The Planning Inspectorate

Appeal Decisions

Inquiry held on 7-10 June 2016

Site visit made on 8 June 2016

by P. W. Clark MA MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2016

Appeal B Ref: APP/Y2736/W/15/3136237
(Site B) Land to the west of Langton Road, Norton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Gladman Developments against the decision of Ryedale District Council.
- The application Ref 15/00098/MOUT, dated 30 January 2015, was refused by notice dated 22 July 2015.
- The development proposed is up to 85 residential dwellings including access.

Appeal A Ref: APP/Y2736/W/15/3136233
(Site A) Land to the west of Langton Road, Norton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Gladman Developments against the decision of Ryedale District Council.
- The application Ref 15/00099/MOUT, dated 30 January 2015, was refused by notice dated 22 July 2015.
- The development proposed is up to 8 residential dwellings including access.

Decisions

1. Appeal B is allowed and planning permission is granted for up to 85 residential dwellings including access at (Site B) Land to the west of Langton Road, Norton in accordance with the terms of the application, Ref 15/00098/MOUT, dated 30 January 2015, subject to the sixteen conditions attached as Appendix B.

2. Appeal A is allowed and planning permission is granted for up to 8 residential dwellings including access at (Site A) Land to the west of Langton Road, Norton in accordance with the terms of the application, Ref 15/00099/MOUT, dated 30 January 2015, subject to the fifteen conditions attached as Appendix A.

Procedural matters

3. The Inquiry sat for four days but was held open until 17 June 2016 for closing submissions to be made in writing and for Unilateral Undertakings to be signed.

4. The address of the site is given as Norton. Norton and Malton are twin towns either side of the River Derwent in North Yorkshire. In many ways they function as a single entity and are treated as such in planning policy. Although they are variously termed Malton, Norton or Malton/Norton, these names all refer to the one conurbation or parts thereof.

5. Both applications are made in outline. In both cases, details of vehicular access to but not within the sites are submitted for approval now. Further details of pedestrian and cycle accesses to and all access within the sites and details of appearance, landscaping, layout and scale are reserved for later consideration in the event of either appeal being allowed.

6. The applications were made in the terms set out above. They are supported by a mass of documentation including a Development Framework Plan. In May 2015, during the Council's consideration of the applications, the originally submitted Framework Plan was substituted by a revised version showing reduced developable areas. A subsequent e-mail from the appellant asserts that the Development Framework Plan is intended to form part of the planning application. Nevertheless, the matters it depicts are clearly those which are shown on the application form to be reserved matters and the e-mail itself confirms (correctly) that the provisions of the Framework Plan would need to be secured by condition if thought necessary for the applications to be approved.

7. Notwithstanding the fact that the Council subsequently reconsulted on the application in terms which referenced numbers reduced from 8 to 6 for appeal A and from 85 to 79 for appeal B, there is no information to show that the terms of the application itself were so changed. In any event, as an outline proposal with matters of scale and layout reserved, any limitation of numbers, in the event of the developments being approved, would have to be imposed by condition. The screening opinions issued in March 2015 for the two sites were in terms of 10 dwellings for site A and 90 for site B.

Main Issues

8. There are four main issues common to both appeals. The first two and the last of these derive from reasons for refusal or from grounds of appeal common to both appeals. The third derives from a reason for refusal unique to appeal B but the issue equally applies to appeal A. They are the effects of the proposals on;

    - The significance of heritage assets, both designated and undesignated
    - The character and appearance of the neighbourhood, the setting of Norton and on protected trees
    - The need to travel and the use of sustainable modes of transport and
    - The supply of housing in general and affordable housing in particular.

9. Amongst other matters, third parties had concerns about flooding and about highway safety, particularly for horses.

Reasons

Heritage

10. Two heritage assets are in question. Both are outside but near the site. Confusingly, both have at one time or another been called Sutton Grange. I will refer to them as the barn and the house. The barn is a designated heritage asset, listed Grade II in 1986 as Sutton Farm Stone Barn. The house (currently called Sutton Grange) is neither listed nor included on any Local List

but both parties are agreed and I concur that it should be regarded as a non-designated heritage asset.

11. Both main parties are agreed and I concur that neither appeal proposal would have any direct effect on either asset. In both cases, the questions are whether there are any effects of the proposals on the assets' settings and, if so, whether any such effects affect their significance.

12. The way the barn is experienced today is largely from private property and at close range. It is approached from Langton Road by a private drive on appeal site A through protected woodland which hides it from view until, at the western end of the woodland (and of site A), the upper floor of its extensive north-eastern façade becomes visible over the roofs of garages (converted from sheds) which form a triangular courtyard to its east. The entry to the courtyard is at its north-western extremity at which point there is a full view of both the short north-western and long north-eastern elevations of the barn. It is from this point that some but not all of the significance of the building can be understood.

13. The drive continues past the north-western elevation, descending a bank and turning through approximately 180°. From this point the architecturally more interesting south-western elevation sited high on its terrace can be experienced, somewhat obscured by two new dwellings positioned in another courtyard at a lower level at which the drive ends but still dominating the scene. It is from this point that a more complete understanding of the significance of the building is obtained. It is, as the Council's Conservation Officer reports in her observations on the application, the large scale of the building and the status which its size and the elevated position of this frontage would have given to the purpose (which is unknown[1]) for which it was built.

14. The impressive impact of this elevation can still be appreciated more fully from a point further to the south west where a track from Bazley's Lane crosses the line of the former driveway to the house and passes the former principal entrance to the grounds around the house. None of these ways of experiencing the setting of the barn and of understanding its significance would be affected by either of the appeal proposals.

15. From a public place, the upper parts of the barn can be seen over the rooftops and between the newly erected bungalows in Heron Close, to its north. This experience of its setting would not be affected by either of the appeal proposals.

16. The eastern corner of the barn can be glimpsed at a distance from breaks in the hedgerow along Langton Road, across both sites A and B but the views appear to be happenstance rather than designed and simply provide an awareness of a large building some way off. It is not possible, in these views, to derive much information about the nature of the building or its purpose, still less to divine whether it had any functional connection with the land across which it can be glimpsed. In truth, these views do not tell one much, if anything, about its significance. Their loss would cause little or no harm to the

[1] The listing description as a barn simply reflects the use to which it was put at the time of its listing. It is currently used as five residences. Evidence given at the Inquiry shows that fairly early in its life it was used, or partially used, as a gentleman's residence. My observations on site suggest that it may have been built as a stables and coach house with residential accommodation, an hypothesis accepted as plausible by both parties' experts. At the time it was built, Malton racecourse was flourishing. Even today, the breeding of racehorses is an important economic activity around Malton.

significance of the heritage asset and so I do not require their retention by condition. The dominance of the barn can be retained by a condition (14) limiting the height of buildings on site A.

17. The house, Sutton Grange, is also visible in these views and so they aid an understanding that the two buildings once had an association. The list entry for the barn specifically states that it does not form part of an Asset Grouping so I am not convinced that an appreciation of this relationship from this viewpoint (as opposed to the viewpoint south-west of the barn described earlier) is necessary to an understanding of either building's significance but I recognise that it is a concern of the Council. These views from Langton Road would be interrupted by development on either of the appeal sites but, in substitution, the development of appeal site A with an area of open space on the land formerly associated with the occupancy of the barn would allow public appreciation of both heritage assets from much closer viewpoints from which any significance deriving from the barn's proximity to the house in this view could be much better appreciated. The provision of this open space can be required by condition (13) attached to appeal A.

18. Both parties agree that the proposed developments would result in less than substantial harm to the listed building. I agree and conclude that any harm to the significance of the listed building by any effects on its setting by either appeal would be so minimal as to be effectively non-existent. Any such harmful effects as exist would be outweighed by the public benefits of enabling closer appreciation of the asset from within the site of appeal A, which could be secured by condition (13) on appeal A. It (appeal A) would therefore comply with that part of The Ryedale Plan Local Plan Strategy policy SP12 which provides that proposals which would result in less substantial[2] harm to a designated asset will only be agreed where the public benefit of the proposal is considered to outweigh the harm and extent of harm to the asset. I now turn to consider the house.

19. At some stage in its life the house has been reoriented so that its entrance is no longer on its north-western elevation but on its south-eastern side. The consequence is that, in contrast to the barn which is designed to be largely hidden by a wooded drive and to reveal its most spectacular impact when arriving at the house from its former (now abandoned) north-western driveway, the house is approached today by a straight drive running direct from Langton Road separated from open fields only by a post and rail fence. The approach today has no relationship with the barn.

20. Despite the low-lying position of the house, its ornate bargeboards, prominent gables and chimneys mean that it is now experienced as a "cottage ornée" forming a picturesque element in an open landscape backed by woodland seen in views from Langton Road. These views and the grand effect of its approach along a drive through open fields would largely be lost through the development of appeal site B and so would considerably reduce the contribution which the open setting of the house makes to its modern day significance as a prestigious country residence.

21. As an undesignated asset, its significance is less than statutory. Nevertheless, the appeal proposals would compromise the heritage elements of that part of The Ryedale Plan Local Plan Strategy policy SP12 which seek to ensure the

[2] The Strategy does not use the term "less than substantial" which is found in the NPPF

sensitive expansion, growth and land use change in and around the District's Market Towns and villages, safeguarding elements of the historic character and value within their built up areas, including Visually Important Undeveloped Areas (defined on the adopted Proposals Map) as well as surrounding historic landscape character and setting of individual settlements. This is both a heritage consideration and a landscape and townscape consideration to which I turn shortly.

22. The loss of longer distance views of the house would not in any way affect the appreciation of its heritage significance as a much-altered country house, which can only be understood by a forensic examination of its fabric at close quarters, principally from within the grounds of the house itself. Furthermore, as with the development of appeal A, the development of appeal B would allow longer distance public views to be replaced by a closer public appreciation of the heritage asset. The scale of any harm to this aspect of its significance is therefore minimal.

23. Both parties agree that the appeal proposals will result in less than substantial harm to the significance of the house. I agree, to the extent stated earlier. I conclude that although the proposal compromises that part of The Ryedale Plan – Local Plan Strategy policy SP12 which seeks to protect other features of local historic value and interest throughout Ryedale, having regard to the scale of any harm and the significance of the heritage asset, the matter would not be of great consequence.

Character and appearance

24. The appeal sites do not sit within any nationally or locally protected or designated landscape although the southern tip of site B abuts an Area of High Landscape Value. They do not lie within any Visually Important Undeveloped Area as defined on the Proposals Map, nor is there any published suggestion that they be designated as such within the emerging Local Plan Sites Document. Although all landscape is valued to a degree, there is no information to show that they are a particularly valued landscape within the compass of paragraph 109 of the National Planning Policy Framework (the NPPF). They are outside the defined settlement limits of Malton/Norton and so are formally regarded as countryside. It is a core planning principle of the NPPF that planning should recognise the intrinsic character and beauty of the countryside but these sites do not require any special consideration in terms of their landscape character or appearance.

25. Various analyses have been made of the character of the landscape in which they sit. They lie on the boundary between three of the one hundred and fifty-nine National Character Areas defined by Natural England. The appellant's expert[3] places the sites within National Character Area 29 "Howardian Hills". The Council's expert[4] places it within National Character Area 27 "Yorkshire Wolds". National Character Area 26 "Vale of Pickering" is close by. The boundaries of National Character Areas are broadly defined rather than following detailed local features and at their edges are likely to exhibit transitional characteristics.

26. Key characteristics of both the Howardian Hills NCA and the Yorkshire Wolds NCA include large estates and designed parklands with large country houses.

[3] Paragraph 3.7 of Mr Holliday's evidence
[4] Section 3.2.1 of AECOM's Landscape and Visual Appraisal June 2015

In response to a specific question, both parties' experts confirmed that the majority of these appeal sites did not represent designed parklands, the only element of which, in relation to the two heritage assets, was restricted to the wooded drive (protected by a Tree Preservation Order) leading to the listed barn and the garden areas immediately around the house and barn (including the western part of appeal site A). Both could be protected by conditions (13) and (15) of appeal A.

27. In other respects, although the sites exhibit features typical of the local National Character Areas, both parties agreed that their development would not lead to the loss of such features and would have a negligible effect on the character areas overall. I note that both the Yorkshire Wolds and Howardian Hills character areas feature sparse settlement but the existence of small market towns is recognised on the fringes of the Yorkshire Wolds and Malton is specifically mentioned in the description of the Howardian Hills and particular building materials are noted as characteristic of both areas, so built form as such is not inimical to their character. The more distant views of the site, illustrated in both parties' analyses, show that the built up area of Malton/Norton clearly figures in the landscape. The effect of developing the two sites would be to increase its extent by a marginal amount. The site itself hardly signifies in these more distant views so can barely be said to provide a setting for Norton.

28. At a regional level, the North Yorkshire County Council's North Yorkshire and York Landscape Characterisation Project identifies a Limestone Ridge character area encompassing the sites. This too notes several country houses with associated designed parkland settings as one of its key characteristics, along with others which would not be compromised by development of the sites. It too notes Malton as the only major settlement within the area. Consequently, the same inferences result from the regional characterisation as from the national one, which is that development of these sites would have a negligible impact.

29. At a district level, the Landscapes of Northern Ryedale, published on behalf of the District Council in 1999 identifies an area of Wooded Vale Farmland abutting the northern edge of the Yorkshire Wolds but notes that in common with the Open Vale Farmland found further east, it has few prominent landscape features. Again, this does not lead to a conclusion that there would be any great landscape significance resulting from the development of the appeal sites.

30. Both parties have conducted either a Landscape and Visual Appraisal or a Landscape and Visual Impact Appraisal for the site following the precepts of the Institute of Landscape Architects. For the most part they largely agree on their conclusions namely that both physical effects and visual effects are largely confined to the site itself, resulting from the transformational change from undeveloped land to developed land. As became apparent during cross-examination, the difference between them largely results from the value which the Council has placed on the site, high relative to that of other land within a Zone of Theoretical Visibility around the site in contrast to the appellant's more absolute, less relative concept of its lesser value in terms of landscape and visual impact.

31. The sites lie to the south-west of Langton Road. Site A is relatively level between the road to the east and the heritage assets to the west. Site B

slopes down from the road towards the Mill Beck stream. A substantial hedge largely hides the sites from public view although there are openings through which the Wolds can be seen across the site by looking south and a picturesque view of Sutton Grange nestling against a backdrop of trees can be obtained by looking north. The carriageway of Langton Road is elevated and so more continuous views across the site can be seen by passers-by on horseback or, more generally, when the hedgerow is trimmed.

32. There is no doubt that these are pleasant, even pretty, scenes. Their loss would be regretted. But the development of the sites would have no effect on the backdrop of trees which are off site. The retention of trees on site (along the driveway to the listed barn on site A or along the Mill Beck on site B) could be required by conditions (15) for appeal A and (16) for appeal B and, provided open space adjacent to the stream is retained (as it would be, by condition (15) of appeal B), development of site B would give public access to the same views at closer quarters, so I am not convinced that the transformational effects of developing the fields themselves in the way proposed would be harmful once development is completed.

33. Langton Road is a long straight approach to the heart of Norton. The protected trees on site A are presently at the southern extremity of continuous development along the western side of the road. But the alignment of the road is undeviating at that point so they are no more than an incident along its course. There are other trees along the road which have an equal effect. It is an exaggeration to say that they provide a visual stop because they are not paired by an equal clump on the opposite side of the road. Only when the road bends at the junction with The Ridings, further to the north, is there a visual stop with trees at both sides of the road.

34. Moreover, both sides of the road are experienced in common. On the east side, built development extends along Langton Road for about one quarter of the way opposite site B. There is a constructed gateway feature by the roadside at the point where a speed limit takes effect which provides a clearer indication to road users of Norton's extent.

35. As noted earlier, there is no clear view of Norton in which the sites present a foreground which provides a setting to the town. The straight alignment of Langton Road means that the sites are peripheral to the experience of arriving into Norton. The hedgerows which presently constrain peripheral views could be retained by condition. Consequently, the development of the sites would have little or no effect on the setting of the town. I am confirmed in this view by the advice of the Landscapes of Northern Ryedale, published on the Council's behalf in 1999; "From a landscape perspective, urban expansion would best be accommodated on the flat, low lying land to the south and east of the towns."

36. I conclude that the proposals would have no adverse effects on protected trees or the setting of Norton. There would be some very limited harm from appeal B to the character and appearance of this part of Langton Road resulting from the loss of some pleasant and attractive scenes and, as noted earlier, from the reduced contribution which the open setting of the house makes to its significance but elements of the historic character would remain and there would also be benefits resulting from the provision of public open space with its own pleasant views.

37. As noted earlier, appeal B would marginally compromise the heritage elements of that part of The Ryedale Plan Local Plan Strategy policy SP12 which seeks to ensure the sensitive expansion, growth and land use change in and around the District's Market Towns and villages, safeguarding elements of the historic character and value within their built up areas, including Visually Important Undeveloped Areas (defined on the adopted Proposals Map) as well as surrounding historic landscape character and setting of individual settlements. For that same reason and to that very limited degree also, the development of site B would compromise that part of policy SP13 which requires the quality, character and value of Ryedale's diverse landscapes to be protected and enhanced and which require new development proposals to contribute to the protection and enhancement of distinctive elements of landscape character. For that same reason and to that same very limited degree, appeal B would also compromise those parts of policy SP20 which deal with Character, requiring new development to respect the character and context of the immediate locality and the wider landscape and townscape character.

The need to travel

38. In terms of daily life, Malton/Norton is recognised by The Ryedale Plan – Local Plan Strategy as Ryedale's Principal Town offering the greatest concentration of employment so it should at least be possible in theory for residents to find work locally. My visit to the site made me aware that there are local employment opportunities in horse breeding and training establishments and in Norton College near to the site but there is no suggestion other than that the majority of employment opportunities in Malton/Norton would be in the centre of town or on industrial estates on the outskirts which are described in the Special Qualities Study of Ryedale's Market Towns included within the appellant's Core Documents. The centre of the twin towns is between 1.5 and 2km from the sites. Industrial estates on the outskirts would be further afield. It is unlikely that these distances would be favoured for walking and so there would be a degree of need to travel for work from the proposed developments.

39. Commuting to York or elsewhere may be preferred as a matter of choice but the bus stop from which a service to York is provided is agreed to be 1.3km from the access to site A and 1.4 km from the access to site B. The railway station offers potential for commuting further afield but is 1.8km from site B. These are all greater distances than those preferred for walking and so their use would, in themselves, generate a need for transport.

40. Likewise, although Malton/Norton offers the greatest concentration of retail and leisure facilities in the District, the nearest local shopping facilities listed in the Statement of Common Ground are stated to be more than 1km from the site entrance to appeal B. This is greater than the preferred walking distances set out in Manual for Streets or the recommendations of the Institute of Highways and Transportation, so it is likely that these daily requirements would give rise to a need to travel.

41. Norton College is close at hand but a Primary School is more than a kilometre distant. There is a proposal to provide a much closer outpost of this school for years 5 and 6 but even if this proposal reaches fruition, it is clear that for many primary schoolchildren there would be a need to travel.

42. Less than daily needs, such as a GP surgery and a Library are provided for in Malton/Norton but are about 1.4 and 1.8km distant so would generally give rise to a need to travel.

43. Norton is noted in the evidence to be less well provided with green infrastructure than Malton but the proposals would be provided with open space on site together with an equipped play area. Not only would this reduce the need to travel for leisure facilities from the development but it would also contribute to the wider needs of Norton and so must be counted as a benefit of the development.

44. It is apparent therefore that for all other than secondary education and recreation facilities on local open space, development of the appeal sites would not comply with the second of the six bullet points providing site selection criteria in The Ryedale Plan - Local Plan Strategy policy SP1. This looks for a site's ability to support access on foot to centrally located shops, services and facilities.

45. The NPPF in paragraph 34 and in the eleventh of the twelve Core Principles set out in paragraph 17 is less prescriptive. Where the need to travel will be minimised is part of its advice on the location of developments which generate significant movement but where the use of sustainable transport modes can be maximised is also a factor in its advice on where such development should be located. These are defined as including walking, cycling, low and ultra low emission vehicles, car sharing and public transport.

46. Although the distances to the facilities considered above would discourage walking, they are not so great as to deter cyclists. Moreover, at least as far as central Norton, the route is relatively flat and not so heavily trafficked as to be a deterrent to cycle use. Beyond Norton, into Malton would require the shared use of more heavily trafficked roads without specific cycle facilities, a stiff hill and passage through an Air Quality Management Area (AQMA), so is less conducive to cycling but I am satisfied that most daily needs could be met without travelling so far.

47. Despite the AQMA there is no information to show that Malton/Norton, or the development proposal, offers any particular facilities for low or ultra-low emission vehicles but suggested conditions (11) in both appeals would require the provision of electric vehicle charging points. It is suggested that a travel plan be required by condition (13) of appeal B and there is funding provision for its implementation within the s106 obligation. Through that, car sharing could be promoted to maximise the use of that sustainable transport mode.

48. A regular hourly bus service is provided on Langton Road past the sites, nine times a day, Mondays to Saturdays but it does not run after late afternoon so normal hours of commuting to more distant employment are not feasible by public transport. It is not well publicised; it is a hail and ride service so no bus stops indicate its existence or provide information about timetables. No information is provided about the route followed but timing points include Field View on Langton Road opposite the sites and various points in Malton/Norton town centres.

49. In the material supporting the outline applications, repeated assertions are made[5] to the effect that the development would make improvements to the bus services along Langton Road. In the event, the Unilateral Undertakings only provide £5,000 as a contribution towards the provision of and/or improvements to two bus stops in Norton. This does little to reduce the need to travel from the development or to maximise the use of sustainable transport modes by residents of the site, so I take no account of it. Nevertheless, bearing in mind the NPPF's exhortations to take account of the nature and location of the site and of policies to support a prosperous economy in rural areas, it has to be recognised that, even without improvement, the bus service is reasonably good for a rural market town and offers the sites a further sustainable mode of transport.

50. I conclude that the developments would generate a need to travel which could be met only in small part by walking. In consequence, the proposals would conflict with one of the provisions of The Ryedale Plan - Local Plan Strategy policy SP1 but, with the conditions suggested, it would be possible to maximise the use of other sustainable transport modes in the way the NPPF recommends.

Housing

51. Policy SP1 of The Ryedale Plan – Local Plan Strategy provides that Ryedale's future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of a hierarchy of settlements in which Malton and Norton is defined as the primary focus of growth. The Spatial Strategy Summary defines the role of Malton and Norton as the focus for the majority of new development and growth including new housing (amongst other matters). The implementation of policy SP1 is to be through the Local Plan Sites Document and Neighbourhood Development Plans for the location of development and for the planned supply of new development sites and through the Development Management Process for development proposals (i.e the consideration of planning applications or, in these cases, planning appeals).

52. Policy SP2 provides that the sources of new housing that will contribute to the supply of new homes across the District includes Housing Land Allocations in and adjacent to the built up area of Malton and Norton. It stipulates that 50% of the District's level of provision should be located at Malton and Norton. Its implementation section records the actions or mechanisms to implement different parts of the policy. For the allocation and release of sites two mechanisms are listed; one is the Local Plan Sites Document, the other is the Development Management Process (i.e the consideration of these appeals). In advance of the Local Plan Sites Document the release of sites will be influenced by the five-year deliverable supply position.

53. The Local Plan Sites Document has yet to be produced and is at an early stage of preparation. The development plan is not completely silent on the matter of locations for housing, indicating in general terms the acceptability of locations in and adjacent to the built up area of Malton and Norton and setting a target of 100 dwellings per annum for that general location. But, other than the

[5] Transport Assessment paragraphs 3.1.5 and 4.8.3, Planning Statement paragraphs 2.2.3, 4.4.24, 5.2.11, 8.4.3 and Appendix 2 and Diana Richardson's evidence paragraph 9.3.25

advice to be influenced by the five-year deliverable supply position it is silent on the precise allocation of sites.

54. The final bullet point of NPPF paragraph 14 advises that where the development plan is silent, the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole or, if specific policies in the Framework indicate development should be restricted. It follows that, whether the decision on these appeals is taken in accordance with the development plan or whether it is taken in accordance with the other material considerations of the NPPF, a balancing exercise is necessary in which one factor is consideration of the Council's five-year deliverable housing supply.

55. The Council's housing requirement is set in The Ryedale Plan – Local Plan Strategy as at least 3,000 (net) new homes over the period 2012-2027 of which 50% should be in or adjacent to Malton/Norton. This plan is recent (5 September 2013) and was found sound in the light of the NPPF (March 2012). The Inspector's report (paragraphs 37 - 49) make it clear that reliance was not placed solely on evidence prepared for the now cancelled Yorkshire and Humberside Regional Spatial Strategy but that an objective assessment of housing need was carried out in late 2011 – early 2012, using 2004, 2008 and 2010 – based population and housing projections along with an employment-led growth scenario and an analysis of affordable housing need. None of this is inconsistent with the outcomes of the "Hunston", "Solihull", "Satnam" and "Kings Lynn" cases to which I was referred. The plan has not been successfully challenged.

56. The final requirement figure is mid-way between those required using the 2008 and 2010 – based population and household projections and would also more than meet the (then) most recent 2011-based interim household projections. The Inspector who examined the Plan observed that it would be unwise to base the plan on a single set of household projections. He concluded by saying that a total level of 3,000 dwellings or 200 dwellings per year represents a realistic, balanced, deliverable, justified and soundly based figure which would meet the objectively assessed housing needs of the district over the plan period.

57. Paragraph 4.32 of the reasoned justification to the plan recognises that housing needs and requirements can change over time and so commits to reviewing housing needs in five years. The Council has commenced this review by publishing a Strategic Housing Market Assessment (SHMA) in April 2016 using 2012-based household projections. This concludes (paragraph 9.35) that an appropriate Objectively Assessed Need (OAN) figure for Ryedale excluding the North York Moors National Park would be 204 dwellings per annum. This does not suggest that the requirement set in the plan is out of date.

58. The appellant contests the findings of this SHMA based on three components of the SHMA; economic-led needs, market signals and affordable housing needs. The criticisms of the economic forecasts used as an input to the SHMA are three fold; (i) the economic forecasts may be conservative (ii) Planning Practice Guidance (PPG) advises that likely changes in job numbers should be based on past trends and/or economic forecasts as appropriate, whereas the SHMA uses economic forecasts only and (iii) the economic forecasts use their own estimates of local economic activity rates rather than national ones which may be lower.

59. It is not for me in this s78 appeal to do a forensic examination of economic forecasts which are but one strand of a SHMA which is but one input to the adoption of a housing requirement but I observe that of these three criticisms, (i) is purely speculative, (ii) is criticism of a choice of one method which the PPG endorses as an alternative and (iii) prays in aid an appeal decision at Redcar which drew on extensive evidence specific to the applicability of that issue to that location. I note that the appellant's expert witness concludes that "on its own merits, the above [comments] on economic-led needs would not lead me to conclude that OAN must be greater than that concluded within emerging SHMA". I have no reason to disagree.

60. The appellant's criticisms of the SHMA's response to market signals is largely concerned with its adequacy for dealing with affordability, which overlaps with the third concern. The suggestion of a 20% uplift rather than the 10% uplift used in the SHMA is based on the recommendations of the Local Plans Expert Group which has yet to be endorsed by government and, as the appellant's expert himself says, can be given little weight.

61. The appellant's third concern turns around the advice in the NPPF, amplified in the PPG, for meeting the full objectively assessed needs for affordable housing. There are two components to the criticism. One concerns a disagreement over data sources for relets of affordable rented housing, both parties using different but equally reliable sources which give different results, though these are relatively marginal. The other, more major component is the SHMA's redefinition of what constitutes affordability from a threshold of 25% of household income to a threshold of 30%.

62. Whilst sharing the appellant's distaste, expressed so eloquently by the quotation from my colleague Mr Thickett in his April 2014 report on the examination into the East Hampshire Plan, for redefining the threshold of affordability in such a way that plays down identified demand, adjusting for this factor merely takes us back towards the situation examined by the Local Plan Inspector in 2013. Then, as paragraph 55 of his report points out, the SHMAs estimated a 5-year net shortfall of affordable housing of between 250-270 affordable units per year. His paragraph 43 pointed out that the estimated annual need for affordable housing exceeded the proposed annual level of housing provision and would be even higher if it were to rely solely on delivering such housing as a proportion of market housing. He reported (in paragraphs 44 and 57) that to meet the full need for affordable housing through the provision of market housing would mean setting unrealistic and undeliverable overall targets of more than 550 dwellings per year.

63. He commented, in a passage which refutes the implications for the plan of the appellant's contention that the SHMA does not set out an estimation of deliverability, that the plan, as submitted and amended, aims to deliver as much affordable housing as it can, with no maximum provision, and there may be other ways to provide such housing. He concluded in paragraphs 44 and 62 that the NPPF does not expect plans to meet the highest level of evidenced need but requires a more balanced objective assessment and that policy SP3 will help to positively address the high levels of need for affordable housing and would provide an effective, justified and soundly based framework for delivering affordable housing over the period of the plan, consistent with national policy.

64. In other words, the appellant's observations on the need to increase housing requirements in order to increase the supply of affordable housing do not raise new issues not taken into account in the adopted plan. However much moral high ground is taken concerning the redefinition of the threshold of affordability, no current guidance contradicts the approach taken by the SHMA 2016. The appellant's arguments do not therefore invalidate the conclusions of the SHMA 2016, nor do they undermine the continued validity of the housing requirement as set out in the adopted Ryedale Plan – Local Plan Strategy.

65. From this it follows that, as agreed in the Statement of Common Ground, Ryedale can demonstrate a five-year deliverable supply of housing land. There is no information to show that the position in relation to the subsidiary requirement for Malton and Norton (50% of the total) is any different. Reverting back to the point of the argument considered earlier, it follows that, in accordance with policy SP2, this is a factor which should influence consideration of release of sites in advance of the Local Plan Sites Document.

66. In relation to affordable housing, the position is agreed. Annual affordable housing requirements have not been delivered in full in Ryedale in each year of the plan period to date. The 2016 SHMA's redefinition of the threshold for affordable housing does not and cannot rewrite the repeated plaints in the Local Plan Strategy to the effect that the lack of affordable housing is the main imbalance in Ryedale's housing market, that Ryedale has an acute need for affordable housing and that increasing the supply of new affordable homes is a priority.

67. Policy SP3 seeks the provision of 35% of new dwellings as affordable housing on site for developments of more than 5 dwellings or on sites of 0.2ha or more. The appellant's uncontroverted evidence shows that over a ten-year period, Ryedale achieved 25%, increasing to 31% in a more recent five-year period but in the three years of the Local Plan Strategy's existence has delivered 60, 47 and 67 affordable dwellings against a target of 79 each year. It follows that the offer of 35% in the submitted Unilateral Undertakings, although no more than complying with policy, should be regarded as a considerable benefit.

68. The separation of the proposals into two separate planning applications with two separate Unilateral Undertakings would bring site A (if limited to ten dwellings or less) within the scope of government policy, set out in the Written Ministerial Statement of 28 November 2014 and elaborated in Guidance, that affordable housing contributions should not be sought on sites of ten units or less. The reason for this policy is to avoid a disproportionate burden on small-scale developers.

69. But the present appellant is not a small-scale developer. Whatever the reason for making two separate applications (understood to be related to the slightly different ownership arrangements of the two sites), or the future intentions of the appellant to subdivide the sites into smaller parcels for sale to other builders, there is more that unites these two appeals than separates them. The applications were made on the same day and determined on the same day. Four of the five reasons for refusal are common to both sites and even the appellant expressed surprise that the fifth was not equally applied. Twenty of their supporting documents and the supporting Framework Plan are common to both applications.

70. Only the Heritage Statements and the Socio-Economic Sustainability Statements are unique to each application. The two appeals have been conjoined in this Inquiry and the expert witness evidence is common to both applications. Indeed, when specifically asked, why two applications were made, the appellant's planning witness commented that she could not explain it and would not have recommended it (the explanation noted above was given by the appellant's advocate). For all these reasons, I do not disapply policy SP3 from site A and I do take account of the affordable housing provisions of the Unilateral Undertaking for site A as a benefit of the scheme.

71. In relation to the effect of the proposals on housing in general and affordable housing in particular, I conclude that the proposals would deliver the equivalent of about one year's housing supply for Malton and Norton (50% of that for Ryedale) but that the Council can demonstrate a deliverable five-year housing supply without these sites. So, the benefits of the proposals to housing supply in general are limited to boosting the supply to a level which is more than required.

72. On the other hand, in the light of the Council's track record, the proposals' full compliance with policy on the supply of affordable housing would be beneficial. Some might say that if all it is doing is complying with policy, it should not be counted as a benefit but the policy is designed to produce a benefit, not ward off a harm and so, in my view, compliance with policy is beneficial and full compliance as here, when others have only achieved partial compliance, would be a considerable benefit.

73. Although the sites lie outside the development limits for Malton and Norton defined on the Proposals Map, policy SP2 allows for housing land allocations in and adjacent to the built up area to be released through the Development Management Process in advance of the Local Plan Sites Document, so the release of these sites through these appeals would not be inconsistent with the policy. As already noted, the proposals would comply with policy SP3 for the supply of affordable housing.

Other matters

74. There is evidence that the sites have a high water table and experience standing water at certain times. However, there is technical evidence, not controverted, to the effect that this can be dealt with by means of a retention pond to hold surface water run-off on the lowest part of the land sealed against the effects of rising ground water.

75. Local horse breeders and trainers have concerns, supported with evidence, of the dangers which modern traffic poses to their livelihoods and to the safety of their horses. But, it is clear that the developments proposed would generate effects on the local highway network variously described as minimal, minor or marginal. Even if the developments were not allowed to proceed, background growth in traffic in the local area would result in the same effects within a few years, so the solution to the horse trainers' problems would not be found by denying permission for these appeal proposals.

76. The two sites are presently agricultural land, some of which is grade 3A (Best and Most Versatile). Although not a reason for refusal, NPPF paragraph 112 advises that the economic and other benefits of the best and most versatile agricultural land should be taken into account. Policy SP17 of the Local Plan

Strategy includes protection of the best and most versatile agricultural land from irreversible loss, which will be resisted unless the proposed use cannot be located elsewhere and that the need for the development outweighs the loss of the resource. However, there is little evidence of any great economic benefit arising from the land. Its other benefits have been considered earlier. This is therefore not a conclusive point but one which needs to be weighed in the overall balance.

77. As agricultural land, the site is greenfield. Its development would not therefore accord with the eighth of the government's core planning principles set out in NPPF paragraph 17 and repeated in NPPF paragraph 11 that planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land). However, national policy does not preclude the development of greenfield land, it simply prioritises other land. But, it is clear from the Local Plan Strategy, that to meet housing needs, greenfield land will need to be released so, once again, this is not a compelling argument against the developments, simply a matter to be weighed in the balance.

Conclusions

78. Planning applications and appeals should be determined in accordance with the development plan unless there are material considerations which indicate otherwise. In this case, the Local Plan Strategy is recently adopted and up to date. Whilst it is silent on the precise allocation of sites for housing development, it provides a mechanism for their allocation through the operation of the Development Management System in the absence of the Local Plan Sites Document.

79. Applying the provisions of the development plan to these proposals, I have found harm to the significance of the nearby listed building to be effectively non-existent and so Appeal A complies with policy SP12. Appeal B would considerably reduce the contribution which the open setting of the house makes to its modern significance as a prestigious country residence.

80. As an undesignated asset, its significance is less than statutory. Nevertheless, the appeal B proposals would marginally compromise the heritage elements of that part of The Ryedale Plan Local Plan Strategy policy SP12 which seek to ensure the sensitive expansion, growth and land use change in and around the District's Market Towns and villages, safeguarding elements of the historic character and value within their built up areas, including Visually Important Undeveloped Areas (defined on the adopted Proposals Map) as well as surrounding historic landscape character and setting of individual settlements. It would also compromise that part of The Ryedale Plan – Local Plan Strategy policy SP12 which seeks to protect other features of local historic value and interest throughout Ryedale but, having regard to the scale of any harm and the significance of the heritage asset, the matter would not be of great consequence.

81. For the same reason and to the same degree, the development of site B would compromise that part of policy SP13 which requires the quality, character and value of Ryedales's diverse landscapes to be protected and enhanced and which requires new development proposals to contribute to the protection and enhancement of distinctive elements of landscape character. It would also compromise those parts of policy SP20 which deal with Character, requiring

new development to respect the character and context of the immediate locality and the wider landscape and townscape character.

82. In terms of the need to travel, both appeal proposals would conflict with one of the provisions of The Ryedale Plan - Local Plan Strategy policy SP1 but, with the conditions suggested, it would be possible to maximise the use of other sustainable transport modes in the way the NPPF recommends. Both appeals would conflict to a degree with Local Plan Strategy policy SP17 but the Council agrees that this is not a reason for dismissing the appeals.

83. As noted earlier, the proposals would comply with the general locational requirements of policy SP2, which provides for the allocation of sites through the development management process influenced by the five-year deliverable supply position. That does not indicate any overriding need for an allocation to be made. On the other hand, the proposals would also comply with policy SP3, which would be of considerable benefit, given the Council's record of delivery of affordable housing.

84. The application of the substantive development plan proposals does not lead to a definitive result because the conflicts with policies SP12, 13, 17 and 20 are fairly inconsequential but a contribution to affordable housing in accordance with policy SP3 would be significant. Four policies are conflicted but the Council agrees that conflict with one of these is of no concern at all and the conflict with the other three amounts to triple-counting of the same effect; namely the loss of some attractive perspectives of an undesignated heritage asset of limited significance.

85. The decisive consideration is policy SP19, the Council's presumption in favour of sustainable development. This aims to secure development that improves the economic, social and environmental conditions in the area. Consistent with that in the NPPF, this policy has three strands.

86. Although the parties' Statement of Common Ground asserts that they disagree over the weight to be attached to the harms and benefits of the proposals, there was in fact little disagreement other than those already analysed in this decision. In summary, I have found that, as greenfield sites, the land is not of the government's preferred type and, as the Council has a five-year housing land supply, it is not necessarily needed at this particular time but it is available in the right place to contribute to building a strong, responsive and competitive economy. The appellant's lists of specific economic benefits were not challenged and its Unilateral Undertakings will coordinate development requirements with the provision of infrastructure.

87. The proposals will support strong, vibrant and healthy communities by providing affordable housing required to meet the needs of present and future generations. As outline proposals, there is no reason to believe that detailed proposals will not create a high quality built environment. There are accessible local services which will reflect the community's needs and support its health, social and cultural well-being.

88. As greenfield sites, development inherently fails to protect the natural environment but the appeals will largely protect the historic environment and, through the use of conditions both now ((8) and (15) for appeal A, (7) and (16) for appeal B and (11) for both) and at reserved matters stage will help to

improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change.

89. On balance these would be sustainable developments and can therefore be said to comply with the development plan when read as a whole. So, subject to conditions, the appeals should be allowed and permission should be granted.

Conditions and obligations

90. Both appeals are supported with Unilateral Undertakings. Both provide for affordable housing which, as noted above is necessary to comply with policy SP3 and which I count as a considerable benefit of the scheme. Both provide a financial contribution towards air quality mitigation measures. Correspondence between the parties suggests that this will be used to exclude high polluting Heavy Goods Vehicles from the Air Quality Management Area and so compensate for the additional air pollution caused by traffic from the developments. It is therefore necessary for the acceptability of the developments.

91. Site B would provide £5,000 towards the provision of and/or improvements to two bus stops in Norton. Correspondence between the parties suggests that this would relate to two bus stops in the centre of Norton. As noted above, these are too far from the site to encourage the use of sustainable modes of transport by residents of the development and so I consider that this provision is not necessitated by or related to the development of site B and so I take no account of it in my decision.

92. Site B would also provide for a footpath link to Bazleys Lane and so to the Wolds Area of High Landscape Value. This is part of the open space proposals, for which both Undertakings make provision including a play area on site B and which, as noted earlier, are necessary to remedy open space and green infrastructure shortfalls in the area. Site B would also provide a sum of money to provide improved road signage advising motorists of horse riders in the area. Although not solely necessitated by the development, this would be a proportionate contribution and so I take it into account as a mitigating measure. Site B would also provide funding for a travel plan, the necessity for which was noted earlier.

93. The parties jointly suggested 29 conditions for site A and 28 for site B. I have considered these in the light of Guidance and the model conditions appended to the otherwise superseded Circular 11/95, the Use of Conditions in Planning Permissions, preferring the wording of the latter where appropriate.

94. Many of the suggested conditions either duplicated the standard requirement to submit details of reserved matters, or were in effect informatives about the desired content of reserved matters applications or required the implementation or retention of matters which are not before me but which would be the subject of reserved matters or details to be submitted for approval later and so would be more appropriate for imposition when such details are considered.

95. I have not imposed the suggested conditions limiting the numbers of dwellings because "dwelling" is not a precise unit but ranges from a studio flat to a multi-room mansion. Rather, I have imposed conditions limiting the extent of development and height of buildings and specifying the location of open space to be provided in accordance with the recommendations of the appellant's

consultants. In addition to conditions already discussed in this decision, I have imposed conditions requested by the Council's advisers or consultees or suggested by the appellant's consultants for the reasons given in their respective representations.

P. W. Clark

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

David Manley QC	Instructed by Anthony Winship, Solicitor to Ryedale District Council
He called	
Nigel Weir BA(Hons) MA CMLI	Associate Landscape Architect, AECOM
Jennifer Deadman BA(Hons)	Historic Building Consultant
Emma Woodland BA(Hons) MA AffIHBC	Building Conservation Officer, Ryedale District Council
Nick Ireland BA(Hons) MTPI MRTPI	Planning Director, G L Hearn
Matthew Gilbert BSc(Hons) MRTPI	Director, The Planning Consultancy

FOR THE APPELLANT:

Martin Carter, of Counsel	Instructed by Diana Richardson, Planning Manager, Gladman Developments Limited
He called	
Gary Holliday BA(Hons) MPhil CMLI	Director, FPCR Environment and Design Limited
Jason Clemons BA(Hons) DipUD MA MSc MRTPI IHBC	Director and Head of Historic Buildings, RPS CgMS
Martin David Taylor BSc MSc MRTPI MIED	Associate Director, Nathaniel Lichfield and Partners
Diana Richardson MA BA(Hons) MRTPI	Planning Manager, Gladman Developments Limited

INTERESTED PERSONS:

Harry Cawte	Local Resident
Cllr Lindsay Burr	Local Resident and local Councillor
Fiona Campion	Local Resident
Mark Campion	Local Resident
Patrick Gray DipTP MRTPI	Partner, Hickling Gray Associates, on behalf of Local Residents

ADDITIONAL DOCUMENTS submitted at Inquiry

1 Notification of Appeal B 10 November 2015
2 Notification of Appeal A 10 November 2015
3 Notification of Date, Time and Place, appeal B 9 May 2016
4 Notification of Date, Time and Place, appeal A 9 May 2016
5 Statement of Common Ground signed 7 June 2016
6 Sales Particulars, Sutton Farm Norton
7 Two bundles of letters of objection and photographs
8 E-mail from Fiona Campion 22 April 2016 with photographs

9 E-mail from Peter Callaghan 8 June 2016 granting access to Sutton Farm for site visit
10 Further Comments from Highways 27 May 2016
11 Nick Ireland's Note on Affordable Housing
12 Extracts from Planning Practice Guidance; Housing and economic development needs assessments
13 Copy of engraving c1790; "Sutton near Malton" The Manor House
14 Bundle of photographs from Mark Campion
15 Draft Unilateral Undertaking site A
16 Draft Unilateral Undertaking site B
17 Note from Jason Clemons; Why is the barn such a dominant building?
18 Ryedale District Council Housing Strategy Action Plan Draft August 2015
19 York, North Yorkshire and East Riding Housing Strategy 2015-21, May 2015
20 Diana Richardson's Table 1 revised following evidence of Mr Gilbert
21 Written submission by Jennifer Hubbard BA
22 Hydrock note on traffic at site access/Langton Road junction
23 Suggested conditions site A
24 Suggested conditions site B

ADDITIONAL DOCUMENTS submitted after Inquiry

1 Unilateral Undertaking Appeal A dated 14 June 2016
2 Unilateral Undertaking Appeal B dated 14 June 2016

Appendix A; Conditions for Site A (appeal ref APP/Y2736/W/15/3136233)

1) Details of appearance, landscaping, layout, and scale, and further details of the access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The access to the development hereby permitted shall be carried out in accordance with the following approved plan: 14531-002 revision P1.

5) Construction of the access to the development shall not commence until the two traffic calming "speed cushions" in Langton Road in the vicinity of the proposed access have been removed and replaced in positions to be agreed in writing with the local planning authority and the carriageway reinstated.

6) The access shall not be used by vehicles until pedestrian visibility splays providing clear visibility of 2m x 2m measured down each side of the access and the back edge of the footway of Langton Road have been provided. Once provided, the visibility splays shall be kept clear of any obstruction to visibility below 1.5m above carriageway height

7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
   - i) the parking of vehicles of site operatives and visitors
   - ii) loading and unloading of plant and materials
   - iii) storage of plant and materials used in constructing the development
   - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
   - v) wheel washing facilities
   - vi) measures to control the emission of dust and dirt during construction
   - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
   - viii) Hours of work

8) No development shall take place until a scheme of public lighting has been submitted to and approved in writing by the local planning authority.

9) No development, including demolition, shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate

the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

10) No development shall take place until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the local planning authority.

11) No development shall take place until details of the provision of one electric charging point for each dwelling and one public charging point per ten dwellings (or lesser number of dwellings) have been submitted to and approved by the local planning authority.

12) The development shall be carried out in accordance with the approved details submitted as required by conditions 1, 7, 8, 10 and 11 and shall thereafter be retained as approved.

13) No dwelling shall be constructed nor residential curtilage laid out west of the remnant hedgerow identified as TG6 on drawing number 6283-A-02 included within the Arboricultural Assessment dated February 2015. The land west of the remnant hedgerow shall be laid out as open space in accordance with details to be submitted in compliance with condition 1.

14) No dwelling shall exceed a single storey of accommodation with an additional storey of accommodation contained within the roofspace.

15) In this condition "retained tree" means an existing tree or hedgerow which is to be retained in accordance with the Tree Retention Plan drawing 6283-A-03 revision C contained within the submitted Arboricultural Assessment dated February 2015; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the final dwelling to be completed.

(i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved Tree Retention Plan, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(iii)The erection of fencing for the protection of any retained tree shall be undertaken in accordance with section 5 of the submitted Arboricultural Assessment dated February 2015 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any

excavation be made, without the written approval of the local planning authority.

Appendix B; Conditions for Site B (appeal ref APP/Y2736/W/15/3136237)

1) Details of appearance, landscaping, layout, and scale, and further details of the access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The access to the development hereby permitted shall be carried out in accordance with the following approved plan: 14531-004 revision P1.

5) The access shall not be used by vehicles until pedestrian visibility splays providing clear visibility of 2m x 2m measured down each side of the access and the back edge of the footway of Langton Road have been provided. Once provided, the visibility splays shall be kept clear of any obstruction to visibility below 1.5m above carriageway height

6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

   ix) the parking of vehicles of site operatives and visitors
   x) loading and unloading of plant and materials
   xi) storage of plant and materials used in constructing the development
   xii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
   xiii) wheel washing facilities
   xiv) measures to control the emission of dust and dirt during construction
   xv) a scheme for recycling/disposing of waste resulting from demolition and construction works
   xvi) Hours of work

7) No development shall take place until a scheme of public lighting has been submitted to and approved in writing by the local planning authority.

8) No development, including demolition, shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination

is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

9) No development shall take place until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the local planning authority.

10) No building or other obstruction shall be located over or within 3m either side of the centre line of the sewer which crosses the site and no building within 15m of the sewage pumping station located at the southern end of the Langton Road boundary of the site.

11) No development shall take place until details of the provision of one electric charging point for each dwelling and one public charging point per ten dwellings (or lesser number of dwellings) have been submitted to and approved by the local planning authority.

12) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

13) No dwelling shall be occupied until a Travel Plan for the site has been submitted to and approved in writing by the local planning authority.

14) The development shall be carried out in accordance with the approved details submitted as required by conditions 1, 6, 7, 9, 11, 12 and 13 and shall thereafter be retained as approved.

15) No dwelling shall be constructed nor residential curtilage laid out on land indicated as "Green Infrastructure (including POS)" on the submitted Development Framework Plan drawing number 6283-L-03b revision K dated May 2015. The land indicated as "Green Infrastructure (including POS)" shall be laid out as open space including a Local Equipped Area of Play in accordance with details to be submitted in compliance with condition 1.

16) In this condition "retained tree" means an existing tree or hedgerow which is to be retained in accordance with the Tree Retention Plan drawing 6283-A-03 revision C contained within the submitted Arboricultural Assessment dated February 2015; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the final dwelling to be completed.

(i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved Tree Retention Plan, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(iii)The erection of fencing for the protection of any retained tree shall be undertaken in accordance with section 5 of the submitted Arboricultural Assessment dated February 2015 before any equipment, machinery or

materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.