of the extended store.

Reason:- To secure implementation of the approved access arrangements in the interests of highway safety and the convenience of vehicles and pedestrians visiting the site.

- 21 Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during the construction of the store shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. The approved precautions shall be made available before the development commences on the site and shall be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal.

Reason:- To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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- 22 Details of any gates, barriers or other means of enclosure at the boundary of the service yard and the public highway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the access gates shall remain open to vehicular traffic between the hours of 0600 and 2200.

Reason:- To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 23 Provision shall be made to prevent surface water from the site discharging onto the public highway.

Reason:- To ensure a satisfactory arrangement of highway drainage in the interests of the amenity of the area.

- 24 Prior to the commencement of the development a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the car parking regime on site shall be managed in accordance with the approved management plan.

Reason:- To ensure the maximum utilisation of the car park.

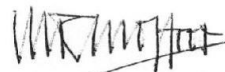
**INFORMATIVE:**

In association with Conditions 17 and 18 consideration should be given to a gated access for emergency vehicles at the southern end of the service yard following consultation with the emergency services and the Local Planning Authority.

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

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HEAD OF PLANNING SERVICES

Safeway Stores PLC  
c/o Dennis Lister & Associates  
58 Albert Road  
Middlesborough  
Cleveland  
TS1 1QD

# Agenda Item 10

**Item Number:** 10  
**Application No:** 16/00302/FUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application  
**Applicant:** Arqiva Limited  
**Proposal:** Erection of 21m high lattice tower with 1no. omni-antenna for Smart Meter electronic communications together with 1no. meter cabinet at ground level and 2.1m high chain-link/barbed wire site compound boundary fence with access gate  
**Location:** Mast At Pickering Sewage Works Westgate Carr Road Pickering North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 28 April 2016  
**Overall Expiry Date:** 2 April 2016  
**Case Officer:** Charlotte Cornforth **Ext:** 325

## CONSULTATIONS:

<b>Environmental Health Officer</b>	No views received
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Parish Council</b>	No objection

**Neighbour responses:** Mrs Pamela Sellers, Mr Michael Sellers,

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## SITE:

The application site is set within the Westgate Carr Sewage Works, located along Westgate Carr Road to the west of the town of Pickering. The site is occupied by Yorkshire Water and is located outside of the settlement's Development Limits.

## PROPOSAL:

Erection of 21m high lattice tower with 1no. omni-antenna for Smart Meter electronic communications, together with 1no. meter cabinet at ground level and 2.1m high chain-link/barbed wire site compound boundary fence with access gate.

'Smart Metering' is a Government programme to roll out, between 2014-2020 smart electricity and gas metres to homes and small businesses across Great Britain. The Smart Meter initiative is a key part of the Government's programme to cut green house gas emissions, decarbonise the economy and support the creation of new green jobs and technologies. Like all electronic communications networks, they need to be supported by infrastructure of operational sites with the required antennas and other apparatus required to provide radio coverage to the local area.

The agent has stated that it is normally best practice to share sites and utilise existing buildings and structures. However, in this case it has not been possible to share existing electronic communication sites or install antennas on a tall building or structure. A list of alternatives that have been considered in the town accompanies the application documentation and will be discussed later in the report.

The application is presented to Members for determination because 2 letters of objection have been received from local residents, raising material planning considerations. This will be discussed in the appraisal section of this report.



## **HISTORY:**

The planning history on the site includes:

- 90/00297/OLD - Planning permission granted 02.10.90 - 3/102/66C/FA Erection of a plant room to be used in association with new sludge treatment plant.

- 91/00307/OLD - Planning permission granted 04.12.91 - 3/102/66D/FA Change of use of land from agricultural to sewage treatment works and installation of three new treatment units.

## **POLICY:**

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP10 Physical Infrastructure

Policy SP13 Landscapes

Policy SP16 Design

Policy SP18 Renewable and Low Carbon Energy Policy

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

Chapter 1 - Building a strong, competitive economy

Chapter 5 - Supporting high quality communications infrastructure

Chapter 11 - Conserving and enhancing the natural environment

National Planning Practice Guidance (2014)

## **APPRAISAL:**

The main considerations to be taken into account are:

- i. Impact upon the visual amenity of the locality
- ii. Highway safety
- iii. Neighbouring amenity and safety
- iv. Conclusion

- i. Impact upon the visual amenity of the locality

The proposed lattice tower will be constructed of galvanised steel, with the equipment cabinets being either green or grey, which would be agreed at the condition stage if permission is granted. There will be localised views when travelling along Westgate Carr Road. Westgate Carr Road becomes a single lane width at the point it reaches the sewage works. The site benefits from natural screening in the form of a dense, high-level and mature conifer trees that are approximately 17m high. This will help to mitigate the impact of the tower on the surrounding area. The proposed tower is 21m and the agent has stated that the tower needs to be higher than the trees to ensure that the antenna which it supports can clear all surrounding objects and function effectively.

The Westgate Carr Road Industrial Estate buildings and the Pickering Sewage Works are established buildings within this local landscape. It is considered that with the natural screening around the site and due to the close proximity to industrial buildings and the Sewage works, the mast and associated equipment would not be a visually discordant feature within this setting.

It is considered that the proposal will not result in a detrimental impact upon the character of the locality. The proposal is therefore considered to be compliant with Policies SP13 (Landscapes), SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

ii. Highway safety

The Local Highway Authority has stated the following with regard to the proposal:

Given that the site will utilise the existing vehicular access into the treatment works, no highway authority objections are raised.

They have recommended that conditions relating to precautions to prevent mud on the highway and on-site parking, on-site storage and construction are attached to the Decision Notice if planning permission is granted.

iii. Neighbouring amenity and safety

2 letters of objection have been received from the occupiers of Stanfield Hall that is located approximately 445 metres to the south of the application site, adjacent to Westgate Carr Road. Their objections state the following:

My reaction and objection to this mast is in 2 parts. There is the health risk which is well documented and much is said about it on the internet and the following is an extract taken from one such article. "Most people are unaware of the Radio Frequency (RF) radiation they are exposed to. Radiation is usually associated with weapons, medical treatments, nuclear power plants and smoke detectors. We are being relentlessly bombarded both indoors and outdoors by many different forms of radiation. As more and more cell phones proliferate like reproducing rabbits out of control, radio bandwidth and channel limitations force companies to add more microcells. Microcells are worse for humans as these directly result in more RF radiation, as a result of being located closer to people at ground level. There are no other options to keep the cell network operating. Unfortunately the average person won't care, as long as their phone works when they pick it up. Increased RF exposure will inevitably lead to more illness from compromised immune systems, nervous system, brain disorders, organ problems, tumours and cancer. This problem is very much like cancer. An interesting fact about cancer is that everyone has a different susceptibility to it. Some people can smoke their entire lives and not become ill, yet live to be 99 years old. Others cannot. Some can drink hard alcohol their entire lives and never have health problems, while others cannot. Cell phone radiation susceptibility will likely inevitably prove to be this way. The studies show that RF radiation exposure can be just as harmful as smoking. People use cell phones and wearing them daily like jewellery. The problem is you don't know how susceptible your body is until it's too late. All the time we see cell phone foolishness. People often chuckle, sneer and shake their heads at those hooked on cigarettes standing outside stores, puffing away and working hard to accomplish heart attacks, strokes and cancer. These same laughing people then go into a supermarket and place a call on their cell phone, to irradiate themselves". The second part of the objection is the visual impact. A similar mast has just been erected on the Sinnington bye pass and it is ugly not blending at all in to the environment around it. At least in other parts of the county there is some effort to disguise them for instance on the A169 there is a mast in a wood. On the A64 near the Stockton Lane junction a mast has been disguised as a tree. Note: I do have a mobile phone but accept the poor reception in our home much preferring that to more radiation.

From Pamela Sellers (wife of Michael Sellers) I object to the Planning Application 16/00302/FUL for an omni-antenna mast for Smart Meter communications to be sited at the Pickering Sewage Works because there are well documented concerns about the health hazards for people who live or work close to the masts. I believe that this mast would be too close to the people who live on Westgate Carr Road and Costa Way and too close to the people who work at the Rosti factory and the factories/industrial units on the Westgate Business Park. I do not have a mobile phone or a microwave oven or a Smart Meter because I share these concerns. Whether or not I use them I know that we are all subject to the radiation emitted from increasing amounts of electronic traffic and the masts that

support it. I believe that in time this level of radiation will be acknowledged to be as dangerous as passive smoking is now known to be. I also object to this Planning Application because a 21m high lattice tower with its 2m chain link compound, clearly visible without any screening, would be very unsightly. There must be a more suitable site than this.

Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy states:

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

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

The submission of an ICNIRP certificate confirms that the development complies with health guidelines controlled by other legislative powers. Refusal of the proposal on health grounds cannot be substantiated in these circumstances. Furthermore, it is considered that the proposal will not result in a material adverse impact upon the residential property of Stanfield Hall, a property that is located approximately 445m to the south of the site.

The proposal is not considered to be overbearing in presence to residential properties due to the physical separation from the site to the nearest residential properties. The proposal is therefore considered to be compliant with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Regarding the points made on the visual impact of the proposal, these have been addressed in point i of the report. The other sites that were investigated include:

- Site 1 - O2 mast
- Site 2 - Vodaphone mast, Pickering Surgery
- Site 3 - St Peter and St Paul Church

The supporting statement submitted as part of the planning application states with regard to Sites 1 and 2:

The Smart Metering proposal requires the deployment of an Omni-style antenna that will operate by emitting a signal in a 360 degree direction. This means that the antenna must occupy a position above all supporting infrastructure and surrounding ground clutter in order to avoid signal 'clipping'. The existing and proposed antenna also require a certain vertical separation to prevent cross-signal interference. The required antenna position is unavailable on any of these masts and therefore neither can accommodate the Smart Metering apparatus.

With regard to Site 3:

This Grade I listed building was identified during the site search, however on assessment the building's design was found to be incompatible with the apparatus that it would need to host. Furthermore, the proposal may have caused harm to the historic fabric of the building.

The conclusions states:

Our conclusion is that the development of a new mast at the application site strikes the best balance between environmental and operational considerations, including the key requirement for the development to be close to the properties it is intended to serve.

#### iv. Conclusion

It is considered that the agent has demonstrated why this site is acceptable in planning terms to serve the coverage area. The Local Planning Authority considers that the proposal will not be detrimental to the character of locality and will provide the greatest amount of coverage.

Pickering Town Council has raised no objection to the proposal and there has been no response from any other third parties, other than those described earlier in this report (iii).

In light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP10, SP13, SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

### **RECOMMENDATION:                      Approval**

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

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

2            Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, details and samples of the materials to be used on the exterior of the equipment 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.

3            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.

- 4 Unless approved otherwise 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 proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
  - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
  - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

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

Legal Plan Drawing No 301161-00-010-ML001 A  
Location Plan Drawing No 301161-00-04-ML001 A  
Site Plan Proposed Drawing No 301161-01-MD001 A  
Elevation Proposed Drawing No 301161-01-150-MD001 A

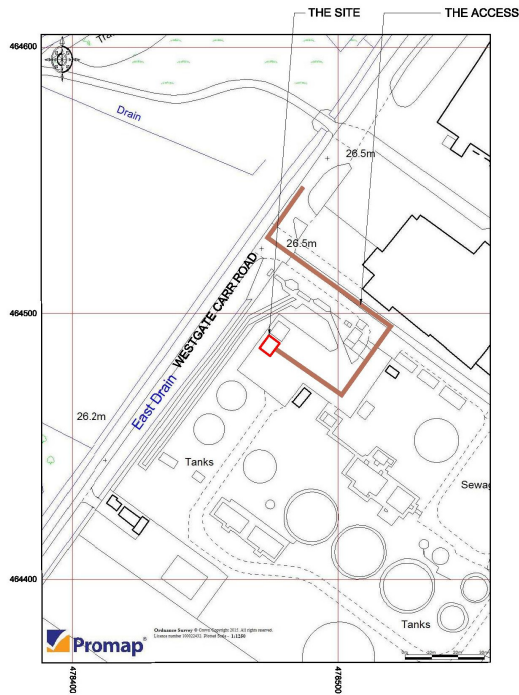
Reason: For the avoidance of doubt and in the interests of proper planning.

**Background Papers:**

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



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LOCATION PLAN  
SCALE 1:1250



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CELL No. YO012  
 CONTRACTOR: DALY INTERNATIONAL  
 CONSULTANT: DALY INTERNATIONAL  
 CONSULTANT: FARRINGTON ROAD, ASBURY ROAD, ALTRICHAM, CHESHIRE, WALSLEY

ENGINEER:	JOHN STOCKDALE	DISE 881 5481	john.stockdale@dalyinternational.com
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PROJ No 1			
PROJ No 2			
PROJ No 3			
PROJ No 4			

PROJ No 5	144577		
A	PLANING ISSUE		DAL

ISS	REVISION	DATE	DRW/APP

**arqiva**  
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 Tel: 01982 823434 Fax: 01982 823378

SITE No: 301161  
 S/W: YO012  
 WESTGATE CARR SEWAGE WORK  
 YORKSHIRE WATER, SEWAGE WORK  
 PICKERING  
 NORTH YORKSHIRE  
 YO18 8DG

NGR: SE 78473 84087  
 OS GRID: 478473 484087

TITLE: LEGAL PLAN

SCALE	1:1250
DRAWN	DAL 28/10/15
APPROVED	
DWG No.	Sheet 1 of 1
301161-00-010-ML001	A

DATE VALID  
03/03/16

A3







**STATEMENT IN SUPPORT  
OF  
APPLICATION FOR PLANNING PERMISSION  
INCORPORATING THE DESIGN AND ACCESS STATEMENT**

**February 2016**

**Arqiva  
Crawley Court, Winchester, Hampshire, SO21 2QA**

**Ref: YO012 Westgate Carr Sewage Works**

## EXECUTIVE SUMMARY

### **The Proposed Development**

This application is for the installation of electronic communications apparatus that forms part of Arqiva's planned Smart Metering network.

Arqiva is a designated Electronic Communications Code Network Operator and has been appointed by the Department of Energy & Climate Change to develop the Smart Meter infrastructure network in the north of England and Scotland.

### **The Benefits of the Smart Metering Network**

Smart metering is a Government programme to roll out, between 2014 and 2020, smart electricity and gas meters to homes and small businesses across Great Britain. The smart meter initiative is a key part of the Government's programme to cut greenhouse gas emissions, decarbonise the economy and support the creation of new green jobs and technologies.

Smart Meters are the next generation of gas and electricity meters. They will offer a range of intelligent functions and provide consumers with more accurate information, bringing an end to estimated billing. Consumers will have near-real time information on their energy consumption to help them control and manage their energy use, save money and reduce emissions.

By providing these benefits it's argued that the development assists in achieving the goals of sustainable development. This is in accordance with the statutory duty placed upon local planning authorities and accentuated by the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF).

### **Technical and Operational Constraints**

The Smart Meter programme, like all electronic communications networks, will need to be supported by an infrastructure of operational sites with the required antennas and other apparatus needed to provide radio coverage to the local area.

As the Smart Meter network must be able to communicate with meters that are typically found in the heart of a property, for example, in an under stairs cupboard, then the sites must be developed in locations that can provide the required level of coverage.

### **Site Selection**

In accordance with best practice, site sharing, utilisation of existing buildings and structures has been explored in a sequential approach to best meet the operational need whilst minimising environmental impact. In this case, it has not been possible to share an existing electronic communications site or install antennas on a tall building or structure. Hence, there is a requirement to develop a new ground based mast.

### **Pre-Application Consultation**

Information on Arqiva's planned Smart Meter network was provided to the Council on 18 December 2013. Pre-application consultation in relation to this particular proposal was undertaken with Ryedale District Council's Planning Department, Councillor Cowling, Councillor Thornton, Councillor Stone and Pickering Town Council.

Miss Charlotte Cornforth of Ryedale District Council kindly replied to advise that she would endeavor to provide a consultation response. Any advice received post-submission will be given due consideration acted upon where appropriate.

### **Compliance with Planning Policy and other Material Planning Considerations**

Policy at national level is set out in the NPPF. The NPPF views high quality communications infrastructure and systems, such as the coverage provided by the Smart Meter network, as essential for achieving sustainable development objectives.

The Development Plan consists of three elements: *The Ryedale Plan; the saved Policies and Maps of the Ryedale Local Plan 2002*; and saved policy of the *Regional Spatial Strategy*. In review of these policies, the application demonstrates that the proposal is in accordance with the Development Plan and in particular policy relating to *Policy U8 Telecommunications* (Ryedale Local Plan 2002).

The application site does not fall within any particular environmental designation or land allocation. Regardless, all reasonable steps have been taken to minimise any perceived visual and environmental impact whilst having regard to the need to provide the required level of radio coverage for the network.

With regards to design, layout and scale, this has been guided by the special technical and operational requirements that are associated with electronic communications development. Good practice guidance requires careful consideration of the siting and design to minimise appearance and to ameliorate potential visual impact.

In addition, consideration has been given to the need for the development being in the wider public interest and an appropriate balance has been struck between the objectives of developing new high quality communications infrastructure and environmental considerations. It is considered that on balance the proposal offers greater benefit than harm and therefore should be acceptable in principle.

#### **ICNIRP Compliance**

The proposed antennas comply with all relevant health and safety requirements, in accordance with ICNIRP guidelines. A certificate of compliance has been provided with this application.

#### **Servicing and Maintenance**

The site will require periodic access for maintenance and servicing visits. This will be restricted to authorised personnel only, and therefore the proposal does not give rise to any issues associated with public access.

In conclusion, the proposed development has been sited and designed with reference to pre-application consultation in order to locate the development as sensitively as practicable. Specific consideration has been given to technical requirements and national and local planning policy. The proposal is supported by both local and national planning policy, and as such it is considered that the application should be looked upon favourably.

## 1. INTRODUCTION

- 1.1 This statement is submitted in support of an application for planning permission at *Westgate Carr Sewage Works, Westgate Carr Road, Pickering, North Yorkshire, YO18 8DG* as part of Arqiva's planned Smart Metering communications network. Arqiva is a designated Electronic Communications Code Network Operator and has been appointed by the Department of Energy & Climate Change to develop the Smart Meter infrastructure network in the north of England and Scotland.
- 1.2 The development proposed is shown in detail in the drawings submitted. In summary, it involves:
- **Installation of a 21m high lattice-tower supporting 1 No. antenna;**
  - **1 No. Smart Metering equipment cabinet and 1 No. meter cabinet at ground-level;**
  - **Installation of 2.1m high chain-link fence with access gate to form site enclosure;**
  - **Plus associated ancillary development.**
- 1.3 In this statement, which incorporates the design and access statement, we go on to highlight the purposes and benefits of the development proposed, to explain the particular need in this case and to demonstrate compliance with planning policy. We also provide information on health and safety and related issues by way of further reassurance.

## **2. THE PURPOSE AND BENEFITS OF THE SMART METER NETWORK**

- 2.1 Smart Metering is a Government programme to roll out, between 2014 and 2020, smart electricity and gas meters to homes and small businesses across Great Britain. The smart meter initiative is a key part of the Government's programme to cut greenhouse gas emissions, decarbonise the economy and support the creation of new green jobs and technologies.
- 2.2 The Department of Energy & Climate Change has awarded the contract to deliver the radio communications network for Smart Metering to Arqiva and Telefonica. Arqiva will deploy and manage the radio communications network in Scotland and northern England whilst Telefónica will provide the network to the remainder of Great Britain.
- 2.3 This new national smart metering 'Wide Area Network' is a key project in the UK's National Infrastructure Plan and will form part of the UK's Critical National Infrastructure. Its deployment and timely delivery is particularly important to achieving a sustainable economy and meeting key Government priorities enshrined in the Climate Change Act 2008, and thereby support the transformation to a low carbon economy.
- 2.4 In due course, the network will also be available to water utilities and in similar fashion, consumers will be better able to understand and make informed choices about their use of this natural resource.
- 2.5 The proposed development and the wider Smart Metering network will, therefore, make a significant contribution towards sustainable development objectives which will help the UK Government to meet its target of reducing emissions by at least 80% on 1990 levels by 2050 and now set down within the UK Carbon Plan. This is relevant to the statutory duty already placed upon local planning authorities under Section 39 of the Planning and Compulsory Purchase Act 2004 and now accentuated by the presumption in favour of sustainable development

within the National Planning Policy Framework (NPPF). More specifically, it will help to deliver the aspirations set out in Sections 5 and 10 of the NPPF.

2.6 Having regard to the Government's three key dimensions for sustainable development within the NPPF, smart metering will in particular assist in the following ways:

- **An economic role** – smart metering communications will help businesses to be energy conscious, smarter and invest in more energy efficient infrastructure to reduce longer term running costs. Consequential spin offs will, among many, be the creation of new green jobs and technologies, modern and cleaner industries and help stimulate retail sales in more efficient appliances.
- **A social role** - modern smart metering communications will allow consumers to benefit from real time information on their energy consumption, to help them control energy use, save money and reduce emissions. With greater visibility and understanding of their energy consumption, consumers will be able to make more informed choices about which appliances to use and when. For example, a consumer seeing the power consumption of a tumble dryer might be encouraged to use a washing line instead or perhaps to avoid operating it during peak periods of demand when pricing is higher.
- **An environmental role** – smart metering communications will help to reduce energy consumption at homes and premises and allow smarter working practices such as better energy management within larger businesses and incorporation of new efficient infrastructure into new developments. In this way modern smart metering communications will help ensure the prudent use of natural resources, alleviate energy waste, reduce carbon footprints and help the UK Government meet its energy emissions set within the UK Carbon Plan.



2.7 However, in order to make this important contribution to sustainable development objectives, the network has to be developed first and like all electronic communications networks, will need to be supported by an infrastructure of operational sites. This is no different than railway services, for example, being reliant on the associated infrastructure of lines and stations. In the next section, the particular network requirement from which this application stems is explained.

### **3. THE REQUIREMENT**

- 3.1 Arqiva owns and operates the terrestrial radio and television broadcast networks. The company owns most of the tower portfolio originally developed by T-Mobile (now part of Everything Everywhere) and have rights and manage other masts, towers and rooftops, developed or otherwise suitable for use for electronic communications. In total, Arqiva has access to over 16,000 sites around the UK, which is considerably in excess of the numbers available to any other electronic communications operator in the UK. Arqiva is also licensed to use the 412-414MHz spectrum that will be used as part of the Smart Meter network.
- 3.2 Basing the Smart Metering network on this portfolio of existing sites will be a critical element in minimising the potential visual impact associated with the deployment of a new network. This is obviously consistent with longstanding statutory and government policy requirements to use existing sites or other high structures so as to minimise visual impact.
- 3.3 As the network must be able to communicate with meters that are typically found within the heart of a property, for example, in an under stairs cupboard, then the sites must be located so that they can provide an acceptable level of coverage to the properties that they serve.
- 3.4 New installations will be required in some areas for a variety of reasons, for example, the nearest existing sites are too far from certain properties; the signal from the nearest site may be adversely attenuated or affected by topography or natural or man made features such as trees or high buildings; or the fabric of the properties is such that the signals will be unable to penetrate them, for example, because they are old thick walled buildings. Without some new installations a number of homes and businesses would not therefore be able to benefit from smart meters.

## Site Selection Process

### Radio constraints on site selection

- 3.5 This proposed new installation has to fit in with the overall plan for the network based around Arqiva's existing sites. To help illustrate the context of this application, a computer generated coverage plot is submitted. Its estimate tends to exaggerate true levels of coverage on the ground because the modelling only takes broad account of general topography and manmade features. However, it is a useful tool for explaining how the new installation will fit into the wider network.

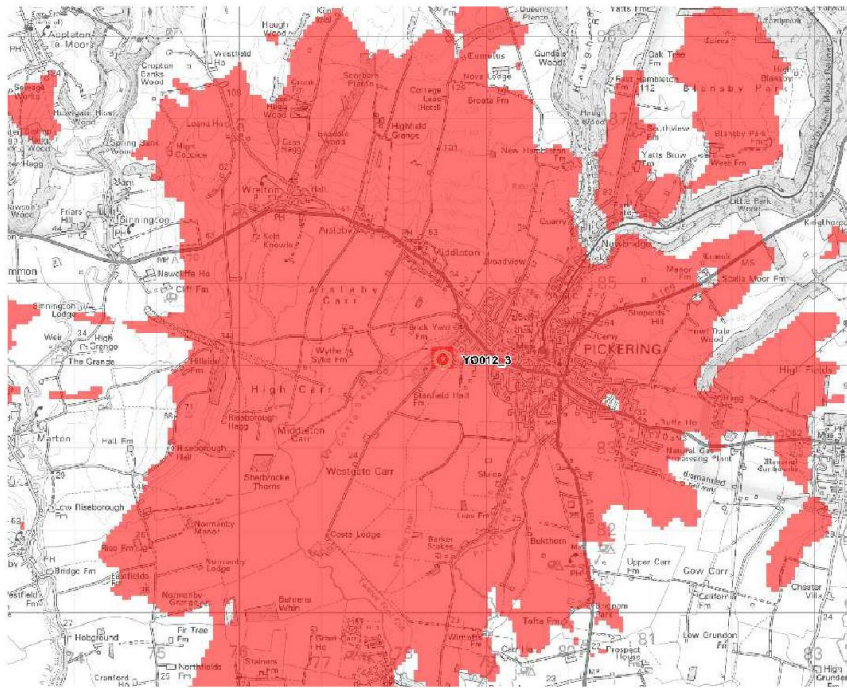


Figure 1. Extract from radio propagation charts showing indicative coverage from proposed YO012.

- 3.6 The area within which a base station can be located must be carefully selected to ensure that base stations compliment and do not interfere with each other. In this instance the proposed cell needs to be close enough to neighbouring cells to enable it to provide them with supplementary coverage while at the same time it needs to be sited at a location that will allow it fill identified gaps in coverage.
- 3.7 The Directed Search Area (DSA) represents the weighted mid points of population density that need to be served. The base station must be located within our client's DSA which the application site falls within.
- 3.8 Any potential sites located outside of the search area may be rejected by our client for radio reasons because they would either be too close to, or too far away from neighbouring cells, and may not provide coverage to all of the targeted area.

#### **Topographical and land use constraints on site selection**

- 3.9 Local topography, land uses and other features can often mean that parts of a search area have constraints which make them unsuitable to accommodate a mast.
- 3.10 When establishing a new ground-based telecommunication mast, there is a set of criteria that a site must be assessed against to ensure effective operation, this includes:
- Easy access to a BT hard-wire for data transmission;
  - Installation of apparatus not presenting issues with highway visibility splays;
  - Presence of underground services restricting where can be excavated;
  - Potential for nearby trees and high-buildings to corrupt radio signal.

- 3.11 Another constraint on site selection can be the proximity to residential properties. Sites that are in direct, close and full view of residential properties were treated as less favourable because of the potential impact on the amenity of residents.
- 3.12 Land elevation was also a factor that informed site selection. Siting the proposed mast on land that has a lower elevation than that achieved at the application site may require a compensatory increase in mast height to ensure effective radio operation.
- 3.13 When the application site is assessed against the constraints and criteria discussed in this section, it is found to be acceptable.

**Exploring the use of an existing mast, building or other structure**

- 3.14 A search of the Sitefinder database, maintained by Ofcom, and the most comprehensive of all electronic communications sites, identified existing telecommunication sites which were investigated for sharing potential:

**Site 1:** O2 mast, cell ref. 3154, E 479622 N 483791 & **Site 2:** Vodafone mast, Pickering Surgery, E 479543 N 483850

- 3.15 The Smart Metering proposal requires the deployment of an Omni-style antenna that will operate by emitting a signal in a 360 degree direction. This means that the antenna must occupy a position above all supporting infrastructure and surrounding ground clutter in order to avoid signal 'clipping'. The existing and proposed antenna also require a certain vertical separation to prevent cross-signal interference. The required antenna position is unavailable on any of these masts and therefore neither can accommodate the Smart Metering apparatus.
- 3.16 A search was also carried out to establish whether any other high buildings or structures might be used. The following site was identified:

**Site 3:** St Peter & St Paul Church, E 479879 N 484027

This Grade I listed building was identified during the site search, however on assessment the building's design was found to be incompatible with the apparatus that it would need to host. Furthermore the proposal may have caused harm to the historic fabric of the building.

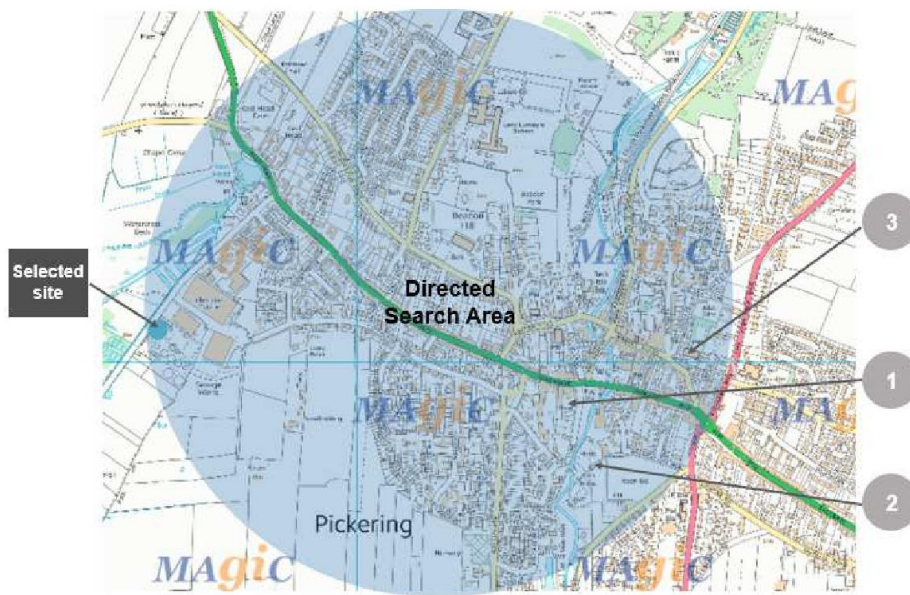


Figure 2. Directed Search Area and discounted site options.

3.17 Our conclusion is that the development of a new mast at the application site strikes the best balance between environmental and operational considerations, including the key requirement for the development to be close to the properties it is intended to serve. This is the reason for the application before you.

#### **4. COMPLIANCE WITH PLANNING POLICY**

4.1 The relevant planning policy framework that has been taken into account and in part already alluded to is found principally within:

- The Development Plan
- National Planning Policy Framework (NPPF)
- The Code of Best Practice on Mobile Network Development in England

4.2 These documents provide the overall policy background for electronic communications development, site specific policies and the key considerations relevant to the siting and design of appropriate electronic communications development.

#### **The National Planning Policy Context**

4.3 The general policy context can be summarised as follows:

- Government policy within the NPPF is to support high quality communications infrastructure and systems – this is especially relevant to smart metering, which is a Government initiative
- Government policy is to keep the inevitable environmental impact associated with electronic communications development to the minimum
- The best way to minimise environmental impact is to avoid the unnecessary proliferation of new radio masts and sites
- The starting point for planning new networks or the expansion of existing networks is therefore to use existing electronic communications sites
- Where new installations are required, as in this case, operators should look to develop innovatively designed structures, such as those designed to blend in with the street scene

- 4.4 The NPPF as a whole is aimed at encouraging a more positive approach to town planning. While the NPPF builds environmental protection into the definition of sustainable development, there is also a very clear emphasis that local planning authorities should be looking for ways to help development come forward and not reject applications simply on environmental grounds. The NPPF recognises that this is especially relevant where a development might have other significantly important benefits such as being essential to meet, for example, new nationally important infrastructure such as the Smart Meter communications network.
- 4.5 The importance of the proposed development as part of the Smart Meter network is clearly an important material planning consideration as it is precisely the type of new digital infrastructure that the NPPF is seeking to support. Hence, it is important to reflect on some key points within the NPPF which are relevant to the very important development at this site and the general planning principles that should apply when determining the merits of the application:
- a. Paragraph 14 advises that authorities should:
- positively seek opportunities to meet the development needs of their area [as part of plan making];
  - meet objectively assessed needs unless the adverse effects would *“significantly and demonstrably outweigh the benefits”*;
- b. Paragraph 17 advises that planning should *“proactively drive and support sustainable development to deliver the homes, businesses and industrial units, **infrastructure** and thriving local places that the country needs”* [my emphasis];
- c. Paragraph 187, on “decision-taking” states that authorities should *“look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible”*.



- 4.6 Paragraph 14 of the NPPF further states that the presumption in favour of sustainable development lies at the heart of the planning system and, in respect of decision-taking, this means that development proposals that accord with the provisions of the Development Plan should be approved without delay. In respect of this guidance, the following sections of this statement demonstrate that the proposed development accords fully with all relevant Development Plan and NPPF policies and, therefore, permission should be granted for the development.

#### **Section 5 - Supporting Advanced Communications Infrastructure of the NPPF**

- 4.7 The proposal is supported by, and accords with, the guidance in Section 5 of the NPPF, which provides further guidance on the Government's objective of providing high quality communications networks in England.
- 4.8 The NPPF clearly acknowledges the benefits of modern electronic communications and seeks to encourage such development as being essential due to their role in supporting a modern economy, contributing to sustainable objectives, and enhancing local community access to a range of goods and services. Local planning authorities are advised to respond positively to proposals for electronic communications development and this has to include an understanding of the associated special problems and technical needs of developing communications networks such as the Smart Meter network.

#### **Section 7 – Requiring Good Design of the NPPF**

- 4.9 Government places great importance on the design of the built environment and paragraph 56 of the NPPF states that this is an integral objective of achieving sustainable development. The careful approach taken to the design and siting of the proposed development complies fully with this general policy objective.
- 4.10 More specifically, the proposal is supported by the guidance in paragraph 65 of the NPPF, which states that:

*'Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).'*

- 4.11 In respect of this guidance, all reasonable steps have been taken through careful siting and design to minimise the visual impact of the development, so far as the technical and operation constraints allow. The proposal is an acceptable design solution that will not have any impact on a designation heritage asset.

#### **Site Specific Policies**

- 4.12 The site is not included within any particular environmental designation or land allocation that needs to be taken into account. *Policy TU8 Telecommunications development* from the *Ryedale Local Plan 2002* is however relevant to the proposal.

<p><b>Policy U8 -Telecommunications development</b></p> <p><b>Proposals for large-scale telecommunication development such as masts and other aerial arrays will be permitted where:-</b></p> <p>(i) It can be clearly demonstrated that there is a need for the development in that particular location;</p> <p>(ii) There is no reasonable possibility of combining the proposal with existing or committed installations;</p> <p>(iii) Taking into account technical and operational considerations, the development is designed, sited and, where appropriate, landscaped to minimise its visual impact on the character and appearance of the surrounding area;</p> <p>(iv) It can be demonstrated that no alternative less-intrusive sites or practicable technical solutions are available.</p>
--

- 4.13 In reference to Policy U8, the apparatus is needed as part of a new nationwide communications network to support the Government's Smart Metering initiative.

- 4.14 A sequential site selection process has demonstrated that this is the best site available that meets technical requirements without undue environmental impact. This includes identifying and assessing existing telecommunication installations. This process was informed by radio, topographical, and land use constraints (see p10).
- 4.15 The development would be sited amongst utilities infrastructure, remote from residential areas, and at a well screened location behind mature trees so as to protect the visual amenity of the local area.
- 4.18 In summary, the sensitive way the development proposed has been brought forward accords with best practice and forms part of a national important infrastructure project to provide smart metering services to the local area. It accords with the key policy objectives at national level, which are reflected in the relevant policies at local level. The development proposed is therefore acceptable in principle and also accords with the more detailed guidance expressed in local policy.

## 5. DESIGN AND ACCESS STATEMENT

5.1 The development proposed essentially involves engineering operations and so is arguably exempt from the requirement to provide a design and access statement under Article 8 (1) (b) of The Town and Country Planning (Development Management Procedure) (England) Order 2010. However, to assist your determination this section provides a description of the process adopted in the design of the proposals and explains the access considerations. The significant contribution such development makes towards sustainable development objectives has already been outlined earlier.

### Physical Context

5.2 The application site is set within a waste water sewage works amongst typical utilities infrastructure. The site is surrounded by high-level and mature conifer trees, beyond which are agricultural fields and woodlands.



Figure 2. Photograph of application site.

### **Amount, Design, Layout and Scale of the Development**

- 5.3 The scale, layout and design of the development has been guided by the special technical and operational factors affecting the need to provide an acceptable level of coverage to the local area, having regard to the need to minimise visual impact, which have been explained in the previous sections of this statement.
- 5.4 The mast design – a lattice tower – has been chosen to ensure that it will assimilate with the immediate surroundings and the context in which it will be seen. The tower is of the absolute minimum scale to meet radio coverage requirements and its height has partly been informed by the need for the radio signal to clear the surrounding trees.
- 5.5 The number of radio equipment cabinets and their size has been limited to what is required to meet current and foreseeable network requirements. The location of the equipment cabinets, and the electronic communications equipment housed within them, reflects the technical and operational requirement to be in reasonable proximity to the antenna system they support. This avoids exceptionally large runs of feeder cables and associated supporting trays, and the subsequent loss of signals.

### **Access Considerations**

- 5.6 Access to the site will be provided by Westgate Carr Road and onto the existing service roads. Once constructed, the development will be unmanned requiring only periodic visits, typically once every two to three months for routine maintenance and servicing.
- 5.7 In accordance with all relevant health and safety legislation and guidelines, access to the site will be restricted to authorised personnel and the routine maintenance and servicing of the apparatus will only be carried out by properly trained and qualified staff. Electronic communications base stations are specifically designed to prevent unauthorised access by members of the public

and, therefore, there is no requirement to incorporate inclusive access arrangements into the proposed layout and design of the development.

### **Landscaping**

- 5.8 The proposed siting of the development has been very carefully chosen to minimise environmental impact. Any potential impact of the development is principally associated with the mast, which is the most visible component of the base station, and which cannot be fully screened for operational reasons. The height of the mast means that any attempt to screen it in its entirety would be unrealistic in any event.
- 5.9 Visual receptors are small in number and would predominately be the users of the adjoining highway who would only experience transient and partial views of the installation, if any. The site's location ensures that the amenity of local residents, and in particular the outlook from their properties, would not be adversely affected. The site benefits from natural screening in the form of tree planting which would protect the views from surrounding vantage-points. It is considered that the overall visual impact would be low and outweighed by the benefits of the Smart Metering network.
- 5.10 It is considered that the local landscape is of low sensitivity and could accommodate the development proposed. The immediate area around the site is not void of manmade features which includes utilities infrastructure and industrial units. For these reasons, additional landscaping is not considered appropriate and has not been included within the scheme.

### **Appearance**

- 5.11 The lattice tower has a functional and plain design, made from galvanised steel – typical of such infrastructure installed across the country. The equipment cabinets would be coloured dark green or grey.
- 5.12 Insofar as the apparatus may be visible, it will look straight forward in appearance to reflect its function. To that extent it should in time become an

accepted feature of the local landscape as with other forms of communication networks and essential public utility infrastructure.

## **6. ICNIRP COMPLIANCE**

- 6.1 A certificate confirming compliance with the relevant ICNIRP guidelines on public exposure has been supplied with this application. Accordingly, as explained within the NPPF, it is not necessary, to consider further the health aspects and concerns about them, which include the perception of risk.



## **7. SUMMARY AND CONCLUSIONS**

- 7.1 The proposed development forms part of Arqiva's planned Smart Meter network, which is being created as part of the government's initiative to roll out smart electricity and gas meters to homes and small businesses across Great Britain between 2014 and 2020. The network forms part of the UK's National Infrastructure Plan and the information provided by smart meters will help consumers to better manage and reduce energy use and potentially save money. Smart meters will play an important role in the government's policies to achieve a transition to a sustainable and low-carbon economy.
- 7.2 The proposed development is considered to strike the best balance between operational and environmental considerations that apply to its role within the Smart Meter network. The proposed siting and design has been chosen to minimise visual impact and should, therefore, be acceptable.
- 7.3 The proposed antennas will comply with all relevant health and safety requirements and will be compliant with the ICNIRP guidelines. There are no exceptional circumstances in this case and therefore no need to consider health effects and related concerns such as the perception of risk further.
- 7.4 This statement has demonstrated that the proposal is in accordance with local Development Plan policy and national policy set out in the NPPF. In particular, it is a form of development that is specifically encouraged as a matter of principle and in its detail complies with the policy objective of minimising potential environmental impact.
- 7.5 In conclusion, the application merits support and there are no material considerations that indicate otherwise.

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**Subject:** Recent planning applications

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**From:** Pickering Town Council  
**Sent:** 22 March 2016 07:55  
**To:** Development Management  
**Subject:** Recent planning applications

The council has discussed the applications listed below and has no objections to any of them.

- a) 16/00261/FUL - erection of two extensions to north elevation to form additional toilet and kitchen facilities, erection of two extensions to south elevation to form shop area, additional staff facilities and function room including glazed canopy for outdoor seating, together with formation of thirty six additional car parking spaces and ten motorcycle/bicycle parking spaces and relocation of packaged treatment plant at Cedar Barn Farm Shop, Thornton Road;
- b) 16/00297/FUL – siting of a five berth touring caravan for residential use at Aysgarth, Whitby Road;
- c) 16/00302/FUL – erection of 21m high lattice tower with one omni-antenna for Smart Meter electronic communications together with one meter cabinet at ground level and 2.1m high chain-link/barbed wire site compound boundary fence with access gate at Pickering Sewage Works, Westgate Carr Road;
- d) 16/00332/HOUSE – installation of one rooflight to west facing roofslope at 4 The Ropery;
- e) 16/00335/LBC – external alterations to 105 Westgate, to include installation of six replacement timber framed windows and replacement timber door to north and east elevations (revised details to refusal 15/01468/LBC dated 17 February 2016);
- f) 16/00250/FUL – erection of three additional residential units and revision to house types of plots 54 and 58 together with alterations to site layout and associated parking and landscaping (revised details to approval 14/00976/MREM dated 9 December 2014) on land at OS Field 9525, Crossgate Lane.
- g) 16/00377/CAT – to fell and remove one holly tree at 35 Eastgate.

Andrew Husband  
Clerk to Pickering Town Council

**Item Number:** 11  
**Application No:** 16/00336/HOUSE  
**Parish:** Flaxton Parish Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr & Mrs Render  
**Proposal:** Erection of 3 bay detached garage to serve both Ashdale House and Sunnyside.  
**Location:** Ashdale House Main Street Flaxton Malton YO60 7RP

**Registration Date:**  
**8/13 Wk Expiry Date:** 9 May 2016  
**Overall Expiry Date:** 6 May 2016  
**Case Officer:** Niamh Bonner **Ext:** Ext 329

## CONSULTATIONS:

<b>Parish Council</b>	No objection
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Tree &amp; Landscape Officer</b>	No response received
<b>Countryside Officer</b>	Condition to be placed on permission
<b>Building Conservation Officer</b>	No response received
<b>Foss Internal Drainage Board</b>	Recommend conditions

**Neighbour responses:** Janet & Neville Webb, Chris & Jude Hearn, Mr J A M Swan,

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## SITE:

Sunnyside and Ashdale form a pair of semi detached, two storey properties constructed of brick with slate roofs, located towards the southern side of the village of Flaxton. The properties fall within the village development limits and the Flaxton Conservation Area.

Flaxton Village has expanded in a mostly linear development form, with properties located along the main road frontage, behind large grass verges, which are designated as visually important undeveloped areas.

## PROPOSAL:

The application seeks planning permission for a the erection of 3 bay detached garage to serve both Ashdale House and Sunnyside. The garages are located towards the end of the extensive rear gardens serving both properties with their vehicular access gained off Barney Lane.

## HISTORY:

The following applications are considered relevant to the current proposal:

14/01225/HOUSE: Erection of single storey rear extension following demolition of existing rear porch (Ashdale)

16/00163/HOUSE: Erection of 3 bay detached garage to serve both Ashdale House and Sunnyside. Withdrawn.

## **POLICIES:**

SP12: Heritage

SP14: Biodiversity

SP16: Design

SP17 Managing Air Quality, Land and Water Resources

SP20: Generic Development Management Issues

## **APPRAISAL:**

The main considerations to be taken into account are:

- i) Character and Form
- ii) Impact upon Conservation Area
- iii) Impact upon Biodiversity
- iv) Flood Risk
- v) Impact upon Neighbouring Amenity
- vi) Consultation Responses

### **i) Character and Form**

The proposed development incorporates the erection of a detached three bay garage to serve Ashdale House and Sunnyside, located to the rear of the linear historic burgage plots associated with the properties, , c12.71metres from the rear boundary of the site. This garage will be accessed from Barney Lane, which is an unclassified road. Currently neither of the properties have any sheds, outbuildings or garages associated with their plots. It is considered that three covered parking spaces to serve two dwellings that would constitute appropriate and modest provision. It is noted within correspondence from the applicant that the proposed garage location was chosen following consideration of appropriate provision for vehicular turning space and egress from the site in a forward gear, whilst reducing the proximity of the development from the boundaries of neighbouring properties.

The design of the proposed garage incorporates an open fronted oak framed garage, clad with horizontal tanalized timber cladding to sides and rear, with a red brickwork plinth. The garage will be finished with a pitched roof to be constructed of natural Welsh slate tiles. The principal elevation of the garage, which will provide vehicular access will be orientated towards the north east of the site and will be accessed from Barney Lane.

It is noted that security lighting will be installed to the front and rear, with internal strip lighting on a switched arrangement. Furthermore, additional landscaping will be undertaken at the access point at Barney Lane, through the installation of replacement flowerbeds constructed from railway sleepers, which will be more in keeping with the character of the Conservation Area than the current concrete slabs.

Recently revised plans, received on the 21st April denote a reduced scale scheme, with the building footprint extending **6.16m** in length x **10.28m** in width across the two plots. This will ensure that the building is not directly on the boundary and a pathway of c.1.2m will be retained for access on the western side of the proposed garage and 1.5m at the eastern side, with pedestrian access doors on each side elevation. The proposed development has a ridge height of **3.28m** and a height to eaves of **2.19m**. It is considered that the scale of the revised plans will be much more appropriate given the context of the site - in particular, the reduced ridge height is welcomed.

The initial application referenced under 16/00163/House which was later withdrawn, incorporated a significantly larger scale development, with a footprint of **8.47m x 11.15m**, a ridge height of **5.12m** and a height to eaves of **2.29m**, to include provision of a rear seating area on the southern side of the development.

This scheme attracted a range of representations and objections from the occupiers of neighbouring properties, concerned with, amongst other issues, the inappropriate scale, materials and design.

The current application was originally submitted with a development that incorporated a slightly larger scale, with a footprint of **8.47m x 11.50m**, with a ridge height of **3.96m** and a height to eaves of **2.29m**. This has since been reduced in scale with the revised plans submitted on the 21st April to remove the covered seating area, thus facilitating the lowered roofline and an overall reduction of roof massing.

Further representations and objections were also received from neighbours who continued to highlight concerns regarding the scale and materials within this proposal. (Please see Section vii: Consultation responses.) Reconsultation correspondence to ensure the neighbours were aware of the revised scale plans was issued on the 22nd of April.

The Local Planning Authority had been made aware that the applicants had undertaken certain works to the rear of the garden, including laying a concrete base foundation, tarmac and gravelling the driveway in advance of receiving planning permission. Following a site visit, it was conveyed to the neighbours and Parish Council that the works which had taken place to date were considered to be permitted development under class F(a) Part 1 of Schedule 2 of the General Permitted Development Order. (2015)

It is Officer's opinion that the proposed materials are of a high quality and the open fronted, pitched roof design will be appropriate in this area. The tanalised timber will weather to a silver finish and the natural slate tiles will relate to the main dwelling.

Therefore, following consideration of the proposal, the design, proposed function and form is considered sympathetic to the character, proportion and appearance of the main dwelling, complying with Policies SP16, Design and SP20, Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

## **ii) Impact upon Conservation Area**

The site is located within the designated Conservation Area of Flaxton, where under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority has a duty to assess whether a development proposal enhances or preserves the character of the designated area.

In order to effectively identify whether the proposal would impact upon the character of the Conservation Area, a characterisation survey was carried out by Officers with a Senior Planning Officer. Analysis was undertaken along Flaxton Main Street to identify the style of outbuildings associated with the traditional croft burgage plots, which form an important part of the character of the Conservation area.

Following the completion of the characterisation survey, it was noted that while the majority of outbuildings along this side of Main Street following the traditional linear orientation of the burgage plots, several were orientated to run perpendicular to the dwellings, including an outbuilding at Westlea - which immediately adjoins Ashdale. Therefore Officers are of the opinion that the proposed orientation of the development will not harm the traditional nature of the burgage plots.

Furthermore, It was considered that the character of the burgage plots at the rear of the gardens associated with Sunnyside and Ashdale has already been somewhat compromised, due to the erection of Appletrees close to the rear boundary. Therefore it is considered that the positioning of the development at the rear of the plot would be the preferred location for any garage development, as it will preserve the majority of the linear gardens associated with the dwellings.

Additionally, due to the reduced ridge height of 3.28m, it is not considered that it will present a significant change to the views currently experienced from the streetscene. During a site visit it was noted that there will be only glimpsed views of the slate roof of the development from Barney Lane, including at a gap within the hedgerow which separates The Homestead from Barney Lane. The large mature hedge located between Sunnyside and The Homestead, which incorporates two Holly Trees effectively screens the majority of the development. This hedgerow will be conditioned for retention. It is considered that the outbuilding at The Homestead, while smaller in floorspace will remain more highly visible than the proposed garage at the proposed site. Furthermore, throughout this area there are other outbuildings associated with the dwellings, including at Appletrees, Westlea and Sunnylea. While these may be of a smaller scale in terms of floorspace, they are intended to serve individual properties, rather than two dwellings.

Following review of the proposal, it is considered that the proposed development will not harm the special value protected within the Conservation Area designation and that it preserves the historic character of the area. It is Officer's opinion that the high quality materials and reduced scale of the open garage design will contribute to ensuring this value is protected.

In addition to conformity with the Planning (Listed Building and Conservation Areas) Act 1990, the proposal is also considered to meet the relevant policy criteria outlined within the National Planning Policy Framework, Section 12 'Conserving and Enhancing the Historic Environment.' It is also considered that this application conforms with Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy, which asserts that '*designated historic assets and their settings, including listed buildings, conservation areas... will be conserved and where appropriate enhanced.*'

### **iii) Impact upon Biodiversity**

Ryedale District Council's Countryside Management Officer noted that there is a possibility of Great Crested Newts being present on this site if it provides a suitable terrestrial habitat, as there is a known population of the species within the village based on 3 ponds to the west of the Ashdale and Sunnyside.

However, as ground works have been undertaken under permitted development rights, the Countryside Management Officer confirmed that in this instance an informative should be attached to the permission to ensure the applicant is fully aware of their duty under both the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations (2010).

### **iv) Flood Risk**

The site does not fall within any Flood Risk Zone designation. However it was noted within consultation responses received by neighbours and the Foss (2008) Internal Drainage Board that the area has a propensity to flood and drainage is considered to be overloaded.

The Board noted "*The site is in an area where drainage problems exist and development should not be allowed until the authority is satisfied that surface water has been satisfactorily provided for.*" The advice continued "*Where possible the risk of flooding should be reduced and that, as far as is practical, surface water arising from a developed site should be managed in a sustainable manner.*"

The applicant employed a consultant, HM Design, to undertake to undertake percolation tests and design an appropriate soakaway solution for the works. Following review of the report submitted by the agent on the 25th April, it is considered that a soakaway can appropriately be installed to mitigate any potential drainage issues from the proposed garage structure. This will be conditioned for installation within any permission granted.

It is considered that the proposed mitigation measures for the proposed development are appropriate and will protect the cumulative impact upon the surface water drainage in Flaxton.

This is considered to be in keeping with Policy SP17: Managing Air Quality, Land and Water Resources, which supports the management of flood risk by *"the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk."*

#### **v) Site Access and Highway safety**

Concerns were raised throughout the consultation by neighbours and the Parish Council in relation to the access and egress from the proposed garage to Barney Lane.

Additionally it was noted by the Parish Council that the entrance to Barney Lane was substantially widened as part of the preliminary works undertaken by the applicant. As Barney Lane is an unclassified road, no planning permission is required for the alteration to access adjoining the highway under class B Part 2 of Schedule 2 of the General Permitted Development Order (2015). However, confirmation was received from the Highways Authority, to note that any widening works would require the verge/footway crossing to be undertaken to the NYCC Specification and by an approved contractor.

The applicant was made aware of these regulations and forwarded the relevant application to the Highways Authority. The applicant also noted that the garage proposal would have the effect of enhancing highway safety by allowing a turning area in the area where vehicles currently park, thus allowing these vehicles to exit site in a forward gear. It was also confirmed that the site would be solely for domestic use.

The Highways Authority confirmed on 1st April 2016 that an application had been received by their office in respect of the alteration to the existing vehicle access and they have raised no objection to the proposal, subject to conditions.

Therefore it is considered that the proposal will not negatively impact upon highway safety, complying with Policy SP20, Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy, which notes "Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement of the safety of pedestrians and cyclists."

#### **vi) Impact upon Neighbouring Amenity**

Appletrees is a detached bungalow located to the north east of the rear boundary of the application site and the proposed garage will be located 12.71m south of this shared boundary.

It is appreciated that concerns have been raised by the residents of Appletrees referencing the potential for the development to negatively impact upon their amenity and present a loss of sunlight and outlook from their southern elevation. However, it is considered that the reduced scale of the garage development to a ridge height of 3.28m with an eaves height of 2.19m will reduce the potential for a material loss of sunlight and outlook, particularly when considering the distance between the two buildings and the presence of existing planting.

Sunnylea and Westlea Cottages are situated directly to the north west of the Ashdale and The Homestead is located along the south east boundary of Sunnyside. Both properties also enjoy long burgage plots gardens. Therefore, due to the positioning of the garage at the rear of the garden plots, the development will not impact upon the amenity enjoyed by these residents within their dwelling houses.

The design of the garage will span a significant portion of the width of the gardens at Ashdale and Sunnyside, terminating c1.5m from the boundary with The Homestead and c.1.2m from the boundary at Sunnyside/Westlea. It is therefore likely that there will be some shadowing at the rear of Sunnyside/Westlea at certain points during the day. However this will not be so significant as to cause a material loss of amenity.

It is not considered that the garden associated with The Homestead will be impacted by any loss of sunlight due to its orientation and furthermore that views of the development will be obscured by the large hedge separating these properties.

Due to the linear and relatively narrow nature of the burgage plots, it is considered that the majority of developments are therefore likely to be located in close proximity to site boundaries. For instance the garage associated with Sunnylea immediately adjoins the boundary of Ashdale and the garage associated with The Homestead is located c.0.8m from the boundary of Sunnyside - both in closer proximity to the residential dwellings of Ashdale and Sunnyside than the proposed garage.

Therefore, it is considered that this proposal will not materially impact upon the privacy, the loss of enjoyment, sunlight or outlook of either the neighbouring properties or the applicant. This is in keeping with the requirements of SP20, Generic Development Management Issues, which highlights the importance of preventing "material adverse impacts on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community."

#### **vi) Consultation Responses**

An earlier application, referenced under 16/00163/House, (referred to earlier in this report) attracted a range of representations and objections from neighbouring properties and the Parish Council, noting concern with regards to the following issues:

- Concern over excessive scale of the development,*
- The loss of neighbouring amenity*
- Reduction of light,*
- Overbearingly close to neighbouring properties*
- Appropriateness of development in a conservation area,*
- Design appearance,*
- Impact upon great crested newts,*
- Access to and from the site*
- Widening of the driveway*
- Impact of development upon drainage*

As noted this scheme was subsequently withdrawn and redesigned under the current application to propose a smaller scale design. Representations were received regarding the current application in its original form.

The Parish Council consultation response noted that earlier comments still applied, however highlighted concerns regarding the following issues:

- Concern over excessive scale of the development,*
- *Concern over height restriction upon the hedge forming the boundary between the site and Appletrees.*

Further consultation responses were received from the residents at Appletrees and The Homestead noting concern over the following issues:

- *Excessive and disproportionate scale of the development.*
- The design, materials and form of the proposal being out of keeping with the area.*
- *Detrimental impact upon the amenity enjoyed by Appletrees.*
- *Access to and from the site.*
- *Overprovision of Parking.*
- *Concerns over maintenance of the hedge forming the boundary between the site and Appletrees.*

However, as this proposed development was amended to further reduce the scale on the 21st April, an additional reconsultation has been undertaken.



To date only one response on these newly revised plans have been received, from the Parish Council, who have withdrawn their earlier objection. It was noted that they *"have reviewed the application in conjunction with the applicants at the recent meeting and are happy with the information they received."*

Should any further representations be made by neighbours, they will be reported in the late pages or through a verbal update from Officers at committee.

It is considered that the issues raised by residents at the neighbouring properties concerning the scale of the development, its proximity to neighbouring properties, design, the potential impact upon drainage, highway safety and wildlife have all been addressed. Furthermore it is considered that the proposal will not result in a material loss of amenity, light or outlook for the neighbouring properties.

### **Conclusion.**

It is considered that the proposed location presents the most appropriate area for siting a garage development within the curtilage of the properties. Due to the nature of these plots, avoiding close proximity to neighbouring boundaries is challenging. However in this case it is considered that the development has been significantly reduced in scale through negotiation and it will be located with sufficient distance from the neighbouring properties so as to avoid causing material planning impacts in terms of impacting upon light and outlook.

Additionally, the development will maintain the majority of the historic burgage plot form and the sympathetically proposed design and materials are considered to mitigate potential harm that could be associated with a new outbuilding within the Conservation Area.

The proposal is therefore considered to be in keeping with the principles of Policies SP12 (Heritage) SP17 (Managing Air Quality, Land and Water Resources) SP19 (Presumption in Favour of Sustainable Development) SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

### **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 plans:

Ashdale House, Plans as Proposed - Site Location Map, Floor Plans and Elevations (881.001 - Rev H) Rec'd 27.04.16 (1:1000, 1:100, 1:50)

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.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP16 Design of the Ryedale Plan - Local Plan Strategy.

- 4 The existing hedging along the southern boundary of the site, between Ashdale and The Homestead shall be retained and maintained and details of proposed maintenance measures shall be submitted and approved in writing by the Local Planning Authority before the commencement of the development. In the event of existing hedges dying, it/they shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. Any new hedgerow plants shall be maintained for a period of five years from being planted and replaced if they die or become diseased, by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: It is considered that the existing hedging is an important visual amenity which should be retained.

- 5 Unless otherwise agreed in writing, the development will incorporate the installation of the soakaway to the design specification as located and detailed within a 'Soakaway Design Report' undertaken by HM Design and submitted to the Local Planning Authority on 25th April 2016.

Reason: To ensure proper drainage within the site of residential amenity in accordance with SP20 of the Ryedale Local Plan Strategy.

- 6 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:- In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy; and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

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

Reason:- In accordance with 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.

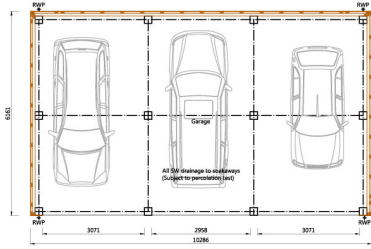
## **Informative**

1. Great crested newts are protected by both the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations (2010). Killing, injuring, capturing, handling or possessing the species is prohibited, as is damage to their habitats and trade in the species. Should any great crested newts or evidence of great crested newts be found prior to or during the development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given Natural England's contact details.

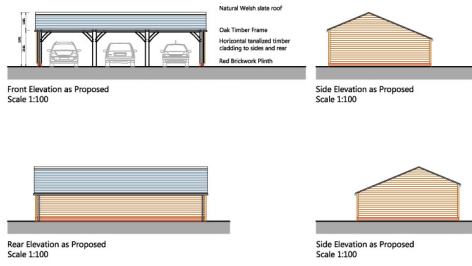
**Background Papers:**

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

# REVISED PLAN



Floor Plan as Proposed  
Scale 1:50



Front Elevation as Proposed  
Scale 1:100

Side Elevation as Proposed  
Scale 1:100

Rear Elevation as Proposed  
Scale 1:100

Side Elevation as Proposed  
Scale 1:100

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The architect is responsible for checking dimensions, any discrepancies to be referred to the architect before proceeding with the work.  
No dimensions to be taken from drawings. Figured dimensions to be used to 2d lines.  
All measurements and work shall conform to the requirements of the relevant Building Regulations and the Building Regulations with subsequent amendments.  
The contents of this drawing are the property of the firm. They are not to be copied, reproduced or used in any way without the prior written consent of the firm.



Site Location Plan as Proposed  
Scale 1:100



Site Location Plan  
Scale 1:1000



1:1000	0	10	20	30	40	50	60	70	80	90	100
1:500	0	2	4	6	8	10	12	14	16	18	20
1:200	0	1	2	3	4	5	6	7	8	9	10
1:100	0	1	2	3	4	5	6	7	8	9	10

1	Client comments incorporated	11/05/16
2	Client and Planning comments incorporated	11/05/16
3	Updated to match working area and fence edge	10/05/16
4	Client and Planning comments incorporated	07/05/16
5	Revised layout agreed	07/05/16
6	Client comments incorporated	07/05/16
7	Client comments incorporated	07/05/16
8	Client comments incorporated	07/05/16
9	Client comments incorporated	07/05/16
10	Client comments incorporated	07/05/16
11	Client comments incorporated	07/05/16
12	Client comments incorporated	07/05/16
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DATE 22/05/16

**FINING ASSOCIATES CHARTERED ARCHITECTS**  
Spanning The Breadth Of Architecture



CHARTERED ARCHITECTS AND INTERIOR DESIGNERS  
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website:www.architectsyork.com

**New garage serving 2 Dwellings**  
**Ashdale House / Sunnyside**  
**Bull Moor Lane**  
**Flaxton**  
**York**  
**YO60 7RP**

**Design & Access Statement**  
**Rev. A - March 2016**

# Contents

- 1. Introduction**
- 2. The Proposal**
- 3. Assessment**
- 4. Evaluation**
- 5. Design: Use**
- 6. Design: Amount**
- 7. Design Layout**
- 8. Design: Scale**
- 9. Design: Landscaping**
- 10. Design: Appearance**
- 11. Access**
- 12. Summary**

## **1.0 INTRODUCTION**

This design and access statement has been prepared on behalf of Mr and Mrs Render in support of their application for a Householder Planning Application at Ashdale House and Sunnyside, Bull Moor Lane, Flaxton, York, YO60 7RP

The statement assesses and evaluates the site and its context, to record the local character and circumstances and is supported by a design layout and elevations of the existing property in the centre of York.

It provides a description of those aspects of the proposal that are available at the detailed stage and explains the principle and concepts of the design that have informed the design development to date.

It explains how inclusive design principles are incorporated into the development to allow everyone to be able to conveniently use the places created.

The statement is issued in accordance with the requirements on guidance on changes to the development control system by Ryedale District Council.

The design philosophy and proposals are described within this supporting documents submitted with the planning drawings.

## **2.0 THE PROPOSAL**

The proposal seeks planning consent for the construction of a new single storey domestic garage that serves 2 dwellings including improvements to the surfaces within the site boundary that will be used by manoeuvring vehicles.

## **3.0 ASSESSMENT**

Ashdale house and Sunnyside house are a pair of traditional brick built semi-detached village houses. They are located in the southern portion of the village with both houses and their site being contained wholly within the conservation area and development limits, they front onto Bull Moor Lane

with a large verge separating them from the main road through the village. The frontage of the buildings have a south-western orientation, neither is listed.

The Buildings are currently in use as dwellings and have long thin rear gardens that can be accessed from Barney Lane via it's North-East Boundary. The rear garden to Ashdale also has pedestrian access via the private drive of the adjacent Westlea cottage and features a communicating pedestrian gate between its rear garden and that of Sunnyside. Both Ashdale house and Sunnyside are under the ownership of Mr and Mrs Render.



Fig 1.1 Front Elevation (Ashdale to LH Side)

The external walls of the building are constructed from red clamp brickwork and brickwork detailing is limited to soldier courses above window opening. The windows are white uPVC casement items with an imitation transom and mullion subdivision within the Air gap to the double glazing units and as such are obviously not original items. Doors are painted timber. The roof is finished in a dark grey natural slate finish.

The garden is bounded by a clamp brick wall approximately 2m High.





Fig 1.2 – View of rear from Westlea cottage drive

#### **4.0 EVALUATION**

The proposal seeks to provide a domestic garage that serves both Ashdale house and Sunnyside via an existing highways access.

The site for the proposal is surrounded by built form (typically other 2 storey houses, any proposal should seek to provide the required facility whilst being relatively unobtrusive and sympathetic the vernacular of the local area.

The proposal should not cause an increased risk to highway users, and should be 'sustainable'.

## **5.0 DESIGN: USE**

The current use of the site is domestic and will remain as such, consistent with the surrounding land use and will not cause any loss of amenity for residents or others.

## **6.0 DESIGN: DENSITY**

The footprint of the building is primarily determined by the required space to be realised, its siting and context are consistent with its surrounding and the pattern of development observed in Flaxton.

## **7.0 DESIGN: LAYOUT**

The layout has been arrived at following consideration of the above concerns and having minimal visual impact whilst providing adequate space for the manoeuvring of vehicles that ensures it will not be necessary for the users to have to reverse onto the Highway.

## **8.0 DESIGN: SCALE**

The height of the new elements has a subservient relationship to the buildings that bound the site to minimise visual impact, due care and attention has been taken with regard to the effect on the local environment. In this resubmission, following comments from the planners the overall height of the proposal has been substantially reduced

## **9.0 DESIGN: LANDSCAPE**

The existing access from Barney Lane is currently unmade and as a result mud and stones can be transferred from this parking area onto the road and footway, The proposal mitigates this issue by having a gravel finish and a tarmac transition strip, as such it is a permeable finish and does not cause issues with surface water run-off / drainage. The works will smarten up this entrance with an attractive natural material.

## **10.0 DESIGN: APPEARANCE**

The choice of materials (i.e. red tiles, timber cladding and oak frame) is entirely consistent with the type of buildings you would expect to see in a Yorkshire Village and takes on the appearance of a barn rather than an immediately obvious garage.

High quality materials and detailing will ensure a sustainable and comfortable solution that integrates with the existing building

## **11.0 ACCESS**

### **Vehicular and Transport Links**

The design improves to number and condition of parking provision on site which is important given the isolated nature of a village and the necessary reliance on car use. The garage will also provide a good sized area for cycles and motorbikes e.t.c for which no covered facilities are available at present.

## **12.0 SUMMARY**

- Improvement to parking facilities for 2 dwellings
- Attractive building in-keeping with village design language
- Sustainable development
- High quality design, materials and detailing

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**Subject:** 16/00336/HOUSE Mr & Mrs Render

---

**From:** Hannah Wilson  
**Sent:** 05 April 2016 06:44  
**To:** Development Management  
**Subject:** Fw: 16/00336/HOUSE Mr & Mrs Render

Dear Ms Hood

Thank you for the time to consider the above named application which is a re-submission under a different name and number than the previous application.

I am replying on the back of the previous response from the PC as they wish the same comments to apply with the addition of the following:

- Whilst the garage height has been lowered it will still have the same impact on the neighbouring single story property (Appletrees). Unless some form of height restriction condition is imposed on the newly planted hedge (to screen the garage) this will also have a significant impact on Appletrees .
- Earlier comments still apply

Kind Regards

Hannah Wilson  
Clerk to Flaxton Parish Council

---

**From:** Hannah Wilson  
**Sent:** 25 February 2016 08:40  
**To:** Development Manager  
**Subject:** 16/00163/HOUSE - Mrs Vanessa Connolly, Ashdale House, Main Street, Flaxton

Dear Ms Hood

Thank you for the opportunity to review the above named application. The Parish Council would like to make the following comments for your consideration:

- There is serious concern for the height of the garages. It seems excessive for a 'single storey garage' as per the design statement at 3/4 meter over the height of a new build garage.
- There is most certainly concern for neighbouring properties especially that of Appletrees which is a single storey property with 3 facing windows.
- The gravel area acts as a turning circle and this will allow headlights to be shone into properties at varying times of night. No exterior lighting should be specified
- The build is in a conservation area which amongst other things means that there should be no removal of trees without prior permission. The PC understand that work has already commenced on site and that the holly tree may already have been removed.

- The access driveway has already been widened with the aforementioned work which has already started despite the application quite clearly stating that it hasn't. A substantial concrete base has already been laid.
- It is unclear as to whether there is access to the garages via the properties or whether this is only via Barney Lane
- It is also unclear as to whether there is sufficient drainage and appropriate ways to deal with rainwater run off as there appear to be no gutters on the plans

The Parish Council understand there have been objections from neighbouring properties and therefore in addition to the concerns highlighted above, they would support that objection.

Regards

Hannah Wilson  
Clerk to Flaxton Parish Council

# Agenda Item 12

**Item Number:** 12  
**Application No:** 16/00361/HOUSE  
**Parish:** Kirkbymoorside Town Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr N Marwood  
**Proposal:** Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store  
**Location:** Briarfield Vivers Place Kirkbymoorside YO62 6LX

**Registration Date:**  
**8/13 Wk Expiry Date:** 4 May 2016  
**Overall Expiry Date:** 29 April 2016  
**Case Officer:** Charlotte Cornforth **Ext:** 325

## CONSULTATIONS:

**Parish Council** No response to date  
**Highways North Yorkshire** Recommend conditions

**Neighbour responses:** Mrs Julie Kay, Mr Michael Clements,

---

## SITE:

The site is located to the west of Old Road, with a highway verge separating it from the road, to the south of Queens Way and to the north of Vivers Place, within a predominantly residential area of Kirkbymoorside. The site currently contains a pair of bungalows that are in a state of disrepair. This application seeks alterations to one of the bungalows, Briarfield, the most eastern bungalow and the one closest to Old Road.

## PROPOSAL:

Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store.

Members should also note that an application has been submitted for the adjoining bungalow known as The Bungalow for the same proposals. This application is also to be determined by Planning Committee (Planning Reference: 16/00363/HOUSE ) and shall be read in conjunction with this report.

A revised site layout plan has been received from the agent, showing additional planting on the front southern boundary of the application site, accompanied by a cross sectional drawing from The Bungalow site to The Struan, following a letter of objection from the occupiers of The Struan. A re-consultation has been carried out and the occupiers of The Struan maintain their objection. Therefore, the application is presented to Members for determination because the objections raise material planning considerations. This will be discussed in more detail in the appraisal section of this report.

## HISTORY:

There is no planning history regarding the site.

## **POLICY :**

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP16 Design

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

Chapter 7. Requiring good design

National Planning Practice Guidance (2014)

## **APPRAISAL:**

The main considerations to be taken into account when considering the proposal are:

- i. Character and form
- ii. Impact upon the street scenes and immediate locality
- iii. Impact upon neighbouring amenity
- iv. Highway safety
- v. Other matters

### i. Character and form

The existing bungalow measures 5.7m to the ridge. The proposed ridge height of the bungalow to allow for first floor domestic accommodation will measure 6.8m to the ridge. The two storey extension to the south (front) will project forward at ground and first floor level by approximately 0.9m from the original front wall of the bungalow. It should also be noted that there is an existing ground floor bow window and the proposed two storey extension will project 0.1m further forward at ground and first floor level compared to the existing ground floor bow window. To allow for the additional first floor accommodation, a pitched roof dormer and a roof light are proposed on the southern elevation, along with a cat slide dormer on the northern elevation. Furthermore, a first floor window is proposed on the two storey extension to the south. The ground floor fenestration will consist of bi-fold doors and two windows to the south elevation and two ground floor windows and a door to the rear elevation. All windows and door will be UPVC. The raised roof will section will be constructed of a pantile roof to match the existing bungalow and the two storey extension will be constructed of bricks. The detached garage will serve both Briarfield and The Bungalow and will be positioned to the rear of the properties. It will measure a total of approximately 11.9m in length, 6m in width, 2.5m to the eaves and 4.8m to the ridge. It will be constructed of brick and pantiles, with a single garage door and personnel door to the eastern elevation and a window to the southern elevation.

It is considered that the alterations and extension to the main dwelling, along with the detached garage are appropriate and sympathetic to the character and appearance of the host building. This in terms of scale, form and use of materials, complying with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

### ii. Impact upon the street scene and immediate locality

The properties that front Old Road, Queen's Way and Vivers Place are predominantly two storey, with the dwellings to the west of the site and in the corner of Vivers Place being single storey. It is considered that the raising of the roof height of the existing dwelling, the two storey extension to the south elevation and the erection of a detached garage will not be detrimental to the street scenes of Vivers Place, Old Road and Queens Way. There are existing trees on the eastern boundary of the site and the existing front hedge will be retained that will help to ensure that the development is not immediately visible from the street scenes.

### iii. Impact upon neighbouring amenity

A letter of objection has been received from the occupiers of The Struan with regard to the original scheme. A revised site layout plan has been received from the agent, showing additional planting on the front southern boundary of the application site, accompanied by a cross sectional drawing from The Bungalow site to The Struan. A re-consultation has been carried out and the occupiers of The Struan withhold their objection.

The original objection states:

*The property looks directly at our house & garden, at present as a bungalow this does not cause any problem. With a extension to the south this brings the property closer to us and with a two storey development will look directly into our kitchen/ garden and will be an intrusion of our privacy. Whilst we welcome improvements to the property,( it's neglected state has been a cause for concern for many years) we feel it should remain single storey in keeping with the bungalows to the west, Summerfield & Garth Corner*

The objection with regard to the revised plan states:

*We have looked at the amended plan layout and still feel that there will be an intrusion of our privacy. The extra planting is totally irrelevant as the problem lies with the increased roof height and dorma windows looking straight into our kitchen & garden. We strongly feel that the roof height should remain at the existing level. There is plenty of room available on the site to extend the property at ground floor level. We are more than happy to have you visit our property and experience what we consider intrusive.*

Members should note that the Case Officer has visited The Struan.

The agent has responded to the original comments made by the occupiers of The Struan following an email from the Case Officer. Their comments state:

*With reference to the above applications - I have now visited site and taken additional dimensions and site levels to clarify some of the points raised in your email of 31st March.*

*The minimum separation distance between the properties is from Brierfield to the gable wall of the "end extension" ( the approx. position of the extensions have now been added) which is 22.2m, but that is to a blank gable which is directly behind a 2m high hedge and will therefore not create any loss of privacy.*

*If there was to be any concern it would be between the proposals and the single storey rear sunroom extension (to The Struan), which has side windows facing North towards our development, the main windows to the rear elevation of The Struan face West and are therefore at a very shallow angle to proposed new windows to Brierfield and The Bungalow, which would make it almost impossible for any overlooking to occur between the rooms served by those windows.*

*The critical dimensions therefore are those between the proposed first floor windows to the gables of Brierfield & The Bungalow and the single storey sunroom, to the rear of the Struan and which are 26.6m & 27.7m respectively, which we feel is a more than adequate separation between the properties – especially when 21m is normally seen as an acceptable distance in terms of privacy. It should also be noted, that the proposed first floor windows are actually no closer to The Struan than the centre point of the existing ground floor bow windows.*



*As shown on the section, whilst the land slopes, with the adequate separation distances between the properties and when the fact that the properties each have their own screen hedges (2m high to the Struan & 1.8m high approx. to Brierfield/The Bungalow) has been taken into consideration, the proposals do not, in our opinion, create an unacceptable loss of privacy to the rear of the property or garden.*

*Whilst we consider the proposed separation distances to be adequate to prevent any unacceptable loss of privacy, we would be happy to reinforce the existing landscaping to provide additional screening. The existing boundary hedge to Vivers Place will be retained at its current height and reinforced as required with similar species.*

*The existing Holly tree to the site frontage, which is approx. 4m high, will remain and additional trees will be planted around it as indicated on the attached drawings which will interrupt the sight lines between the dwellings. It is proposed to plant a mix of evergreen and deciduous trees to maintain screening throughout the year.*

Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy states:

*New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence*

The comments of the occupiers of The Struan are appreciated. However, whilst the plot is located on slightly rising ground in relation to The Struan (as demonstrated in the cross-section drawing), there is a significant degree of separation between the proposed first floor windows and the side facing window located in the sun room extension of The Struan. As pointed out, the separation distance of 26.6 metres is significant and in excess of 'industry norms' when considering back-to-back distances within built upon areas of towns. The applicants agent has pointed out other similar relationships within the immediate area which they consider to be acceptable in terms of their impacts on amenities. Members will note that there is also an existing, well established hedge on the boundary of The Struan where it abuts Vivers Place. Additional screen planting is also proposed within the application site to strengthen the existing plating to provide screening throughout the year. On balance, and subject to conditions recommended below, the proposal is considered to be acceptable in terms of its impact on the occupiers of neighbouring property.

#### iv. Highway safety

The Local Highway Authority has raised no objection to the proposal and has recommended that conditions regarding the verge crossing, the parking spaces, ensuring that the garage is not converted into a habitable room, precautions to prevent mud on the highway and construction parking and traffic.

#### v. Other matters

There has been no response to date from the Town Council regarding the proposal. A query was submitted from occupier of 1 Queens Way asking for clarity of the existing and proposed roof heights. This was outlined to them in an email and there has been no further responses from them.

## vi. Conclusions

It is considered that, on balance, the raising of the roof height of the existing dwelling to allow the formation of first floor domestic accommodation, the erection of a two storey extension to south elevation, the erection of detached garage and removal of existing detached garage and coal store is considered to meet the relevant policy criteria outlined within Policies SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

### **RECOMMENDATION:                      Approval**

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

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

- 2            Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, 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, including the verge and eaves detail 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.

- 3            Notwithstanding the submitted details, Prior to the commencement of the development hereby permitted, details of proposed planting to provide additional screening to the development, and supplement existing landscape features, shall be submitted to the Local Planning Authority for approval in writing. The submitted scheme shall consist of locally native species only specified in a planting schedule providing details of species, planting sizes and numbers of each species. The approved scheme shall be implemented within the first available planting season (Nov – March ) following completion of the development. In the event of any plant material dying , or become seriously diseased or damaged within a 5 year period following planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Reason: To ensure that the development is properly integrated into the immediate locality and to protect the amenities of neighbouring occupiers, in accordance with Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy.

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

c. The existing access shall be improved by widening and up-grading of construction specification in accordance with the approved drawing number 2063/1/06 and Standard Detail Number DC/E9A.

h. The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

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

- 5 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 2063/1/6/A. 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 interest of safety and the general amenity of the development.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

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

Reason: In accordance with 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.

- 8 Unless approved otherwise 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 proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

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

Alterations and Extensions to Briarfield, Kirkbymoorside - Revised Site Layout Plan and Site Section 2063/1/06/A.

Alterations and Extensions to Briarfield, Kirkbymoorside - Proposed Plans and Elevations - 2063/1/05.

Alterations and Extensions to Briarfield, Kirkbymoorside - New Garage - Plans and Elevations 2063/1/07.

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

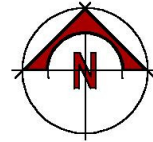
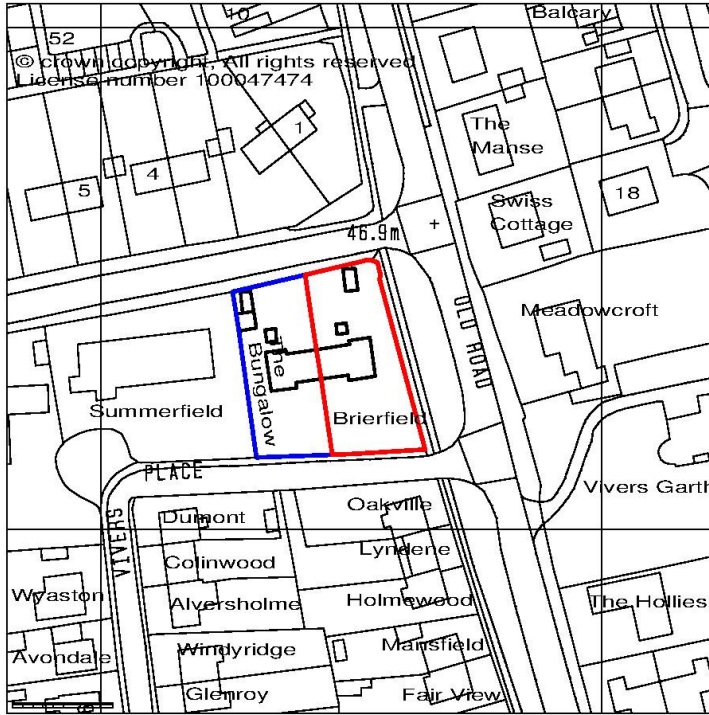
**Background Papers:**

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties



LOCATION PLAN 1:1250

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Drg Size A4

N Marwood

Alterations/Extensions to  
Brierfield, Old Road, Kirbymoorside

Location Plan

**KEVIN GRINHAM DESIGN**

The Lodge, Sheriff Hutton, York YO6 1RF  
Tel. 01347 878478

Date	Scale	Proj. No.
Feb 16	1:1250	2063/1/01

**ARCHITECTURAL**

**CONSULTANT**

DATE VALID  
09/03/16



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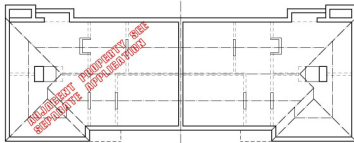
**FRONT (SOUTH) ELEVATION**  
**THE BUNGALOW**      **BRIERFIELD**



**SIDE (WEST) ELEVATION**  
**THE BUNGALOW**      **BRIERFIELD**



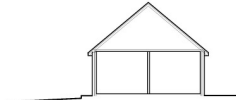
**REAR (NORTH) ELEVATION**  
**BRIERFIELD**      **THE BUNGALOW**



**ROOF SPACE PLAN**  
**THE BUNGALOW**      **BRIERFIELD**

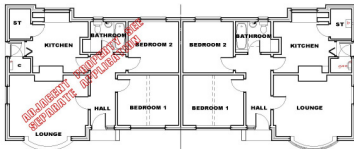


**SIDE (EAST) ELEVATION**  
**THE BUNGALOW**      **BRIERFIELD**

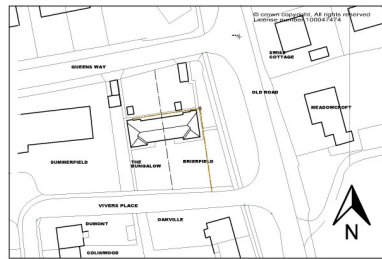


**SECTION A.A.**  
**THE BUNGALOW**      **BRIERFIELD**

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**GROUND FLOOR PLAN**  
**THE BUNGALOW**      **BRIERFIELD**



**EXISTING SITE LAYOUT 1:500**

14 Miconwood A Services & Extensions for Briarfield, Old Road, Esher, Surrey.	
For Quoting	
<b>KEVIN GRINHAM DESIGN</b> No. 14, Micon Wood, Esher, Surrey, GU8 4JF Tel: 01371 8784 88	
Date Valid 09/02/16	File No 11500
Scale 1:500	Sheet No 002/003

CONSULTANT



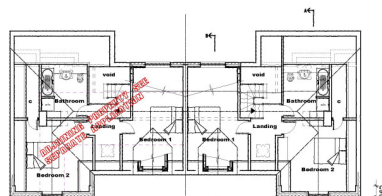
**FRONT (SOUTH) ELEVATION  
THE BUNGALOW  
BRIERFIELD**



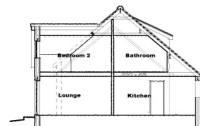
**REAR (NORTH) ELEVATION  
THE BUNGALOW  
BRIERFIELD**



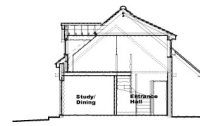
**SIDE (EAST) ELEVATION  
BRIERFIELD**



**FIRST FLOOR PLAN  
THE BUNGALOW  
BRIERFIELD**



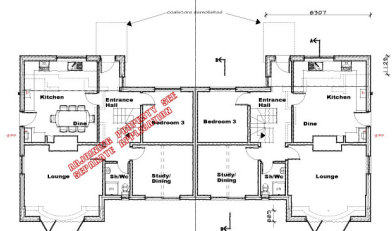
**SECTION A.A.**



**SECTION B.B.**



**SIDE (WEST) ELEVATION  
THE BUNGALOW**



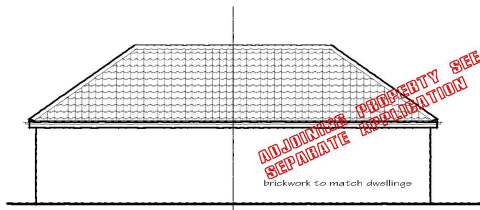
**GROUND FLOOR PLAN  
THE BUNGALOW  
BRIERFIELD**

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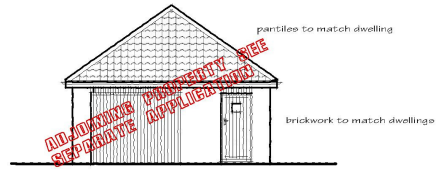
24 Merton Road A Division of Estimations for Brierfield Oldham, Greater Manchester Proposed Plans and Elevations	
<b>KEVIN GRINHAM DESIGN</b> No. 24, Merton Rd, Oldham, Greater Manchester, M20 2JN Tel: 0161 274 8344	
DATE VALID 09/03/16	File No 1500
Scale 1:500	Drawn by SDC/S/MS

CONSULTANT





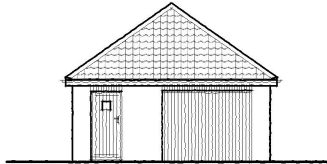
**NORTH ELEVATION**



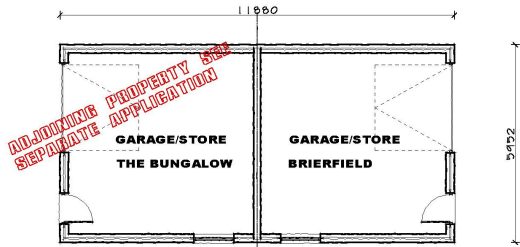
**WEST ELEVATION**



**SOUTH ELEVATION**



**EAST ELEVATION**



**PLAN**

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11 Marwood  
 Alderstone & Exminster to Briarfield  
 Old Road, Kirbytonpore.

New Garage - Plans and Elevations

**KEVIN GRINHAM DESIGN**  
 The Lodge, Sheriff Hutton, York, YO30 1SH,  
 Tel. 01247 872478

DATE	March 16	SCALE	1:100	PAGE NO.	2283/1107
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DATE VALID  
 09/03/16

**ARCHITECTURAL**

**CONSULTANT**

# Agenda Item 13

**Item Number:** 13  
**Application No:** 16/00363/HOUSE  
**Parish:** Kirkbymoorside Town Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr N Marwood  
**Proposal:** Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store  
**Location:** The Bungalow Vivers Place Kirkbymoorside North Yorkshire YO62 6EA

**Registration Date:**  
**8/13 Wk Expiry Date:** 4 May 2016  
**Overall Expiry Date:** 29 April 2016  
**Case Officer:** Charlotte Cornforth **Ext:** 325

## CONSULTATIONS:

**Parish Council**  
**Highways North Yorkshire** Recommend conditions

**Neighbour responses:** Mr Michael Clements,

---

## SITE:

The site is located to the west of Old Road, with a highway verge separating it from the road, to the south of Queens Way and to the north of Vivers Place, within a predominantly residential area of Kirkbymoorside. The site currently contains a pair of bungalows that are in a state of disrepair. This application seeks alterations to one of the bungalows, The Bungalow, the most western bungalow and the one closest to the residential property known as 'The Bees Nest'.

## PROPOSAL:

Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store.

Members should also note that an application has been submitted for the adjoining bungalow known as 'Briarfield' for the same proposals. This application is also to be determined by Planning Committee (Planning Reference: 16/00361/HOUSE ) and shall be read in conjunction with this report.

A revised site layout plan has been received from the agent, showing additional planting on the front southern boundary of the application site, accompanied by a cross sectional drawing from The Bungalow site to The Struan, following a letter of objection from the occupiers of The Struan. A re-consultation has been carried out and the occupiers of The Struan maintain their objection. Therefore, the application is presented to Members for determination because the objections raise material planning considerations. This will be discussed in more detail in the appraisal section of this report.

## HISTORY:

There is no planning history regarding the site.

## **POLICY :**

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP16 Design

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

Chapter 7. Requiring good design

National Planning Practice Guidance (2014)

## **APPRAISAL:**

The main considerations to be taken into account when considering the proposal are:

- i. Character and form
- ii. Impact upon the street scenes and immediate locality
- iii. Impact upon neighbouring amenity
- iv. Highway safety
- v. Other matters

### i. Character and form

The existing bungalow measures 5.7m to the ridge. The proposed ridge height of the bungalow to allow for first floor domestic accommodation will measure 6.8m to the ridge. The two storey extension to the south (front) will project forward at ground and first floor level by approximately 0.9m from the original front wall of the bungalow. It should also be noted that there is an existing ground floor bow window and the proposed two storey extension will project 0.1m further forward at ground and first floor level compared to the existing ground floor bow window. To allow for the additional first floor accommodation, a pitched roof dormer and a roof light are proposed on the southern elevation, along with a cat slide dormer on the northern elevation. Furthermore, a first floor window is proposed on the two storey extension to the south. The ground floor fenestration will consist of bi-fold doors and two windows to the south elevation and two ground floor windows and a door to the rear elevation. All windows and door will be UPVC. The raised roof will section will be constructed of a pantile roof to match the existing bungalow and the two storey extension will be constructed of bricks. The detached garage will serve both Briarfield and The Bungalow and will be positioned to the rear of the properties. It will measure a total of approximately 11.9m in length, 6m in width, 2.5m to the eaves and 4.8m to the ridge. It will be constructed of brick and pantiles, with a single garage door and personnel door to the eastern elevation and a window to the southern elevation.

It is considered that the alterations and extension to the main dwelling, along with the detached garage are appropriate and sympathetic to the character and appearance of the host building. This in terms of scale, form and use of materials, complying with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

### ii. Impact upon the street scene and immediate locality

The properties that front Old Road, Queen's Way and Vivers Place are predominantly two storey, with the dwellings to the west of the site and in the corner of Vivers Place being single storey. It is considered that the raising of the roof height of the existing dwelling, the two storey extension to the south elevation and the erection of a detached garage will not be detrimental to the street scenes of Vivers Place, Old Road and Queens Way. There are existing trees on the eastern boundary of the site and the existing front hedge will be retained that will help to ensure that the development is not immediately visible from the street scenes.

### iii. Impact upon neighbouring amenity

A letter of objection has been received from the occupiers of The Struan with regard to the original scheme. A revised site layout plan has been received from the agent, showing additional planting on the front southern boundary of the application site, accompanied by a cross sectional drawing from The Bungalow site to The Struan. A re-consultation has been carried out and the occupiers of The Struan withhold their objection.

The original objection states:

*The property looks directly at our house & garden, at present as a bungalow this does not cause any problem. With a extension to the south this brings the property closer to us and with a two storey development will look directly into our kitchen/ garden and will be an intrusion of our privacy. Whilst we welcome improvements to the property,( it's neglected state has been a cause for concern for many years) we feel it should remain single storey in keeping with the bungalows to the west, Summerfield & Garth Corner*

The objection with regard to the revised plan states:

*We have looked at the amended plan layout and still feel that there will be an intrusion of our privacy. The extra planting is totally irrelevant as the problem lies with the increased roof height and dorma windows looking straight into our kitchen & garden. We strongly feel that the roof height should remain at the existing level. There is plenty of room available on the site to extend the property at ground floor level. We are more than happy to have you visit our property and experience what we consider intrusive.*

Members should note that the Case Officer has visited The Struan.

The agent has responded to the original comments made by the occupiers of The Struan following an email from the Case Officer. Their comments state:

*With reference to the above applications - I have now visited site and taken additional dimensions and site levels to clarify some of the points raised in your email of 31st March.*

*The minimum separation distance between the properties is from Brierfield to the gable wall of the "end extension" ( the approx. position of the extensions have now been added) which is 22.2m, but that is to a blank gable which is directly behind a 2m high hedge and will therefore not create any loss of privacy.*

*If there was to be any concern it would be between the proposals and the single storey rear sunroom extension (to The Struan), which has side windows facing North towards our development, the main windows to the rear elevation of The Struan face West and are therefore at a very shallow angle to proposed new windows to Brierfield and The Bungalow, which would make it almost impossible for any overlooking to occur between the rooms served by those windows.*

*The critical dimensions therefore are those between the proposed first floor windows to the gables of Brierfield & The Bungalow and the single storey sunroom, to the rear of the Struan and which are 26.6m & 27.7m respectively, which we feel is a more than adequate separation between the properties – especially when 21m is normally seen as an acceptable distance in terms of privacy. It should also be noted, that the proposed first floor windows are actually no closer to The Struan than the centre point of the existing ground floor bow windows.*

*As shown on the section, whilst the land slopes, with the adequate separation distances between the properties and when the fact that the properties each have their own screen hedges (2m high to the Struan & 1.8m high approx. to Brierfield/The Bungalow) has been taken into consideration, the proposals do not, in our opinion, create an unacceptable loss of privacy to the rear of the property or garden.*

*Whilst we consider the proposed separation distances to be adequate to prevent any unacceptable loss of privacy, we would be happy to reinforce the existing landscaping to provide additional screening. The existing boundary hedge to Vivers Place will be retained at its current height and reinforced as required with similar species.*

*The existing Holly tree to the site frontage, which is approx. 4m high, will remain and additional tress will be planted around it as indicated on the attached drawings which will interrupt the sight lines between the dwellings. It is proposed to plant a mix of evergreen and deciduous trees to maintain screening throughout the year.*

Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy states:

*New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*

The comments of the occupiers of The Struan are appreciated. However, whilst the plot is located on slightly rising ground in relation to The Struan (as demonstrated in the cross-section drawing), there is a significant degree of separation between the proposed first floor windows and the side facing window located in the sun room extension of The Struan. As pointed out, the separation distance of 27.7 metres is significant and in excess of 'industry norms' when considering back-to-back distances within built upon areas of towns. The applicants agent has pointed out other similar relationships within the immediate area which they consider to be acceptable in terms of their impacts on amenities. Members will note that there is also an existing, well established hedge on the boundary of The Struan where it abuts Vivers Place. Additional screen planting is also proposed within the application site to strengthen the existing plating to provide screening throughout the year. On balance, and subject to conditions recommended below, the proposal is considered to be acceptable in terms of its impact on the occupiers of neighbouring property.

#### iv. Highway safety

The Local Highway Authority has raised no objection to the proposal and has recommended that conditions regarding the verge crossing, the parking spaces, ensuring that the garage is not converted into a habitable room, precautions to prevent mud on the highway and construction parking and traffic.

#### v. Other matters

There has been no response to date from the Town Council regarding the proposal.

#### vi. Conclusions

It is considered that, on balance, the raising of the roof height of the existing dwelling to allow the formation of first floor domestic accommodation, the erection of a two storey extension to south elevation, the erection of detached garage and removal of existing detached garage and coal store is considered to meet the relevant policy criteria outlined within Policies SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

**RECOMMENDATION: Approval**

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

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

2 Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, 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, including the verge and eaves detail 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.

3 Notwithstanding the submitted details, Prior to the commencement of the development hereby permitted, details of proposed planting to provide additional screening to the development, and supplement existing landscape features, shall be submitted to the Local Planning Authority for approval in writing. The submitted scheme shall consist of locally native species only specified in a planting schedule providing details of species, planting sizes and numbers of each species. The approved scheme shall be implemented within the first available planting season (Nov – March ) following completion of the development. In the event of any plant material dying , or become seriously diseased or damaged within a 5 year period following planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Reason: To ensure that the development is properly integrated into the immediate locality and to protect the amenities of neighbouring occupiers, in accordance with Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy.

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

c. The existing access shall be improved by widening and up-grading of construction specification in accordance with the approved drawing number 2063/1/06 and Standard Detail Number DC/E9A.

h. The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

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

- 5 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 2063/2/6/A. 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 interest of safety and the general amenity of the development.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

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

Reason: In accordance with 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.

- 8 Unless approved otherwise 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 proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

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

Alterations and Extensions to The Bungalow, Kirkbymoorside - Revised Site Layout Plan and Site Section 2063/2/06/A.

Alterations and Extensions to The Bungalow, Kirkbymoorside - Proposed Plans and Elevations - 2063/2/05.

Alterations and Extensions to Briarfield, Kirkbymoorside - New Garage - Plans and Elevations 2063/2/07.

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

**Background Papers:**

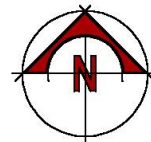
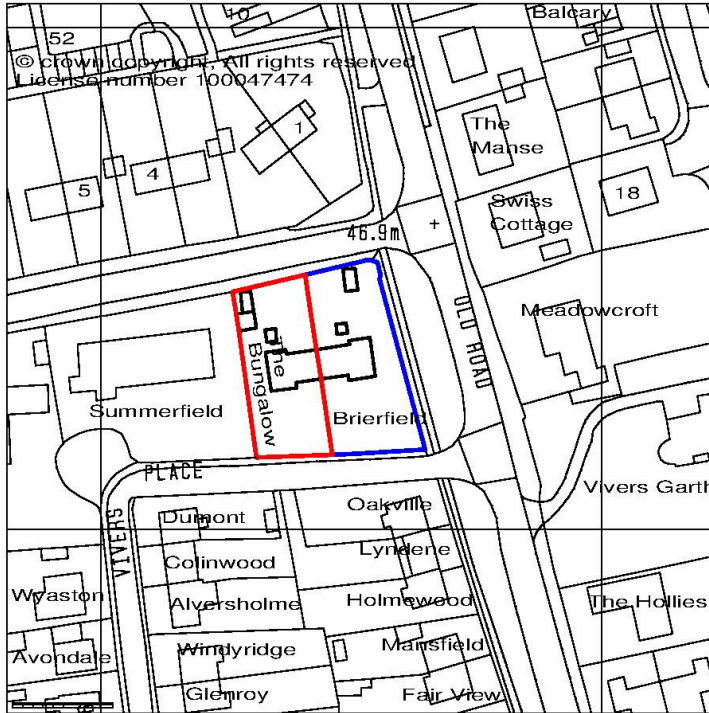
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties





LOCATION PLAN 1:1250

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N Marwood

Alterations & Extensions to The Bungalow, Vivers Place, Kirbymoorside

Location Plan

**KEVIN GRINHAM DESIGN**

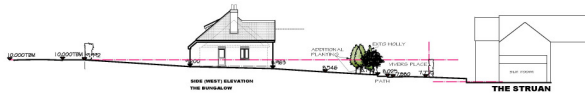
The Lodge, Sheriff Hutton, York YO6 1RF  
Tel. 01347 878478

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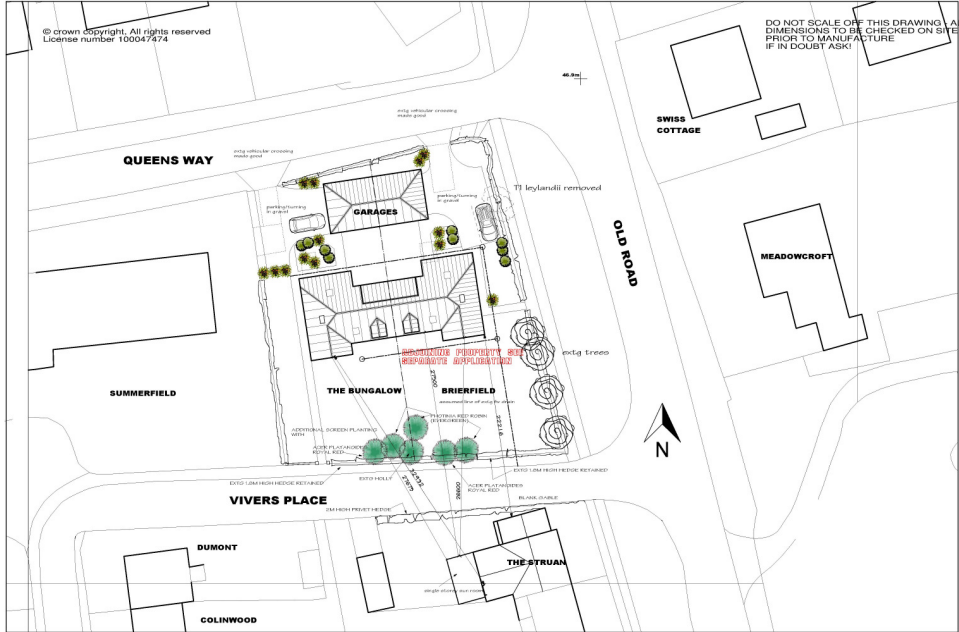
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CROSS SECTION THROUGH "THE BUNGALOW" SITE

**REVISED PLAN**



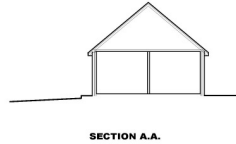
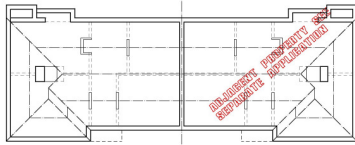
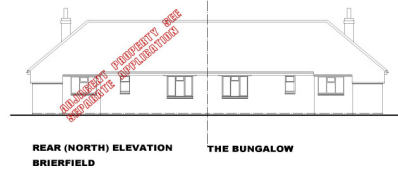
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Revised: 4 April 18 Planning, Section And Draw added

<b>Proposed by:</b> Kevin Grinham Design 10, Colne Road, Colne, York, YO30 4JF Tel: 0151 874 811	
<b>DATE:</b> 08/04/18	<b>DATE:</b> 12/04/18
<b>Y/N:</b> 12/04/18	<b>Y/N:</b> 08/05/18/08

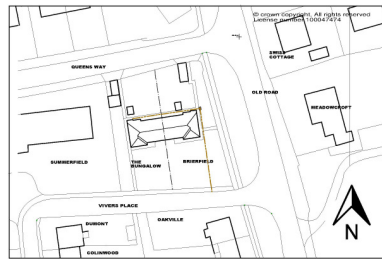
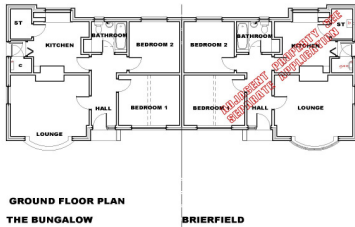
CONSULTANT

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ROOF SPACE PLAN  
THE BUNGALOW  
BRIERFIELD



EXISTING SITE LAYOUT 1:500

14 Miconrad A Services & Estimators for The Bungalow Urban Plans, Edinburgh.	
For Quoting	
<b>KEVIN GRINHAM DESIGN</b> No. 100, West Hill, Edinburgh, E15 1JG Tel: 0131 624 41	
DATE VALID 08/03/16	File No: 11500 8008/01/03

CONSULTANT



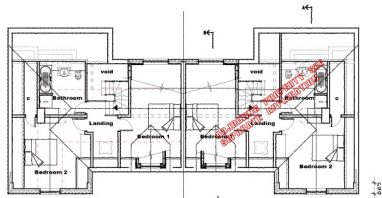
**FRONT (SOUTH) ELEVATION  
THE BUNGALOW  
BRIERFIELD**



**REAR (NORTH) ELEVATION  
BRIERFIELD  
THE BUNGALOW**



**SIDE (EAST) ELEVATION  
BRIERFIELD**



**FIRST FLOOR PLAN  
THE BUNGALOW  
BRIERFIELD**



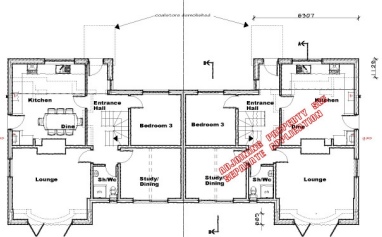
**SECTION A.A.**



**SECTION B.B.**



**SIDE (WEST) ELEVATION  
THE BUNGALOW**



**GROUND FLOOR PLAN  
THE BUNGALOW  
BRIERFIELD**

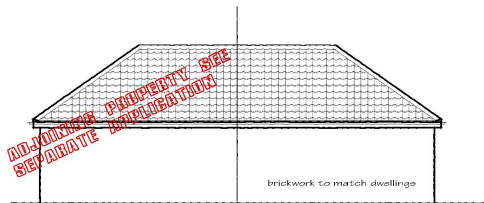
PROPOSED EXTENSION TO BE SUBMITTED WITH SEPARATE APPLICATION

24 Brierfield A Specification & Elevations for The Bungalow Under Plans 1/20/2004/04/04	
<b>Proposed Plans and Elevations</b> <b>KEVIN GRINHAM DESIGN</b> 10, 10th Floor, 10th, York, 1000 001 Tel: 01 547 874 00	
Plan No 1/20	Date 2008/03/05

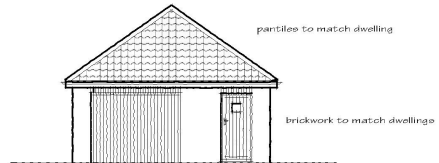
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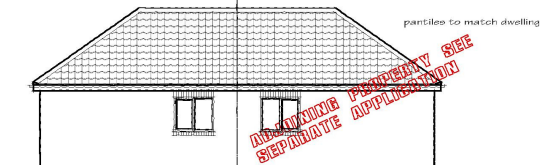
CONSULTANT



**NORTH ELEVATION**



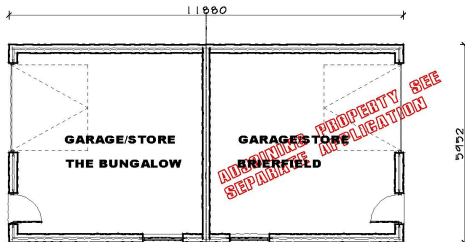
**WEST ELEVATION**



**SOUTH ELEVATION**



**EAST ELEVATION**



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11 Marwood  
 Additions & Extensions to The Bungalow  
 Vivere Place, Ruislip, Middlesex.

New Garage - Plans and Elevations

**KEVIN GRINHAM DESIGN**  
 The Lodge, Sheriff Hutton, York, YO30 1SL,  
 Tel. 01347 872478

DATE	March 15	SCALE	1:100	PROJECT NO.	2283/2/07
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DATE VALID  
 09/03/16

**ARCHITECTURAL**

**CONSULTANT**

# Agenda Item 15

## RYEDALE DISTRICT COUNCIL

### APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS PERIOD 04.04.2016 TO 29.04.2016

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1.

**Application No:** 15/00805/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estates (Mr A Welburn)  
**Location:** 15 - 17 Wheelgate Malton North Yorkshire YO17 7HT  
**Proposal:** Installation of replacement shop front to include a ramped access

---

2.

**Application No:** 15/00953/FUL **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr & Mrs Dunnett  
**Location:** Land Adjacent Beacon Cottage Middleton Road Pickering North Yorkshire  
**Proposal:** Erection of a one-and-a-half storey 4no. bedroom dwelling and detached garage together with formation of new vehicular access and detached garage to serve Beacon Cottage following demolition of existing outbuilding.

---

3.

**Application No:** 16/00002/FUL **Decision: Approval**  
**Parish:** Broughton Parish Meeting  
**Applicant:** Mr Martin Williamson  
**Location:** Gayle House Broughton Road Broughton Malton YO17 6QG  
**Proposal:** Change of use of land to equestrian use to include erection of detached block of 2 no. stables, tractor store, hay store and general storage area for private domestic use following earthworks (part-retrospective).

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4.

**Application No:** 16/00102/HOUSE **Decision: Approval**  
**Parish:** Wombledon Parish Council  
**Applicant:** Mr & Mrs Gus Fairbank  
**Location:** Stone Garth (Formerly Townend Garth) High Street Wombledon Kirkbymoorside YO62 7RL  
**Proposal:** Erection of a two storey extension with porch to north elevation, erection of attached single garage to south elevation, erection of porch to east elevation together with installation of 3no. dormer windows to west facing roof slope of existing dwelling and complete replacement of all windows and doors to include installation of roof light to east facing roof slope following demolition of existing detached garage and shed.

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5.

**Application No:** 16/00137/73A **Decision: Approval**  
**Parish:** Wintringham Parish Council  
**Applicant:** Mr & Mrs H Cholmley  
**Location:** The Limes Main Street Wintringham Malton North Yorkshire YO17 8HX  
**Proposal:** Variation of Conditions 05 (means of enclosure), 09 (landscaping) and 14 (plans) of approval 13/01437/FUL dated 20.03.2014 by replacement of Drawing No.12010/C/03B Site Plan As Proposed by Drawing No.12010/C/03D Site Plan As Proposed - alterations to landscaping and means of enclosure

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6.

**Application No:** 16/00181/OUT **Decision: Approval**  
**Parish:** Claxton Parish Council  
**Applicant:** Mr RRA & Mrs PLL Leonard  
**Location:** Land Adjacent To Holly Lodge North Main Street Claxton Malton  
**Proposal:** Erection of dwelling (site area 0.06 ha)

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7.

**Application No:** 16/00207/REM **Decision: Approval**  
**Parish:** Weaverthorpe Parish Council  
**Applicant:** Mrs Pam Northcote  
**Location:** Land Adjacent To 8 East Bank Main Road Weaverthorpe Malton North Yorkshire  
**Proposal:** Erection of a three bedroom dwelling with detached garage and formation of vehicular access (outline approval 12/01230/OUT dated 21.02.2013 as amended by 15/01457/AMEND dated 18.12.2015 refers)

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8.

**Application No:** 16/00222/GPAGB **Decision: Prior Approval Refused**  
**Parish:** Pockley Parish Council  
**Applicant:** Nawton Tower Estate  
**Location:** Building At Low Farm Main Street Pockley Helmsley  
**Proposal:** Change of use of agricultural buildings to a four bedroom dwelling (Use Class C3)

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9.

**Application No:** 16/00237/FUL **Decision: Refusal**  
**Parish:** Norton Town Council  
**Applicant:** Mr & Mrs D. Whattam  
**Location:** Land To Rear Of 72 Welham Road Welham Road Norton Malton North Yorkshire  
**Proposal:** Erection of a three bedroom dwelling with attached double garage with bedroom above (revised details to refusal 15/00877/FUL dated 24.09.2015).

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10.

**Application No:** 16/00241/TPO **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr & Mrs Faulkner  
**Location:** 19 Corbie Way Pickering North Yorkshire YO18 7JS  
**Proposal:** Reduce north easterly limbs which extend over 21 Corbie Way by 1.5m, reduce south easterly limbs which extend towards 19 Corbie Way by 2.0m, and crown thin by 10% T1 Oak within TPO NO. 113/1988

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11.

**Application No:** 16/00242/TPO **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Montessori Nursery School (Mr & Mrs Rutter)  
**Location:** Land At Castle Howard Road Malton North Yorkshire  
**Proposal:** To crown lift 24 No. Limes and 2No. Sycamores to provide 5.1m clearance from ground level within G1 and G2 of TPO NO. 254/1999

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12.

**Application No:** 16/00244/HOUSE **Decision: Approval**  
**Parish:** Swinton Parish Council  
**Applicant:** Mr & Mrs Williams  
**Location:** 14 Pearsons Yard Swinton Malton North Yorkshire YO17 6TF  
**Proposal:** Erection of garden room to north elevation and conversion of half of the double garage to domestic accommodation to include replacement of garage door with one window

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13.

**Application No:** 16/00245/HOUSE **Decision: Approval**  
**Parish:** Burythorpe Parish Council  
**Applicant:** Reverend & Mrs Jones  
**Location:** Mount Pleasant Cottage Main Street Burythorpe Malton North Yorkshire YO17 9LJ  
**Proposal:** Erection of a single storey extension to east elevation (revised details to refusal 15/01259/HOUSE dated 27.01.2016).

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14.

**Application No:** 16/00246/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr A Sedman  
**Location:** 61 Parliament Street Norton Malton YO17 9HE  
**Proposal:** Erection of part two storey/part first floor extension to rear elevation.

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15.

**Application No:** 16/00247/HOUSE **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** The Camphill Village Trust (Mr Mike English)  
**Location:** The Beehive The Croft Highfield Road Malton North Yorkshire YO17 7DB  
**Proposal:** Erection of single storey extension to south elevation to include roof terrace.

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16.

**Application No:** 16/00249/HOUSE **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr And Mrs Green  
**Location:** Hill Top Cottage 9 Castlegate Pickering North Yorkshire YO18 7AX  
**Proposal:** Erection of single storey extension to replace existing conservatory to rear elevation.

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17.

**Application No:** 16/00266/LBC **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr And Mrs Green  
**Location:** Hill Top Cottage 9 Castlegate Pickering North Yorkshire YO18 7AX  
**Proposal:** External and internal alterations to include erection of single storey extension to replace existing conservatory to rear elevation, installation of replacement timber door with glazed panel and replacement double glazed timber sliding sash windows to front elevation and replacement timber casement windows to rear elevation and alterations to internal layout.

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18.

**Application No:** 16/00252/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr R Bushell)  
**Location:** Green Man Hotel 13 - 17 Market Street Malton North Yorkshire YO17 7LY  
**Proposal:** Removal of existing low retaining wall and reduction in level of part of the existing car park to provide level access to include surfacing in bitumen macadam (tarmac) of the lowered area and the remainder of the lower car park and a final surface of bonded 6mm buff coloured gravel together with installation of 2no. highway type drainage gullies

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19.

**Application No:** 16/00255/HOUSE **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mrs R Crawford  
**Location:** 2 Highfield Lane Kirkbymoorside North Yorkshire YO62 6BF  
**Proposal:** Erection of two storey side extension following removal of existing conservatory

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20.

**Application No:** 16/00262/FUL **Decision: Refusal**  
**Parish:** Bulmer Parish Council  
**Applicant:** Mr Andrew Porter  
**Location:** Land Adjacent Wandales Lane Bulmer  
**Proposal:** Demolition of building used as workshop for agricultural machinery repair business and erection of a replacement agricultural machinery repair business workshop on an alternative site to include formation of vehicular access, staff and customer parking and external equipment storage area

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21.

**Application No:** 16/00258/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr Andrew Gill  
**Location:** 10 Castlegate Malton North Yorkshire YO17 7DT  
**Proposal:** External alterations to include display of 3no. non-illuminated fascia signs and 1no. non-illuminated hanging sign to front elevation

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22.

**Application No:** 16/00259/ADV **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr Andrew Gill  
**Location:** 10 Castlegate Malton North Yorkshire YO17 7DT  
**Proposal:** Display of 3no. non-illuminated fascia signs and 1no. non-illuminated hanging sign to front elevation

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23.

**Application No:** 16/00261/FUL **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr & Mrs K Avison  
**Location:** Cedar Barn Farm Shop Thornton Road Pickering North Yorkshire YO18 7HZ  
**Proposal:** Erection of 2no. extensions to north elevation to form additional toilet and kitchen facilities, erection of 2no. extensions to south elevation to form shop area, additional staff facilities and function room including glazed canopy for outdoor seating, together with formation of 36no. additional car parking spaces and 10no. motorcycle/bicycle parking spaces and relocation of packaged treatment plant

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**24.**  
**Application No:** 16/00279/FUL **Decision: Approval**  
**Parish:** Staxton/Willerby Parish Council  
**Applicant:** Shell UK Retail (Mrs Michelle Fallone)  
**Location:** Staxton Filling Station Staxton Scarborough North Yorkshire YO12 4NW  
**Proposal:** Installation of temporary groundwater remediation system to include remedial plant within 3no.steel containers within a compound bounded by a 3m high close boarded timber fence, erection of a temporary 1.8m high welded mesh steel site boundary fence, formation of a treated groundwater drainage field and installation of 16no.remedial wells

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**25.**  
**Application No:** 16/00281/HOUSE **Decision: Approval**  
**Parish:** Luttons Parish Council  
**Applicant:** Mr Barry Johnson  
**Location:** Rose Cottage Main Road Helperthorpe Malton North Yorkshire YO17 8TQ  
**Proposal:** Erection of a detached garage following demolition of a shed

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**26.**  
**Application No:** 16/00283/FUL **Decision: Approval**  
**Parish:** Luttons Parish Council  
**Applicant:** Mr & Mrs M Mowforth  
**Location:** Three Tuns Inn Main Street West Lutton Malton North Yorkshire YO17 8TA  
**Proposal:** Erection of single storey kitchen and conservatory extension to the south elevation to improve existing kitchen facilities and provide additional public house seating area to include removal of existing conservatory

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**27.**  
**Application No:** 16/00293/FUL **Decision: Approval**  
**Parish:** Kirby Grindalythe Parish Council  
**Applicant:** Harrison Farms (Kilham) Ltd  
**Location:** Thirkleby Wold Farm Croome Road Sledmere East Riding Of Yorkshire YO25 3XZ  
**Proposal:** Erection of an agricultural building for the housing of pigs (revised details to refusal 15/00577/FUL dated 21.07.2015)

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**28.**  
**Application No:** 16/00297/FUL **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Jonathan Hill  
**Location:** Aysgarth Whitby Road Pickering North Yorkshire YO18 7HQ  
**Proposal:** Siting of a 5no. berth touring caravan for residential use

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**29.**  
**Application No:** 16/00301/HOUSE **Decision: Approval**  
**Parish:** Marishes Parish Meeting  
**Applicant:** Mr Andrew Watkinson  
**Location:** Hedera Marishes Low Road Low Marishes Malton North Yorkshire YO17 6RJ  
**Proposal:** Erection of garden room extension to side elevation (revised details to refusal 14/01327/HOUSE dated 02.04.2015).

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- 30.**  
**Application No:** 16/00300/FUL **Decision: Approval**  
**Parish:** Sheriff Hutton Parish Council  
**Applicant:** Mr Nicholas Doherty  
**Location:** Glebe Farm Coble Lane Sheriff Hutton North Yorkshire YO60 6SU  
**Proposal:** Formation of 40m x 25m outdoor horse riding arena for private use together with area of hardstanding.
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- 31.**  
**Application No:** 16/00310/FUL **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mrs L Simm  
**Location:** 38 Piercy End Kirkbymoorside YO62 6DF  
**Proposal:** Change of use from retail shop to form additional domestic accommodation for the three bedroom maisonette on the upper floors (retrospective application)
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- 32.**  
**Application No:** 16/00322/LBC **Decision: Approval**  
**Parish:** Hovingham Parish Council  
**Applicant:** Sir William Worsley  
**Location:** Hovingham Hall Church Street Hovingham North Yorkshire YO62 4LU  
**Proposal:** Alterations to internal layout to include installation of replacement stud walls to form additional bathroom facilities.
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- 33.**  
**Application No:** 16/00327/HOUSE **Decision: Approval**  
**Parish:** Lillings Ambo Parish Council  
**Applicant:** Mr & Mrs D & J McBurney  
**Location:** Primrose Cottage Goose Track Lane West Lilling North Yorkshire YO60 6RR  
**Proposal:** Erection of part two storey/part single storey extension to rear elevation following removal of existing lean-to extension.
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- 34.**  
**Application No:** 16/00332/HOUSE **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Tom & Debbie Pybus  
**Location:** 4 The Ropery Pickering North Yorkshire YO18 8DY  
**Proposal:** Installation of 1no. rooflight to east facing roofslope.
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- 35.**  
**Application No:** 16/00335/LBC **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Jeremy Smith  
**Location:** 105 Westgate Pickering North Yorkshire YO18 8BB  
**Proposal:** External alterations to include installation of 6no. replacement timber framed windows and replacement timber door to north and east elevations (revised details to refusal 15/01468/LBC dated 17.02.2016).
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- 36.**  
**Application No:** 16/00360/TPO **Decision: Approval**  
**Parish:** Rillington Parish Council  
**Applicant:** Mr Ray Darley  
**Location:** Rectory Farm 76 Low Moorgate Rillington Malton North Yorkshire YO17 8JW  
**Proposal:** To crown reduce east facing limbs of T3-T8 within TPO No. 16/1979 a maximum of 3m

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37.

**Application No:** 16/00343/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Baker, McVeigh & Abbott Ltd (Mr Brian Abbott)  
**Location:** Derwent Mount 6 York Road Malton North Yorkshire YO17 6AX  
**Proposal:** Change of use of parts of dwelling to a B1(a) office use with associated business and residential parking with rest of dwelling to remain as residential (Use Class C3) for persons associated with the business use

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38.

**Application No:** 16/00344/HOUSE **Decision: Approval**  
**Parish:** Swinton Parish Council  
**Applicant:** Miss D Illingworth  
**Location:** 5 Wellgarth Swinton Malton North Yorkshire YO17 6SS  
**Proposal:** Erection of single storey porch extension to north elevation.

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39.

**Application No:** 16/00358/HOUSE **Decision: Approval**  
**Parish:** Kirby Grindalythe Parish Council  
**Applicant:** Mr Paul Milton  
**Location:** 2 New Row Main Street Kirby Grindalythe Malton North Yorkshire YO17 8DE  
**Proposal:** Erection of single storey rear extension and conversion and extension of existing outbuildings to form additional domestic accommodation

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40.

**Application No:** 16/00365/HOUSE **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr & Mrs K Swift  
**Location:** 2 Crabtree Drive Malton North Yorkshire YO17 7FQ  
**Proposal:** Erection of bay window to front (east) elevation and single storey extension to rear (west) elevation

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41.

**Application No:** 16/00375/FUL **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Paul Middleditch  
**Location:** 75 Fletton Road Norton Malton North Yorkshire YO17 8BD  
**Proposal:** Change of use and alteration of detached garage to an office for graphic design business

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42.

**Application No:** 16/00379/HOUSE **Decision: Approval**  
**Parish:** Harome Parish Council  
**Applicant:** Mr & Mrs Binks  
**Location:** Helleborus Cottage Main Street Harome Helmsley YO62 5JF  
**Proposal:** Erection of a single storey extension to side and rear elevations to form a garden room following removal of existing single storey extension to east elevation.

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43.

**Application No:** 16/00380/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr & Mrs Pool  
**Location:** Caravan Park At Wyse House Wise House Lane Old Malton Malton North Yorkshire  
**Proposal:** Change of use of agricultural land to allow expansion of existing caravan site including formation of 7no. caravan pitches, 5no. tent pitches and children's play area together with erection of replacement washroom and reception building, retention of timber holiday cabin and installation of additional package treatment plant (part-retrospective application).

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44.

**Application No:** 16/00385/HOUSE **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Colin Shepherd  
**Location:** 34 Burgate Pickering North Yorkshire YO18 7AU  
**Proposal:** Installation of 2no. rooflights to rear facing roofslope (revised details to refusal 15/01217/HOUSE dated 16.12.2015).

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45.

**Application No:** 16/00386/LBC **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Colin Shepherd  
**Location:** 34 Burgate Pickering North Yorkshire YO18 7AU  
**Proposal:** External and internal alterations to include loft conversion to form a bedroom and installation of 2no. rooflights to rear facing roofslope (revised details to refusal 15/01218/LBC dated 14.12.2015).

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46.

**Application No:** 16/00394/73A **Decision: Approval**  
**Parish:** Foston Parish Council  
**Applicant:** The Walsh Family  
**Location:** Land Adjacent Foston C Of E Primary School Thornton Le Clay Malton  
**Proposal:** Variation of Condition 02 of approval 15/01227/FUL dated 16.12.2015 to replace drawing no. 3121.01b with drawing no. 3021-01c (part retrospective)

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## Appeal Decision

Site visit made on 24 March 2016

by **Mick Boddy F Arbor A FICFor CEnv**

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

**Decision date: 20 April 2016**

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**Appeal Ref: APP/TPO/Y2736/5040**

**Copper Coin, Claxton, York, YO60 7SD**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent for the felling of an ash tree protected by a Tree Preservation Order (TPO).
  - The appeal is made by Mr Thomas Fenwick against the decision of Ryedale District Council.
  - The application no. 15/01172/TPO, registered on 13th October 2015, was refused by notice dated 8 December 2015.
  - The relevant TPO is the Ryedale District Council No. 287 Tree Preservation Order 2002, which was confirmed on 11 February 2003. The ash tree is individually scheduled as T1 of the order.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Although the forms were prepared by Mr Fenwick, both the application and appeal were made jointly with Mr R J Field, the owner of the neighbouring property, The Paddock.

### Main Issues

3. I consider that the main issues in this case are:
  - (i) The impact of the proposed removal of the ash tree on the character and appearance of this section of the Claxton Conservation Area.
  - (ii) Whether the reasons put forward are currently sufficient to justify the proposed removal of the ash tree.

### Reasons

#### ***Impact of the proposed removal of the ash tree***

4. Copper Coin and The Paddock are neighbouring detached properties on the western side of the main street, towards the southern end of the village. Both properties are situated within the Claxton Conservation Area.

5. The ash is a substantial mature specimen growing on the boundary between the two properties, at a distance of approximately 18 metres from the south-western corner of Copper Coin and a similar distance from the north-western corner of The Paddock.
6. Standing around 18 metres tall, the ash has a full and well-shaped crown that has previously been raised and thinned. The tree appeared to be in good overall physiological condition for a specimen of its size and age, with only a modest amount of dead wood apparent in the crown.
7. Despite its rear garden location, the tree is clearly visible from the front of The Paddock and its upper crown can be seen from further viewpoints from the road, to both the north and south.
8. In relation to this first issue, I found the ash to be a healthy and attractive specimen that affords an appreciable degree of public visual amenity. Accordingly, I am of the opinion that the removal of the tree would have a detrimental impact on the character and appearance of this section of the village conservation area and should only proceed if an overriding justification has been demonstrated for this course of action.

### ***Reasons put forward for the removal of the ash tree***

#### *Shading*

9. The rear elevation of Copper Coin faces in an approximately westerly direction and the tree is located to the south-west of the dwelling. As a consequence, the ash will cast an appreciable degree of shade over the garden and house as the sun moves round through the afternoon. However, ash trees do not have particularly densely foliated crowns and are comparatively late coming into leaf. Furthermore, the garden is around 20 metres wide and the tree is situated at a distance approximately equal to its height from the house. Although the situation may not be ideal, I do not consider that the presence of the ash should preclude a reasonable degree of benefit and enjoyment being derived from the garden and that its impact is sufficiently overbearing to justify its removal.
10. As the tree is situated to the north-west of The Paddock, there are no significant shading issues in relation to this second property.

#### *Branch shedding*

11. Whilst the tree appeared to be in good overall condition, a number of dead branches were apparent in the crown. Although not indicative of decline or disease, there is a risk of these dead branches being shed from the tree. In view of the fact that children play in the vicinity it would be appropriate for the dead branches to be removed. The current exceptions relating to applications to carry out work on trees subject to a tree preservation order allow the removal of dead branches from a living tree without prior notice or consent.

12. The ash did not appear to be particularly predisposed to shedding live branches but, as with any tree, this possibility cannot be ruled out during severe weather conditions. However, the risk of damage or injury being caused under such circumstances appeared sufficiently remote to afford only limited support for the proposed removal of the tree.

*Television reception*

13. There is insufficient evidence before me to determine whether the ash is the sole or primary reason for the poor quality of television reception affecting Copper Coin. Furthermore, from the original application letter, it appears that this problem has been resolved by the installation of a satellite dish. Accordingly, I afford limited weight to this reason.

*Impact on adjacent cherry tree*

14. There is a mature cherry tree growing within the garden of The Paddock, approximately 7 metres to the south-east of the ash tree. The cherry is leaning to the south-east, apparently due to the competing influence of the larger ash tree. However, the cherry tree would benefit little from the removal of the ash at this stage.

15. Tree preservation orders seek to protect trees in the interests of public amenity; accordingly it follows that the removal of a protected tree should only be permitted where its public amenity is outweighed by other factors. In this instance, I do not consider the reasons put forward are sufficient either individually or collectively to outweigh the public amenity value afforded by the ash and therefore warrant its removal.

**Conclusions**

16. In view of my decisions on the main issues, I have concluded that there is currently insufficient justification for the removal of the ash tree and I therefore dismiss the appeal.

*Mick Boddy*

Arboricultural Inspector