



**PLANNING COMMITTEE**

Wednesday 29 August 2018 at 6.00 pm

Council Chamber, Ryedale House, Malton

**Agenda**

**1 Apologies for absence**

**2 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.

**3 Minutes**

(Pages 3 - 5)

**4 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.

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

(Page 6)

**6 17/00685/MFUL - Vellco Industrial Park Ropery Lane Weaverthorpe (Pages 7 - 21)**

**7 17/01536/MFUL - Land South of Firthland Road Pickering**

(Pages 22 - 45)

**8 18/00656/MFUL - Land off Ings Lane Pickering**

(Pages 46 - 76)

- 9 **18/00235/73A - Royal Oak Church Street Nunnington** (Pages 77 - 139)
- 10 **18/00532/FUL - River View Main Street Scrayingham** (Pages 140 - 160)
- 11 **Any other business**
- 12 **List of applications determined under delegated powers** (Pages 161 - 169)



## Planning Committee

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Held at Council Chamber, Ryedale House, Malton  
Wednesday 1 August 2018

### Present

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Councillors Paul Andrews, Val Arnold (Substitute), Cleary (Vice-Chairman), Farnell (Chairman), Hope, Jainu-Deen, Maud, Potter, Elizabeth Shields and Windress (Vice-Chairman)

Substitutes: Councillor V Arnold

### In Attendance

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Niamh Bonner, Gary Housden and Lizzie Phippard (Clerk)

### Minutes

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#### 32 Apologies for absence

Apologies were received from Councillor Goodrick.

#### 33 Declarations of interest

Councillor	Item
Farnell	6
V Arnold	6
Windress	6
Jainu-Deen	7
Cleary	6
Shields	6, 8
P Andrews	6
Maud	6
Hope	6

#### 34 Minutes

##### Decision

The minutes of the Planning Committee held on 3<sup>rd</sup> July 2018 be approved and signed as a correct record.

Voting Record  
10 For  
0 Against  
0 Abstentions

35 **Urgent Business**

Cllr Farnell raised the matter of the recent death of former District Councillor Ken Binks.

Cllr Binks was an Alderman. He was also Chairman of the Northern Area planning Committee for many years and Chairman of Council.

Members noted the announcement and sent their condolences to his family.

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

The Head of Planning submitted a list (previously circulated) of the applications for planning permission with recommendations thereon.

37 **17/01249/FUL - 5 Welham Road Norton Malton**

**17/01249/FUL** - Erection of petrol filling station with forecourt shop sales building, canopy, car parking, 3no. fuel pumps, below ground offset fills, air/water bay, trolley compound, goods in delivery bay, bin storage, site floodlighting and ancillary arrangements to forecourt and boundary.

**Decision**

**REFUSED** – as recommended

Voting Record  
10 For  
0 Against  
1 Abstention

In accordance with the Member's Code of conduct, Councillors Farnell, V Arnold, Windress, Cleary, Shields, P J Andrews, Maud and Hope declared a personal, non-pecuniary but not prejudicial interest.

38 **17/00685/MFUL - Vellco Industrial Park Ropery Lane Weaverthorpe**

**17/00685/MFUL** - Erection of 2no. industrial units (Use Class B8) for tyre storage together with formation of a landscaped buffer to the northern, eastern and southern boundaries, additional parking spaces and cycle parking.

**Decision**

**DEFERED** – For site inspection

Voting Record  
10 For  
0 Against  
0 Abstention

In accordance with the Member's Code of Conduct, Councillor Jainu-Deen declared a personal non-pecuniary but not prejudicial interest.

39 **18/00417/FUL - 23A Willow Court Pickering**

**18/00417/FUL** - Change of use from residential to office (retrospective)

**Decision**

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

Voting Record  
9 For  
0 Against  
0 Abstention

In accordance with the Member's Code of Conduct, Councillor Shields declared a personal, non-pecuniary but not prejudicial interest.

40 **Any other business**

There was no other business.

41 **List of applications determined under delegated powers**

The Head of Planning submitted for information (previously circulated) a list which gave details of the applications determined by the Head of Planning in accordance with the scheme of delegated decisions.

42 **Appeals**

Members were advised of the following appeal decisions:

APP/Y2736/W/18/3196384 – Former Grain Drier, Old Manor Farm, Helperthorpe  
APP/Y2736/C/17/3174407 – Land at Croft Farm, The Lane, Gate Helmsley

**Meeting closed at 19:43**

# Agenda Item 5

## APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 29/08/18

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6

**Application No:** 17/00685/MFUL

**Application Site:** Vellco Industrial Park Ropery Lane Weaverthorpe Malton North Yorkshire

**Proposal:** Erection of 2no. industrial units (Use Class B8) for tyre storage together with formation of a landscaped buffer to the northern, eastern and southern boundaries, additional parking spaces and cycle parking.

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**Application No:** 17/01536/MFUL

**Application Site:** Land South Of Firthland Road Pickering North Yorkshire

**Proposal:** Erection of 28no. four bedroom dwellings, 76no. three bedroom dwellings, 43no. two bedroom dwellings and 14no. one bedroom dwellings with associated access, garaging, parking, infrastructure, landscaping and public open space.

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8

**Application No:** 18/00656/MFUL

**Application Site:** Land Off Ings Lane Pickering North Yorkshire

**Proposal:** Works to Pickering Beck and adjacent land to allow the formation of two new meanders with spoil to be distributed within the Big Crooks field

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**Application No:** 18/00235/73A

**Application Site:** Royal Oak Church Street Nunnington North Yorkshire YO62 5US

**Proposal:** Change of use of former pub to form a 5 bedroom private residential dwelling (retrospective).

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**Application No:** 18/00532/FUL

**Application Site:** River View Main Street Scrayingham Malton YO41 1JD

**Proposal:** Change of use of paddock to form extension to the domestic curtilage, to include erection of a summer house (retrospective).

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## RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

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

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

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**Item Number:** 6  
**Application No:** 17/00685/MFUL  
**Parish:** Weaverthorpe Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Vellco Tyre Control  
**Proposal:** Erection of 2no. industrial units (Use Class B8) for tyre storage together with formation of a landscaped buffer to the northern, eastern and southern boundaries, additional parking spaces and cycle parking.  
**Location:** Vellco Industrial Park Ropery Lane Weaverthorpe Malton North Yorkshire

**Registration Date:** 6 June 2017                      **8/13 Week Expiry Date:** 5 September 2017  
**Case Officer:** Alan Hunter                      **Ext:** Ext 276

#### CONSULTATIONS:

<b>Parish Council</b>	Object
<b>Environmental Health Officer</b>	No objection recommend conditions
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Lead Local Flood Authority</b>	Recommend conditions
<b>North Yorkshire Fire &amp; Rescue Service</b>	No objection
<b>Countryside Officer</b>	Comments
<b>Archaeology Section</b>	No objection
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	Recommendations
<b>Neighbouring Parish Council</b>	Concerns
<b>Building Conservation Officer</b>	Objection

**Neighbour responses:** Jacqueline Taylor, Tracy Chapman, Penny & Jeff House, Maria Fusco & Andy Brown, Miss Kirsty Steele & Mr James Bedson, Trevor & Susan Thompson, Dr Peter Wilson, Jeff & Penny House, Ted & Silvia Johnson, Mrs Rebecca Sails, Cheryl Wilson, Stephen Milner, Tracy Chapman, Phillip Woodall & Sarah Thorsby, Mrs Rachel Fletcher, Mr Adam Davies, Maureen & John Lake, Trevor & Sue Thomson, Mr David Raine, Mrs Vicki Rowland, , P Potter, Ms Patricia Lake, Andy & Julie Thompson, Stuart & Lora Lane, Jacki Hildreth, Karyn Harper, Sally Hudson,

**Overall Expiry Date:** 27 July 2018

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This application has been deferred from the previous Planning Committee meeting in order for members to undertake a Committee Site Inspection. Members are asked to refer to the earlier agenda for a details of the proposal and the Officer appraisal of the scheme.

The applicant has also written a further letter in support of the application, see appended letter. To summarise the agent has stated:

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- The proposal will create between 5 and 8 new jobs at Weaverthorpe;
- The applicant agrees to condition the replacement planting. Suggestions are made regarding possible species. This would be the subject of agreement with the Countryside Specialist.
- The agent has confirmed that the early morning vehicle activities the subject of complaints to this Authority have ceased and alternative arrangements have been made.
- That outside storage of tyres on the existing site is required, and a plan showing this area was provided prior to the earlier Planning Committee meeting.
- The agent has stated that he intends to submit further details on the health and condition of the existing group of trees within the centre of the application site shortly, Members will be updated, but it should be noted the Council's Countryside Specialist has no objection to the loss of these trees.
- That the applicant would consider extending the existing public footpath on Ropery Lane, if it was deemed to be necessary.
- There has also been a response from the applicant's Highway consultant which is summarised in the agent's response. The response essentially confirms the proposed access and passing arrangements on Ropery Lane are accurate and reflect the situation on the site; that it may be possible to extend the public footpath on Ropery Lane; and that a Councillors suggestion to use the site occupied by a bungalow and owned by Vellco Tyre on Main Street (immediately to the north of the application site) as an additional access is not appropriate.
- Since the decision to defer the application, there has also been two further responses from third parties. These letter have raised the following issues:
  - Ongoing noise and disturbance from current operations at the Vellco Tyres site (received before the previous Planning Committee meeting);
  - Pedestrian safety; and,
  - Existing damage to footpaths.

In addition, there has also been a further written response from the Highway Authority, copy appended. This responses confirms the proposed drawing showing the enlarged access and two HGV's passing each other at the site entrance on Ropery Lane can take place and these is sufficient width to accommodate the proposed amendments. The Highway Authority were asked by Officers to consider extending the existing footpath on Ropery Lane to increase the safety of pedestrians on Ropery Lane. There appears to be space in front of Meadowside to do this. The Highway Authority has confirmed that they do not consider an extension of the footpath to be necessity to make the proposed development acceptable in highway safety terms. As stated above, the agent has confirmed that they would consider this proposed footpath extension if it was considered necessary. As such, and whilst desirable, it is not considered to be possible for Officers to insist on this footpath extension.

Condition 15 has been updated to reflect the required amount of outside storage for the existing buildings.

In view of the above and the earlier Officer appraisal, the recommendation is one of approval.

**RECOMMENDATION:                      Approval**

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

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

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

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

- 3 Before preparation of any groundworks and foundations on site for the development hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details. These details shall include proposed boundary treatments and planting, proposed finished levels and contours, car park layouts, other vehicle and pedestrian access. The information shall also include indications of all existing trees and hedgerows on the land including those to be retained, together with measures for their protection which shall comply in full with BS5837-2012. Recommendations, in the course of development, together with a scheme for the subsequent maintenance of any trees, shrubs and hedges retained on the site and any proposed to be planted as part of the scheme. Soft landscape details shall include planting plans, written specifications, schedules of plants- noting species (which should be native provenance), planting sizes and proposed density.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SP13, 14, 15 and NPPF.

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

1702 PL 02 B  
1702 PL 03 L  
1702 PL 05 C  
1702 PL 07 D  
1702 PL06 D  
1702 PL 09 C

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

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

a. The existing access shall be improved by widening and the adjacent carriageway to the north along the application site frontage shall be improved by widening in accordance with submitted Drawing no. 1702 PL 03 L and constructed in accordance with the specification of the highway authority and Standard Detail drawing numbers: ACCESS - E7m (with Stone Mastic Asphalt surface/wearing course) & CARRIAGEWAY WIDENING - HAU.1a (construction) & dev.4959/2/spec (channel block design).

Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: In accordance with Policy SP20 OF THE 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.

- 6 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number 1702 PL 03 L for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

- 7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCV brought onto the site in association with the development being brought into use until a survey recording the structural condition of the existing highway culvert bridge under Ropery Lane at the junction with Main Street has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority. At the expiration of 24 months of the development being brought into use and within a period of 3 months thereafter a further structural survey shall be undertaken in a similar manner and any identified deterioration of the culvert bridge shall be made good at the applicants' expense in agreement and in accordance with the due process required for working within the public highway to the satisfaction of the local planning authority in consultation with the highway authority.

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

- 8 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 9 Development shall not commence until a scheme detailing storage volume has been evaluated to accommodate the minimum 1 in 100 year plus climate change (40% or 30% CC plus 10% Urban Creep) critical storm event.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.



- 10 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 11 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 12 No development shall take place until an ecological/landscape restoration scheme addressing tree, bat roost, hedge/woodland habitat protection, replacement and enhancement has been submitted to and approved by the local planning authority.

The replacement/restoration strategy shall include the following:

- Purpose and objectives for the works
- Review of site potential and constraints
- Detailed designs and working methods
- Extent and location of proposed works
- Timetable
- Responsible person
- Details of aftercare and long term maintenance
- Monitoring and remedial measures
- The strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

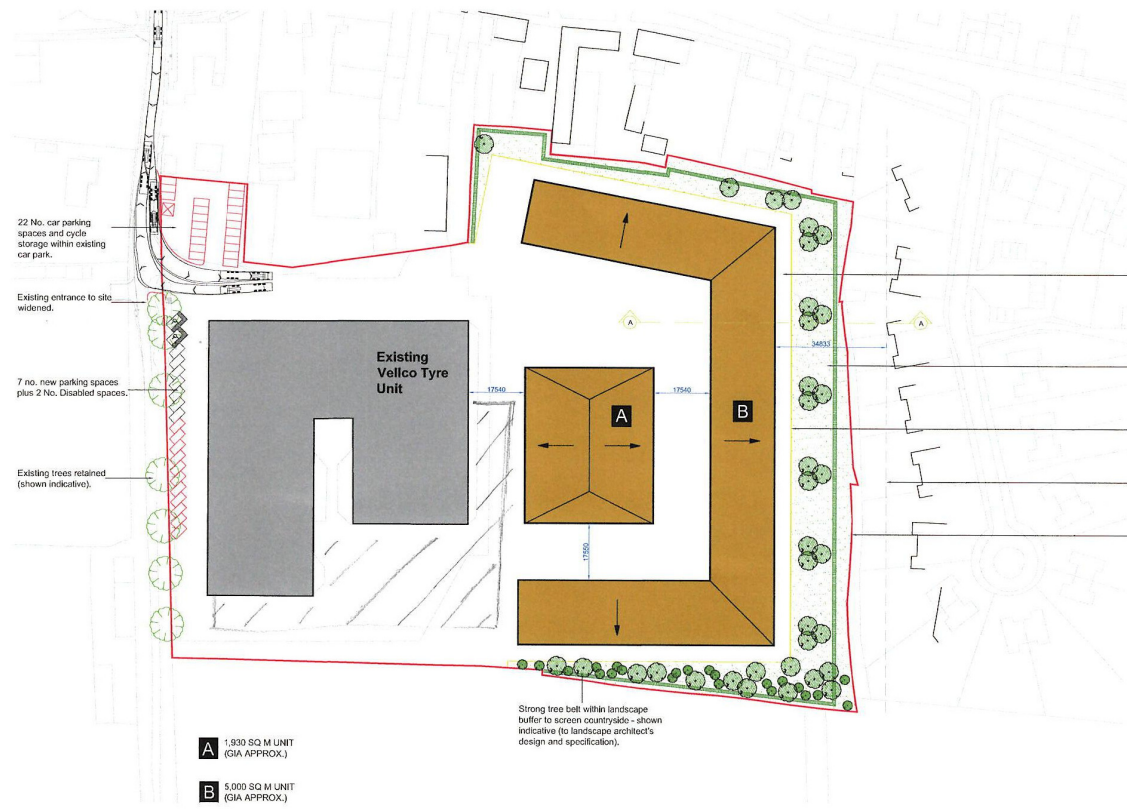
Reason: In order to take full account of protected species, and landscaping and to satisfy Policy SP13, SP14 and SP20 of the Local Plan Strategy.

- 13 The hours of operation at the application site (the entire Vellco Tyres site including existing buildings) shall be restricted to 7am - 7pm inclusive Monday - Friday and 8am - 1pm on Saturdays. The site shall be closed on Sundays, Bank Holidays and outside of these times. This includes no deliveries or HGV movements to or from the site outside of these prescribed times.

Reason: In order to protect the residential amenities of the surrounding occupiers and to satisfy Policy SP20 of the Local Plan Strategy.

- 14 The development shall be undertaken in accordance with the submitted Flood Risk Assessment prepared by BWB.
- Reason: To prevent the risks of flooding and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.
- 15 Upon completion of the development hereby approved there shall be no outside storage of tyres at the application site save in respect of those areas hatched on the revised site layout plan in relation to the areas around the existing buildings.
- Reason: In order to protect the character and appearance of the area and to satisfy Policy SP13 and Policy SP20 of the Local Plan Strategy.
- 16 Prior to any such installation precise details shall be submitted to and approved in writing by the Local Planning Authority regarding any external lighting.
- Reason: In order to protect the character and appearance of the area and to satisfy Policies SP13 and SP20 of the Local Plan Strategy.
- 17 Prior to the commencement of the development a management plan for the site shall be submitted to and agreed in writing for all operations on the site and movements to and from the site. The management plan will detail all measures to ensure HGV and larger vehicles movements are managed in a way that prevents vehicles waiting in Ropery Lane or being unable to access or leave the site. The plan will also control all outside activities and the operation of plant and machinery and provide details of how any complaints from local residents will be addressed. Once approved, the management plan shall be adhered to and regularly reviewed in consultation with the Local Planning Authority where there is any significant change in activity at the site.
- Reason: To ensure the proposed development does not have a material adverse effect upon the amenities of surrounding occupiers and to satisfy Policy SP20 of the Local Plan Strategy.
- 18 Prior to the commencement of the development a construction management plan for the development shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: In order to protect the amenity of the surrounding occupiers and to satisfy Policy SP20 of the Local Plan Strategy.

1. All dimensions are given in millimetres unless otherwise stated.  
 2. Dimensions are to the centre of the wall unless otherwise stated.  
 3. This drawing is the property of Ellis Healey Architecture and is not to be used for any other project without the prior written consent of Ellis Healey Architecture.  
 4. N/A



- A** 1,930 SQ M UNIT (GIA APPROX.)
- B** 5,000 SQ M UNIT (GIA APPROX.)

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	15/05/2017	EH
2	ISSUED FOR PERMIT	15/05/2017	EH
3	ISSUED FOR PERMIT	15/05/2017	EH
4	ISSUED FOR PERMIT	15/05/2017	EH
5	ISSUED FOR PERMIT	15/05/2017	EH
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50	ISSUED FOR PERMIT	15/05/2017	EH

**ellis healey**  
 architecture

**PLANNING**

PROJECT: ELLIS HEALEY CONTROL ROOM AND RECEPTION

NO: HMK018-018-018-018

DATE: 15/05/2017

SCALE: 1:500

**From:** Stephen Boyne  
**Sent:** 15 August 2018 18:20  
**To:** Alan Hunter  
**Cc:** Tim Coyne  
**Subject:** RE: Planning application 17/00685/MFUL

Hi Alan – re. this and your voicemail of yesterday :

The existing footway was put in along the stretch adjacent to and opposite the existing Vellco entrance as part of the glamping site development. The applicant owned the land beyond the highway boundary here but that and the verge were very overgrown at the time of the application. The idea of the footway was to give the occupants/visitors of the glamping site (and others) a refuge just in case their walking co-incided with an HGV exiting the site. I could have asked that the area just be cleared and kept as a grass verge but a kerbed footway gave better protection against the lorries going over the area and also it would prevent it getting rutted (I think the arrangement whereby it was un-cared for was also a deterrent against the trucks over-riding into it).

The Vellco proposals, as you are aware, widen their entrance in both directions by a considerable amount. I have checked the on-site dimensions against the scaled dimensions on submitted Drawing No. 1702 PL 03 L and both agree with each other. Therefore, this drawing, which shows the swept paths of the HGVs, is considered correct. As you can see from this drawing, the existing footway still covers the section where the trucks are turning out of the site. Any extension of the footway northwards would be useful in terms of continuing the refuge where two HGVs would happen to meet, as per the swept path diagrams shown, but would not be essential if it just happened to be a single HGV involved coming away from the site.

This length of Ropery Lane is next to the dwelling known as Meadowside. There are shrubs etc. within the highway outside the property, but it has a garden boundary wall within them. Consequently the shrubs etc could be cleared / cut-back to the wall position and a footway potentially installed between the dwelling's two vehicular accesses (the southern-most one appears un-used). Without narrowing the carriageway, a footway of 1.35 metres narrowing down to 1.1 metres (at the northern end) could be installed. This compares to the existing footway section widths of 1.45 metres narrowing down to 1.05 metres at its northern end. Technically therefore, this extra length could be put in and may be considered useful for vulnerable road users here.

There would be no point in continuing the footway further north than Meadowside, as the verge is too narrow. I would resist any narrowing of the existing carriageway to compensate, for obvious reasons given the vehicles involved. Also there would be a view that the lane would be 'suburbanised' by the addition of a kerbed footway, and also the road would require some form of drainage installing as the new kerbs would prevent surface water being helped away by what was grass etc.

In conclusion I consider an extra length of footway could be achieved. The owner of Meadowside may be upset at such proposals but it would seem works could be carried out within the public highway limit in the same manner as the county council would do its own improvements if called upon, although we would embark on a full neighbour / stakeholder consultation in advance as is standard.

Do I think it is essential to the application? No. The original intention of the footway is still being provided for in respect of the latest application. Although there is a stated increase in traffic, I believe the speed and frequency of vehicles likely to be involved will be such that pedestrians can

avail themselves of either staying on the existing footway or the carrying on to the widened section of Ropery Lane outside the public house / car park before any conflict could arise on the intervening approx. 20 metres length (and within which there are a further two vehicle crossing access points clear of the carriageway).

I trust this will help Members to determine the proposal.

Kind regards,

Steve



**Your Ref:** Nasser Jamili  
**Our Ref:** 96010  
**Contact:** CSI Administration  
**Ext:** 8306  
**Date:** 02 October 2017

**County Searches Information**

Business and Environmental Services  
Highways and Transportation  
County Hall, Northallerton  
North Yorkshire DL7 8AH  
**Tel:** 01609 780780

**e-mail:** [highways.searches@northyorks.gov.uk](mailto:highways.searches@northyorks.gov.uk)

Dear Sirs

**SUBJECT:** MAIN ROAD WEAVERTHORPE      **OUR REF:** 96010

Thank you for your enquiry and payment of our standard administration fee received 04/09/2017

As requested, I confirm the following:

1. The C356 / Main Road and Ropery Lane coloured green on the attached plan is highway maintainable at the public expense within the meaning of the Highways Act 1980.
2. The uncoloured areas abutting the property do not form part of the publicly maintainable highway.

**Please Note:**

- **O.S. Plan**      *The reply plan provided is for your use in respect of this enquiry only. Unauthorised copies may infringe Crown Copyright and can lead to prosecution or civil proceedings.*
- **Definition of Highway Adoption**      *Adoption is part of a legal process by which a route becomes a publicly maintainable highway (p.m.h.). It is preceded as appropriate by Agreements under Section.220 of the Highways Act and Section.38 (with bond). It is the legal method for a new route to become the maintenance responsibility of NYCC as Highway Authority and so entered on to the List of Streets of Highways Maintainable at Public Expense. A route isn't described as adopted unless NYCC holds a formal notice of adoption. Approximately 95% of NYCC p.m.h. were recorded on the List of Streets before local Government Re-organisation in 1974, therefore, the description Adopted does not always apply.*

I trust this information answers your query, however, should you require any further information or clarification, please do not hesitate to contact me. To avoid unnecessary delays and confusion please always quote Our Reference 96010 using the e-mail address: [highways.searches@northyorks.gov.uk](mailto:highways.searches@northyorks.gov.uk)

**Instructions or requests cannot be accepted by telephone.**

Yours faithfully  
Carole Millward, County Searches Information Officer

Optima Highways and Transportation  
Optima Atlas House  
31 King Street  
LEEDS  
West Yorkshire LS1 2HL



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REPLY PLAN NOT TO SCALE

02 October 2017

**NYCC REF: 96010**

GRID REF: 496598 470861







**From:** Andrew Windress  
**Sent:** 31 July 2018 09:22  
**To:** Gary Housden  
**Subject:** RE: proposed conditions

Gary

I attach an annotated plan that shows the area that we would request is not restricted regarding outside storage. It would not be the whole area as vehicles would need to be able to manoeuvre through. The stacks would be as per the EA requirements that has set the parameters for the storage buildings, these are outlined below. There is already significant planting on the southern boundary in this location that would be retained to help screen the tyres.

`Environment Agency` Guidance `Fire Prevention Plans: Environmental permits`.

Stack Size (Max)

Volume:- 450 cubic metres  
Height:- 4 metres  
Length:- 20 metres  
Width:- 20 metres

Separation Distance (Min)

6 metres between stacks.  
6 metres between stacks and the site perimeter and any buildings.

Regards

Andrew

Andrew Windress  
Director  
ID Planning  
9 York Place  
Leeds  
LS1 2DS

**From:** Andrew Windress  
**Sent:** 16 August 2018 14:43  
**To:** Alan Hunter <[alan.hunter@ryedale.gov.uk](mailto:alan.hunter@ryedale.gov.uk)>  
**Subject:** RE: committee site inspection 17/00685/MFUL

Alan

As discussed I provide some additional info to assist you in writing your report. I hope it helps but let me know if you need anything further. FYI, I have been trying to set up another meeting with the PC before the 29<sup>th</sup> but diaries are not permitting this to happen so we are going to liaise in writing to try and address their outstanding concerns.

- We have reviewed the current and anticipated employment numbers again as requested and these have slightly changed as Vellco always stress that their markets are very changeable. Vellco now employ 65 people across all their sites, 35 of which are at Weaverthorpe. Vellco would expect to create another 5-8 manual jobs at Weaverthorpe following the completion of the development and relocation of other sites.
- In terms of the replacement planting. This will of course be conditioned and examined in more detail later but having discussed with the arboriculturalist and they consider a native hedgerow mix of predominantly hawthorn with some holly would be appropriate. In terms of trees they would consider a mix of 'whip' planting with larger species trees at certain points – they recommend similar to the existing Maple and Cherry (but not Ash due to Ash-die-back problems). They have reviewed the existing group of trees and only consider it to have 'moderate' value and believe it was simply planted to screen the existing Vellco units.
- Since the last committee the early morning departures (that were primarily on a Monday) have ceased as alternative arrangements have been set up. These will be formalised once permission is granted and implemented to ensure compliance with the hours of use condition.
- I confirm the outside storage is only required on the rear portion of the existing site behind the front wall of the existing buildings to the rear boundary as indicated on my sketch. There will of course be vehicular routes retained through this area and tyres will be stacked in accordance with the EA guidelines previously provided.
- I expect to have some further information on the health and quality of the existing trees next week but as stated in your report, we feel the replacement planting is a significant improvement and suitable compensation.
- Further to your note from NYCC, I have asked our highways consultant to review the options for utilising the bungalow access, creating a footway on the western side of Ropery Lane and also widening the area adjacent to the access to create a lay-by / increase the ease of passing as requested by the councillors. I copy their comments below:
  - In/Out using bungalow site.

Please find attached a copy of the highway adoption info. You will note that there is a wide strip of land between the footway and the Gypsy Race which does not form part of the adopted highway. I understand that this land may be unregistered, and therefore there is no certainty that an access could be delivered here without further detailed investigation.

Putting the land ownership issue to one side, in principle separating the in and out movements would dilute the activity along Ropery Lane, however it will then result in additional HGV activity in proximity to the residential properties adjacent to and opposite the bungalow. Heavy goods vehicles would also be traveling in close proximity to the listed building.

I have had a look at the topo and the bungalow site appears to provide sufficient width to accommodate a vehicular access, however a modern industrial standard access would result in a significant bell mouth (accommodating 15m junction radii), which would impact heavily on the Gypsy Race and require significant structural works. I also note that there is BT equipment between the site and Main Road and a mature tree, both of which are likely to be impacted.

Based on the proposed increase in vehicular activity resulting from the extension, it is not considered necessary or proportionate to provide a separate access point onto Main Road. In light of the above there are also question marks over whether an access is deliverable here. An access on the bungalow site would impact on existing trees, the Gypsy Race and listed building. The cost of potential utility diversions would also impact viability.

- 'Lay-by' adjacent to access.

I am unclear what further benefit a layby would provide? The proposed access arrangement does effectively provide a layby area to allow a car or HGV to dwell to allow a HGV to exit the site. To widen further would result in a carriageway of over 9m which would be excessive and overly dominate. As currently proposed the carriageway is of sufficient width to accommodate simultaneous access and egress by the largest vehicles.

- Extension of footpath.

It would appear that the existing grass verge/hedge line along the eastern flank of Ropery Lane forms part of the adopted highway. Have attached a photo showing the existing path and verge beyond which appears to be adopted.

We would need to consult with the Councils highway maintenance team on site to understand the precise limit of adoption to understand where the footway could be accommodated and how wide. It should be noted that a footway would result in the loss of existing resident's hedges which have become overgrown and encroach onto the highway.

If deemed necessary, an alternative solution would be to provide a pedestrian refuge area within the carriageway in the form of white lining between the Site and Main Road. A 1m strip could be identified along the eastern flank which could include red thermoplastic paint to delineate an area for pedestrians to stand in the event that they meet a large vehicle.

Regards

Andrew

Andrew Windress  
Director  
ID Planning  
9 York Place  
Leeds  
LS1 2DS

# Agenda Item 7

**Item Number:** 7  
**Application No:** 17/01536/MFUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application Major  
**Applicant:** Persimmon Homes (Yorkshire)(Mr Craig Woolmer)  
**Proposal:** Erection of 28no. four bedroom dwellings, 76no. three bedroom dwellings, 43no. two bedroom dwellings and 14no. one bedroom dwellings with associated access, garaging, parking, infrastructure, landscaping and public open space.  
**Location:** Land South Of Firthland Road Pickering North Yorkshire

**Registration Date:** 15 January 2018      **8/13 Week Expiry Date:** 16 April 2018  
**Case Officer:** Rachael Balmer      **Ext:** 357

## CONSULTATIONS:

### Initial Consultation responses:

<b>Yorkshire Water Land Use Planning</b>	Recommend conditions
<b>North Yorkshire Education Authority</b>	Comments
<b>Countryside Officer</b>	Comments and recommendations
<b>Vale Of Pickering Internal Drainage Boards</b>	Comments raised with further comments to come
<b>Designing Out Crime Officer (DOCO)</b>	Recommendations
<b>Archaeology Section</b>	Recommend conditions
<b>Environmental Health Officer</b>	recommend condition 17.04.2018 - no further objections with regard to odour
<b>Housing Services</b>	Comments and support
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	
<b>Yorkshire Housing</b>	Recommends approval
<b>Vale Of Pickering Internal Drainage Boards</b>	Objections
<b>Parish Council</b>	Object
<b>Highways North Yorkshire</b>	Comments
<b>North Yorkshire Education Authority</b>	additional comments
<b>Flood Risk</b>	Recommend conditions
<b>Designing Out Crime Officer (DOCO)</b>	Recommendation

### 2<sup>nd</sup> Consultation

<b>Parish Council</b>	Comments
<b>Public Rights Of Way</b>	Recommend informative
<b>Vale Of Pickering Internal Drainage Boards</b>	Recommend condition
<b>Yorkshire Housing</b>	
<b>Yorkshire Water Land Use Planning</b>	Comments remain the same as previous
<b>Countryside Officer</b>	Recommends conditions
<b>Environmental Health Officer</b>	
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	
<b>Archaeology Section</b>	Comments as before
<b>Flood Risk</b>	Recommend conditions
<b>Housing Services</b>	Object to the application
<b>North Yorkshire Education Authority</b>	
<b>Highways North Yorkshire</b>	Requires additional information
<b>NY Highways &amp; Transportation</b>	Recommend conditions

### 3<sup>rd</sup> Consultation

<b>Countryside Officer</b>	No objections
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	
<b>Archaeology Section</b>	Recommend condition and mitigation recording
<b>Housing Services</b>	supports application as now revised
<b>North Yorkshire Education Authority</b>	Comments
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Parish Council</b>	Comments
<b>Designing Out Crime Officer (DOCO)</b>	No further comments
<b>Public Rights Of Way</b>	Recommend informative
<b>Lead Local Flood Authority</b>	Comments remain the same
<b>Vale Of Pickering Internal Drainage Boards</b>	No further comments
<b>Yorkshire Housing</b>	
<b>Yorkshire Water Land Use Planning</b>	
<b>Parish Council</b>	Additional comments

**Neighbour responses:** Mrs S Russell, Mr And Mrs Holtby, Mr Adrian Marshall, L Keld, Mr Simon Welford, Richard Kimmings, Dr Paul Robb, Mr Bruce Corfe, Mrs Kathy Nicol, Mr David Hutchinson, Mr Richard Kimmings, Miss Amanda Fields, Mr & Mrs Lawrence, Mr E J Putniorz,

**Overall Expiry Date:** 16 August 2018

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#### 1.0 SITE:

1.1 The site extent comprises 6.14 ha and is formed from a series of five fields which are situated outside of the Development Limits of Pickering, on the south western area of the settlement. This proposal is to the immediate south of the planning permission granted in September 2017, which provides the access to this proposal, and which is under construction. This earlier permission abuts Firthland road and sits behind a series of bungalows. The developer has both sites under an option agreement. The land is formed from a series of identified strip fields. To the south of the site is agricultural land. To the west is Westgate Carr Industrial Estate, which is largely operated by Rosti Automotive, a manufacturer of vehicle components. To the west is the residential development, built in the 1970s and 80s with the street known as Greenlands Road, which leads onto Garden Way which are made up of two-storey, detached dwellings. The prevailing landform is flat, with views of Pickering, and the rising land to the north can be seen from the site.

#### 2.0 PROPOSAL:

2.1 The proposal seeks full permission for the development of 161 dwellings: made up of now 28 (previously 30) no. four bedroom dwellings, 76no. (Previously 75) three bedroom dwellings, 43no. two bedroom dwellings and 14no. one bedroom dwellings with associated access, garaging, parking, infrastructure, landscaping and public open space. The scheme was originally proposed with 163 dwellings, but due to changes in the layout of the site during the consideration of the application, this been initially reduced to 162 dwellings and now reduced by one further unit as part of addressing issues regarding affordable housing provision.

2.2 The application was validated on the 15 January 2018, and was the subject of a pre-application enquiry. A range of documentation has been submitted for the purpose of considering the application. There is a Design and Access Statement. There is also a proposed site layout plan, landscaping plan, and cross section plan to illustrate the streetscene proposed in parts of the site. A plan and specification has been provided of the children's play space. Technical information includes a

landscape and visual impact assessment, various ecological assessments, flood risk assessment and drainage strategy; a transport assessment, with a subsequently submitted report on pedestrian and cycling. An archaeological survey is submitted utilising geophysical survey and trial trenching. A draft s.106 has been provided. This, and the documents referred to above are discussed in the ‘Appraisal’ section of the report.

2.3 Members will recall that this application was deferred by Members at the request of the applicant at the 3 July Planning Committee 2018. This was to allow the applicant time to provide further information in support of their application- to address deficiencies in the scheme concerning affordable housing, impacts on strip field hedgerows and provide revisions to the layout to address highway matters. Revised site layout, landscaping and specific unit types have been submitted since that Committee meeting, and a 14 day re-consultation commenced which ended 16 August 2018. This report has therefore superseded the previous report to Members on 3<sup>rd</sup> July 2018, and considers the proposal in full, within the context of the proposed amendments.

The following elements have changed:

In addition to the reduction in the number of dwellings, the scheme incorporates 58 affordable homes (36%) and 9 bungalows (5.6%).

The layout has been revised to reduce the amount of access points through the hedgerows, notably H6 to the east of the site. This has been achieved by the introduction of footpaths up to the private drives which will serve the dwellings accessed from the two adoptable roads which punctuate the hedgerow.

The proposal includes the enhancement of the existing hedgerow through ‘gapping up’ and the introduction of new lengths. In addition, the landscaping proposals feature smaller hedgerows to plot boundaries.

The proposal includes a landscape buffer along the length of the southern boundary comprising trees and shrubs, covering an area of around 0.4 hectares. An area of land has been set aside for wildlife which will include a pond and special habitat for amphibians (hibernacula), and this area covers 0.3 hectares. There is also a barn owl tower which is situated to the east of the proposed pond, close to the site boundary in the ecological mitigation area.

Affordable Housing changes: The provision of the Walden house type as a three bedroom affordable home, and the deletion of previous 3 and 4 bed affordable house types.

Further changes concerning highways matters are:

- Include moving the footpath at the southern boundary to be adjacent to plots 57 to 60;
- Introducing additional raised tables to slow vehicle speeds near plots 57 and 61 to 75;
- Amending the road and bringing footpath links closer to the homes proposed on the eastern boundary of the site, and amending the road which serves plots 135 to 150 to ensure it can be adopted. In making this last change a footpath has been added, to encourage walking.
- The revised landscape masterplan has removed from the verges trees where the stand-off distances that NYCC require cannot be achieved.

### **3.0 HISTORY:**

3.1 There is no planning history for this site extent. However, conditional planning permission was granted in for 52 dwellings on land to the immediate north of the site (Planning application reference 14/01259/MFUL). That Application was approved in principle 10 May 2016 and determined 27 September 2017 with the signing of the s.106 agreement. It is this permission which provides the access to the site subject of this application from Firthland Road, both for principal access and emergency access. Work has commenced on the construction of the site.

#### **4.0 POLICY:**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises:

The Ryedale Local Plan Strategy (2013)

The Proposals Map (2002) carried forward by the Local Plan Strategy

The 'saved' policies of the Ryedale Local Plan (2002)

The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

(The 'saved' policies of the Ryedale Local Plan and The Regional Spatial Strategy are not considered as part of the determination of this proposal)

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

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New housing

Policy SP3 Affordable Housing

Policy SP4 Type and Mix of New Housing

Policy SP10 Physical Infrastructure

Policy SP11 Community Facilities and Services

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP14 Biodiversity

Policy SP15 Green Infrastructure

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

Material Considerations:

National Planning Policy Framework (NPPF) (2018), in particular Paragraphs 11 and 12: 'Presumption in favour of sustainable development', paragraphs 48- 50 inclusive concerning emerging plans, and paragraphs 59 and 73 of the NPPF concerning delivery of housing and housing land supply.

National Planning Practice Guidance

The Natural Environment and Rural Communities Act 2006 s.40.

Emerging Local Plan Sites Document (Submitted to Secretary of State 29 March 2018)

#### **5.0 CONSULTATIONS:**

5.1 A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public access webpage, and referred to in the report accordingly.

5.2 Pickering Town Council have raised objections to the proposal, in summary:

In response to the revised plans, the Town Council made no comment regarding the increase in 4 bed and decrease in 2 bed dwellings. One member supported the changes, another member said that there

was nothing in the revised scheme which led him to believe that the Council should support the application. Reference was made to the District Council's preference for the proposed allocations at Whitby Road and Malton Road.

Initial representations made the following comments:

- Town Council prefers the sites at Whitby Road and Malton Road.
- Concerns that that the local road network which connects into the A170 will be unable to accommodate the development due to the narrow roads, and lack of visibility (Anchorite Lane)
- Concerns about land drainage
- Concerns about capacity of schools and health care provision without financial support.

5.3 In terms of neighbour responses, 14 no. letters have been received from individuals.

In summary, the responses are concerned with the following matters:

- Insufficient supporting services- Further pressure on wider community services: schools, doctors, dentists, limited shopping facilities;
- Valued agricultural land;
- Road access is dangerous- with increased road-side parking and children in the area with the children's play area;
- No proper consultation been made with neighbours;
- Impacts on trees and on bats;
- Increase in traffic increased pollution;
- Extra traffic on overcrowded, narrow roads with poor visibility due to on street parking and bends, traffic ranges from cars to tractors to lorries;
- Road should be along Westgate Carr Lane;
- Summer traffic means increased traffic along Manor Drive and Firthland Road;
- Anchorite Lane is particularly narrow if choosing this road to access the A170;
- On street parking makes it single lane;
- Construction traffic will make the road network worse;
- Public transport alternatives are limited;
- Loss of amenity to houses on Garden Way, particular during construction though loss of view, increased noise;
- Impact on wildlife- deer, pheasant, fox, squirrel and various birds- loss of habitat connectivity;
- Concerns about impact on Barn Owls;
- Concerns about over-looking re. Properties on Greenlands Road;
- Concerns about blocking out light on Greenlands Road;
- Recognise importance of providing suitable accommodation - but is a green belt location with limited access-less than ideal;
- District Council has identified two sites Malton Road and Whitby Road to meet housing requirements which can access main roads and are not harming a strip field system;
- Outside Development Limits;
- Disagree with noise assessment findings, levels are played down on impact from adjacent industrial estate;
- North Yorkshire County Council have identified that there is no requirement for a new school to be built;
- Transport assessment doesn't include Lidl on Vivis Lane;
- Presence of housing will stop further expansion of Rosti Automotive- a key employer.
- A resident-conducted traffic survey was submitted;
- This scheme will change the historic market town character of Pickering;
- Green belt location;
- Property devaluation and loss of view;
- Disruption during the construction though noise, dust and general disturbance;



- A new school would bring more vehicles into the area;
- Different access points have been discussed;
- Where will the residents work? Pickering is a tourist destination, with seasonal work and Rosti Automotive being a major employer, employment opportunities will not match that of housing;
- Scheme is close to the proposed Fracking development;
- Increased cost of the collection of waste;
- Harm the wider countryside round the town;
- Pickering is a tourist attraction on the edge of the National Park;
- By virtue of population increase- increase in anti-social behaviour and crime;
- Properties 49 and 91 Firthland Road will be particularly affected due to proximity to the access points.
- Concerns about impact of lighting on the amenity of existing residents;
- Increased carbon footprint;
- Concerned that sewerage system is not able to cope with increased capacity;
- Concerns about surface water drainage- do not want flood risk increased and poor ground conditions;
- Archaeological concerns;
- We were told the site is greenbelt and could never be built on;
- Leisure activities in Pickering, whilst much improved, need transport to access them;
- It would turn the area from a quiet location to a noisy one with loss of privacy; and
- The new building on the Rosti Automotive site is not shown on the plans, but it is referred to in the noise assessment - misleading exclusion.

5.4 A petition was received signed by 112 residents of Pickering. The producer/submitter of the petition wrote a separate response.

It is noted that the petition refers to 320 properties which is twice that for which permission is sought, the submitter of the petition acknowledged that it is now for 163 dwellings and refers to planning application 17/01536/MFUL.

- The petition raised traffic and access concerns;
- Pressure on facilities and utilities;
- Where will the resident's be employed?
- Environmental impacts and waste disposal;
- Crime and antisocial behaviour.

5.5 Yorkshire Housing has written in support of the application. They have an interest in the site and own the housing on Manor Drive and the land of which 39 garages were situated and which have now been demolished for the access to application 14/01259/MFUL.

Yorkshire Housing had an option agreement which provided:

- A payment in the event of the demolition of the garages, which is proportionate to the number of houses to be built;
- Right to acquire the policy compliant affordable housing built on the site; and
- Ability to acquire additional affordable houses on site in lieu of a land receipt.
- They state that as Ryedale's second largest town we would expect Pickering to provide affordable housing for the town and its rural hinterland.

They were aware that until recently the Council had favoured development of the site. They support the delivery over time of both the proposed allocations and the site subject to this planning application.

5.6 In relation to the previously revised plans the following response was received from a neighbour consultee:

- Propose changes do not deal with the major issues;
- Inadequate access to the site from the main road;
- Next to a factory which operates 24/7 and for which the Council have received noise complaints; there is a new building which has not been taken into account
- Obliterates the strip field system- what protection is given for any hedgerow retained

5.7 In response to the revisions to the plans after the 3 July Committee the following responses have been received:

- No obstruction either permanent or temporary to the Public Right of Way (to immediate west of site) (NYCC- Public Rights of Way)
- No comments (Designing out Crime Officer)
- Comments and recommendations remain unchanged since May 2018 (Lead Local Flood Authority)
- Proposes a scheme of archaeological mitigation recording is undertaking, and provides the wording for this (NYCC Heritage Services)
- A response of support from the Ryedale District Council Specialist: People (Housing)
- No comments (Vale of Pickering Internal Drainage Board)
- Highways Authority conditions and s.106 agreement on contribution to A170/A169 roundabout.
- NYCC Education identify no contribution, and comments on the identification of land for a school and anticipated future need for places.
- The Town Council made the following comments:
  - Three bedroom three storey home meets demand subject to sufficient living space;
  - Welcome changes to the landscaping in keeping with ecological and heritage benefits;
  - Recognised removal of trees may be unavoidable.
  - Benefits to pedestrians with footpaths and speed calming are welcomed

### 3 Neighbour responses

- Increase in traffic onto Manor Vale remains unacceptable
- Nothing significant has changed
- Harm to bat roosts, with owl mitigation- but would be better if they were left alone
- Concerns regarding non-compliance with conditions on the under construction application;
- Concerns that houses will be too close to noise from the factory.
- Object to development to the rear of the existing properties on Greenlands road. The proposed layout will leave very little room for homes to be built on resulting in the larger proposed homes being so close to our property overlooking into the rear of our home both upstairs and downstairs resulting in the loss of any privacy we currently have, this also applies to our rear garden.
- Still loss of the historic strip field system
- There are other sites much more suitable for development than the land behind Firthland Road. Sites that are not situated next to a large factory, sites that do not require noise mitigation to try and make them habitable, sites that have direct access to main roads and have less impact on the natural environment.

## 6.0 APPRAISAL:

6.1 The main considerations to be taken into account are:

- i) Principle of the Development
- ii) Location of the Development

- iii) The Housing Land Supply and Housing Requirements
- iv) The Emerging Development Plan
- v) Site- Specific Considerations:
  - Affordable Housing Provision
  - Impact on Highways, Access implications for Pedestrians and Cyclists
  - Landscape Setting and Form and Character Impacts
  - Layout and Design
  - Heritage
  - Foul and Surface Water Management
  - Amenity Matters
  - Education
  - Open Space
  - Ecology
- vi) Wider Considerations
- vii) Conclusions

### **i) Principle of the Development**

6.2 The site is not allocated in the Development Plan for residential development, and the principle for the development of the site for housing is not established by the Development Plan. The principle of development would be established if Members are minded to grant permission, taking account of strategic policies of the Development Plan and other material considerations. Key issues in the consideration of the application are considered in the following sections.

### **ii) Location of the Development**

6.3 Policy SP1- General Location of Development and Settlement Hierarchy- identifies Pickering is a Local Service Centre, and a secondary focus for growth. The policy provides a strategic steer to guide the allocation of land for development and the release of other land if this is required. Pickering is expected to have allocations at the town, which would cumulatively deliver at least 750 dwellings over the plan period (2027). Since the commencement of the Plan Period (2012) and adoption of the Plan in 2013 a number of permissions have been granted and some of these are completed. The allocations required to meet the residual requirement have been identified through Members agreeing the Publication (and subsequent submission) of the Local Plan Sites Document. These allocations are not adopted at the time of writing this report, but are under Examination. As such the site is on the edge of Pickering, and therefore is broadly in conformity with Policy SP1 on the basis that the planning application 14/01259/MFUL is under construction.

6.4 Policy SP2- Delivery and Distribution of Housing- builds on the principles of SP1, and sets out the scenarios for residential development. For Pickering, within the context of new build development outside of the Development Limits this includes: Allocations in and adjacent to the built up area. Members will be aware that the Plan-making process has not proposed this site as a land allocation in the emerging Local Plan Sites Document. The developer is however seeking to progress the allocation of the site through the Plan-making process.

### **iii) The Housing Land Supply and Housing Requirements**

6.5 National Policy remains clear that the planning system has a critical role in increasing the supply of housing. Paragraph 59 of the revised NPPF states that:

*“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

Housing delivery is a materially significant benefit. Members of the District Council have recognised this through the granting of planning applications for housing in advance of the adoption of the Local Plan Sites Document. However, that benefit is balanced against any impacts of the development, in consideration with the housing land supply position. Policy SP2 states that the Plan will seek to deliver at least 3000 (net) new homes between 2012 and 2027. This is a plan requirement of 200 homes per year, but there is flexibility: within SP2 is the operation of the 'Local Buffer', which allows for a 25% uplift in any year's completions- without penalty on the following five year's supply. The five year land supply position at 31 March 2018 is now calculated and trajectorised. This has resulted in, with the operation of the Local Buffer, between 177 and 200 homes per year- and accordingly the land supply is respectively 6.12 years or 5.42 years-worth of supply. This is a robust level of supply, and is in accordance with the requirements of paragraph 73 of the NPPF "*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.*" When considering the existing Plan requirement of 200 homes, in conjunction with the operation of the Local Buffer (as discussed) above, and the delivery of in excess of 200 homes per year in the last six years, the Plan remains entirely appropriate in meeting objectively assessed needs, and remains up to date. On the basis of the supply position, there is no overriding need to release a site on the basis of housing requirements. Members therefore are in the position to decide whether the benefits of the proposal outweigh any harm identified, which they view as being contrary to the Development Plan's provisions.

#### **iv) The Emerging Development Plan**

6.6 The broad extent of this site has been submitted for consideration through the Development Plan production process (site 378/205) which is made up of: the 14/01259/MFUL scheme; this planning application proposal; and further land to the south (for cumulatively c.320 dwellings). Members may recall that this site was part of the 2015 Sites Consultation for the full development of the entire field (save land for the school and a cordon sanitaire for Yorkshire Water's Treatment Works). The site was identified as a potential option choice. This was in part due to the capability of the site to provide land for a school, and the need to ensure that the Council had flexibility of site choices to meet both housing need and any commensurate infrastructural requirements which may be identified during the plan-making process.

6.7 Members will be aware that the District Council made decisions on the sites to be identified as allocations, as part of agreeing the Publication of the Local Plan Sites Document (LPSD)(12 October 2017). Since that time the Council has progressed to Submission (29 March 2018) and therefore is in the Examination stage of the LPSD. This site is not identified as an allocation. During discussions with the Local Education Authority became clear that in respect of the building out of residual requirement to meet at Pickering, land for a school was not needed within the context of the current plan housing requirement up to 2027. Furthermore, the proposed allocations have direct access to the main road network and would not adversely impact on the identified strip field system.

6.8 Consultee representations have referred to the planning application at Whitby Road (proposed allocation). Members will be aware that this application is now subject to a minded to approve, but at the writing of this report is close to being determined. Officers will provide Members with an update on this at the meeting. The implications of this application are discussed later in the report.

6.9 The extent to which an emerging plan has weight to be attributed as a material consideration is set out in both the previous and now revised NPPF in paragraphs 48-50 inclusive. The extent to which weight is attributed is both in relation to the stage of the development plan process and the extent to which representations/objections have been made. Examination is a formal, very advanced stage of the Development Plan production process, and this would result in more weight. Objections to a Plan can temper the level of weight to be attributed. The NPPF states that:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

However in the context of the Framework –and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

6.10 The Local Plan Sites Document is not yet adopted as the Development Plan- and does not have full weight. The emerging Local Plan Sites Document is at an advanced stage. It is nevertheless a 'material consideration' to which weight can be attributed. It should be noted that this site's exclusion has been objected to by the Developer alone, and they have made representations concerning their site as part of the Publication of the Plan. There has been both support and objections to the identification of the two proposed sites to meet the residual housing requirement at Pickering. It is not the role of this report to compare the merits of proposed allocations to this application, and vice versa, but to consider, principally, whether this planning application accords with the adopted Development Plan and if not whether there are material considerations which would, on balance, justify the release of the site which is not in accordance with the Development Plan/ emerging Development Plan. The release of a site of this scale, which is relatively modest, would have localised, indirect implications for the Plan-making process, as a result of uncertainty around the impacts on infrastructure capacity at Pickering, this is discussed later in the report.

#### **v) Site Specific Considerations:**

##### Affordable Housing Provision

6.11 Affordable housing need is a significant material consideration. The delivery of plan-compliant affordable housing, totalling 58 units (36%), which modestly exceeds the 35% Plan requirement, would be a significant and demonstrable benefit of the scheme to weigh in favour of the scheme. The applicants have stressed that there has been under-delivery of affordable housing. The fact that there has been some under-delivery is not disputed. It was made clear to the applicants that affordable housing delivery would be a key benefit of the proposal at pre-application enquiry stage, and during the consideration of the application. It would therefore be important for the applicant to demonstrate that such affordable housing was deliverable, in that it would be attractive to a Registered Provider and meet local need. If there were concerns around deliverability then that would temper the

weight that could be applied to any benefit.

6.12 During the course of the application the Council's Specialist: People Team (Housing) have sought clarification on a number of occasions around the relationship between the affordable units' sizes, their number of bedrooms and the expected occupancy of those rooms. Members will be aware that the Principal Specialist: People has previously objected strongly to the application for reasons around issues with the 3 and 4 bed units having bedrooms too small to meet Universal Credit occupancy expectations, and then insufficient living/ground floor space due to the use of three storeys. This has been overcome by the removal of 4 bed affordable units, and converted them into 3 bedrooms unit, by way of the Walden house type. The Principal Specialise People is now supportive of the proposal.

6.13 Members will be aware that Yorkshire Housing have written in support of the proposed planning application. However, Persimmon has confirmed that Yorkshire Housing have neither entered into an agreement to acquire the affordable units on the scheme subject to approval 14/01259/MFUL, nor those units on the scheme before Members. Broadacres are considering taking the 16 units in the consented scheme, and it is understood there is Board approval to undertake this. Since Members agreed to defer the application, a letter from Broadacres has been provided to the Local Planning Authority by the applicant. They state that they are interested in this application, which they refer to as Firthland Road Phase 2, subject to contract and Board Approval. The dropping of 4 bed units and the Walden 3 bed house type has addressed their concerns about lack of living space and their being no demand for 4 bed dwellings. Whilst it is not a binding contract, it does indicate, alongside the response from the Principal Specialist: People, that Persimmon have taken on board the issues identified with their affordable units, which are now more favourable to Registered Providers, and therefore are capable of delivering affordable housing.

6.14 Returning to the need for the affordable housing, Members will be aware that at the 3 July Planning Committee Members were minded to approve a scheme elsewhere in Pickering which will provide a significant contribution of affordable housing within the Plan period at Pickering. This does temper to a degree the weight in the planning balance the benefit of providing affordable housing through this scheme. However, in making this argument, it is done in the knowledge that there will be a lag time for the delivery of that affordable housing, as a proportion of the market housing will be delivered first. It is not possible at this stage to identify that specifically, as the legal agreement is not finalised to demonstrate the roll-out of delivery. Member may also note that the permission granted at Firthland Road, and that an RP is identified, work has commenced on Phase 1 and this is expected to deliver some affordable dwellings in advance of the site at Whitby Road.

6.15 It is therefore considered that this proposal is capable of delivering affordable housing in a manner consistent with Policies SP3 and SP4. Policy SP3 is concerned with ensuring that the "size, type and tenure of affordable units will reflect the affordable housing needs in the locality". Policy SP4 seeks to ensure that the resulting development "contributes to provision of a balanced housing stock, in terms of sizes, and number of bedrooms, and ensure a well-designed inclusive scheme". The affordable housing contribution of this proposal is therefore to be given significant weight in the decision-taking process.

#### Impact on Highways, Access implications for Pedestrians and Cyclists

6.16 A number of the representations received have raised issues regarding the capacity of local road network to accommodate the increased levels of traffic resulting from the proposed development. The Local Highway Authority have commented on both the original and revised plans, and they have now made a formal conclusion regarding the proposal in which they seek conditions to be attached, if Members are minded to grant the application.

6.17 Regarding capacity of the network the Local Highway Authority are satisfied that the proposed scheme would not have an unacceptable impact on the operation of the junctions and

surrounding road network. They have stated though that the roundabout has been subject to a number of recent injury accidents. They have, on that basis, sought a contribution for works to improve the operation of the A170/A169 roundabout, through a highway safety scheme. The contribution has been acknowledged by Persimmon and is identified at £22,000. However, it is not clear to Officers as to why this contribution is sought when they have confirmed the acceptability of the scheme in highway terms, and the limited scale of impact. As such it is not considered that a s.106 is capable of being signed for this project and CIL monies would be required to be used to fund such a project- subject to Member agreement.

6.18 The Highway Authority are satisfied with the implications on the network subject to emphasis on Travel Planning and alternative means of travel (discussed below). They are also satisfied with the principal access and emergency access from the site. Matters raised in the neighbours' responses are noted, but they principally revolve around driving behaviour, such as parking too close to junctions and not driving at a speed appropriate to the road conditions. As such these are not capable of being considered material in assessing the impact of a development proposal.

6.19 Issues were raised regarding:

- Some internal layout amendments such as the relocation of footways and formation of adopted road standard on plots 140- 149.
- The parking provision not meeting standards- Persimmon have confirmed revised garage details and use of roller shutter doors which are acceptable to the Local Highway Authority;
- Regarding travel planning and alternative means of travel, further evidence was sought, and provided, regarding implications for cycling and pedestrian activities, including the provision of a crossing facility on the A170. The Local Highway Authority are looking into the feasibility of the siting, according to desire lines, and have confirmed the small scale proposals in the report are considered acceptable.
- The visibility splays are also of insufficient dimensions off the residential road (they require 2.4 x 25 metres); this would necessitate removal of considerably more of the hedgerow than presently proposed;
- The landscaping of the site with trees within the minimum 4m verge required, trees would need to be set back from their current position, and maintenance clarified.

6.20 Matters regarding the visibility splays, tree planting and crossing and footway amendments have been addressed in revised plans since the writing of the previous report for Planning Committee. The Highway Authority are satisfied for the crossing of the A170 to be conditioned in principle as a work in the highway to be approved in writing prior to commencement of the development. They have not however indicated where a suitable site will be found for the crossing to be made other than between the junctions of Manor Road and Southgate. The crossing will also need to be in place prior to the occupation of the site. Therefore, subject to the identification, and approval of the details of this crossing, the scheme is now considered to comply with the provisions of Policy SP10 in respect of provision of a network of safe cycling and walking route aligning residential areas with employment sites, town centres and schools and recreational facilities and the requirement to improve connectivity with existing footpaths, cycle routes, public rights of way and public transport facilities. These improved connections will also benefit the existing community. It is also considered that the scheme also complies with SP20- Generic Development Management Issues, which covers access parking and servicing since the concerns raised over the visibility splays have been resolved.

#### Landscape Setting and Form and Character impacts

6.21 The application site is situated within the National Landscape Character Area of the Vale of Pickering, which is primarily defined in extent by the Vale's low-lying topography. However, the 2012 Vale of Pickering Statement of Significance which was produced by Historic England in partnership, makes clear that the cultural landscape of the Vale very much includes the land which rises into the Moors and Wolds. It states that the Vale landscape is of significance due to the continuous record of habitation from the Mesolithic through to present day, which about 10,000 years.

6.22 The 2011 Landscape Characterisation Project of North Yorkshire and York identifies the area in which this site is situated as 'Open Vale Carr Farmland' but does not go into the same level of detail that the District-level Landscape Character Assessment (LCA) (Landscapes of Northern Ryedale, 1999). The landscape features of this site are typical of the LCA which identifies the land as being part of the Vale of Pickering and within Linear Enclosed Farmland. The key characteristic features are:

- Historic linear field pattern
- Gently sloping land which rises to the north
- Distinctive linear field systems
- Locally enclosed landscape.

6.23 The changes in levels are generally very gradual, within this area to the south of Pickering, and this has resulted in the site being an area of land which is not readily viewable at distance from principal vantage points. Nevertheless on site, and on adjacent footpaths, the open fields afford the ability to view the rising land of the Fringe of the Moors and key landscape and cultural features such as Beacon Hill and the Church of St. Paul and Peter. It is also an area of land which is framed by the town, with the development along Firthland Road and Greenlands Road. To that extent it is a site which is read within the context of the built form of Pickering.

6.24 This site is identified as being part of the relic mediaeval strip field system through work done on the Historic Landscape Characterisation by NYCC and Historic England (as now). The strip field system remains relatively intact around Pickering. As a non-designated heritage asset, this is principally considered within the heritage section of the report. However, it is clear that the field patterns are also an integral feature of the landscape. Whilst Historic England have not been consulted on this application, they have had long-standing engagement in the work on the Ryedale Plan. On the 2015 sites consultation they advised:

*"The network of historic field boundaries are a distinctive feature of the landscape setting of Pickering and make a significant contribution to the character of the town. With increasing pressure for development around Pickering, this landscape is becoming increasingly threatened. Consequently we fully endorse the Plan's approach to this historic landscape and the intention to direct development away from the areas where the strip fields system is relatively intact and legible."*

6.25 The LCA (Landscapes of Northern Ryedale) refers to the presence of the strip fields as being not unusual within the Fringe of the Moors, which is the rising land to the north. It goes on to state that they are the only examples left in the Vale of Pickering, where the majority of the field boundaries date back to the periods of enclosure in the eighteenth and nineteenth centuries. On that basis, the presence of the strip fields is particularly important for the understanding of the time-depth of the landscape of the Vale of Pickering. They also represent a particularly important landscape feature for the setting of Pickering.

6.26 It is considered that the site's situation is well-related to the built form. However, the strip fields, are a locally distinctive, important feature of the landscape setting of Pickering, and are considered important to be retained where possible in principle.

6.27 Given this historic landscape context, in discussions regarding the consideration of this application Officers have sought to retain as much as possible of these hedgerows. In order to balanced visibility with retention of as much hedgerow as possible, Persimmon have responded to this by reducing the number of incursions to the hedgerows. However, even with the field boundaries retained there are nevertheless impacts on the legibility of the field boundaries as the mass of the development would remove the ability to read such boundaries in totality such as has occurred in the Mickle Hill Scheme at Pickering. This impact is discussed in greater detail within the heritage section of the report.

6.28 Policy SP13 is concerned with protecting the distinctive elements of the landscape character



of the Vale of Pickering (as a valued local landscape). It is acknowledged that the proposed layout of the site, has sought to strike the balance between retaining the hedgerows, and meeting highway visibility requirements. The proposed layout has reduced the level of fragmentation of the hedgerows, to an acceptable level in ecological connectivity terms, and met highway requirements. But the very presence of the development would result in unavoidable harm to maintaining the ability to read the strip fields, which have already experienced a loss of integrity, within the landscape setting of Pickering. This would be contrary to the aims of Policy SP13.

### Layout and Design

6.29 LPS Policy SP20- Generic Development Management Issues- considers the impact of development on the character of the area, and the design implications of development.

New development is expected to respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. Expanding on this, Policy SP16 - Design- requires that development proposals create high quality durable places that are accessible, well integrated with their surroundings and which, amongst other aspects, reinforce local distinctiveness through the location, siting form, layout and scale of new development respecting the context provided by its surroundings including: topography and landform that shape the form and structure of settlements in the landscape, and that views, vistas and skylines that are provided and framed by the above.

6.30 The applicant has sought, in their revised plans to utilise a layout which has retained where possible the pre-existing hedgerows to a greater extent than the originally submitted plan. It is considered that whilst the site's relationship with the existing build form of Pickering is acceptable, and therefore plan-compliant, based on the currently proposed layout there will still be a loss of context due to the impact on the strip fields and as a result the development within the site it will be at odds with the objectives of Policy SP16.

6.31 The general external design of the house-types is considered to be on balance acceptable. Layout changes by changing through the use of bungalows and using side drives and providing a non-uniform building line on the eastern edge of the site. The properties have been set at least 22m from existing residents. This is a satisfactory distance to ensure no direct overlooking. Comments have been made concerning changes to the distance between properties on the site and Greenlands Road as a result of changes to the roads. However, this has not altered the dwelling's positioning. The road layout changes have occurred within the same area, and so the properties are not set back into the plot. The separation distances are considered to be satisfactory.

6.32 The scheme, now at 161 units, proposes nine units that are bungalows. The Folkstone House Type provides both a semi-detached bungalow format, and a detached bungalow. This conforms to Policy SP4's requirement for at least 5% of dwellings proposed to be bungalows.

6.33 In terms of designing out crime, the Police Designing out Crime Officer, is now satisfied with the scheme.

### Heritage

6.34 The site contains field boundaries which have been identified within the Historic Landscape Characterisation work by NYCC and Historic England as being part of a relic mediaeval strip field system. Whilst Historic England have not been asked to comment on this planning application they have, through the development plan process, highlighted the significance of the level of intactness and preservation of the strip field systems which surround large areas of Pickering. They have identified that these are relatively rare features within the context of the Vale of Pickering, which was mentioned in the Landscape Character Assessment.

6.35 'The Vale of Pickering an Extraordinary Place Statement of Significance' is a document produced by now Historic England, with partners. It refers to the 'cultural landscape' definition which is used by UNESCO to refer to "a distinct geographical area ...represent(ing) the combined work of nature and man." To which it is ascribed that the Vale is such a landscape. The strip fields are clearly part of that cultural landscape and are considered to be a non-designated heritage asset. When viewed on a map, this area of the strip fields is not quite as intact or legible as other parts of the settlement, such as the strip fields to the east of Pickering. The level of intactness is important as the field patterns are considered to be more vulnerable to the effects of development.

6.36 The setting of the strip fields is provided by the fields themselves, with the hedgerows being the historic asset by which the field patterns are identified. They have an intrinsic and reciprocal relationship. Historic England have identified that value of a heritage asset may be aesthetic, communal, historic and evidential. It is considered that these particular strip field systems have strong values of evidential value: the potential of a place to yield evidence about past human activity and historical value: the ways in which past people, events and aspects of life can be connected through a place to the present. To a lesser extent the fields and hedgerows have an aesthetic value, due to the ways in which people draw sensory and intellectual stimulation from a place, and communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

6.37 In terms of their significance they have historic significance; as a record of past land management practices, and have become relatively rare on a wider geographical scale and are concentrated to the south of Pickering within the lower vale land. As discussed when considering the landscape impact, once development occurs in and around the field patterns their ability to be read within the landscape almost impossible, even if they are retained, because visual relationships and intervisibility between the fields and hedges become lost. This has occurred at Mickle Hill, Pickering. As such, even with the reduction in incursions into the hedgerows there would be substantial harm experienced to the strip field system if development was to occur, and that harm to a non-designated heritage asset must be weighed against what public benefit can be derived from the development. Policy SP12 states that the Council will "*seek to ensure that the sensitive expansion, growth and land use change around Market Town and villages... safeguarding surrounding historic landscape character and setting of individual settlements*". It further states that for features of local historic value and interest throughout Ryedale, regard will be made to the scale of any harm of any harm and the significance of the heritage asset. These strip fields are significant within the Vale of Pickering. The identified substantial harm to their integrity, setting and therefore significance together with the adverse impact on the setting of Pickering means that the proposal does not accord with the policy expectations of SP12.

6.38 The site has been subjected to both geophysical survey and consequential trial trenching. The site includes part of a prehistoric (Neolithic) or Romano-British settlement and its associated field system, and thus is of archaeological significance. The Heritage Unit of NYCC have advised that they are supportive of the approach being proposed, and the heritage assessment is a suitable base line from which to establish the programme of investigation. The density and preservation of the remains varies across the site. The mitigation will take the form of strip, map and record for the most sensitive areas and an archaeological watching brief for those areas of less significance. They have also advised that some areas can be ruled out due to previous work. On that basis, it is considered that in so far as the archaeological implications are concerned the proposal is plan-compliant in terms of this aspect of Policy SP12, as the proposed works would lead to enhanced understanding commensurate with the significance of the non-designated heritage asset. As part of commenting on the application NYCC have identified conditions, including the submission of a Written Scheme of Archaeological Investigation, which would be imposed if Members were minded to grant the application.

#### Foul and Surface Water Management

6.39 The site is within Flood Zone 1, which is in terms of management of flood risk, is the most suitable flood risk classification, and the site therefore passes the sequential test of ensuring that

development occurs in the areas at least risk of flooding. There is still a need to ensure that both foul and surface water management are addressed satisfactorily. In summary, surface water drainage is to be provided through the connection and use of pre-existing land drains. Sustainable drainage systems, where the water percolates into the ground are not feasible based on the ground conditions.

6.40 The Lead Local Flood Authority (LLFA) are satisfied with the proposed means of surface water management and have now confirmed that outstanding matters can be dealt with by condition. These are:

- Finalised drainage layout
- Full micro-drainage calculations
- Schematic layout plan
- Discrepancy with peak flow is it 5l/s or 6l/s? and
- Designing for exceedance- ground floor levels above 1 in100 yr event

6.41 The Vale of Pickering Internal Drainage Board, originally objected to the application but since further information has been provided they are satisfied subject to the application of conditions as required by the LLFA. They have also recommended that a Scheme for the Management of Surface Water is prepared at detailed design stage and this will provide for the applicant's drainage consent application, which is required prior to commencement of work.

6.42 Foul water is proposed to be removed by means of the public sewer. Yorkshire Water have confirmed they are satisfied provided only the site's foul water utilises the public sewer, subject to the necessary permissions from Yorkshire Water.

#### Amenity Matters

6.43 Adverse impacts on residential amenity have been raised by the residents of Firthland Road and Greenlands Road, who would be in close proximity to the application site. A number of responses have been concerned with construction impacts. However, this is a temporary feature, which is capable of being regulated through conditions to reduce the potential for noise and dust during construction. A number of residents who have enjoyed the open fields would, if permission was granted, have a much changed outlook- but Members will be aware that there is no legal right to a view, and private enjoyment of views is not a material planning consideration. Similarly, impacts on property values are also not a material planning consideration.

6.44 The site is proximal to Westgate Carr Industrial Estate, and representations have been made which identify that there would be noise issues experienced by new residents due to activities at the Rosti Automotive enterprise which is to the west of the site. The noise assessment, which considered the full enterprise of Rosti Automotive has been considered by the Environmental Health Officers who are satisfied with the report's observations, conclusions and recommended mitigation for the installation of a 2.5m high bund. Previously raised noise issues concern fans, for which Officers are aware that mitigation measures have been imposed. Rosti Automotive were consulted on the planning application, and they have not made any response regarding whether they consider that the development of the site would conflict with their current, or future operations at the site.

6.45 Odour considerations have been satisfied. Yorkshire Water have a sewerage treatment works on the Westgate Carr Industrial Estate. They have confirmed that they are satisfied with the application of a minimum 200m cordon sanitaire to ensure no adverse amenity impacts, which could prejudice their operations. Environmental Health Officers have not identified any air quality concerns either in terms of adjacent uses, or as a consequence of the development.

6.46 Adjacent residents have raised concerns about the loss of light and overlooking as a result of the scheme, Officers have sought to ensure that there would be an acceptable level of distance from new and existing units on Greenlands Road, thereby ensuring that there would not be a loss of light nor an overbearing effects, and no levels of overlooking would be achieved which would unacceptably

compromise the reasonable living conditions of the residents, as the closest distance between dwellings is c.22 metres, and this has not changed in light of the changes to the road layout on the eastern side of the site.

### Education

6.47 Persimmon have identified that they would be prepared to release land for a new primary school. North Yorkshire County Council, as Local Education Authority (LEA), have provided responses to the application setting out the likely impact and potential implications for school places. The LEA have revised their calculations for 161 dwellings. Based on the proposed revised scheme the development generates, for Pickering Community Infant school and Pickering Junior School no contribution due to sufficient outstanding capacity. The response from the LEA demonstrates that based on the application's identified impact, there is no resulting need for a new school to be provided. As such the Local Planning Authority is unable to require that land be retained for educational uses through a legal agreement as is not required to mitigate an infrastructure deficit as a result of the development proposed. Persimmon have stated that that they would be prepared to undertake a Unilateral Undertaking to provide land for a new school, it is considered that this has very limited weight in the decision-taking process as a new school is not required to make the development acceptable in planning terms.

6.48 Member's consideration of this application is preceding the conclusion of the Examination of the Local Plan Sites Document (LPSD). In meeting residual housing numbers as part of the Local Plan Strategy, the LPSD has also factored in the infrastructure requirements of that residual requirement. The LEA advised that for the proposed allocations no new school would be required. However, the LEA have previously advised as part of the consideration of this application that if permission is granted for this application, there is a possibility that a new school could be required as a result of cumulative impact. This is however no means certain as pupil numbers have been falling at Pickering, and this application has not generated any contribution to school places. They have subsequently responded to the re-consultation with the following:

*“at present based on forecast pupil numbers and taking into account existing housing permission and proposed Local Plan Allocations that there is not projected to be sufficient need for school places within Pickering to require a wholly new primary school. However, if the site is approved by RDC Planning Authority NYCC CYPS Officers could support the signing of an appropriate agreement to secure the site for future education use”.*

If Members were minded to approve this application whilst the LPA have no means to secure the land for the development of a school, the LEA have reiterated in their most recent response that they would be supportive of the land's so identification by the Developer through a Unilateral Undertaking. This is understandable given the lack of available land. However, as part of work to establish the infrastructure delivery requirements of the Ryedale Plan- Local Plan Strategy, it has been confirmed that the combination of CIL receipts, and any other funding streams which may be accessed, can only meet the delivery of one new primary school. This is to be at Norton Lodge, Norton, where the majority of the residual requirement is proposed to be met. This is also to respond to the fact that 50% of the overall housing requirement in the Plan is to be delivered at the Principal Town (Malton and Norton). The LEA have confirmed a new school is needed in Norton on that basis.

6.49 The direct impact of the application has therefore been evaluated. The LEA is also clear that with existing permissions and proposed allocations there is no need for a school. However, if Members are minded to approve this application, the cumulative implications are less certain. It is not possible of LEA to provide a clear position on what the cumulative impacts are; and whether need for a new school is then generated, subsequently, on one of proposed allocations, if this application is granted, and if so whether this would result in significant deliverability issues for the site(s). As such there are potential implications for the deliverability of the Local Plan Sites Document. It further potentially means that infrastructure cannot be delivered in a timely manner at Pickering. This potential for uncertainty weighs against any benefits of the application, and emphasises the importance of Plan-led growth, but cannot

be identified as being specifically contrary to the development or the emerging plan- because it is not certain.

### Open space provision

6.49 In respect of Policy SP11- Community Facilities and Services- on-site formal children's place is required on a scheme of this size. Based on applying the policies of the Local Plan Strategy for open space provision and children's play space c. 0.8ha of open space is sought. The overall open space provision (covering children's place space, ecological mitigation and general areas of open space is 1.23ha on the revised plans, which is plan compliant. Whilst play space could be distributed through the site, it is better to provide a range of play facilities in a single, larger area. There is a specific area of children's play equipment, with nine items which is to serve a range of ages which is c.772 m2 in area with fencing around. As such the scheme is between a LEAP and a NEAP. As a result of revising the layout of the scheme, the area of community woodland/POS has been significantly reduced in extent from that originally proposed. The play area, and the habitat/ecological mitigation area (c.0.3ha) remain as originally proposed. There is an area of land to the south of the property known as Long Acres, but this is not identified with a specific intended use, and therefore cannot be inferred as public open space. There are other areas of open space to the north which are between dwellings on the site subject to the approval in 2017 and the dwellings on this site (c.06ha within the application site). It is noted that a public footpath system has been shown to extend round the south and western extent of the site, and within that area are areas of informal open space. When assessed these cover c.0.8ha.

### Ecology

6.50 The site is predominantly arable farmland and improved grassland. However, the ecological surveys conducted found that the site was of value for a range of biodiversity locally, and that there will be loss of biodiversity if no mitigation, enhancement, creation or restoration of ecological features is undertaken. Members are aware of the statutory responsibility placed on Local Authorities by the NERC Act 2006 (s.40) which states that:

"The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

6.51 The following species were found

- 2 Pipestrelle bat roosts and moderate foraging activity along established hedges
- Evidence of badger activity but no Sett
- Long term Barn Owl roosting in existing farm buildings

And there is the habitat of a network of existing field hedgerows and associated hedgerow trees.

6.52 The Council's Countryside Officer has recommended a series of conditions. If Members are minded to grant the application, these would be applied. Earlier concerns regarding impacts on barn owls have been addressed through the siting of a barn owl tower. The scheme has also reduced the number of incursions into the strip fields, particularly of note is hedgerow H6, which was considered to be harmful to habitat connectivity. Both the demolition of barns and any removal of hedge would need a license from Natural England, and would be undertaken at a non-sensitive time for the protected species. Policy SP15- Green Infrastructure (GI)- seeks to ensure that new developments enhance GI opportunities by protecting, enhancing, creating and connecting wider elements of GI including, amongst other elements hedgerows. So protecting and enhancing biodiversity and wildlife corridors, to minimise fragmentation of habitats, and to help build greater resilience for species. This is also sought by Policy SP14- Biodiversity - which also expects a net gain in biodiversity to be provided as part of new development schemes. It is considered that the proposal is now compliant with Policies SP14 and SP15.

### vi) Wider considerations

6.53 References have been made in the representations to the land's status as Green Belt; this is not correct. The land is within the Open Countryside as it is outside the Development Limits. The land is agricultural land and identified within the Agricultural Land Classification as being in Grade 3, which could mean that part of the site is what is described as Best and Most Versatile Land. The use of such land is balanced with the wider sustainability considerations, principally whether the need for development outweighs the loss of the land, in accordance with Policy SP17. This report seeks to evaluate and report that consideration process.

6.54 The applicants are aware of the CIL charge, and have completed the relevant information. 15% of the money generated through CIL would be given direct to the Town Council, and the remainder retained to be spent on key infrastructure provision both in Pickering, and the wider District.

6.55 Hydraulic Fracturing is not taking place in the locality of the site. Furthermore it is a minerals matter, which is not within the consideration of the Local Planning Authority.

### **viii) Conclusions**

6.56 The principle of residential use of this site has not been established. The proposed development is neither established by the Development Plan nor the emerging Development Plan. Against the context of a robust housing land supply, and consistent delivery of in excess of the Plan requirement, there is no need to release the site for the proposed use. The proposed housing is a benefit. The provision of 58 units of affordable housing (which is now considered to be deliverable) is a significant benefit. This is however tempered to a degree by the expected delivery of affordable housing at Firthland Road Phase 1, and from the site at Whitby Road. There is considered to be significant harm on the setting and therefore the significance of the strip field systems which are a non-designated heritage asset, and the consequential impacts on the setting of Pickering. The proposal is therefore contrary to the provisions of the Policy SP12, and also SP13 and SP16. From the implications of the emerging plan (which is at an advanced stage) the release of the site also raises uncertainties regarding the extent to which infrastructure delivery (education) at Pickering can be met, with the potential to undermine the Plan-making process. Taking account of all the issues in the round it is considered that, on balance the application should be refused for the following reasons.

### **RECOMMENDATION: Refusal**

- 1 The site is not allocated for residential use in the Development Plan nor in the emerging Development Plan. The identified benefits of the scheme do not outweigh the identified harm and non-compliance with policies of the adopted Ryedale Plan - Local Plan Strategy when read as a whole, and the emerging Local Plan Sites Document.
- 2 The proposal would result in substantial harm to the hedgerows and their setting which make up the historic strip fields which are on this site. This would result in substantial harm to the significance of a non-designated heritage asset and harm to the setting of Pickering, contrary to the provisions of Policies SP12, SP13 and SP16 of the adopted Ryedale Plan-Local Plan Strategy.





Front Elevation

Side Elevation



Rear Elevation

Side Elevation

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Revisions

Development  
**Firthlands Road  
 Pickering  
 Phase 2**

Drawing Title  
**The Walden Housetype  
 Planning Elevation  
 2 Block**

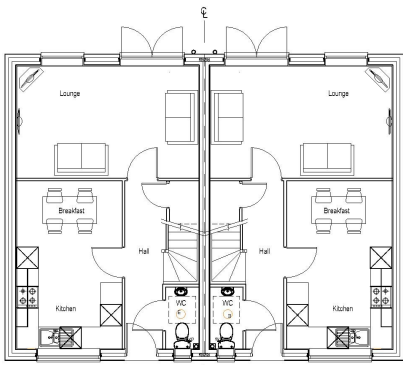

 Perammon Homes Yorkshire  
 Perammon House  
 Fulford  
 York  
 YO19 4PE  
 Tel: 01904 642199  
 Fax: 01904 626142  
 www.perammonhomes.com

Scale	1:100 @ A3	Drawn	AVC	Date	July 2018
File:	B:\Surveyors\Pickering, Firthlands Road\1 Apr 13\2.1.2.1.2.2.3				

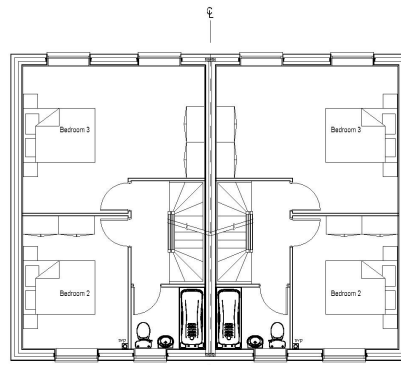
Drawing No	Rev
PRC2 / WA / 2B / Planning / 01	-

Scale Bar: -  
 5m 1:100

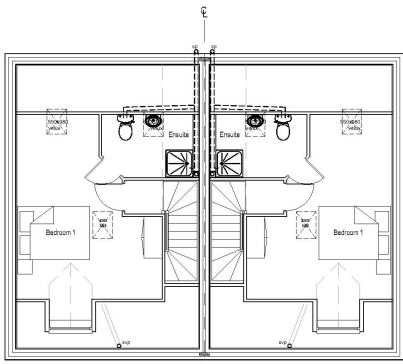




Ground Floor



First Floor



Second Floor

Scale Bar -



1:100

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Revisions

Development  
**Firthlands Road  
 Pickering  
 Phase 2**

Drawing Title  
**The Walden Housetype  
 Planning Layouts  
 2 Block**



Persimmon Homes Yorkshire  
 Persimmon House  
 Fulford  
 York  
 YO19 4FE  
 Tel: 01904 645199  
 Fax: 01904 656142  
 www.persimmonhomes.com

Scale: 1:100 @ A3	Drawn: AVC	Date: July 2018
File: B:\unworks\Pickering_Firthlands Road\A01\12101221023		

Drawing No: PIC2/WA/28/Planning/02	Rev: -
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RED LINE BOUNDARY	PHASE 1 BOUNDARY	PROPOSED SPECIMEN TREES	PROPOSED SHRUBS	EXISTING VEGETATION	INDICATIVE POND
PROPOSED HOUSING	ROAD	LANDSCAPE BUFFER COMPOSED OF SHRUBS AND TREES	PROPOSED PUBLIC OPEN SPACE	PROPOSED PLAY AREA	BLIND
SHARED SURFACES	PROPOSED FOOTPATH	PROPOSED WILDFLOWERS	PROPOSED GARDENS	SAIN OWL TOWER	

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**Robinson Landscape Design**  
 The Studio, Hedderley,  
 North Bank, Weaver Bridge,  
 Hesham, NE47 6UY  
 Tel: 01434 484 100

 Scale: 1:500	Project: Picking	Client: Ryedale District Council
	Drawn/Name: Landscape Masterplan	Date: 12/05/2024
	Drawn/No: 5842/09/001	Scale: 1:500

## Land south of Firthland Road, Pickering

### Schedule of Accommodation

#### Open Market Homes

Name	Code	Bedrooms	Rev B/C	Rev D	Change
Morden	MR	2	9	9	0
Folkstone	FS	2	8	9	1
Moseley	MS	3	6	6	0
Hanbury	HA	3	10	10	0
Stafford	ST	3	10	10	0
Hatfield	HT	3	1	0	-1
Sutton	SU	3	6	6	0
Clayton Corner	CAC	3	14	14	0
Clayton	CA	3	12	11	-1
Roseberry	RO	4	3	3	0
Easingwold	EA	4	1	1	0
Elvington	EL	4	11	11	0
Chedworth	CW	4	10	10	0
Winster	WI	4	3	3	0
			104	103	-1

#### Affordable Homes

Name	Code	Bedrooms	Rev B/C	Rev D	Change
Linton GF	LT	1	4	4	0
Linton FF	LT	1	4	4	0
Tri Maisonette GF	TM	1	2	2	0
Tri Maisonette FF	TM	1	2	2	0
Tri Maisonette SF	TM	1	2	2	0
Howard	HO	2	26	28	2
Sutton	SU	3	16	0	-16
Walden	WA	3	0	16	16
Leicester	LE	4	2	0	-2
			58	58	0

Rev B/C	Rev D	Change
162	161	-1

# Agenda Item 8

**Item Number:****Application No:**

18/00656/MFUL

**Parish:**

Pickering Town Council

**Appn. Type:**

Full Application Major

**Applicant:**

Pickering Fishery Association (Mr Michael Eady)

**Proposal:**

Works to Pickering Beck and adjacent land to allow the formation of two new meanders with spoil to be distributed within the Big Crooks field

**Location:**

Land off Ings Lane Pickering North Yorkshire

**Registration Date:**

27 June 2018

**8/13 Wk Expiry Date:**

26 September 2018

**Overall Expiry Date:**

15 August 2018

**Case Officer:**

Alan Goforth

**Ext:** Ext 332**CONSULTATIONS:****Health And Safety Executive**

Advice : HSL-180807142035-136 Does Not Cross Any Consultation Zones - HSE have advised that the development does not lie within the consultation zone of any major accident hazard pipeline

**Vale of Pickering Internal Drainage Boards** Support**Public Rights Of Way**

Recommend informative

**Yorkshire Water Land Use Planning**

No comment

**Countryside Officer**

No comments received

**Parish Council**

Support

**Sustainable Places Team (Environment-Agency Yorkshire Area)**

No objection

**Neighbour responses:**

No response received

**SITE:**

The application site is a field on the south east side of Ings Lane known locally as 'Big Crooks'. The site, which is owned by the Pickering Fishery Association (PFA), is situated in the open countryside. The site amounts to 2.76 hectares and is situated 1.5km south west of Pickering. The field is in agricultural use (sheep grazing) and the banks of the beck are used for private angling by PFA members. Access to the site is off Ings Lane via a field gate in the north west corner of the site. The site boundary on the western and northern sides is a mature roadside hedge with sporadic trees.

The site is bounded to the north by Haygate Lane, to the west by Ings Lane and to the east and south by Pickering Beck. The surrounding land is in agricultural use. The beck is approximately 5m in width and the section adjacent to 'Big Crooks' field is approximately 430m in length. The nearest residential properties are Pry End House and North Barker Stakes Farm which stand approximately 25m to the west of the site.

Public footpath no. 25.73/32/1 runs across the site in a generally southwest – northeast alignment to meet a stile in the north-east corner of the site adjacent to Ings Bridge. A gas pipeline owned by Third Energy Ltd crosses the northern part of the field in a west-east alignment (routed through the field in 2002/3). The majority of the site is within Flood Zone 2 although the eastern side is floodplain connected to the beck which is in Flood Zone 3. A low embankment (approx. 0.5m high) runs across the field north-east to south west and is most prominent in the southwestern end of the field.

The present, straightened course of the beck through 'Big Crooks' field is relatively recent with the historical maps showing that 2-3 meanders existed from the mid-1800s up to at least 1958. During the period from 1958 to 1970 the meanders were removed and the beck realigned.



## **HISTORY:**

There is no planning history relevant to the determination of this application.

## **PROPOSAL:**

Planning permission is sought for works to Pickering Beck and the adjacent land to allow the formation of two new meanders with spoil to be distributed within the Big Crooks field. A bespoke environmental permit ref. EPR/KB3450SA (flood risk activity) has been issued by the Environment Agency (EA) for the proposed works.

The proposed works would create two permanent meanders in the beck and restore the line of the beck to its original route (so far as practicable). Meander 1 would be 111m long with an average cross-sectional area of 12.5m<sup>2</sup> and Meander 2 would be 120m long with an average cross-sectional area of 11m<sup>2</sup>. The existing watercourse would be retained but the flow would be split 80:20 to divert the majority via the new meanders. The works would also improve two parts of the existing bank on the eastern side of the beck which currently suffer from erosion.

The aim of the development is to provide a variety of flow in the beck which is absent at present and this would enhance habitats present at the beck and improve angling and access to the beck. In addition the new meanders will increase the capacity of the field to hold flood water and the overall cross section of the beck will not be reduced.

The meanders would be created in Flood Zone 3. The spoil excavated to create the meanders is estimated to be 2,700m<sup>3</sup> and would be deposited within the field but graded to ensure that run-off is directed back towards the beck. Approximately 1/3rd of the spoil would be distributed in the Flood Zone 3 area immediate to the watercourse and 2/3rds would be in western part of the field in Flood Zone 2 (higher ground). The distribution of the spoil has been mandated in the EA permit that has been granted. The excavation would be completed using a 360° excavator and all-terrain dumper. There would be no import or export of materials. Once the spoil has been distributed across the field it will be reseeded with a 'Derwent mix' to re-establish the grassland. The proposed works of construction/excavation would be limited to standard day time work hours.

The timing of the excavation works is dictated by ecological factors including the spawning season for fish and also when the weather is dry and the ground water levels low. The Applicant aims to complete works in late summer/early autumn. Sediment ingress would be minimised through the use of 'sedimats' on the stream bed downstream from the works.

## **POLICY:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

### The Ryedale Plan - Local Plan Strategy (2013)

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

Local Plan Strategy - Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP15 Green Infrastructure Networks

Local Plan Strategy - Policy SP16 Design

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

Local Plan Strategy - Policy SP20 Generic Development Management Issues

## Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)  
National Planning Practice Guidance 2014 (PPG)

### **APPRAISAL**

The main considerations in the determination of this application are:

- i) Principle of the development;
- ii) Design and impact on the open countryside;
- iii) Impact on local amenity;
- iv) Flood risk and drainage;
- v) Impact on the gas pipeline;
- vi) Highways impact;
- vii) Impact on biodiversity and protected species; and
- viii) Impact on the Public Right of Way.

#### Principle of the development

The application site is land in the open countryside (SP1). The proposed development aligns with the aims of Policy SP15 in that it would protect and enhance the stream corridor and once the work is complete would improve access adjacent to these features and enhance biodiversity along the beck in accordance with Policy SP14. The proposed development would enhance the viability of the PFA and, in principle, is considered an appropriate use of land for flood management purposes in line with Policy SP9.

#### Design and impact on the open countryside

The proposed meanders take the form of two loops off the north-western bank of the existing beck and aim to replicate the historical course of the beck in the 'Big Crooks' field. The layout has been designed to avoid the gas pipeline, the public footpath and the low embankment that cross the field.

Once complete the new course of the beck would only be visible to those using the public footpath across the site. Any visible change to the topography would also be negligible once the land has been reseeded and returned to pasture. The existing boundary planting in the form of the roadside hedge and mature trees would remain and additional tree planting would be completed in the areas between the new meanders and the existing course of the beck to enhance the setting of the beck. The location, scale and arrangement of the meanders are considered appropriate and would not undermine the character of the area or prejudice the quality of the natural environment and the development is considered to be in compliance with Policies SP16 and SP20.

#### Impact on local amenity

The proposed development does not involve any built development or any changes to the hedge and tree lined site boundary which provides natural screening of the field. The site is relatively remote with the nearest residential receptors beyond Ings Lane to the west. It is not considered that the proposed development would create any visual sensitivities for the occupants of those properties.

There is the potential for noise to be generated by the operation of the excavator and dumper. However, the construction/excavation works would take place during day light hours and a condition shall be included to restrict works to standard working hours in the interests of protecting amenity. There are no proposals for any on site lighting during the construction/excavation phase. Any fuel, oil or liquids that have the potential to cause pollution will be required to be stored in impervious bunded areas. It is not anticipated that the development would give rise to any unacceptable impacts in terms of pollution, disturbance or visual intrusion and would not conflict with the relevant parts of Policy SP20.

## Flood risk and drainage

The site lies within Flood Zones 2 and 3, the medium and high probability zones. With regard to the flood risk vulnerability classification of the proposed development the creation of two meanders is considered to be a 'water compatible' land use as defined by National Planning Practice Guidance: Flood Risk and Coastal Change (2014). The Environment Agency has granted a flood risk activity permit for the proposed works. It is relevant to note that the highest flood recorded at the Environment Agency gauging weir, which is positioned in the beck at the northern end of the field, was contained within the Flood Zone 3 area.

The excavations to create the two meanders will generate approximately 2,700m<sup>3</sup> of spoil. It is proposed that approximately 1/3rd of the spoil would be distributed in the Flood Zone 3 area immediate to the watercourse and 2/3rds would be in the part of the field in Flood Zone 2. The application details identify five spoil disposal areas within the site, four in Flood Zone 3 and one in Flood Zone 2. Within Flood Zone 3 the spoil will be deposited inside the loops of both meanders; between the two meanders; and also to the south west of meander 2. In Flood Zone 3 a depth of 0.25m will accommodate 1038m<sup>3</sup> and the balance of about 1670m<sup>3</sup> will be deposited in Flood Zone 2 at a fill depth of 0.32m. Spoil deposited in Flood Zone 2 would be behind (i.e. to the north and west of) the low embankment running though the field where the land height is lower and the aim is not to increase the height of the embankment. Similarly in Flood Zone 3, the aim is to keep land levels below the height of the embankment. The distribution of the spoil has been mandated in the EA permit that has been granted. The spoil in Flood Zone 3 will be graded so that surface water will drain to the existing watercourse and the proposed development will not decrease the surface area available for surface water run-off. The proposed development would result in a modest increase in water storage capacity in the field.

The Lead Local Flood Authority (LLFA) has confirmed that as the works relate to a main river it falls under the Environment Agency's remit and there is no requirement for LLFA comments. The Vale of Pickering IDB has confirmed that their ditch network will not be affected by the proposed introduction of meanders to the watercourse and they fully support the project. Yorkshire Water have no comments to make and the Environment Agency have no objections provided that the development is carried out in accordance with the submitted Flood Risk Assessment. The Environment Agency supports the enhancements to fish habitat and local biodiversity.

It is considered that the proposed development would incorporate satisfactory drainage arrangements and would not give rise to increased flood risk at the site or elsewhere in compliance with the relevant part of Policy SP17.

## Impact on the gas pipeline

The route of the gas pipeline is marked on the plans submitted with the application which includes a 'no dig' zone. It is understood that the pipe is approximately 1m below ground level. The proposed route of the meanders take account of the gas pipeline. The applicant has been in direct contact with Third Energy Ltd and a 3m exclusion zone either side of the pipeline has been agreed in order to avoid disturbance to the pipe and its associated fibre-optic data cable. A planning condition shall be included to confirm the exclusion zone.

During excavation/construction it will be necessary for the heavy machinery such as the excavator and loaded dumpers to cross the route of the pipeline. Prior to the commencement of work it will be necessary for the Applicant to liaise with the pipeline operator (Third Energy Ltd) to identify a crossing point and install suitable load spreading plates over the route of the pipeline and an informative shall be included to that effect.

## Highways impact

All excavated spoil would be redistributed within the application site and there would be no export or import of materials. As a result there would be no increase in heavy traffic associated with the development. The vehicle movements would be limited to the delivery and removal of the plant and machinery at the start and end of the excavation/construction period. The vehicles would use the

existing access in the north-west corner of the field. During the excavation/construction period the main vehicle movements would be the daily travel to/from the site by workmen. A condition shall be included to ensure that all vehicles are parked within the site. In light of the above it is considered that the proposed development would not give rise to conditions prejudicial to highway safety and complies with the relevant parts of Policy SP20.

#### Biodiversity and protected species

No trees or hedgerows in the field/roadside boundary will be removed. In order to strengthen the eastern part of the existing beck from ongoing erosion two trees would need to be cut and hinged as part of the protection of the bank. Once the trunks are pinned the space behind would be filled with brash from the trees which will slow the flow of the water and allow the build-up of sediment which over time will consolidate and protect the bank.

The areas isolated by the creation of the two meanders will be planted with trees and the banks of the beck will be populated with indigenous marginal plants including trees which will provide cover and shade and protect fish from avian predation. In addition stock proof fencing will be installed along the length of the beck in the field to prevent bank erosion and to allow for riparian improvement.

The application is accompanied by an extended phase 1 habitat survey. The results indicate that no further surveys are required for birds, bats, great crested newts, reptiles, badgers or otters. The survey also concluded that the works would have a positive effect on the water vole population and on local fish populations. The survey confirmed that a further presence/absence survey for water vole was required and this was completed in July 2018. It was noted that the watercourse has features and habitat suitable for water vole. However, there were no signs of recent or old water vole activity and this is likely to be due to the presence of American mink in the area which is a predator and therefore a limiting factor for vole populations along the beck. The survey concluded that no mitigation or other measures are needed in relation to water vole along this section of the watercourse and the works would result in an improved habitat for water vole upon completion. It is understood that there are currently no records of crayfish at the proposed development site, however, a pre commencement presence/absence check for crayfish shall be conducted in accordance with the submitted habitat survey and any necessary steps taken to relocate any crayfish a safe distance from the works. It is considered that the proposed development would protect and enhance habitats in and around the beck and complies with the requirements of Policy SP14.

#### Impact on the Public Right of Way

The proposed meanders would not have a permanent impact on the existing route of the PRoW across the field. However, the applicant is to apply for a temporary closure or diversion on safety grounds in light of the movement of vehicles and machinery in close proximity to the footpath. The PRoW Team have requested that any permission granted includes an informative requiring that no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

In the short term, during construction/excavation, there would be an impact on users of the PRoW. However, it is considered that any short term adverse impact on users of the PRoW is outweighed by the longer term enhancement arising from the development in terms of access along land adjacent to the beck side and habitat creation and improvement.

#### Conclusion

The Town Council recognises the ecological and environmental benefits of the scheme and supports the application. Furthermore, no representations have been made by any local residents or members of the public and there are no objections to the development from any consultee. The proposed development would improve the flow of water in the beck in terms of reducing and controlling erosion and siltation and restore the historical course of the beck through the recreation of meanders. The meanders would provide 'nursery areas' for fish in normal flow periods, improve angling conditions along this part of the beck and also conserve and enhance biodiversity through improved natural habitats along the beck.



The proposed development would not undermine the character of the area or the appearance of the open countryside and can be accommodated without resulting in a materially adverse impact on flood risk management in the locality. In light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP1, SP9, SP14, SP15, SP16, SP17 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The recommendation to Members is one of approval.

**RECOMMENDATION:                      Approval**

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

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

2            The development hereby permitted shall be carried out in accordance with the following approved plans:

General Location Plan ref. PFA/BC/Plan/1 Issue 2, undated  
Large Scale Plan ref. PFA/BC/Plan/2 Issue 4, undated  
Site Location Plan ref. PFA/BC/Plan/4 Issue 1, undated  
Pickering Beck Feasibility Survey, dated 12.12.2017

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

3            Within 2 months of the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, a landscaping and planting scheme based on drawing ref. PFA/BC/Plan/2 Issue 4 shall be submitted to the Local Planning Authority for approval in writing. The scheme shall provide for the planting of trees and shrubs and indicate the species and their general positions, and show areas to be grass seeded or turfed. Planting seeding and/or turfing comprised in the above scheme shall commence during the first planting season following the completion of the ground works for the meanders, 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 and ecological value of the development hereby approved.

4            During the excavation/construction period a root protection exclusion zone shall be in place adjacent to the hedgerow and trees that line the western and north boundaries of the site. The exclusion zone shall be 5m from the centre line of the hedge and shall be kept free of any parked vehicles, plant and machinery or material storage.

Reason: To protect existing planting in the interest of amenity.

5            No vehicles, mobile plant or machinery associated with on-site works shall be parked on the adjacent highway or outside the application site.

Reason: In the interests of highway safety and the general amenity of the area.

6            There shall be no construction, excavation or spreading of spoil undertaken within the application site except between the following hours:- 08:00 - 17:30 Monday to Friday and 09:00 - 13:00 Saturdays. There shall be no work on Sundays or Bank/Public Holidays.

Reason: In the interests of amenity.

- 7 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compounds shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of the inter-connected tanks plus 10%. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.

Reason: In the interest of pollution prevention.

- 8 No construction/excavation work, tree planting, storage of materials or parking of vehicles or machinery shall take place within 3 metres either side of the Third Energy Ltd gas pipeline as shown on the Pickering Beck Feasibility Survey, dated 12.12.2017. The stand-offs shall be maintained at all times.

Reason: In the interest of pipeline protection.

- 9 The development shall not be carried out otherwise than in strict accordance with the Extended Phase 1 Habitat Survey produced by Wold Ecology Ltd, dated March 2018.

Reason: To comply with Policy SP14 (Biodiversity) of the Ryedale Plan - Local Plan Strategy.

- 10 There shall be no excavation in the existing watercourse until a pre-commencement presence/absence survey has been completed for crayfish by a qualified ecologist. If crayfish are present any necessary mitigation and/or enhancement shall be incorporated into the development scheme.

Reason: In the interests of species protection and to comply with Policy SP14 (Biodiversity) of the Ryedale Plan - Local Plan Strategy.

- 11 The development shall not be carried out otherwise than in strict accordance with the flood risk measures as set out document ref. PFA/BC/ERA Issue 1.

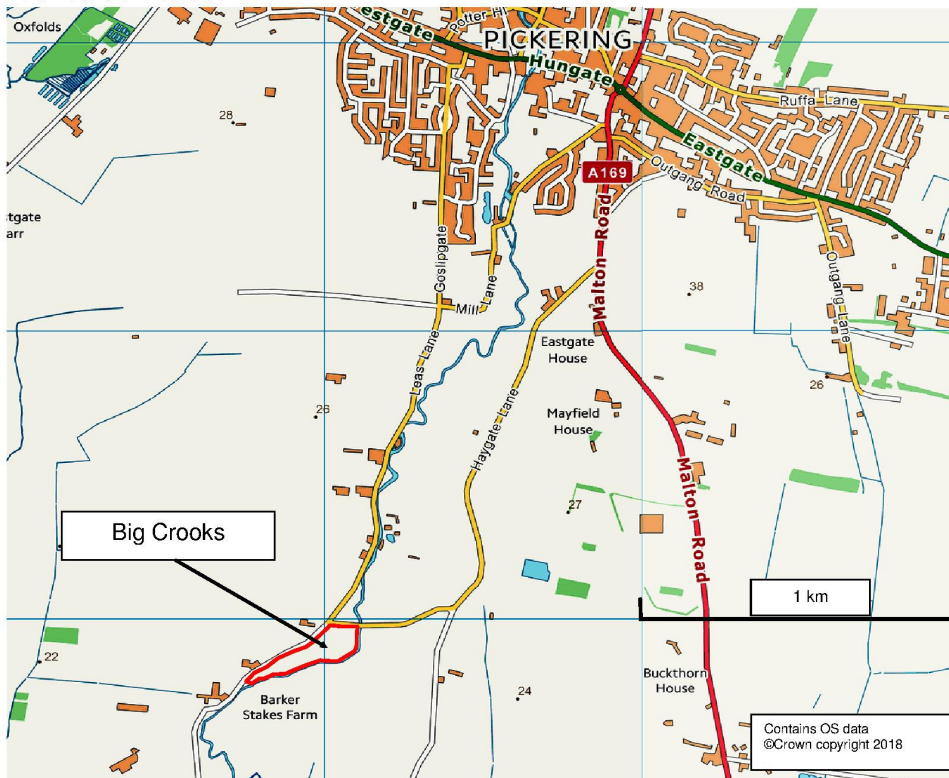
Reason: To comply with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

### **INFORMATIVES**

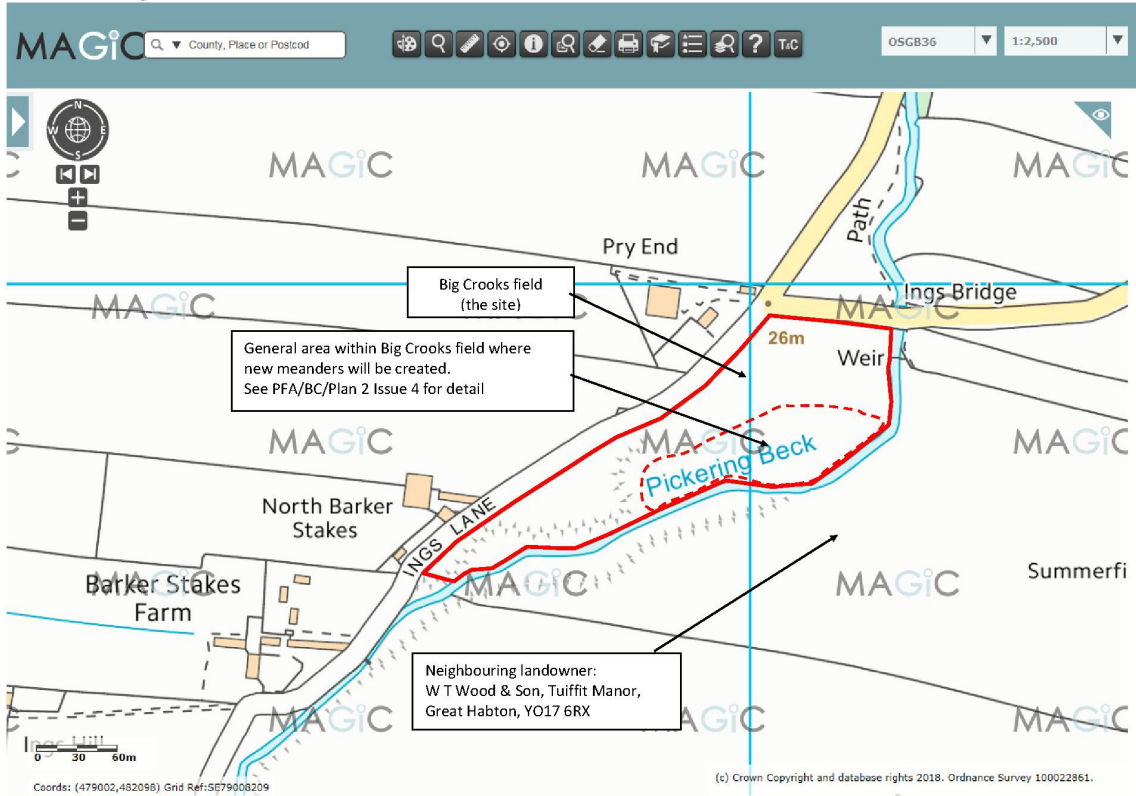
- 01 The Applicant is advised to contact Third Energy Ltd prior to the commencement of development to agree a suitable crossing point over the gas pipeline and install suitable load spreading plates or similar where deemed necessary.

- 02 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

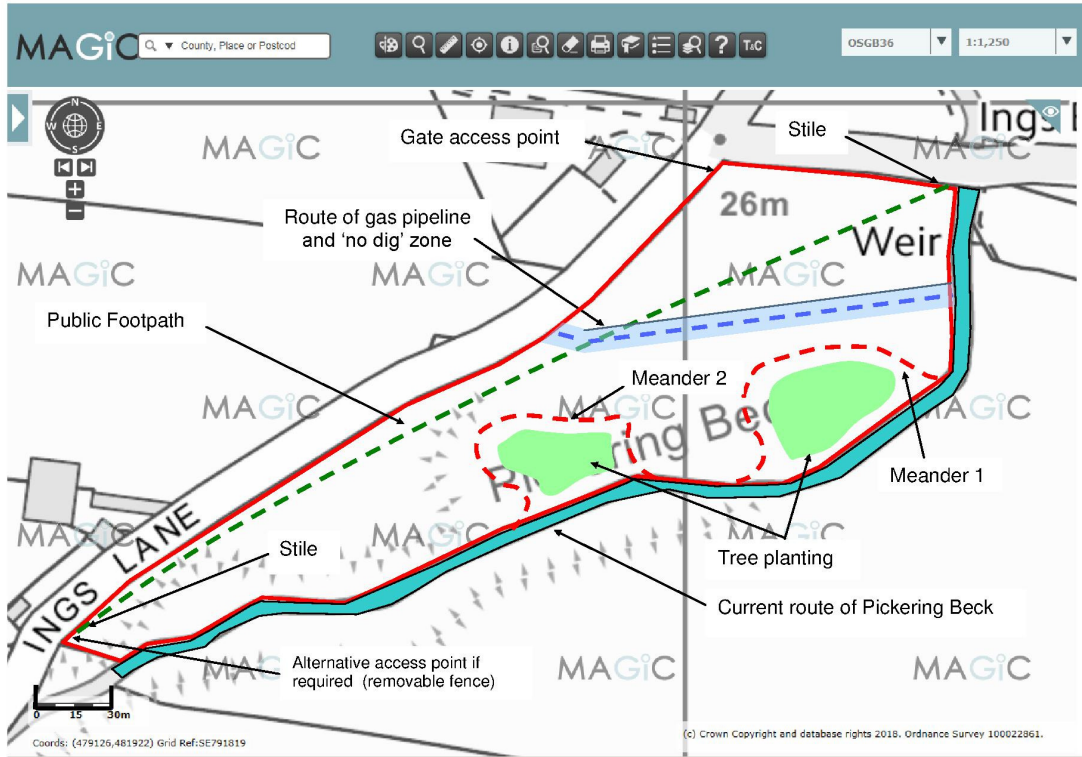
**Big Crooks Field. General Location.**



Site location of Big Crooks

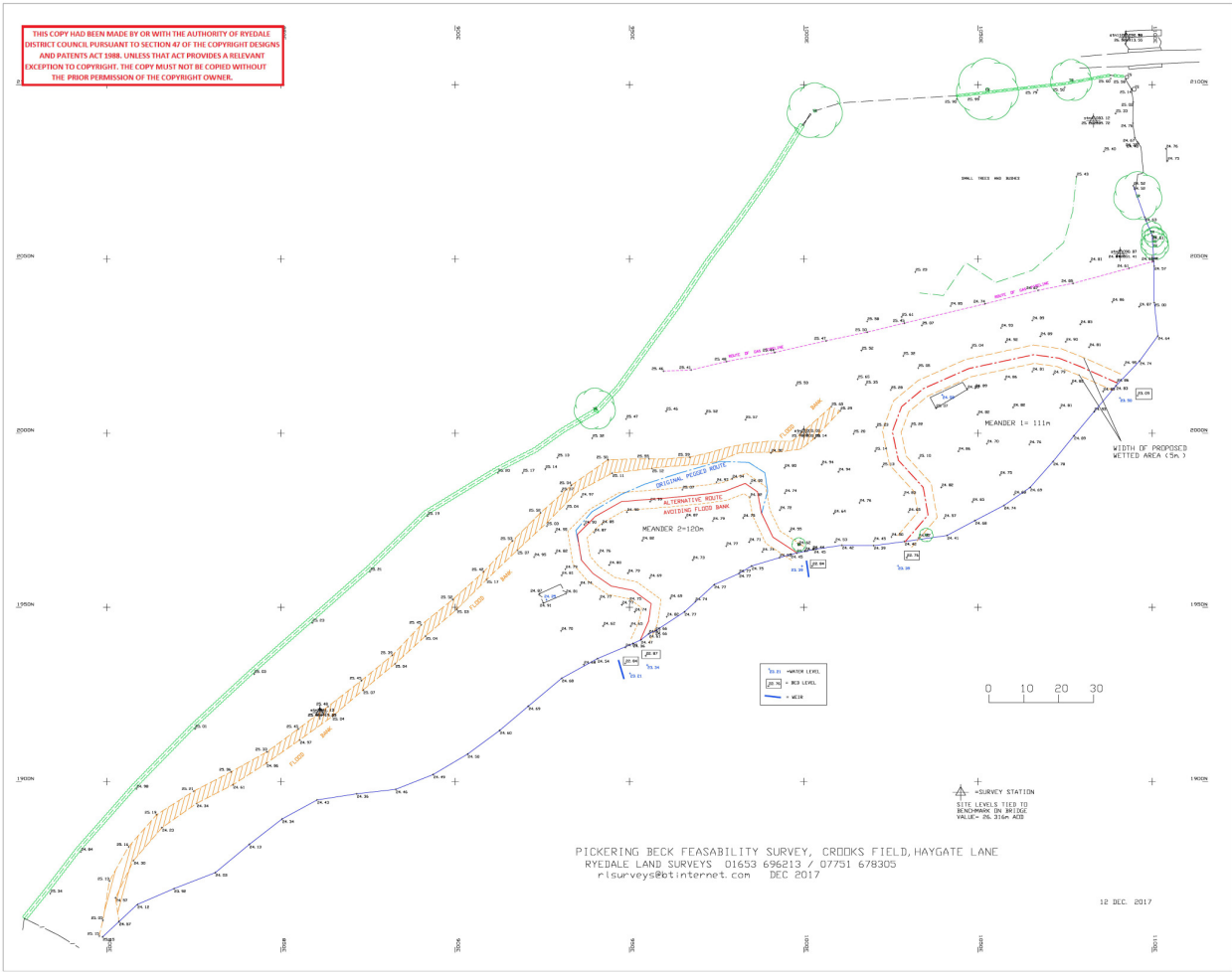


Big Crooks Field. Large Scale Plan

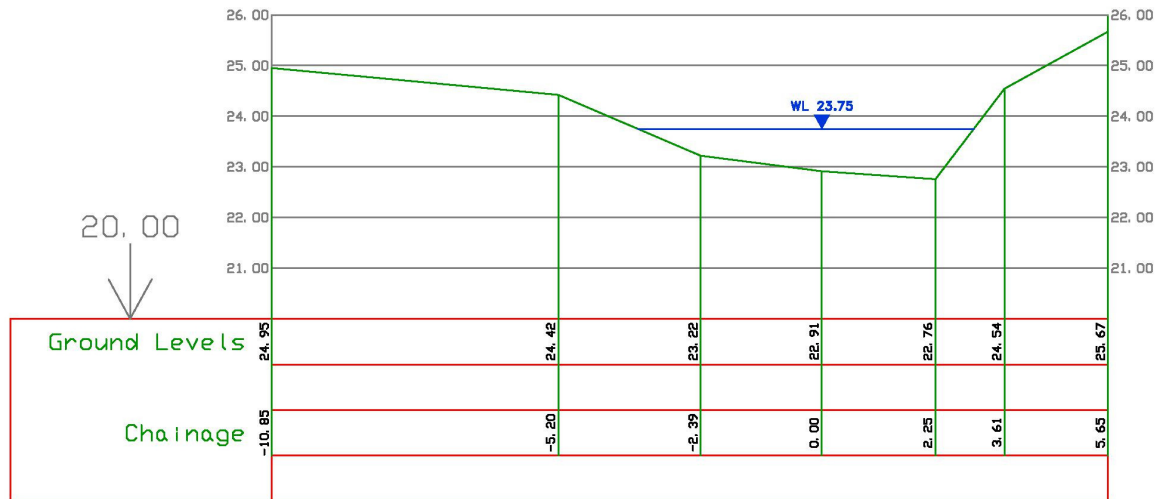


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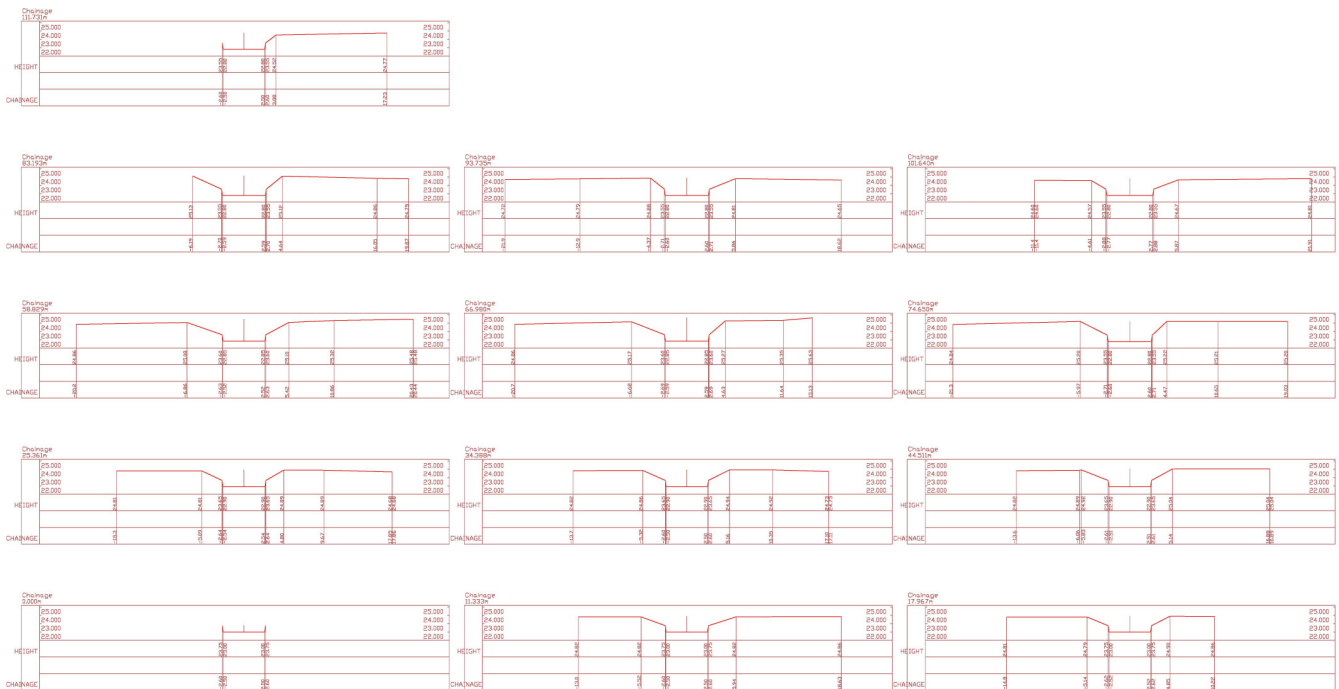
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# Start of Meander 1



RYEDALE LAND SURVEYS 12/04/2018



PICKERING BECK NEW MEANDERS (NORTH EAST MEANDER 1)

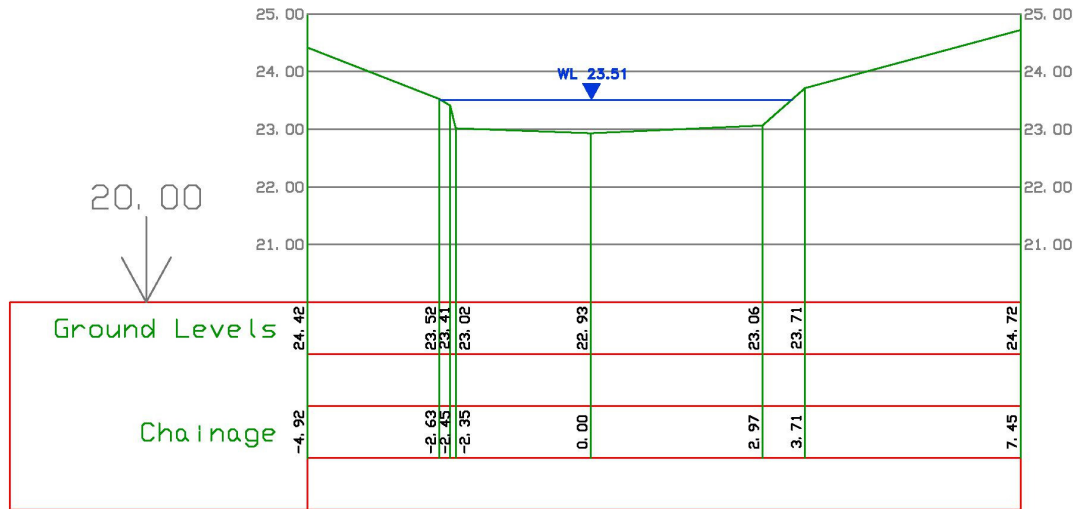
TITLE MEANDER 1 (LENGTH 111m)

SCALE 200

10 Dec 2017 RLS

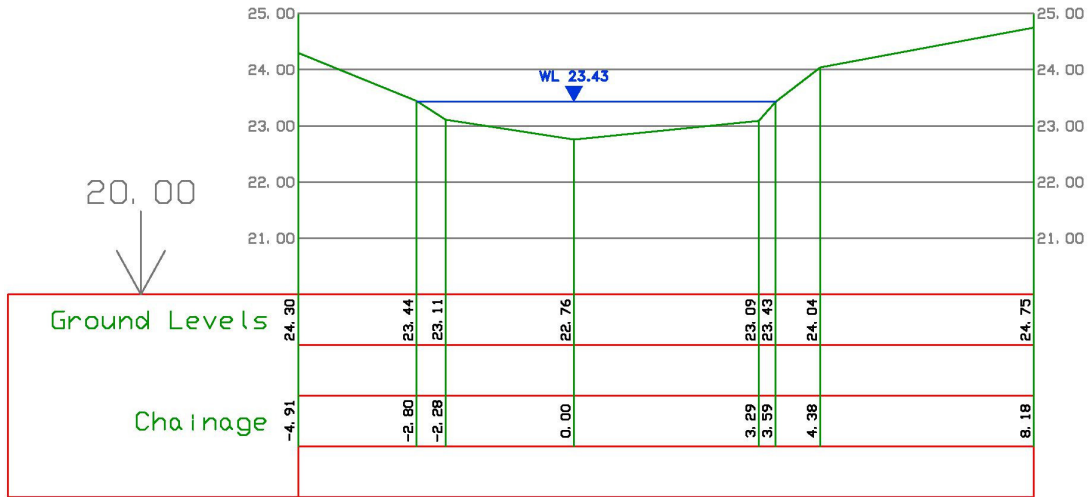


# End of Meander 2 (Above Weir)

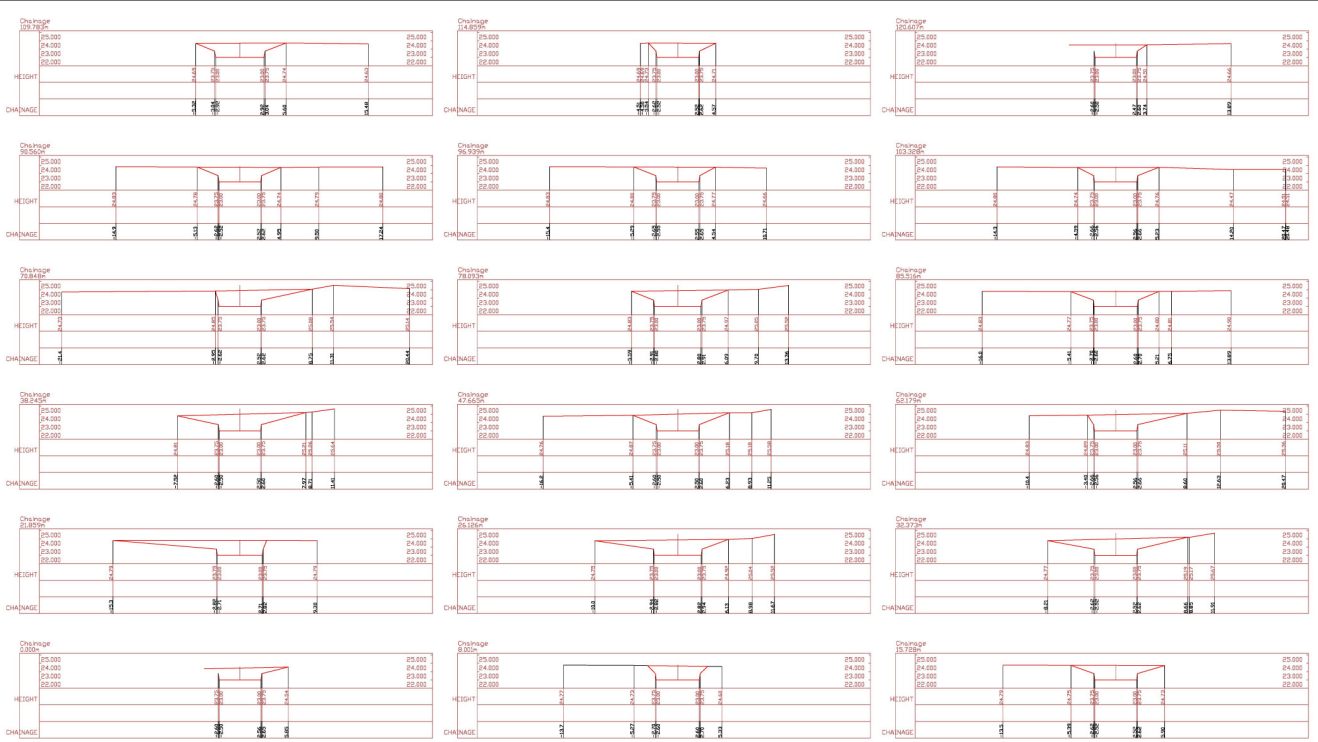


RYEDALE LAND SURVEYS 12/04/2018

# End of Meander 2 (Below Weir)



RYEDALE LAND SURVEYS 12/04/2018

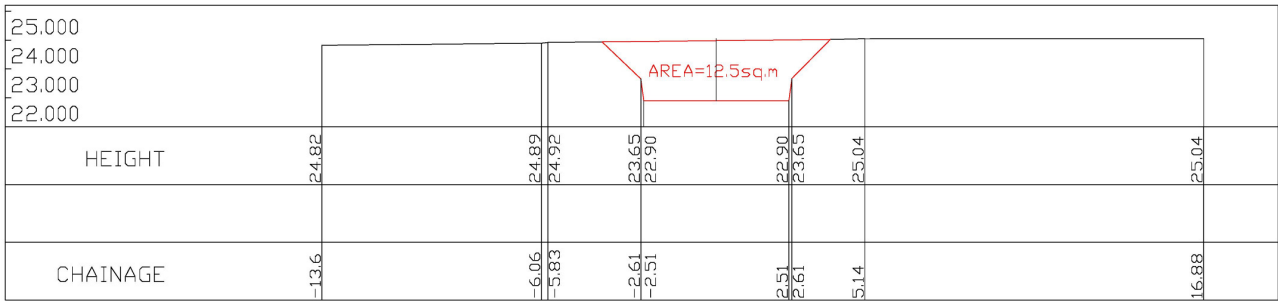


PICKERING BECK NEW MEANDERS (SOUTH WEST MEANDER 2)

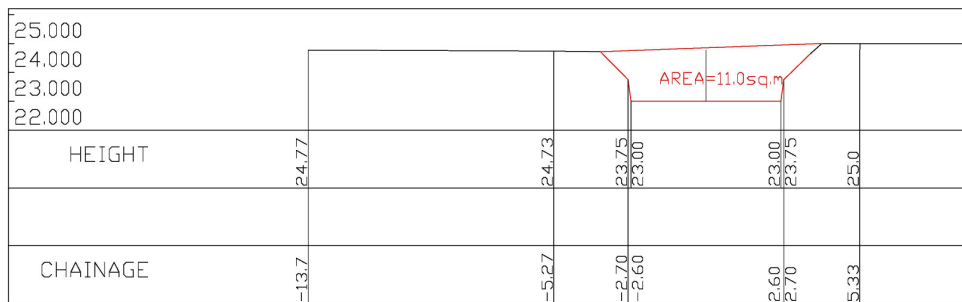
TITLE MEANDER 2 (LENGTH 120m)

SCALE 200

10 Dec 2017 RLS



MEANDER 1 = AVERAGE SECTION (12.5 sq.m) VOLUME=12.5 x 111 = 1388 cu m.  
 RYEDALE LAND SURVEYS 12/12/2017



MEANDER 2 = AVERAGE SECTION (11 sq.m) VOLUME = 11 x 120 = 1320 cu m.  
 RYEDALE LAND SURVEYS 12/12/2017

**Pickering Fishery Association  
Big Crooks Improvement Project**

**Supporting Information for Planning Application**

## **1 Introduction**

This report supports the planning application made by Pickering Fishery Association (PFA) to recreate meanders in Pickering Beck in Big Crooks field. The project is being undertaken in close co-operation with the East Yorkshire Rivers Trust (EYRT).

### **1.1 Brief Description**

Big Crooks field lies south of Pickering, adjacent to Ings Lane (PFA/BC/Plan/1 Issue 2 refers). The field is owned by PFA. It has a total area of 2.76ha.

A review of historical maps shows that the present course of Pickering Beck is relatively recent. The 1854 survey (Fig 1) shows 3 meanders. By 1892, Meander 2 had disappeared. Some time before 1970, Meander 1 had been removed and Meander 3 partially straightened/realigned to produce the course which exists today.

The aim of the project is to re-create the meanders to the extent practical, taking into account the Third Energy gas pipe that now runs through the field. Two new meanders will be introduced (Fig 2), linking to the existing course of the Beck; the existing watercourse will be retained but the flow along it will be split so that 20% follows the existing course with 80% diverted to the new meanders. Spoil from the excavation will be distributed in Big Crooks field. There will be no import or export of spoil from the site. The work will also include improvements to stream access and to two parts of the east bank of the Beck which are currently suffering erosion.

The scheme has the following benefits:

- It will improve the natural habitat of the stream. Restoration of bends will provide variety in the flow regime of the stream which is absent at present. The bends will introduce rotating flows which will produce eddies and encourage the creation of cross-stream depth profiles.
- It will improve angling, and improve access to the stream for limited mobility sufferers.
- By increasing the overall volume of the stream channel through the field, the capacity of the field to accept flood water will increase.

An Environment Agency Flood Risk Activity Permit has been granted for the work. A full description of the Beck in its present course is given in PFA/BC/ERA Issue 1. Supporting photographs are provided in PFA/BC/PHOTO Issue 1.

### **1.2 Outline of Implementation**

Big Crooks field has been surveyed to determine the levels of the land and the river bed (Section 2). The route of the gas pipe has been determined with the help of Third Energy and pegged out on the ground. The proposed routes of the new meanders were identified using historical maps as a guide; these routes have also been pegged out on the ground. The meanders re-instate the historical Meanders 1 and 2 (Fig 1) to the extent practicable given the presence of the gas pipe. It is not proposed to re-instate Meander 3 since doing so would produce an excessive quantity of spoil in relation to the benefit gained from it. Test pits were sunk in order to establish the nature of the sub-soil and the ground water conditions.

Excavation of the meanders will produce an estimated 2700m<sup>3</sup> of spoil; this will be distributed over the remaining area of Big Crooks field. The effect of this on the flood storage capacity of the field has been assessed and is reported in Annex A of PFA/BC/ERA Issue 1. It has been determined that placing 1/3<sup>rd</sup> of the spoil in Flood Zone 3 immediately adjacent to the water course, with the remaining 2/3<sup>rd</sup>s placed on the higher ground of Flood Zone 2 will give a modest increase in the water storage capacity of the field in Flood Zone 3. This distribution of spoil has been mandated in the EA Flood Risk Activity Permit (EPR/KB3450SA). Flooding risk is discussed in detail in Section 3.2 below.

The timing of the excavation work is a significant aspect of the project. The work must be done outside the spawning seasons for the fish in the stream (late autumn for trout; early spring for grayling and other coarse fish). The work can most easily be done when the weather is dry and when ground water levels are low. These constraints dictate that the work must be done in late summer/early autumn (ie late July to mid October). This will minimise the release of sediment to the Beck. Further protection against sediment ingress will be provided by installing 'Sedimats' on the stream bed, downstream of the works.

A Management System for control of the work has been prepared (PFA/BC/MSYS Issue 1) and an outline Method Statement drawn up (PFA/BC/MS Issue 1). The Method Statement will be further detailed when

contractors for the work are appointed. It is a condition of the Flood Risk Activity Permit that work cannot commence until a more detailed Method Statement has been approved by the Environment Agency.

Working times during implementation will be Monday to Friday during the working day. Evening and weekend working will not be necessary

### 1.3 Precedents

Re-creation of meanders in previously modified watercourses is not novel, although it is thought to be new to Ryedale. A large project in Cumbria involving RSPB, Environment Agency and United Utilities was carried out to restore Swindale Beck [Ref 1]. Other projects have occurred on the River Witham [Ref 2], and nearer to home at Lowthorpe Mill on Foston Beck near Driffield [Ref 3]. This latter award-winning project was delivered by East Yorkshire Rivers Trust who are partnering PFA in the work at Big Crooks.

### 1.4 Environment Agency Assessment

The proposed scheme has already been subject to assessment by the Environment Agency through an application for a bespoke environmental permit. This permit has been granted (EPR/KB34850SA), as referred to above. Documents produced in support of the application; the comments received and the responses made to them will be referred to in this report when it is appropriate to do so, and are listed in Section 6.

## 2 Site Plans and Survey Detail

The following plans are attached:

PFA/BC/Plan 1 Issue 2	General location of Big Crooks field, in relation to Pickering
PFA/BC/Plan 2 Issue 4	Large Scale field plan based on MAGIC at a scale of 1:1250, showing the field outlined in red, the meanders, the route of the Third Energy gas pipe, the footpath, access points and proposed tree-planting areas.

The site has been surveyed by Ryedale Land Surveys. The following detailed drawings have been produced and are appended to this application:

File Name	Description
Pbeck2017New Model	Survey of Big Crooks field showing boundaries, spot heights and the route of Pickering Beck. The proposed routes of the re-instated meanders are shown. Note: the proposed route of Meander 2 was revised during the survey in order to avoid higher ground– this is shown in red. The route shown in blue should be ignored.
Meander 1 and Meander 2 Average Section - Model	Average cross-sectional areas of Meander 1 and Meander 2. Includes spoil volumes.
Meander 1	Cross-sectional areas of Meander 1 along its length
Meander 2	Cross-sectional areas of Meander 2 along its length
Start of Meander 1	Cross-sectional area of existing river bed at the start of Meander 1
End of Meander 2 – above weir	Cross-sectional area of existing river bed at the end of Meander 2, above the existing ad-hoc stone weir
End of Meander 2 – below weir	Cross-sectional area of existing river bed at the end of Meander 2, below the existing ad-hoc stone weir

An in-depth review (PFA/BC/EA/3 Issue 1) has been produced to demonstrate that once the meanders are re-instated, the revised course of Pickering Beck will not reduce the overall cross-section of the Beck. This review is appended.

## 3 Supporting Information for Specific Sections of the Application

### 3.1 Pedestrian Access and Rights of Way (Section 6 of the Planning Application Form)

Pedestrian access to Big Crooks field is made using the two stiles. Stile 1 is adjacent to Ings Bridge on Haygate Lane at the north west of the site. Stile 2 is at the extreme southern end of the site, leading onto Ings Lane near North Barker Stakes farm. A public footpath runs across the field between the two stiles. These features are shown on PFA/BC/Plan 2 Issue 4.

Neither the position of the two stiles nor the route of the public footpath will be affected by the re-instatement of the meanders, once the ground work is complete. However, during the implementation phase, site machinery such as dumper trucks will be working across the whole area of the field. In the interests of public safety,

therefore, it will be necessary to close the footpath while work is underway. An application will be made to North Yorkshire County Council for this temporary closure.

An alternative route between the Stile 1 and Stile 2 is available by going east along Haygate Lane to its junction with Ings Lane and then south west along Ings Lane.

### **3.2 Flood Risk (Section 12 of the Planning Application Form)**

It is recognised that the impact on flooding is a key risk for the proposed development.

Part of Big Crooks field lies in Flood Zone 3, with the balance designated as Flood Zone 2. Section 4.1 of PFA/BC/ERA Issue 1 discusses the flood risk; Figure 5 of which shows the flood zones.

Unlike a development involving the construction of buildings or hard infrastructure, the re-instatement of meanders in Big Crooks will not reduce the surface area available for surface water to run off or soak into the ground. Hence there is no change to the overall area capacity for flood waters. Annex A of PFA/BC/ERA Issue 1 discusses the management of spoil from the excavation work and shows that construction of the meanders will produce a modest increase in the flood water storage capacity in the most sensitive (Flood Zone 3) part of the of the field. It is worth noting that the highest flood recorded at the Environment Agency Gauging weir in Big Crooks (station ID 8330) was retained within Flood Zone 3.

The Environment Agency environmental permit contains the following introductory note:

"We're satisfied that you can carry out your activities in accordance with the enclosed permit, without increasing flood risk or harming land drainage."

As a separate activity, water levels during the heavy rain of April 2018 have been reviewed using official data published online. This review is appended (PFA/BC/Flood Issue 1). Although a record high water level upstream of the control structure for the Pickering Flood Alleviation Scheme was reached, the water level at Big Crooks did not exceed 1.1m and there was only minor encroachment of water above the banks of the Beck into Flood Zone 3.

#### **3.2.1 Review of Alternatives**

Planning guidance requires that all proposals in high risk flood zones must include information about alternative sites that have been considered in order to support a sequential test for the proposed development. In this case, the proposed works are concerned with restoration of Pickering Beck in the specific location of Big Crooks field. It is not possible to transfer the proposed work to an alternative location.

The only possible alternative is, therefore, to do nothing. If the meanders are not constructed then Big Crooks will remain in its present state. In this case:

- the river habitat will not be improved,
- the historical route of the beck will not be restored,
- the improvement to landscape will not be made.

Since assessments have shown that the project will have a positive effect on the local environment, there is no benefit to be achieved by the 'do nothing' option.

### **3.3 Biodiversity (Section 13 of the Planning Application Form)**

This aspect of the project was considered in PFA/BC/ERA Issue 1. Section 5.3 noted that:

"Searches of the MAGIC database have found the following:

- Big Crooks is not a Site of Special Scientific Interest
  - Big Crooks is not a RAMSAR site
  - Big Crooks is not a Special Area of Conservation
  - Big Crooks is not a Special Protection Area
  - Big Crooks is not a Priority Grassland Habitat Area
- Big Crooks has not been identified as a habitat for any European Protected Species: amphibians, bats, invertebrates, other mammals, plants or reptiles." (but see below)

It was later realised that the last statement was in error, and should have said that no **Licences** involving European Protected Species have been issued for Big Crooks. Further clarification on protected species was presented in Item 1 of PFA/BC/EA/1 Issue 3 which discussed water voles, badgers, otters and bats.

Subsequently, an ecological survey of Big Crooks has been undertaken by Wold Ecology Ltd. and the report: (Big Crooks, Pickering, North Yorkshire. Extended Phase 1 Habitat Survey. March 2018) is appended. The report considered species that may be present in Big Crooks, including birds, trees and hedges, grassland and the river itself,

Wold Ecology is experienced in providing such assessments; the author is suitably qualified (MCIEEM). The work included consideration of ecological data from the North & East Yorkshire Ecological Data Centre. (NEYDEC). Thus, the survey meets the requirements of Ryedale District Council 'Protected Species and Habitats' guidance document, and the requirements of National and Local planning guidance. The Ryedale District Council form 'Protected Species and Habitats' is appended.

The report concluded that:

- No further surveys were required for: birds, bats, great crested newt, reptiles, badgers and otter.
- The proposed work is unlikely to have any impact of hedgehogs at the site.
- The proposed work may have a positive effect on water vole population in the wider area.
- The proposed work is considered to have a positive impact on local fish populations. (Author's note: these include brown trout and coarse fish such as grayling and dace which are in decline in many areas)

Phase 2 studies surveys were recommended as follows:

- watercourses within 100m of the development should be surveyed for presence or absence of water voles and American mink.
- A presence or absence survey should be carried out for white-clawed crayfish.

These surveys will be undertaken by a qualified ecologist from East Yorkshire Rivers Trust and the results reported to Ryedale District Council before the commencement of work.

The site has also been inspected by a locally-based EA ecologist who offered advice on tree planting on the areas which will be cut-off by the works, which is accepted (see PFA/BC/Plan 2 Issue 4). In addition, guidance was provided on measures to prevent the spread of disease or invasive species; these will be adopted during the course of the work.

### **3.4 Trees & Hedges (Section 15 of the Planning Application Form)**

The site is roughly triangular in plan, with Pickering Beck along one side and Haygate Lane and Ings Lane on the other two. The boundaries with Ings Lane (west) and Haygate Lane (north) are marked by hedgerows. Along the bank of Pickering Beck there are scattered trees; there is a larger number of trees on the neighbouring land along the east bank of the Beck.

Vehicle access to the site is through an existing gate in the north west corner. There is an alternative access via a removable piece of fencing at the south west corner. Hence, the proposed work will not impact on the hedgerows to the north and west of the site, which will remain undisturbed.

No mature or ecologically valuable trees will be removed as part of this project. However, at the commencement of Meander 1 there is the stump of a previously-felled tree which will be removed.

As part of the project it has been agreed with the neighbouring landowner that two regions of the east bank of the Beck will be protected/strengthened against stream erosion. This has been agreed with the Environment Agency.

The work will require the sacrifice of two trees, one at each location. Each tree will be partially cut and hinged downward, placing the trunk across the section of bank, then pinned securely in place. The space behind the trunk will be back-filled with brash from the tree. By hinging the tree rather than cutting it completely, growth continues, further increasing the density of protection to the river bank. In a flood, the brash slows down the flow of water next to the bank and encourages sediment to deposit there. Over time, this builds up and consolidates to form a new section of bank in front of the vulnerable area behind it.

This is a standard method of bank protection which has been used elsewhere on Pickering Beck and on the River Seven near Sinnington.

## **4 Other relevant Issues**

### **4.1 Landscaping, fencing and tree planting**

As noted earlier, the spoil from excavating the new meanders will be distributed across the rest of Big Crooks field. This will be done evenly so as to avoid any change to the local profile of the land. The distinction between Flood Zone 3 and Flood Zone 2, which exists as a low sloped bank, will be retained. When this is complete, the field will be re-seeded with a 'Derwent mix' so that grassland can be re-established without delay

It is proposed to install fencing along the length of Beck in Big Crooks, including the new meanders, set back from it by several metres. This will deny access to the bank by livestock (sheep), thus preventing bank erosion and its associated release of soil/silt to the watercourse. Again, this is a normal practice for riparian improvement.



The areas of land isolated by the creation of the two new meanders will be planted with trees, in accordance with advice from the Environment Agency. Planting-up these areas will inhibit the growth of undesirable vegetation such as Himalayan Balsam, a non-native invasive species which has become rampant on other parts of Pickering Beck.

The banks of the new meanders will be populated by indigenous marginal plants, including trees (eg alder). This is needed to provide cover and protect fish from avian predation and to provide shade. This will help to mitigate the increase in water temperature during prolonged sunny weather, so improving conditions for aquatic species. Immediately after the meanders have been created, the new lengths of river bed will be populated with aquatic plants harvested from other undisturbed parts of the Pickering Beck within Big Crooks. This technique was successfully used on the EYRT project at Foston Beck, near Driffield.

Indigenous plants will include emergent species such as:

Sparganium Branched Burreed  
Phalaris Reed sweet grass  
Rorippa Water cress  
Berula Water parsnip  
Mentha Water mint

together with submerged species such as Ranunculus (Water crowfoot) and Fontinalis (moss).

A grant application has been made to Ryedale District Council for Section 106 funds to cover the costs of the fencing, re-seeding and tree planting.

#### **4.2 Highways and local roads**

As stated in Section 1.1, there will be no import or export of spoil from the Big Crooks site. Consequently there will be no increase in heavy vehicle traffic along the roads leading to the site.

Vehicle movements will be limited to the delivery and removal of plant and machinery need to implement the project; it is currently expected that one excavator and two dumper trucks will be required.

Associated vehicle traffic will involve daily travel to/from the site by workmen and occasional delivery of materials – such as fuel, fencing materials etc. This traffic will have no significant effect on the local environment, since intermittent van traffic and movement of farm machinery is part of the normal environment for both Haygate Land and Ings Lane.

#### **4.3 Third Energy Gas Pipe**

As noted in Section 1, there is a gas pipe owned by Third Energy routed below ground through Big Crooks, The pipe was installed in 2002. This is shown in PFA/BC/Plan 2 Issue 4.

Third Energy have been consulted during the development phase of the project. With their assistance, the precise route of the pipe was traced across the field and pegged out on the ground. Typically the pipe is 1m below ground surface level.

Third Energy require an exclusion zone of 3m either side of the pipe in order to avoid disturbance of the pipe or its associated fibre-optic data cable. The design of Meander 1 has takes this into account

Third Energy have also been consulted about the movement of machinery over the route of the pipe. Vehicles such as farm tractors and the like may be driven over, but the movement of heavy machinery such as an excavator and loaded dumpers will require further assessment.

Prior to commencement of work Third Energy will be consulted to establish the requirements for movement of heavy vehicles. It is anticipated that this will involve the identification of designated crossing points and the deployment of suitable load spreading plates over the route of the pipeline. In addition, consultation will also determine if there are any constraints to spoil deposition above the pipe route.

## **5 Review Against the requirements of the Local Plan Strategy**

A review of the impact of the project against all elements of the Local Plan Strategy is presented in Annex 1. It is shown that that project either does not conflict with delivery of these objectives, or contributes to the delivery of them.

## Schedule of Attached Supporting Documents

Document No	Title/description
PFA/BC/Plan 1 Issue 2	General location of Big Crooks field, in relation to Pickering
PFA/BC/Plan 2 Issue 4	Large Scale field plan based on MAGIC at a scale of 1:1250, showing the field outlined in red, the gas pipe in blue and the public footpath in green.
Pbeck2017New Model	Survey of Big Crooks field showing boundaries, spot heights and the route of Pickering Beck. The proposed routes of the re-instated meanders are shown. Note: the proposed route of Meander 2 was revised during the survey in order to avoid higher ground– this is shown in red. The route shown in blue should be ignored.
Meander 1 and Meander 2 Average Section - Model	Average cross-sectional areas of Meander 1 and Meander 2. Includes spoil volumes.
Meander 1	Cross-sectional areas of Meander 1 along its length
Meander 2	Cross-sectional areas of Meander 2 along its length
Start of Meander 1	Cross-sectional area of existing river bed at the start of Meander 1
End of Meander 2 – above weir	Cross-sectional area of existing river bed at the end of Meander 2, above the existing ad-hoc stone weir
End of Meander 2 – below weir	Cross-sectional area of existing river bed at the end of Meander 2, below the existing ad-hoc stone weir
PFA/BC/ERA Issue 1	Bespoke Environmental Permit Risk Assessment
PFA/BC/MSYS Issue 1	Management System
PFA/BC/MS Issue 1	Method Statement
PFA/BC/WFDRA Issue 1	Water Framework Directive Risk Assessment
Notice of request for more information	Letter from Environment Agency Dated 02 March 2018
PFA/BC/EA/1/Issue 3	Responses to EA comments of 02 March 2018
Notice of request for more information	Letter from Environment Agency Dated 21 March 2018
PFA/BC/EA/2	Responses to further EA comments of 21 March 2018
PFA/BC/PHOTO/1 Issue 1	Photographs of the route of the Beck
PFA/BC/EA/3 Issue 1	Estimates of stream cross-sectional areas (CSAs)
Wold Ecology	Extended Phase 1 Habitat Survey
EPR/KB3450SA	Construction of Meanders: Pickering Beck
PFA/BC/Flood Issue 1	Review of Pickering Beck Flooding in April 2018

## 7 References

- Putting the bends back into Swindale Beck. <https://naturalengland.blog.gov.uk/2016/10/13/putting-the-bends-back-into-swindale-beck/>  
See also: Case study:Swindale Beck Restoration.  
[https://restorerivers.eu/wiki/index.php?title=Case\\_study%3ASwindale\\_Beck\\_Restoration](https://restorerivers.eu/wiki/index.php?title=Case_study%3ASwindale_Beck_Restoration)
- Salmo Trutta. Vol 19, p50, 2016.
- Lowthorpe Mill diversion.  
<http://www.eastyorkshirerivertrust.org.uk/projects/low-thorpe-mill-diversion.html>

Figure 1 Big Crooks. 1854 Survey

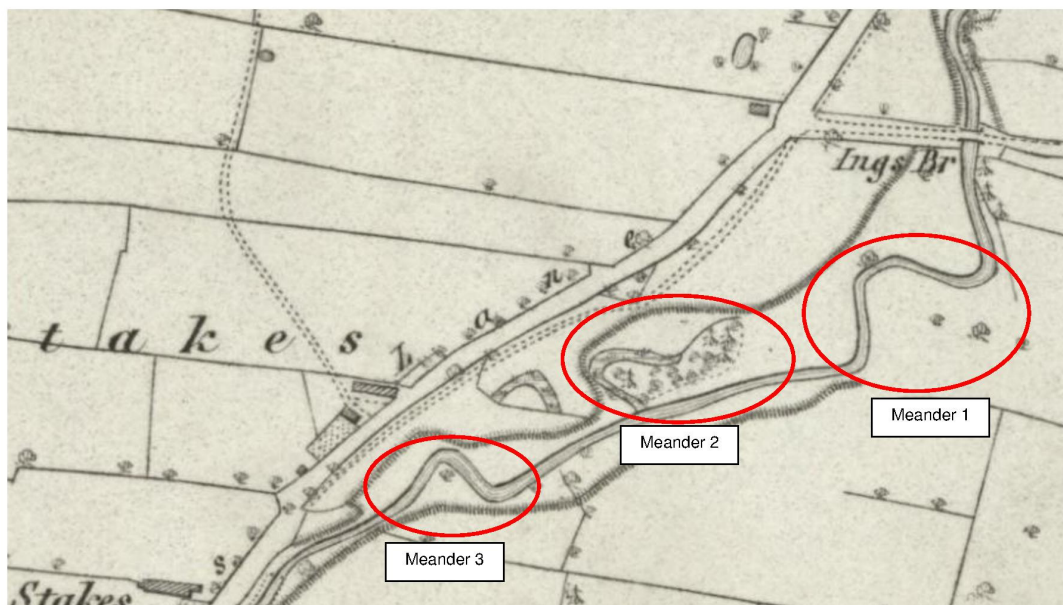
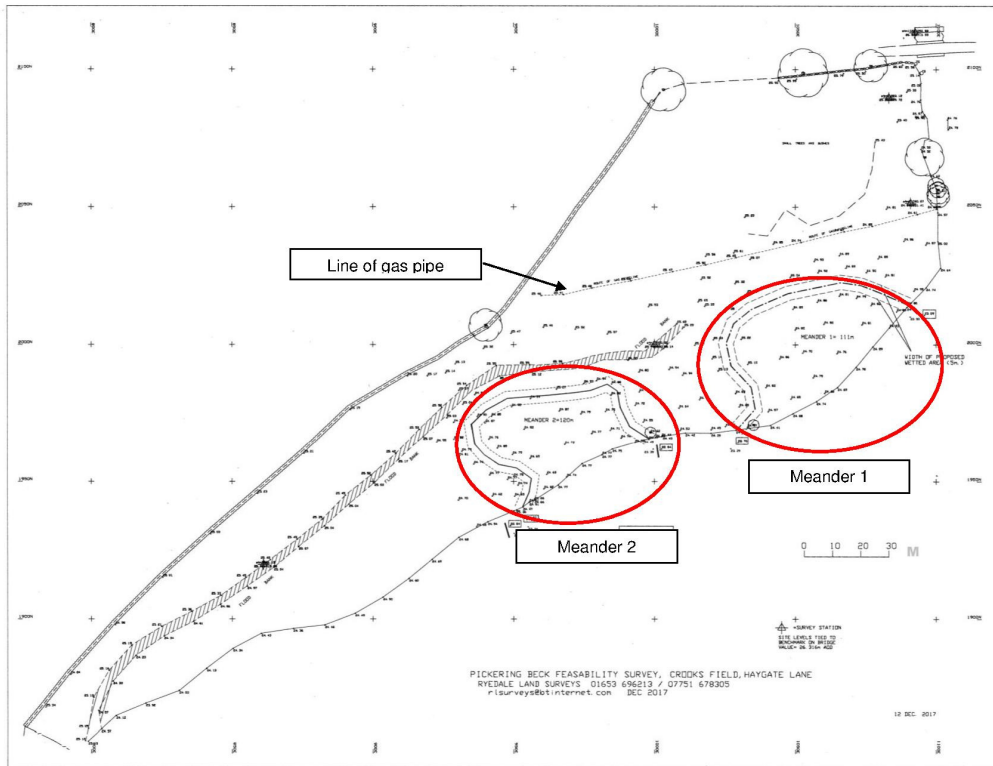


Figure 2 Proposed location of re-instated meanders



**Annex 1 Review Against the Policy Elements of the Local Plan Strategy.**

Policy		Precis of Strategy	Impact of Proposal
SP1	General Location of Development and Settlement Hierarchy	Ryedale's future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary....	The project does not impact on settlement boundaries. It does change the use of the land. It does not involve the construction of any building or structure. It is compatible with neighbouring land use and does not impact on highway capacity or safety.
SP2	Delivery and Distribution of New Housing	The delivery of at least 3000 (net) new homes will be managed over the period 2012-2027.	The project does not involve the construction of new homes and is not in conflict with this policy.
SP3	Affordable Housing	Where local need exists, the Local Planning authority will seek the provision of new affordable homes....	The project does not involve the construction of new homes and is not in conflict with this policy.
SP4	Type and Mix of New Housing	Increased housing choice and high quality housing will be provided....	The project does not involve the construction of new homes and is not in conflict with this policy.
SP5	Site for Gypsies and Travellers and Travelling Showpeople	To address the identified needs of Gypsies and Travellers, Tara Park at Malton will be safeguarded as an existing authorised site.	The project does not conflict with this policy.
SP6	Delivery and Distributing of Employment Land and Premises	New land and buildings for employment will be supported from the following sources....	The project does not involve new land and buildings for employment or otherwise. It does not affect existing core employment sites. The project does not conflict with this policy.
SP7	Town Centres and Retailing	The Town Centres will be the focus for a diverse range of uses in the District. This will principally include retail activity and will also provide a focus for commercial and leisure uses, entertainment facilities, cultural activity and tourism.	The project does not impact on the development of the Town Centres.
SP8	Tourism	Tourism in Ryedale will contribute to a sustainable and diverse economy. The Council will seek to encourage sustainable tourism which minimises its environmental impact on the District.	The project is proposed by Pickering Fishery Association (PFA). While PFA has a maximum limit of 120 full members, membership has been falling in recent years and is well below the limit. The project aims to improve the angling opportunities and so attract new members. Access to the water by those of limited mobility will be improved. At present, most members reside outside Ryedale. Implementation of the project is, therefore, expected to provide a small increase in sustainable tourism. The location of Big Crooks means that this increase will not adversely impact highways, car parking or traffic management issues in Pickering itself. Therefore, the project contributes to the delivery of this policy.
SP9	The Land-Based and Rural Economy	Ryedale's land-based economy will be sustained and diversified....	The project does not involve a change of use of the land, nor does it involve and change or conversion of any existing buildings. The project does not conflict with this policy.

	<b>Policy</b>	<b>Precis of Strategy</b>	<b>Impact of Proposal</b>
SP10	Physical Infrastructure	Improvement to physical infrastructure identified in Table 2 and Table 3 which is critical and necessary to support this Strategy, will be secured through planning obligations and tariff based contributions over the Plan Period in tandem with new development.	The project does not make any changes to physical infrastructure, nor does it require any such changes to be provided by other parties.
SP11	Community Facilities and Services	Proposals for the provision of new community facilities or services will be supported in principle as follows....	The project does not involve the provision of new community facilities as such. However, improved angling opportunities will be of benefit to the community. Therefore, the project contributes to the delivery of this policy.
SP12	Heritage	Distinctive elements of Ryedale's historic environment will be conserved and where appropriate enhanced	The project does not impact on the historic environment as it normally perceived in terms of buildings and structures. However, the project is designed to return Pickering Beck to its historical course, so far as is practicable. Therefore, the project contributes to the delivery of this policy.
SP13	Landscapes	The quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by.....	The project seeks to enhance the local landscape by returning Pickering Beck to its historical course, reversing the changes between 1854 and 1970 so far as is practicable. Therefore, it contributes to the delivery of the policy without adverse effect on the existing landscape: there are no changes to land boundaries, hedges, woodland, topography. There will be no effect on sensitive skylines or hill and valley sides; the ambience of the local area will not be changed.
SP14	Biodiversity	Biodiversity in Ryedale will be conserved, restored and enhanced by.....	The project is specifically aimed at improving the biodiversity of Pickering Beck where it runs through Big Crooks field. By re-introducing meanders in the Beck, the flow regime will be changed which will increase the diversity of the riparian habitat. This will benefit fish, invertebrates and plants. The Environment Agency supports the project for this reason. Therefore, the project contributes to the delivery of this policy.
SP15	Green Infrastructure Networks	A network of green open spaces and natural features will be created and managed across Ryedale to support biodiversity and environmental systems to enhance the attractiveness of places and to support healthy lifestyles by providing opportunities for activity and relaxation.	The project will maintain the open space of Big Crooks field, through which a public footpath runs. Existing grazing for sheep will be retained. The project will improve the biodiversity (see above) and improve the attractiveness of the space for the activity of angling. In addition, the project will improve the variety of the landscape and provide an improved aesthetic experience for walkers and member of the public using the footpath Therefore, the project contributes to the delivery of this policy.
SP16	Design	Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings....	The project does not involve the construction of any building or structure, nor will it change the integration of Big Crooks field with its surroundings. The project does not conflict with this policy

	<b>Policy</b>	<b>Precis of Strategy</b>	<b>Impact of Proposal</b>
SP17	Managing Air Quality, Land and Water Resources	Land resources will be protected and improved by... Flood risk will be managed by... Water resources will be managed by... Air Quality will be protected and improved by...	The project does not affect land resources, water resources or air quality. Management of flood risk is a key element of the project. To this end, a bespoke environment and flood risk remit has been applied for from the Environment Agency. Supporting this application were the following: <ul style="list-style-type: none"> <li>- an environment and flood risk assessment</li> <li>- an assessment against the requirements of the Water Framework Directive.</li> <li>- a management system</li> <li>- a method statement for the implementation phase of the project.</li> </ul> These documents are included the planning submission for information. Assessment of the application took place between March and April 2018 and included a site walkdown by experienced EA personnel. The application was successful. Bespoke flood risk permit EPR/KB3450SA was granted on 1 <sup>st</sup> May 2018 (copy attached)  Therefore, the project contributes to the delivery of this policy.
SP18	Renewable and Low Carbon Energy	Developments that generate renewable and/or low carbon sources of energy will be supported...	The project does not involve the generation of renewable or low carbon sources of energy. The project does not conflict with this policy.
SP19	Presumption in Favour of Sustainable Development	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.	As demonstrated in this Table, the project either: <ul style="list-style-type: none"> <li>- does not conflict with policies in the Local Plan, or</li> <li>- contributes to the delivery of the policies.</li> </ul> Therefore, it is anticipated that permission should be granted for the application.
SP20	Generic Management and Development Issues	This policy contains requirements for: Character, Design, Amenity & Safety, Access Parking & Servicing	Since the project does not involve the construction of any building or structure, it will not impact on local character. During the implementation phase, there will be some noise during the working day from site machinery, but this will be temporary and remote from the nearby properties along Ings Lane or Haygate Lane. Any noise can be expected to be similar in character to that produced by farm machinery working in surrounding fields. EA requirements for a management system and approved method statement will ensure that risks to the environment during implementation will be controlled.  Access to Big Crooks field will remain unchanged. Car parking is available at the ad-hoc lay-by adjacent to Ings Bridge, and again this will not change. Increased angling may increase utilisation of the lay-by slightly, but will not lead to traffic congestion because of the limited membership of Pickering Fishery Association  The project does not conflict with this policy

<b>Policy</b>		<b>Precis of Strategy</b>	<b>Impact of Proposal</b>
SP21	Occupancy Restrictions	The following occupancy conditions will be used to ensure that developments are occupied for the purpose for which they are intended....	The project does not involve provision of more accommodation, and so does not conflict with this policy.
SP22	Planning Obligations, Developer Contributions and the Community Infrastructure Levy	New development will contribute to the place-making objectives and aspirations of this Plan and to the infrastructure necessary to support future development in the District.	The project does not have any impact on local social, physical or utility infrastructure. Therefore, mitigation measures will be not necessary. It follows that a Community Infrastructure Levy (CIL/S106 contribution) is not appropriate in this case.



**Pickering Fishery Association  
Big Crooks Improvement Project**

**Supporting Information for Planning Application – Addendum 1  
Review of Footpath Arrangements.**

Section 3.1 of PFA/BC/PA Issue 4 discusses pedestrian access and rights of way through Big Crooks field, where the development will take place.

The plan of the development (PFA/BC/PLAN/2 Issue 4) shows the public footpath which runs through the field (Path Number 25.73/32/1). It had been thought that it would be necessary to apply for a temporary closure of this footpath during implementation of the development. After consultation with East Yorkshire Rivers Trust it is now considered that this is not necessary, for the following reasons:

- 1 The footpath runs in a generally straight line north-west to south-east across the field. The principal works involved in the development, namely the excavation/construction of two new meanders in Pickering Beck, are to the east of the field and away from the footpath.
- 2 The only working which will cross the line of the footpath is that associated with the deposition of spoil from dumper trucks and its subsequent landscaping. This work will occur sporadically at discrete points along the footpath. Consequently, at any given time the majority of the footpath will not be affected by machinery movements.
- 3 The footpath is lightly used.

Given these factors, obtaining a temporary footpath closure is deemed not necessary.

**Alternative Arrangements**

The following alternative arrangements are proposed:

- 1 The footpath will remain open.
- 2 Notices warning of the implementation of the project will be placed at the stiles at the north-east and south-west corners of the field.
- 3 The line of the footpath through the field will be identified by marker posts.
- 4 During site activities which cross the footpath, warning notices will be placed on either side of the affected part of the footpath.
- 5 When walkers are using the footpath, work on or near the footpath will cease until the walkers have safely passed the point of the work.

These arrangements provide a flexible approach which will meet the needs of safety whilst maintaining availability of the footpath.

**From:** Pickering Town Council  
**Sent:** 03 August 2018 11:13  
**To:** Development Management  
**Subject:** Application comments

Good morning

The council's planning committee have met to consider the following applications:

18/00744/CAT – Crown lift Rowan and Laburnum by 2.5m and also crown lift by 10% and lift up to 2m;  
18/00733/CAT – Fell 4 larch.

The council has no objection to these plans.

The council also considered application 18/00656/MFUL, Works to Pickering Beck and adjacent land to allow the formation of two new meanders with spoil to be distributed within the Big Crooks Field on Land Off Ings Lane. The committee recognised the ecological and environmental benefits of this scheme and gave their support to this planning application.

Kind regards

Angela

*Mrs Angela Dawson  
Town Clerk  
Pickering Town Council*

**Item Number:** 9  
**Application No:** 18/00235/73A  
**Parish:** Nunnington Parish Council  
**Appn. Type:** Non Compliance with Conditions  
**Applicant:** Mrs Jill Greetham  
**Proposal:** Change of use of former pub to form a 5 bedroom private residential dwelling (retrospective).  
**Location:** Royal Oak Church Street Nunnington North Yorkshire YO62 5US

**Registration Date:** 13 April 2018  
**8/13 Wk Expiry Date:** 8 June 2018  
**Overall Expiry Date:** 17 August 2018  
**Case Officer:** Rachael Balmer **Ext:** 357

## CONSULTATIONS:

**Parish Council** Objection  
**Parish Council** Observations

## Neighbour responses:

Mr Peter Thompson, Mr Martyn Stephenson, Mr Martyn Thompson, Mrs Monika Porter, Ms Jane Thompson, Mr Martin Wilkinson, Dr John Elphinstone, Mr Robert Rand, Mrs Sue Elphinstone, Ms Sue Shilling, Mr Malcolm Evans, Ms Joanne Finkel, Mrs Anne Minister, Mr Jeremy Deedes, Mrs Ishbel Bartlett, Miss Amanda Easton, Mrs Linda Norbury, Mr James Clive, Mrs Linda Thompson, Dr And Mrs John And Sue Elphinstone, Mrs Stephanie Cornelis, Mr Aaron Turner, Mr Michael Hault, Mr Mark Booth, Mr James Manson, Mrs Natasha Ramirez, Mr Ben Fitzherbert, Mr Jason Medlycott, Mrs Margaret Matthews, Mrs Susan Usher, Mr Simon Lutman, Mr Henry Clive, Mr Daniel Parry, Mr Paul Jackson, Miss Pauline Cooke, Mr Roger Hammon, Mrs Lisa Brown, Mr Robert Jupp, Mr Edward Clive, Mrs Judith Thompson, Mrs Susan Wilkinson, Mr Richard Levien, Mrs Phil Hammon, Mrs Sophie Robinson, Mr Richard Murray Wells, Mr John Ferguson-Smith, Mr Stuart Roberts, Mr Mark Calver, Mr Paul Newman, Mr Stephen Jack, Miss Rebecca May, Mr Samuel Aviss, Mrs Nicky Jack, Mr Chris Cooke, Mr Jake Bell, Miss Emma Baxter, Mr Tom Drabble, Miss Alison Cooke, Mr Alexander Greetham, Ms Jo Mchale, Dr Nathan Stroud, Mr Neil Simmons, Mr Mark O'Bryen, Mr Matthew Allan, Ms Frances Bentley, Mrs Helen Barraclough, Mrs Anna Drabble, Mrs Maria Greetham, Miss Samantha Waine, Mr Ben Knollys, Ms Helen Cooke, Mr Chris Holland, Mr Andrew Van Blerk, Mr Wesley Allen, Miss Amy Leavy, Mrs Elise Evans,

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## 1.0 SITE:

- 1.1 The Royal Oak in Nunnington has been operating as a public housing for much of the twentieth century. It is a Grade II Listed property which has been formed from two 18thC cottages. It is situated in the village, between residences and has an area of hardstanding to the

rear which serves as the car park for up to 10 vehicles (confirmed by NYCC Highways). There is an outbuilding to the rear of the property. There is also a beer garden to the rear. The property frontage is both narrow and elevated from the road and would be accessed by steps up to the door. The pub operated on a single operator basis, i.e. it is not owned by a brewery. Most recently, the property was operating as a pub but was closed on Mondays, and served food at lunch time and evening. Private living accommodation was on the first floor, with a separate kitchen for private use on the ground floor, which is adjacent to the commercial kitchen.

## **2.0 PROPOSAL:**

- 2.1 The public house ceased trading as of 1 January 2018, and a full planning application was subsequently made for the change of use of the pub to a dwelling house. The application was registered as a full application. Since then the following events have occurred which has resulted in a change in the applications type to a s.73A application, where the development is retrospective.
- Occupancy of the former public areas as domestic accommodation;
  - Removal of the commercial kitchen equipment; and
  - The applicant also surrendered the license and this was acknowledged by the licensing officer on the 12 June 2018.
- 2.2 Members will already be aware, but it is important to note in the report, that the consideration of the application does not change because the development is retrospective. It is the consideration of the planning merits of the change of use which are relevant in the context of the policies of the adopted Development Plan.
- 2.2 There are no internal or external alterations proposed to the fabric of the building by the change of use that would require Listed Building Consent.
- 2.3 The application was not submitted with information for the Local Planning Authority to consider, against the Local Plan Strategy, whether the public house remained economically viable, and whether it had been marketed appropriately without sale if it was economically viable. The applicant duly provided a range of documentation to make her case that both of these aspects could be demonstrated. These documents include further information regarding the sale marketing of the business, the work undertaken on the property, and the details of the marketing/promotion of the public house as and eating establishment as well as a pub. Financial Accounts were also made available.
- 2.4 Officers considered that this information would need to be independently appraised by an individual who had considerable in-depth knowledge of the public house sector, to assess whether or not the Royal Oak represented a realistically economically viable prospect for a new owner. Fleurets were chosen because they are a nationally-based firm in the leisure property sector, and had no prior connection to the business nor the applicant. CAMRA (Campaign for Real Ale) give recognition to the company for providing viability appraisals. The report is available to read on the public access website for viewing planning applications, and its findings will be discussed in the body of the report. It is also attached as an annexe.

## **3.0 HISTORY:**

- 3.1 December 2017 - Planning permission and Listed Building Consent granted for conversion of the of rear stable block to a 4 person holiday cottage. This followed a withdrawn application for 3 holiday units made in early 2017.

3.2 No further relevant planning history.

#### 4.0 POLICY:

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises:

The Ryedale Local Plan Strategy (2013)

The Proposals Map (2002) carried forward by the Local Plan Strategy

The 'saved' policies of the Ryedale Local Plan (2002)

The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

(The latter two components are not considered as part of the determination of this proposal)

##### The Ryedale Plan - Local Plan Strategy (5 September 2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Policy SP2 Delivery and Distribution of New Housing

Policy SP11 Community Facilities and Services

Policy SP12 Heritage

Policy SP20 Generic Development Management Issues

Policy SP21 Occupancy Restrictions

The key policy relating to protection of community facilities is Policy SP11 which contains the following words:

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

- There is no longer a need for the facility or suitable and accessible alternatives exist; **or**
- That it is no longer economically viable to provide the facility; **or**
- Proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision.

##### Material Considerations:

National Planning Policy Framework (NPPF) (2018)

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

1990 c. 9 Part I Chapter VI Special considerations affecting planning functions

s.66 General duty as respects listed buildings in exercise of planning functions.

s.72 General duty as respects conservation areas in exercise of planning functions.

#### 5.0 CONSULTATIONS:

5.1 This application was consulted on twice, with a second re-consultation taking place after the independently economic viability assessment was produced. This also allowed consultees to see, in full, the material provided by the applicant in support of their application which came in over a period of weeks towards the end of the first consultation period.

- 5.2 A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public access webpage, and referred to in the report accordingly.
- 5.2 In terms of neighbour responses, there has been a large number of responses received concerning the application. This is a reflection of the naturally strong feeling within the local community about the loss of the pub. A number of the generic representations (all those supporting) are made by individuals who do not live in Nunnington, so it is not clear what connection they have to the public house. There have also been objections to the loss of the public house from residences in other parts of the country - again it is not always known what the connection is, although some state it is because they visit Nunnington on a regular basis. The Nunnington Village Hall Committee and Parish Council have objected to the proposal. Members will be aware that it is the consideration of the adopted Development Plan and the discussion of material planning considerations, irrespective of their geographical origin or their number/volume, which are material to the decision making process.
- 5.3 Nunnington Parish Council made the following statements in their (initial) representations against the application:
- The pub had been viable during the previous ownership, about 8000 people visit Nunnington Hall, so plenty of footfall;
  - Asking price was very high compared to the original purchase price- the commercial kitchens have been taken out so this must be taken into account in the present value
  - Marketing over the last two years would not have included the 2017 permission for the outbuilding conversion
  - The Royal Oak and outbuildings are Grade II listed
  - The Ryedale Plan Local Plan Strategy Policy SP11 should be considered
  - The village is holding Pop up Pubs run by volunteers, which are proving to be very popular, but these can only be run once month due to licensing requirements
- 5.4 Those 43\* respondents who have supported/accepted the change of use have made the following summarised comments:
- The public house market in villages is very challenging- many closing every week;
  - There is not enough trade- same reason why post office and shop shut;
  - The owners have tried to make it work and should now be able to live in the property they own as a family;
  - No one else is willing to take it on as a going concern
  - With supermarket beer and wine and dine in for two offers- people are eating out less and less
  - The building could become vacant and be eventually sold to developers who may not have any intention of maintaining the character of the property.
  - Operating a rural pub is becoming ever more difficult to make a profit
  - 18 pubs closing each week
  - Important that the building isn't restricted in use to ensure doesn't cause detriment to the character of the village and the rural scene, by becoming vacant- and uneconomic renovate
  - There is a shortage of private dwellings - will be a better use of the space
  - The local support is not enough to commercially support and sustain a business
  - It is not financially viable and fair to force people being open at loss
  - The majority of visitors go to Nunnington Hall or the Studios- they have cafes
  - I attended events and few locals were there
  - The pub is not well located within the village and immediately evident to visitors
  - A village the size of Nunnington cannot realistically operate as a 'local'
  - The pub relies on drive-to business and this makes it in competition with a range of rural public houses- competition is intense.

- As long as the owners adhere to the plans agreed, could be developed into a beautiful family home within the community.
- Working in the drinks industry I see many customers every year with going bankrupt or face the misery of building debt trying to keep once thriving pubs going.
- Once you have invested your life savings and see them disappear, and work 16 hours a day, as Jill did common sense says any ailing business must close, and pubs are no different

5.5 Those 29\* respondents (including the Village Hall Committee) who have objected to the change of use have made the following summaries comments:

- The public house represented the only place for residents to socialise and drink on an evening- it is a community asset
- It is the only pub in the village- a community hub
- The food offer became restricted - turning customers away (one representor was declined)
- Place has been deliberately run-down
- The public house was the only place opening after 5
- Price of Public house was too high to achieve a sale
- Other small villages have viable, thriving pubs
- Replace lost fittings and sell at a reasonable price
- Where will those residents go who are elderly and unable to drive/use public transport
- The village has already lost a number of amenities
- In the past the pub was lucrative with the right management and staff
- Need for clarity over the documentation provided by the applicant - and a re-consultation
- The food branding wasn't catching the imagination of this part of Ryedale;
- They owners identified themselves as novices- and stated that with the right team could double its potential
- The owners are inexperienced, with experienced owners serving good traditional pub food
- The pub could be closed, whilst the applicant makes a re-advertisement, as the pub is owned outright.
- Not in accordance with Policy SP11 or SP13
- The applicants are custodians of a local community asset
- We are a high volume tourist area where there is demand for food and drink establishment that understand the market
- The pub was so quickly placed back on the market- at an inflated price. It should be marketed at a realistic price
- The pub offers a supportive network for the local community- supports social welfare and mental health of the patrons
- Communal celebration
- Refreshment destination for walkers, cyclists, riders and tourists.
- The public house is needed on an evening for residents who do not conform to the 9-5 lifestyle.
- They declined to open on a Monday for the darts team
- The pub furniture was very quickly removed.
- Contrary to the Howardian Hills Management Plan which recognises the decline of villages as coherent and inclusive communities - supports development of a sustainable visitor economy
- The Pop-up Pub events have been very successful with three held by the Village Hall, we would like to hold more, but temporary licenses are limited, and there is other uses for the hall and the need for volunteers. They have had 40-50 people from the village and outlying area .They demonstrate the need for the maintenance of the

social aspects provided by the Royal Oak until its closure, as an interim measure.

- Fryton Catering and Nunnington hall are not open all year round, and close on the evenings. Nunnington Hall catering is only for those visiting the hall.
- The supporting documentation provided does not support the change of use (deeds are not relevant within the context of the planning system).
- The building is Listed and will remain so irrespective of the outcome of this application
- Would expect to see price paid, sales particulars as evidence as to why the property did not sell - the information to date shows that the property has not been marketed for long enough, nor at a suitable price
- Surrounding pubs- which were on the decline- are doing well, and rather than being competition show what can be achieved with entrepreneurial effort and cash.
- The pub is the last remaining amenity within walking distance of home- having lost our other facilities- there are pubs nearby but not within walking distance
- The lack of the pub will effect holiday cottage bookings as people will be unable to get an evening meal-Nunnington relies heavily on tourism for generation of the local economy
- The pub used to be busy- opening 6 days a week for lunch and evening meals- you needed to book in advance c.7 years ago
- If the pub is lost, it is highly unlikely that Nunnington would ever have a pub again, thereby denying the community of this important social facility and loss of heritage
- Change of use to a dwelling is not within the wider interests of the area/vicinity
- What makes Nunnington special is the strong sense of community spirit, and the pub has a role to play in that, since it closed it has been sorely missed
- Deprivation of the local community of a well-loved asset- at the heart of the community
- As the rate Pubs are closing down, surely it is imperative to keep as many of them open, especially if they are still operating and servicing the village community.
- Why if someone wants to move in to the area, surely there are plenty of other properties that they could purchase and renovate instead.
- It gave the older residents a place to go for their Christmas meal
- The fact that there was a pub within walking distance serving good food was one of my considerations when I moved here 26 years ago
- If the pub changes to a dwelling, it will be nigh on impossible for it to be returned to a pub
- Nunnington is a working village not a housing estate
- In a village with few amenities and job opportunities it is a terrible shame to see this happening to another village
- The village hall is no substitute it requires specific opening you cannot just walk in, meet friends and buy a drink
- Without it the village will lose its vibrancy and sense of community it will become moribund
- The lack of a pub may lead to increased instances of drink driving if people have to travel to nearby villages
- It was a viable business until the current owners took it over
- The village is losing its sense of community
- I hope whoever makes the decision about the pub lives in a small village and understands the effect losing it is having on the villagers.

\* This excludes any duplicate representations

5.6 Since the re-consultation, there has been one response made as a neutral, as they remain supportive of the retention of a public house, and is a resident from the village. As a visitor to the pub on a regular basis does not agree with comments concerning the comments that the applicant has deliberately run the public house down, but that they tried to make the best of it, and cites examples of their activities. They acknowledge the lack of economic vitality, citing:



- Changing consumer markets and behaviours
- Increasing regulatory and compliance costs
- Rising running and staff costs
- Location
- The absence of secondary supporting incomes (accommodation etc)
- Local competitors that have been able to support their core pub businesses with additional income streams and / or captive markets
- A disinterested and unsupportive Nunnington estate
- Lack of local demand from a small and partly unsupportive village ('use it or lose it')

5.7 There have been five responses made in objection to the application. These include the Parish Council:

The report produced by Fleurets notes the property **"has not been marketed at a realistic guide price"** (point 4.5.10), the Royal Oak was marketed at £650,000, ultimately reduced to £600,000, while its market value is calculated as £325,000. Nunnington Parish Council believes The Royal Oak should be publicly marketed, at a realistic market value for a reasonable period of time, before being considered for change of use.

Other commenters have raised the following matters:

- The economic viability appraisal has made a good job of disentangling the facts and leaves the authority in a dilemma.
- The report concludes that it is not economically viable to run the public house, but also:
- The property was marketed at an inflated price;
- The assessment levies some criticism of the applicant
- That the applicants were rather swift in their putting the property back on the market;
- That the public house could be run more effectively;
- The surrendering of the license was not that of a prudent owner.
- Normally the LPA would require the business to be marketed for at least two years- and this this should be undertaken.
- Do not consider it is morally right to allow the business to fold just because of the way it has been run since it was acquired.
- The approval of this application would be a significant loss to the community
- Remarket the Royal Oak at the more realistic price mentioned in the report, having also taken into account the cost of reinstating the license and the assets stripped from the kitchen by the current owner earlier this year.
- Do not agree that Nunnington Hall and Fryton cafe have likely impacted on trade. They are not comparable. Aside from the fact both have much shorter opening hours, the cafe at Nunnington Hall has been open for many years, in periods when trade at the Royal Oak was booming. Before Fryton cafe there was another tea room, which also had no impact on the Royal Oak's profitability.
- The report also states that the property is not located in an ideal position in the village- the Royal Oak has always been a central point for villagers and others to meet.
- The lapsing of the license has made it more unattractive as a buyer- and should be factored into the costs
- The report makes reference to the impact of the credit crunch on this public house. The Royal Oak has been in business for many years, apart from a short time in the 1960s when it was residential. A public house is marked at its location on the OS map of 1912. There have been economic downturns before the current recession (during the 1920s, after both World Wars, in the mid-1990s) and throughout these periods the Royal Oak has survived.
- Facilities for identified for the local community- following information

- Fryton cafe - is seasonal, does not serve a wide selection of food and is open Tues - Sun 10am - 4pm. It cannot be compared to a licensed premise, accessible to people who work and serving evening meals
- Nunnington Village Hall - is suitable for village events such as jumble sales, keep fit classes, pre-school nursery etc. but cannot be compared with the atmosphere or ambience of the public house
- Nunnington Hall - a National Trust property, with cafe. It also is seasonal and closes in the evenings. The cafe serves light lunches only
- Worsley Arms, Hovingham - an hotel, not a public house
- The Star, Harome - a Michelin starred, award winning restaurant with prices to reflect this. Whilst excellent for special occasions, this is not a viable alternative for an inexpensive drink after work
- The Pheasant Hotel, Harome - an hotel, not a public house
- Royal Oak, Gillamoor - we have heard rumours that this property may be closing as a pub
- The pub has now been closed to customers for 8 months, and in that time the heart of the village has been lost. We no longer see fellow villagers with any regularity. One cannot expect an entire community to meet at one of the nearby pubs. We all miss being able to walk to our local pub, to chat and keep the community spirit alive.
- Closure of our local pub is another example of the decline facing rural communities. In living memory Nunnington has lost the last of its village shops and a Post Office. There are no regular public transport links to the village.
- If the change in use is granted for the Royal Oak the current owner will very likely sell quickly and move on, leaving the local community without any hope of re-opening its most important amenity.
- Agreeing this planning proposal would demonstrate very short term thinking by Ryedale DC. Once lost, village amenities are gone forever. We need to support our rural communities, not be looking for quick win solutions which benefit the few.
- I would like to comment on the recent Viability Report which states The Royal Oak Inn is not viable as a lot of money would have to be spent replacing the kitchen equipment, furniture in the bar and a licence application would be needed. - There has been a deliberate attempt to de-value the property.
- The report states the village is purely residential whereas the village has several businesses running and two working farms.
- The property was being marketed at £525,000, following a reduction from the original price of £600,000. The report states that a realistic figure would be more in the region of £325,000 which would explain why no sale was forthcoming. It would be reasonable to expect the property to be marketed at the proper market value for a time.
- I would ask that the Council do not grant planning permission until the property has been marketed as a public house.

## 6.0 APPRAISAL:

- 6.1 As evidenced by the comments made on the application, public houses have a long-standing role with communities as a place of congregation, for events, or for general meeting with neighbours, friends and family. They are, despite being a commercial enterprise, a community facility, and some public houses perform a range of functions to support their viability. It is clear that the loss of the pub has been felt keenly by members of the village, but Members are aware of the need to consider objectively whether or not in planning terms the change of use is capable of being considered acceptable. It is however, a part of the planning system where financial considerations in terms of economic viability do have to be balanced with the expectations of the community, and this is through assessing the proposal against the Development Plan. There has to be a reasonable prospect of the public house in question being ran at a reasonable return. The main considerations to be taken into account are:

- i) Principle of the change of use
- ii) Further considerations

### **i) Principle of the Change of Use**

- 6.2 There are two stages to the policy position on the principle of the use, the first concerns the change of use from a pub to a dwelling house, and whether the circumstances are met to permit the change of use, according to SP11 'Community Facilities and Services', and secondly, if such a use is permitted, then what is the policy position on the formation of a new dwelling in an 'Other Village' according to SP1 and specifically SP2 'Delivery and Distribution of New Housing'.

### **Application of Policy SP11**

- 6.3 Policy SP11, 'Community Facilities' seeks to protect community facilities, where it is reasonable to do so:

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

- There is no longer a need for the facility or suitable and accessible alternatives exist; **or**
- That it is no longer economically viable to provide the facility; **or**
- Proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to services.

For the determination of this application, the third consideration is not relevant, as there are no replacement facilities. It is also clear that the tests are exclusive, in that only one needs to be satisfied.

### **Whether there is no longer a need for the facility or suitable and accessible alternatives exist**

- 6.4 For some members of the village, and visitors, the presence of the pub in the village has clearly been a valued place for meeting and socialising. It is also seen as an attraction in house purchases. The viability report has also considered the challenging economic climate in which public houses, particularly those in a rural area, now operate, and this is very different to how village pubs in the past were run. It is clear from the activities of all village pubs that they can no longer be sustained as a commercial activity through the 'wet-sales' (beverages) alone and that other income streams are needed, commonly food, but also accommodation, and event catering if they have the capability. In Nunnington itself, there are for visitors, and those residents who do not work that standard 9-5 day, the ability to visit the Fryton Café. Nunnington Hall also services those who visit the hall, and as such is likely to not meet the needs of the local residents as it closes at 5pm. It is also possible that as a result of the closure of the Pub, Fryton Café may, if there is sufficient interest, stay open later on certain days (licensing permitted) to meet that demand or open for a longer season. Whilst this is only speculation, if there is sufficient interest, the Café can consider it. The viability report has also referred to a number of establishments which compete for the trade of the Royal Oak, and the report acknowledges, that these enterprises have different attractants, serving both the expectations of tourist and residents, if not necessarily on foot.
- 6.5 Comments have been made around the success of the Pop-up-Pubs and evidenced these as a demonstration of need. These events were, by report, well attended, which is an indication that as community, the village can find alternatives to bring the village together. They are, however, specific events: planned into the diary, and provide an ability for a concerted gathering of people, as opposed to the intermittent activities of residents, who may drop into

the pub as and when they wish to. They therefore provide a positive, but different experience, and are not comparable to the activity experienced by public houses.

- 6.6 The independent economic viability assessment concluded that Nunnington as a catchment is 'relatively small', and based on the evaluation of public house offer, and other establishments for food and drink in the surrounding area, there is a range of places which will meet most needs of residents and visitors. This is of course, accepting that those small number of individuals who wish to 'walk for a pint', are instead going to require designated drivers and plan their activities accordingly. This is a very locally-defined need, and a need that is unable to generate significant interest and income. Matters concerning drink- driving (as raised in one representation) are not relevant as this is a personal behaviour, which can result in criminal prosecution, and has over the years become socially unacceptable. People now generally do expect that where a car is involved, there will be a designated driver. Drink driving is not a material planning consideration. In conclusion, for most needs, there are suitable and accessible alternatives.

#### Whether that it is no longer economically viable to provide the facility

##### i) The economic viability

- 6.7 The public interest of retaining a community facility should also be balanced with whether the facility can be run in an economically sustainable manner, as it is not reasonable to expect a private enterprise to be a community facility which runs at a loss. The independent viability report has explained that the level of 'lifestyle choice' public houses has, since the credit crunch, severely waned, as they run on the basis that they do not make a profit (and often have been at a loss). There have also been other wider changes to the way in which people use public houses, and these have all had an effect on village pubs.
- 6.8 The independent viability report, applying a realistic credible maximum likely trade potential (therefore opening it for longer than the applicants had done), concludes that the Royal Oak is not economically viable for continued use as a public house. This is because it is not capable of generating a satisfactory profit performance to make it viable/sustainable for the reintroduction of the public house use. The non-viability of this course of action particularly arises as a result of the capital investment required to acquire the premises (and this is at £325,000 with the inventory included). The key factors identified in the report which contribute to lack of economic viability are:
- After allowance for finance costs the business is loss making
  - The return on the investment required does not reflect the risk
  - The property would not be of interest to corporate pub companies, either leased or managed operators;
  - Nationally beer volumes are in decline
  - The limited car parking facilities required to operate as a destination food house
  - Better located competition will limit the opportunity to grow the turnover and profit.
- 6.9 The report also concludes that the property's location and characteristics make it heavily reliant on destination type custom attracted for food. Given the existing competition situated within the locality, the sustainability of trading will present significant challenges and uncertainties and "cannot be demonstrated to provide an operator with a satisfactory return on i) the required capital investment; ii) the risks investing in the proposition; and iii) the required entrepreneurial endeavour necessary to the and operate a rural located public house with a low nearby resident community". Criticism levelled at the report's judgement of describing the less than satisfactorily location of the pub relates to its lack of visibility and parking for destination driven food demand, and is not made in relation that of local residents seeking a drink. As such, based on the independent viability assessment, undertaken by Fleurets at the request of the Council, the Royal Oak is not an economically viable enterprise to run. This evaluation is also irrespective of the way it has been operated by the applicant,

and matters concerning the purchasing of fixtures, fittings and the licensing position. These are matters which commentators on the application have referenced as reasons for the economic viability having been harmed, and being capable of being addressed, but the viability assessment looks at the operating capability, as well as costs of set up, and this is what makes the property no longer an economically viable enterprise to run.

ii) The marketing of the public house

- 6.10 A number of comments received have noted, and the independent economic viability assessment confirmed that the Royal Oak, having been bought in 2014, was rather quickly back on the market in 2015. The precise reasons for this haste can only be explained by the applicant. The asking price was also queried by a number of respondents. The independent economic viability report has concluded that the property had not been marketed at a realistic guide price, based on the lawful use as public house, and not a residential property. It values the property as a Public House at £325,000; which is much less than any of the asking prices previously sought- which is likely to be attributed some residential 'hope' value, and see the property as a lifestyle pub- whereby the pub is run on the basis it is not profitable. It concludes "The purchase at the guide prices of both Christies and Davey and Co would make the purchase uneconomic and severe risk of business failure as the business would be unlikely to generated sufficient profit to cover finance charges let alone give the owners a sufficient return on their endeavours operating the business".
- 6.11 However, the fact that the property has been marketed at a much higher guide price than what could have been realistically expected to achieve, does not overcome the overriding issue that, even if it had been so, the Royal Oak's operation as a public house is not economically viable. The re-consultation comments have 'homed in' on this price variance as something which is material to the economic viability test, and indicated that the property should be marketed for two years at the price indicated in the viability assessment. In undertaking such an exercise this does not overcome the actual policy test of Policy SP11 concerning the economic viability of the provision of the facility, which even at the lower/realistic price value has been determined as not economically viable. To undertake such an exercise in this instance would not bring any material benefit to the consideration of the economic viability of the enterprise.
- 6.12 As referred to earlier, in applying the tests of SP11, each test is not required to be met simultaneously, it is clear that it is no longer economically viability to continue to operate the Royal Oak. In terms of the need, the independent economic valuation has identified there is a range of enterprises which will meet most needs, except those residents who would prefer to continue to have a short walk to a public house.

**Application of Polices SP1 and SP2**

- 6.13 Policy SP1- General Location of Development and Settlement Hierarchy- identifies other villages as being areas of housing restraint, and development is restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. Accordingly, Policy SP2 sets out the limited scenarios where new residential development will be permitted. This includes the conversion of previously developed land and buildings, subject to the Local Needs Occupancy Condition which is set out in Policy SP21, and is applied in perpetuity:

Local Needs Occupancy

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- Have permanently resided in the parish, or an adjoining parish (including those

outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock, or

- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the Parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

6.14 The property has private accommodation, but that has been occupied on the basis that it provides ancillary accommodation to operation of the pub. This is because the occupier must go through the public areas to access the private kitchen, and as such it is not self-contained. It is clear that the applicant can indeed meet the Local Needs Occupancy (LNO) condition, as she has lived at the property for over three years and as dependants, her daughter and granddaughter have been living there too. They are aware of the LNO condition's application, and refer to it in their planning statement. As such, if Members are minded to approve this application, the applicant can meet the terms of the local need occupancy condition, meaning that she and her family can continue to live at the property. Whether the applicant decides to move, and subsequently markets the property (with the LNO condition in place- and at price which reflects that condition) will be a personal decision and a sale transaction. It is not a material planning consideration: the matter before Members is the change of use from public house to a dwelling.

#### **ii) Further considerations**

6.15 The property is a Grade II Listed Building, and within the Conservation Area of Nunnington, and so Policy SP12 - Heritage- is of relevance given the statutory obligations placed on Local Planning Authorities as a result of the 1990 Act (as referenced in the earlier Policy Section. Since the proposed change of use has no effects on the fabric of the building, this change of use is not contrary to SP12. It is not considered that the change of use to a domestic dwelling will result in any harm to the character and appearance of the Conservation Area. Though it is possible that subsequent internal alterations, which might not require planning permission, may require Listed Building Consent. The necessary consent should be sought accordingly. Furthermore, the building was originally two domestic dwellings, and so the fact that the pub has operated from there, and a domestic use has occurred before, it is not considered that the historic significance is affected. Comments have been made regarding the potential for the building to fall into disrepair. This is a prediction and not fact, although it can happen. Given the applicant's substantial investment into the Grade II Listed property, which she lives in, and owns, and the Local Planning Authority has statutory powers concerning the state of Listed Buildings, very little weight can be given to this argument.

6.16 Policy SP13 - Landscapes - has been referenced in representations, because it supports proposals which "are considered appropriate for the economic, social and environmental well-being of the area..." in this is regard the spirit and purpose of the policy is concerned with assessing the impact of new development proposals from a point of view of protecting and enhancing the natural beauty and special qualities of the AONB, in a landscape- perspective, and requiring a justification for being so located. That sentence is part of a series of matters for consideration in respect of that overall consideration. Being aware of the strong local feeling, this proposal is nevertheless for a localised change of use within the village itself, and as such it is not considered that SP13 is a relevant policy in the determination of this application.

- 6.17 Representations have sought to evidence the Howardian Hills Management Plan in support of the Public House's retention. The role of the Howardian Hills AONB Management Plan is to help understand the special qualities and natural beauty of the AONB, and provide support and recognition with a range of issues facing the economy and communities of the Howardian Hills AONB, which indirectly threaten those special quantities and natural beauty. It is not a component of the Development Plan, but can be a material consideration as there are references to it within the Development Plan. In this instance the Development Plan has a clear policy framework for the consideration of community facilities, and that has primacy in the decision making process.
- 6.18 Policy SP20- Generic Development Management Issues- considers the impact of development on the character of the area, and the design implications of development. New development is expected to respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. This would be the case with the change of use from a public house to a dwelling, the use would be a de-intensification of the use, as such is in accordance with SP20 in all respects.
- 6.19 The surrendering of the license has not been taken into account in so far as the licence was in operation, and surrendered by the applicant. Had there been any issues of significance it would have resulted in the declining/ceasing of the license prior to the surrendering of the licence by the applicant.
- 6.20 The Development proposed would, if granted, result in the formation of a new dwelling in planning terms. However, the liability for the CIL charge would be zero-rated, due to the fact that the public house had been in continuous operation (accepting closed days) for six months in the last three years.

### **Conclusion**

- 6.21 The closure of the Royal Oak in Nunnington has understandably resulted in strong feelings within the local community. It is clear that its loss will be keenly felt by those who did frequent the pub on a regular basis. Officers, have sought to ensure that in evaluating the planning considerations of this change of use, that a thorough and impartial assessment was undertaken to determine whether the pub could remain as a realistically economically viable enterprise (irrespective of the surrendering of the licence). From the findings of the viability assessment, the continued operation of the Royal Oak is not economically viable. In terms of meeting need, there are reasonable alternatives that are capable of meeting a range (if not all) needs of residents and visitors. In accordance with the policies of the Development Plan, the change of use from Public House to dwelling is compliant with Policy SP11. Under the application of Policies SP1 and SP2, the property is capable of being a residential dwelling with the Local Needs Occupancy Condition applied. It is therefore recommended that the application is approved, with the conditions suggested below.

### **RECOMMENDATION: Approval subject to the following conditions**

- 1 The dwelling hereby approved is subject to a local needs occupancy condition where this accords with, and will be limited to people (and their dependants) who:
- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock, or
  - Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the Parish after leaving

military service; or

- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

Reason: To accord with the Policies SP1, SP2 and SP21 of the Ryedale Plan- Local Plan Strategy.

- 2 The development hereby approved is undertaken in accordance with the plans submitted in conjunction with this application.

Reason: For the avoidance of doubt.





REPORT CONCERNING ECONOMIC VIABILITY  
& SUSTAINING OF PUBLIC HOUSE USE

PREPARED BY

DAVID C SUTCLIFFE BSc MRICS  
FLEURETS

in connection with the public house premises known as

**Royal Oak Inn  
Church Street  
Nunnington  
North Yorkshire  
YO62 5US**



18<sup>th</sup> July 2018



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## **1.0 INTRODUCTION**

### **1.1 Experience and Expertise**

1.1.1 I am David Carl Sutcliffe, Director of the national practice of Chartered Surveyors, property consultants, and agents Fleurets, dealing exclusively in the provision of property advice, sales, lettings and valuations of hotels, restaurants, public houses and other forms of licensed and leisure property.

1.1.2 I am a Director of Fleurets and National Head of Professional Services. In addition, I am also editor of the guidance notes for the valuation of public houses on the RICS website iSurv. I am also on the RICS President's Panel of Independent Experts.

1.1.3 I am a Member of the Royal Institution of Chartered Surveyors, a Registered Valuer and have in excess of 28 years direct experience in my specialist licensed and leisure property field. I am based at Fleurets' Manchester office and deal with professional matters throughout the North and North West of England.

### **1.2 Instructions**

1.2.1 I have received instructions from Mrs Rachel Balmer a senior planning officer of Ryedale District Council, seeking a report detailing an expert opinion of whether or not the Royal Oak, Nunnington ("the Property") is economically viable and has sustainable trade for the continued use as a public house. My opinion is to be prepared having regard to the assumption that the property has a premises licence and open for trade.

1.2.2 I confirm that I have not had any previous dealings with either the Royal Oak public house or its owners. For the sake of transparency one of my agency colleagues whilst working for another firm sold the freehold of the property in 2007, but has had no subsequent dealings with the property.

1.2.3 The opinions that I express herein have been prepared in the capacity of an expert witness on the instructions of the local planning authority.

1.2.4 The Report complies with the requirements of the Royal Institution of Chartered Surveyors as set down in 'Surveyors Acting as Expert Witnesses: Practice Statement'.



1.2.5 A Professional Declaration is provided at the end of the Report.

1.2.6 For the avoidance of doubt I confirm that this report is not intended to be a valuation of the property, either rental or capital, and it is not therefore formatted to comply with the RICS practice statements relating to property valuations.

### **1.3 Planning Policy**

1.3.1 My report has been commissioned by the local planning authority to establish whether the Royal Oak is able to operate as a sustainable business. It is also necessary to demonstrate that a change of use and permanent extinguishment of the property's public house use, will satisfy the relevant planning policy tests.

1.3.2 My report specifically addresses my opinion of whether or not the Royal Oak is economically viable for there to be a successful reintroduction and thereafter sustaining of public house trading. As a part of my considerations, I identify the alternative public house amenities which are currently available for use by the local resident community within the surrounding rural district.

1.3.3 In considering my opinion I have had regard to the local planning authority's guidance contained within the Ryedale District Council Local Plan Strategy, dated 5<sup>th</sup> September 2013.

1.3.4 The policy specifically states that for consideration of a local amenity to take a community facility out of community use, 3 tests under SP11 Community Facilities and Services are required. These are:

- i. there is no longer a need for the facility or sustainable and accessible alternatives exists, or
- ii. that it is no longer economically viable to provide the facility, or
- iii. proposals involving replacement facilities providing the equivalent or greater benefit to the community and can be delivered with minimum disruption to provision.

1.3.5 In respect of this report points i. and ii. above are within my instructions.



## **2.0 THE PROPERTY**

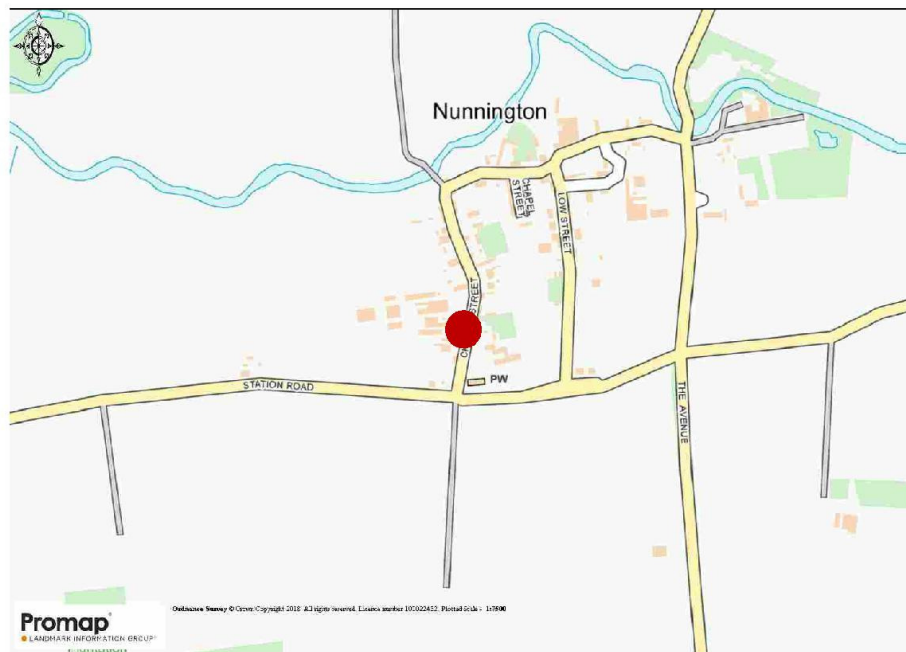
### **2.1 Location**

- 2.1.1 The property is located in the North Yorkshire village of Nunnington, which lies to the north of the B1257 approximately 3 miles to the south-east of Helmsley. Nunnington is an attractive North Yorkshire village situated on the River Rye. The village has a relatively small resident population which according to the 2011 census was only 361. Nunnington Hall a National trust property is situated to the eastern boundary of the village. This is a popular tourist attraction bringing visitors to the area. The village itself is residential in nature with a small number of properties majority of which are constructed in local stone. I understand the main village centre benefits from conservation area status.
- 2.1.2 The surrounding area is predominantly rural. The village lies to the north-east of the Howardian Hills Area of Outstanding Natural Beauty. Within the immediate area there are a number of small villages including Stonegrave, Hovingham, Sproxton, Ampleforth and the larger town of Helmsley. In addition the market town of Malton is situated approximately 8 miles to the south-east.
- 2.1.3 I understand that the properties within Nunnington are in the main privately owned and used as either private residential properties or holiday lets. In addition there is a tearoom in the village centre. The village also has a village hall which is situated to the eastern boundary of the village.
- 2.1.4 The Royal Oak is situated on Church Lane, one of the main roads in the village. The Royal Oak is set to the south western boundary of the village settlement and close to All Saints St James' Church and at the opposite end of the village from Nunnington Hall. Church Lane whilst unrestricted for parking is relatively narrow and would preclude on street parking in the area immediately surrounding the Royal Oak. This is an important consideration having regard to the customer base of the Royal Oak.
- 2.1.5 From the latest Census in 2011 the resident population of Nunnington Parish is stated as being 361 with 177 residencies. In population terms this would be considered relatively small.



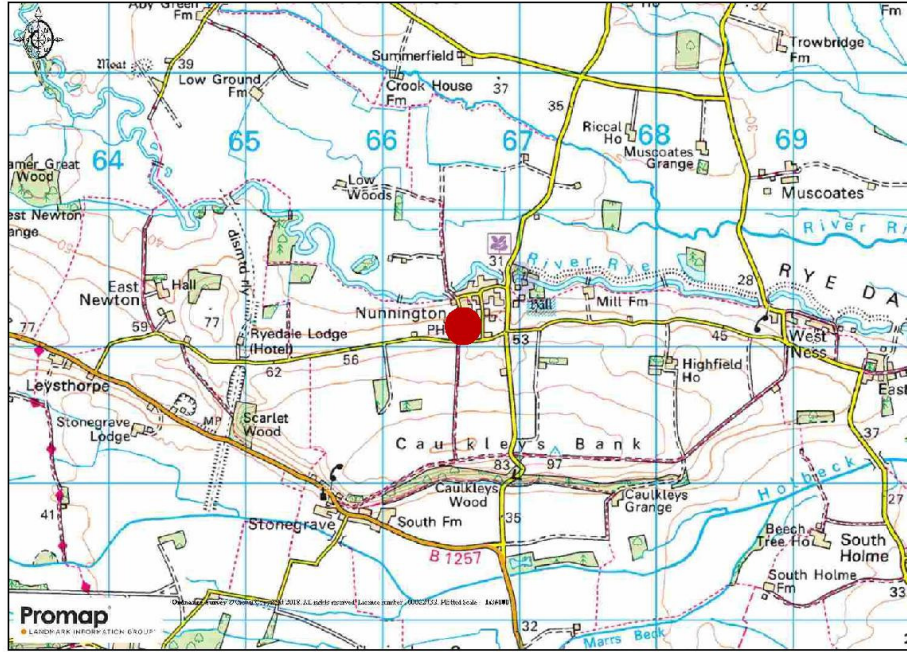
2.1.6 For the purposes of public house trading the location and situation of the Royal Oak would cause it to be significantly reliant upon attracting car born destination type custom, there being very limited potential for custom derived from the nearby resident community. As a direct result of these location characteristics the operational trading style of the public house would of necessity, need to be substantially based on a food offer attracting custom for dining.

I set out below location and site plans:

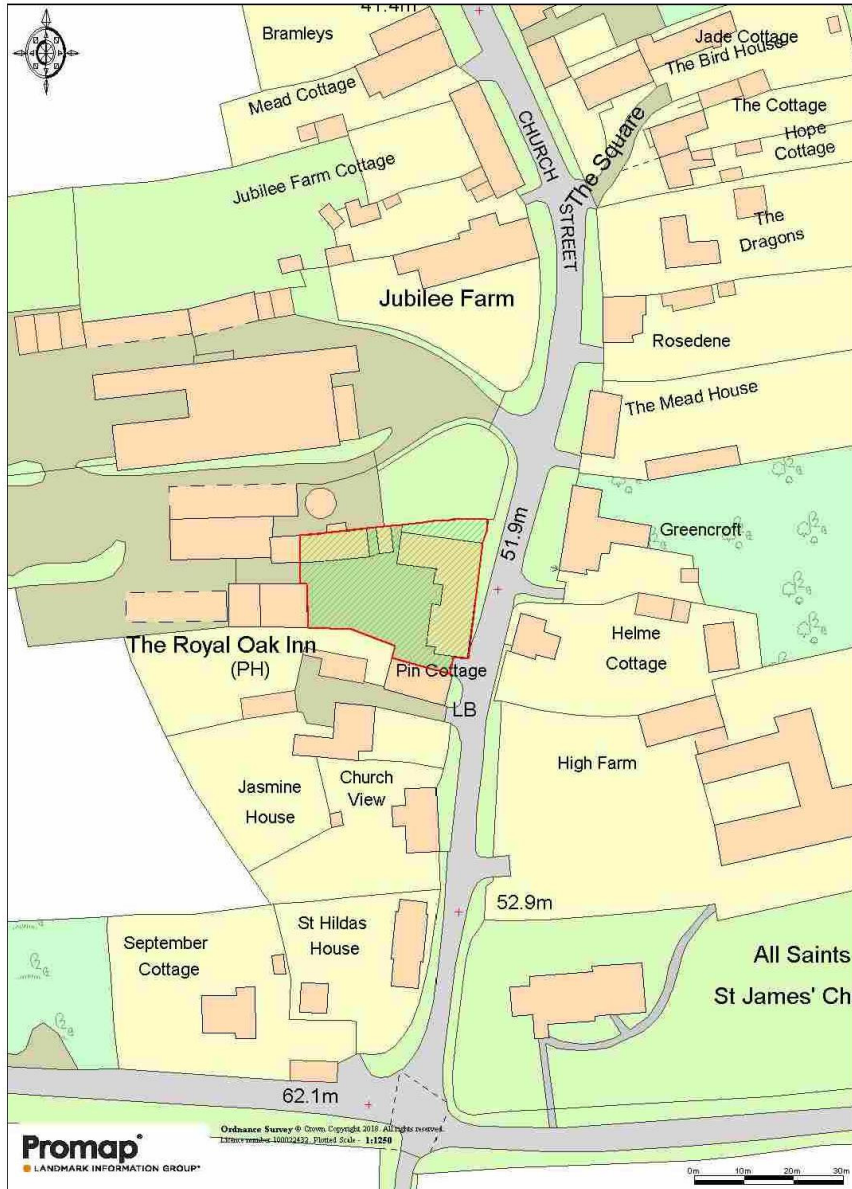


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Site Plan For identification purposes only. Not to Scale.





## 2.2 Description

2.2.1 The Royal Oak comprises a detached building which would appear to have been originally two semi-detached cottages that have been combined to create a single entity. The property is constructed in solid load-bearing stone walls and built two storeys beneath pitched pantile roofs. The original building has been significantly extended to the, rear and sides in rendered brick /block walls beneath both pitched tiled and flat felt covered roofs. Given the properties listed building status most of the original sash windows have been retained.

2.2.2 The building is sited within grounds extending to circa 832 sq m (0.2 Acres), being situated towards the forward eastern side of its site fronting the highway boundary. The grounds are arranged as a customer car park lying to the western side of the building with a rough part tarmac part crushed stone surface and without space marking. The car park provides approximately 10 spaces. Directly to the rear of the building is an enclosed trade patio. Within the grounds there are outbuildings comprising three former stables and a stone store. In addition, adjacent to the main building, is the oil storage tank for the central heating set within a narrow private garden to the north of the main building.

2.2.3 Photographs showing the exterior of the property and its external grounds are set out below:-





## 2.3 Accommodation

The property has internal accommodation arranged over ground and first floor levels, briefly summarised as follows:-

### Ground Floor

- 2.3.1 There are two main customer entrances. One directly off Church Street, to the front the property, providing access into a customer bar and seating areas. In addition, there is a further access to the rear from the car park.
- 2.3.2 The trading accommodation is arranged with a single bar servery with a number of interlinked customer seating areas. There are customer toilets for ladies and gents. It was noted that there are no disabled toilet facilities. The service support accommodation comprises a wash up/utility room, a commercial kitchen and a store. Staff WC.
- 2.3.3 The interior finishes to the customer areas comprise painted plastered walls with areas of exposed stone beneath beamed ceilings. The majority of the flooring is carpeted. There is a central bar area with bar servery set to the rear of the room. To the rear of the bar is a small door giving access to the basement cellarage which acts as beer store.
- 2.3.4 To the left hand side is a raised section which was used as a dining area and provided dining for approximately 52 Covers. To the right hand side are 2 interconnected areas which were used as dining and games area.
- 2.3.5 The customer toilets are fitted with conventional fittings and predominantly tiled floors and walls. The commercial kitchen is finished with sections of metal sheeting and glazed wall tiling. At the time of my inspection the commercial kitchen equipment had been removed.

### 2.3.6 First Floor

The first floor comprises solely domestic living quarters, arranged as a landing area leading to a, a living room, a bathroom/WC and 4 bedrooms. There is an antic room above.



2.3.7 Photographs showing the property's accommodation are set out below:-



## 2.4 Services

2.4.1 The property is understood to be connected to mains electric water and drainage. This understood that the kitchen was fuelled by LPG and the central heating is oil fired. Heating to both the ground floor public house and first floor domestic quarters was by way of central heating to radiators. The ground floor trading areas have a mix of open fires and log burners in addition to the central heating.

## 2.5 Condition

2.5.1 I have not undertaken a building condition survey however the property appeared to be in good structural condition. The internal areas are in good decorative order and I would expect that a potential operator would not consider it necessary to undertake any refurbishment programme prior to reopening the business.

2.5.2 Externally there was evidence of peeling paint on the windows though this is a relatively minor issue. There are outbuildings which are currently used for storage. I understand that planning consent has been sought for the conversion of these buildings to holiday lets. It will however require significant capital investment to bring these buildings into a commercial use.



2.5.3 The trade inventory has been removed and it would be necessary for an operator to re-furnish the premises. Given the location and style of operation it would be necessary to provide good quality furniture.

## **2.6 Premises Licence**

2.6.1 Enquiries made with the Licensing Authority indicate that the property has not had the benefit of a Premises Licence since 9<sup>th</sup> June 2018. I understand that the current owners of the property surrendered the licence approximately 6 months after they ceased to operate the premises as a public house. For the purposes of my report I have assumed that the business is operational as the surrender was effected after the premises ceased trading but prior to the application for a change of use and without any alternate use consents being granted. This would not have been the actions of a prudent owner.

## **2.7 Rating**

2.7.1 The rateable values of public houses are assessed based on judgements made over their trading potential. A simple reliance on actual rateable values in order to arrive at an opinion of future trade potential is however not to be recommended nor is considered to be a reliable basis for such judgement.

2.7.2 Consultation of the website of the Valuation Office Agency shows that the Royal Oak has the following history of Rateable Values (RV):

Rating List 2010 – RV £17,400 effective 1<sup>st</sup> April 2010.

Rating List 2017 – RV £10,300 effective 1<sup>st</sup> April 2017.

2.7.3 The 2010 Rating List entry will have been based on the property's physical size and format applicable on 1<sup>st</sup> April 2010 however the economic and trading circumstances applicable on 1<sup>st</sup> April 2007, known as the antecedent valuation date. It is likely that the assessment will have been influenced by reports of actual trade achieved in the period 2005 to 2007.





2.7.4 The 2017 Rating List entry will have been based on the property's physical size and format applicable as at 1<sup>st</sup> April 2017 however the economic and trading circumstances applicable as at 1<sup>st</sup> April 2015, the then antecedent valuation date. The property was in the process of being sold during this period and I am not certain if the rating authority would have been in possession of the historic trading information. However the reduction in the rating assessments between 2010 and 2017 would suggest that there has been a declining trading performance during this period. I will deal with this later when I consider the fair maintainable turnover.

2.7.5 The property's domestic accommodation is included in the Council Tax Valuation List within value Band C.

### **3.0 THE MARKETPLACE FOR PUBLIC HOUSES**

In this section I consider the economic, operational and social influences which impact on the demand for, trading potential and viability of public houses.

3.1 In the year 2007 the onset of the 'credit crunch' triggered a prolonged period of considerable economic uncertainty with the UK economy suffering a sustained downturn with double dip recessions in 2008/09 and 2011/12.

3.2 The economic downturn had a dual impact upon the licensed trade. Firstly, there was the effect of lower sales resulting from customers having reduced disposable income or simply exercising caution. Secondly there was the impact on the ability for prospective purchasers to raise finance. Throughout the downturn, banks were averse to risk and reluctant to entertain loans unless a borrower had relevant trade experience and accounting information was available to support the levels of trade projected. Scarcity of loan finance, together with vastly reduced bank loan to value ratios have limited purchasers' ability to raise finance and continues to do so. Some banks effectively exited from the licensed and leisure property sectors.



- 3.3 In Fleurets` experience, throughout the economic downturn lenders were reluctant to advance finance for purchases of public houses, particularly those which could not demonstrate robust levels of turnover and profitability or were closed to trade. Even in a much improved economic climate, in the absence of a sustained level of proven trade and profits, lenders are generally not prepared to provide funding unless an operator is prepared to offer alternative security. Banks tend to be averse to lending against leasehold interests. The larger multiple or corporate operators will not generally need to raise finance for individual property acquisitions however, such operators will usually only acquire sites where there is potential to generate sales in excess of £20,000 per week, net of VAT. I do not consider the Royal Oak to have any of the characteristics which would enable it to be able to generate such levels of turnover.
- 3.4 More recently the economy has returned to positive growth, albeit it has fluctuated. In 2014 GDP stood at 2.4%, rising to 2.6% in 2015 but then falling to 1.6% in 2016. 2017 fared similarly with growth of 1.8%.
- 3.5 In June 2016 the UK voted to leave the European Union in the BREXIT vote. Negotiations between Britain and the EU are ongoing following Article 50 formally being triggered and the political and economic uncertainty has returned. Import costs have increased, particularly in the food sectors, albeit this has subsided somewhat more recently, and inflation has risen strongly and as at April 2018 stood at 2.5%, having been at over 3% at the end of 2017, well above the Bank of England's target level of 2%. This has triggered a marginal rise in interest rates from 0.25% to 0.5%.
- 3.6 As a consequence of rising costs and weak wage growth consumer spending has once again come under close scrutiny. Whilst the pub sector has proved relatively resilient to these pressures so far, the press has widely reported on the struggles of the restaurant and retail sectors. Numerous restaurants across the branded, corporate and independent sectors have closed and/or been placed on the market for sale and profit warnings have been issued by a number of the major retailers.
- 3.7 This all comes on top of the challenges that the licensed retailing trade sector has already been faced with over the last 20 years or so. Rising costs and increasing administrative burdens, together with legislative changes have seen significant threats to stability at all levels. Legislation publicans must have regard to include the following:-



- Licensing Act 2003
- Food Act 1984 (as amended)
- Food Safety Act 1990 (as amended)
- Equality Act 2010
- Regulatory Reform (Fire Safety) Order 2005
- Gas & Electrical Regulations in relation to the trade inventory

3.8 The mass beer market has seen and continues to experience a shift to the off trade, which combined with the success of anti-drink drive legislation have been significant factors leading to a general decline in volume of traditional on-licensed wet sales. Recent statistics, produced by the British Beer and Pub Association (BBPA) in their UK Quarterly Beer Barometer show a decline in annual beer sales in the on-trade between Quarter 4 2000 and 2017 from 23,358,000 to 12,628,000 barrels, a decline of c.46% (expressed in terms of 36 gallon brewers' barrels). The highest levels of decline were reported in 2008 and 2009 which would be consistent with the follow on from the introduction of the ban on smoking in public places as well as the onset of the recession. Whilst the decline in beer volumes has continued the speed of decline reduced in mid-2014 to its lowest level since 2003.

3.9 During the same period annual beer sales in the off-trade showed an increase from 11,215,000 to 14,285,000 barrels, an increase of c.27%. This marks a significant switch between beer volumes consumed in trading premises such as public houses and those consumed at home purchased from retail outlets such as off licenses, general stores and supermarkets. The shift has been so significant that in 2015 the volume of beer sold in the off-trade for the first time exceeded the volume of beer sold in the on-trade, a trend which has continued and remains as at Q4 2017. A copy of the source data is attached at Appendix DCS1.

3.10 The introduction of the ban on smoking in public places in July 2007 had a significant impact upon the trade of wet led public houses. In September 2008 a report issued jointly by the Federation of Licensed Victuallers Associations (FVLA) and the British Institute of Innkeeping (BII) concluded:

*"The smoking ban has had a serious and continuing effect on trade with the very important custom of smokers much diminished and with little positive news in terms of increased non-smoker or family business. The impact has been borne most by community, drink based pubs which have also had the fewest resources to withstand the downturn."*



- 3.11 The development of large public houses, on local 'high streets', which have the ability to offer discounted prices through their better purchasing power has resulted in a decline in sales in smaller traditional outlets within a radius of up to one mile, where there is public access/transport. As a consequence many such public houses which were previously only marginally viable have now ceased trading.
- 3.12 Regular eating out has become an established part of the British psyche and, as wet sales have declined, many pubs have sought to maintain and develop their business by focusing upon food led custom. However net profit margins on food led businesses are typically 5 to 10% lower than for wet led businesses. Consequently, such pubs are dependent upon achieving a higher level of food sales in order to replace lost wet sales if the overall net profit is to be maintained.
- 3.13 Local custom tends to be mostly 'walk-to' trade drawn from the immediate community, probably from less than ½ mile radius. Assuming the business is run in a good, competent and welcoming manner, trade will essentially be attracted by the convenience of the location and the opportunity to socialise with the local community. Local custom will tend to be concentrated towards weekday evenings and weekends.
- 3.14 In contrast to local trade, destination custom is often car borne and hence is attracted from a wider catchment area. Customers are drawn to an establishment by virtue of the nature of the facilities on offer, commonly including the availability of meals. Destination food led operations tend to be targeted to a particular market, which may be families, value orientated, fine dining, ethnic or traditional and offer particular desirable characteristics.
- 3.15 The essential characteristics of most destination led business are high visibility, ease of access and good parking. The family orientated businesses are usually run as high-volume branded outlets by multiple operators, typical examples of which are Chef & Brewer, Flaming Grill, and Hungry Horse. They may often be combined with outdoor and/or indoor children's play facilities. Such businesses demand prominent road locations, a site of ¼ to one acre, a built area in the region of 7,000 to 8,000 sq ft and customer area of 2,500 to 3,500 sq ft. There has been a significant expansion in the number of this type of operation in both urban and suburban areas over the last twenty five years.





- 3.16 In more recent years an increasingly important requirement has been for such units to be developed near to business parks or at transport intersections. The most active companies in this market in more recent years have been Marston's and Greene King. Following the recession it has been the case that operators have been increasingly unwilling to compromise their site criteria.
- 3.17 Customers will also be attracted to destination venues by their setting, for example waterside properties or those where there is some historic interest or relevance.
- 3.18 The locational characteristics of the Royal Oak are such that it will not be able to rely solely on a locally resident custom and by necessity will therefore need to attract and appeal to a targeted destination type of custom, the majority of whom will be reliant upon car journeys in order to access the property.
- 3.19 The consequences of the above described economic and social trends are seen to adversely impact on public house trading, reducing alcoholic drink consumption, putting pressure on retail pricing and leading to an increasingly challenging market in which to operate. Such impacts are understood to be central to the declining numbers of public houses, both in urban and in rural districts. The background of these economic and social trends increases the risks faced by those making investments in the sector, particularly where there is a history of business failure and subsequent physical decline of premises. Such circumstances which increase the risks of making an investment into a public house all apply to the subject property.

#### **4.0 THE ECONOMIC VIABILITY OF PUBLIC HOUSES**

##### **4.1 Viability Factors**

- 4.1.1 When assessing the viability of a public house there are a number of factors which are appropriately considered and a number of potential sources of information to assist with the required appraisals.
- 4.1.2 It is firstly appropriate to consider the locational and physical characteristics of the property together with its existing local competition. Based on these considerations, a judgement can then be made over the most credible style of public house trading to be adopted at a particular site, in order to best exploit the trading potential.



- 4.1.3 It is desirable to be able to review financial information recording past trade performance of a site should this information be available, in order to help make the required judgement over future potential. However, such historic records are not always available and in incidences where there is no trade performance history, prospective operators must rely wholly on their own judgements and experience.
- 4.1.4 The British Beer and Pub Association (BBPA) have produced documentation to assist pub tenants in assessing public house operational costs and this data is of particular assistance in instances where there is an absence of past trading records.
- 4.1.5 In addition the Campaign For Real Ale, CAMRA, has published a Paper – “Public House Viability Test” which identifies a number of factors they recommend it is appropriate be considered when appraising a pub’s trade potential in a variety of scenarios. It is necessary to note the CAMRA Paper is not adopted planning policy, it can however be treated as a guide to appropriate considerations.
- 4.1.6 Arising from the planning policy under SP11 referred to above in section 1.3 there are in my opinion three issues that need to be addressed, namely:
- The existence of alternative facilities which provide for people’s day-to-day needs;
  - The continuing viability of the business; and
  - The marketing of the business as a going concern.

I shall address each of these issues in turn.

#### **4.2 Local Public House Competition/Alternative Amenities**

- 4.2.1 There are a number of public houses located around the rural district surrounding Nunnington and the Royal Oak. It is helpful to consider these alternative public houses, which not only offer alternative facilities to the local communities but importantly would form direct competition to a party wishing to relaunch pub trading at the Royal Oak.



4.2.2 From my review of the locality, I have identified the following public houses and businesses as relevant competition: -

Fryton Catering Coffee House, Nunnington – (200 yards away)



The Fryton is situated in close proximity to the Royal Oak and benefits from a more central position within the village. Sandwiches and snacks are provided throughout the day. I also understand the premises are licenced and is considered better placed to cater for trade from Nunnington Hall. The Coffee House opened in April 2016.

Nunnington Village Hall – (0.5 mile away)



A traditional village hall on the outskirts of the village. This hall can be used for meetings and other community activities.

Nunnington Hall – (0.5 mile away)



Country House situated on the outskirts of the village of Nunnington. National Trust property with its own café.



Worsley Arms, Hovingham – (2.5 miles away)



Situated on the main route through Hovingham. A traditional public house providing food and beverage, together with letting accommodation. Attractive gardens with car park.

Malt Shovel, Hovingham - (2.5 miles away)



Traditional public house providing both food and beverage. Catering for a mix of local and drive to trade.

Fairfax, Gilling (4.5 miles away)

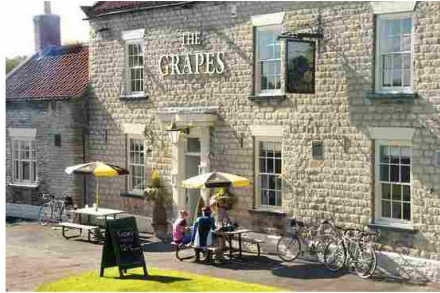


Traditional North Yorkshire Hostelry providing food and drink, together with letting accommodation. Attractive outside trading areas and car parking.





Grapes, Slingsby (4.5 miles away)



Traditional North Yorkshire public house providing food and drink in an attractive trade environment. In addition functions are also held at the property.

Star, Harome – (3.5 miles away)



Situated in the village of Harome, just outside Helmsley. A traditional North Yorkshire public house. Again, providing food and beverage and accommodation.

Pheasant Hotel, Harome – (3.5 miles away)



Country house hotel in the village of Harome, which benefits from 16 letting rooms in addition to providing food and drink in the bar. Fully modernised.



Royal Oak, Gillamoor – (8 miles away)



Traditional village pub on the main street in Gillamoor. The pub provides both food and drink, together with accommodation. In addition there is a residents' car park and on street parking in the village.

4.2.3 From the above review of the alternative public house provision located in the rural district surrounding Nunnington, it is apparent that the local village communities and those accessing the district by car are served by a range of long established alternative public houses which provide both community drinks led type offers and some with the daytime and evening food offers, in some instances also providing overnight bed & breakfast accommodation. A prospective future operator of the Royal Oak would be conscious of the extent of the established competition and would be concerned over the need to effectively attract custom away from these other public houses/pub-restaurants. In my opinion in the marketplace of 2018, the local district surrounding the Royal Oak is more than adequately supplied with public house amenities, albeit that residents of Nunnington are reliant upon car borne access.

4.2.4 Within the village of Nunnington there is Fryton's Catering Coffee House, which provides food and beverage, and is also licensed. This facility open in April 2016 and is likely to have impacted on the day time trade at the Royal Oak. In addition food is available at Nunnington Hall, though limited to day times only. In addition the Village Hall also provides a community meeting place.

**Having regard to the above I conclude that within Nunnington and the immediate area there are sufficient and better located premises that can cater for the community needs.**



#### **4.3 The Assessment of the Royal Oak's Current Trade Potential**

- 4.3.1 When assessing the viability of a public house there will be differing qualities and extent of information available to assist with judgements, dependent on the particular background circumstances applicable to each individual case.
- 4.3.2 When considering the viability of businesses one should have regard to the potential of the business and not just purely the recent trading history. In order to do this a useful format is provided by the Campaign for Real Ale (CAMRA) Paper Public House Viability Test. In my opinion the first step is to consider the target market for the business in question, this will draw in a number of the headings raised in the CAMRA paper. Having regard to the physical characteristics of the Royal Oak PH and its location I am of the opinion that the most appropriate style of trade would be as a destination food house incorporating core wet led community trade. The level of potential trade will be restricted by the location, configuration of the trading area and the availability of alternative facilities as referred to at 4.2.2 above.
- 4.3.3 To assist an assessment of the viability of the Royal Oak it is necessary to form an opinion of the property's Fair Maintainable Turnover (FMT), this being the level of trade that a Reasonably Efficient Operator (REO) would expect to achieve from all forms of income, when running the business in a proper manner, on the assumption that the property is properly repaired, maintained and decorated.
- 4.3.4 From the FMT the Fair Maintainable Operating Profit (FMOP) that a REO would expect to achieve is assessed taking into account the age, location, style, configuration and size/quality of the accommodation provided by the property, as well as the style of the trade proposed to be undertaken. The operating profit is stated before the deduction of costs of finance, depreciation, owner's remuneration/drawings and any one off exceptional costs.
- 4.3.5 In arriving at my assessment of trading potential of an existing public house, I would normally have regard to any historic trade performance data that is available in respect of other similar properties. In addition it is necessary to have regard to any established market trends in public house performance over recent years.



- 4.3.6 The economic downturn discussed in Section 3.0 above, combined with the effects of other changing social trends, including greater respect for drink driving law and increased consciousness over health, have adversely impacted on alcohol consumption and hence on the turnover and profit potential of public houses such as the Royal Oak.
- 4.3.7 In 2007 the property was on the market with Colliers Robert Barry at a guide price of £675,000. It should be appreciated that 2007 represented the peak of the property market, prior to the crash in 2007 and more particularly in 2008, after Lehman Brothers. At the time, turnover was declared as being in the region of £275,000 net. This is a transaction referred to above, which was conducted by my colleague when he was working at Colliers Robert Barry.
- 4.3.8 I have been able to interrogate Fleurets' database and I have been able to identify some information regarding historic trading performance at the Royal Oak. The property was available for sale in 2011 at a guide price of £550,000. At the time the declared turnover was £231,119 (net of VAT), a copy of the sales information is included as Appendix DCS2.
- 4.3.9 The property was being advertised on the market with Christie & Co in December 2015, with a guide price of £650,000. A copy of the sales particulars is attached in Appendix DCS2. This relates to the current owners attempt to dispose of the freehold interest. No turnover was declared although comments are that it had been recently renovated.
- 4.3.10 We also understand that Davy & Co have advertised the property for sale. What is interesting is that trading information comments state that "Information supplied by our clients show net sales comfortably in the order of £200,000, trading on limited hours over only 5 days a week and 11 months of the year, due entirely to our clients' personal preference. The business possesses outstanding trading potential given the demographic of the location and also the extent of the facilities provided."
- 4.3.11 It was also noted that the premises were closed Monday and Tuesday, also during the afternoons throughout the week. The guide price was £600,000. Copies of the sales particulars are again attached as Appendix DCS2





- 4.3.12 The owners of the Royal Oak have provided accounting information, which I attach as Appendix DCS3. As can be seen from the accounts the turnover has been around £160,000 for the past 2 years and after adding back Director's Remuneration, more or less breaks even. This appears to be at odds with the sales particulars referred to above. I would make the following observations:
- 4.3.13 Gross Profit Margins reflecting costs of sales, but excluding staff costs and direct costs is showing a figure of circa 54%. The Royal Oak operates as a traditional freehouse serving both food and drink in a not particularly price sensitive area. I am of the view that the reasonably efficient operator would expect to achieve Gross Profit Margins closer to 60-63%, as they would be able to source their products in a competitive market and obtain discounts from local suppliers.
- 4.3.14 It should also be noted that the Rateable Value for Royal Oak, as assessed in 2017 at £10,300 will bring this within the category of a small business and will receive significant relief against rating costs. This benefit will post date the accounting information, but will add to the profitability of the premises going forward.
- 4.3.15 In making my assessment it is appropriate to adopt an assumption that the property is open and trading with the inventory in situ. It should also be assumed to be operated by a Reasonably Efficient Operator. I am of the view this would mean the property was open for trading longer hours, particularly during the afternoons, though having regard to the increased competition from the Fryton Coffee House since it opened in 2016.
- 4.3.16 Having regard to the property's location, style and the availability of alternative food offers, I consider that it would be realistic to envisage a sales potential from all sources in the region of £4,000 per week. Thus, for the purposes of undertaking a viability analysis, I adopt a fair maintainable turnover (FMT) of £200,000. I have assumed that such sales would be 40% drink, i.e. £80,000 and 60% food, i.e. £120,000.
- 4.3.17 On the basis that the pub's trading will need to be substantially driven by a destination custom for food, I consider that it is unrealistic to expect any meaningful contribution to income to be derived from amusement machines/games, i.e. gaming machines, quiz machines and pool tables.



4.3.18 For the purposes of my assessment of viability, I assume that the property is available to its operator as an unencumbered freehold interest, thus I assume the occupier/operator would be free of any beer tie. This assumption has a direct impact on the gross profit margin that can be achieved from drinks sales. The gross profit margin reflects sales against the cost of purchasing the products for resale. With drink sales at the adopted level, I have assessed based on experience, an overall wet gross profit performance at 65% i.e. £52,000

4.3.19 The food gross profit margin needs to reflect what I consider will be a good quality traditional pub food offer, hence one which is not premium priced. As a consequence, I adopt a gross profit margin at 60% i.e. £72,000.

4.3.20 I therefore assess the gross profit achievable as follows:-

	£
GP from Wet Sales	52,000
GP from Food Sales	72,000
Overall GP	124,000
Overall GP % of overall sales	62%

4.3.21 It is necessary to consider the costs involved in running the business and maintaining the property. Such costs will vary as a result of numerous factors which include the level of sales, size/configuration of the property and sales mix. In the absence of any available evidence of actual operating expenses for the Royal Oak to assist in such judgement, I have regard to operating expense levels derived from industry research detailed in the BBPA publication - Running a Pub, a Guide to Costs for Tied Tenants and Lessees - 2017.

4.3.22 The BBPA document provides advice to tied tenants, however the drinks tie impacts only on the gross profit line and therefore the data on operating costs is considered to be a reliable and appropriate guide for the purposes of this viability exercise. The BBPA publication seeks to distinguish between different levels and styles of pub trade. In the case of the Royal Oak I consider that the BBPA model for a "rural character" category of pub with a trade level of circa £5,000 per week is the most relevant.



- 4.3.23 The model identifies operating costs of 40.3% of sales which includes a labour expense equal to 22.5% of sales, however adjusting to exclude the costs related to interest on tenant's working capital reduces the total operating expense to 39.8% of sales. It should be noted that such costs do not provide for either a manager's salary or an owner's remuneration or for entertainment costs. I enclose as Appendix DCS4 a copy of the 'model'. It should also be borne in mind that these statistics also assume a full rates bill which is not the case for the Royal Oak. Adopting a considered view of operating expenses, I adopt total operating expenses for the Royal Oak of £77,000, equivalent to 38.4% of adopted total sales.
- 4.3.24 My assessment of net profit i.e. the Fair Maintainable Operating Profit, before the expenses of finance and owner/operator's remuneration is therefore £47,000 which equates to circa 24% of the adopted total sales. In my experience such profit percentage of total sales is a reasonable profit expectation for a rural located pub of this style with mixed food and drink trade at the adopted level. It would also assume an owner operating couple who would share the kitchen and bar work.
- 4.3.25 I reiterate, the above assessment of FMOP is stated before accounting for an owner's remuneration or any costs of finance the owner/operator is obliged to incur.
- 4.3.26 An owner/operator of a public house such as the Royal Oak must be able to expect a reasonable return on their effort, labour and business risk taken if investing in acquiring, re-establishing and operating the business. To an extent, such expectations of an operator are subjective, but as a helpful independent guide, I refer to the legal case of *Brooker - v - Unique Pub Properties Limited* (2001) (Chancery Division Bristol District Registry Case No. BS002253) which gave consideration to the appropriate level of remuneration that a public house operator would reasonably expect to receive. In that case it was stated that at that time, the minimum remuneration an operator would expect was £20,000 per annum. If this figure is adjusted to reflect the subsequent increase in average earnings, it would now equate to a figure in the region of £30,000.
- 4.3.27 Regard also needs to be had to the cost of finance, i.e. the cost of funding not only for the property purchase, but also to cover the costs of any works that need to be undertaken together with required new/replacement trade furnishings, equipment and effects, as are considered necessary to enable the business once relaunched, to realise its trading potential.



4.3.28 For the purposes of the appraisal, it is also necessary to assume a notional purchase price for acquiring the freehold premises. I have difficulty in accepting the guide prices adopted for selling the premises as being realistic. These are not formal “Red Book” valuations but merely an offer to sell at a figure required by the vendor. I am of the opinion the guide prices appear to reflect the hypothetical residential value not the true value of a trading public house. For the purposes of this report I cannot assume planning consent has been or will be granted and therefore must ignore any additional value attributed to the additional residential “value”. I have also had regard to other public houses that have sold in the wider area. I set out below evidence of these sales:

**Black Lion, 8 Market Place, Thirsk, YO7 1LB**



**Sale Date:** On Market  
**Tenure:** Freehold  
**Guide Price:** £325,000  
**Turnover:** Currently closed

**Location:**

The property is situated in the centre of Thirsk, close to the main market square.

**Description:**

Mid-terrace, 2 storey brick building. Operating as a restaurant with private living accommodation at first floor.

**Business:**

Currently closed, although previously operated as a restaurant.

**New Inn, Main Street, Huby, York, YO61 1HQ**



**Sale Date:** Sold 2018  
**Tenure:** Freehold  
**Sale Price:** £250,000 (Sold for)  
**Turnover:** Currently closed

**Location:**

The property is located in the centre of the attractive and affluent village of Huby approximately 10 miles to the north of York.

**Description**

2 storey brick construction with painted external elevation and pitched pantie roof covering. Patio seating is to the front, along with parking for approximately 6 vehicles. To the rear, there is a second patio seating area a range of outbuildings and further parking for an additional 8 vehicles.

**Business:**

Closed.



**Hare & Hounds, Main Road, Staxton, Scarborough, YO12 4TA**



<b>Sale Date:</b>	March 2018
<b>Tenure:</b>	Freehold
<b>Sale Price:</b>	<b>£200,000</b>
<b>Turnover:</b>	Currently closed

**Location:**

Situated fronting onto the A64 main road on the edge of the village of Staxton

**Description:**

Rundown traditional construction in painted brick and stone under double pitched concrete tile roof covering. Single storey garage and range of outbuildings to the rear. Rear yard and parking for about 30 cars running alongside the main road.

**Business:**

Closed. Had an ACV application but unviable to bring back into reasonable pub use.

**Cayley Arms Hotel, Allerston, Pickering, YO18 7PJ**



<b>Sale Date:</b>	July 2017
<b>Tenure:</b>	Freehold
<b>Sale Price:</b>	<b>£297,000</b>

**Location:**

The property is located by the side of the busy A170 Helmsley to Scarborough Road.

**Description**

2 storey detached property with colour washed elevations under pitched roofs with single storey extensions to the rear. Large trading areas but all very tired.

**Business:**

No accounts.





**Royal Oak, Cropgrove Road, Burton Leonard, North Yorkshire, HG3 3SJ**



<b>Sale Date:</b>	January 2018
<b>Tenure:</b>	Freehold
<b>Sale Price:</b>	<b>£280,000</b>
<b>Turnover:</b>	£147,692

**Location:**

The property is located on Copgrave Road close to the village green in the heart of the attractive rural village of Burton Leonard.

**Description**

An attractive 2 storey, part stone and part brick built building beneath a pitched slate roof covering, with a painted and rendered mock Tudor finish. There is a grassed beer garden to the rear and a forecourt car parking area to the front.

**Business:**

Established traditional village freehouse. Sales of £147,692 net VAT with strong profits for the year end 31st December 2016.

- 4.3.29 Therefore for these purposes and having regard to evidence of other sales I adopt what I consider to be a credible acquisition cost having regard to the location, size, style, age and condition of the property of £325,000 i.e. 1.6 x my FMT. This also assumes trading accounts would be available and the property is open and trading with the benefit of a premises license. I have assumed an inventory value of £30,000 and to be included in the £325,000.
- 4.3.30 In addition to the purchase price a purchaser must also account for Stamp Duty Land Tax together with professional fees for the property acquisition and required application for a new Premises Licence. The assumed purchase price would trigger a liability for SDLT on £295,000 less £10% for the residential element i.e. c. £3,000. In addition I have allowed £10,000 to cover the additional acquisition expenses. The purchaser would also have to acquire stock and provide working capital thus say a further £20,000
- 4.3.31 Accordingly, I am of the view that a purchaser of the freehold for the purposes of a continuation of public house trading would need to have access to £358,000, in order to acquire the property trade at the FMT and FMOP levels.



4.3.32 In respect of the assumed freehold tenure, in my experience it is highly unlikely in the current market that a lender would fund any more than 60% of this sum and then most likely only if the purchaser was an experienced operator, accounts are available to support the projected trade and/or the borrower is able to provide alternative security. On this basis a purchaser would need to fund the balance of the cost from their own resources and hence would incur the opportunity cost of being unable to invest the money elsewhere. The cost of finance is therefore appropriately calculated as a minimum based on the total capital required both borrowed and self supplied. In the current market a typical loan term for a commercial property such as this is for 15 to 20 years with interest rates of say 4% to 5%. On the basis of a borrowed funds requirement of £358,000 over 20 years at 5% interest, this would equate to an aggregate of the monthly loan and interest payments of £2,394 per month thus annual finance costs of £28,728.

#### 4.4 Royal Oak Viability Assessment

4.4.1 I set out below my assessments of the viability of the freehold purchase, renovation, launching and subsequent continuation of public house use of the Royal Oak.

##### 4.4.2 Freehold Interest

Sales (net of VAT)		200,000
Gross profit @ 62%		<u>124,000</u>
<b>Less</b>		
Operating costs @ 38.4% of total sales		
	77,000	
Owners remuneration (see 4.3.26above) say	<u>30,000</u>	(107,000)
Profit before finance costs		14,000
<b>Less</b>		
Cost of finance		
Notional acquisition price, say	335,000	
Stock & working capital	30,000	
SDLT	3,000	
Acquisition costs	<u>10,000</u>	
	358,000	
Repayment on a £358,000 mortgage (see 4.3.32 above)		<u>(28,728)</u>
Loss (after owner's remuneration and cost of finance)		<u>(14,728)</u>



4.4.3 Based upon the above reasoned viability appraisal, I am of the opinion that the acquisition and continuation of public house trading at the Royal Oak following the purchase of the freehold interest, would not offer a party considering such a venture a economically viable or prudent proposition. Therefore:

**I am of the opinion that the Royal Oak is not an economically viable proposition for the following reasons:**

- **After allowance for finance costs the business is loss making.**
- **The return on the investment required does not reflect the risk.**
- **The property would not be of interest to corporate pub companies, either leased or managed operators.**
- **Nationally beer volumes are in decline.**
- **The limited car parking facilities required to operate as a destination food house.**
- **Better located competition will limit the opportunity to growth the turnover and profit.**

#### **4.5 The Marketing of the Property as a Going Concern**

4.5.1 The licensed property market was near its peak in 2006, in terms of both transactional activity and values, this being fuelled by activity from the pub companies and also lifestyle purchasers. At this time finance was readily available from the banks, it not being unusual for 80-90% of a purchase price to be available through bank lending.

4.5.2 The lifestyle purchaser was a key player in the licensed property market prior to 2008. Lifestyle purchasers of public houses were common, however this was to a degree dependent upon them having a substantial capital sum to invest in their dream with the remaining capital being secured by way of a bank or other loan secured against the property. The lifestyle purchaser fell into two distinct categories:

- Existing/experienced licensees who wished to remain in the trade but required a quieter life.
- New entrants to the trade who were possibly attempting to improve their quality of life (perceived) and had funds available to invest through the sale of a residential property or possibly as a consequence of redundancy.





- 4.5.3 The lifestyle purchaser would be seeking a location and property type that particularly appealed to them. The property would become their principal place of residence and one where they intended to remain for a number of years. Trade was likely to have been relatively quiet with limited trading hours operated. The decision to acquire was made predominantly on subjective factors with less importance being placed on the potential of the business to be operated.
- 4.5.4 Up until the latter part of 2007 the lifestyle purchaser had been a common feature throughout rural counties of England, this was to a very great extent fuelled by high residential prices, the easy availability of bank finance and an increasing desire for elements of the population to improve their lifestyle.
- 4.5.5 Particularly in the years 2003 to 2006 I personally undertook a number of bank valuations for loan security purposes where the proposed acquisition fell into this category of a lifestyle purchaser. It was evident that prices were being inflated by purely subjective issues but there was a wealth of comparable evidence to support the prices being paid. To a degree this was a move away from the traditional approach to licensed property valuation that relied on the principles of fair maintainable sales and fair maintainable net profit i.e. the business being capable of trading at a level whereby loans could be repaid and the occupiers left with a reasonable level of profit. In these cases I would advise the bank that they should consider the loan to value ratio carefully and to ensure that the fair maintainable levels of profit were sufficient to meet the loan and interest payments. The lifestyle purchaser did not necessarily mean that the business was financially viable.
- 4.5.6 We are advised that the current owners acquired the premises in April 2014 for circa £400,000 including fixtures and fittings. Despite acquiring the property in 2014 our records show that the property was placed on the market by Christie & Co from 20<sup>th</sup> October 2015 to 20<sup>th</sup> April 2016. Therefore, Christie & Co commenced marketing the property only 18 months after the premises were acquired. This seems a short period to establish a business. Christie's guide price was £650,000, against an acquisition price of £400,000, although some refurbishment works are reported to have been undertaken in the interim. No sale was achieved. It would also appear that in the 6 months they were instructed no price reduction was undertaken.



- 4.5.7 Davy & Co were then instructed from May 2016 to December 2017, a period of 19 months, although there was also a period of joint agency with Christie & Co up to the end of December 2017. Christies then again had sole agency to March 2018. My understanding was that the guide price was originally £600,000 though was reduced to £575,000 in September 2016 and further reduced to £525,000 in February 2018 prior to being withdrawn from the market in March 2018.
- 4.5.8 In considering the above information it is also interesting to note that turnover declined from when the premises were acquired when it was achieving in excess of £200,000 to the subsequent turnover of £160,000. Licensed premises and particularly public houses are trading assets and their value is intrinsically linked to their trading performance. In my experience a property failing to sell after 3 years marketing will be overpriced. Fleurets statistics show that on average licensed premises take 9 to 12 months to sell. Some may take longer, although it is usually where a vendor is reluctant to adjust the guide price to reflect market conditions. I am of the view that a public house, albeit an attractive village such as Nunnington, was overpriced at £600-650,000. Given the quoted declining turnover, a more realistic expectation would have been to sell the property at a figure closer to my figure of £325,000. This also suggests the property when acquired was purchased at a figure above the market value of a public house without the potential for a change of use to residential; particularly as the benefits of any "improvements" did not improve trading performance. From my experience undertaking bank valuations, I am also of the view that this type of property with low levels of profit relative to a "hypothetical asking price" would be difficult to fund, unless the owners/purchasers were prepared to pay a premium out of personal funds for the lifestyle element of the business. At a hypothetical sale price of £600,000 including SDLT and stock purchases, would require funding that would cost nearly £50,000 per annum. I cannot envisage a situation where a purchaser would incur these costs to acquire a business with only a potential £200,000 per year turnover. It is therefore likely that a bank would be unlikely to fund a purchaser anything above £325,000 possibly less.
- 4.5.9 Christie & Co and Davy & Co are recognised licensed property agents, who have extensive experience in the public house market, however, despite this, they were unable to achieve a sale over a period of nearly 3 years. I also understand no serious offers were forthcoming. This confirms my view that the property was overpriced. The applicant has subsequently closed the business and surrendered the license. In my view this action is premature and will clearly hinder any future attempt to sell the Royal Oak as a public house.



4.5.10 **I conclude that the property has not been marketed at a realistic guide price, reflecting the circumstances whereby no planning consent has been obtained for the change of use to a private residence. Based on the declared turnover and profit the purchase at the guide prices of both Christies and Davey & Co would make the purchase uneconomic and at severe risk of business failure as the business would be unlikely to generate sufficient profit to cover finance charges let alone give the owners a sufficient return of the endeavours operating the business.**

## 5.0 CONCLUSIONS

5.1 On consideration of the of historic information which demonstrates recent trading performance of the Royal Oak and my assessment of the realistic credible maximum likely trade potential, it is my opinion that the property is not economically viable for continued use as a public house. My above trade appraisal and viability assessment, demonstrate that it is not capable of generating a satisfactory profit performance to make it viable/sustainable for the reintroduction of public house use. The non-viability of this course of action particularly arises as a result of the capital investment required to acquire the premises.

5.2 I am of the opinion that the property's characteristics and location would cause it to be heavily reliant upon a destination type custom attracted for food. Given the range of existing competing public houses/pub-restaurants and other community facilities situated in the local district, the sustainability of trading at the Royal Oak will present significant challenges and uncertainties and cannot be demonstrated to provide an operator with a satisfactory return on, (i) the required capital investment; (ii) the risks of investing in the proposition; and (iii) the required entrepreneurial endeavour necessary for a party to acquire, and operate a rural located public house with a low nearby resident community.

5.3 I therefore conclude, that the Royal Oak is not an opportunity or undertaking that is economically viable for any party who is subject to the norms of profit motivation and market led commercial costs of finance in the current economic and financial circumstances, nor indeed those reasonably expected to apply in the short to medium term time frame. Should a party nevertheless undertake such a risk and investment, they would in my opinion be subject to a high risk of business failure.



**6.0 PROFESSIONAL DECLARATION**

- 6.1 I have prepared this report in the capacity of a surveyor expert witness and include below the required declaration expected of Chartered Surveyors acting in this capacity.
- 6.2 I confirm that my report includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 6.3 I confirm that my duty as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 6.4 I confirm that I am not instructed under any conditional fee arrangement.
- 6.5 I confirm that I have no conflicts of interest of any kind other than those already disclosed in my report.
- 6.6 I confirm that my report complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in *Surveyors Acting as Expert Witnesses: RICS Practice Statement*.

**Signed:**

**DC Sutcliffe BSc MRICS**  
**Director and**  
**National Head of Professional Service**  
**Fleurets**  
Prospect House,  
324 Moston Lane East,  
Manchester,  
M40 2HZ

**Dated** 18th July 2018

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APPENDIX DCS1  
Quarterly Beer Barometer (BBPA)

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# UK Quarterly Beer Barometer

1st Quarter 2018 (January to March)



## Quarterly Beer sales ('000 barrels)

Total sales	Q1		Q2		Q3		Q4	
	Volume	% change	Volume	% change	Volume	% change	Volume	% change
2000	6,852	-5.0%	9,070	0.4%	8,865	-4.8%	9,785	-4.7%
2001	6,811	-0.6%	8,972	-1.1%	8,906	0.5%	9,939	1.6%
2002	7,137	4.8%	9,305	3.7%	8,820	-1.0%	9,879	-0.6%
2003	7,048	-1.2%	9,286	-0.2%	9,270	5.1%	9,896	0.2%
2004	7,318	3.8%	9,485	2.1%	8,795	-5.1%	10,043	1.5%
2005	7,090	-3.1%	9,087	-4.2%	8,995	2.3%	9,730	-3.1%
2006	6,966	-1.8%	9,500	4.6%	8,399	-6.6%	9,582	-1.5%
2007	6,783	-2.6%	8,835	-7.0%	8,357	-0.5%	9,180	-4.2%
2008	6,773	-0.2%	8,481	-4.0%	7,780	-6.9%	8,448	-8.0%
2009	6,252	-7.7%	8,063	-4.9%	7,740	-0.5%	8,159	-3.4%
2010	5,965	-4.6%	8,361	3.7%	7,029	-9.2%	7,795	-4.5%
2011	5,818	-2.5%	7,630	-8.7%	7,248	3.1%	7,781	-0.2%
2012	5,747	-1.2%	7,204	-5.6%	6,813	-6.0%	7,268	-6.6%
2013	5,587	-2.8%	6,863	-4.7%	7,180	5.4%	7,368	1.4%
2014	5,436	-2.7%	7,434	8.3%	6,846	-4.7%	7,373	0.1%
2015	5,392	-0.8%	7,055	-5.1%	7,173	4.8%	7,349	-0.3%
2016	5,335	-1.1%	7,168	1.6%	6,938	-3.3%	7,282	-0.9%
2017	5,516	3.4%	7,239	1.0%	6,809	-1.9%	7,348	0.9%
2018	5,422	-1.7%						

On-trade sales	Q1		Q2		Q3		Q4	
	Volume	% change	Volume	% change	Volume	% change	Volume	% change
2000	5,246	-4.1%	6,095	-4.1%	5,969	-5.5%	6,047	-4.9%
2001	5,022	-4.3%	5,923	-2.8%	5,802	-2.8%	6,016	-0.5%
2002	5,069	0.9%	5,838	-1.4%	5,629	-3.0%	5,797	-3.6%
2003	4,901	-3.3%	5,685	-2.6%	5,597	-0.6%	5,706	-1.6%
2004	4,833	-1.4%	5,660	-0.4%	5,422	-3.1%	5,599	-1.9%
2005	4,701	-2.7%	5,343	-5.6%	5,293	-2.4%	5,393	-3.7%
2006	4,470	-4.9%	5,310	-0.6%	4,972	-6.1%	5,190	-3.8%
2007	4,298	-3.8%	4,963	-6.5%	4,716	-5.2%	4,761	-8.3%
2008	3,950	-8.1%	4,449	-10.3%	4,346	-7.8%	4,302	-9.6%
2009	3,720	-5.8%	4,266	-4.1%	4,162	-4.2%	4,108	-4.5%
2010	3,415	-8.2%	4,028	-5.6%	3,878	-6.8%	3,813	-7.2%
2011	3,355	-1.8%	3,933	-2.4%	3,792	-2.2%	3,844	0.8%
2012	3,190	-4.9%	3,745	-4.8%	3,596	-5.2%	3,635	-5.5%
2013	3,021	-5.3%	3,521	-6.0%	3,560	-1.0%	3,588	-1.3%
2014	2,930	-3.0%	3,599	2.1%	3,493	-1.9%	3,515	-2.0%
2015	2,862	-2.3%	3,452	-4.1%	3,477	-0.5%	3,439	-2.2%
2016	2,850	-0.4%	3,386	-1.9%	3,359	-3.4%	3,337	-3.0%
2017	2,751	-3.5%	3,379	-0.2%	3,237	-3.6%	3,262	-2.3%
2018	2,698	-1.9%						

Off-trade sales	Q1		Q2		Q3		Q4	
	Volume	% change	Volume	% change	Volume	% change	Volume	% change
2000	1,607	-7.9%	2,975	11.3%	2,895	-3.4%	3,738	-4.3%
2001	1,789	11.4%	3,048	2.5%	3,103	7.2%	3,923	4.9%
2002	2,067	15.6%	3,468	13.8%	3,191	2.8%	4,082	4.0%
2003	2,147	3.8%	3,601	3.8%	3,673	15.1%	4,190	2.7%
2004	2,486	15.8%	3,825	6.2%	3,373	-8.2%	4,444	6.1%
2005	2,390	-3.9%	3,744	-2.1%	3,702	9.7%	4,338	-2.4%
2006	2,496	4.4%	4,191	11.9%	3,427	-7.4%	4,392	1.3%
2007	2,485	-0.4%	3,872	-7.6%	3,642	6.3%	4,419	0.6%
2008	2,823	13.6%	4,031	4.1%	3,435	-5.7%	4,146	-6.2%
2009	2,531	-10.3%	3,797	-5.8%	3,578	4.2%	4,052	-2.3%
2010	2,550	0.7%	4,333	14.1%	3,151	-11.9%	3,982	-1.7%
2011	2,463	-3.4%	3,697	-14.7%	3,456	9.7%	3,936	-1.2%
2012	2,557	3.8%	3,459	-6.4%	3,216	-6.9%	3,633	-7.7%
2013	2,566	0.3%	3,342	-3.4%	3,620	12.5%	3,781	4.1%
2014	2,506	-2.3%	3,836	14.8%	3,354	-7.4%	3,858	2.1%
2015	2,530	1.0%	3,603	-6.1%	3,696	10.2%	3,910	1.3%
2016	2,485	-1.8%	3,782	5.0%	3,579	-3.2%	3,945	0.9%
2017	2,766	11.3%	3,860	2.1%	3,573	-0.2%	4,087	3.6%
2018	2,723	-1.5%						

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APPENDIX DCS2  
Historic Sales Particulars

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Business Agents & Valuers Corporate Sales & Acquisitions

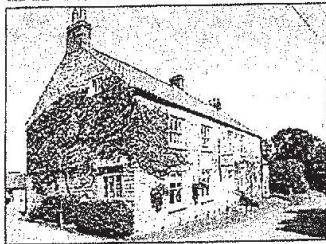
N-721870

Location:  Business Type:  Tenure:  Min:  Max:  Search

Amend Search Return to Homepage Show my basket Return to Results  
 Result 10 of 65 <<First <Previous Next> Last>>

**Characterful Village Freehouse**

Offers In Excess Of £600,000



**The Royal Oak Inn**  
 Church Street  
 Nunnington  
 York  
 North Yorkshire  
 YO62 5US

No PDF

Ref: 11063

Price: £600,000

Freehold

- View Image Gallery
- Add to Basket

Letter 1



- Hugely characterful freehouse & restaurant
- Stunning village location near Castle Howard
- Potential to add 3-8 on-suite letting bedrooms
- Substantially refurbished retaining a wealth of character
- Comfortably accommodates in excess of 60 covers
- Considerable potential, currently trades only 5 days a week
- Excellent 5 room owners accommodation
- Outside trading terrace, car park & stable block

**Location**

This picturesque, highly regarded North Yorkshire village is situated in the stunning Howardian Hills approximately 3 miles south of Helmsley, with Castle Howard, Rievaulx Abbey and Ampleforth Abbey nearby. The property itself is within walking distance of the popular tourist attraction of The National Trust's Nunnington Hall.

**Viewing Arrangements**

Sinictly by appointment only via the Leeds office of Davey Co on 0113 280 5881.

**The Business Premises**

- Lounge Bar:** With return bar servery, log burner double sided to the dining room, loose tables, chairs, pew seating and bar stool seats, exposed stone walling, beamed ceiling, comfortably accommodating in excess of 40 sealed customers.
- Dining Room 1:** Currently utilised as a games area with double sided log burner to the lounge bar, exposed stone walling, for around 8-10 covers, open access through to;
- Dining Room 2:** With exposed stone walling, loose tables and chairs comfortably accommodating around 16 covers.
- Ladies & Gentlemen's WC's:** Fitted and presented to a good standard.
- Catering Kitchen:** Extensive catering kitchen facility which is very well equipped and includes a preparation kitchen, wash up area and a walk in refrigerated cold room is set to the rear.

**Potential Letting Accommodation:** The former stable block set to the rear of the property with excellent access from the car park and outside trading terrace could be converted, to provide 3 excellent en-suite letting bedrooms, subject to the appropriate consents. In addition, the owners accommodation comprises 5 rooms (1 of which is en-suite) and a bathroom which could also be converted, again subject to the appropriate consents, to provide a number of letting bedrooms subject to the new owners private accommodation requirements.

**The Owners Accommodation**

As mentioned above this could provide letting bedroom accommodation, currently configured to provide 5 good sized rooms, 1 of which has an en-suite shower room, a family bathroom, and there is also an attic bedroom and storage.

**Outside**

There is gated access to a good sized gravelled privately enclosed customer car park which also provides access onto the well presented paved outside terrace trading area furnished with timber tables and chairs 1 seat approximately 20 customers. There is a former stable block comprising 3 large stable which could be converted to provide 3 excellent en-suite letting bedrooms subject to the appropriate consents. There is also a private garden area for the use of the owners.

**Trading Information**

Trading information supplied by our clients show net sales comfortably in the order of £200,000 trading on limited hours only over 5 days a week and 11 months of the year, due entirely to our clients personal preference. The business possesses outstanding trading potential given the demographics of the location and also the extent of facilities provided.

Further accounting information will be made available to genuinely interested parties who have viewed the business.

**Opening Hours**

Monday & Tuesday: Closed all day  
Wednesday - Sunday: 12.00 midday - 3.00pm & 5.30pm - 11.00pm

**Trade Fixtures & Fittings**

We are advised that the fixtures and fittings are substantially free of loan, hire purchase and lease agreements.

**Staff**

Run by our clients with the assistance of a pool of around 6 part time members of staff.

**Licenses**

The property has a premises licence granted by the relevant local authority. It is a requirement of the Licensing Act 2003 that properties serving alcohol have a designated premises supervisor, who must be the holder of a personal licence. Prospective purchasers are advised to take appropriate specialist advice.

**Rates**

The rateable value of the premises is approximately £17,400 with the rates payable for 2016/2017 being approximately £8,578 including transitional relief.

**Tenure**

We are advised the property is freehold.

**VAT**

All matters relating to VAT are reserved and VAT is payable if and where appropriate at the standard rate.

**Price**

Offers are sought in excess of £600,000 for the freehold property, the goodwill of the business and trade fixtures and fittings. Stock to be purchased separately at valuation.

Result 10 of 85

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N-520984

**Christie+Co**  
BUSINESS INTELLIGENCE

AS ✓  
NAT ✓



## The Royal Oak Inn

ROYAL OAK INN

Leeds Office Ref Number: 54/55280

Church Street  
Nunnington  
York  
YO62 5US

Freehold: £650,000

Letter 1

Contact details: Oliver Brown  
E-mail: [Oliver.Brown@christie.com](mailto:Oliver.Brown@christie.com)  
Phone: +44 (0) 113 389 2700

- + Freehold North Yorkshire Village Pub
- + Accommodation, Car Park, Kitchen
- + Recently Renovated, 50/50 wet-dry split
- + Good tourist footfall
- + Potential for letting rooms
- + Loan available via Christie Finance, subject to status. EPC Exempt

## Office Ref Number: 54/55280



### Situation

The Royal Oak Inn is located in Nunnington, a village in the Ryedale district of North Yorkshire, circa 10 miles from Malton and circa 6.5 miles from Helmsley on the edge of the Moors. Nunnington is close to both Castle Howard and Rievaulx Abbey providing a steady supply of tourists to the area and is within close proximity of the National Trust Nunnington Hall which attracts many visitors each year.

### The property

The building is a detached three storey, stone built, grade II listed pub, with separate stone built block to the rear currently used as several storage rooms. The car park behind provides parking for circa 10 cars.

### Internal details

The ground floor of the pub contains the main trading area, with central bar and assorted seating throughout. An adjoining room is used as a games area with darts and bar billiards, which follows onto an 'Italian corner' themed nook. The ground floor also contains a full commercial kitchen, with walk in cold room built into the rear storage block and ladies and gents WCs. To the rear of the pub is a patio beer garden, providing space for drinking and dining throughout the summer.

### Owner's accommodation

There are 3 bedrooms on the first floor 1 en suite and house bathroom, office and lounge. Upstairs there is an attic bedroom and another attic used as storage.

### The business

Our clients have renovated the property over the last 18 months, setting up a traditional Yorkshire pub restaurant with modern touches, and a menu influenced by their 14 years in Italy utilizing local ingredients. They are now looking to retire and focus on family life. The building itself is licensed to be run as a pub, wine shop or private residence giving a new owner several options. Weekly events including Italian lessons and music nights, as well as a simple well sourced menu, drives trade providing a 50/50 dry-wet split. The potential to increase trade through extending the opening hours is great and the sizeable outbuildings also offer the potential for letting rooms.

A new owner can build on the business our clients have founded, and continue to increase trade, or convert the site into several private residences as it has been in the past, subject to obtaining the relevant planning permission.

## Trading hours

Wednesday to Saturday 12pm - 3pm and 6pm - close  
Sunday lunches from 12pm - 3pm and the bar is open Sunday 6.00pm to 11.30pm

## Fixtures & fittings

Though the majority of Fixtures and Fittings are included there are several excluded items which can be purchased, and some items that belong to our clients which will be pointed out on viewing.

## Staff

There are 4 full time staff and several part timers, not including our clients. This includes the manager who has been here for 9 years. The other part timer has been here for 35 years with various owners. They can assist in the smooth transition for new owners. These two are contracted.

## Fire risk assessment

We have assumed that a suitable and sufficient Fire Risk Assessment has been carried out. Under the Regulatory Reform (Fire Safety) Order 2005 this assessment needs to be recorded in writing where there are five or more employees, the property is under enactment of a licence or where an alterations notice has been served.

## Business rates

The business rates are £15,000 with circa £8,000 payable.

## Tenure details

Freehold

## Finance & Insurance

Christie Finance and Christie Insurance are sister companies of Christie + Co and specialise in providing intelligent solutions to your business finance and insurance needs.

For full information, please call Christie Finance on 0113 389 2714 or Christie Insurance on 03330 107 160. Alternatively, apply for your business mortgage [here](#) or get a quote to insure your business [here](#).

## Valuation Services

Christie + Co has the largest national team of Chartered Surveyors and Valuers dedicated to its specialist markets, offering valuations, consultancy, rating, investment, rent reviews, lease renewals, building surveying, planning and dispute resolution advice in all our sectors.

## Viewing

No direct approach may be made to the property. For an appointment to view, please contact the agent.

Contact details: Oliver Brown  
E-mail: [Oliver.Brown@christie.com](mailto:Oliver.Brown@christie.com)  
Phone: +44 (0) 113 389 2700

Details subject to the standard conditions of Christie + Co's particulars.

See "Disclaimers" section.

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N-115767



**Royal Oak Inn  
NUNNINGTON, NORTH YORKSHIRE**

- Tremendously characterful and well known country inn
- Highly desirable village trading location
- Spacious 4 bedroom flat for owners or managers
- Turnover £231,119 net of VAT management run

**£550,000 - Freehold**

**CONTACT US**

Viewing is strictly by prior appointment with Colliers International through

Peter Bean  
Hotels  
0113 2001888  
peter.bean@colliers.com

Property Ref: LS55888

Colliers International  
15-16 Park Row  
Leeds  
West Yorkshire  
LS1 6HD  
[www.colliers.com/hotels](http://www.colliers.com/hotels)

## The Royal Oak Inn, Nunnington, York, North Yorkshire, YO62 5US



Beautifully situated in a charming Conservation village, the Royal Oak is a classic country inn with tremendously characterful bar and dining areas. Beautifully extended over the years, the well-known inn also has excellent spacious purpose-built kitchen and back of house facilities, able to service high volume food trade and for owners or managers there is plenty of accommodation in the form of a spacious 4 bedroom flat.

Located in a highly desirable and affluent area on the edge of the North York Moors National Park, the Royal Oak has a very strong trading location and draws discerning local and visitor trade from surrounding towns and villages and the City of York. Nearby attractions include Helmsley, Malton, famous Castle Howard and Ampleforth School, whilst on the doorstep is the popular National Trust Kunnington Hall. In addition there is wonderful walking country all around.

The current owners acquired the Royal Oak in November 2007 and it has been operated principally by management and staff whilst other business interests have taken precedence. Now, the sale is brought about by a change in personal circumstances and the possibility of a move abroad, giving buyers a rare opportunity to acquire this wonderful country inn with its tremendous trading potential.

### THE PROPERTY

With origins from the 18th century, the Royal Oak is a very attractive detached Grade II Listed inn constructed in dressed limestone with pitched clay pantile covered roofs.

### PUBLIC AREAS

Rear entrance from the car park into the lobby with ladies and gentlemen's toilet facilities. Through to the bar where an open fire on the right draws customers into this lovely room with its exposed beams, collection of traditional settles, chairs and tables and pretty sash windows. A step leads down to the lower area of the room with stone fronted bar counter and servery behind, and large stove. In all the bar seats comfortably around 30 diners. In addition there are two lovely snug rooms for around 16 and 12 dining.

### OWNER'S OR MANAGER'S FLAT

Spacious private accommodation arranged over the entire first floor comprising lounge with stone surround open fireplace, lounge bathrooms with shower over the bath, principal double bedroom with en suite bathroom, again with shower over the bath, and three additional double bedrooms. A staircase leads to a good size attic floor currently used for storage.

### SERVICE AREAS

Purpose-built, spacious and well equipped commercial kitchen. Refrigeration/prep room. Staff wc, beer cellar.

### OUTSIDE

Rear car park and a range of single storey former stables incorporating various stores. Small enclosed garden to the side.

### SERVICES

Ryedale District Council at Malton - (01653) 600636

Mains electricity (3 phase), water and drainage, LP gas for cooking and oil-fired central heating.

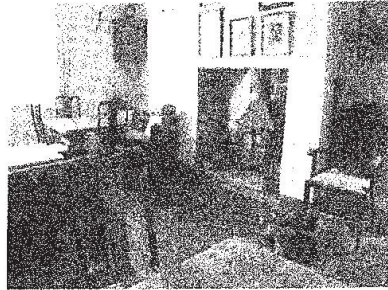
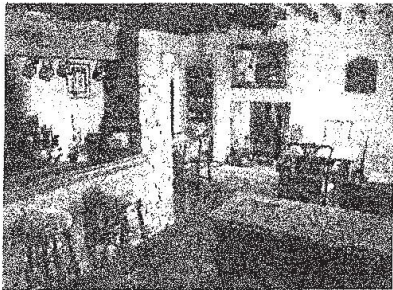
### LICENCES

Premises Licence

### TRADE

Accounts for the year ended 31 March 2010 show turnover £231,112 net of VAT





#### DEVELOPMENT POTENTIAL

In addition to the outside storage areas there are parts of the outbuildings which are principally unused and could be converted to provide perhaps two living bedrooms or a self-catering cottage subject to grant of consents.

#### PRICE

£550,000 for the freehold complete with goodwill and trade contents (according to inventory), excluding personal items. Stock at valuation.

#### FINANCE

Colliers International is able to assist prospective purchasers by introducing sources of finance if required. Whilst we do not charge the buyer for this service, we may receive an introductory commission from the lender or broker involved.

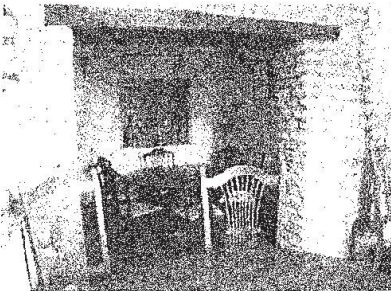
#### TO VIEW

All appointments to view **MUST** be made through the vendors' agents who are acting with sole selling rights.

#### MILEAGES & DIRECTIONS

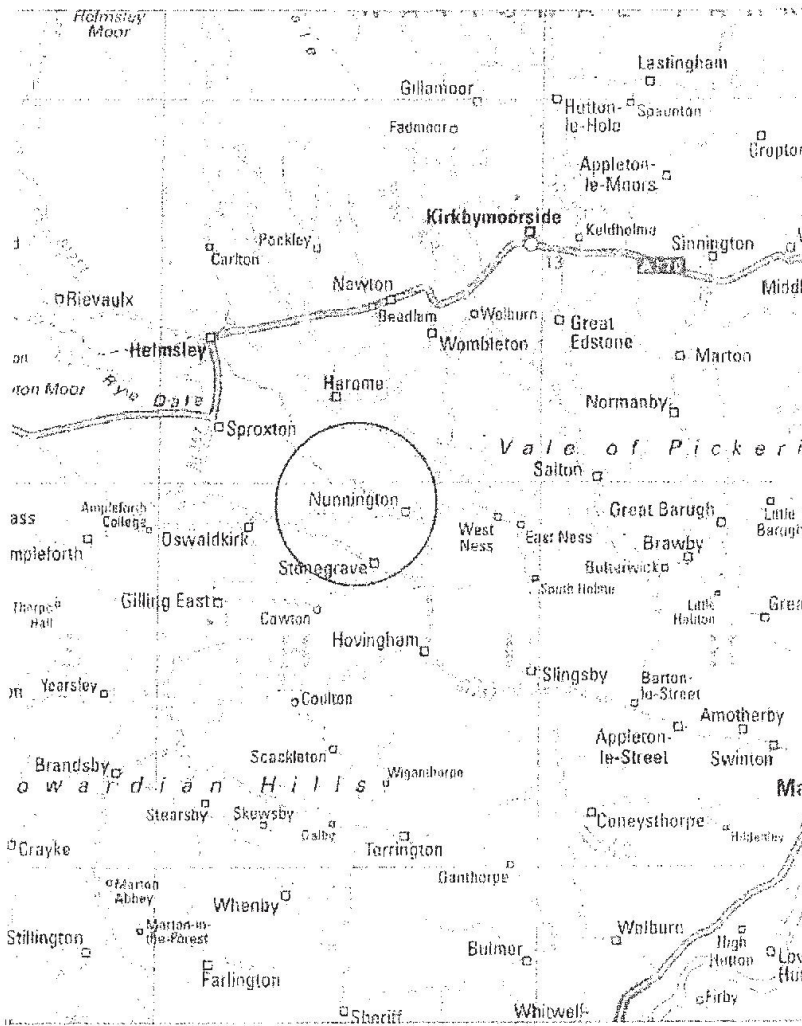
A170 about 4 miles, Helmsley 6.5, Malton 11, York 19, Thirsk 22 and Scarborough 30.

After passing through the country market town of Helmsley, head east on the A170. Pass through the village of Saundain, and take a right turn following the sign for Nunnington. Follow the road through the village of Wortelston and then turn left following the signs to Nunnington. After about 3 miles cross over the old humpback stone bridge with Nunnington Hall on the left and turn immediately right onto Church Street following the road up the hill between the high banked grass verges whereupon the Royal Oak Inn is easily found on the right.





The Royal Oak Inn, Nunnington, York, North Yorkshire, YO62 5US



Map produced by Colliers International for the Royal Oak Inn, Nunnington, York, North Yorkshire, YO62 5US. The map is a reproduction of a map published by the Ordnance Survey, and is not to be used for any other purpose. The map is a reproduction of a map published by the Ordnance Survey, and is not to be used for any other purpose. The map is a reproduction of a map published by the Ordnance Survey, and is not to be used for any other purpose.

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APPENDIX DCS4  
BBPA 'Rural Character Model' - 2017

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## Rural character

c. £5k turnover per week

All figures exclusive of VAT

£		
Total drinks sales	3,082	
Total food sales	2,847	
<b>Total sales</b>	<b>5,929</b>	
Cost of drinks	1,371	
Cost of food	1,087	
<b>Total cost</b>	<b>2,458</b>	
<b>Gross profit</b>	<b>3,471</b>	<b>58.5%</b> gross profit margin
		<b>% cost to turnover</b>
Wages & salaries	1,327	22.4%
Rates	192	3.2%
Utilities	285	4.8%
Repairs & renewals	94	1.6%
Insurance	42	0.7%
Marketing/Promotion/Telephone	80	1.4%
Consumables	36	0.6%
Waste Disposal/Cleaning/Hygiene	56	1.0%
Professional fees	82	1.4%
Bank charges	50	0.8%
Equipment hire etc	29	0.5%
Interest on capital	31	0.5%
Other costs	83	1.4%
<b>Total operating costs</b>	<b>2,387</b>	<b>40.3%</b>
Divisible balance	1,084	18.3%

### Notes

Figures show average for all pubs reported in this category. Figures are presented exclusive of VAT.

A manager/assistant manager salary, Pay TV and gaming machines are NOT included in the above model – extra income/cost lines must be added if these will form part of your pub business. Rates are not necessarily subject to applicable reliefs – check with your pub company/brewery as to what discounts may be available.

Where these figures are to be used in preparing business plans or for other purposes it should be borne in mind that all pubs are unique and that the actual costs incurred will be dependent on the different aims and styles of the business according to the location, the market and the skills of the tenant/lessee.

Costs do vary across the country and the size of the business, as well as its focus, will have significant impacts on costs.

# Agenda Item 10

**Item Number:** 10  
**Application No:** 18/00532/FUL  
**Parish:** Scrayingham Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs Brian King  
**Proposal:** Change of use of paddock to form extension to the domestic curtilage, to include erection of a summer house (retrospective).  
**Location:** River View Main Street Scrayingham Malton YO41 1JD

**Registration Date:** 25 May 2018  
**8/13 Wk Expiry Date:** 20 July 2018  
**Overall Expiry Date:** 13 August 2018  
**Case Officer:** Niamh Bonner **Ext:** Ext 325

## CONSULTATIONS:

<b>Parish Council</b>	Object
<b>Countryside Officer</b>	No objection
<b>Principle Environment Specialist</b>	No objection

**Neighbour responses:** Mr Nigel Prewett, Mr Paul Hanson, Mrs Angela Wright, Mrs Victoria Gill, Christine Frame, Mrs Angela Wright, Mr Ian Wilkie,

---

## SITE:

The application site relates to a small parcel of agricultural land adjoining the residential curtilage of River View to the west, in the village of Scrayingham. The application site falls outside of the Village Development Limits.

The River Derwent is located circa 150 metres from the Summer House. The site falls within the Wolds Area of High Landscape Value and within 80m of a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

## PROPOSAL:

The proposal seeks retrospective permission for the change of use of paddock to form extension to the domestic curtilage, to include erection of a summer house (retrospective).

## POLICIES:

Local Plan Strategy - Policy SP13 Landscapes  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Policy Framework  
National Planning Practice Guidance

## HISTORY:

The following applications are the most relevant planning history associated with the site:

17/00584/HOUSE: Erection of conservatory to rear. Approved

## APPRAISAL:

The key considerations in assessing this application are;

- i. Principle of the Development
- ii. Character, Form and Impact upon Area of High Landscape Value
- iii. Impact upon Amenity
- iv. Landscaping
- v. Other Matters Including Consultation Responses.

The proposal relates to the retrospective erection of a summerhouse within part of an agricultural field to the rear of the residential curtilage associated with River View and the change of use of part of the paddock to form domestic curtilage associated with this property.

Originally, the proposal included the change of use of the entire paddock (circa 765 square metres) to form domestic curtilage. This was considered by Officers to be an unacceptable extension of the domestic curtilage. During the determination period, this was amended to form a much reduced proposed area extending to circa 163.6 square metres.

The Summer House building incorporates a traditional wooden construction, with a pitched roof design incorporating a ridge height of 3.2 metres. This building spans 9.3 metres in length with a width of 4.1 metres. It incorporates openings within the western, southern and northern elevation. During the determination of the application the plans were updated to show that the single opening along the northern elevation was obscure glazed to limit any impacts upon the privacy of the adjoining neighbour to the north, Rectory Farm. A condition is considered necessary to ensure that this window remains obscure glazed for the lifetime of the development. A separate condition, ensuring that no further openings shall be created within the northern elevation is also recommended and together, these will secure the privacy of the adjoining property to the north.

The building is positioned along the northern boundary of a paddock, in close proximity to the existing domestic curtilage associated with the dwelling and as such, does not appear isolated in the wider paddock. New landscaping is proposed to enclose the proposed domestic curtilage to the west and south. This was carefully considered following review of the consultation responses (detailed below) and will incorporate a Hornbeam hedge, which is suggested to be limited by condition to grow no higher than 2 metres, to limit potentially harmful impacts upon neighbouring amenity.

Additionally, the applicant has agreed that a section of existing hedgerow within the blue line, to the rear of Buttercup Cottage and Honeysuckle Cottage can be controlled by condition to grow no higher than the existing post and rail fence, in light of neighbour comments. The applicant has also agreed to the removal of householder "permitted development" rights within the newly extended domestic curtilage, to prevent the erection of additional structures, that could otherwise result in harm to the character of the area.

Several detailed letters of representation were received during the determination period of this application, which are summarised below. These responses are however available in full to review on the associated planning file.

7 letters of support were received from the occupiers of Honeysuckle Cottage, Buttercup Cottage and Meadow House were received. Within some of these responses, assurances were sought that no further structures would be erected. This has been controlled by planning condition.

Second responses were received from the occupiers of Buttercup Cottage and Honeysuckle Cottage to seek confirmation of whether there could be controls on the height of the hedge to the rear of these properties. As noted, a condition to ensure this section of hedge would grow no higher than the post and rail fence has been agreed with the applicant and recommended.

Third responses were received from the occupiers of Buttercup Cottage and Honeysuckle Cottage to

raise concerns with revised plans which noted the use of Hawthorne hedging internally at the site. They welcomed the use of Hornbeam hedge on the basis that the height would be conditioned. The issue of removal of “permitted development” rights was also highlighted, which will be controlled by an appropriate condition as detailed previously.

4 letters of objection were received from the occupiers of Primrose Cottage, Bluebell Cottage and Rectory Farm in which the following summarised concerns were raised:

- Privacy; given the siting and positioning of garden accessories and buildings facing private rear amenity space.
- Noise and light pollution in regard to lighting and music systems installed in the building which is believed to have no soundproofing and due to issues experienced during social gatherings in this area. It was noted that noise can occur until well after 10.30pm, creating pollution which is detrimental to the peaceful village environment, particularly given the low level of background noise and open windows in summer. It was noted that this also impacts upon the wildlife that would otherwise frequent paddock land. Additionally, noise in relation to lawnmowers and trimmers is experienced.
- The proximity to the river to the site and frequency of flooding of the river on the land up to the edge of the paddock creates concern over the use of chemicals, given the amount of ornamental planting undertaken, leading to chemicals within the land and fresh water system, creating a wider detrimental impact to animals. Concerns were raised that if this application is approved, would the safeguards against the use of herbicides and pesticides be monitored?
- It was noted that there are concerning losses of British countryside, more than 2000 sq km has been developed in the last 6 years, including farmland and wetland. Concern was again raised over the conservation of nature and wildlife, including flora and fauna which would be harmed by the loss of the meadow. The challenges of demand for new development were acknowledged and it was noted that whilst this might be a small development in national terms, it is the constant ‘drip drip’ erosion of the natural landscape that could have a ‘snowball’ effect. Other land owners in the vicinity could also build on agricultural land and this development could open the floodgates.
- The occupier of the dwelling to the north was originally assured by the applicant that they had the appropriate permissions to build the summerhouse and there would be no windows facing their property. They believed the window within the northern elevation did overlook their garden (prior to the obscure glazing undertaken) in contradiction to SP20 of the Ryedale Plan Local Plan Strategy. An updated point was made by this resident to note that whilst the obscure glazing was noted that it could be reversed or more windows installed.
- Considers that the principle of a summerhouse is not compatible with the requirements of Policy SP20 of the Ryedale Plan Local Plan Strategy in relation to the ambience of the immediate locality and surrounding land uses.
- The design of the building is incongruous to its agricultural surroundings and beyond the village development limits. It impacts detrimentally on aspects protected by Policy SP13 Landscapes of the Ryedale Plan Local Plan Strategy as it violates and in no way enhances the character of the Area of High Landscape Value and the change of use of the paddock could fundamentally alter this part of the village of Scrayingham.
- Concern was raised over existing hedging around boundary of the site directly behind two dwellings which could block their views in the future.
- Concern about the use of covenants to enforce restrictions being outside of the remit of planning and being left to the residents to pursue.
- It was noted that no supporting justification for the building being required for agricultural purposes, motive for applying for planning permission needs to be clarified.

The Parish Council made the following comments on the 17th July 2018:

- It is another example of people taking development into their own hands without regard for planning law or the impact upon neighbouring properties
- It is appropriation of agricultural land for domestic purposes, and also the placement of a building on the land. The allocation of domestic garden area for the overall development was

placed under intense scrutiny before permission was granted and clearly did not include the land in question

- The building and land are being used for social and domestic purposes which has an impact on the amenity of the surrounding properties

Procedurally, as Members will be aware it is possible to retrospectively apply for permission and as in the determination of any retrospective application, this will be assessed in the same manner as other proposals in terms of material planning considerations and in relation to adopted planning policy. The consideration of this proposal would not prejudice future similar applications, which would be considered on their own merit.

As previously noted, revised plans have been received during the determination of this application and it is considered that the reduced area proposed to form additional domestic curtilage is on balance, acceptable. This relatively small scale additional section of land directly adjoins the existing domestic curtilage of River View and subject to the conditions ensuring that appropriate landscaping is introduced and removing permitted development rights to erect any further structures or hardstanding, it is not considered that the inclusion of this relatively small area within the domestic curtilage of the property would fundamentally discord with Local Planning Policy or result in harm to the character of this Area of High Landscape Value.

Consequently, a summerhouse on land which would legitimately form additional domestic curtilage would not be in principle an unacceptable type of development, subject to the additional key considerations referenced above. It is considered that the obscure glazing of the window within the northern elevation would limit any impacts upon privacy and as noted this will be controlled by condition. However it is furthermore considered pragmatic that in addition to the removal of permitted development rights within this area, to attach a separate condition to prevent any further openings being created within the northern elevation of the summerhouse to protect neighbouring amenity in the future. It is not considered that this proposal would result in any other harmful loss of privacy to any further neighbouring properties, due to the distances and other existing buildings, including garages obscuring direct views.

It is considered that the use of the summerhouse for domestic purposes would not be fundamentally more harmful in terms of noise and disturbance than what could be lawfully experienced through the private enjoyment of the original rear amenity space associated with the dwelling. Planning policy cannot reasonably limit the usage of lawnmower/stripping machinery or chemicals in this location. The Principle Environment Specialist verbally confirmed that they had no objections to the proposal and any issues should be dealt with through normal investigative channels.

The Council's Senior Specialist Countryside has been consulted in regard to this application, given the proximity of the site to the SSSI and SAC, together with the introduction of new hedging and has provided the following response:

*"I am happy with the hedge proposals – to plant the boundaries with hornbeam hedges to the standard condition as we discussed earlier.*

*The site is close to the River Derwent SAC/SSSI but does not warrant a Habitats Regulations Screening Assessment due to its location inside the existing settlement and its low impact on the SAC qualifying features."*

It is therefore considered that this will not harmfully impact upon the SAC/SSSI and that the use of Hornbeam hedging is acceptable in this location, which was requested as a preferred option by the directly adjoining properties to the east of the paddock. As noted, a condition in relation to seeking further details of the new hedge planting is recommended. A second condition ensuring that this new hedge as indicated on the Proposed Block Plan (YTA4 Rev A) grows no further than 2m in height is also recommended in light of the neighbouring comments. A third condition to control the height of the existing hedgerow to the rear of Buttercup Cottage and Honeysuckle Cottage has also been agreed with the applicant and this condition, will result in wider benefits for the occupiers of Buttercup Cottage and Honeysuckle Cottage.



In the light of the above and subject to the highlighted conditions, the proposal is considered to be acceptable in terms of its character, form and design, its position within the Area of High Landscape Value, landscaping and neighbouring amenity. It is not considered that this proposal fundamentally discords with the relevant policy criteria outlined within Policies 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 carried out in accordance with the following approved documents/plan(s):

Location and Site Layout (Drawing no. YTA1 Rev A)  
North Elevation of Summer House (Drawing no. YTA2)  
Floor Plan of Summer House (Drawing no. YTA3)  
Block Plan (Drawing no. YTA4 Rev A)

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

- 2            Within two months of the date of the decision notice, 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 comply with Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3            Notwithstanding the details to be submitted in relation to condition 2, the new hedgerow as indicated on the Proposed Block Plan (YTA4 Rev A) shall be maintained at a height no greater than 2 metres above ground level.

Reason: In the interests of visual amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 4            Unless otherwise agreed in writing with the Local Planning Authority, the existing section of landscaping to the east of the site adjoining the rear boundaries of Buttercup Cottage and Honeysuckle Cottage shall be maintained at a height no higher than the existing post and rail fence.

Reason: In the interests of visual amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

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

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure,

swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

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

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

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

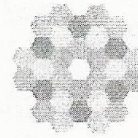
- 6 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no further doors, windows or any other openings shall be created at within the north (side) elevation of the Summer House hereby approved.

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

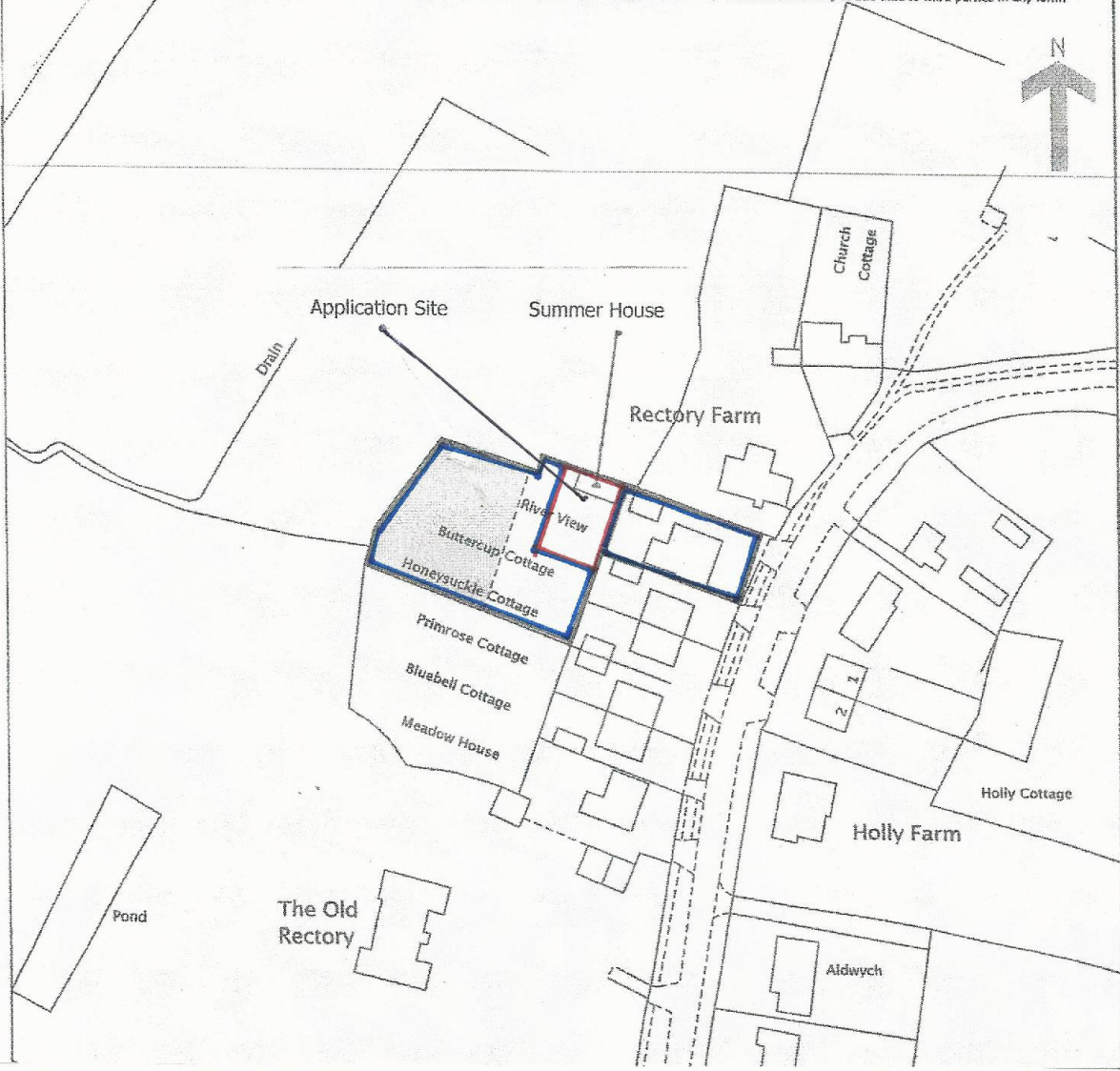
- 7 The obscure glazing undertaken to the window within the northern elevation of the summerhouse shall be retained and maintained for the life of the development.

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

Title number NYK445794  
 Ordnance Survey map reference SE7360SW  
 Scale 1:1250 enlarged from 1:2500  
 Administrative area North Yorkshire : Ryedale



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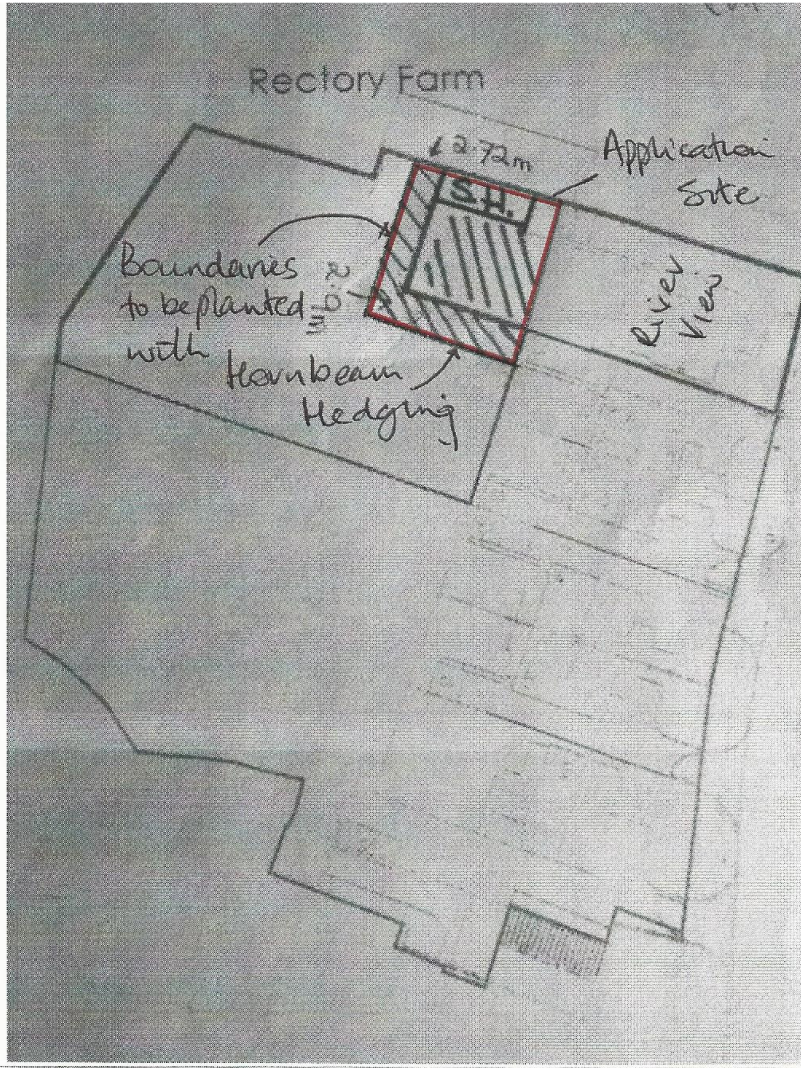
Telephone: 01904 488225 Mobile: 07540119062



Project:-  
 Proposed Change of Use of Paddock to Garden  
 Land and Summer House  
 At RIVER VIEW,  
 SCRAYINGHAM,  
 YORK.

Client: Mr and Mrs B King	
Drawing: Location & Site Layout	Revision:- ' A '
Scale: 1:1250 @A4	Drawn:- SMN
Drawing No: YTA1	Date:- JUL 2018





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Project:-  
Proposed Change of Use of Paddock to Garden  
Land and Summer House  
At RIVER VIEW,  
SCRAYINGHAM,  
YORK.

Client: Mr and Mrs B King

Drawing: Block Plan

Revision:- A

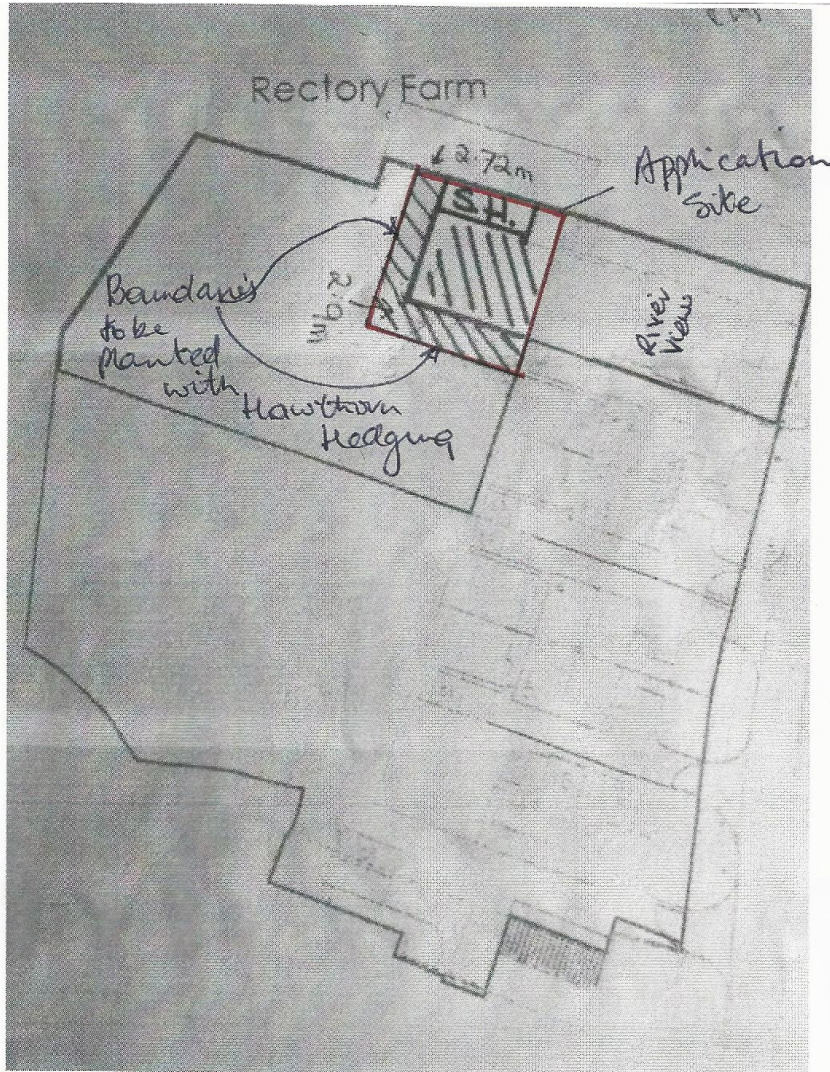
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Drawn:- SMN

Drawing No: YTA4

Date:- ~~Aug~~ 2018





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Telephone: 01904 488225 Mobile: 07540119062



Project:-  
Proposed Change of Use of Paddock to Garden Land and Summer House  
At RIVER VIEW,  
SCRAYINGHAM,  
YORK.

Client: Mr and Mrs B King

Drawing: Block Plan

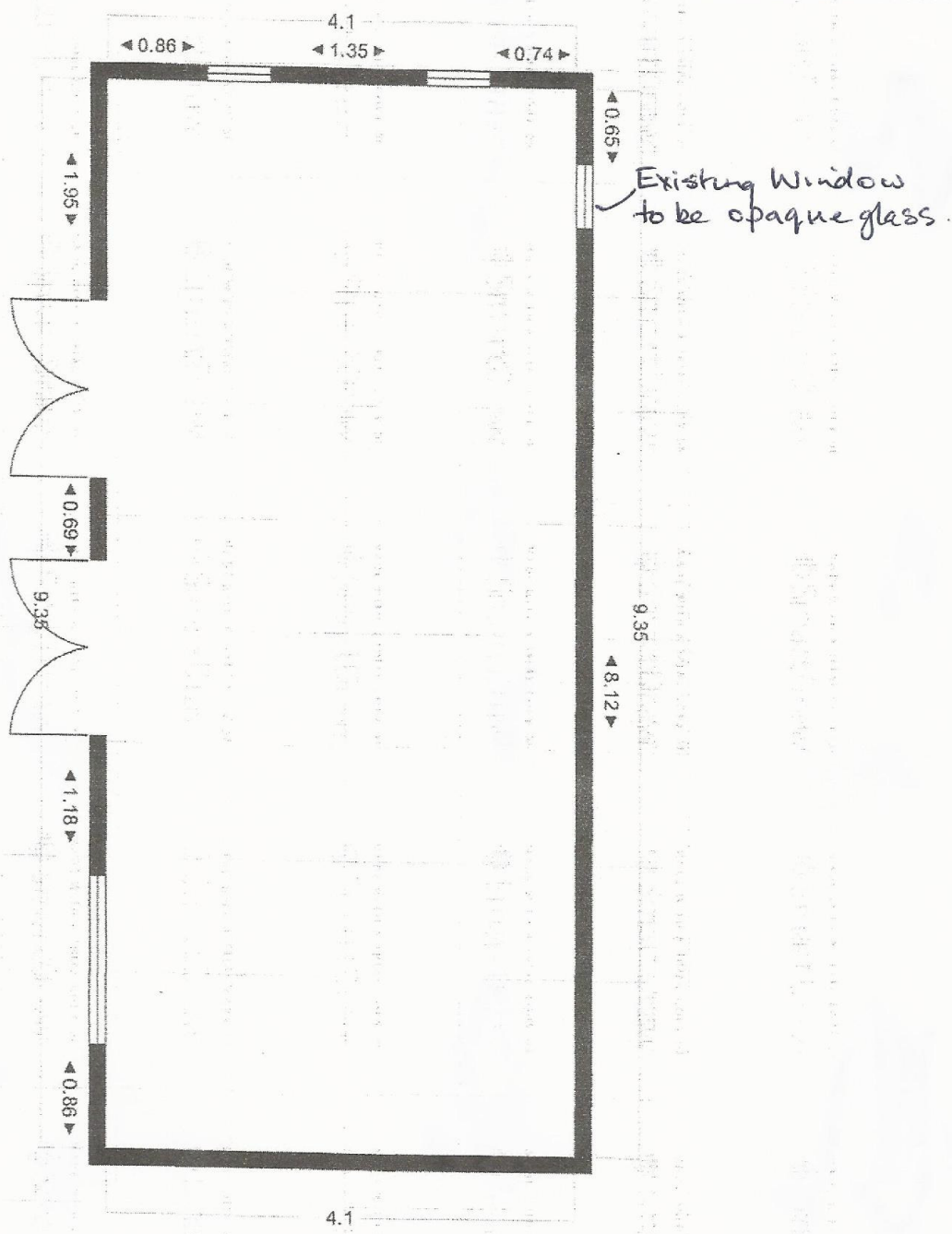
Revision:-

Scale: 1:500 @A4

Drawn:- SMN

Drawing No: YTA4

Date:- JUL 2018



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York Auction Centre Murton Lane Murton York YO19 5GF

Telephone: 01904 488225 Mobile: 07540119062



Project:-  
Proposed Change of Use of Paddock to Garden  
Land and Summer House  
At RIVER VIEW,  
SCRAYINGHAM,  
YORK.

Client: Mr and Mrs B King

Drawing: Floor Plan of Summer House

Revision:-

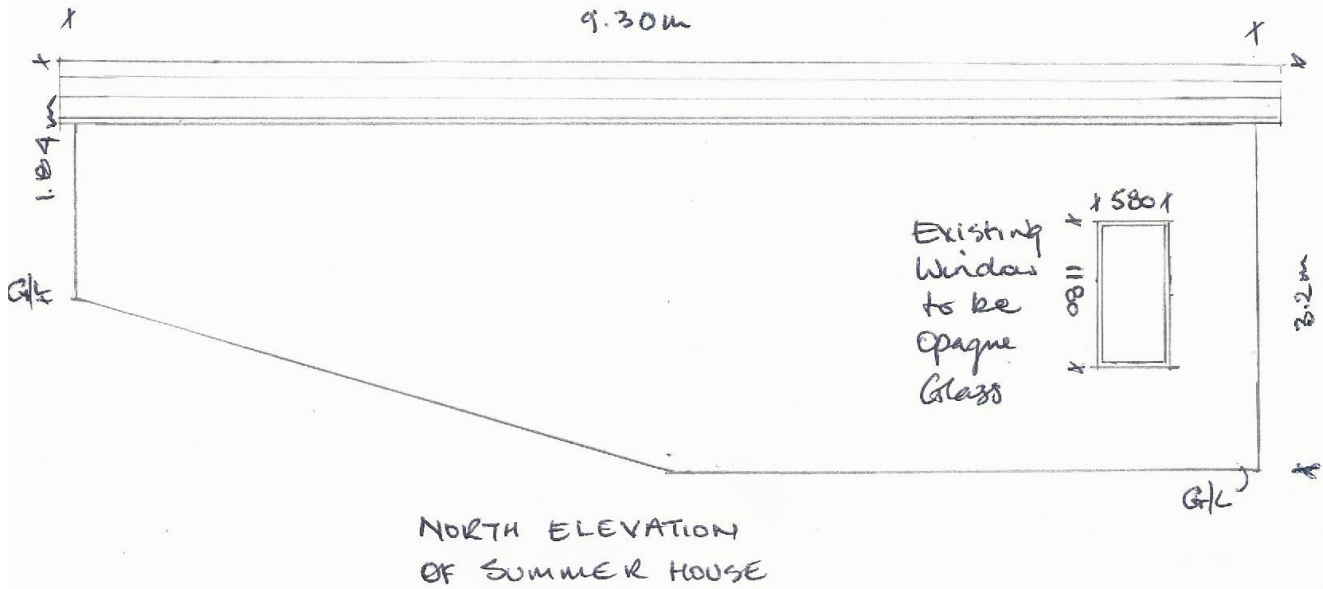
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Drawn:- SMN

Drawing No: YTA3

Date:- JUL 2018





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Project:-  
Proposed Change of Use of Paddock to Garden  
Land and Summer House  
At RIVER VIEW,  
SCRAYINGHAM,  
YORK.

Client: Mr and Mrs B King

Drawing: North Elevation of Summer House

Revision:-

Scale: 1:50 @A4

Drawn:- SMN

Drawing No: YTA2

Date:- JUL 2018





**YEW TREE  
ASSOCIATES**  
LAND, TOWN PLANNING &  
DEVELOPMENT CONSULTANTS

**SUPPORTING PLANNING STATEMENT  
AND DESIGN AND ACCESS STATEMENT**

**Proposed Change of Use of Paddock to Garden  
Land with Summer House (Retrospective)**

**at**

**River View**

**Scrayingham**

**York**

**for**

**Mr and Mrs B King**

**22.05.18**

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Director  
MARK NEWBY Dip T & RP MRTPI  
Director  
VALERIE NEWBY BA (Hons)

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Registered in England & Wales company number 9221926.

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**1.0 Introduction**

**2.0 Site Location and Description**

**3.0 The Application Proposal**

**4.0 Planning Policy Context**

**5.0 Key Issues**

**6.0 Design and Access Assessment**

**7.0 Conclusions**

## 1.0 Introduction

- 1.1 This document is submitted in support of a planning application for the change of use of a paddock to garden land with a Summer House (retrospective) at River View, Scrayingham, York.

## 2.0 Site Location and Description

- 2.1 The site is located on the west side of the village street in the village of Scrayingham some 4 miles north of Stamford Bridge in the Ryedale District as shown edged red on Fig. 1 below.
- 2.2 The site measures some 1338sqm in area and comprises part of a paddock adjacent to the garden curtilage of a property known as River View. The land sits to the rear of River View, Butterfly Cottage and Honeysuckle Cottage and is bounded to the west, and north by agricultural land and to the south by a paddock, with residential development to the east.



## 3.0 The Planning Application Proposal

- 3.1 The proposal, which is the subject of a Retrospective Planning Application, is for the change of use of a paddock to garden land with a Summer House at River View, Scrayingham.

## 4.0 Planning Policy Context

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Ryedale District comprises the policies in The Ryedale Plan – Local Plan Strategy (adopted on 5th September 2013).

Its relevant policies are as follows:-

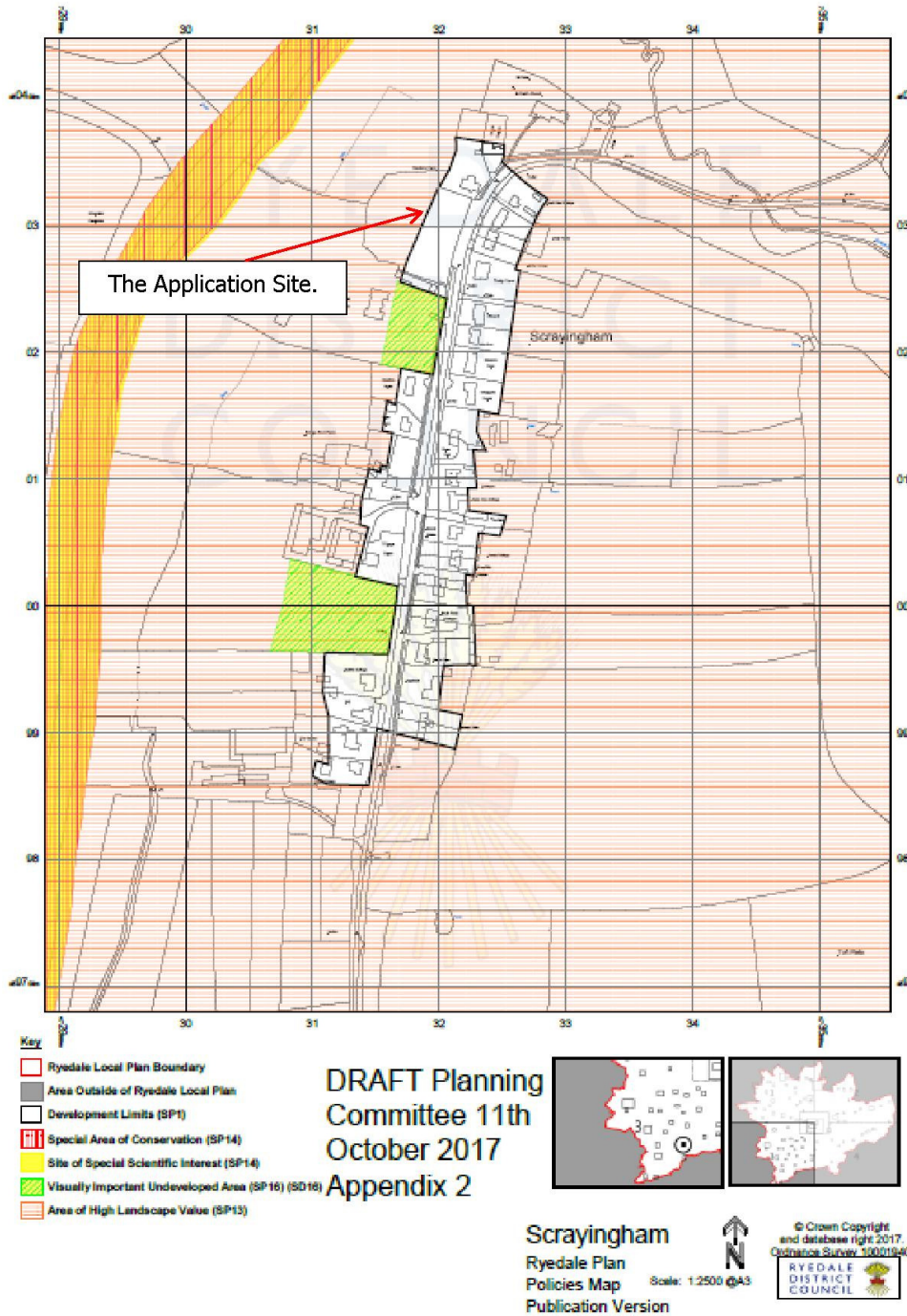
- 4.2 The Ryedale Plan – Local Plan Strategy 2013
  - Policy SP13 – Landscapes
  - Policy SP16 - Design
  - Policy SP19 - Generic Development Management Issues
- 4.3 National Planning Policy Framework
  - 4.3.1 On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the guidance in the Technical Guidance Note, and Policy for Traveller Sites, provides the national guidance on planning.
  - 4.3.2 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".  
The relevant paragraphs are:  
Paragraph 17, 56, 60, 61 and 65 Requiring Good Design.  
Paragraphs 109 – 125 Conserving and Enhancing the Natural Environment

## **5.0 Key Issues**

- 5.1 The main issues to be taken into account when assessing this application are:
  - 1. Identifying the impacts of the proposal on the Wolds Area of High Landscape Value
  - 2. Layout, appearance, scale and landscaping
  - 3. Residential amenity

To take each in turn:-

- 5.1.1 The Impact of the Proposal on the Wolds Area of High Landscape Value
  - 5.1.1.1 The site lies outside the defined development limits of Scrayingham as can be seen at Fig. 2 below (Ryedale Plan Policies Map Publication Version for Scrayingham) and therefore is located in open countryside and it is also designated under Policy SP13 as within an area of The Wolds High Landscape Value.



5.1.1.2 Policy SP13 Landscapes of The Ryedale Plan – Local Plan Strategy states:-

*'SP13 Landscapes*

*.....National landscape designations and locally valued landscapes*



*The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty will be conserved and enhanced and the impact of proposals on the AONB, its setting or the setting of the North York Moors National Park will be carefully considered.*

*Proposals will be supported where they:*

*· Do not detract from the natural beauty and special qualities of these nationally protected landscapes or their settings*

*· Seek to facilitate the delivery of the Howardian Hills Management Plan objectives*

*· Are considered appropriate for the economic, social and environmental well-being of the area or are desirable to support the understanding and enjoyment of the area* The District Council and AONB Joint Advisory Committee will resist development proposals or land management practises that would have an adverse impact on the natural beauty and special qualities of the AONB unless it can be demonstrated that the benefits of the proposal clearly outweigh any adverse impact and the proposal cannot be located elsewhere in a less damaging location.

*Major development proposals within the AONB that would result in a significant adverse impact on the natural beauty and special qualities of the AONB will be considered within the context provided by national policy and only allowed in exceptional circumstances.*

*Outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally:*

*· The Wolds Area of High Landscape Value*

*· The Fringe of the Moors Area of High landscape Value*

*· The Vale of Pickering*

*The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.*

*The Vale of Pickering, the Wolds and the Fringe of the Moors are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change.'*

(Our emphasis)

5.1.1.3 In light of the above policy we submit that the proposal is therefore considered to be acceptable in terms of Policy SP13 of The Ryedale Plan – Local Plan Strategy.

5.1.1.4 Paragraphs 109 - 125 Conserving and Enhancing the Natural Environment of NPPF are also relevant to the assessment of these proposals as they state the importance of protecting and enhancing valued landscapes.

## 5.2 Impacts of the Proposal

Paragraph 14 of the NPPF requires the decision taker to determine whether any adverse impact of granting planning permission significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole. This sections looks at the impacts arising from the proposal.

### 5.2.1 Layout, Appearance, Scale and Landscaping

5.2.1.1 The relevant policy in respect to design and the impacts on the character of the area include Policy SP16 Design of the Ryedale Plan Local Plan Strategy.



- 5.2.1.2 Significant weight should be attached to Local Plan policy SP16 as it is consistent with the aims of the NPPF. In addition relevant paragraphs within the NPPF, which relate to design include paragraphs 56, 60, 61 and 65.
- 5.2.1.3 The application includes a location and site layout plan and drawings of the summer house which show the extent of the change of use and building.
- 5.2.1.4 In respect of the design, scale and relationship to neighbouring properties, we submit that in the surrounding context of the site, the proposals have been designed to fit within the site.
- 5.2.1.5 Having had regard to all of the above elements we submit that an appropriate design has been achieved to ensure that no significant detrimental impacts are caused to the character of the area in accordance with Policy SP16 Design of the Ryedale Plan Local Plan Strategy and the NPPF.
- 5.2.2 Residential Amenity
- 5.2.2.1 Policy SP19 Generic Development Management Issues of the Ryedale Plan Local Plan Strategy deals with the impacts on residential amenity and securing a good standard of residential amenity is provided as does Paragraph 17 of the NPPF.
- 5.2.2.2 SP19 states:-

*'SP19 Generic Development Management Issues  
Character*

*New development will respect the character and context of the immediate locality and the wider landscape/ townscape character in terms of physical features and the type and variety of existing uses.*

*Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses.*

*The cumulative impact of new development on the character of an area will also be considered.*

*Design*

*The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials.*

*Amenity and safety*

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

*Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.*

*New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted.*

*All sensitive receptors will be protected from land and ground water contamination. Developers will be expected to assess the risks/potential risks posed by contamination in accordance with recognised national and international standards and guidance.'*

- 5.2.2.3 The site is located to the rear of River View and extends across the rear of the adjacent properties Buttercup Cottage and Honeysuckle Cottage to the south. It terminates at its eastern boundary in line with an existing mature hedge which forms the eastern boundary of an adjacent paddock owned by the property known as Meadow House.
- 5.2.2.4 The summer house has been sited immediately to the east of the existing curtilage of River View and in line with the northern boundary of the host property. It is of modest proportions typical of garden buildings and has been positioned in complete agreement with the owner of the adjacent property to the north.
- 5.2.2.5 The location of the proposed extension to the domestic curtilage is within an area which has a feel of domestic curtilage and it is therefore considered that the development would not have a significant adverse impact on the existing amenities of any of the occupiers of the adjacent properties.
- 5.2.2.6 Whilst there could be concern over the siting of further garden buildings and paraphernalia, this could be conditioned by the removal of permitted development rights.
- 5.2.2.7 It is considered the potential impact on the existing amenity of neighbouring occupiers is not sufficient to warrant a refusal of permission and that the proposal would not cause significant detrimental impact on the residential amenities of existing adjacent occupants in accordance with Policy SP19 Generic Development Management Issues of the Ryedale Plan Local Plan Strategy and the NPPF.

## **6.0 Design and Access Assessment**

### **6.1 Use**

- 6.1.1 The use is for a domestic garden with the siting of a summer house. The site is located outside the defined development limit as defined in the Ryedale Plan Local Plan Strategy and is designated open countryside and is in an Area of High Landscape Value.

### **6.2 Amount**

- 6.2.1 The proposal relates to an area of some 1338sqm and includes a summer house which measures 9.3m in length, 4.1m in width and at its highest from ground level, 3.2m.

### **6.3 Scale**

- 6.3.1 The proposal comprises the use of land for garden with a summer house which we submit is modest in scale and appropriate for the site.

6.4 Appearance

- 6.4.1 The materials to be used in the construction of the summer house are timber and the garden has been landscaped with the use of grass and ornamental trees, all fenced by a post and rail fence, all of which we submit suits the locality.

6.5 Layout

- 6.5.1 The layout of the garden and siting of the summer house have been designed to suit the applicant's requirements, but we would submit that they have been appropriately designed to suit the locality.

6.6 Landscaping

- 6.6.1 The layout of the garden and the siting of the summer house is such that it will have minimal impact on the locality and as such no additional landscaping will be required.

6.7 Access

- 6.7.1 Access to the site and summer house are via the existing drive which currently serves River View all of which we submit is acceptable.

**7.0 Conclusions**

- 7.1 The retrospective planning application is for the change of use of a paddock to garden land with the siting of a summer house on land situated outside the defined development limits of Scrayingham and in an Area of High Landscape Value. We submit however that the use in principle is acceptable.
- 7.2 The drawings submitted with the application demonstrate that the proposals achieve an appropriate layout, appearance and scale so as to respect the character of the area.
- 7.3 The proposals are also considered to be acceptable in respect of the impact upon the residential amenity of adjacent properties.
- 7.4 The proposed scheme therefore accords with Policies of the Ryedale Plan Local Plan Strategy Core Strategy and the advice contained within the NPPF.
- 7.5 We respectfully suggest that there are no valid planning reasons for a refusal of permission and that the application is acceptable in all respects and should therefore be granted planning permission.

SMN/YTA/22.05.18

**From:** Scrayingham Parish Council  
**Sent:** 17 July 2018 09:34  
**To:** Development Management  
**Cc:** Jan Devos <Hugo Hildyard <  
**Subject:** RE: Planning Notification 18/00532/FUL, Scrayingham

Dear Sirs,

With regard to the above application;

- It is another example of people taking development into their own hands without regard for planning law or the impact upon neighbouring properties
- It is appropriation of agricultural land for domestic purposes, and also the placement of a building on the land. The allocation of domestic garden area for the overall development was placed under intense scrutiny before permission was granted and clearly did not include the land in question
- The building and land are being used for social and domestic purposes which has an impact on the amenity of the surrounding properties

We would expect Ryedale to take the appropriate enforcement action in this case

Regards,

Phil

**Phil Jones**  
Chairman  
Scrayingham Parish Council

## RYEDALE DISTRICT COUNCIL

### APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS 20<sup>th</sup> August 2018

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1.

**Application No:** 17/01206/HOUSE **Decision: Approval**  
**Parish:** Cropton Parish Council  
**Applicant:** Mr & Mrs Farrow  
**Location:** Holme House High Street Cropton Pickering YO18 8HL  
**Proposal:** Conversion and alteration of attached outbuilding to additional domestic accommodation together with erection of a garden room to replace existing conservatory

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2.

**Application No:** 17/01207/LBC **Decision: Approval**  
**Parish:** Cropton Parish Council  
**Applicant:** Mr & Mrs Farrow  
**Location:** Holme House High Street Cropton Pickering YO18 8HL  
**Proposal:** External and internal alterations to allow conversion of attached outbuilding to additional domestic accommodation together with erection of a garden room to replace existing conservatory

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3.

**Application No:** 18/00063/FUL **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr Haw  
**Location:** Land At West Of Kirklands Carter Lane Kirkbymoorside North Yorkshire  
**Proposal:** Erection of detached 2 bedroom self-build dwelling with attached garage.

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4.

**Application No:** 18/00303/FUL **Decision: Approval**  
**Parish:** Huttons Ambo Parish Council  
**Applicant:** DH Group (Mr Sean Harrison)  
**Location:** Malton Enterprise Park 1 Cherry Farm Close Malton North Yorkshire  
**Proposal:** Erection of three units for office/ light industrial and storage and distribution use along with associated parking, use classes B1, B2 & B8

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5.

**Application No:** 18/00441/FUL **Decision: Approval**  
**Parish:**  
**Applicant:** Mr & Mrs T Ruston  
**Location:** Land To North Of Malton Road West Knapton Malton North Yorkshire  
**Proposal:** Formation of vehicular access.

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6.

**Application No:** 18/00463/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr James Manley)  
**Location:** Wentworth Arms Hotel 111 Town Street Old Malton Malton YO17 7HD  
**Proposal:** Replacement of existing south elevation entrance door and installation of a canopy above

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7.  
**Application No:** 18/00466/FUL **Decision: Approval**  
**Parish:** Sheriff Hutton Parish Council  
**Applicant:** Mr Alan Plews  
**Location:** Workshop At The Bungalow Cornborough Lane Sheriff Hutton North Yorkshire YO60 6QN  
**Proposal:** Change of use of agricultural building to form joinery workshop (Use Class B1(c) (retrospective)).
- 
8.  
**Application No:** 18/00477/LBC **Decision: Approval**  
**Parish:** Ebberston Parish Council  
**Applicant:** Miss Laura Cowlbeck  
**Location:** St Marys Cottage Hagg Side Lane Ebberston Scarborough YO13 9PA  
**Proposal:** External alterations to include erection of a timber framed glass extension to replace existing lean to extension, remove sand/cement strap pointing from the exterior stonework and re point with lime mortar mix, replace 6 quoins at lower section of North Facing Wall to match with the quoins that are in the above section. remove sand/cement render from West facing wall, apply two coats of Lime harl /render to include fibre reinforcement in mortar.
- 
9.  
**Application No:** 18/00479/HOUSE **Decision: Approval**  
**Parish:** Huttons Ambo Parish Council  
**Applicant:** Mr Simon Pope  
**Location:** High Gaterley Farm Crows Nest To Low Gaterley Castle Howard Malton North Yorkshire YO60 7HT  
**Proposal:** Extension and alterations to include erection of single storey extension to west elevation, erection of single storey link extension between main dwelling and existing outbuildings to form additional domestic living space and a courtyard garden, following demolition of existing sheds and lean to outbuildings and alterations to landscaping.
- 
10.  
**Application No:** 18/00523/HOUSE **Decision: Approval**  
**Parish:** Westow Parish Council  
**Applicant:** Mr David Hutchinson  
**Location:** The Tailors Shop Main Street Westow Malton North Yorkshire YO60 7NE  
**Proposal:** Erection of a single storey rear extension
- 
11.  
**Application No:** 18/00507/HOUSE **Decision: Approval**  
**Parish:** Hovingham Parish Council  
**Applicant:** L & M Hawley  
**Location:** Brook House Market Square Hovingham Helmsley North Yorkshire YO62 4JX  
**Proposal:** Alterations to include replacement of side hung casement window with timber sash window to the north elevation, replacement of existing window with a larger window and replacement of existing window with double door to west elevation, together with demolition of existing garage and alterations to front boundary wall.
-



**12.**  
**Application No:** 18/00508/LBC **Decision: Approval**  
**Parish:** Hovingham Parish Council  
**Applicant:** L & M Hawley  
**Location:** Brook House Market Square Hovingham Helmsley North Yorkshire YO62 4JX  
**Proposal:** Internal and external alterations to include replacement of side hung casement window with timber sash window to the north elevation, replacement of existing window with a larger window and replacement of existing window with double door to west elevation, alterations to internal layout, demolition of existing detached garage, removal of existing timber access gates and replacement of inset planting with natural stone coping to front boundary wall.

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**13.**  
**Application No:** 18/00510/CLOPUD **Decision: Approval**  
**Parish:** Gate Helmsley Parish Council  
**Applicant:** Mr Holden  
**Location:** Oakwood The Lane Gate Helmsley YO41 1JT  
**Proposal:** Erection of rear ground floor extension to replace existing conservatory

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**14.**  
**Application No:** 18/00511/HOUSE **Decision: Approval**  
**Parish:** Habton Parish Council  
**Applicant:** David Rendle  
**Location:** Longlands Hall Riggs Road Ryton Malton YO17 6RZ  
**Proposal:** External alterations to include erection of a part single storey part two storey extension to the west elevation, alterations to existing single storey extension on south elevation to form flat roof with roof lantern, together with erection of an entrance door portico following demolition of conservatory and repositioning of rear porch and some alterations to existing windows and doors.

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**15.**  
**Application No:** 18/00512/HOUSE **Decision: Approval**  
**Parish:** Swinton Parish Council  
**Applicant:** Mr & Mrs Guy Raines  
**Location:** Homegarth Swinton Lane Swinton Malton YO17 6QR  
**Proposal:** External alterations to include a single storey infill extension to east elevation with installation of adjacent steps and balustrade to serve new door opening

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**16.**  
**Application No:** 18/00515/HOUSE **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr & Mrs Horsfall  
**Location:** Netherlea 17 Eastfield Road Pickering YO18 7HU  
**Proposal:** Erection of a part single storey/part two storey extension to the rear elevation

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**17.**  
**Application No:** 18/00516/FUL **Decision: Approval**  
**Parish:** Wombledon Parish Council  
**Applicant:** Mr Martin Connors  
**Location:** The Rowans Nawton Road Wombledon Kirkbymoorside North Yorkshire YO62 7RJ  
**Proposal:** Change of use of paddock land to a 28m x 27m manege (all weather riding area) for private use only

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18.

**Application No:** 18/00529/HOUSE **Decision: Approval**  
**Parish:** Leavening Parish Council  
**Applicant:** Mr M England  
**Location:** 2 Whinfield Terrace Dam Lane Leavening Malton North Yorkshire YO17 9SH  
**Proposal:** Erection of a two storey gable end extension, single storey rear extension and front porch to include demolition of existing outbuildings

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19.

**Application No:** 18/00533/FUL **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Norton Priory Garage (Mr S Dove)  
**Location:** Norton Priory Garage Scarborough Road Norton Malton YO17 8AB  
**Proposal:** Erection of single storey extension to front elevation to form office space

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20.

**Application No:** 18/00535/HOUSE **Decision: Approval**  
**Parish:** Wombledon Parish Council  
**Applicant:** Mr Kevin Goddard  
**Location:** Marp House Nawton Road Wombledon Kirkbymoorside North Yorkshire YO62 7RJ  
**Proposal:** Erection of front entrance porch together with installation of 1no. dormer window and 2no. rooflights to the rear roofslope and 2no. rooflights to the front roofslope

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21.

**Application No:** 18/00541/HOUSE **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr N & Mrs L Robson  
**Location:** 37 Forest Road Pickering YO18 7EE  
**Proposal:** Erection of two storey side extension

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22.

**Application No:** 18/00542/FUL **Decision: Approval**  
**Parish:** Thornton-le-Dale Parish Council  
**Applicant:** Scaling & Cracknell  
**Location:** Skelton Wath Farm Marishes Lane Low Marishes Malton North Yorkshire YO17 6RJ  
**Proposal:** Change of use and alteration of attached outbuildings to form additional domestic living space for the farmhouse and a one bedroom holiday cottage.

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23.

**Application No:** 18/00548/TPO **Decision: Approval**  
**Parish:** Welburn (Malton) Parish Council  
**Applicant:** Mrs Sheila Jackson  
**Location:** Barn Owl Cottage 27 Crambeck Village Welburn Malton North Yorkshire YO60 7EZ  
**Proposal:** T1 Beech - remove southern limb over garden of no 27 Crambeck Village. T2 beech - crown lift to 5m.

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24.

**Application No:** 18/00549/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mrs Vicky Powell  
**Location:** 20 Wood Street Norton Malton North Yorkshire YO17 9BA  
**Proposal:** Installation of dormer window to the rear roof slope and rooflight to the front roof slope to allow provision of additional domestic accommodation.

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25.

**Application No:** 18/00566/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr James Manley)  
**Location:** Wentworth Arms Hotel 111 Town Street Old Malton Malton North Yorkshire YO17 7HD  
**Proposal:** Replacement of existing south elevation entrance door and installation of a canopy above.

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26.

**Application No:** 18/00571/TPO **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Michael Saul  
**Location:** Land At OS Field 5031 Mill Lane Pickering North Yorkshire  
**Proposal:** 3no. Beech trees (T3, T4, T5) crown lift to 5.1m and light (10%) crown thin, TPO number 165/1991.

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27.

**Application No:** 18/00555/TPO **Decision: Partial Approve/Refuse**  
**Parish:** Amotherby Parish Council  
**Applicant:** Mr & Mrs Diggory  
**Location:** The Old Vicarage Church Street Amotherby Malton North Yorkshire YO17 6TN  
**Proposal:** Sycamore T5 fell, Sycamore T7 fell, Chestnut T8 crown lift to 5.1m TPO number 273/2001.

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28.

**Application No:** 18/00556/HOUSE **Decision: Approval**  
**Parish:** Ganton Parish Council  
**Applicant:** Mrs Margaret Bennett  
**Location:** The Old Barn Duck Lane Ganton Scarborough North Yorkshire YO12 4NU  
**Proposal:** Installation of timber double glazed window with sandstone sill to front elevation.

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29.

**Application No:** 18/00557/LBC **Decision: Approval**  
**Parish:** Ganton Parish Council  
**Applicant:** Mrs Margaret Bennett  
**Location:** The Old Barn Duck Lane Ganton Scarborough North Yorkshire YO12 4NU  
**Proposal:** Installation of timber double glazed window with sandstone sill to front elevation.

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30.

**Application No:** 18/00559/HOUSE **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr & Mrs Imran & Yasmeen Ahmad  
**Location:** 4 Castle Howard Drive Malton YO17 7BA  
**Proposal:** Erection of single storey rear and front extensions, two storey side extensions, detached double garage and alterations to landscaping to include widening of existing vehicular access.

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- 31.**  
**Application No:** 18/00563/FUL **Decision: Approval**  
**Parish:** Swinton Parish Council  
**Applicant:** Mr Jason Carter  
**Location:** 1 Lavender Cottage Swinton Lane Swinton Malton North Yorkshire YO17 6QR  
**Proposal:** Erection of a general purpose storage building for agricultural equipment and produce
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- 32.**  
**Application No:** 18/00567/HOUSE **Decision: Approval**  
**Parish:** Terrington Parish Council  
**Applicant:** Mr & Mrs J Fox  
**Location:** Rose Cottage Main Street Terrington Malton YO60 6QB  
**Proposal:** Erection of a two storey rear extension
- 
- 33.**  
**Application No:** 18/00570/HOUSE **Decision: Approval**  
**Parish:** Claxton Parish Council  
**Applicant:** Mr Martyn Turnbull  
**Location:** Winthorpe Main Street Claxton Malton YO60 7SD  
**Proposal:** Raising of roof height of existing dwelling including dormer windows to the east elevation to allow formation of two additional bedrooms within the roof space and erection of first floor extension with dormer window over garage with rear single storey extension to form a ground floor study and first floor hobby room
- 
- 34.**  
**Application No:** 18/00575/HOUSE **Decision: Approval**  
**Parish:** Foston Parish Council  
**Applicant:** Mr & Mrs Tony & Clare Taylor  
**Location:** The Coach House Main Street Foston Malton YO60 7QG  
**Proposal:** Erection of two storey extension to west elevation and two storey extension to north elevation forming a link to existing outbuildings, alteration of outbuildings to form additional domestic living space/guest accommodation together with erection of detached triple garage and alterations to existing vehicular access.
- 
- 35.**  
**Application No:** 18/00578/FUL **Decision: Approval**  
**Parish:** Wombledon Parish Council  
**Applicant:** Mr & Mrs John Hartup  
**Location:** Land To Rear Of Ivy Cottage Page Lane Wombledon Kirkbymoorside  
**Proposal:** Erection of a 4 bedroom dwelling and detached outbuilding to include additional domestic accommodation ancillary to the main dwelling
- 
- 36.**  
**Application No:** 18/00582/HOUSE **Decision: Approval**  
**Parish:** Gate Helmsley Parish Council  
**Applicant:** Mr Michael Newhouse  
**Location:** Redwing House The Lane Gate Helmsley YO41 1JT  
**Proposal:** Erection of a raised area of decking to rear covered with glass roof and retractable sun awning
-

37.

**Application No:** 18/00583/HOUSE **Decision: Approval**  
**Parish:** Burythorpe Parish Council  
**Applicant:** Mr Ashley Nesbitt  
**Location:** 1 Ruffin Lane Eddlethorpe YO17 9QU  
**Proposal:** Erection of first floor extension over existing garage

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38.

**Application No:** 18/00584/HOUSE **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr Jonathan Dickinson  
**Location:** 19 West End Kirkbymoorside YO62 6AD  
**Proposal:** Erection of single storey rear extension to include formation of a roof terrace together with alterations to existing detached outbuilding to form additional domestic living space, to include replacement of roof to the main dwelling and the outbuilding.

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39.

**Application No:** 18/00587/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam Estate (Mr Keith Davies)  
**Location:** Parish Hall Spital Street Malton North Yorkshire YO17 7JW  
**Proposal:** Removal of the existing Whitewall stone and replacement with Creenton Hard White stone on the east gable and south elevation as indicated on Drawing No.SPIT002/02

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40.

**Application No:** 18/00589/CLEUD **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mrs Jennie Robertson  
**Location:** Peebles Village Street Keldholme Kirkbymoorside YO62 6ND  
**Proposal:** Certificate of Lawfulness in respect of the building works to alter and extend the attached garage to the dwelling by the addition of a hipped tiled roof and rear extension were substantially completed more than four years before the date of this application

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41.

**Application No:** 18/00595/FUL **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Willow Developments Ltd (Mr Wayne Butler)  
**Location:** Leat House 71 Welham Road Norton Malton YO17 9DS  
**Proposal:** Revised design details to Apartment 10 only of approval 17/01458/MFUL dated 14.03.2018

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42.

**Application No:** 18/00596/LBC **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Willow Developments Ltd (Mr Wayne Butler)  
**Location:** Leat House 71 Welham Road Norton Malton YO17 9DS  
**Proposal:** Revised design details to Apartment 10 only of approval 17/01459/LBC dated 14.03.2018

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**43.**  
**Application No:** 18/00604/FUL **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr M D W Hardy & N C W Bestwick  
**Location:** 6 Church Street Kirkbymoorside YO62 6AZ  
**Proposal:** Change of use from chip shop (Use Class A5) to ancillary residential accommodation (Use Class C3).

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**44.**  
**Application No:** 18/00614/FUL **Decision: Approval**  
**Parish:** Scrayingham Parish Council  
**Applicant:** Mr Peter Stacey  
**Location:** The Old Manor Leppington Lane Leppington Malton North Yorkshire YO17 9RL  
**Proposal:** Change of use from agricultural land to form an extension to the domestic curtilage and installation of retaining wall (max 900mm) to side and rear of property together with additional landscaping.

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**45.**  
**Application No:** 18/00619/FUL **Decision: Approval**  
**Parish:** Gilling East Parish Council  
**Applicant:** Ampleforth Abbey And College (Mrs Laura Kilby)  
**Location:** Land At Ampleforth Abbey And College Ampleforth  
**Proposal:** Change of use of agricultural grazing land to a 60m x 40m equestrian manege for use of students of Ampleforth College with associated earth mound viewing area, car parking area and storage compound

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**46.**  
**Application No:** 18/00610/HOUSE **Decision: Approval**  
**Parish:** Aislaby, Middleton & Wreton Parish  
**Applicant:** Mr Andrew Mawrey  
**Location:** Orchard Garden Back Lane South Middleton Pickering YO18 8NU  
**Proposal:** Extension to existing garage

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**47.**  
**Application No:** 18/00616/HOUSE **Decision: Approval**  
**Parish:** Welburn (Malton) Parish Council  
**Applicant:** Mr And Mrs D & J Smith  
**Location:** Kirkwall Church Lane Welburn Malton YO60 7EG  
**Proposal:** Replacement of existing brick front boundary wall with a 1.2m maximum height brick faced front boundary wall and erection of a 1.5m high timber boundary fence on the slope immediately behind the wall (part retrospective)

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**48.**  
**Application No:** 18/00621/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr Keith Davies)  
**Location:** 45-47 Talbot Hotel Yorkersgate Malton YO17 7AJ  
**Proposal:** Internal alterations on ground floor to include repositioning of the bar, additional timber wall panelling, new fireplace and removal of 4 no. steel columns and addition of timber beams in the atrium

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**49.**

**Application No:** 18/00631/FUL **Decision: Approval**  
**Parish:** Swinton Parish Council  
**Applicant:** R D & C M Firby (Mr Firby)  
**Location:** Land Off Braygate Street Swinton Malton North Yorkshire  
**Proposal:** Erection of a general purpose agricultural storage building with hardstanding for parking and turning

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**50.**

**Application No:** 18/00638/FUL **Decision: Approval**  
**Parish:** Thornton-le-Dale Parish Council  
**Applicant:** Mr Derek Shaw  
**Location:** Land On West Side Of Thornton Lane Thornton-Le-Dale Pickering North Yorkshire  
**Proposal:** Erection of a barn for use as stabling for horses, hay and straw storage and storage of agricultural implements for maintenance of the land following removal of the existing field shelter and hay storage container together with alteration to the existing vehicular access to include concrete replacement bridge with timber handrail and concrete piped culvert

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