

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 21 October 2020

Dear Councillor

**Notice of Meeting**

Meeting            **Planning Committee**

Date                **Thursday, 29 October 2020**

Time                **1.30 pm**

Venue               **Council Chamber, Civic Centre, Stone Cross, Rotary Way,  
Northallerton, DL6 2UU and virtually via Teams. Please see joining  
instructions below.**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

<b>To:</b>	Councillors	Councillors
	P Bardon (Chairman)	J Noone (Vice-Chairman)
	M A Barningham	B Phillips
	D B Elders	A Robinson
	Mrs B S Fortune	M G Taylor
	B Griffiths	D Watkins
	K G Hardisty	D A Webster

Other Members of the Council for information

**Note**

Press and public are welcome to attend meetings of Planning Committee. Due to current social distancing restrictions, measures have been implemented which limit the number of attendees able to be physically present in the meeting at any one time. Temporary arrangements are in place for members of the public to register in advance if they wish to attend a meeting. If you wish to attend the meeting, you are requested to register your intent no later than 24 hours before the meeting takes place. Spaces available are allocated on a first come first served basis. If you have not registered in advance access to the meeting cannot be guaranteed. Please note that the meeting is also available to be viewed virtually via Teams without the need to physically attend the meeting. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID: 861 055 521# Please contact Louise Hancock, Democratic Services Officer, Tel: 01609 767015 or email [committeeservices@hambleton.gov.uk](mailto:committeeservices@hambleton.gov.uk) to register your attendance.

## Agenda

### Page No

1. Minutes

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To confirm the minutes of the meetings held on 5 March and 15 September 2020 (P.24 - P.25 and P.1 – P.2), attached.

2. Apologies for Absence.

3. Planning Applications

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Report of the Deputy Chief Executive.

Please note that plans are available to view on the Council's website through the Public Access facility.

4. Matters of Urgency

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

# Agenda Item 1

Minutes of the meeting of the Planning Committee held at 1.30 pm on Thursday, 5th March, 2020 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

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## Present

Councillor P Bardon (in the Chair)

Councillor	M A Barningham	Councillor	B Phillips
	D B Elders		A Robinson
	Mrs B S Fortune		M G Taylor
	B Griffiths		D Watkins
	K G Hardisty		D A Webster
	J Noone		

## Also in Attendance

Councillor	Mrs J W Mortimer	Councillor	M S Robson
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### P.24 **Minutes**

#### **The Decision:**

That the minutes of the meeting of the Committee held on 6 February 2020 (P.22 - P.23), previously circulated, be signed as a correct record.

### P.25 **Planning Applications**

The Committee considered reports of the Deputy Chief Executive relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

### **The Decision**

That the applications be determined in accordance with the recommendation in the report of the Deputy Chief Executive, unless shown otherwise:-

At the discretion of the Chairman Item 4 was considered first

- (1) 19/02202/TPO - Application for works to fell a Blue Atlas Cedar tree subject to Tree Preservation Order 2009 No: 6 at Husthwaite for Mr K Templeman

Permission Granted subject to a condition for a replacement native tree. The Committee considered the size and form of the tree was inappropriate to its location resulting in potential harm to property and residents.

The decision was contrary to the recommendation of the Deputy Chief Executive.

Note: Councillor Mrs Jillian W Mortimer left the meeting at 1.50pm.

- (2) 19/01823/FUL - Construction of a covered manure store, associated hardstanding and underground dirty water tank with additional landscape planting at OS Field 0026 (A684), land East of Ainderby Steeple for J Charlton & Sons

Permission Granted

(The applicant's agent, Sam Harrison, spoke in support of the application).

### **Disclosure of Interest**

Councillor B Phillips disclosed a non-pecuniary interest.

- (3) 18/02670/FUL - Retrospective application for the construction of a bank to stop flooding at Crakehill Farm, Crakehill YO7 3NS for Mr John Flintoff

Permission Granted omitting Condition One (compensatory flood storage) as the Committee considered the minimal benefit to be acquired from the condition was not necessary.

- (4) 19/02393/FUL - Construction of a detached dwelling at Plot 3, Land west of Exelby Grange, Exelby for Mr R Woolhouse

Permission Granted subject to an additional condition requiring the formation of a footpath and associated street lighting.

- (5) 19/01898/OUT - Outline Application with some matter reserved (considering access) for the construction of one dwelling at Part OS Field 0051 (South West Of The Meadow) Hornby for Mr M Morrison

Permission Granted subject to an additional condition restricting the height of the development to a maximum of 1.5 storeys in order to allow a suitable transition from the built form to the countryside.

- (6) 19/02356/FUL - Revised application for the construction of 4 dwellings at Village Farm, Kilburn for Messrs T W Thompson & Sons.

Permission Refused subject to an amendment to the second reason for refusal to include that the proposed development would have an urbanising effect and therefore harmful impact on the setting of the North York Moors National Park; and an additional reason for refusal relating to the lack of safe highway access to the site.

(The applicant's agent, Giles Chaplain, spoke in support of the application).

(Keith Lewis spoke objecting to the application.)

Note: Councillor M S Robson left the meeting at 3.03pm

- (7) 20/00003/FUL - Alterations and extensions to existing dwellinghouse to form 2no. dwellings with the formation of new vehicular access and parking at The Old Post Office, Sinderby for Mrs Rosina Gilboy

Permission Granted

Note: The meeting adjourned at 3.10pm and reconvened at 3.22pm.

- (8) 20/00091/FUL - Demolition of portal framed agricultural barn, conversion and extension of brick agricultural structures to form two dwellings, and change of use of agricultural land to domestic curtilage at Becks Farm, Main Street, Tholthorpe for Mr A Reynard

Item withdrawn

- (9) 19/02594/OUT - Application for outline planning permission with some matters reserved (considering access) for the construction of two new dwellings at Moor Lodge, Main Street, Thornton Le Moor, North for Mr and Mrs Knowles

Permission refused subject to an additional reason that no information has been submitted to demonstrate how a safe and satisfactory access to the development from the public highway will be provided for all users. The proposal is therefore contrary to the provisions of Local Development Framework policy CP1 and DP4 which requires safe and easy access to development proposal.

(The applicant's agent, Michael Stephenson, spoke in support of the application).

(Andrew Wond spoke on behalf of Thornton le Moor Parish Council objecting to the application.)

(Robert Barker spoke objecting to the application.)

- (10) 20/00064/FUL - Construction of a detached, two storey, 3 bedroom dwelling with integral garage to include landscaping and means of enclosure at Land on the North East Side of, Catton Road, Topcliffe for Mr D Manning

Permission Refused subject to an additional reason that the Planning Authority considers that the proposed development would affect the integrity of the existing highway retaining wall and the ability to maintain it with consequent danger to the public highway and its users and therefore contrary to Hambleton Local Development Framework Policies CP1 and DP4.

(The applicant's agent, Ken Wood, spoke in support of the application.)

The meeting closed at 3.56 pm

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Chairman of the Committee

Minutes of the meeting of the Planning Committee held at 3.09 pm on Tuesday, 15<sup>th</sup> September, 2020 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU. This meeting was also available to join via Teams.

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Present

Councillor M A Barningham (in the Chair)

Councillor	P Bardon	Councillor	J Noone
	D B Elders		M G Taylor
	Mrs B S Fortune		D Watkins
	B Griffiths		D A Webster
	K G Hardisty		

Apologies for absence were received from Councillors B Phillips and A Robinson

**P.1 Election of Chairman**

**The decision:**

That Councillor P Bardon be elected as Chairman of the Committee until the Annual Meeting in May 2021.

(Councillor P Bardon in the Chair)

**P.2 Appointment of Vice-Chairman**

**The decision:**

That Councillor J Noone be appointed Vice-Chairman of the Committee until the Annual Meeting in May 2021.

The meeting closed at 3.12 pm

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Chairman of the Committee

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# Planning Applications

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton and also remotely via Teams on Thursday 29 October 2020. The meeting will commence at 1.30am.**

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 4.00pm on the day before the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre. Documents are available to view at [www.planning.hambleton.gov.uk](http://www.planning.hambleton.gov.uk). Background papers can include the application form with relevant certificates and plan, responses from statutory bodies, other interested parties and any other relevant documents. Any late submission relating to an application to be presented to the Committee may result in a deferral decision

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt  
Deputy Chief Executive

## Site Visit Criteria

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members sufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.

**PLANNING COMMITTEE**  
**Thursday 29 October 2020**

Item No	Application Ref / Officer / Parish	Proposal / Site Description
1	20/00848/FUL Mark Simmons Shipton  Page No.11	Proposed demolition of existing restaurant and removal of existing railway carriages currently used as bedroom, dining and storage accommodation. Erection of new hotel with car parking, including a bar, restaurant and gym  For Pinnacle Country Parks At The Sidings Hotel and Restaurant, Shipton by Benningbrough  <b>RECOMMENDATION: REFUSE</b>
2	20/00497/FUL Aisling O'Driscoll Aiskew  Page No. 23	Construction of 85no. residential dwellings with associated access, parking, landscaping and infrastructure  For Taylor Wimpey UK Ltd At Land north East of Ashgrove, 89 Bedale Road, Aiskew  <b>RECOMMENDATION: GRANT</b>
3	20/01426/OUT Mr M Pearson Husthwaite  Page No. 45	Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath.  For: Daniel Gath Homes At OS Field 8464, Highthorne Lane, Husthwaite  <b>RECOMMENDATION: REFUSE</b>
4	20/01644/FUL Kate Williams Huby  Page No. 55	Part retrospective application for extensions, alterations, changes to the fenestration and proposed change of use of barn/garage building into a self contained dwelling with associated parking  For Ms Janine Bowers Misty Meadows, Bell Lane, Huby  <b>RECOMMENDATION: GRANT</b>
5	20/02013/CAT Mrs T Price Northallerton  Page No. 67	Works to a tree in a conservation area - fell a large Acer  For Mrs Christine Trenholm At The Nursery School, 31 Romanby Road, Northallerton  <b>RECOMMENDATION: GRANT</b>

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**Parish: Shipton**  
Ward: Easingwold  
**1**

Committee Date: 29 October 2020  
Officer dealing: Mark Simmonds  
Target Date: 29 July 2020  
Date of extension of time: 22 October 2020

**20/00848/FUL**

**Proposed demolition of existing restaurant and removal of existing railway carriages currently used as bedroom, dining and storage accommodation. Erection of new hotel with car parking, including a bar, restaurant and gym.**

**At the Sidings Hotel and Restaurant Shipton By Beningbrough North Yorkshire YO30 1BT**

**The application is referred to the Planning Committee for determination given that the proposal is for major development**

## **1.0 Site, Context and Proposal**

- 1.1 The application site comprises The Sidings Hotel and Restaurant located to the south west of Shipton by Beningbrough. The site lies within the York Green Belt. The site extends along the East Coast Main Line and access to the site is currently taken from Station Lane, approximately 260 metres from the junction with the A19 to the east. The existing building is predominantly single storey and relatively small along with several old railway carriages that have been adapted and linked to provide a restaurant, event space and en-suite bedrooms.
- 1.2 The application seeks permission to redevelop the existing 10 bedroomed hotel (provided for by the carriage conversions) and restaurant site in order to provide for modern facilities. The applicant states that the current hotel is not keeping up with demand or meeting the expectation of visitors. The Design and Access Statement and the submitted plans set out the proposed design and materials. The proposal incorporates living walls and green roofs together with more traditional building materials. The applicant states that the green roofs add to the insulation properties of the roof and as such reduce the heating and requirements for any built structure. The metal roof elements would be used to harvest rainwater for flushing W.C.s, where possible.
- 1.3 The existing building and structures would be cleared from the site and the proposed new building would be a two storey structure. The proposed new hotel would provide for 82 bedrooms. The proposal also provides for a new car parking area running along the side of the railway line, utilising an unused wedge shaped piece of land.
- 1.4 The proposal is supported by documents including a Planning Statement and a Design and Access Statement and an Economic Statement.
- 1.5 The Agent has put forward an offer of footpath provision which is discussed in the highways section of this report.

## **2.0 Relevant Planning History**

2.1 19/01845/FUL. Proposed demolition of existing restaurant and removal of railway carriages and the construction of a new hotel and additional parking. Refused planning permission on 9 December 2019. Reasons for refusal were:

1. The proposed construction of the new hotel is inappropriate development within the Green Belt. The proposed replacement three storey building is materially larger than the one it replaces which is mainly a single storey building and would therefore have a greater impact on the openness of the Green Belt causing substantial harm. The employment opportunities and contribution to the local economy of the proposed hotel have been considered and are not 'very special circumstances' that would outweigh the significant harm to the Green Belt. The proposal is therefore contrary to the Local Development Framework Policy CP4 and DP9 and the NPPF chapter 13 and particularly policies 143-145.

2. The proposed three storey form, urban design and stark exterior would be an incongruous feature in the landscape that fails to protect the character of the area and the village environment within this countryside setting contrary to Hambleton Local Development Framework policies CP1, CP4, CP16, CP17, DP10, DP30, DP32 and DP33.

## **3.0 Relevant Planning Policies:**

3.1 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP9 - Development outside development limits  
Development Policies DP25 - Rural employment  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP43 - Flooding and floodplains  
Emerging Local Plan - Hambleton Local Plan Publication Draft July 2019

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at: <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

The relevant policies of material consideration are:

Policy S6 - York Green Belt  
Policy S5 - Development in the countryside  
EG7 - Rural businesses employment  
E1 - Design  
CI2 - Transport and accessibility  
RM3 - Surface water and drainage management

#### **4.0 Consultations**

##### **4.1 Shipton by Beningbrough Parish Council – The Parish Council comments are set out below:**

The Parish Council noted that the new application shows that the new proposal has fewer room numbers, a lowered building and changed parking, however the objections that were made for the original plan are still felt to be relevant, the response previously was:

Increased traffic: The development proposed is much bigger than that which is currently on the site in relation to numbers of bedrooms. The junction at the south end of Shipton from the A19 onto the road leading to the site is already known to be dangerous with frequent accidents. There is a concern that additional traffic from the development will make this worse and potentially cause more accidents. In addition, the approach to the site from Shipton village will be via Station Lane. This road has a primary school on it and there are already considerable concerns with the current level of traffic on this road due to the inadequate pavements making it unsafe for pedestrians. Additional traffic will exacerbate this issue. Public transport does not go to the site – the village is serviced by infrequent public busses but there are no footpaths between the site and the village, making public transport to the site not viable. The Parish Council note there is no highways consultation report and would like to enquire why this is not considered necessary?

Visibility and Appearance: It is felt that the development does not reflect the nature of the village in appearance. While it is understood that there is a small industrial estate further up the road, Cllrs feel that the development should be in keeping with the village, and not with the industrial estate. The scale of the development also seems incongruous to the local area: it is a very large building for a small greenfield site on the outskirts of a small village with little infrastructure. It is felt that it's size and nature will be overwhelming in terms of what is there currently and with respect to the village itself.

##### **4.2 NYCC Highways Authority – Advise that the submitted plan shows a hedge and trees planted immediately adjacent to the carriageway which will be in the visibility splays from the access. The drawing also shows a distance of**

approximately 2 metres between the front elevation of the building and the edge of the existing carriageway with a 1.5 metre path and hedge within that area. There is a potential encroachment and visibility problem on the highway verge which requires further clarity.

- 4.3 Environmental Health Officer – Advise that there will be no significant impact on local amenity. Therefore the Environmental Health Service has no objections.
- 4.4 Yorkshire Water – Advise that the previous comments and conditions in Yorkshire Water's letter dated 15th October 2019 on planning application 19/01845/FUL, still apply for the proposed development as follows: If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.
- 4.5 Kyle and Upper Ouse Internal Drainage Board offer general advice.
- 4.6 Yorkshire Wildlife Trust – Advise that this application includes the demolition of the existing hotel. Therefore an assessment of bat roost potential would need to be undertaken by a licensed bat surveyor. In line with case law and ODPM circular 06/2005 (para 99), the LPA has a duty to consider impacts upon protected species prior to determination.
- 4.7 MOD Safeguarding – No safeguarding objections.
- 4.8 Publicity comments – Five letters have been received of which the comments are summarised below:
- Large size, visually obtrusive, in pursuit of profit
  - Poor design, appropriate for an industrial estate rather than the countryside/village
  - Great care given to the development and construction of the original business/buildings by the original owner
  - Speed of traffic that approaches the village from the Skelton direction and highway safety concerns
  - Additional traffic entering and exiting the site
  - No footpath or cycle path making the journey risky, particularly with the amount of HGV traffic
  - Development will be a good thing and will be a welcome boost to the vitality of the village amenities
  - We do not object to the application.
  - We believe that the proposed design will be an improvement on the current buildings and site in general, which are now looking tired and in need of refurbishment - should not affect the surrounding countryside detrimentally
  - A well designed screened building will not be detrimental or out of place given its surroundings.
  - It should retain and provide new jobs for local people. At this current time with COVID 19 and jobs being lost in many sectors, the retention and



provision of newly created jobs is an very important factor which must be taken into consideration.

- It should also bring visitors to the area which may in turn generate revenue to other businesses locally, such as restaurants, Beningbrough National Trust, etc...
- Applicant would pay for a footpath. This will improve safety for both staff and visitors to the proposed hotel who currently have no alternative other than to walk on the road which puts them at risk. Believe that a footpath should be a condition as it has been offered by the applicants architect. If a footpath is constructed with street lighting then surely the speed limit of 30 mph could be introduced, which will improve safety.

## **5.0 Analysis**

5.1 The main issues to consider are: i) the principle of (re-) development in the green belt ii) impact on the character of the area and design; ii) impact on residential amenity; iii) highway safety and accessibility; iv) impact on ecology/nature conservation; v) impact on the local economy; vi) drainage.

### **5.2 The Principle of (Re-) development in the Green Belt**

5.3 The relevant LDF Policies are; CP1, CP4 and DP9 and DP25. Policy CP1 sets out the criteria for demonstrating compliance through the encouragement, protection and or enhancement of a number of environmental, social and economic aspirations. The submitted proposals do not demonstrate clear compliance with the criteria in this policy.

5.4 Policy CP4 states that development in the countryside will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2, and where a number of criteria are met, to achieve the following – (i) it is necessary to meet the needs of farming, forestry, recreation, tourism or (ii) it is necessary to secure a significant improvement to the environment (iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or (iv) it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or (v) it would make provision for renewable energy generation, of a scale and design appropriate to its location; or (vi) it would support the social and economic regeneration of rural areas. Whilst the proposal is for tourism related development, it is considered that no clear case has been made for the scale of the proposed development and as such the proposals are not considered to clearly meet any of the criteria set out in this policy.

5.5 Policy DP9 sets out the circumstances in which development will be acceptable outside the settlement limits. DP9 states that permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Core Policy CP4, or where it constitutes replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. It is considered

that the proposals do not comply with Policy CP4 and the replacement building is not assessed as a more acceptable development. Therefore the proposals are considered to be contrary to Policy DP9.

- 5.6 Policy DP25 states that employment development in locations outside of the development limits will be supported if all the following apply: it is small in scale, it comprises conversion and re-use or replacement of existing rural buildings of sound construction, the development is not capable of location within a settlement with development limits by reason of the nature of the operation of the absence of suitable sites, it is supported by an appropriate business case which demonstrates that support will be provided to the local economy and the development would not adversely impact on the economy of the service centres. It is considered that the proposed would not meet all criteria as the proposal is not considered to be small scale.
- 5.7 One of the fundamental considerations in the assessment of this proposal is the effect on the openness of the Green Belt. The National Planning Policy Framework (2019) (NPPF) sets out the government's position and guidance with regard to the Green Belt and is a material consideration of significant weight. Paragraph 143 of the NPPF sets out that development which is classed as 'inappropriate' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.8 Paragraph 144 of the NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.9 Paragraph 145 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this that are relevant to the case are;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. Policy S6 of the emerging Local Plan encourages proposals for the beneficial use of green belt to achieve opportunities, provided that they preserve its openness and do not conflict with the purposes of including land within it.

- 5.10 As set out in the applicants supporting statement, whilst the replacement of a building in the same use is acceptable in the Green Belt the proposed building is materially larger than the building it replaces (Paragraph 145 of the NPPF). In respect of the redevelopment of previously developed land, the NPPF seeks to ensure that proposals do not have a greater impact upon openness than the existing development. Therefore, whilst the replacement of the building in the same use and some limited reasonable proportionate increase is acceptable, the proposals should not have a greater impact on the openness of the Green Belt.
- 5.11 The online Planning Practice Guidance also identifies that openness is capable of having spatial and visual aspects-in other words the visual impact of the proposal may be relevant, as could its volume. It is considered that the proposed development does have a greater impact on the openness due to the significant increase in scale, size, extent and volume of the proposed building over the existing small scale, low level buildings on site and the increase in height to two stories, particularly within the context of the open flat landscape. It is considered that the development impacts harmfully on the visual openness of the Green Belt, would be prominent and dominant being easily visible in the surrounding flat and open area and would impact on the visual amenity enjoyed by users of the area. It is considered that this would result in harm arising from the proposals.
- 5.12 With regards to paragraph 143 of the NPPF and consideration of 'very special circumstances' (VSC) The applicant sets out the case for VSC in the 'Planning Statement relating to Revised Proposals' submitted with the application as follows:
- 5.13 In respect economic benefits, in the applicants view, the site already contributes to the economic and cultural life of the village, and is the established use for the site. Green Belt as well as other policies support the retention of the use, and improving its economic contribution to the local area (and district as a whole). When assessing planning merits, decision-makers regularly (particularly given various ministerial statements and the thrust of the NPPF), take economic benefits into account when allowing Green Belt development (this being the first of the three objectives set out by the NPPF when seeking to achieve sustainable development).
- 5.14 Accompanying this submission is a separate Economic Statement that seeks to analyse the "impact" that the proposals will have, in the applicants view and seeks to demonstrate the benefits that may arise locally and at the wider level. This relates, in the applicants view, to 'significant benefits arising from the capital investment and employment generated during construction. Turning to the operational stage, not only would existing employment be retained, but there would be a significant increase that would be available not only at a district level, but with a significant component picked-up at the local level. In addition to the direct spend by visitors there are spin-off benefits and indirect benefits for other businesses within the area. Indeed, the economic benefits would be substantial, and would lead to associated social benefits'.

5.15 The specific benefits set out by the applicant are as follows:

- The creation of 48 direct full-time equivalent (FTE) construction jobs over the 12 month build period.
- The provision of a further 56 full-time equivalent jobs (gross) in the wider economy over the build period due to the construction industry's heavy reliance on an extended and varied supply chain.
- A total construction cost of around £5.5m (measured works only).
- Create 40 full-time equivalent jobs (gross) once fully operational. In terms of total jobs (full and part time), a minimum of 51 jobs are likely to be created by the hotel. By comparison, the existing hotel provides 10 full and part time jobs.
- The opportunity for work locally, which accords with the Council's sustainability objectives, as significantly more than half of those in employment in the village commute out to work.
- Generate GVA of £1.041m (gross) annually (based on employment) once the hotel and associated facilities are fully operational, and £3.689m of direct GVA from construction activity during the build period. Taking into account the wider economic benefits that occur through construction activity, the total additional GVA created (gross) would be £3.308m. By comparison, the existing hotel generates operational GVA of £0.182m per annum (assuming H&CA employment densities).
- Generate £0.793m of wages per annum once fully operational. By comparison, the existing hotel should generate £0.132m per annum (though the actual figure appears to be lower due to various issues).
- Generate a minimum of £2.47m of expenditure from overnight visitors to the hotel. By comparison, the existing hotel (assuming an occupancy rate reflective of Y&H averages) generates £0.307m per annum.
- Of the overnight expenditure from visitors to the proposed hotel, a proportion of spend covers accommodation, travel and eating/drinking, but a significant £0.519m per annum can only be spent on shopping and entertainment at shops and facilities located outside of the application site during their stay. The existing hotel generates £0.064m – a difference of +710%.
- Generate annual business rates revenue from new development of around £100,000.

5.16 It is advised by the agents that as these figures are generated using robust data sources that have been accepted by decision makers, including inspectors, they represent a significant benefit to the local and wider economy.

5.17 Collectively although all of the above are valid considerations, it is not considered that they are Very Special Circumstances that would individually or collectively clearly outweigh the harm to the Green Belt by reason of inappropriateness, and other harm identified resulting from the proposal. The proposal therefore fails to comply with paragraphs 143, 144 and 145 of the NPPF.

## **Impact on the Character of the Area and Design**

- 5.18 The area is outside the built form of the village and is accessed off a road from the A19 to the east that also leads to a number of commercial entities. Policy DP32 states that development must seek to achieve creative, innovative and sustainable designs that take into account local character and settings. CP17 also promotes high quality design.
- 5.19 Policy DP10 states that permission for development will only be granted where it respects (by protecting or enhancing) the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements. DP30 seeks to protect the character and appearance of the countryside. Policy S5 of the emerging Local Plan seeks to safeguard the character, appearance and environmental qualities of the area with Policy E1 requiring development to be of a high quality.
- 5.20 The landscape is relatively flat and open with low hedgerows interspersed with uniform agricultural buildings. It is considered that although the proposed building has been reduced in height from the previous three storey design it does not successfully integrate with its rural surroundings or reinforce local distinctiveness, being of an urban block form, scale and design which is considered incongruous to its setting and the character of the area. The design is considered to be an unbroken mass of brickwork in an obtusely angled 'V' shape form broken up with a significant number of uniform windows resulting in a basic, stark visual design detail. Furthermore the proposed expanse of car parking is not considered to be sympathetic to the rural setting.
- 5.21 The large two storey building on the outer edge of the village would result in a significant increase in visual impact compared to the existing building and structures which are considered to reflect the context of the local environment. It is considered that the proposal would have a substantial intrusive impact, adversely affecting the character and appearance of the area and the approach to the settlement. It is considered that the scale, form and design would be harmful and contrary to Policies DP30, DP32, CP17 and DP33.

## **Impact on Residential Amenity**

- 5.22 There are no close residential properties that would be directly affected by the building itself or even the increased use. Mill House is the nearest property but is some distance from the site. The potential increase in traffic may be a factor when utilising the rear access, however this is not the main entrance point for this dwelling and as such no significant impact can be anticipated. It is noted that the site lies adjacent to the railway line, however the site is used for the proposed use at present and it is noted that Environmental Health Officers have not raised concerns regarding this matter. Appropriate conditions can be imposed to ensure satisfactory amenity is maintained.

## **Highway Safety and Accessibility**

- 5.23 The applicant has submitted an amended plan to seek to address concerns raised by the Highways Authority. However, the submitted plan shows a hedge and trees planted immediately adjacent to the carriageway which will be in the visibility splays from the access. The submitted plan also shows a distance of approximately 2 metres between the front elevation of the building and the edge of the existing carriageway with a 1.5 metre path and hedge within that area and there is a potential encroachment and visibility issue on the highway verge which requires further clarity.
- 5.24 However, it is considered that the issue of sightlines could be resolvable through the submission of an amended plan and/or appropriately imposed conditions. The concerns raised regarding traffic and highway safety are acknowledged and noted. However, it is acknowledged the Highways Authority made no objections to the previous application submitted, which entailed 101 rooms, subject to the imposition of planning conditions relating to construction of the access, parking, and construction management plan.
- 5.25 With regards to the offer of a footpath to/from the site, it can be confirmed that the Agent has initiated negotiations on the provision of a footpath. The Agent has confirmed that they have been seeking dialogue with North Yorkshire County Council as Highways Authority regarding new footpath provision, but have yet to receive a response from the County Council with regards this element of the proposals. The Agent further advises that the footpath should extend from the hotel up Station Lane as far as the industrial estate to the north, this being that part of the provision that would principally relate to the hotel. The Agent advises that a 1.2 metre wide footpath can be readily provided as discussed, and this is shown by the submitted plan. The land is within the applicants ownership and although a response from the county council on this matter has not yet been received it is stated by the Agent that the footpath can be provided using Section 278 of the Highway Act (meaning that it does not have to fall within the red line for the application). The Economic Report submitted with the application identifies the number of jobs that would be created during these phases, and the Agent states that this demonstrates that a significant proportion of jobs would be filled locally. As such the Agent considers that the footpath would provide a safe access to the hotel not only for users but also staff.
- 5.26 The offer of the footpath is recognised and acknowledged as a potential benefit of the proposed development, albeit there is no corroboration from the county council as Highways Authority as to whether the footpath is deliverable, safe and appropriate.

## **Impact on Ecology and Nature Conservation**

- 5.27 The formal response from the Yorkshire Wildlife Trust sets out the requirement (as this application includes the demolition of the existing hotel) for an assessment of any bat roost potential. In line with case law and ODPM circular 06/2005 (para 99), the LPA has a duty to consider impacts upon protected species prior to determination.

- 5.28 A survey has been submitted. The conclusions of this report are that the hotel has little potential to support roosting bats and is considered to be of negligible interest to bats. No further surveys are required and there are no statutory constraints to the development of this site from the presence of bats. Mitigation and compensation measures have been prescribed. As such it is considered that the proposal is unlikely to significantly impact on ecology interests.

### **Impact on Local Economy**

- 5.29 Both Local Development Framework policy and that contained within the emerging Local Plan, look to support the local economy. Along with the discussions elsewhere in this report regarding Local Development Framework policy, Policy EG7 of the emerging Local Plan supports employment development in locations outside the main built form of a defined settlement. Policy EG8 allows new visitor accommodation outside settlement boundaries where it can be demonstrated that the scale, form, layout and design of the proposed development is appropriate to its location and would not harm the character, appearance or raise amenity concerns in the surrounding area.
- 5.30 The Publication Draft focuses on growing the district's visitor economy. The justification for supporting new visitor accommodation is provided in the supporting text to EG8: "Although the district contains a range of visitor accommodation, from camping and caravan sites and self-catering accommodation to bed and breakfast establishments and small hotels, there is scope to increase this range in terms of size, quality and type".
- 5.31 The proposal takes support from these policies as well as having positive impact on local economy and job creation. However it is not considered that this clearly outweighs inappropriate development within the Green Belt and the harm that is considered would arise.

### **Drainage**

- 5.32 The proposal is intended to utilise the main sewer. Yorkshire Water have advised that the site shall be developed with separate systems of drainage for foul and surface water on and off site. This matter can effectively be enforced by way of appropriately worded conditions.

### **Planning Balance**

- 5.33 The benefits of the proposed development have been considered. However, the benefits of the proposed development are not considered, individually or cumulatively to amount to "very special circumstances" as required by guidance set out in the NPPF and do not outweigh the identified harm to the openness of the Green Belt or the character of the area by reason of the scale and design. The design of the development is not considered to constitute high quality development. The proposal is therefore contrary to DP10, DP30, DP32, CP16, CP17 together with Policy S6 of the Hambleton Local Plan Publication Draft July 2019 and Paragraphs 143-145 of the NPPF.

## 6.0 Recommendation:

6.7 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:

1. The proposed hotel is considered to be inappropriate development within the Green Belt. The proposed replacement two storey building is materially larger than the one it replaces which is mainly a single storey building and associated railway carriages. The proposal would therefore have a greater impact on the openness of the Green Belt causing harm. The employment opportunities and contribution to the local economy of the proposed hotel have been considered and are not considered to comprise 'very special circumstances' that would outweigh the harm to the Green Belt by way of inappropriateness and identified harm. The proposal is therefore contrary to the Local Development Framework Policy CP4, DP25 and DP9 and the NPPF (2019) chapter 13 paragraphs 143-145.
2. The proposed two storey form, unbroken urban design, stark exterior, and unsympathetic site layout with an expanse of car parking, would form an unacceptably incongruous feature in the landscape that fails to protect the character and appearance of the area within this countryside setting contrary to the Hambleton Local Development Framework policies CP1, CP4, CP16, CP17, DP10, DP30, DP32 and DP33 and the guidance within the NPPF (2019).



**Parish: Aiskew**

Ward: Bedale

**2**

Committee date: 29 October 2020

Officer dealing: A O'Driscoll

Target date:

**20/00497/FUL**

**Construction of 85no. residential dwellings with associated access, parking, landscaping and infrastructure**

**At Land North East Of Ashgrove, 89 Bedale Road, Aiskew**

**For Taylor Wimpey UK Ltd**

**This application is referred to Planning Committee as the proposed development is a major development and a departure from the Development Plan.**

## **1.0 Site, Context and Proposal**

- 1.1 The application site is located on the north side of Bedale Road and to the north east of the settlement of Aiskew. This green-field site measures approximately 3.27ha and is currently used for agriculture. There is an existing field access from Bedale Road and the site is otherwise enclosed by hedgerow and clusters of trees. The site is relatively flat with a slight incline upwards towards the western corner. The site is linked to both Bedale and Leeming Bar by a public footpath. There are no public rights of way within or immediately adjacent to the site.
- 1.2 Residential development is located to the south and south east of the site. To the north and immediately adjacent to the site is part of Wilberts Farm a site which was allocated for housing under the current LDF and which has secured permission for 116 dwellings. The immediate character is edge of settlement, with sparse rural development along Bedale Road to Leeming Bar and the A1.
- 1.3 The site is a preferred option for 85 homes in the Emerging Local Plan under Policy AIB 1: Northeast of Ashgrove, Aiskew.
- 1.4 This is a full application for 85 dwellings of which 23 will be affordable. Access is to be gained from Bedale Road approximately halfway along the site frontage and the existing access is to be closed off. Dwellings will be set back from Bedale Road approximately level with the existing dwellings to the south west. A pumping station and a SUDS basin are to be located to the eastern corner fronting Bedale Road. At the northern end of the site a link road is proposed to connect through to the Wilberts Farm development.

- 1.5 During the life of the application the potential for a link road through to the Wilberts Farm development was discussed. The applicant subsequently agreed that this could be provided, through provision of a connection point through to the boundary of the Wilbert Farm site. It is noted that the applicant has no control over the actual connection to the Wilbert Farm site, although provision was made for this connection within the approved layout for the Wilbert Farm site. The delivery of this link would provide a second means of access to Bedale Road, rather than reliance on Sandhill Lane and the mini-roundabout onto Bedale Road. However, to offset the financial costs of this additional infrastructure, the number of dwellings provided as affordable housing have been reduced by 3 to the 23 now proposed.
- 1.6 It should be noted that the proposed link road to the Wilbert Farm site was not a requirement for the development of that site. The Highways Authority being satisfied that the site could be accessed via Sandhill Lane. Nor is the link a technical highways requirement for the current application site. However, it is clear that the local community remain extremely concerned about the use of Sandhill Lane by the traffic generated by the Wilbert Farm development.

## **2.0 Relevant Planning and Enforcement History**

- 2.1 This is a greenfield site with no recent planning history

## **3.0 Relevant Planning Policies**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP8 - Type, size and tenure of housing

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP8 - Development Limits

Development Policies DP13 - Achieving and maintaining the right mix of housing

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Emerging Local Plan - Hambleton Local Plan Publication Draft July 2019

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6)

of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

The following draft policies are considered material.

AIB1: Northeast of Ashgrove

HG 2: Delivering the Right Type of Homes

HG 3: Affordable Housing Requirements

E 1: Design

E 2: Amenity

E 3: The Natural Environment

CI 2: Transport and Accessibility

RM 3: Surface Water and Drainage Management

#### **4.0 Consultations**

- 4.1 Aiskew and Leeming Bar Parish Council – Concern over the timing of the application during the pandemic reducing the ability to meet and discuss the proposal with residents. Concern was also raised over the lack of vehicular connection to the Wilbert Farm site, uninspired design of the dwellings and sewerage and flooding issues. The level of affordable housing is welcome and the Parish Council hope that HDC will resist attempts to reduce this.
- 4.2 Highway Authority – Following the submission of requested additional information the Highways Authority recommend conditions relating to detailed plans for roads and footways, closing of the existing access, visibility splays, Travel Plan, removal of permitted development rights, and construction management plan.
- 4.3 Lead Local Flood Authority – Awaiting final comments at the time of writing.
- 4.4 Yorkshire Water – Recommend a condition relating to the provision of separate systems for foul and surface water drainage.
- 4.5 Swale and Use Internal Drainage Board – As surface water is to discharge to a watercourse in their area a discharge rate of 1.4ls/ha is required.
- 4.6 Yorkshire Wildlife Trust – The measures in Section 6 of the Ornithological Report and the Bird Box specification report should be secured by condition. Some non-native species are included, which we would advocate replacing with native alternatives.

A Landscape and Ecological Maintenance and Management Plan should be produced to maximise the biodiversity value of retained and newly created habitats.

We would welcome the implementation of Defra v2.0 metric as industry standard to demonstrate a measurable net gain in biodiversity.

- 4.7 Natural England – Refers to standing advice
- 4.8 NYCC Children and Young Peoples Services – Based on the current number of dwellings proposed no contribution for primary or secondary school places is required. Should the number of units increase further consultation will be required.
- 4.9 NYP Designing Out Crime Officer - The overall design and layout of the proposed scheme is considered acceptable.
- 4.10 Environmental Health Officer Contaminated Land – Recommends a condition relating to the reporting of unexpected contamination.
- 4.11 Public comments – Three letters of representation were received from two members of the public raising the following issues:
  - Existing infrastructure cannot cope with increased housing
  - Link road to Wilberts Farm development
  - Flooding and sewerage issues
  - Reduction of services at the Friarage Hospital means more people will have to travel to James Cook Hospital up to an hour away
  - Gas heating should be replaced with air source heat pumps

## **5.0 Analysis**

- 5.1 The main issues to consider are: i) the principle of development and the Emerging Local Plan; ii) affordable housing; iii) housing mix; iv) design and impact on the character of the area; v) amenity; vi) drainage; vii) highways safety; viii) open space; ix) landscaping; x) heritage matters and xi) biodiversity

### **Principle**

- 5.2 Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The site falls outside the Development Limits of Aiskew. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the current development plan.
- 5.3 As mentioned at 3.1 above the Emerging Local Plan has been submitted to the Inspectorate and public hearings are set to take place in October. As such the

Emerging Local Plan is a material consideration which can be afforded limited weight.

- 5.4 The site is a preferred option in the Emerging Local Plan under Policy AIB1:Northeast of Ashgrove. Should the draft allocation and Emerging Local Plan be adopted the principle of development of this site would be established.
- 5.5 Paragraph 48 of the National Planning Policy Framework states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.6 Paragraph 49 states: However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.7 Paragraph 50 states: Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- 5.8 The Council has a healthy housing land supply at just over 10 years, however, this number includes this site at 85 dwellings.
- 5.9 In conclusion, the principle of development on this site is not currently supported by policy contained within the Local Development Framework and only limited weight can be given to the draft allocation at this stage. As such, development

should only be approved if other material considerations are considered to weigh sufficiently in favour of the proposed development.

### **Affordable Housing**

- 5.10 LDF Policy CP9 states that a housing development of 2 or more dwellings (or sites of 0.1ha or more) outside Service Centres must make provision for affordable housing. In this case the requirement under the LDF for Bedale and hinterland would be 40%.
- 5.11 Within the Emerging Local Plan Policy HG3 (Affordable Housing Requirements) seeks provision of 30%. On a development of 85 dwellings this would equate to 25.5 dwellings.
- 5.12 During the life of the application the applicant indicated that a link road could be provided to join this development to the previously approved development at Wilberts Farm to the north. In order to achieve this in terms of viability it was proposed that the number of affordable units be reduced to 23.
- 5.13 It is clear that the proposed affordable housing is below the Policy requirement of 40% and that of the draft policy of 30%.
- 5.14 The initial submission offered a quotient of 30% affordable housing, which would have been in-line with the emerging Local Plan. In discussion with the applicant with regard to the proposed link road, it was clear that the cost of this should be considered as an abnormal cost. As such a discreet assessment of cost was carried out for the link and the cost off-set against the affordable housing provision in making the current affordable housing offer.

### **Housing Mix**

- 5.15 With regard to housing mix Core Strategy Policy CP4 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. The table below shows the proposal against the housing mix targets outlined in the Size, Type and Tenure SPD. In addition to this, Emerging Local Plan Policy HG2 requires that a range of house type and sizes be included that reflect and respond to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, where the agreed mix has had regard to evidence of local housing need or market conditions and the ability of the site to accommodate a mix of housing.

- 5.16 The SHMA indicates that the need for 2 and 3 bedroom dwellings accounts for some 80-90% between them (40-45% each based on market dwellings alone). Policy HG2 of the Emerging Local Plan also requires the provision of 10% 2 bedroom bungalows to reflect the needs of the ageing population in the district.

Type	Target %	Proposal %
One Bedroom	10	0
Two Bedroom	35	16.4%
Three Bedroom	25	56.4%
Four Bedroom	10-15	27%
Two Bedroom Bungalow	10	0

- 5.17 The proposed mix does not conform exactly to the guidelines in the SPD. However, a total of 72.8% of proposed dwellings are 2 and 3 bedroom which reflects a balance between the current guidance and the evidence provided by the SHMA. In addition the applicant has indicated that, whilst no bungalows are proposed, this mix is required as part of the financial offset to achieve the link road to the Wilberts Farm development.

## Design

- 5.18 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.19 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.20 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.21 Policy E1 of the Emerging Local Plan states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 5.22 The Design and Access Statement submitted in support of the application considers the site constraints and opportunities. Opportunities identified include open views to the countryside and existing trees and hedgerows. In addition the

statement provides a case study of The Stripe, a development in Stokesley which bears some similarity in terms of location and opportunities to the application site. The case study was used to identify elements of design that work well and those that don't. Elements which were identified as positive include changing rooflines providing interest, active frontages, use of detailing and materials, and good use of landscaping and boundary treatments. Elements which were considered less successful include blank gables at important junctions and in areas where rooflines were not varied the character of the street scene was less successful.

- 5.23 The layout of the site takes account of its surroundings with buildings fronting Bedale Road set back approximately in line with the existing dwellings to the west. Dwellings to the north and east have been orientated to take advantage of open views of the countryside. The general layout makes good use of open space and is considered to positively respond to the character of the area.

### **Amenity**

- 5.24 LDF Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.25 Emerging Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. A proposal will therefore be required to ensure:
- a. adequate availability of daylight and sunlight for the proposed use, and would therefore not result in significant effects of overshadowing and the need for artificial light;
  - b. the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;
  - c. there are no adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations, including internal and external levels, timing, duration and character);
  - d. that adverse impacts from the following sources will be made acceptable: i. air pollution; ii. contamination; iii. dust; iv. obtrusive light; v. odour; vi. overheating; and vii. water pollution;
  - e. adequate and convenient provision is made for the storage and collection of waste and recycling;
  - f. that there would be no adverse effect on safety near a notifiable installation and no increase in the number of people that would be put at risk in the vicinity of a notifiable installation.
- Where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.



- 5.26 Overall the site is well spaced with separation distances of between 19 and 21 metres between dwellings facing each other. The orientation of dwellings in relation to adjacent development has also been taken into account. Outdoor amenity spaces are provided with the majority measuring approximately 10 metres in length.
- 5.27 A noise assessment has been submitted with the application which addresses noise arising from traffic movements on Bedale Road. Mitigation measures such as high performance glazing are proposed to ensure that an acceptable level of noise can be achieved within the dwellings affected. The use of noise reducing glazing often necessitates mechanical ventilation in order to be effective. This is so that dwellings can be adequately ventilated without the need to open windows. At the time of writing the Environmental Health Officer has indicated that the noise report is acceptable, however, some minor details relating to the provision of ventilation are yet to be agreed. It is considered, however, that the development can be adequately protected from noise and remaining matters can be dealt with by a condition should details not be agreed prior to determination.

### **Drainage**

- 5.28 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible and DP43 seeks to ensure that development has no adverse impact in terms of flooding.
- 5.29 Emerging Local Plan Policy RM 3 relates to surface water and drainage management. Of relevance to this case is the requirement that SuDS be incorporated in the drainage design.
- 5.30 The supporting text of the Draft Allocation AIB1 states that “parts of the site along the north-eastern boundary and to the south adjacent to Bedale Road are vulnerable to surface water flooding. A site specific flood risk assessment will be required to determine the nature and scope of any mitigation necessary.”
- 5.31 The Lead Local Flood Authority was consulted and additional information was requested.
- 5.32 A SUDs scheme has been incorporated into the design and discussions have taken place with regard to the specific run-off rates from the site and discharge rates into the Internal Drainage Board controlled water course. The requirements of the pertinent agencies are now incorporated into the design and will be conditioned accordingly.
- 5.33 It is considered that matters relating to drainage have been adequately addressed and as such the proposed development is considered to comply with the

requirements of policy. The proposed development is considered to have no adverse impact in terms of flooding.

### **Highways Safety**

- 5.34 LDF Policy DP3 supports the provision of sustainable forms of transport to access the site and within the development. Provision must be made for, where appropriate, footpaths, cycleways, cycle storage, bus stops, travel plans and parking.
- 5.35 Draft Policy CI 2 of the Emerging Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 5.36 North Yorkshire County Council Highways Officers were consulted and the following comments were received: The L.H.A is satisfied that the development's impact on the operation of the existing highway network will not be severe. It has been shown that Bedale Road has capacity and the internal layout include with the application has been prepared using standards acceptable to the L.H.A. The development is expected to generate approximately 40 vehicles in the am and pm peak times of which it is expected one third of the vehicles will travel west towards Bedale and the remaining will travel east towards the A1(M). The developer has shown that the new access has capacity to allow egress and ingress to and from the site.
- 5.37 The developer has also assessed the mini roundabout at the junction of Bedale Road and Sand Hill Lane and again shown this has spare capacity for both the committed and proposed site. The design standard for the site entrance is Design Manual for Roads and Bridges and the required visibility splay is 120m metres by 2.4m metres and this can be achieved in both directions from the access. The developer has agreed to contribute to a new Zebra crossing facility to assist residents to cross Bedale Road to access services on the other side of the road. It is suggested this contribution is included in any S106 agreement prepared by the planning authority for the site. The estimated value of these works is £35,000.00.
- 5.38 The Officer raised no objections to the scheme and recommended conditions relating to detailed plans for road and footways, closing of the existing access, visibility splays, Travel Plan, removal of permitted development rights, and construction management plan.
- 5.39 It should be noted that there are bus stops on the north and south side of Bedale Road, in close proximity to the application site.

- 5.40 The proposed link road to the Wilbert Farm site did not comprise part of the original submission and as such the Highway Authority has been consulted on this amendment. Their response is awaited at the time of writing.

### **Open Space**

- 5.41 The Open Space, Sport and Recreation SPD indicates that amenity green space and a children's play area should be provided on developments proposing between 10 and 79 dwellings.
- 5.42 Similarly Appendix E of the Emerging Local Plan indicates that a play area is required on site. At the time of writing this was not proposed, however, a request has been made for the calculation of the contribution which would be required in its absence.
- 5.43 Given the proposed open space areas to be provided on site and subject to the agreement of either the provision of a play area on site or a contribution towards the provision the proposals are considered acceptable.

### **Landscaping**

- 5.44 Policy DP33 of the LDF states that Landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and: i. creates a visually pleasant, sustainable and biodiversity-rich environment; ii. provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction materials will be encouraged; iii. protects and enhances key landscape features; iv. creates new features and areas of open space that reflect local landscape character; v. contributes to character, appearance and sense of place; vi. promotes a public realm which is rich in identity, attractive and safe.
- 5.45 The supporting text of draft allocation AIB 1 of the Emerging Local Plan indicates that existing features should be retained, including hedgerows and mature trees, and boundary features enhanced to screen views of the site from the east.
- 5.46 An Arboricultural Survey was undertaken in order to establish the quality of the existing trees within the site and to help steer the design of the development. An Arboricultural Impact Assessment was also submitted outlining the proposals for tree and hedgerow removal, retention and protection during construction. The survey found that one category A 3 Veteran Oak (T8 on plan) is located to the north of the site. Category A indicates trees of high quality with an estimated remaining life expectancy of at least 40 years and sub category 3 indicates Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran).

- 5.47 A second Veteran Oak (T7 on plan) was noted slightly south east of the one above, however, the quality of this tree was not as good and it was categorised as B (Trees of moderate quality with an estimated remaining life expectancy of at least 20 years) 3 (Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran)).
- 5.48 Eleven individual trees and one group were identified as category C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm). Four trees were categorised as U (Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years).
- 5.49 The Arboricultural Impact Assessment and landscaping scheme indicate the removal of 10 trees (T4, T4a, T4b, T5-T7, T9-T12) mainly along the boundary with the Wilbert Farm site. The majority of these are mature or over mature hedgerow trees predominantly Ash, which have previously showed signs of dieback. Due to the current condition exhibited it is considered likely that any construction works would cause further decline to the tree's condition. Given the type of development proposed the removal of these trees, which would otherwise require further inspection, remedial work and management by individual householders, is considered acceptable. The planting plan shows a good level of replanting of large specimen trees within the site to offset the removal.
- 5.50 One of the trees marked for removal is the Category B3 Oak (T7). This tree is described as squat and gnarled but in good structural condition. The Arboricultural impact Assessment indicates that construction of the access road and dwellings will have a significant impact upon the tree and mitigation measures would not be sufficient to ensure its survival. Replacement planting is recommended.
- 5.51 All of the trees and hedgerow on the most easterly boundary are to be retained. The majority of the hedgerow around the site is also to be pruned and retained. However, a section will need to be removed to facilitate the access.

## **Heritage**

- 5.52 North Yorkshire County Council Heritage Services were consulted and returned the following comments: The proposed development site is within an area of archaeological potential, only 600m away from the scheduled monument at Aiskew Roman Villa and any remains existing within the site will have an increased significance due to their association. The geophysical survey has identified archaeological activity within the application site consisting of enclosures and boundary ditches which were thought to represent the remnants of prehistoric or Romano-British field systems. In addition the variable soil conditions across the site could mean that responses from infilled features are weaker in some areas and it is possible that additional features are present which have not produced

clear magnetic anomalies. Therefore there is potential for the proposed development to have an impact on archaeological remains that may be associated with the scheduled Villa to the west and/or the Roman Road to the east.

- 5.53 A Geophysical Survey and Trial Trenching have been carried out on the site. The archaeological investigations have confirmed the presence of multiple ditches across the site probably forming two separate areas of activity. A rectangular enclosure and medieval activity in the west and a more complicated sub rectangular system in the north east that may be Iron Age or Romano-British in date. Therefore the ground disturbance associated with the development has the potential to encounter further remains of either Iron Age/Romano-British or Medieval date.
- 5.54 It is advised that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.
- 5.55 North Yorkshire County Council Heritage Services recommend that a condition be included in any permission to secure the above works and recording.

### **Biodiversity**

- 5.56 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation [...] Support will be given [...] to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 5.57 Policy E 3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm is unavoidable, then appropriate mitigation should be provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity. Policy E 3 also requires the use of a biodiversity offsetting metric to demonstrate that a proposal will deliver a net gain for biodiversity. It must also be demonstrated that the need for the proposal outweighs the value of any features that would be lost.
- 5.58 A Preliminary Ecological Assessment was submitted in support of the application. Natural England and Yorkshire Wildlife Trust were consulted. Natural England returned comments referring to the standing advice available on their website. Yorkshire Wildlife Trust requested that the additional surveys recommended in the

assessment be completed. These were subsequently carried out and the results and an updated Assessment were submitted in support of the application.

- 5.59 The breeding bird survey found 1 Barn Owl and 1 Fieldfare roosting within or adjacent to the site. Both species are protected under Schedule 1 of the Wildlife and Countryside Act 1981. However, no evidence of breeding was recorded. Key red listed (severe population decline) breeding bird species present on the site are; Song Thrush, Tree Sparrow and Linnet. Key amber listed (moderate population decline) breeding bird species are Stock Dove, Dunnock, Bullfinch and Reed Bunting. The most abundant green listed bird species recorded on site are Wren, Blackbird and Robin.
- 5.60 The breeding bird species assemblage recorded on the site is composed of a large percentage (71%) of more common green listed species, with relatively few red and amber listed bird species of conservation concern present. Breeding birds were mostly recorded from boundary trees, hedgerows and scrub, with no ground nesting species recorded from the open area of grassland.
- 5.61 The development will result in the loss of open foraging areas utilised by a number of species including Barn Owl and Fieldfare. However, adjacent agricultural land, which provides large areas of foraging grounds, ensures that impact is limited.
- 5.62 The Ecologist recommends that any clearance works take place outside of bird nesting season unless the site is surveyed by a suitably qualified ecologist giving confirmation that clearance will not impact any nesting/breeding birds. Mitigation and compensation measures recommended include a range of bird boxes, enhancement of the hedgerows and treelines, landscape planting that includes seed, fruit and berry bearing vegetation to improve foraging habitat.
- 5.63 One pond within 500m of the site was assessed as average habitat for Great Crested Newt although eDNA analysis was negative indicating the pond is absent of Great Crested Newt.
- 5.64 Commuting and foraging habitat suitability of the site to the local bat population is considered to be 'low' in relation to the Bat Conservation Trust's Guidance. Due to proposed retention of the hedgerow linear habitats, no further surveys are recommended.
- 5.65 It is noted in the Ecological Assessment that one tree on site offers a high potential for bat roosts. This tree is identified as Ash T6 in the Arboricultural Impact Assessment. This tree is category U and is marked for removal. The Ecologist recommends that should this tree be impacted by development 3 nocturnal vantage point activity surveys for bats will be required. This has been flagged to the applicant who, at the time of writing, was organising an Ecologist to carry out the survey. Should a roost be found consideration can be given to the retention of the tree as a feature of the site whilst acknowledging that the tree is not protected

by a Tree Protection Order (nor is it a suitable candidate for such protection) and the development is likely to cause further decline. As such if a roost is found it is likely that removal and mitigation will be required including a licence from Natural England.

### **Planning Balance**

- 5.66 It is clear from the above report that had the Local Plan been at a more advanced stage, the principle of development would have been likely to be accepted. However, given the limited weight to be given to the plan the development of this site for housing is not currently supported by adopted policy and development should only be approved if other material considerations outweigh this policy position.
- 5.67 Whilst the Local Highway Authority is satisfied that the existing road network and proposed layouts will adequately provide for the development, there is a strong local view that the now proposed link through from the Wilbert Farm site will have a significant, beneficial impact in reducing the impact of traffic on Sandhill Lane and the existing mini-roundabout on Bedale Road. It is considered that this is a material consideration to which weight can be given, against the lack of support for the development in the Local Development Framework.
- 5.68 In terms of the technical assessment of the scheme, it is considered that the design and layout, housing mix and drainage are acceptable. The affordable housing quotient is below the policy target but is considered reasonable in terms of viability.
- 5.69 It is considered in this case that the additional weight given to the provision of the link road is sufficient to allow a recommendation of approval to be made in this instance.

### **6.0 Recommendation**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. Unless otherwise approved in writing by the Local Planning Authority the permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered and received:  
Planning Layout - 000 REV E received 16.09.2020  
House Type - NA20 Ashenford Floorplans - NA20/7/PL1 E received 11.05.2020

House Type - NA20Ashenford Elevations - NA20/7/PL2 E received 11.05.2020  
House Type - NA32 Byford Floorplans - NA32/7/PL1 F received 11.05.2020  
House Type - NA32 Byford Elevations - NA32/7/PL2 A received 11.05.2020  
House Type - NA42 Huxford Floorplans - NA42/7/PL1 F received 11.05.2020  
House Type - NA42 Huxford Elevations - NA42/7/PL2 A received 11.05.2020  
House Type - NB32 Colton Floorplans- ND40/7/PL1 D received 11.05.2020  
House Type - NB32 Colton Elevations- ND40/7/PL2 F received 11.05.2020  
House Type - ND40 Coltham Floorplans - NB32/7/PL1 F received 11.05.2020  
House Type - ND40 Coltham Elevations - NB32/7/PL2 E received 11.05.2020  
House Type - ND42 Kingham Floorplans - ND42/7/PL1 G received 11.05.2020  
House Type - ND42 Kingham Elevations - ND42/7/PL2 H received 01.10.2020  
House Type - PD30 Amersham Floorplans - PD30/7/PL1 E received 11.05.2020  
House Type - PD30 Amersham Elevations - PD30/7/PL2 received 30.09.2020  
Single Garage Central Door - MF:SG received 01.10.2020  
Single Garage - HG:SG received 01.10.2020  
Boundary Treatment Layout - 01 REV D received 16.09.2020  
Boundary Treatment Details - 20329-BTD received 05.03.2020  
Planting Plan - Sitewide Layout and Schedules - Drawing No. BR\_LP100 REV B  
Planting Plan Sheet 1 - BR\_LP001 REV B received 01.07.2020  
Planting Plan Sheet 2 - BR\_LP002 REV C received 24.09.2020  
Planting Plan Sheet 3 - BR\_LP003 REV B received 01.07.2020  
Planting Plan Sheet 4 - BR\_LP004 REV B received 01.07.2020  
Landscaping Management Plan YD2\_BR LMR001 - Rev A received 02.10.2020

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and



connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

6. The development must not be brought into use until the existing access onto BEDALE ROAD has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
7. There must be no access or egress by any vehicles between the highway and the application site at BEDALE ROAD until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. There must be no access or egress by any vehicles between the highway and the application site at BEDALE ROAD until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
10. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
12. No development for any phase of the development shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the

- permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
1. details of any temporary construction access to the site including measures for removal following completion of construction works;
  2. restrictions on the use of existing field access for construction purposes;
  3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  4. the parking of contractors' site operatives and visitor's vehicles;
  5. areas for storage of plant and materials used in constructing the development clear of the highway;
  6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
  7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
  8. protection of carriageway and footway users at all times during demolition and construction;
  9. protection of contractors working adjacent to the highway;
  10. details of site working hours;
  11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
  12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
  13. measures to control and monitor construction noise;
  14. an undertaking that there must be no burning of materials on site at any time during construction;
  15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
  16. details of the measures to be taken for the protection of trees;
  17. details of external lighting equipment;
  18. details of ditches to be piped during the construction phases;
  19. a detailed method statement and programme for the building works; and
  20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
13. The site shall be developed with separate systems of drainage for foul and surface water.
14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the application site until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

15. Site clearance works including removal of trees, scrub and vegetation, earth-moving and groundwork's shall take place outside of bird nesting season, March to August inclusive, unless a bird nesting check/survey is carried out by a suitably qualified ecologist within 48 hrs prior to the works and no nesting birds/active nests are found to be present. The results of the check/survey shall be submitted to the Local Planning Authority prior to the works commencing.
16. Prior to the occupation of the development, hereby approved, an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will set out all necessary ecological mitigation and enhancements measures and timing for implementation, including those specified in Section 6 of the Breeding Bird Survey conducted by Biodiverse Consulting and received by Hambleton District Council on 25.06.2020.
17. A) No demolition/development shall commence until a Written Scheme of Investigation for a Strip, Map and Record has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - 1.The programme and methodology of site investigation and recording
  - 2.Community involvement and/or outreach proposals
  - 3.The programme for post investigation assessment
  - 4.Provision to be made for analysis of the site investigation and recording
  - 5.Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - 6.Provision to be made for archive deposition of the analysis and records of the site investigation
  - 7.Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).  
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
18. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

19. Notwithstanding the details shown on the approved plans, development above foundation level shall not commence until a scheme detailing arrangements and specification for the provision of the link road between the application site and the Wilbert Farm site to the north shown on plan ref Planning Layout - 000 REV E received 16.09.2020 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed before 75% of the market units are occupied and shall be retained for the lifetime of the development.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP30.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
5. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
6. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
7. In the interests of highway safety
8. In the interests of highway safety.
9. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
10. To establish measures to encourage more sustainable non-car modes of transport.

11. To ensure the retention of adequate and satisfactory provision of off street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity.
12. In the interest of public safety and amenity
13. In the interest of satisfactory drainage and to avoid pollution of the water environment
14. To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the public sewer network.
15. To ensure that no active nests of breeding birds are present before works commence.
16. To ensure that the development provides satisfactory mitigation and enhancement of habitats and biodiversity.
17. In accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.
18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
19. To ensure the link road, which has been given weight in the decision making process, is provided and retained for the life of the development.

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**Parish: Hushwaite**  
Ward: Raskelf & White Horse  
**3**

Committee date: 29 October 2020  
Officer dealing: Mr. M. Pearson  
Target date: 22 October 2020

**20/01426/OUT**

**Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath**

**At OS Field 8464, Highthorne Lane, Hushwaite**

**For Daniel Gath Homes**

**This application is referred to Planning Committee as the application is a departure from the Development Plan**

## **1.0 Site, Context and Proposal**

- 1.1 The site is located on the south side of Highthorne Lane to the south of Hushwaite and immediately adjacent to the boundary of the Hushwaite Conservation Area. The 0.47ha site sits in the north-east corner of a larger agricultural field that rises to the higher ground to the south. In addition, only the northern boundary of the site adjacent to Highthorne Lane is defined by intermittent hedgerows and trees, whilst the remaining boundaries are open to the wider field. A public bridleway runs along the eastern boundary of the application site and a public footpath runs along the western edge of the field and this continues north towards the village. Adjacent, to the north-east boundary is a triangular shaped grass verge that contains a number of mature trees.
- 1.2 The site is surrounded to the south and west by agricultural land that forms the rural context to the village. Further to the west is the Grade II listed Highthorne Farmhouse and the complex of farm buildings that sit on the higher ground above Highthorne Lane. Opposite the application site on the north side of Highthorne Lane are a variety of late twentieth century two storey detached dwellings, generally constructed in brick with pitched concrete pantile roofs. The properties are set back from the highway behind modest front gardens and are accessed via a driveway that leads to garaging. To the east, beyond the bridleway, located at the junction of Highthorne Lane are two late twentieth century detached two storey dwellings (Alford House and Drake House) that are set in generous grounds and are constructed in brick with a concrete pantile roof.
- 1.3 The application is in outline form, the only matter that is not reserved for later approval is “access”. The details are shown on an indicative site layout plan. This illustrates a proposal to provide five detached dwellings with garaging sat on the northern edge of the field. Each home would be accessed via individual driveways. The indicative mix is – three x two bedroom bungalows, one x three bedroom two storey house and one x five bedroom two storey house.

The two storey dwellings would be at the east end of the site whilst the three bungalows would be to the west. An illustrative landscape plan also accompanies the application submission.

## **2.0 Relevant Planning History**

2.1 No relevant planning history.

## **3.0 Relevant Planning Policies**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 – Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 - Site accessibility  
Development Policy DP4 - Access for all  
Development Policy DP8 - Development Limits  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP28 - Conservation  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework  
Size, Type and Tenure of New Homes SPD - adopted September 2015

Emerging Local Plan Policy

Hambleton Local Plan Publication Draft July 2019

Policy S 1 - Sustainable Development Principles  
Policy S 3 - Spatial Distribution  
Policy S 5 - Development in the Countryside  
Policy S 7 - The Historic Environment  
Policy HG 2 - Delivering the Right Type of Homes  
Policy HG 5 - Windfall Housing Development  
Policy E 1 - Design  
Policy E 2 - Amenity  
Policy E 3 - The Natural Environment  
Policy E 5 - Development Affecting Heritage Assets  
Policy E 7 - Hambleton's Landscapes  
Policy CI 1 – Infrastructure Delivery  
Policy CI 2 - Transport and Accessibility  
Policy RM 2 - Flood Risk



## Policy RM 3 - Surface Water and Drainage Management

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

### 4.0 Consultations

#### 4.1 Husthwaite Parish Council – The Parish Council made the following detailed comments, verbatim:

This proposed development is outside of Husthwaite's Development Limit and therefore the Parish Council is unable to support the application.

That said, the Parish Council acknowledge that Husthwaite is designated a Service Village in the 2014 Settlement Hierarchy and understand that in the Interim Policy Guidance, small scale development (up to 5 dwellings) adjacent to the main built form of a settlement will be supported as long as it respects and reflects the unique character and built form of the village.

Therefore, if Hambleton District Council is minded to approve this application, Husthwaite Parish Council would request that the following conditions be met:-

- The development **must** support the unique character of Husthwaite and only be allowed in a linear arrangement along Highthorne Lane.
- The development **must** replicate the character and appearance of neighbouring dwellings and be of a similar density, so there should be a **maximum** of five good quality detached properties.
- Highthorne Lane **must** be widened to accommodate the access / egress points to the new properties (with appropriate site lines) as well as the extra traffic that these properties would generate.
- All new properties **must** have sufficient off-street parking.
- A detailed Construction Maintenance Plan **must** be in place **before** development starts, with relevant conditions agreed for construction traffic, storage of materials, vehicle parking, etc.

In addition Husthwaite Parish Council would like an assurance that further development will not take place in the rest of this field and would like to see highway improvements to the rest of Highthorne Lane.

- 4.2 NYCC Highways Authority – No objection but recommend conditions regarding the provision of public footpath along the site frontage, the widening of Highthorne Lane, turning and parking areas, visibility splays, verge, access details, on-site parking, and on-site storage and construction traffic during development.
- 4.3 NYCC Footpaths – No objection.
- 4.4 Yorkshire Water - No objection but recommends a condition relating to separate systems for foul and surface water disposal.
- 4.5 Ramblers Association – Observations as noted below:

When coming south from Flower of May towards Alford House one reaches the crest of the hill and sees the field and houses on the north side of the Highthorne Lane, which appear to sit in the landscape. We believe houses (or preferably only bungalows) would have a greater impact on the landscape.

This lane constitutes a natural limit to the village, with a few trees where the bridleway meets the lane.

We believe the tree on the south side of the lane, where the road narrows, is worth keeping. Should you agree to this application we would ask that you condition hedging rather than fencing to the boundaries of the site, including a selection of local native trees within the hedges to reduce the impact.

- 4.6 MOD – No objection but notes as this an outline application and in light of the development falling within Statutory Safeguarding Zones, precise detail will be required at Full Planning/Reserve Matters stages relating to the height of the dwellings and specific detail regarding the landscaping/SUDS scheme in order to carry out the required assessments.
- 4.7 Site notice and Neighbour Notification – 9 observations in support of the proposal and 2 neutral comments as summarised below:
- Local developer who takes on local apprentices and has reputation for building good quality homes.
  - Small scale sustainable growth has happened for generations and should be encouraged
  - The proposal would site well with the mimicking the houses opposite and is good location for growth of the village
  - Bungalows would limit the visual impact of the development and would provide a much needed typology for the elderly who may wish to downsize and remain in the village
  - New residents would contribute to the vitality of the village through use of the pub, village hall, school and church

40 observations objecting to the proposal as summarised below:

- No justified need for the development when there are other infill sites with permission waiting to be developed (19/00139/FUL & 18/02100/REM)
- Impact on open countryside and loss of a field of a fine shape and form that represents the undulating countryside in the area

- Proposal not in keeping with surrounding
- Loss of agricultural land
- Will set precedent for further development within the field and along the lane
- Highways concerns relating to narrow single track lane, conflict with walkers, cyclists and horse riders
- Loss of possible ancient hedgerow, trees and impact on wildlife
- Concern about the levels of Radon Gas in the village
- No affordable housing proposed
- No consultation with the local community and does not comply with Husthwaite Parish Plan (2006)
- Impact on the Husthwaite Conservation Area and the ANOB
- Possible impact on line of probable Roman road between Malton and Aldborough
- Loss of part of a medieval field system
- Impact on tourism
- Have Natural England been consulted - Bio-diversity, scientific interest or area of special conservation.

## **5.0 Analysis**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) housing, size, type and tenure; (iii) the impact on the character of the village; (iv) residential amenity; (v) highway safety and (vi) flood risk and drainage.

### **Principle of Development**

- 5.2 Policy CP4 of the Local Development Framework restricts development located in the open countryside. However, following the publication of the National Planning Policy Framework (NPPF), the Council adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements. The IPG allows for a limited amount of new residential development in or abutting existing villages in the countryside, provided certain criteria are met. A revised Settlement Hierarchy now includes Husthwaite within the sub category of "Service Villages". The IPG states "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by supporting the functions of the local community AND where it meets ALL of the following criteria:
- i. Development should support local services including villages nearby;
  - ii. Development must be small scale, reflecting the existing built form of the settlement;
  - iii. Development must not have a detrimental impact upon the natural, built and historic environment;
  - iv. Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
  - v. Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
  - vi. Development must conform with all other relevant LDF policies.

- 5.3 The principle issue to be determined relates to criterion i), which only allows new development outside Development Limits if it supports local services and as such contribute to sustainable development. Husthwaite is considered to be a service village. Whilst it is noted some public comments state that the village shop has closed recently and the Public House is now on the market, Husthwaite is still considered to be a service village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Husthwaite is allocated as a Service Village within Policy S3 and therefore the principle of residential development would still be considered acceptable under the emerging policy.

### **Housing Size, Type and Tenure**

- 5.4 With regard to the scale of the development, the proposal for five dwellings is considered to be appropriate to satisfy the requirements of the IPG. The indicative details show three x two bedroom bungalows, one x three bedroom two storey house and one x five bedroom two storey houses. This mix would provide 80% - 20% ratio in favour of the required smaller two and three bedroom properties which is considered to be acceptable. On the basis of the indicative details the mix is considered to be satisfactory and would generally accord with the SHMA and therefore the housing mix requirements contained within LDF Policy DP13. With regard to the emerging Local Plan the proposal would satisfy Policy HG2 as the indicative mix reflects the need for smaller dwellings noted within the SHMA. This mix would be able to be conditioned should the application be approved.

### **Character of the Village**

- 5.5 With regard to criterion 2 of the IPG, development must reflect the existing built form and character of the village. The aim of the IPG is to allow organic growth which reflects the historic development of the village. Husthwaite developed as a village laid out around an east/west main street with an access route from the south that connects to the centre of the village. The development pattern followed a linear approach with a variety of building types and forms positioned on both sides of these principal routes. On the secondary lanes around the village development is generally isolated and limited to farm complexes and individual properties. The application site is located on a secondary lane and sits opposite a short run of five detached houses constructed in the late twentieth century that are not considered to be reflective of the historic pattern of development within the village. The indicative site layout drawing indicates that three of the dwellings would be bungalows. The proposed juxtaposition of the dwellings would be suburban in character which does not reflect the built form of the village. Whilst the established character of this short section of the lane is that of ribbon development, it is considered inappropriate to add to the incongruous form of development on the south side of the lane. On this basis the proposal is not considered to satisfy criterion 2 of the IPG. It does not take into the account the character, setting, local identity or local distinctiveness required by design policy DP32 of the LDF or the integration of landscaping required by landscape policy DP33 of the LDF. With regard to the emerging Local Plan the proposal is not considered to satisfy the relevant parts of Policies S1, HG5, E1 or E5.

- 5.6 Criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The application site is located adjacent to the Husthwaite Conservation Area which is focused around the historic village core along High/Low Street and extends south along The Nookin. The site forms part of the wider rural setting to the village and is therefore considered to contribute to the significance of the designated area. The development of part of a field enclosure that positively contributes to the setting of the village and is visible from public highways and public footpaths, both within and on the approach to the designated area, is considered to cause harm. In addition, it is considered that the single storey form of the proposed bungalows together with the linear layout fails to reflect the character of development within the wider village. In terms of section 16 of the NPPF the level of harm is considered to be “less than substantial”. On this occasion the identified harm is not considered to be outweighed by any public benefit, being in the most part the provision of new homes, including the provision of bungalows and wider economic benefits from development. It is noted that the site is located a significant distance to the west of the Grade II listed Highthorne farmhouse and given the separation distance, intervening buildings and landscape it is considered that the proposal would not impact on the setting of this heritage asset.
- 5.7 On the basis of the above it is considered that the proposal would not satisfy criterion 3 of the IPG and the impact of the proposal on the setting of the conservation area would not satisfy the requirements of section 16 of the NPPF or protect the conservation area in accordance with Policy DP28 of the LDF. In terms of the emerging Local Plan the proposal would not satisfy Policies HG5 and E5.
- 5.8 A number of observations relate to the loss of the agricultural land but it is noted that only a relatively small area would be lost on this occasion and therefore this loss is considered acceptable. The submitted Habitat Survey and Ecological Survey notes that there are no protected species on the site and the hedgerows within the site are not considered to form part of a pre-1600 estate/manor or form an integral part of a pre-parliamentary field enclosure. However, the proposed individual driveways results in a significant proportion of the hedgerow to be lost. Furthermore, the required road widening and provision of a footpath is likely to result in the loss of the hedgerow. On this basis the proposal is not considered to satisfy criterion 3 of the IPG. It would have a detrimental impact on the distinctive qualities of the site as noted within LDF policy DP30, nor take into the account the character, setting, local identity or local distinctiveness required by Policy DP32 of the LDF or the integration of landscaping also required by landscape policy DP33 of the LDF. With regard to the emerging Local Plan the proposal is not considered to satisfy Policies HG5, E3, E5 and E7.
- 5.9 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. The site is located on the south side of the lane defined by a single field enclosure on rising ground that sits behind a hedgerow and the undulating topography which the field enclosure forms part

of is considered to be important to setting of the village. In views from Highthorne Lane and The Nookin the development would read as an obvious anomaly within the landscape and would be incongruous to the character of the south side of Highthorne Lane. The landscape impact is further compounded by the opportunity for short distance views across the site from the adjacent public bridleway immediately to the east and medium distance views from the public footpath that runs along the western edge of the field enclosure. In addition, limited longer distance views towards the site are possible from the public footpath to the north-west. In these views the proposed development would be clearly read as sitting to the south of the existing built form of the village. On this basis the proposal is not considered to satisfy criterion 4 of the IPG. It would have a detrimental impact on the distinctive qualities of the site as noted within LDF policy DP30 and it does not take into the account the character, setting, local identity or local distinctiveness required by Policy DP32 of the LDF. In terms of the emerging Local Plan the proposed development would not satisfy Policies HG5, E1, E5 and E7.

### **Residential Amenity**

- 5.9 Given the separation distance from the properties to the north and east the proposal is not considered to raise any overlooking concerns. On the basis of the above it is considered that the proposals do not raise any amenity concerns to the surrounding properties to the north or east and would therefore protect amenity in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

### **Highway Safety**

- 5.10 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. It is noted that NYCC Highways Authority recommends conditions regarding the provision of a public footpath along the site frontage and the widening of Highthorne Lane. This illustrates that the development is not capable of being accommodated within the existing infrastructure of the village and thus would not satisfy criterion v). In any event, the provision of a footpath and road widening is not considered to be an appropriate design response in this location. The proposal would in effect provide a footpath that is not able to connect to existing provision within the village and the localised widening is likely to result in the loss of the grass verge and hedgerow which would have a negative effect on the character of the area. On this basis the proposal is not considered to satisfy Criterion 5 of the IPG, although it is noted that on the basis of the ability to impose conditions relating to highway safety, the application would satisfy requirements of LDF Policies DP3 and DP4. In terms of the emerging Local Plan the proposal would not satisfy Policies CI 1 or CI 2.

### **Flood Risk and Drainage**

- 5.11 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low

probability). The site has been assessed as being at low risk from other forms of flooding.

- 5.12 The scheme is proposed to drain foul water to the public sewer and for surface water to go to soakaway or other sustainable drainage system. No detailed drainage layout has been provided. However, it is noted that Yorkshire Water raises no objection subject to the provision of separate foul and surface water provision. This can be controlled by a suitably worded condition and therefore the proposal is not considered to raise any flood risk or drainage concerns. It is therefore considered to satisfy flood risk Policy DP43 of the LDF and emerging Local Plan Policies RM1 and RM2.

### **Other Matters**

- 5.13 Public observations have been made regarding the levels of Radon Gas in Husthwaite. This is not a planning matter and is controlled by other legislation. A public comment has been submitted that refers to the impact of the proposal on the line of a Roman Road. Research shows that a Roman Road may follow Malton Road. NYCC Heritage Services have no records for a Roman road in this area and cannot verify the comments from the member of the public in this instance. A further public comment has been received regarding the potential for the development to impact on tourism. Whilst it is acknowledged that the site is located adjacent to a popular walking route, given the application is for residential development, it is not considered that the proposal would impact on the use of the footpath to such an extent to impact on tourism within the village or wider district.

### **Planning Balance**

- 5.14 Whilst the site is considered to be in a sustainable location in principle, the dwellings proposed on this site together with the required road widening are considered to result in a harmful impact on the character of the area and the setting of the adjacent Husthwaite Conservation Area. In accordance with section 16 of the NPPF the level of harm to the designated area is considered to be "less than substantial" and on this occasion the identified harm is not considered to be outweighed by any public benefit. Whilst there are considered to be no harmful impacts in terms of highway safety, flood risk or local residential amenity the benefits to the local economy and through the provision of additional housing, is not considered sufficient to off-set the harmful impacts.

## **6.0 Recommendation**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:

The proposal would result in a loss of openness of the countryside which contributes to the setting of the village and the Husthwaite Conservation Area. Furthermore, the proposed residential development would be incongruous and have a harmful impact on the character and appearance of the settlement and the setting of the Husthwaite Conservation Area. The proposed development is considered to fail to meet the requirements of the

Council's Interim Policy Guidance, LDF Policies DP28, DP30, DP32 and DP33, and Section 16 of the NPPF.



**Parish: Huby**

Ward: Huby

**4**

Committee date: 29 October 2020

Officer dealing: Kate Williams

Target date: 2 October 2020

**20/01644/FUL**

**Part retrospective application for extensions, alterations, changes to the fenestration and proposed change of use of barn/garage building into a self contained dwelling with associated parking.**

**At Misty Meadows Bell Lane Huby North Yorkshire**

**For Ms Janine Bower**

**This application is referred to Planning Committee as the proposed development is a departure from the Development Plan.**

## **1.0 Site, Context and Proposal**

- 1.1 This is a full planning application for the conversion of an outbuilding to form an independent dwelling. The proposed unit is for the applicant's own use. The primary dwelling is Misty Meadows, and the building to be converted is within the associated domestic curtilage. The outbuilding is a simple two storey brick building with a pitched roof.
- 1.2 The site is approximately 140m outside of the development limits of Huby and to the south east. The site is within Flood Zone 1 on the Environment Agency Flood Risk Map.
- 1.3 The site is accessed via a shared drive which passes Nooks Cottage and serves Misty Meadows. The application site boundaries are open to the east and south. To the north is a high brick wall, to the west is a recently cleared area which leads to paddocks enclosed by mature trees, beyond this area is a tennis court for another nearby dwelling.
- 1.4 The proposals include extending the outbuilding with simple gable form extensions to the east and west elevations. The proposed accommodation at first floor comprises three bedrooms, and at ground floor comprises a dining/kitchen, lounge and bathroom. The cleared area to the west of the outbuilding would be the garden and parking area for the new dwelling. It is proposed to divide the existing yard to provide separate domestic curtilages for each property.

## **2.0 Relevant Planning and Enforcement History**

- 2.1 The current arrangement within the outbuilding comprises garages and additional, ancillary living accommodation at ground and first floor. There are no planning records of this. The applicants advise the Local Planning Authority that they were in this use for 19 years before their ownership of the property.

## **3.0 Relevant Planning Policies**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP8 - Type, size and tenure of housing

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP36 - Waste

Development Policies DP42 - Hazardous and environmentally sensitive operations

Development Policies DP43 - Flooding and floodplains

Emerging Local Plan- Hambleton Local Plan Publication Draft July 2019

The following draft policies are considered material:

S5 - Development in the Countryside  
E1 - Design  
E2 - Amenity  
E3 - The Natural Environment  
CI2 - Transport and Accessibility  
RM3: - Surface Water and Drainage Management

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

#### **4.0 Consultations**

- 4.1 Parish Council - Huby Parish Council object to application 20/01644/FUL on the grounds of over-development of the site, it being too close to neighbouring properties, and an unreasonable burden on the road with access problems to Nook Cottage being blocked a possibility. Also, a blind bend in the drive means additional traffic movements would not be practicable.
- 4.2 NYCC Highways Authority - No objection. A standard condition in relation to parking layout is recommended.
- 4.3 Environmental Health Officer - No objection or conditions.
- 4.4 Environmental Health - Contaminated Land - No objection or conditions.
- 4.5 Street Naming & Numbering - An application would be required.
- 4.6 Kyle & Upper Ouse Internal Drainage Board - No objection. A condition is recommended if surface water is to drain to the watercourse.
- 4.7 Yorkshire Water - No objection. Recommend condition to protect Yorkshire water infrastructure.
- 4.8 Public comments – One representation has been received. The adjacent neighbour and owner of the access from Bell Lane objects to the development. Their concerns are summarised as follows:

- Increase in traffic causing disturbance, inconvenience and noise.
- The increase in vehicles using the access would create an unfair burden on its maintenance.

## **5.0 Analysis**

- 5.1 The main issues to consider are: i) principle of development; ii) impact upon residential amenity; iii) character and visual impact; iv) highway safety; v) contaminated land; vi) drainage; vii) ecology and trees

### **Principle of Development**

- 5.2 Core Strategy Development Plan Document (CS) Policy CP4 is an overarching policy supportive of proposals in settlements or countryside where it would re-use existing buildings without substantial alteration and help support a sustainable rural economy. The Development Policies Development Plan Document (DP) Policy DP9 is also permissive of such development where it meets the provisions of CP4. Policy CP4 generally seeks to permit housing development outside of settlements (including conversions of buildings) only in exceptional circumstances where it meets the objectives of Policies CP1 and CP2.
- 5.3 In terms of Policies CP1, CP2 and CP4 the development site is located close to the village of Huby and is well served by public footpaths into the core of the village, where there are facilities, services and options for means of transport other than the private car. The proposal is substantially a conversion, and therefore already forms part of the existing built form and character of the village and does not encroach unacceptably into open countryside. The proposal is of a scale which is appropriate in terms of housing size. The proposed unit equates to a two bedroom, three person house, where the space standard is 70sqm. The proposed unit is in excess of 120sqm and as such is compliant with the Nationally Described Space Standards. The site is in proximity to a sustainable village in which the increase in population resulting from the development would support the services, both in Huby and the nearby village Sutton on the Forest (Huby and Sutton on the Forest are cluster villages referenced within the IPG). In this case, there is no conflict with the aims of these policies.
- 5.4 Material to the decision on this application is the Council's Interim Policy Guidance (IPG). Although the proposal falls to be assessed against CP4, due to its distance from the village, it would fulfil the specific criteria 1-5 in the IPG.
- 5.5 The National Planning Policy Framework (NPPF) is a material consideration in planning decisions (paragraphs 2 and 47). It advises that Local Planning Authorities may give weight to relevant policies in emerging plans according to

their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF (paragraph 48).

- 5.6 The Council's emerging Local Plan (eLP) was published in draft in July 2019, with the Local Plan Inquiry hearings due to commence in October 2020. The eLP Policy S5 is consistent with the NPPF in terms of paragraph 78, specifically, the consistency is the emphasis on supporting rural housing where it represents sustainable development and will enhance or maintain the vitality of rural communities. The proposal would fulfil the objectives of both national and emerging local policy.
- 5.7 Whilst the eLP carries limited weight at this time, the proposal would accord with eLP Policy S5, the NPPF paragraph 78 and the IPG which together are material considerations, which in this circumstance attracts weight in the decision.

### **Residential Amenity**

- 5.8 The maintenance, upkeep and use of the access is not a material planning consideration being a private, civil matter. However, neighbouring residents could be affected by additional vehicles passing their property. The neighbouring dwelling is set in a large plot, with private garden space away from the access. The neighbouring boundary with the access is well formed by a brick wall and planting, and the area in front of the dwelling used for parking. An increase in vehicular movements from one new dwelling is unlikely to have an unacceptable impact in terms of loss of privacy or disturbance or result in a situation significantly different from the current scenario. Amenity in other respects is sufficiently preserved.
- 5.9 The physical relationship and access arrangements with Misty Meadows is close, but direct overlooking would be avoided. Private garden amenity space can be provided. Future occupiers of either Misty Meadows or the proposed dwelling would be aware of the relationship and access arrangements.
- 5.11 The proposal does not provide information regarding the delineation of boundaries, but these details can be controlled by the imposition of an appropriate condition. The aim of the condition for boundary treatment would be to screen part of the curtilage in front of the proposed new residential unit and to provide privacy and amenity. This has been discussed with the applicant.
- 5.12 The proposal overall would provide a satisfactory level of residential amenity for future occupiers. The outlook from bedrooms 2 and 3 is limited, but as they are served by rooflights, this is on balance considered to be acceptable. There is a window to both new gables, one of which would be obscured to the master

bedroom where it would reduce the impact upon neighbouring land. The remaining window is to a hall.

- 5.13 The proposal would meet the requirements of Policy DP1 and Policy E2 of the emerging Local Plan, but a condition is recommended to be imposed on any grant of planning permission which relates to permitted development restrictions. This is in order to protect the amenity of Misty Meadows, Nooks Cottage and the wider countryside from possible construction of further extensions and outbuildings in the domestic curtilage.

### **Character and Visual Amenity**

- 5.14 The proposed extensions are not out of character with the host building. The extensions will elongate the building, but they are not substantial alterations. Matching materials are proposed, retaining the overall character of an outbuilding. The site is part of the domestic curtilage of an existing dwelling and well screened from public views, thus there is no unacceptable visual or character impact upon the area or countryside. In addition, landscape around the site is already established.
- 5.15 The proposal respects the character of the settlement and local distinctiveness meeting the requirements of Policies CP16, CP17, DP30, DP32, DP33 as well as Policies E1 and E3 of the emerging Local Plan.

### **Highway Safety**

- 5.16 There have been concerns raised regarding additional traffic. The access is already used by the applicant, and there may be an increase in incidences of having to wait, and minor inconvenience if new occupiers do this also. Whilst the concerns are noted, the access would not be shared by an excessive number of units. This section of Bell Lane is also wide and straight accommodating vehicles that may need to pass, and it is possible for both to reverse back on the driveway. Importantly, the Highways Authority has not raised any concern over the additional use of the access or road safety.
- 5.17 Parking provision is over and above what would be required for a dwelling of this size, but there is space on site to accommodate this. In the interest of suitable drainage, it is recommended that a condition is imposed to ensure the surface treatment for this is permeable. In addition, a condition requiring details of cycle storage is attached to ensure the proposal would accord with Policies DP3 and DP4.

## **Contaminated Land**

- 5.18 The applicant/agent has not identified any potential sources of contamination. The Environmental Health officer considers the risk of contamination affecting the development or end users is low. The proposal would therefore accord with Policy DP42.
- 5.19 There are no details provided regarding refuse collection. However, the site is large enough to accommodate this within its curtilage. In the interests of neighbouring amenity, a condition will be attached to secure this and comply with Policy DP36.
- 5.20 In order to increase options for renewable energy an electric vehicle charging point could be imposed but given the proximity of the dwelling to the parking area, this could be accommodated within the dwelling itself.

## **Drainage**

- 5.21 The applicants have advised that surface water will drain via soakaway. Foul sewage is to be disposed via mains sewer. Consultees raise no significant concerns in this respect and the proposal would meet the requirements of Policy DP6.
- 5.22 The Internal Drainage Board advise soakaways may not work, but given the building is already in situ and the site is predominantly hardstanding there is unlikely to be any significant increase in surface water, and a percolation condition is not considered necessary. The site is also within Flood Zone 1 which is at low risk from flooding. The proposal therefore accords with Policy DP43 and Policy RM3 of the emerging Local Plan.

## **Ecology and Trees**

- 5.23 The building is already in part domestic use and of substantial construction, not showing any visible defects to brickwork or the roof. In the absence of any evidence to the contrary, this would likely preclude the presence of bats. It is not considered necessary to require an ecological enhancement scheme given the scale of this conversion. However, the creation of hard standing for parking should be subject to the imposition of a condition to provide tree protection measures which would meet the requirements of Policy DP31.

## **The Planning Balance**

- 5.24 The application is recommended for approval as a conversion and with support from the Interim Policy Guidance Note. In all other respects the development conforms relevant LDF policies.

- 5.25 Consultees have raised no objections in respect of Highways issues, amenity, contaminated land and drainage. The recommended imposed conditions are reasonable and directly relate to the proposed development. The emerging Local Plan and the NPPF are material considerations which weigh in favour of the proposal, although only limited weight should be applied to the emerging Local Plan at the present time.
- 5.26 Development would entail some economic benefits. There would be temporary construction employment and secondary employment generated through increased spending in the local area by prospective residents, a 'new homes bonus' would be paid and additional Council Tax would accrue. The economic benefits are afforded some limited weight.
- 5.27 Adequate residential amenity can be provided, and neighbour amenity levels are maintained. The proposal would result in social gains through the provision of new housing in a sustainable location.
- 5.28 Environmental benefits would arise from utilising an existing structure without causing harm to the form and character of the village or adjacent countryside, which is afforded weight. The development provides a safe access, and environmental impacts can be mitigated.
- 5.29 The proposal accords with the Development Plan overall and would represent sustainable development when assessed against the policies in the Development Plan and the NPPF.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered: B262/6 Elevations and B262/2 Block Plan.
  3. The development shall not be commenced until a plan has been submitted to and approved in writing by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Submission of these details is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.



4. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
5. Prior to the first occupation of the dwelling hereby approved, details of bin storage shall be submitted to the Local Planning Authority for approval. The development shall be implemented in accordance with the approved details and retained for the life of the development.
6. Prior to the first occupation of the dwelling hereby approved details of secure cycle storage shall be submitted for the written approval of the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained for the life of the development.
7. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
8. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
9. The materials to be used for the windows, roof and external walls of the development hereby approved shall match those used in the host building.
10. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference "Block Plan Proposed" drawing no. B262/2. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
11. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public rising main i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand -off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected

area, the approved works have been undertaken.

12. Notwithstanding the submitted details, the first-floor window on the western elevation shall be obscurely glazed, and retained as such for the lifetime of the development. The level of obscure glazing shall be level 3 or above on the Pilkington Glass Privacy level or equivalent.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17, and DP32.
3. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
5. In the interest of the neighbouring residential amenity and sustainability in accordance with LDF policy DP1.
6. In order to encourage sustainable forms of transport and accessibility in accordance with LDF policies CP2 and DP3.
7. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
8. To ensure surface water runoff is not increased elsewhere in accordance with LDF Policies CP21 and DP42.
9. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
10. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with DPD Policy.

11. In in order to protect the local aquatic environment and Yorkshire Water infrastructure in accordance with LDF policies CP21 and DP43.
12. In the interests of the amenity of the development in accordance with LDF policies CP1 and DP1.

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**Parish: Northallerton**  
Ward: Northallerton South  
**5**

Committee date: 29 October 2020  
Officer dealing: Mrs Tracy Price  
Target date: 22 October 2020

**20/02013/CAT**

**Works to a tree in a conservation area - fell a large Acer tree  
At The Nursery School, 31 Romanby Road, Northallerton.**

**For Mrs Christine Trenholm**

**This application is referred to Planning Committee because the applicant is a relative of an employee of Hambleton District Council.**

### **1.0 Site, Context and Proposal**

- 1.1 31 Romanby Road is a detached property located within a predominately residential area within the Northallerton Conservation Area.
- 1.2 Consent is sought for works to an acer tree at The Nursery School, 31 Romanby Road. Permission is sought for the felling of the acer in rear garden, the tree is proposed to be felled as it is considered too large for its setting and is causing damage to the garden boundary wall.
- 1.3 The acer tree is located within the south, rear garden along the western boundary.

### **2.0 Relevant Planning and Enforcement History**

- 2.1 No relevant site history

### **3.0 Relevant Planning Policies**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP16 – Protecting and enhancing natural and man-made assets  
Development Policies DP1 - Protecting amenity  
Development Policies DP30 – Protecting the character and appearance of the countryside

Emerging Local Plan - Hambleton Local Plan Publication Draft July 2019  
As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

#### **4.0 Consultations**

4.1 Parish Council – No observations expiry 9<sup>th</sup> October 2020

4.2 Public comments – No observations expiry 9<sup>th</sup> October 2020

#### **5.0 Analysis**

5.1 The issues to be considered include the impact of the proposed works on the character and appearance of the Conservation Area and whether a Tree Preservation Order would be justified in this case.

5.2 The tree is partially visible from the street (Romanby Road) due to the size and location of the tree in comparison to the dwellings. It is considered that the tree in its own right does not significantly contribute to the character and appearance of the Conservation Area and the species is not considered appropriate for the domestic location. The particular species and the tree in question is not considered to be worthy of a Tree Preservation Order.

5.3 The replanting of more suitable trees for rear gardens is welcomed but there is no ability to enforce this planting through condition as planning conditions cannot be imposed on notifications for works to trees in a Conservation Area. However, the applicant is encouraged to plant a replacement specimen in an appropriate location.

5.4 It is noted that there are no objections to the proposed works. Taking all of the above into account it is considered that the proposal is acceptable, will satisfactorily comply with the above policies and is recommended for approval.

#### **6.0 Recommendation**

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC01, HDC02 received by Hambleton District Council on 10<sup>th</sup> September 2020 unless otherwise approved in writing by the Local Planning Authority.

#### **Reasons**

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP16, DP30



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