

Planning Statement

Section 73 Minor Material Amendment application pursuant to planning application 09/01306/MFUL for Change of use and alteration of agricultural buildings to form 1 no. three bedroom dwelling with attached double garage, erection of 2 no. five bedroom detached dwellings with detached double garages, 1 no. five bedroom detached dwelling with attached double garage, 1 no. four bedroom semi-detached dwelling with attached single garage, 1 no. three bedroom semi-detached dwelling with attached single garage and a terrace comprising of 3 no. two bedroom dwellings and 1 no. three bedroom dwelling with parking spaces together with formation of vehicular access

Land And Buildings At Scagglethorpe Manor Farm Main Street Scagglethorpe Malton North Yorkshire

On Behalf of Scothern Construction Ltd

December 2020

nineteen47
CHARTERED TOWN PLANNERS
& URBAN DESIGNERS

Client:

Scothern Construction Ltd

Project:

Section 73 MMA – Residential Development, Manor Farm, Scagglethorpe

Report Title:

Planning Statement

nineteen47 Reference:

n1338

Date:

December 2020

Contents

	Page
Section 1: Introduction	1
Section 2: The Site	3
Section 3: The Application Proposals	5
Section 4: Case in Support of the Application	6
Section 5: Conclusions	14

Appendices

Appendix 1	Letter from Ryedale District Council dated 17 th July 2017
------------	---

Section 1: Introduction

- 1.1 nineteen47 has been instructed on behalf of Scothern Construction Ltd (the Applicant) to prepare and submit a Minor Material Amendment Application pursuant to planning application 09/01306/MFUL under the provisions of Section 73 of the Town and Country Planning Act 1990.
- 1.2 Planning application 09/01306/MFUL was approved by Ryedale District Council on 1st February 2012 (subject to section 106 Agreement) and permitted the "Change of use and alteration of agricultural buildings to form 1 no. three bedroom dwelling with attached double garage, erection of 2 no. five bedroom detached dwellings with detached double garages, 1 no. five bedroom detached dwelling with attached double garage, 1 no. four bedroom semi-detached dwelling with attached single garage, 1 no. three bedroom semi-detached dwelling with attached single garage and a terrace comprising of 3 no. two bedroom dwellings and 1 no. three bedroom dwelling with parking spaces together with formation of vehicular access at Land And Buildings At Scagglethorpe Manor Farm Main Street Scagglethorpe Malton North Yorkshire."
- 1.3 Prior to selling the Site to the Applicant, the applicant for this original permission discharged all of the relevant pre-commencement conditions and implemented the planning consent and confirmed this with the Local Planning Authority. This planning permission therefore remains extant. This is confirmed in the letter from Ryedale District Council dated 17th July 2018 which is attached at Appendix 1.
- 1.4 Having acquired the Site with the benefit of the aforementioned planning permission, the Applicant wishes to make modifications to the approved house types to provide an improved internal and external layout and enhance the overall appearance of the development.
- 1.5 In this regard, nineteen47 submitted a pre-application enquiry to Ryedale District Council on 1st December 2019 to request clarification on various matters (reference 19/01340/PREAPP), with a response being issued on 16th January 2020. This Minor Material Amendment has therefore been formulated on the basis of the advice provided within this response.
- 1.6 This Statement should be read in conjunction with the plans that have been prepared by Walker Graham Architects, Revised Drainage Details provided by Tillet Consulting Engineers, Bat Emergence Survey undertaken by Wolds Ecology, Transport Note prepared by Local Transport Projects and a Viability Appraisal produced by s106 Management.
- 1.7 The purpose of this Planning Statement is to set out the case, in planning terms, in support of the Application Proposals. Section 2 describes the Site and its surroundings, with Section 3 providing details of the application proposals. Section 4 establishes the case in support of the Application Proposals in the

context of planning policy and all other relevant material considerations.
Finally, Section 5 sets out a summary and conclusions.

Section 2: The Site

- 2.1 The Site has an area of approximately 0.4 hectares and is located within the village of Scagglethorpe, within the southern part of this settlement.
- 2.2 Scagglethorpe is located off the A64 trunk road approximately 5 kilometres to the east of Malton and Norton.



- 2.3 The Site is relatively flat and was previously covered in large portal framed agricultural buildings. These buildings have now been removed and the Site is vacant with the exception of a traditional stone 'L' shape range of agricultural buildings which are located in the north eastern corner of the Site, with the eastern elevation close to the road edge. To the south of this building is a vehicular access into the Site and to the south of this is a small single storey brick barn. To the south of this building is the main access onto Bull Piece Lane which runs along the eastern boundary of the Site.
- 2.4 To the south and west of the Site are agricultural fields and to the north are residential properties which front onto Bull Piece Lane. On the opposite side of this road are residential properties.

Relevant Planning History

- 2.5 In 2012, full planning permission was granted on the Site for Change of use and alteration of agricultural buildings to form 1 no. three bedroom dwelling with attached double garage, erection of 2 no. five bedroom detached dwellings with detached double garages, 1 no. five bedroom detached dwelling with attached double garage, 1 no. four bedroom semi-detached dwelling with attached single garage, 1 no. three bedroom semi-detached dwelling with attached single garage and a terrace comprising of 3 no. two bedroom dwellings and 1 no. three bedroom dwelling with parking spaces together with formation of vehicular access (reference 09/01306/MFUL). This planning permission was subsequently implemented and is the subject of a section 106 Agreement to secure a commuted sum towards open space of £21,250 and

1no. intermediate/affordable rent property and 3no. social rent affordable properties (i.e 4no. affordable properties in total).

Section 3: The Application Proposals

- 3.1 The Minor Material Amendment Application seeks to amend the layout and house types previously approved under application 09/01306/MFUL as well as appraising the viability of the scheme in terms of developer contributions.
- 3.2 In terms of the proposed house types, the table below summarises the configuration which accords with the originally approved description of development.

Plot Number	House Type	Garage
Plot 1	5 bed detached	Detached Garage
Plot 2	5 bed detached	Attached garage
Plot 3	5 bed detached	Detached garage
Plot 4	3 bed semi	Attached garage
Plot 5	4 bed semi	Attached garage
Plots 6 to 8	2 bed terrace	No garage
Plot 9	3 bed terrace	No garage
Barn Conversion	3 bed detached	Integrated Garage

- 3.3 As will be noted from the 'as approved' and 'as proposed' layouts below, the revisions are relatively minor as is the changes to the scale of the overall development. One of the main changes being that it is proposed that parking will be provided to the front of the proposed terrace properties which front onto the highway such that each will benefit from larger rear gardens. This will be achieved by forming driveways which take access directly from the highway for plots 6, 7 and 8. All other properties will be accessed via the main site access which is in the same location as that which has previously been approved.



As Approved Layout



As Proposed Layout

- 3.4 All of the proposed properties are 2 storeys in height, with red pantile roofs and either Ancaster limestone or York brick walls.

Section 4: Case in Support of the Application

- 4.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, proposals should be considered in the context of the Development Plan together with other material considerations below.
- 4.2 In this instance, the Application is made under the provisions of Section 73 of the Town and Country Planning Act 1990 (the Act) and seeks a Minor Material Amendment to approval 09/01306/MFUL which was granted full planning permission in 2012. This proposals are identical in form to the approved description of development and propose variations to the approved design and layout as such, this extant permission should form the basis upon which this Minor Material Amendment application is considered.
- 4.3 The key issues in the determination of this application include the following considerations:
- The general principle of development;
 - Design
 - Residential amenity;
 - Biodiversity.
 - Drainage
 - Other material considerations

General Principle of Development

- 4.4 In 2019 The Court of Appeal overturned a High Court decision (*Finney v Welsh Ministers*) and concluded that an Inspector should not have altered a description of development in the course of granting a section 73 (s73) planning permission, as it was beyond her powers. It is therefore necessary that any application made under the provisions of section 73 of the Act must conform to the original description of development.
- 4.5 The approved description of development for application 09/01306/MFUL states;

“Change of use and alteration of agricultural buildings to form 1 no. three bedroom dwelling with attached double garage, erection of 2 no. five bedroom detached dwellings with detached double garages, 1 no. five bedroom detached dwelling with attached double garage, 1 no. four bedroom semi-detached dwelling with attached single garage, 1 no. three bedroom semi-detached dwelling with attached single garage and a terrace comprising of 3 no. two bedroom dwellings and 1 no. three bedroom dwelling with parking spaces together with formation of vehicular access

- 4.6 As will be noted from the schedule of accommodation in Section 3 of this Planning Statement, the revised proposals conform to this original description of development.
- 4.7 Whilst s73 of the Act does not allow for the description of development on a planning permission to be changed, it does permit conditions to be amended, including those which stipulate the approved plans to which the development related. In this regard, condition 26 of decision 09/01306/MFUL lists the plans which the approved development must be carried out in accordance with and it is the intention of this application to amend the list of approved plans to those which show the revised proposals.
- 4.8 Since application 09/01306/MFUL was approved in 2012, there have been various changes to planning policy including the publication of the National Planning Policy Framework (2019) and the adoption of Ryedale District Council's Local Plan Strategy in September 2013. In September 2016, Ryedale District Council adopted their Community Infrastructure Levy (CIL).
- 4.9 Whilst there is a new Development Plan which applications must be considered against since the approval of the original planning permission, as the Section 73 application only proposes to amend the design of the approved house types and maintains the same description of development, the general principle of development cannot be revisited since the original permission has been lawfully implemented.
- 4.10 Prior to the submission of this section73 application, a number of questions were presented to the Local Planning Authority as part of a pre-application enquiry in order to agree various procedural points in which such an application would be considered. These queries are repeated below, together with the Local Planning Authority's response.
- 4.11 [Pre-Application Enquiry Query 1](#)

"An alternative scheme for 10 dwellings is to be progressed. This is most likely to include an alternative layout and different house types which better reflect market demand in 2019. Will a Section 73 Minor Material Amendment Application be accepted? Is it considered to be the case that provided the number of units does not exceed 10 (and subject to a mix of house types and sizes) that the MMA route is acceptable or are there any limitations."

Local Planning Authority Response

I am afraid that I do not share your view that the MMA would be acceptable purely on the basis that the number of dwellings would not exceed 10. I take the view that in order for the Local Planning Authority to be in a position to consider a S.73 application, the development proposed as part of the variation would need to reflect the terms of the description of the development of the original permission. A section 73 application must therefore include ten dwellings with house types as described in the original permission. Any variation which falls outside of the description of the original permission would require a new permission.

In addition, I take the view that the nature of the development – the layout, scale and size of the dwellings should not vary significantly from the permitted scheme. Clearly this is more a matter of judgement but it is something your client may wish to bear in mind if they choose to submit a S.73 application.

4.12 In accordance with the LPA's response, the proposals include 10 house types which accord with the description of development and the layout, scale and size of the dwellings do not vary significantly from the permitted scheme.

4.13 [Pre-Application Enquiry Query 2](#)

"If the response to query 1 is that a new planning application is required, assuming that a maximum of 10 dwellings is applied for, will the extant planning permission be a material consideration as far as there not being a need to provide local needs housing?"

Local Planning Authority Response

The extant permission will be a material consideration in the determination of a new planning application. However, the LNO policy was introduced for specific reasons and is adopted development plan policy. I do not take the view that the extant permission in itself, would be sufficient to outweigh the provisions of the adopted development plan if a new application is submitted. Any application should also be supported with additional evidence/justification/material considerations to support what would be, in effect, a departure from the development plan.

4.14 As a new full planning application is not being submitted and instead a Minor Material Amendment sought to allow for a variation of house types, it is not considered that the Local Needs Occupancy requirements as set out in the Local Plan Strategy 2013 are applicable and it would be unreasonable to impose such a condition when the original consent did not include such a requirement.

4.15 [Pre-Application Enquiry Query 3](#)

"On the basis of an MMA being progressed, it may be that access arrangements are reconsidered, resulting in deviations from the extant consent. Subject to this not creating any highway safety issues, is this acceptable?"

Local Planning Authority Response

I consider that variations to the approved vehicular access details can in principle, be made via a S.73 application. Again however, I consider that I would need to see the detail of any change to give a definitive answer on this point.

4.16 The proposed access point and road within the development is similar to that previously approved. The road within the development is to be adopted and the accompanying Highways Technical Note confirms the acceptability of the proposed arrangements which have been discussed with the Highways Authority. Similarly, the driveways for Plots 6 to 9 onto Bull Piece Lane are considered to offer suitable Visibility based upon the speed survey results that have been obtained and confirmed in the Technical Note.

4.17 [Pre-Application Enquiry Query 4](#)

"Since the previous planning permission was granted, there has been updates to affordable housing policy and legislation at local and national levels.

"In 2016, the Local Planning Authority prepared a 'Developer Contributions from Small Sites' SPD which set out the revised position to that stipulated in Policy SP3 of the Local Plan Strategy. In this regard, it is stated that;

(ii) The negotiate [sic] of the on-site provision of affordable housing in line with SP3 of the Ryedale Plan, with the exception that on sites of between six and ten dwellings in parishes outside of Malton, Norton and Pickering, financial contributions will be sought in lieu of the existing on-site policy requirement; and that financial contributions of an equivalent of 40% of provision will be sought on such sites in west and south west Ryedale

In areas outside of west and south west Ryedale, such as Scagglethorpe, the affordable housing requirement is 35%.

In re-drafting the s106 Agreement to reflect the revised layout, would the Local Planning Authority seek an off-site contribution instead of on-site provision at a maximum rate of 35% (subject to viability)?"

[Local Planning Authority Response](#)

Since the permission was granted in 2012, the Local Planning Authority has adopted the Local Plan Strategy (LPS). Policy SP3 (Affordable Housing) of the LPS is the relevant development plan policy. In 2016, (in response to the 2014 ministerial statement relating to developer contributions from small sites), the Local Planning Authority agreed to implement its development plan policy in a way which was consistent with the ministerial statement. It did not formally amend the development plan itself. You will be aware that in 2018, the Government issued a new version of the National Planning Policy Framework (NPPF). The revisions to national policy include in part, some of the policy changes outlined in the 2014 Ministerial Statement. Significantly however, paragraph 63 of the Framework makes it clear that affordable housing should not be sought on residential developments that are not major developments. The definition of a major development includes schemes of ten dwellings or more. Clearly this is a change from the ministerial statement which indicated that provision should not be sought from schemes of ten dwellings or less.

You will appreciate that the new version of the NPPF is a significant material consideration in the decision-taking process which post-dates the ministerial statement. If your client makes a S. 73 application, the application will need to include 10 dwellings for the reasons that I have given in response to Query 1. On that basis, taking into account the policies of the development plan and the NPPF, I take the view that the Local Planning Authority would not re-negotiate the provisions of the section 106 agreement which secure the provision of affordable units on site. The provision on site remains policy compliant.

If your client resolves to make a new application for the site, an affordable housing contribution will be negotiated taking account of Policy SP3 and the National Planning Policy Framework as a material consideration.

4.18 It is accepted that the proposals represent 'major development' as defined within the National Planning Policy Framework. The national Planning Policy Guidance at Paragraph: 020 Reference ID: 23b-020-20190315 confirms that planning obligations can be changed and states;

“Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way”

- 4.19 On this basis and the fact that the s106 Agreement is over 5 years old, a viability appraisal has been undertaken by s106 Management which accompanies this submission and confirms the following;

Spreadsheet Residual Value
Plus Spreadsheet Developer Profit
Less Benchmark Value
Actual Profit

- 4.20 Based upon the above figures, a return of 4.5% is achieved which is substantially less than the 20% developer profit levels that national guidance advocates. As such, any s106 contributions towards affordable housing or development infrastructure cannot be sustained by the project.

4.21 [Pre-Application Enquiry Query 5](#)

“On the basis that an MMA is considered to be acceptable for a procedural perspective, what would be the Local Planning Authorities requirements be from a validation perspective. Would existing and proposed plans plus any necessary transport justification be acceptable together with an updated s106 Agreement? If any additional requirements would apply, please advise.”

Local Planning Authority Response

In addition to the documents stated, if a S. 73 application is made, I take the view that the application should also be supported by:

- Any consequential amendments to drainage details/plans
- Protected Species Survey

You may be aware that the Community Infrastructure Levy is now operational in Ryedale and transitional arrangements exist to cover situations in which a S.73 application is made to amend a permission granted prior to the CIL being in force.

<https://www.gov.uk/guidance/community-infrastructure-levy#para1.09>

In order to assess whether a S73 scheme will be liable for any CIL, the standard Form 1. CIL Additional Information form should be completed and submitted along with the application and other supporting information.

I hope that my response provides your client with sufficient information to inform a way forward. I should point out that my response is an officer level view and is provided without prejudice to any decision that the Planning Committee may make in considering the planning merits of any new or amended scheme. If your client chooses to make a new application rather than a MMA, I should remind you that the scheme will be CIL liable. Details can be found at:

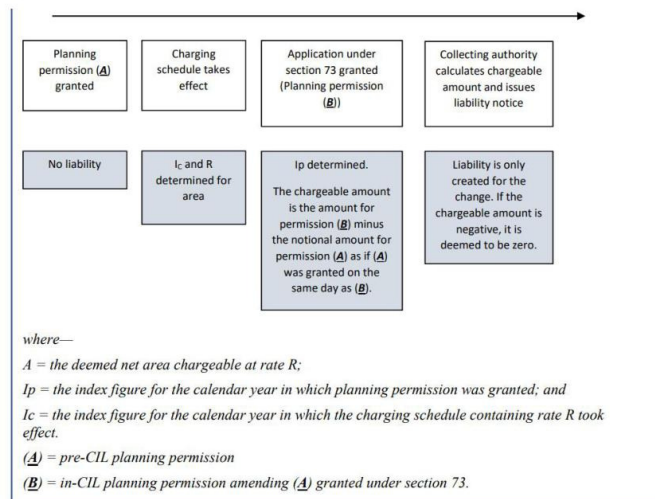
https://www.ryedaleplan.org.uk/attachments/category/11/Ryedale_CIL_Charging_Schedule.pdf

https://www.ryedaleplan.org.uk/attachments/category/11/Instalment_Policy_Ryedale_CIL2.pdf

- 4.22 In accordance with the LPA's response, accompanying this application is an updated Protected Species Survey prepared by Wold Ecology, together with an updated Tillett Consulting Engineers.
- 4.23 With regards to CIL which has been introduced by the Local Planning Authority since the original planning permission was granted and which was therefore not liable, the CIL Regulations and National Planning Policy Guidance provide guidance on such 'transitional' cases. In this regard, Paragraph: 110 Reference ID: 25-110-20190901 of the NPPG states;

"The chargeable amount for a transitional case is calculated by deducting what would have been the chargeable amount for the earlier pre-CIL permission had it been subject to the levy from the chargeable amount for the new in-CIL permission. When calculating the notional liability for the pre-CIL permission, it should be treated as if it were permitted on the same day as the new in-CIL permission. Any applicable relief should also be deducted. Note that with the exception of social housing relief, the charging authority should not apply a notional relief for the earlier permission where the type of relief is not applied to the new permission. "

- 4.23 The calculations for CIL in respect of this Section 73 are best described in the diagram below.



- 4.24 Based upon the above methodology the differential in CIL between the approved scheme and the s73 proposals are calculated below.

Floor space of consented scheme – 1,754.7 sqm
 Floor space of amended scheme – 1,815 sqm

Therefore the pre-CIL planning permission is $1,754.7 \times £85 = \text{£149,149.50}$
In-CIL Planning permission is $1,815 \times £85 = \text{£154,275}$

The CIL Liability is therefore $\text{£154,275} - \text{£149,149.50} = \text{£5,125.50}$

- 4.25 In summary, having considered the general procedures associated with the Section 73 Minor Material Amendment process and having sought clarification from the Local Planning Authority on various matters prior to making this submission, it is considered that the general principle of the proposals is acceptable and it is therefore necessary to assess the proposals within the context of all other normal planning considerations.

Design

- 4.26 As is demonstrated in the comparison between the 'as approved' and 'as proposed' site layout plans in Section 3 of this statement, there is only minimal difference in terms of general site arrangements, scale of properties and space between dwellings.
- 4.27 Changes have been made to the internal layout of the properties in order to offer more open-plan living arrangements in accordance with modern living requirements and market demand for this type of property. In terms of external appearance as with the approved scheme, the proposals have sought to maintain a traditional rural appearance and materials including stone, brick and pantiles are to be used in order to accord with the local character of the village.
- 4.28 It is considered that the proposals satisfy the objectives of Policy SP16 of the Local Plan Strategy which require high quality, accessible places which are well integrated with the surroundings and reinforce local distinctiveness.

Residential amenity

- 4.29 In formulating the revised proposals, consideration of the relationship with the adjacent residential properties to the north has been given as well as ensuring that there is no conflict between the proposed properties with one another in terms of overlooking, overbearing impact etc.
- 4.30 As will be noted when comparing the as approved and as proposed layout plans with one another the separation distances between the proposed dwellings and the northern boundary are the same as are the approximate heights of the buildings which are to be located closest to it. Similarly, window positions on all of the proposed dwellings have been considered to ensure there is no unacceptable levels of overlooking.

Biodiversity

- 4.31 In accordance with the pre-application advice provided by the LPA, an updated bat emergence report has been undertaken. This confirms that the barn which it is intended to convert provides a potential roost for barn owls and therefore mitigation measures are recommended to minimise impact.

Drainage

- 4.32 Due to minor updates to the layout of the proposals, an updated drainage plan has been prepared and forms part of this submission. This supersedes information previously submitted to discharge condition 17 of decision 09/01306/MFUL.

Highways

- 4.33 A Transport Note has been prepared by Local Transport Projects with this confirming that the visibility splays for the proposed access and driveways meets the necessary standards and can be achieved within the extent of the adopted highway.

Other material considerations

- 4.34 The proposals provide for a very similar form of development to that which has previously been approved on the Site but seeks to deliver improved internal layouts which are more attractive to the market and are based upon the Applicant's experience of demand within the area.
- 4.35 The proposals do not seek to compromise on the external appearance of the buildings or increase the density compared with the extant approval and it is considered that the appearance of the scheme remain acceptable and there are no technical constraints which would preclude the grant of planning permission.

Section 5: Conclusions

- 5.1 This Section 73 application proposes a Minor Material Amendment to planning permission 09/01306/MFUL which permits a residential development comprising 10 units. The layout and scale of the proposed properties is to remain comparable to the existing approval, with the main change relating to the internal configuration of the properties.
- 5.2 Prior to the submission of the application, pre-application advice was sought from officers in relation to various procedural matters and this application has been submitted on the basis of this advice.
- 5.3 In redesigning the properties, consideration of viability has been given and a viability appraisal accompanies this submission which demonstrates that the proposals do not support developer contributions. On the basis that the Council is in agreement with this appraisal, no Deed of Variation associated with the s73 permission will be required unless the Local Planning Authority indicate otherwise.
- 5.4 Accompanying this submission is information in relation to highways and drainage, both of which are satisfactorily addressed. Similarly, a new protected species report has been commissioned with this confirming that there are no insurmountable ecological issues.
- 5.5 Notwithstanding the requirements of the development plan, it has been shown that the existing lawful consent is an overriding material consideration and therefore the proposals need to be considered within the context of the design changes that are proposed. The description of development remains unchanged from the previous approval in accordance with a recent High Court judgement on this matter.
- 5.6 On the basis of the above, it is considered that the proposals are entirely acceptable and it is therefore respectfully requested that planning permission be granted.

Appendix 1



Manor Scagglethorpe YO1.

Stone And Associates (Mr B Stone)
7B Saville Street
Malton
North Yorkshire
YO17 7LL

17 July 2018

Dear Mr B Stone

APPLICATION NO: 14/01322/COND

APPLICANT: The Birdsall Estate Company

DESCRIPTION: Discharge of Conditions 02, 03, 04, 05, 06, 07, 08, 09, 11, 12, 13, 16, 17, 19, 20, 25 and 27 of approval 09/01306/MFUL dated 01.02.2012.

LOCATION: Land At Scagglethorpe Manor Farm Main Street Scagglethorpe Malton North Yorkshire

On the basis of the information, provided I can confirm that a lawful commencement of planning permission 09/01306/MFUL took place.

Yours sincerely

Alan Hunter, Senior Specialist Officer (Place)



MC - Scag man
emailed to
J.B.
10/7/18

RECEIVED
- 4 JUN 2017

Mr M Canby
The Birdsall Estate Office
Birdsall
Malton
YO17 9NU

31 May 2018

Dear Sir/Madam

APPLICATION NO: 09/01306/MFUL

APPLICANT: Mr J Willoughby

DESCRIPTION: Change of use and alteration of agricultural buildings to form 1 no. three bedroom dwelling with attached double garage, erection of 2 no. five bedroom detached dwellings with detached double garages, 1 no. five bedroom detached dwelling with attached double garage, 1 no. four bedroom semi-detached dwelling with attached single garage, 1 no. three bedroom semi-detached dwelling with attached single garage and a terrace comprising of 3 no. two bedroom dwellings and 1 no. three bedroom dwelling with parking spaces together with formation of vehicular access

LOCATION: Land And Buildings At Scagglethorpe Manor Farm Main Street Scagglethorpe Malton North Yorkshire

I am writing to confirm that the details submitted are considered to be satisfactory. The requirements of the condition(s) numbered (2,3,5,6,7,8,9,11,12,13,16,17,19,20,25,27) on the above permission are, therefore, discharged.

Yours faithfully

Alan Hunter
Senior Specialist Officer (Place)

RYEDALE DISTRICT COUNCIL

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

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

Application No: 09/01306/MFUL

Proposal: Change of use and alteration of agricultural buildings to form 1 no. three bedroom dwelling with attached double garage, erection of 2 no. five bedroom detached dwellings with detached double garages, 1 no. five bedroom detached dwelling with attached double garage, 1 no. four bedroom semi-detached dwelling with attached single garage, 1 no. three bedroom semi-detached dwelling with attached single garage and a terrace comprising of 3 no. two bedroom dwellings and 1 no. three bedroom dwelling with parking spaces together with formation of vehicular access

at: Land And Buildings At Scagglethorpe Manor Farm Main Street Scagglethorpe
Malton North Yorkshire

for: Mr J Willoughby

Decision Date: 1 February 2012

REASON FOR APPROVAL

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

Ryedale Local Plan - Policy ENV7 - Landscaping
Ryedale Local Plan - Policy H7 - Residential development within settlements
Ryedale Local Plan - Policy H14 - Public open space in residential developments
Ryedale Local Plan - Policy T3 - Access to the local highway network
Ryedale Local Plan - Policy T7 - Parking
Ryedale Local Plan - Policy U3 - Surface water run-off
Ryedale Local Plan - Policy U4 - Sewage disposal
Regional Spatial Strategy - Policy ENV8 - Biodiversity
Regional Spatial Strategy - Policy H1 - Provision and Distribution of Housing
Regional Spatial Strategy - Policy H4 - The Provision of Affordable Housing
Regional Spatial Strategy - Policy H5 - Housing Mix
National Policy Guidance - PPS1 - 'Delivering Sustainable Development' 2005
National Policy Guidance - PPS3 - 'Housing' 2006
National Policy Guidance - PPS7 - 'Sustainable Development in Rural Areas' 2004
National Policy Guidance - PPS9 - 'Biodiversity and Geological Conservation' 2005

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffield
East Yorkshire
YO25 6PT

This planning application is approved subject to conditions and a s106 legal agreement because the proposed residential development in terms of its siting, scale, layout and design is considered to be in keeping with the character of the settlement. The development will also provide four affordable units which will meet the housing need requirement in the village and provide a commuted sum payment towards public open space. The proposed development is considered to provide a satisfactory level of residential amenity and not have a material adverse effect upon the amenity of the adjoining properties. Neither is the proposed considered to be prejudicial to highway safety or local ecology. The proposed is also considered to satisfy the stated planning policies and development plan policies.

CONDITIONS AND ASSOCIATED REASONS

- 01 The development hereby permitted shall be begun on or before 31 January 2015.
Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- 02 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.
(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)
Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy H7A (ii) of the Ryedale Local Plan
- 03 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed
Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy H7A (ii) of the Ryedale Local Plan
- 04 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.
Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by PPS1- Delivery Sustainable Development.

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffield
East Yorkshire
YO25 6PT

- 05 No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.
- Reason:- The site is of archaeological interest and investigation/protection and observation of the site is required by PPG 16 - Archaeology and planning.
- 06 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.
- Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy ENV7 of the Ryedale Local Plan
- 07 The existing brick wall on the northern elevation shall be permanently retained and a management and repair plan for the aforementioned wall shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved.
- Reason: In order to protect the amenity of the adjoining property and to satisfy Policy H7A (iv) of the Ryedale Local Plan.
- 08 Prior to the commencement of the development hereby approved a 20 year management plan for the landscaping undertaken as part of this planning permission shall be submitted to and approved in writing by the local Planning Authority. The development shall thereafter be undertaken in strict accordance with the plan thereby agreed.
- Reason: In order to protect the landscaping on the site and in the interest of visual amenity and to comply with Policy ENV7 and Policy H7 of the Ryedale Local Plan
- 09 All first floor and landing/ stair windows on the northern elevations of plots 3,4 and 5 (shown as plan W50/02/03 Rev D) shall be permanently obscure glazed with opaque, stained or obscure glazing with details to be submitted and agreed in writing with the Local Planning Authority prior to commencement of the development hereby approved. Thereafter the development shall be undertaken in accordance with the details thereby agreed.

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffield
East Yorkshire
YO25 6PT

APPN NO: 09/01306/MFUL

Reason: In order to satisfy Policy H7 A (iv) of the Ryedale Local Plan and to protect the amenity of the adjoining neighbours.

- 10 Unless otherwise agreed in writing with the Local Planning Authority the development hereby approved shall be carried out in strict accordance with the Countryside Management Officer's response dated 12 February 2010.

Reason: In order to fully take account and encourage any protected species that may be using the site and to satisfy PPS9.

- 11 Prior to the commencement of the development hereby approved precise details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy H7 of the Ryedale Local Plan.

- 12 Development shall not commence until actual or potential land contamination at the site has been investigated and Phase 1 Desk Study Report has been submitted and approved in writing by the Local Planning Authority. Should further intrusive investigation be recommended in the Phase 1 Report, development shall not commence until a site investigation Report and if required, a Remediation Statement have been submitted to and approved in writing by the Local Planning Authority. Reports shall be prepared in accordance with Contaminated Land Report 11 and Planning Policy statement 23. Submission of verification report to be approved in writing by the local Planning Authority will be required on the completion of any remedial work.

Reason: In order to fully take account of any potential contamination and to satisfy PPS23.

- 13 Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of the development hereby approved precise details of the existing grounds levels across the site and the proposed finished ground floor levels measured in relation to a recognised datum point shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in full accordance with the details thereby agreed.

Reasons: In order to ensure a satisfactory appearance and to protect the amenity of surrounding properties and to satisfy Policy H7 of the Ryedale Local Plan.

- 14 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 in relation to only Plots 3, 4, 5, 6, 7, 8, 9 and the barn conversion adjacent to Main Street as shown on the proposed site plan (Ref 250/02/03 Rev D) following a specific application in that respect;

Class A: Enlargement, improvement, or alteration of a dwelling house;

Class B: Roof alteration to enlarge a dwelling house;

Class C: Any other alteration to the roof of a dwellinghouse;

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffield
East Yorkshire
YO25 6PT

Class D: Erection or construction of a domestic external porch;
Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason: To ensure that the appearance of the area is not prejudicial by the introduction of unacceptable materials and/ or structure (s) and to satisfy Policy H7A (i) and (ii) of the Ryedale Local Plan.

- 15 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) order 1995, (or any order revoking, re-enacting or amending that order) no windows, other than those shown on the plans hereby approved under condition 12 in respect of Plots 3, 4 and 5, and the barn conversion adjacent to Main street, shall be formed in the walls or roof of the buildings, hereby permitted without the prior written consent of the Local planning Authority following a specific application in that respect.

Reason: To safeguard the privacy and the amenity of adjoining residents and to satisfy Policy H7A (iv) of the Ryedale Local Plan.

- 16 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy H7A (ii) of the Ryedale Local Plan

- 17 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, unless the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures
- (i) all types of surfacing (including tactiles), kerbing and edging.

(2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- (a) the existing ground level

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffeld
East Yorkshire
YO25 6PT

- (b) the proposed road channel and centre line levels
- (c) full details of surface water drainage proposals.

(3) Full highway construction details including:

- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- (b) when requested cross-sections at regular intervals along the proposed road showing the existing and proposed ground levels
- (c) kerb and edging construction details
- (d) typical drainage construction details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting.

(6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

(7) Full working drawings for any structures which affect or form part of the highway network.

(8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy T3 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

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

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

Reason:- In accordance with Policy T3 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffield
East Yorkshire
YO25 6PT

consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:- In accordance with Policy T3 and in the interests of highway safety.

- 20 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

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

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

The required highway improvements shall include:

(a) Provision of tactile paving

(b) A nominal 2.0 metre wide kerbed footway northwards from the proposed junction up to the northern extremity of the site frontage, together with provision of positive drainage to the adjacent carriageway and making good of the carriageway edge.

Reason:- In accordance with Policy T3 and Policy T10 of the Ryedale Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 21 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing W50/02/03 Rev D. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy T7 of the Ryedale Local Plan and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

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

Reason:- In accordance with Policy T7 of the Ryedale Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffield
East Yorkshire
YO25 6PT

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

Reason:- In accordance with Policy T3 and T10 of the Ryedale Local Plan and in the interests of the safety and convenience of highway users.

- 24 Unless otherwise agreed in writing with the local Planning Authority all doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed, such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway, and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason:- In accordance with Policy T10 and Policy T3 of the Ryedale Local Plan and to protect pedestrians and other highway users.

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

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

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

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

Reason:- In accordance with Policy T7 and Policy T3 and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffield
East Yorkshire
YO25 6PT

Inspector



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

W50/02/03 Rev D
W50/02/05 REV A
W50/02/06 REV A
W50/02/10 REV A
W50/02/16
W50/02/12 REV C
W50/02/09 REV B
W50/02/15 REV A
W50/02/08 REV B
W50/02/07 REV A
W50/02/11 REV A
W50/02/13

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

- 27 Notwithstanding the submitted details, and unless otherwise agreed in writing with the Local Planning Authority, at least 10% of the energy consumption of the developments shall be derived from decentralised and renewable or low carbon sources, details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on site.

Reason: - In the interests of energy efficiency and to satisfy the requirements of Policy ENV5 of the Ryedale Local Plan.

INFORMATIVE(S)

- 01 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).
- 02 The developer/ applicant is advised that this permission is subject to a legal agreement dated 23 January 2012 relating to an open spaces payment and affordable housing.
- 03 The developer/applicant is advised to consider the consultation response of Yorkshire Water dated 25 February 2010.
- 04 In imposing condition 18 above, it is recommended that before a detailed planning submission is made, a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffeld
East Yorkshire
YO25 6PT

APPN NO: 09/01306/MFUL

- 05 The local Highway Authority recommends that there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 06 The Local Highway Authority there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

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



HEAD OF PLANNING

Mr J Willoughby
C/O Edwardson Associates
Paddock House
10 Middle Street South
Driffeld
East Yorkshire
YO25 6PT