



YEW TREE ASSOCIATES

LAND, PLANNING AND DEVELOPMENT CONSULTANTS

Revised Supporting Planning Statement

for

Residential Development

at

Mount Farm

Main Street

Westow

North Yorkshire

for

Mr and Mrs Landers

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Contents

- 1. Introduction**
- 2. Site Location and Description**
- 3. Planning Site History**
- 4. The Proposal**
- 5. The Planning Policy Context**
- 6. Key Issues**
- 7. Conclusions**

1.0 Introduction

1.1 This statement provides support for a Detailed Planning Application for the erection of 4no. dwellings on land at Mount Farm, Main Street, Westow, Malton, North Yorkshire.

2.0 Site Location and Description

2.1 The site is on the northern side of Westow and forms part of Mount Farm. Residential development lies to the west, east and south with open agricultural fields to the north and comprises some 0.15ha (0.37 acres) (See Fig. 1 below).



3.0 Planning Site History

3.1 There is no planning history in respect of the site.

4.0 The Proposal

4.1 The proposal shows 4No. dwellings on 0.15ha/0.37 acres of land at Mount Farm, Main Street, Westow with access from Chapel Lane to the north. (Revised drawings have been forwarded direct by Bramhall Blenkarn Architects).

4.2 The proposals are split into two elements, a row of three terraced cottages to the southern side of the site and a detached single storey property to the North adjacent to the entrance.

4.3 The terraced properties are positioned in a line running north-south through the site, consisting of 1 no. three bed dwelling and 2 no. two bed dwellings. Hardstanding to the front provides two parking spaces for each property, to the rear is lawned gardens with stone boundary walls. These properties are proposed to be built of coursed rubble stone under pantile with brick chimneys, white painted timber windows and black cast-iron effect UPVC rain water goods. The windows will be detailed with cast stone lintels and cills with an arched brick head detail to the front elevation. Conservation-grade rooflights are proposed (one per dwelling) to the front elevations to provide adequate light/ventilation to the accommodation at first floor whilst limiting the number of windows to the elevation.

- 4.4 The detached dwelling contains three bedrooms, is single storey and is positioned to the North edge of the site adjacent to the vehicle entrance point. Given this buildings position at the edge of the site, the scale and detailing are intended to be more in the style of a low barn, limiting impact of the development on the surrounding landscape. The building is L shape in form, with the central private garden well screened to the adjacent land by existing trees and hedge planting. A number of tall openings look onto this area, with the windows and sliding folding doors in dark grey PPC Aluminium. To the 'outside' elevation, the openings will be of more traditional size and position, with windows in white painted timber and areas of reclaimed brick infill. As with the terrace properties, the main materials will be coursed rubble stone under pantile. Parking is provided on a hardstanding driveway with double car port.

5.0 The Planning Policy Context

- 5.1 The main issue in respect of the proposal is whether the principle of development is acceptable from a planning standpoint and to determine this we turn to the Planning Acts.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Ryedale District comprises the policies in The Ryedale Plan – Local Plan Strategy (adopted on 5th September 2013).

Its relevant policies are as follows:-

- 5.3 The Ryedale Plan – Local Plan Strategy 2013
Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services Provision
Policy SP12 – Heritage
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
- 5.4 National Planning Policy Framework/Guidance
- 5.4.1 The relevant paragraphs and references are:
Paragraphs 11-16 Presumption in Favour of Sustainable Development Ministerial Forward
Paragraph 17 Core Planning Principles
Paragraph 39 Promoting Sustainable Transporting
Paragraphs 47, 49, 50 Delivering a wide choice of High Quality Homes
Paragraphs 56, 60, 61 and 65 Requiring Good Design
Paragraphs 94 and 95 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Paragraphs 109 - 125 Conserving and Enhancing the Natural Environment
Paragraph 159 Plan Making
Paragraphs 187, 196 and 197 Decision-Taking
Paragraph: 001 Reference ID: 50-001-20140306

6. Key Issues

6.1 The key issues to be taken into account when assessing this proposal are:

1. Sustainable Development
2. Principle of Residential Development
3. Siting, Scale, Design and Effect Upon the Character of the Area and Conservation Area
4. Impact on the Residential Amenity of the Adjoining Neighbours
5. Highway Safety
6. Drainage and Flood Risk
7. Affordable Housing/Local Needs Occupancy
8. Public Open Space
9. Impact on Nature Conservation and Protected Species.

To take each in turn.

6.1.1 Sustainable Development

A number of references are made to the presumption in favour of sustainable development in the NPPF.

In the Ministerial Forward it states that:-

'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.'

and at Paragraph 14 states:-

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'.

For plan-making this means that:

●● local planning authorities should positively seek opportunities to meet the development needs of their area;

●● Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

—specific policies in this Framework indicate development should be restricted.⁹

For decision-taking this means:¹⁰

●● approving development proposals that accord with the development plan without delay; and

●● where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

—specific policies in this Framework indicate development should be restricted.⁹

(Our emphasis)

Footnote 9

For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

Footnote 10.

Unless material considerations indicate otherwise.'

- 6.1.2 At paragraph 17 under the heading 'Core Planning Principles' the document sets out 12 planning principles of which the following is particularly relevant namely:-

'...proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area...'

(Our emphasis)

- 6.1.3 In addition, at paragraph 49 it states that:-

'49. Housing applications should be considered in the context of the presumption in favour of sustainable development....')

- 6.1.4 The document continues a paragraph 50:-

'50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: ●●plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities,....)'

(Our emphasis)

- 6.1.5 Paragraph 50 is reinforced at paragraph 159 under the heading 'Plan Making – Housing' where it states:-

'159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

*.....—addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and
—caters for housing demand and the scale of housing supply necessary to meet this demand;...'*

(Our emphasis)

- 6.1.6 We find further support for the proposal at paragraph 187 which states:-

'187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

(Our emphasis)

- 6.1.7 and at paragraph 197 under the heading 'Determining applications we find further support as follows:-

'197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'

(Our emphasis)

- 6.1.8 In The Ryedale Plan – Local Plan Strategy at Paragraph 1.2 of the Introduction to the plan states:-

'1.2 The purpose of the Ryedale Plan is to encourage new development and to manage future growth whilst ensuring that change across the District is based on a presumption in favour of sustainable development.'

(Our emphasis)

and at Section 3 Aspirations and Strategy it states:-

'Service Villages

Local Service Centres – Limited small-scale growth to address employment, housing and community requirements'

(Our emphasis)

6.1.9 Further policy support is found at Policy SP19 'Presumption in Favour of Sustainable Development' which states:-

'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

• Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

• Specific policies in that Framework indicate that development should be restricted.'

6.2 The Principle of Residential Development

6.2.1 The NPPF under the heading 'Delivering a wide choice of high quality homes' the document states at paragraph 47 that:-

'47. To boost significantly the supply of housing, local planning authorities should:

●●use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

●●identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

●●identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

¹¹ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.'

(Our emphasis)

6.2.2 The Council have only recently confirmed that they have a demonstrable 5-year supply of housing sites. However to maintain this position the Council will require a continuing supply of housing sites particularly as it appears that the housing market is gaining momentum again. We submit therefore that in the light of this position that there is an overriding case for support for the proposal.

6.2.3 The recently issued National Planning Practice Guidance states under the heading Rural Housing Paragraph: 001 Reference ID: 50-001-20140306 that:-

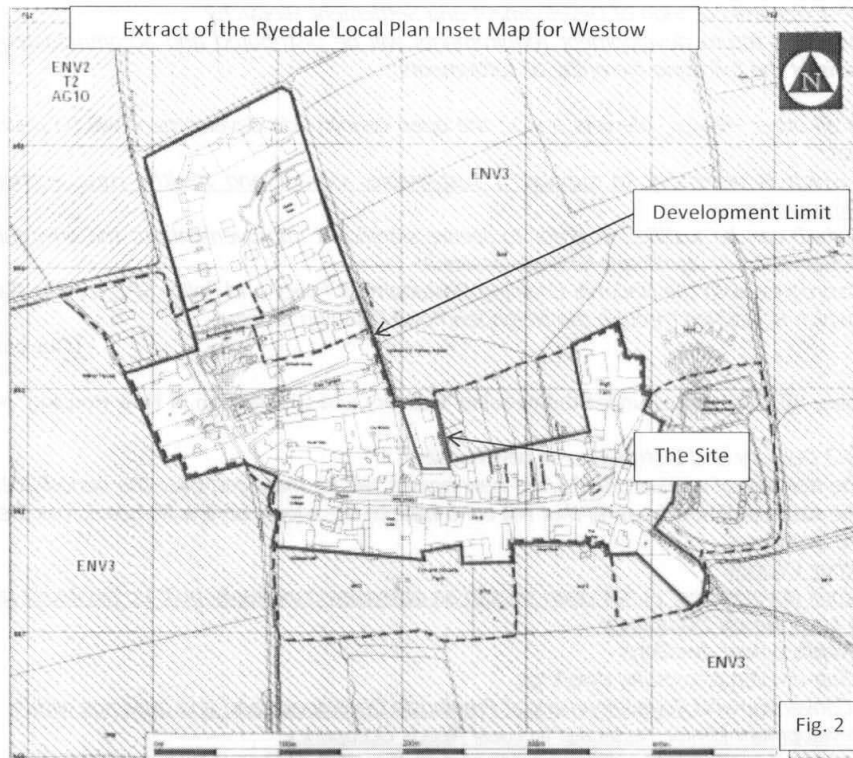
'It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'

6.2.4 The site lies within the current Development Limit as shown on the Ryedale Local Plan Inset Plan for Westow (Fig. 2).



6.2.5 Turning to The Ryedale Plan – Local Plan Strategy already referred to above we find support at Section 3 of the Plan where under its Aspirations and Strategy - Strategy Summary it states:-

'SECTION 3 – ASPIRATIONS AND STRATEGY

The Ryedale Plan – Local Plan Strategy

Place / Role

Other Villages

*Consolidation of new
development within current
development limits, with the
expansion of settlements for
housing, justified only in
exceptional circumstances.*

*· Housing to address local housing
requirements and affordable housing needs
and restricted by a Local Needs Occupancy
Condition unless it is:*

- A Community Right to Build scheme*
- Protecting and enhancing local community facilities*
- Support the delivery of projects identified within local Parish Plans*

(Our emphasis)

6.2.6 We submit as we will show later, that the development will meet the requirements of the above strategy.

6.2.7 At Policy SP1 under the heading General Location of Development and Settlement Hierarchy where it states that:-

*'SP 1 General Location of Development and Settlement Hierarchy
Ryedale's future development requirements will be distributed and accommodated on the basis of the following hierarchy of settlements:*

In all other villages, hamlets and in the open countryside development will be restricted to that:

- which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or*
- which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or*
- which is justified through the Neighbourhood Planning process....'*

(Our emphasis)

6.2.8 Policy SP2 also states under the heading 'Delivery and Distribution of New Housing' :-

*'SP2 Delivery and Distribution of new housing
The delivery of at least 3000 (net) new homes will be managed over the period 2012-2027. The sources of new housing that will contribute to the supply of new homes across the District are as follows:*

Other Villages

- Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy*
- Replacement dwellings*
- Sub-division of existing dwellings*
- Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy*
- 100% Rural Exception Sites outside and on the edge of Development Limits in line with Policy SP3*
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to local needs occupancy.'*

(Our emphasis)

6.2.9 and at paragraph 4.34 under the heading Type and Mix of New Housing the plan states:-

'4.34 The provision of an appropriate mix and choice of new housing is central to the objective of creating sustainable and balanced communities. The District will need to ensure a range and choice of market housing is provided to respond to changing demographics and market drivers.'

(Our emphasis)

6.2.10 The Plan continues at Policy SP4:-

'SP 4 Type and mix of new housing

Increased housing choice and high quality housing will be provided through :

- New housing development*
- The re-use of empty properties*
- Improvements and adaptations to existing homes*
- New housing sites in Ryedale will provide increased housing choice and contribute to the provision of a balanced housing stock.'*

(Our emphasis)

6.2.11 We submit that the proposal, local needs occupancy aside, will meet the requirements of Policies SP1, 2 and 4 of the Ryedale Plan. We will deal with the issue of Local Needs Occupancy later under the heading of affordable housing.

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

6.3.1 The application site is located within Westow Conservation Area. Whilst in considering proposals which affect conservation areas regard is to be made to S72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

6.3.2 Policy SP12 Heritage of The Ryedale Plan – Local Plan Strategy states:-

'Distinctive elements of Ryedale's historic environment will be conserved and where appropriate, enhanced. The potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited including:

· The nationally significant prehistoric archaeological landscapes of the Yorkshire Wolds and the Vale of Pickering

· The individual and distinctive character and appearance of Ryedale's Market Towns and villages

· Large country houses and associated estates and estate villages, with Castle Howard being of international importance

· The unique distribution of Saxon churches on the fringe of the Vale of Pickering and the North York Moors, including Kirkdale and Stonegrave Minsters

· Victorian churches throughout the Yorkshire Wolds

· Medieval features including relatively large numbers of deserted medieval villages, moated manorial sites and granges, such as Kirkham Priory and notable castle sites, including Sheriff Hutton and Bossall Hall, Pickering and Helmsley

· The network of historic field systems across the District and in particular, the historic field patterns around Pickering and other settlements on the northern side of the Vale of Pickering

· The Roman Derwentio site at Malton....

.....Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.'

6.3.3 and Policy SP16-Design of The Ryedale Plan – Local Plan Strategy states:-

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

· Reinforce local distinctiveness

· Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated

· Protect amenity and promote well-being

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

· Topography and landform that shape the form and structure of settlements in the landscape

· The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale

- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
 - *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
 - *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
 - *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail*
- The design of new development will also be expected to:*
- *Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space*
 - *Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking*
 - *Reduce crime and the fear of crime through the careful design of buildings and spaces*
 - *Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces*
 - *Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context*
 - *Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated.'*

(Our emphasis)

6.3.4 Furthermore, Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

Character

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses

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

Design

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

Amenity and Safety

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

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

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance

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

- 6.3.5 We submit that the proposal meets all the requirements of the above criteria and some weight should be attached to these policies as they are broadly consistent with the aims of the NPPF.
- 6.3.6 The NPPF paragraph 56 states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.3.7 Paragraphs 60, 61 and 65 of the NPPF make it clear that decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, should address the connections between people and places and the integration of new development into the natural, built and historic environment and proposals should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.
- 6.3.8 The Westow conservation area largely encompasses the whole of the village save for the most recent post war development to the northern part of the village. The village is L shaped in form with frontage development along the southern and western sides of the main road and development in depth to the north and east sections of the village. Mount Farm sits on the internal corner of the L shaped building form, and is distinct in having access from both Main Street and Chapel Lane to the rear. The buildings to Main Street and small outbuildings to the rear are in stone, but the remaining large sheds are steel framed clad structures.
- 6.3.9 In a character assessment of the village in respect of the grain of development and design of housing, we submit that whilst the development is not infill, we believe that the scheme should be considered as acceptable for the following reasons.
- 6.3.10 The majority of the conservation area buildings are two storey, double pitched stone built with pantile roofs. There are also a number of scattered brick buildings with elements of render and plain tile roofs. The post war housing to the northern end of the village is in red brick and render with plain tile roofing. Mount Farm and adjoining buildings along Main Street are generally built along the frontage, with deeper burgage plots to the rear. A significant number of these plots have small scale developments approached by narrow lanes, which add to the character of the settlement. These openings add to the open/closed nature of the streetscape. Generally, buildings set within the deeper plots, follow the form of the plots, with buildings along, rather than across, the grain of the plots.
- 6.3.11 The previous Ryedale Plan noted that future development should be limited to infilling within the built up area of the inset plan and that development within the conservation area will be expected to reflect the historic character and appearance of the settlement in terms of its relationship to the street and surrounding buildings-also in its design, detailing and choice of materials. The Mount Farm site is shown deliberately included within the development plan,

presumably being occupied by buildings out of character with the conservation area, and also since it is at the heart of built up development in the village. In comparison the undeveloped rear gardens to adjoining plots to the east, are shown excluded from the development area.

- 6.3.12 The Westow Village Design Statement has been adopted by the Council as supplementary planning guidance. In the statement it notes that "all new developments should be designed so that they blend in with the style of the majority of buildings in the Conservation Area." It goes on to note that "the villagers do not support large scale development, but supportive of development within the current development limit if constructed in stone, pantile, timber windows, half round cast iron gutters." The proposed development complies with these principles. The Statement also refers to the reuse of former buildings, but clearly the scale and form of the large steel sheds would only lend themselves to agricultural or industrial use, which would be considered as inappropriate uses within the confines of adjoin residential development.
- 6.3.13 Mount Farm ceased as a working farm several years ago, and the rear contemporary steel framed buildings have been used for ad hoc storage. There is residential development to the adjoining plots to east and west. As noted above, it is considered that reuse of such buildings would likely attract commercial/industrial activities, which would be at odds with adjoin residential use.
- 6.3.14 We believe therefore that the proposed scheme is considered not to have a detrimental adverse effect on the character and form of the conservation area by virtue of its design, layout, scale, external appearance and landscaping. We submit that the proposed scheme therefore complies with and policies SP12, 16 and 20 of The Ryedale Plan – Local Plan Strategy and advice given in NPPF.

6.4 Impact on the Residential Amenity of the Adjoining Neighbours

- 6.4.1 One of the core planning principles set out in Paragraph 12 of the NPPF states that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

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

... 'Amenity and Safety

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

- 6.4.3 We submit that the development will not have a significant adverse impact on the existing amenities of neighbouring occupiers for the following reasons.
- 6.4.4 The proposed new development consists of 3 small scale cottages in a linear form responding to the grain of the burgage plot. The access road for these dwellings is kept to the western edge of the site, to act as a buffer between dwellings to the west. The removal of buildings along the western edge of the site, will offer a significant improvement to the openness of the existing dwellings to the west.
- 6.4.5 At the northern edge of the site, a new single storey building is proposed. The scale and character of this building is a deliberate response to the edge of village location and seen as

a building emerging from a stone boundary wall enclosure. This is typical of buildings within edges of villages and responds closely to the statement in the Westow Village Design Statement, that stone boundary walls are important visual components of the village.

- 6.4.6 The dwellings have been designed with principal rooms overlooking private gardens and ancillary spaces facing the informal access road. The access road is deliberately low key in approach. As part of the development, a new turning head is proposed on adjoining land to the north. This has the double benefit of removing the need for large scale turning and hard surface within the scheme and the added advantage of turning for residents along Chapel Lane.
- 6.5.7 Adequate standoff distances will be achieved in respect of all the dwellings with no overlooking issues. The proposed development is therefore considered not to cause a significant detrimental impact on the residential amenities of the neighbouring properties in accordance with Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan and the NPPF.

6.5 Highway Safety

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

'Access, Parking and Servicing

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads'

- 6.5.2 These Local Plan policies should be afforded weight as they are broadly consistent with the aims of the NPPF.
- 6.5.3 In addition with respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high emission vehicles.
- 6.5.4 The dwellings would be served from one new access from the north of the site where a suitable turning head is to be provided. This will not only serve the new development, but create a vehicle turning facility for a number of the existing properties on Chapel Lane, which don't have this facility. This proposal has the approval of NYCC Highways. Adequate parking provision has also been provided for within the site.
- 6.5.5 We submit that the proposal will not adversely impact on the highway network either from an access or parking standpoint and therefore submit that the proposal is acceptable as it accords with policies SP20 of The Ryedale Local Plan-The Local Plan Strategy and Paragraph 39 of the NPPF.

6.6 Drainage and Flood Risk

- 7.6.1 The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations

and ways which reduce greenhouse gas emissions; actively support energy efficiency improvements to existing buildings.

6.6.2 Policy SP17 (Managing Air Quality, Land and Water Resources) of The Ryedale Plan – Local Plan Strategy states:-

'Land resources will be protected and improved by:

· Supporting new uses for land which is contaminated or degraded where an appropriate scheme of remediation and restoration is agreed and in place

· Prioritising the use of previously developed land and protecting the best and most versatile agricultural land from irreversible loss. New land allocations will be planned to avoid and minimise the loss of the Best and Most Versatile Agricultural Land. Proposals for major development coming forward on sites that are not allocated for development which would result in the loss of the Best and Most Versatile Agricultural Land will be resisted unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource

Flood risk will be managed by:

· Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment. In addition, major development proposals within areas highlighted as having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage system

· Ensuring new development does not prevent access to water courses for the maintenance of flood defences

· Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national 'Exception Test' will be applied if required'

6.6.3 The application site is located in Flood Zone 1 as shown on the Environment Agency's Flood Map for Westow (See Fig. 5 below) which is at a low probability of flooding.

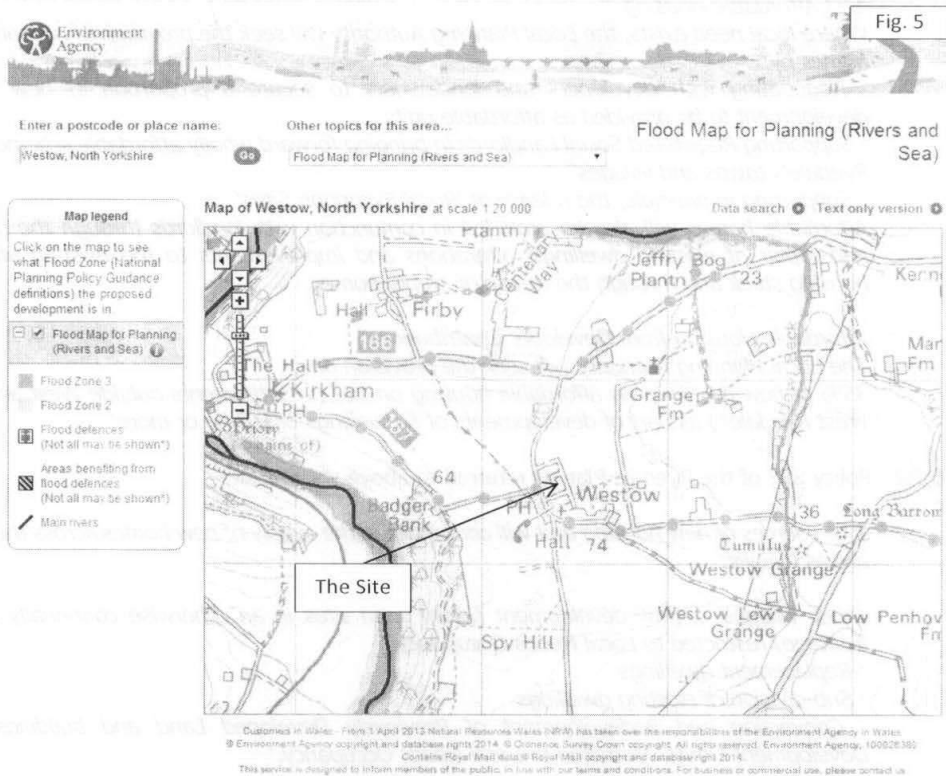


Fig. 5

6.6.4 We understand that there is adequate capacity in both the foul and surface water sewers in the area and that an adequate water supply is also available. The development will be connected to the mains sewer.

6.6.5 We submit therefore that the proposed development is not at risk from flooding and can be satisfactorily drained and is therefore considered acceptable and in accordance with Policies and the guidance in NPPF.

6.7. Affordable Housing

6.7.1 The supporting text to Policy SP3 of the Ryedale Plan states:-

*'4.34 Increasing the supply of new affordable homes is a priority in Ryedale in order to address the acute affordable housing need in the District.
Securing new affordable housing through the planning system is one of the most effective ways in which this can be achieved.'*

;'4.40 The Council will aim to secure affordable housing provision on-site, to include a mix of social rented, affordable rent and intermediate affordable tenures that reflects the needs of local communities. The Strategic Housing Market Assessment produced in 2011 suggests'

6.7.2 In addition Policy SP3 follows and states:-

'SP3 Affordable Housing

Where local need exists, the Local Planning Authority will seek the provision of new affordable homes by:

- Negotiating with developers and landowners to secure a proportion of new housing development to be provided as affordable units*
- Supporting Registered Social Landlords in bringing forward wholly affordable schemes within Ryedale's towns and villages*
- Supporting in principle, the release of 'Rural Exception Sites'*

Affordable homes will also be provided in conjunction with landlords through the purchase and repair of existing dwellings, alterations and improvements to the existing affordable housing stock and through the re-use of empty homes.

Affordable Housing from Developer Contributions

The Local Planning Authority will seek the provision of:

35% of new dwellings as affordable housing on-site (in settlements outside West and South West Ryedale) as part of developments of 5 dwellings or 0.2 ha or more'*

6.7.2 Policy SP2 of the Ryedale Plan as referred to above states that:-

'The sources of new housing that will contribute to the supply of new homes across the District are as follows:

Other Villages..... Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy

- Replacement dwellings*
- Sub-division of existing dwellings*
- Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy.'*

6.7.3 The proposal is however for 4No dwellings and therefore there is no requirement for affordable housing with the scheme. However, in the light of the requirement for the dwellings to be only sold to those persons who would comply with the Local Needs Occupancy restriction, we believe that in the light of the fact that the application was submitted well before the Ryedale Local Plan was adopted, that there is a case for an alternative response to the Local Needs Occupancy Policy and this is as follows:

6.7.4 We propose that an affordable housing unit (Plot 3, 2 bed) is provided as part of the scheme despite it not being required under the latest Ryedale Plan policies.

In this respect we have investigated the affordable housing needs from Colin Huby, the Council's Rural Housing Enabler he has confirmed that:-

'In the existing affordable stock in Westow and Yorkshire Housing has 13 x 2bed bungalows (elderly accommodation) and 5 x 3bed houses. (See below for relets on the bungalows and 1 x 3bed house).

Future relets will have fewer bids as people with a local connection will now get priority.

Westow parish has approximately 160 households and comes under Derwent ward.

No parish survey has been done but the SHMA shows Derwent ward having current need of 27 and annual need of 14 the need of which is for one beds (36%) and two beds (64%).

A two bed affordable house (general needs) would probably be our preference due to the absence of such properties in the parish.'

'Over the past 18 months there have been 4 x 2 bed bungalows let for over 55's – 52, 40, 14 and 13 bids (the most recent being in Dec 2013).

The only family home to be let under NYHC in the past couple of years in Westow is:

3 bed house let in March 2012 – 52 bids.'

(Our emphasis)

- 6.7.5 In addition, we find support for the affordable house type provision in the North Yorkshire Strategic Market Housing Assessment which states:-

'Future Need for Affordable Housing

1.36 If North Yorkshire were to meet the needs of all households who cannot afford to buy or privately rent a home on the open market¹⁴ it would have to deliver 2,808 affordable dwellings (excluding Selby) each year over the next 5 years. This is shown in the table below.

Figure 10: Net Annual Affordable Housing Need (Next 5 Years) – North Yorkshire

Net Annual Affordable Housing Need – North Yorkshire & Local Authorities

Craven Hambleton Harrogate Richmondshire Ryedale Scarborough CityofYork Nth Yorkshire

<i>218</i>	<i>320</i>	<i>507</i>	<i>260</i>	<i>256</i>	<i>457</i>	<i>790</i>	<i>2,808 Total</i>
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Source: North Yorkshire SHMA, 2011

1.37 In particular, there is currently a shortfall in smaller 1 and 2 bedroom and larger 4 or more bedroom affordable properties across North Yorkshire. The shortage of these property types is making it harder for the authorities of North Yorkshire to meet the housing needs of households who cannot afford to buy or privately rent a home on the open market.'

(Our emphasis)

- 6.7.5 The applicants are currently in negotiation with Broadacres Housing to find a suitable tenant to occupy the affordable housing unit proposed.
- 6.7.6 A copy of a revised layout showing the affordable unit, together with some minor parking arrangement changes is to be forwarded direct by Bramhall Blenkharn Architects.
- 6.7.7 We submit that this is an equitable solution to the current issue of the application of the new Local Needs Occupancy in the Ryedale Plan in the light of the delay in determining the application and would provide an additional affordable housing dwelling in the village of Westow to meet local needs which would ordinarily not be required under current planning policy.
- 6.7.8 In light of the above and on balance, we therefore submit that the proposal should be considered acceptable under Policy SP3 of The Ryedale Plan – Local Plan Strategy.

6.8 Public Open Space

- 6.8.1 Policy SP11 (Community Facilities and Services Provision) of the Ryedale Plan states:-
*'Proposals for the provision of new community facilities or services will be supported in principle as follows:
Malton and Norton;
Pickering; Kirkbymoorside;
Helmsley
Sites allocated for such uses or as part of a mixed use allocation; expansion and improvement of existing facilities in and outside of Development Limits; provision of new facilities within development limits or outside of Development Limits where the facility is needed and cannot be located within Development Limits or as part of a mixed use allocation.
Service Villages and other villages
Expansion and improvements to existing facilities in or outside of Development Limits; provision of new facilities - within Development Limits, conversion of existing buildings outside of Development Limits or new provision outside of Development Limits where the facility is needed to serve the local area and could not be provided with Development Limits
New or enhanced provision of open space, leisure and recreational facilities will address identified deficiencies set out in Table 3 and be undertaken in line with Local Open Space Standards as set out in Table 4. All new residential development* will be expected to contribute to the provision of open space, recreation and leisure facilities. Residential schemes of 15 dwellings or more will be required to include on-site provision of informal amenity space unless it is considered impractical or unfeasible and an off-site contribution is more appropriate. On-site formal children's playspace will be sought on residential sites of 50 dwellings or more.'*

(Our emphasis)

- 6.8.2 As the site falls below the requirement for onsite POS provision the applicants are happy to pay the calculated sum of £8830 as provide by Roger Barnsley the Council's Asset Management Surveyor. We submit therefore that this provision is sufficient to meet the requirements of Policy SP11 (Community Facilities and Services Provision) of the Ryedale Plan.

6.9 Impact on Nature Conservation and Protected Species

- 6.9.1 NPPF paragraphs 109 to 125 relate to conserving and enhancing the natural environment and to impacts of development proposals on protected species planning policy and guidance which is provided by the NPPF and accompanying ODPM Circular 06/2005 "Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System" in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.
- 6.9.2 However, a Bat Survey prepared by Julian Hall Environmental Resource Management found:-
'Minor evidence of habitation by bat species was recorded in the buildings during building and activity surveys' and 'The potential for discovery of bats in hibernation, which may be uncovered during demolition or alteration to buildings in winter between November and the end of March should be taken into consideration, since they cannot otherwise be detected due to their lack of activity.'
- 6.9.3 We submit that the proposals will not have an adverse impact on Nature Conservation and Protected Species and therefore meet the requirements of Circular 06/2005 and NPPF.

7. Conclusions

- 7.1 Whilst we appreciate that planning applications should be determined on the basis of the current development plan applicable at the time of decision, and whilst we believe that the scheme would meet the requirements of the last criterion of the policy, the application of the Local Needs Occupancy requirement would render the whole scheme unviable. Indeed, if Mr and Mrs Landers had been aware that such a policy would be applicable to the scheme when they submitted the application, it is certain that they would not have pursued the matter
- 7.2 We believe that we have provided a substantive case through not only Central Government's most recent planning policy statements, but also the Council's own planning policies and material considerations we respectfully submit that the proposal is acceptable in all respects and should receive the support of the local planning authority.

SMN/ YTA 30.5.14