

Item Number: 8
Application No: 18/00622/MFUL
Parish: Kirkbymoorside Town Council
Appn. Type: Full Application Major
Applicant: Mr R Smith
Proposal: Erection of a palm house and garden outbuildings within a walled garden, formation of a boating lake with depositing of resulting spoil evenly on adjacent land and erection of an associated boat house, formation of moon lakes, erection of a brick and stone bridge and 2no. timber bridges over the River Dove, formation of a fenced deer park and associated site landscaping
Location: Ravenswick Swineherd Lane Kirkbymoorside North Yorkshire YO62 7LR
Registration Date: 10 July 2018
8/13 Wk Expiry Date: 9 October 2018
Overall Expiry Date: 25 August 2018
Case Officer: Alan Goforth **Ext:** Ext 332

CONSULTATIONS:

Parish Council	No response received
Highways North Yorkshire	Recommend conditions
Public Rights Of Way	Recommend informative
Yorkshire Water Land Use Planning	No response received
NYM National Parks	No objection Comments
Countryside Officer	No response received
Sustainable Places Team (Environment-Agency Yorkshire Area)	No objection subject to condition
Vale Of Pickering Internal Drainage Boards	No objections

Neighbour responses:

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SITE:

The site is approximately 1km north-east of Kirkbymoorside and located within the Fringe of the Moors Area of High Landscape Value (AHLV). The Ravenswick Hall estate comprises approximately 76ha of land adjacent to the River Dove which is located in the parishes of both Kirkbymoorside and Hutton-le-Hole. The application site amounts to approximately 42 hectares. The parts of the application site adjacent to the River Dove are within Flood Zones 2 and 3, the medium and high probability zones.

The main hall and outbuildings are located within the wooded areas of Green Holl Wood (Ancient Woodland) which effectively screen the complex from wider public views. The main site is screened from the River Dove and the adjacent area of the North York Moors National Park by a well-established woodland which runs along the steeply sided river valley. Public Right of Way number 25.54/2/1 (footpath) runs in a northeast- southwest direction in the southern part of the application site. The site is currently in a construction phase associated with the main country house development (see history below).

HISTORY:

18/00399/FUL-Erection of a stable block for private use with 5no. loose boxes and tack room and incorporating a bedsit apartment for use as staff accommodation together with re-profiling of two areas of land using excess material from the Ravenswick development site. APPROVED 29.06.2018.

15/01163/FUL- Demolition of Ravenswick Hall together with adjacent lodge and majority of associated outbuildings and former agricultural buildings and erection of a replacement 10 no. bedroom country house and associated buildings, inc. leisure building, service building, detached quadruple garage, gatehouse, pool house, outdoor swimming pool, garden store, tennis court, landscaped gardens with temple and grotto, 2 no. belvederes (parkland structures) and 2 no. linked pools and erection of 1 no. four bedroom staff dwelling with attached double garage and 3 no. three bedroom staff dwellings with attached single garages. APPROVED 25.01.2016.

PROPOSAL:

Planning permission is sought for the erection of a palm house and garden outbuildings within a walled garden, formation of a boating lake with depositing of resulting spoil evenly on adjacent land and erection of an associated boat house, formation of moon lakes, erection of a brick and stone bridge and 2 no. timber bridges over the River Dove, formation of a fenced deer park and associated site landscaping.

The proposed development comprises the following:-

- Boathouse and lake
- Three bridges over the River Dove (Main bridge, west bridge and east bridge)
- Palm house
- Kitchen garden stores
- Deer park and moon lakes

Boathouse & Lake

The boathouse and lake are proposed in the southern parkland area. A clay lined lake would be formed on the left hand bank of the River Dove and would have an area of approximately 1.4 hectares. The boathouse would be constructed on the eastern edge of the lake and would be served by the proposed vehicular access track. The eastern perimeter would be planted with native woodland. The existing PRoW would be detoured around the south eastern corner of the lake.

The two storey boathouse would measure 6.5m by 6m and would be constructed into the bank of the lake. A wet dock with arched opening would be formed at lake level flanked by decked piers and there would be a private tearoom and viewing terrace at the upper floor. The overall height of the building would be 8.2m of which 5.4m (upper floor) would project above ground level. The boathouse would comprise a brick base with stone keystones and coping to form the wet dock arched entrance with stone columns for the upper floor with painted timber boarded walls. The building would have a clay pantile pitched roof.

Bridges

The main bridge would carry vehicular traffic over the river to the boating lake while the smaller secondary bridges on the western and eastern sides of the park would be for pedestrian use only. The main bridge would be constructed from rusticated brick with stone details and an oak balustrade. The secondary bridges would be of timber construction.

Palm house, kitchen garden and store

The rectangular area to be developed as the walled kitchen garden and palm house is located in the parkland to the west of the main building (country house) bounded by Swineherd Lane to the west, Young Bank Lane to the north and woodland to the east. The landform rises from east to west up to 111m AOD in the north west corner. The kitchen garden would comprise four separate areas and the dividing and boundary walls would be brick with natural sandstone dressings with painted timber gates.

The palm house would be located on the southern edge of the kitchen garden with an external terrace allowing views south across the proposed deer park. The palm house would have a footprint of

approximately 200m² and stand to a height of approximately 6m. The north elevation facing into the landscaped courtyard would be predominately brick built with sandstone dressings whereas the southern elevation and roof would be predominately glazed.

The rectangular, lean-to store building would stand along the northern boundary of the kitchen garden. It would have a footprint of approximately 200m² and would stand to a height of approximately 4.6m. Externally it would be of timber construction with a clay pantile roof. A series of double doors would be incorporated in the southern elevation opening out onto the service yard.

Deer Park

The deer park forming the western side of the site would be enclosed by a 1.8m high metal estate fence placed within a 1.5m deep ditch with a 1m high berm on either side. The western and southern boundaries of the park would be planted with 10-15m wide screening woodland belt and there would be internal copses and specimen trees within the park.

Moon Lakes

A series of five moon lakes would be formed in the south eastern part of the site. Each lake would be 0.5m deep and the central lake would align with the south-east facing elevation of the country house.

Spoil deposition

The spoil that would arise from the excavations to form the lakes would be redistributed within the site. It is proposed that the spoil is deposited in the field (approx. 6 hectares in area) to the north west of the boating lake that would form the southern end of the deer park. The material would be deposited at a depth of 0.5m across the field set in 5m from the perimeter fence line. The final contours as shown on the landscape masterplan indicate that the topography of the field would slope from 80m AOD in the northwestern corner down to 60m AOD in the south eastern corner.

POLICY:

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

- The Ryedale Plan- Local Plan Strategy (2013)

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Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP13 Landscapes

Policy SP14 Biodiversity

Policy SP16 Design

Policy SP17 Managing Air Quality, Land and Water Resources

Policy SP20 Generic Development Management Issues

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)

National Planning Practice Guidance 2014 (PPG)

APPRAISAL:

The main considerations in the determination of this application are:

- i) Design, character and form and impact on the AHLV;
- ii) Impact on local amenity;
- iii) Highways and PRow impact;
- iv) Biodiversity and protected species; and
- v) Flood Risk.

Design, character and form and impact on the AHLV

The single storey, lean-to store building on the northern side of the walled kitchen garden would have a simple form, constructed from timber and would appear subservient to the neighbouring Palm House. The use of timber cladding is sympathetic to the setting within a locally valued landscape and the adjacent Ancient Woodland. In contrast to the store building the Palm House would follow a Victorian style with an attractive appearance on the southern elevation which is predominately glass. A high standard of design is also evident with the small boathouse building on the lake edge that would be constructed from stone and brick. The main bridge would also reflect a traditional architectural style being constructed from rusticated brick with stone details and an oak balustrade whereas the secondary bridges (for pedestrian use) would be constructed from timber and would be modest in appearance. It is considered that the new buildings and structures comprise traditional features that complement the parkland estate and would complete the country house development.

The proposed landscaping works and new buildings and structures would be beyond the curtilage of the country house and its immediate gardens and form part of the wider parkland setting. The proposed parkland buildings and structures would be linked by pathways and access tracks and the final surface materials shall be secured by condition in the interest of visual amenity. The topography of the site and dense woodland areas provide a sense of enclosure from the wider landscape and the development would not detract from the locally valued landscape character. If permission is granted conditions will be attached to approve the external construction materials for buildings and structures and also to require the approval of the final landscape planting details.

The fields to the west generally slope west to east and the proposed reprofiling of the land would generally follow the existing topography. The majority of material would be deposited centrally within the field up to 0.5m above existing levels and would not result in a significant alteration to the landscape character in the area and the land would form part of the proposed deer park with sporadic woodland planting. In the interests of securing a high quality landscape scheme it is proposed that soil handling conditions are attached to any permission granted.

It is considered that the scale, design and appearance of the buildings and structures would be sympathetic to the local landscape character and would enhance the setting of the country house and the wider grounds. In light of this it is considered that the development would be in accordance with policies SP13, SP16 and SP20.

Impact on local amenity

The site occupies an isolated location in relation to nearby settlements and residential receptors. The dense woodland screening all sides of the site further mitigates any visual impact from outside of the site. It is acknowledged that there would be short term visual intrusion for users of the public footpath during excavations to create the lake in the southern area.

As a result of the topography of the land there would be some views available from Swineherd Lane above roadside hedges across the field due to be reprofiled with spoil arising from the excavations. The applicant does not propose any tree removals within the application site or along the boundaries and the engineering works would be a temporary operation and the associated vehicles and plant depositing material would only be partially visible when operating on the western side of the site.

There are two cottages on Swineherd Lane approximately 200m to the south west of the land due to be reprofiled. The occupants have been notified of the application and no representations have been made. Due to the separation distance and intervening planting it is not anticipated that the engineering works would result in an adverse impact on the levels of amenity enjoyed at those properties.

The visibility of the new structures and buildings would be curtailed by the existing and proposed woodland planting that, with the exception of intermittent views from the public footpath in the southern area, limit views to from within the estate. It is not anticipated that the development would give rise to any unacceptable impacts in terms of pollution, disturbance or visual intrusion and would not conflict with the relevant parts of Policy SP20.

Highways and PRow impact

The excavation and deposition of material would take place within the site with no impact on the public highway. There would be vehicle movements for construction materials and plant associated with the development although the impacts both individually and cumulatively would not have a significant highways impact and no objections have been raised by the Local Highway Authority (LHA).

The LHA have requested conditions in relation to precautions to prevent the deposit of mud on the highway, limit on the times of HGV movements, a highway condition survey, the provision of on-site staff parking and material storage areas during construction, a Construction Traffic Management Plan and the construction of the verge crossing.

The general route of the public footpath the crosses the southern area would be unaltered as it would continue to follow a northeast- southwest align. Once the proposed development has been completed the footpath would pass the south eastern corner of the lake and would be approximately 25m from the lake edge at its closest point albeit the route passes through a wooded area. The PRow Team have requested that any permission granted includes an informative requiring that no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. There would be no permanent impact on users of the PRow.

In light of the above it is considered that the proposed development would not conflict with highway users in the area and would not give rise to conditions prejudicial to highway safety and complies with the relevant parts of Policy SP20.

Biodiversity and protected species

It is proposed that the parts of the River Dove that run through the site will be managed to improve the flow and the margins planted to maximise biodiversity value. It is acknowledged that the proposed works to form the lakes and install bridges across the river and deposited spoil in the adjacent field have the potential to have an ecological impact. It is proposed that a condition is included on any permission granted that requires the submission of Biodiversity Enhancement and Management Plan. The Plan should set out how the development will conserve and enhance biodiversity through the prevention of loss of habitat/species and the incorporation of beneficial biodiversity features. It will be required that the Plan includes provision for pre-commencement checks and surveys for protected species where necessary. In light of this it is considered that proposed development would protect and enhance the ecological interest of the area and complies with the requirements of Policy SP14.

Flood Risk

The southern area of the site comprises the lower parts of the landscape containing the River Dove and the lake would involve excavations within the floodplain. The details indicate that the boathouse and lake within the southern parkland area would not comprise flood water capacity. There would be no raised embankments and no loss of floodplain storage. The lake water level would be maintained at approximately 0.5m below the level of the surrounding floodplain which would increase the storage capacity provided by the lake.

The application is accompanied by a Flood Risk Assessment (FRA) and provided that the development is carried out in accordance with this FRA the Environment Agency (EA) have no objections. The EA also request the inclusion of a condition that requires no raising of ground levels within Flood Zone 3 and the deposit of the spoil outside of Flood Zones 2 and 3 which is in accordance with the proposals outlined in the application. Furthermore, the Internal Drainage Board have no objections to the

proposed development.

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

Conclusion

The proposed development comprises an extended landscape design and additional ancillary buildings as part of the wider consented scheme for the replacement country house. No representations have been made by any local residents or members of the public and there are no objections to the development from any consultee. The proposed development would introduce additional, traditional features that complement the parkland estate and would complete the country house development. The proposed development would not undermine the character of the area or the appearance of the open countryside and the locally valued landscape and can be accommodated without resulting in a materially adverse impact on flood risk management in the locality. In light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP1, SP13, SP14, SP16, SP17 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The recommendation to Members is one of approval.

RECOMMENDATION: Approval

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

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

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

Site Location Plan ref. 3975, dated June 2018
Proposed Site Plan ref. 5766/03B, dated June 2018
Outbuildings- Site Plan and Kitchen Garden Store ref. 5766/60B, dated May 2018
Plan and Longitudinal Section ref. P450063-WW-XX-XX-DR-S-100 Rev P1, dated 24.05.18
Lake Spoil Deposition 1 of 1 ref. RHP-RLD-08-XX-DR-L-SK-002, dated 20.04.16
Lake & Moon Pool Sections 1 of 1 ref. RHP-RLD-08-XX-DR-L-SK-001, dated 20.04.16
Phase 2- Landscape Masterplan ref. 5686-99-101 Rev G, dated 07.06.18
Main Bridge ref. 5766/10A, dated 24.04.18
Boathouse Floor Plans ref. 5766/20A, dated April 2018.
Boathouse Elevations ref. 5766/21A, dated April 2018.
Palm House Plan and Side Elevations ref. 5766/40A, dated April 2018
Palm House Elevations ref. 5766/41A, dated April 2018

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

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

Reason: In the interests of visual amenity.

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

a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority

d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number DC/E9A over the first two metres measured from the carriageway edge.

e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 5 There shall be no access or egress by any vehicles between the highway and the application site with the exception of investigative works, or for the purposes of tree removal, until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 6 During construction works there shall be no:

(a) Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 08.00 to 17.30 on Mondays to Fridays and 08.00 to 12.30 on Saturdays.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to avoid conflict with vulnerable road users.

- 7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site, with the exception of investigative works, or for the purposes of tree removal, until a survey recording the condition of the existing highway (Old Road, Swineherd Lane and Young Bank Lane) has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority and thereafter the condition of the highway and verges along these routes shall be monitored and if necessary as a result of site construction activities repaired/reinstated by the applicant in a manner approved in writing by the Local Planning Authority in consultation with the highway authority.

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

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

and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

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

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 9 Prior to the commencement of the development hereby approved, there shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until the temporary traffic management measures as outlined in the draft Construction Traffic Management Plan have been submitted to and agreed in writing by the Local Planning Authority in consultation with the highway authority and the relevant licences obtained.

Reason: In the interests of road safety and the general amenity of the area and in compliance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 There must be no raising of ground levels within flood zone 3 and all spoil is to be removed from the floodplain and deposited outside of flood zones 2 & 3 (as shown on the submitted plans).

Reason: To ensure that there is no loss of flood storage and that flood flows are not displaced onto others.

- 11 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason: To ensure that the development does not prejudice the appearance of the locality.

- 12 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained and any necessary protection. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development.

- 13 No trees, shrubs, or hedges within the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority

Reason: to ensure the desirable retention of all landscape elements that are considered to be of amenity value.

- 14 Before the development hereby permitted is commenced, details of the ground surfacing materials for the access roads and footways shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure a satisfactory external appearance.

- 15 Within 3 months from the date of this permission a detailed Biodiversity Enhancement and Management Plan shall be submitted to the Local Planning Authority for approval. The Plan should set out how the development hereby permitted will conserve and enhance biodiversity through the prevention of loss of habitat/species and the incorporation of beneficial biodiversity features. The Plan should include provision for pre-commencement checks and surveys for protected species where necessary.

Reason: In the interests of nature conservation and enhancement.

- 16 The spoil material shall be spread over the adjacent field as shown on Lake Spoil Deposition drawing, dated 20.04.16 so as to follow the final contours shown on the Phase 2- Landscape Masterplan drawing, dated 07.06.18.

Reason: In the interests of amenity.

- 17 Topsoil and subsoil shall be stored separately and during soil movement and handling operations, vehicles and machinery shall be routed to avoid the compaction of soils.

Reason: To safeguard the topsoil and subsoil resources.

- 18 The stripping, movement, replacement or cultivation of topsoil and subsoil shall only be carried out when the soils are sufficiently dry and friable to avoid soil smearing and compaction.

Reason: To safeguard the topsoil and subsoil resources.

INFORMATIVE(S)

- 1 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
- 2 (Condition 4) The applicant is advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 3 Any vegetation removal is required to be undertaken without harming nesting birds or destroying their nests. The main nesting and breeding season runs from 1 March to 31 August. If this is unavoidably checks should be undertaken by a suitably qualified ecologist prior to any felling or cutting of trees or shrubs. Reason: In order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended).