

FURTHER ADDITIONAL STATEMENT (AMENDED)

PROPOSED NEW SINGLE STOREY DWELLINGS ON LAND TO THE SOUTH OF BROOKFIELD, MALTONGATE THORNTON DALE YO18 7SD

PART 1

The first part of this statement seeks to clarify inaccurate statements and misleading observations made in the objections to the amended proposal set out and attached to my email dated 25 October 2019 to Mrs H Saunders, comprising:

1. Revised drawings:
 - a. Drawing 01A - Single Storey Dwellings - Existing Site Plan
 - b. Drawing 02B - Single Storey Dwellings - Proposed Site Plan
 - c. Drawing 04A - Single Storey Dwellings - Elevations (E & W)
 - d. Drawing 05A - Single Storey Dwellings - Elevations (N & S)
 - e. Drawing 06A - Single Storey Dwellings - Proposed Sections
 - f. Drawing 07 - Single Storey Dwellings - Proposed Street Elevation
 - g. Drawing 08 - Single Storey Dwellings - Proposed Site Sections
2. Additional Statement dated 24 October 2019.

NYMNPA

10/06/2020

Ms Brown and Ms Croot in their letter of 7 November 2019 state:

“We note that the applicant has reduced the height of the properties by 70cm by digging out the existing ground level. However, when comparing Drawing 7 (revised) with Drawing 6 (original) the measurement from FFL to Ridge is now 4.65m compared with 4.5m, a gain in height of 15 cm.”

This statement is factually incorrect.

By way of explanation may I confirm that Drawing 6 (Original Scheme) is a Section through the proposed building with only one height shown, being the FFL (finished floor level) of 33.750 metres above datum. Drawing 7 (Revised Scheme) is a the Street Elevation showing the ridge heights but more importantly an FFL of 33.050 metres above datum, a reduction in height of 0.700 metres. It is not possible to make any further deductions from the information on these 2 drawings in isolation. Members are asked to take into account that the same building shown in the original scheme has, in the revised scheme, been set 0.700 metres lower. It follows that the ridge height as well as the FFL is 0.700 metres lower.

Mr & Mrs Neale in their email lodged on the NYMNPA Planning Portal on the 8 November 2019 state:

“In the amended design of 24.10.2019 the buildings are still higher than listed Brookfield.”

This statement is factually correct, however please take the following into account as the proposed building is only 0.740 metres (2 ft 5”) higher than Brookfield.

- a) Ridge Height Brookfield – 36.960 metres above datum.
- b) Ridge Height Dale Cottage – 37.705 metres above datum.
Dale Cottage is 0.745 metres (2 ft 5”) higher than Brookfield.
- c) Ridge Height of Proposed Dwellings – 37.700 metres above datum.
The proposed building is 5mm lower than Dale Cottage (effectively the same height allowing for the undulations in the roof of the older building) and set some distance to the rear. It is also 0.740 metres (2 ft 5”) higher than Brookfield.

A realistic assessment of whether or not the proposed building will dominate Brookfield is to note that the ridge heights of the proposed building and Dale Cottage are essentially the same when taking into account that the roof ridge of Dale Cottage being an old building undulates. If the unlikely conclusion is reached that Dale Cottage dominates Brookfield then the fact that the proposed building is set well back, some 27.00 metres or thereabouts between the ridges should be taken into account. This is the basis that the objectors have constantly argued, stating that the Roxby Road Properties with ridge heights in excess of 40.00 metres above datum do not dominate Maltongate.

By contrast:

1. The ridge height of Tanglewood (40.760 metres above datum) is 3.800 metres (12 ft 6”) above the ridge of Brookfield.
2. The ridge height of Alverton (41.880 metres above datum) is 4.920 metres (16 ft 2”) above the ridge of Brookfield.
3. The ridge height of Thornton House (41.860 metres above datum) is 4.900 metres (16 ft 1”) above the ridge of Brookfield.

These are the buildings that truly dominate.

Mr & Mrs Neale in their email lodged on the NYMNPA Planning Portal on the on 8 November 2019 also state:

“The plan of 23.09.2019 ‘street elevation maltongate’ is not a perspective view and gives a false impression of the position and heights of the Roxby Road houses.”

I believe that Mr & Mrs Neale are referring to Drawing No. 07 – “PROPOSED STREET ELEVATION MALTONGATE”. Beneath the title are the words: “NOT PERSPECTIVE VIEW”.

This drawing is based upon an accurate topographical survey of the land which includes the position and heights of the Roxby Road properties. As such it is an entirely accurate depiction of the positions and heights of all of the buildings shown. As stated, it does not purport to be a perspective view as this is provided in the Computer-Generated Image. (Appendix 6 of the Additional Statement dated 25th October 2019.

In their email of 8 November 2019 Mr & Mrs Neale further state:

“Mr Gray’s photos of the Maltongate frontage of Brookfield (side garden, pinfold and land behind the grassed area shows that the houses are barely visible.”

2 points arise from this statement:

- a) The proposed dwellings will screen the somewhat incongruous buildings in Roxby Road from the Maltongate streetscape and thereby improve the heritage amenity of Maltongate.
- b) On the question of visibility of these houses from Maltongate may I respectfully refer the Members to “Streetview” on Google Earth from which they may form their own opinion.

Mr and Mrs Smith, in their letter of the 12 November make the following statements to which I respond to each below:

“The Statement indicates that there is a 0.7m excavation of the site but I think that the actual net reduction building height is approximately 0.2m compared with the plans submitted in September 2019 (due to an increase in height of the building structure). I believe that deeper excavation may be possible, however”

This statement is factually incorrect and I refer to the comments I make above in response to the same allegation by Ms Brown & Ms Croot. For the avoidance of doubt I confirm:

1. That the building design has not been altered in any way from that shown in the original proposals.
2. The building has however been lowered 0.700 metres by excavating the site to an additional depth of 0.700 metres.

“Any possibility of putting additional bedrooms in the dwellings should be ruled out.”

This is not physically possible and has already been comprehensively addressed in paragraph d) on page 3 of my “Additional Statement dated 25th October 2019.

For clarity, may I say that there will be no use of pillars in the construction of this building. It is possible that Drawing No. 06A has been misunderstood. The foundations shown (for illustrative purposes only) are standard strip foundations which are widely used in domestic construction. Independent confirmation of this can be obtained from any Architect or Building Surveyor or Mr Wardle, a fellow objector who is a retired builder.

“Parking provision is restricted to just two cars (one per dwelling), which is clearly insufficient in today's expectations, thereby putting pressure on the surrounding 'on road' parking. Roxby Road is already very congested. The Design Statement appears to assign two garages/stores as parking for Brookfield and Dale Cottage. Thus seven dwellings would be using the un-adopted Brookfield Gardens, which is at odds to NYCC guidelines (maximum of 5 dwellings)”

The point regarding provision of insufficient parking spaces is accepted as valid and is addressed in Part 3 of this statement.

The notation relating to the existing garages has been altered to accord with the revised proposals.

Referring to the letter dated 22 November 2019 from Cheryl Ward Planning, she states:

“It is maintained that this is a speculative development and is out of character with the area and one that does not carry any public benefit as required by NPPF 196.”

In 2007 Mrs Forster built what is now Brookfield Gardens, much admired by many people, on the then remaining former orchard of Brookfield. This was a “speculative development” and Ms Ward, had she been involved at the time, may well have held the same negative view in respect of it. Please also see below my assessment of Ms Ward’s involvement with Application no. NYM/2019/0694/FL - Land at Hallgarth Farm, Westgate, Thornton le Dale.

However:

1. Brookfield Gardens is of high quality, dispelling the myth that “speculative” developments are always low standard.
2. It enhances the Conservation area in a location where the design and materials used in the surrounding 1970s houses are below the acceptable standards of today.
3. Members are invited to visit Brookfield Gardens in order to inform their opinion.
4. 1 Brookfield Gardens (also known as Oak Tree Barn) was a new-build by the applicant in 2008 and has provided a spacious and attractive home to 2 owners, latterly Mr and Mrs Sharples who have objected to this proposal. Earlier this year, they placed it on the open market for sale. The following are quotes from the estate agent’s particulars:

“Oak Tree Barn is a superb stone barn style detached property built in 2008.”

“Superbly appointed barn style detached”



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Mrs Forster is reassured that her commitment to building high quality individual houses in a style that is sympathetic to the surroundings is recognised and asks the Members to take this into account when considering this application.

5. Mrs Forster has retained ownership of the barn conversion, 2 and 3 Brookfield Gardens which provides 2-bedroom accommodation and are let on long term Assured Shorthold Tenancies. Both have provided high quality, well maintained homes to a number of local families and single people, including a couple who wished to settle in the area, lived there for 6 years and now have purchased their own property within the village. This clearly demonstrates the need for this type of high quality but affordable accommodation within the village.
6. The design of the proposed development is based upon 2 and 3 Brookfield Gardens in that the proposed dwellings will provide similar 2-bedroom accommodation but with a modern open plan living space. The use of high quality and compatible materials has already been discussed at length.
7. Paragraph 196 of the NPPF provides that, where the harm caused by a development proposal to the significance of a heritage asset will be less than substantial, that harm “*should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”.
8. We have already conclusively shown that the proposal has been carefully designed to ensure that harm, if any, caused to Brookfield being a Grade 2 Listed Heritage Asset will be minimal. This has been confirmed by the NYMNPA Conservation Officer.
9. LDF Core Policy J - confirms that a mix of housing types will be sought to maintain the vitality of local communities including Thornton Dale which is a designated Service Village. The Applicant’s own experience shows a need for high quality smaller homes such as those proposed. NYMNPA reached the same conclusion as a result of extensive research and enacted their findings in Core Policy J.

The Cheryl Ward Planning Consultancy has been appointed by objectors Ms S Brown and Ms D Croot in order to assist them with their objections.

The same Consultancy was appointed by A & D Sturdy Ltd in respect of an application submitted on 7 October 2019 for 1 no. open market dwelling - single storey dwelling with attached double garage on a former paddock land at Hallgarth Farm, Westgate, Thornton le Dale. The reference is NYM/2019/0694/FL.

For clarity I will refer to the subject application as “the Brookfield site” and application no. NYM/2019/0694/FL as the “Hallgarth Farm site”.

I make the following observations in respect of the Brookfield site on the input of the practice principal, Ms Cheryl Ward.

1. Ms Ward’s conclusion in her letter dated 22 November 2019 that the proposal “*does not carry any public benefit as required by NPPF 196.*” Is at odds with research by NYMNPA, its inclusion in Core Policy J and the Applicant’s own experience.
2. She fails to say that Paragraph 68 of the NPPF states that small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area as they can often be built-out relatively quickly.

Ms Ward goes on to say:

“There is the potential that the development could adversely affect soil, air, water, noise quality and land stability for which there is no justification to disprove”

This statement is disingenuous and I invite Ms Ward to justify its inclusion.

From my own experience of constructing Brookfield Gardens, I can say:

Soil.

As is normal in such circumstances, some topsoil will be removed from the site, however sufficient will be retained for landscaping. The integrity of the soil will not be changed.

Air.

Government proposals will ban the installation of gas boilers in any new build domestic properties from 2025. In a “new-build” such as this, which would be constructed before 2025, it would be prudent to install electric central heating which emits no toxins into the air.

Water.

The proposed development will not result in an increase in rainfall on the subject area of land. Per established practice, rainwater falling on the roof will be discharged into appropriately sized soak ways located so as to have no detrimental impact on the land, flora or adjoining structures.

Noise quality.

This has been extensively addressed. To the admission of the Roxby Road objectors they do not anticipate a reduction in noise quality. Ms S Brown (Ms Wards's joint client) wrote the following on 7 March 2016:

“Access to the site from Roxby Road has been in use for many years and has recently been used by construction traffic for the alteration of garages on the site. This has not had the detrimental effect anticipated by residents and has not presented an additional traffic hazard. Traffic travels along Maltongate far faster than on Roxby Road and most pedestrians use the continuous pavement on the other side of the road.”

Despite the objector's protestations to the contrary, the fact is that the situation has not changed with the passing of time since this statement was made.

Land Stability.

The whole area is the bed of the former “Lake Pickering” a post- glacial meltwater lake. Beneath the topsoil is solid boulder clay to an unknown but considerable depth. In order to comply with building regulation requirements, the foundations of the proposed lightweight domestic building will be required to rest within the clay substrate. This is in order to prevent any possibility of movement. The foundation design will be carried out by a qualified engineer who will take into account the ground conditions as well as the proximity of other structures and trees.

PART 2

The second part of this submission examines in detail some of the many discrepancies in Ms Ward's approach to 2 planning applications where in one instance she acted as agent for the applicant, A & D Sturdy Ltd re the Hallgarth Farm site and in the second she is acting for objectors, Ms S Brown & Ms D Croot in connection with the Brookfield site.

Like the Brookfield site, a previous application on the Hallgarth Farm site has been refused. This was of course a “speculative” proposal although Ms Ward makes no mention of this.

Ms Ward takes completely contrary positions on the planning issues related to each site. I urge all members to read her report dated 7th October 2019. Please follow this link to the NYMNPA website:

[2019-10-07 public - supporting information.pdf](#)

Whilst I will not dwell on each individual anomaly, of which there are many, however the following are important:

- a) Ms Ward seeks to castigate Mrs Forster with the following words:

“The benefits are for private gain in their entirety and does not secure the sites optimum viable use as a visually important open space with which it would be sensible to retain.”

The statement regarding private gain applies equally to both applications unless A and D Sturdy Ltd have recently acquired charitable status. The facts are that Sturdy’s are a legitimate commercial local residential developer who provide much needed quality housing in the locality on a speculative basis. Mrs Forster has acquired this land through her family and seeks for it to be developed to provide high quality housing suitable to the needs of local people.

Her comments regarding “a *visually important open space*” could equally apply to both and yet, as stated, she takes contrary positions re each application.

- b) She states that the Brookfield site “constitutes back land development – not infill” yet she describes the Hallgarth Farm site as:

“... a parcel of undeveloped and underutilised land to the west of the recently constructed dwellings Together with a proposed orchard the site comprises a useful parcel of land”

In refusing Application NYM/2019/0694/FL, the Planning Authority reject the suggestion that the Hallgarth Farm site was infill land.

- c) Hallgarth Farm which is the original grade 2 listed farmhouse. It is situated in close proximity to the proposed dwelling but there is no mention of the proposed building dominating or otherwise affecting the heritage asset.
- d) She refers to the core principles of sustainable development and requests that in accordance with the guidance of the NPPF2 that the development is respectfully approved. The recorded opinion of NYMNPA in refusing the application for the Hallgarth Farm site is that the:

“..... site does not lie within the main built up area of Thornton le Dale nor does it form an infill plot lying as it does to the rear of those frontage properties on Westgate with open countryside to the south and west. As such the proposal would constitute a back land or in-depth form of residential development which would erode the historic pattern and character of development along Westgate, extending the built form of the village into the open countryside detrimental to the views into and out of the conservation area contrary to Core Policy J and Development Policy 4”

Whilst wholeheartedly supporting development of the Hallgarth Farm site, Ms Ward opposes development of the Brookfield site which is an infill site and lies within the built-up area of Thornton Dale by virtue of which the proposal accords with Core Policy J and Development Policy 4”

- e) She also makes 3 points in relation to the Hallgarth Farm site which also apply to the Brookfield site, yet she makes no mention of these in either of her letters of objection to the Brookfield site:
- a. *“The NPPF is keen for LPA’s to recognise that there must be some flexibility in villages sharing facilities where they are well connected. Thornton le Dale,*

Pickering, Kirkbymoorside and Malton fall within this remit and are easily accessible from the application site”

This observation applies equally to both applications.

- b. *“It is considered that the addition of a single dwelling will enhance and maintain the vitality of the rural community. The proposal therefore contributes to sustainability because of its proximity to other homes and villages”*

This applies even more to two small 2-bedroomed semi-detached bungalows than to a single 4-bedroom detached property which undoubtedly would have been marketed at a price well out of the reach of most first-time buyers or indeed many residents of Thornton Dale.

- c. *“The impact from the development and exclusively travel movements from 1 no. additional dwelling is therefore negligible.”*

This observation applies equally to both applications as the purchasers of the larger and much more expensive property would undoubtedly own more and larger vehicles.

It is acknowledged that difficulties can arise when a consultant acts for an applicant in one case and an objector in another. The above amply demonstrates this conundrum.

Accordingly, I request that her opinion be disregarded by the Members when considering this application.

PART 3

Following extensive discussions with NYMNPA and North Yorkshire County Council Highways Department, further revision to the proposed scheme has taken place per the attached drawings:

- a. Drawing 02E - Single Storey Dwellings - Proposed Site Plan
- b. Drawing 09A - Single Storey Dwellings - Alterations to Outbuilding

The revisions take into account the conclusions of the Considerations and Recommendations Report dated 13 November 2019 from North Yorkshire County Council Highways Department.

They are fully examined and explained in the in the Highways Supporting Statement dated 18 May 2020 by Andrew Mosely Associates who are an independent transport planning consultancy specialising in development planning work for private sector clients.

Some points of clarification may be required regarding the “Communal service vehicle turning area”.

- a) It is intended that there will be no parking of vehicles allowed within this area.

- b) The area will be demarcated by use of edgings and a surface which will differentiate it from the existing road. Details are to be the subject of further discussion with the planning authority and will be confirmed by way of a condition on any consent granted.

PART 4

NYMNPA Draft Local Plan

The Authority has given notice that the Plan will be formally adopted by the Authority at its Annual General Meeting on 27 July 2020

The Plan was initially addressed in the “Additional Statement” dated 25 October 2019 but it is worthy of further examination to demonstrate that this application takes full account of the policies therein.

- A In respect of communities, the following key objectives are set out at the beginning of Section 7:

“18. Foster vibrant local communities, where young people have an opportunity to live and work, and where new development is supported by appropriate infrastructure including sustainable transport.

19. Support the provision and retention of key community facilities and services.

20. Ensure that a range of types and sizes of housing is available, including affordable housing to meet local needs, help stabilise population levels across the National Park and limit the number of second homes.”

The proposal to provide 2 small dwellings fully meets the criterion set out in objectives 18,19 and 20.

- B Policy CO7 - Housing in Larger Villages – sets out the following criteria for housing development.

“ In order to support the wider service function of Larger Villages, principal residence and affordable housing will only be permitted:

- 1. On suitable small sites within the main built up area of the village only. Proposals will be expected to meet the need for smaller dwellings;*
- 2. As a conversion of an existing building which lies within the main built up area and makes a positive contribution to the character of the settlement. Where a conversion will create six or more new dwellings an appropriate proportion should be affordable, in line with national policy and subject to viability.”*

Thornton Dale is specifically identified as a Larger Village.

It is understood that a “smaller dwelling” is defined as one which has an internal floor not exceeding 93 square metres.

The internal floor area of each of the proposed houses is 82.1 square metres which falls within the parameters of the policy.

The above clearly demonstrates that the proposal does indeed carry considerable public benefit which, in accordance with the requirements of paragraph 196 of the NPPF outweighs any potential minor harm to the heritage asset, Brookfield (cottage).

It is believed that these changes to the proposals and explanations given, address the concerns and misunderstandings of the objectors and clearly demonstrates that all conditions have been met to enable consent for the application to be granted.

Graham W Forster
For and on Behalf of The Applicant

10 June 2020