

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 26 September 2022

Dear Councillor

**Notice of Meeting**

Meeting           **Cabinet**

Date               **Tuesday, 4 October 2022**

Time               **9.30 am**

Venue              **Council Chamber, Civic Centre, Stone Cross, Rotary Way,  
Northallerton, DL6 2UU**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

<b>To:</b>	Councillors	Councillors
	M S Robson (Chairman)	P R Thompson
	P R Wilkinson (Vice-Chairman)	S Watson
	Mrs I Sanderson	D A Webster
	M G Taylor	

Other Members of the Council for information

Note: Members of the press and public are able to observe the meeting virtually via Teams. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID: 380 051 523# For further information please contact Democratic Services on telephone 01609 767015 or email [committeeservices@hambleton.gov.uk](mailto:committeeservices@hambleton.gov.uk)

## Agenda

## Page No

1. Minutes

To confirm the decisions of the meeting held on 6 September 2022 (CA.18 - CA.25), previously circulated.

2. Apologies for Absence

**Resources Management**

3. Grant for Refurbishment of Cobbles at Stokesley

1 - 4

This report concerns a grant the Council approved for the refurbishment of the town centre cobbles at Stokesley Town Centre which is associated with the surrender of the lease between Stokesley Town Council and Hambleton District Council. Specifically, the report considers whether the grant offer should now be withdrawn because of lack of progress.

In accepting the recommendation, Cabinet will approve the grant offer to Stokesley Town Council of £110,944 for remedial works on the cobbles be withdrawn.

**Relevant Ward(s): Stokesley Ward**

**Policy Implementation**

4. Domestic Extensions Design Guide Supplementary Planning Document Adoption

5 - 46

This report seeks approval and recommends to Council that the revised draft Hambleton Design Guide: Domestic Extensions Supplementary Planning Document is adopted. Annex 'A' of this report contains the revised version of the Supplementary Planning Document.

In accepting the recommendtaions, Cabinet will approve and recommend to Council that the revised Domestic Extensions Supplementary Planning Document be adopted and the previously adopted Domestic Extensions Supplementary Planning Document (December 2009) be revoked.

**Relevant Ward(s): All Wards**

5. Local Government Reorganisation - Staffing Matters

47 - 58

The purpose of this report is to seek authorisation to enter into a settlement agreement with the Chief Executive Officer as part of the implementation of the transition to a Unitary Authority for the County of North Yorkshire and approval of the terms thereof.

In accepting the recommendations, Cabinet will approve that the Council

enters into a Settlement Agreement with the Chief Executive Officer on the proposed terms; delegate power to the Deputy Chief Executive and the Director of Law and Governance (Monitoring Officer) jointly in consultation with the Leader to approve any subsidiary matters necessary to finalise the Agreement provided such matters do not contravene any of the matters set out in this report; fund any payments under the Agreement in the current financial year from the Council's Local Government Review Reserve; and recommend that the Council approve it as the appropriate response of the Council and passes similar resolution and makes the necessary amendments to any Pay Policy Statement, Redundancy and Restructuring Procedures or Retirement Policy that may be required to implement the agreement as set out in Appendix 2.

**Relevant Ward(s): All Wards**

6. Exclusion of the Public and Press

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting during consideration of item 7 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.

7. Local Government Reorganisation - Staffing Issues - Appendix 1

59 - 60

This report considers Appendix 1 in relation to Item 5 on the agenda.

**Relevant Ward(s): All Wards**

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## Hambleton District Council

**Report To:** Cabinet

**Date:** 4 October 2022

**Subject:** **Grant for Refurbishment of Cobbles at Stokesley**

**Portfolio Holder:** Economic Development and Finance  
Councillor P R Wilkinson

**Wards Affected:** Stokesley

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### **1.0 Purpose and Background**

- 1.1 This report concerns a grant the Council approved for the refurbishment of the town centre cobbles at Stokesley Town Centre which is associated with the surrender of the lease between Stokesley Town Council and Hambleton District Council. Specifically, the report considers whether the grant offer should now be withdrawn because of lack of progress.
- 1.2 In March 1999 the Council entered into a lease with Stokesley Town Council for land comprising an area of cobbles on the High Street in Stokesley town centre. The intention of the lease was to enable the creation of an Off-Street Parking Order by the Council which would enable car parking on the cobbles to be efficiently managed.
- 1.3 A dispute developed between the Council and Stokesley Town Council which became long running about the appropriate level of maintenance for the cobbles which could not be satisfactorily resolved. To bring the dispute to an end in September 2018 the Council agreed the following; to surrender the lease between the Council and Stokesley Town Council; to provide a grant to Stokesley Town Council to carry out remedial works to the cobbled areas; and to revoke the Hambleton District Council Off-Street Parking Places Order (Minute number CA.28). The grant agreed was a sum up to £110,944. Since this decision four years ago progress on implementing the actions has been slow.
- 1.4 In March 2022 Stokesley Town Council submitted a report describing a significant increase in costs and requested that the Council's grant be increased from £110,944 to £215,083. Cabinet considered this request at its meeting on 7 June 2022 (Minute number CA.5) and rejected it. The Council's view was that there is a shared responsibility for dealing with maintenance and refurbishment and that the request of the Town Council did not acknowledge this shared responsibility. A fairer position would be for each party to contribute to the costs and given that the Council's previous commitment amounted to 52% of the revised costs this was appropriate and no further grant was justified.

## **2.0 Developments Since the Decision**

- 2.1 The Council wrote to Stokesley Town Council on 11 July 2022 asking that in the light of Cabinet's decision (paragraph 1.4) whether the Town Council wished to proceed with the surrender of the lease and claim the grant of £110,944. Stokesley Town Council responded on 21 July 2022 saying that the funds should not be de-allocated and inviting the Council to enter a formal arbitration process, in respect of the grant sum, conducted by a qualified and experienced independent arbitrator following an appropriate Alternative Dispute Resolution protocol. The purpose would be to arbitrate on the Town Council's demand for the sum of £215,083.
- 2.2 Alternative Dispute Resolution was rejected on the basis that the Council's decision to reject the request to increase the grant to £215,083 had been properly made taking into account the relevant considerations and on legal advice that arbitration was premature and unnecessary in the circumstances and not justified in terms of the Council's responsibilities under lease.
- 2.3 The Council wrote to Stokesley Town Council again on the matter on 26 August 2022, this time requesting a decision on the acceptance of the original grant (£110,944) by the end of September otherwise Cabinet would reconsider the offer. At the time of writing this report Stokesley Town Council had not, as requested, confirmed their acceptance of the grant. If there is a change to this position Cabinet will be advised at the meeting.
- 2.4 Given the limited time remaining until vesting date on 31 March 2023, the lack of progress and impasse and the competing pressures on officer time, it is suggested that the grant offer be withdrawn and the matter be left to the new Council to determine.
- 2.5 This is considered an appropriate course of action because as Highway Authority the new North Yorkshire Council may wish to consider whether there are any wider traffic management implications associated with the surrender of the lease (this Council's original reason for taking on the cobbles was to secure efficient parking management in the town centre). Also North Yorkshire Council may also wish to consider the matter in the context of its "double devolution" initiative which could see the responsibilities for certain services and assets passed to Town and Parish Councils. It is understood that Stokesley Town Council have already expressed an interest in working on a pilot of what "double devolution could look like", so taking back responsibility for the town centre cobbles could fit with this work.

## **3.0 Link to Council Priorities**

- 3.1 The refurbishment of the cobbles would contribute to the Council's priority of providing a special place to live by enhancing Stokesley town centre.

## **4.0 Risk Assessment**

- 4.1 The key risks in approving the recommendation are:

<b>Risk</b>	<b>Implication</b>	<b>Gross Prob</b>	<b>Gross Imp</b>	<b>Gross Total</b>	<b>Preventative action</b>	<b>Net Prob</b>	<b>Net Imp</b>	<b>Net Total</b>
Surrender of the lease does not occur.	The Council maintains ongoing responsibility for maintaining the cobbles and enforcement of the Parking Order with the ongoing costs.	4	3	12	The Council budgets for the ongoing costs.	3	3	9
Refurbishment, renewal and relaying of the cobbles does not occur.	The physical condition and appearance of the cobbled areas declines.	4	4	16	The Council reviews its maintenance regime and delivers a strategy for this and budgets an appropriate sum.	3	3	9

4.2 The key risks in not approving the recommendation are as shown below:-

<b>Risk</b>	<b>Implication</b>	<b>Gross Prob</b>	<b>Gross Imp</b>	<b>Gross Total</b>	<b>Preventative action</b>	<b>Net Prob</b>	<b>Net Imp</b>	<b>Net Total</b>
Additional costs not currently budgeted for.	Funds withdrawn or reduced for other projects/programmes.	4	4	16	Make budget adjustments where the impact will be least.	4	1	4
Absorbs officer time on ongoing matters associated with the dispute.	Less officer time spent on Council priorities.	4	4	16	Withdraw offer of grant.	4	1	4

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

## 5.0 Financial Implications

5.1 On the basis of the previous estimate for the works the Council has made provision for £110,950 in its budget of which £104,450 remains.

## 6.0 Legal Implications

6.1 The Council has obtained external legal advice about its obligations under the lease and on the invitation to enter Alternative Dispute Resolution and this report is consistent with the advice received.

## **7.0 Equality/Diversity Issues**

7.1 Maintenance of the land in good order improves accessibility for users and therefore relates to the Council's equality and diversity responsibilities.

## **8.0 Recommendation**

8.1 It is recommended that the grant offer to Stokesley Town Council of £110,944 for remedial works on the cobbles be withdrawn.

Mick Jewitt  
Deputy Chief Executive

**Background papers:** None

**Author ref:** MAJ

**Contact:** Mick Jewitt  
Deputy Chief Executive  
Direct Line No (01609) 767053



## **Hambleton District Council**

**Report To:** Cabinet

**Date:** 4 October 2022

**Subject:** **Domestic Extensions Supplementary Planning Document Adoption**

**Portfolio Holder:** Planning  
Councillor D A Webster

**Wards Affected:** All Wards

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### **1.0 Purpose and Background**

- 1.1 This report seeks Cabinet approval and recommendation to Council that the revised draft Hambleton Design Guide: Domestic Extensions Supplementary Planning Document is adopted. Annex 'A' of this report contains the revised version of the Supplementary Planning Document.
- 1.2 The Supplementary Planning Document will, once adopted, replace the current Domestic Extensions Supplementary Planning Document (adopted December 2009) in support of the implementation of policies in the Hambleton Local Plan.
- 1.3 The draft Supplementary Planning Document has been subject to public consultation from 29 July to 9 September 2022. The draft document was available on the Council's planning consultation website and printed copies were available to view in the Council's offices and local libraries. The updated Consultation Statement that sets out information about the preparation of the draft Supplementary Planning Document, the details of the comments received and how the Supplementary Planning Document has been amended is attached as Annex B of this report.
- 1.4 In total 17 comments were received from 5 consultees. The comments were generally supportive in nature, concentrating on specific issues where the requirements and expectations could be clarified.
- 1.5 The issues raised were:
- subservience and setbacks
  - energy and resource efficiency and climate change
  - biodiversity and landscape enhancement and protected species;
  - protection for trees;
  - heritage assets and the impact of development, and conservation area appraisals;
  - the approach to design, including more modern and contemporary styles

- the benefits of natural light
- references to figures; and
- highway access and the strategic road network

1.6 The Supplementary Planning Document was amended as follows (paragraph and section numbering taken from the consultation draft):

- The addition of text at the end of paragraph 3.6 regarding extensions that are a continuation of the existing building.
- Text in paragraphs 3.29 to 3.32 has been amended to clarify the role of natural light in good design and energy efficiency.
- The addition of text at paragraph 5.6 to provide an example of improving energy efficiency.
- Text has been added at the end of paragraph 5.8 to clarify the benefits of shading.
- Text has been added at the end of paragraph 5.9 to provide an example of a water saving measure.
- Text has been added to paragraph 5.25 regarding the requirement for a 1 metre wide access as illustrated in Figure 14.
- A new paragraph has been added following 5.27, giving examples of ways development proposals can enhance biodiversity.
- Paragraph 5.28 has been expanded to include reference to Natural England's advice on planning applications that affect protected species and their range of species specific standing advice.
- The addition of text at paragraph 5.29 to clarify the approach to trees in the setting of heritage assets
- A new paragraph has been added following 5.35, addressing boundary treatments for visual screening and boundary planting.
- A footnote has been added to the first sentence of paragraph 6.2, as proposed by Historic England, identifying what a design and access statement should contain regarding impact on heritage assets.
- Text was added to paragraph 7.5, as proposed by Historic England, referring applicants to the conservation area appraisals that are available on the council's website.
- Reference to figures has been added in a number of places to aid clarity.
- A small number of corrections of typographic errors.

## **2.0 Link to Council Priorities**

2.1 The new Local Plan is a priority project for the Council and will help deliver the Council Plan vision of Hambleton as 'A Place to Grow'.

2.2 The Supplementary Planning Document will help implement policies and proposals contained within the Plan supporting the wider Council priorities of Driving Economic Vitality, Enhancing Health and Well-Being, Caring for the Environment and Providing a Special Place to Live.

### 3.0 Risk Assessment

3.1 The key risk is in not approving the recommendations as shown below:-

Risk	Implication	Gross Prob	Gross Imp	Gross Total	Preventative action	Net Prob	Net Imp	Net Total
The Supplementary Planning Document is not adopted	The Council's ability to secure appropriately designed domestic extensions and similar development will be compromised and will adversely affect communities and the environment	4	4	16	Approve the Supplementary Planning Document	1	4	4

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

3.2 There are no significant risks in approving the recommendations.

### 4.0 Financial Implications

4.1 There are no financial implications relating to the adoption of the document.

### 5.0 Legal Implications

5.1 There are no legal implications relating to the adoption of the document.

### 6.0 Equality/Diversity Issues

6.1 The Supplementary Planning Document will support the implementation of policies in the Hambleton Local Plan, as identified above in paragraph 1.2. An Equalities Impact Assessment was completed during the preparation of the Local Plan. No negative impacts were identified for relevant policies.

### 7.0 Recommendation

7.1 That Cabinet approves and recommends that Council:-

- (1) adopts the revised Domestic Extensions Supplementary Planning Document; and
- (2) revokes the previously adopted Domestic Extensions Supplementary Planning Document (December 2009).

Mick Jewitt  
Deputy Chief Executive

**Background papers:** Hambleton Local Plan  
Equality Impact Assessment Draft February 2020

**Author ref:** JC

**Contact:** James Campbell  
Planning Policy Manager  
Tel: 01609 767150

# Domestic Extensions

## Supplementary Planning Document

**Adopted  
October 2022**

## Hambleton Design Guide: Domestic Extensions SPD

### Versions:

Version 2 - September 2022 - Adoption version produced following consultation.

### Links to Websites

The SPD includes a range of links to websites providing supporting information, data or guidance. Every effort has been made to ensure that these links are up to date. As websites change these links can become invalid. In circumstances where links have become invalid please use a suitable search term for an internet search. A list of known issues detailing alternative links or workarounds will be maintained by the Council. Alternatively please contact Planning Policy at the email address above for guidance.

### Cross reference links

This SPD has been specifically designed for viewing onscreen. Cross references have been included in the text. These provide a clickable internal link to the reference in electronic versions (pdf and web).

### For further information please contact:

Planning Policy  
Hambleton District Council,  
Civic Centre  
Stone Cross  
Rotary Way  
Northallerton  
DL6 2UU

**Email:** [planning\\_policy@hambleton.gov.uk](mailto:planning_policy@hambleton.gov.uk)

**Telephone:** 01609 779977

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## 1 Introduction

1.1 This Supplementary Planning Document (SPD) sets out basic principles for the design of domestic extensions and alterations to dwellings. The guidance is based on the principles set out in national planning policy, the [National Design Guide](#) and the Hambleton Local Plan. Further information on these and other relevant policy can be found at the end of this document in section 7 'Policy context'.

### Purpose

1.2 This SPD is aimed at applicants for domestic extensions, their architects and others involved in the siting and design of extensions and alterations in the Hambleton planning area. This guide promotes a high standard of design at the domestic scale, and explains how planning policies will be applied to householder developments. It should also prove useful for those considering larger or more complex development, such as a self or custom built home.

1.3 The term 'extension' is used throughout the document. This refers to any physical enlargement of a house, including conservatories, garages, car-ports, rooms in the roof and porches. The requirements of this document will also be applicable to other projects, such as the conversion of a garage into habitable rooms.

1.4 The requirements set out in this document should be followed for all development when planning permission is required. In cases where planning permission is not required the Council would still encourage the relevant guidance to be followed.

1.5 Householder development in the North York Moors portion of the district is dealt with by the North York Moors National Park Planning Authority and is subject to their own policies.

1.6 You can find out whether your property is located within the North York Moors National Park on the [Do I need Planning Permission?](#) page of the Council's website. The page also includes a link to the [North York Moors National Park Authority website](#).

1.7 The contents of this SPD provides a range of guidance relevant to domestic extensions and alterations. The guidance is applicable to most areas within the built form of towns and villages. The Council acknowledges that for some areas these guidelines are less applicable, for example in town centres where buildings often adjoin each other or on the edge of villages where there is a more loose-knit character. There will also be some circumstances where a bespoke approach is appropriate, such as where a property is a conversion from a traditional agricultural building. All proposals will be considered on their own merits, taking account of all relevant policies and material planning considerations.



## 2 Getting started

- 2.1** When starting out it can be tempting to dive quickly into deciding on specific details. However, it can be beneficial to think carefully about what you want to achieve and what options there are to reach those goals. While this may seem unnecessary for a project such as an extension, it will help you if unexpected issues come up.
- 2.2** We recommend following these steps:
1. Find out what permissions and/or approvals you will need, guidance is set out in 'Do I need planning permission?' .
  2. Think about getting professional advice, guidance is set out in 'Seeking advice'.
  3. Speak to your neighbours, guidance is set out in 'Speak to your neighbours'.
  4. Carry out an assessment of your house and the surrounding area, see 'Site assessment' below for more information.
  5. Follow the guidance set out in sections 3 'Design principles', 4 'Design guidance' and 5 'Detailed considerations'.
  6. Submit your planning application.

### Do I need planning permission?

#### Planning permission

- 2.3** Extensions and other householder developments may not always need planning permission. In some instances alterations and extensions may be permissible under 'permitted development rights'. This depends on factors relating to the dimensions of the proposal, its siting, whether the house is a listed building or in a conservation area, or whether permitted development rights have been removed, which may be the case as a result of a previous planning permission.
- 2.4** Initial guidance to determine whether your proposal would be permitted development, or would require planning permission can be found on the [Planning Portal](#).

- 2.5** The [Do I need planning permission?](#) page of the Council's website has more information and guidance. This includes information about how to get written confirmation about whether planning permission is needed or not, which is known as a 'Residential Development Enquiry'.

#### Building regulations

- 2.6** Building regulations legislation is concerned with a wide range of aspects of buildings, including public health and safety, energy conservation and access. It is a separate requirement to planning permission. Consent for building regulations may be required for a house extension, even for works which are permitted development. Further guidance on building regulations is available from the [North Yorkshire Building Control Partnership](#).

#### Listed building consent

- 2.7** Listed building consent is required for all works both internal and external that would affect a listed building's special interest, whether or not the particular feature is specifically mentioned in the list description.
- 2.8** Essential advice and information regarding listed buildings is provided on the [Conservation areas and listed buildings](#) page of the Council's website.
- 2.9** Any repairs, alterations or extensions should be undertaken using traditional materials and techniques, ensuring they respect the scale, proportions and architectural merit of the host building.

#### Conservation areas

- 2.10** A conservation area is an area of special architectural or historic interest, where there is tighter control over development in order to preserve or enhance the character or appearance of the area. Details of whether your property is within a conservation area can be found on the [Conservation areas and listed buildings](#) page of the Council's website.
- 2.11** The design of proposals within conservation areas will need to respect the character of the area, through maintaining high quality design detail by the use of appropriate materials, scale, form and massing.

## 2 Getting started

**2.12** Some areas within Hambleton also have article 4 directions, which mean that some forms of development, that would be permitted development in other areas, require planning permission. You can find out if your property is located within a conservation area or article 4 direction area on the [Conservation areas and listed buildings](#) page of the Council's website.

### Seeking advice

**2.13** Informal verbal advice is available from the Council via a Duty Planning Officer, or a drop in service at the Civic Centre in Northallerton during office hours.

**2.14** Should a more detailed assessment be required, applicants are advised to engage in pre-application discussions with the Council. More Information is set out on the [Do I need Planning Permission?](#) page of the Council's website.

**2.15** Most people will need to employ an architect or other professional to design the alteration or extension. If either planning permission or listed building consent is required then it is strongly recommended that early professional advice is sought.

### Speak to your neighbours

**2.16** Neighbour impact is an important consideration and will be an important factor when the Council considers development proposal. You are therefore strongly advised to discuss your proposal first with your neighbours, particularly any who's property directly adjoins the site. It is far better to hear concerns or suggestions early and engaging in this way may encourage a favourable response. Neighbours will usually be consulted by the Council on planning applications.

**2.17** It is also important to take note of the [Party Wall Act](#), particularly if your property is a semi-detached or terraced house or if what you are planning could affect a wall on the boundary between your property and another.

### Site assessment

**2.18** It may seem obvious that the design of an alteration or extension should maintain or improve the character of the existing building. However, you should also make sure that there is no adverse impact on the living

conditions or amenity of neighbours. To achieve this it is important to have a detailed understanding of the existing building and the surrounding area as this will help make sure that these requirements are met and will help you select the right option when considering alternatives.

**2.19** There are two aspects to concentrate on:

1. Important features that contribute to the character of an individual property and the wider area, including:
  - a. the pitch and shape of roofs;
  - b. the space between and around buildings including the distances between buildings and the street and how these spaces are defined;
  - c. the size, shape, position, design and pattern of doors and windows;
  - d. the architectural details and features, such as window sills, flues, vents, rainwater goods and eaves details; and
  - e. the types of materials used, particularly for walls and roofs.
2. Constraints and opportunities, including:
  - a. the position of neighbouring properties and the distance to their windows and private gardens;
  - b. public rights of way near the property, their character and whether there is access onto them;
  - c. the detail of any changes in level, particularly steep slopes or terracing;
  - d. trees, hedges and other features that contribute to character or could be habitats for wildlife; and
  - e. opportunities to restore original features or improve on previous poorly implemented alterations.

**2.20** There may also be other details that are important depending on the development you have in mind, for example, whether there are dormer windows on the existing building or neighbouring buildings and their arrangement will be important if you are considering putting rooms in the roof of your property.

## 3 Design principles

3.1 Whether or not planning permission is required it is important to consider the following design principles:

### Character

3.2 The character of the building that is to be extended and that of the immediate and wider area should influence the design. The features identified in the 'Site assessment' will be important here.

Figure 1



3.3 Character includes all of the elements that go to make a place, how it looks and feels, its geography and landscape, its noises and smells, activity, people and businesses. The character should be understood as a starting point for all development, including extensions.

3.4 Character is influenced by a wide range of factors:

- layout - many of our towns and villages have a range of layouts that have built up over time, in an 'organic' process. Some areas have a very formal layout, for others it is more varied. Plot shape and garden size are important aspects;
- form - the three dimensional shape of a building, influenced in particular by their height, size and shape;
- scale - the height, width and length of each building in relation to its surroundings;
- appearance - the aspects of a building which determine the visual impression the building makes. The size and shape of windows and doors, and the space between them, as well as architectural details all contribute to appearance;
- the relationship between buildings, the space around them and the wider landscape. Building lines, set-backs and projections and whether there is any variation in them are important factors; and
- materials, colours and textures and how they come together.

3.5 An extension can have a significant effect on all of these factors. In most cases all elements of the design should be in keeping with the locality and should match the existing building if possible, particularly for proposals that will affect the front elevations and parts of the building that can be seen from public areas. Figure 1 illustrates how additions can harmonise with existing buildings and the streetscape.

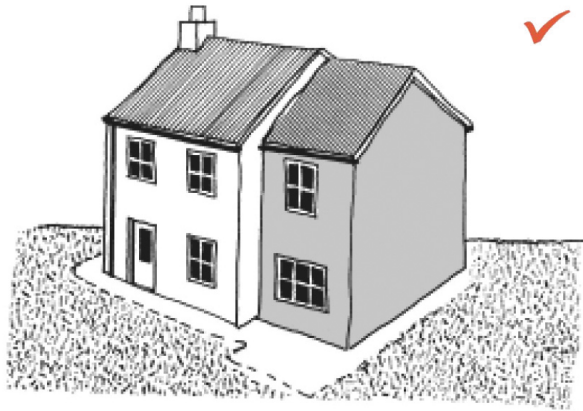
### Subservience

3.6 Extensions should not dominate or detract from the original dwelling but respect the scale of the existing structure. Well designed proposals are usually set back from the principal elevation, see Figure 2. However, levels of subservience are dependent on the host property and are judged on their own merits. Extensions that form a continuation of the existing building,

## 3 Design principles

where the frontages and roof lines sit flush, can be successful. However, this usually depends on careful design that precisely matches the proportions, key architectural details and materials.

Figure 2



- 3.7 The relationship between the building and the space around it is an important factor. The design should respect the existing settlement pattern and character of the surrounding area in that proposals should maintain the spaciousness of the existing street scene, considering separation distances to the front, back and sides of buildings.
- 3.8 Where side extensions reduce the space between buildings this can introduce a terracing effect, particularly where two storey extensions are proposed. The Council will look to prevent terracing effects to safeguard the existing character of the area.

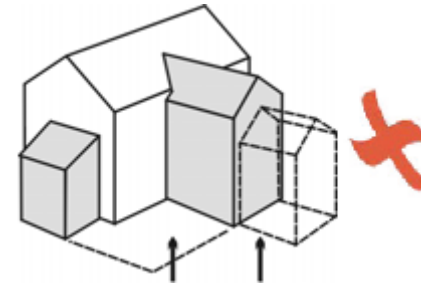
### Form

- 3.9 The form of an extension is one of the most important factors of a successful design. The extension should reflect local distinctiveness in scale, proportions and height.

- 3.10 In most cases it is recommended that buildings should not be subjected to successive incremental extension. It may be appropriate to extend on one side of a house that has already been extended on another side. In urban and suburban environments it is unlikely to be acceptable to extend onto an existing extension. See Figure 3 below.

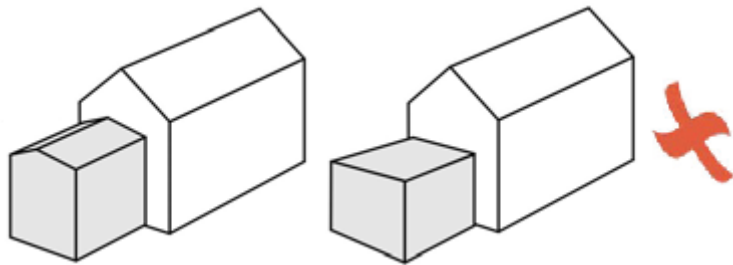
- 3.11 Link extensions can have a significant impact on the form and character of the existing building. In most case they will not be supported if they would subsume the original building.

Figure 3



- 3.12 Roof shape is critical to form. General advice is that the pitch of extension roofs should be the same as, or similar to, the house roof pitch as this will ensure that the extension is harmonious with the existing building. Flat or mono-pitch roofs should be considered carefully and will generally only be suitable for rear extensions or if there is evidence that they are an established feature in the area. Inappropriate flat and low pitched roofs are illustrated in Figure 4. Hipped roofs should be used only if the roof of the existing building is hipped, or where it is an established feature within the local street scene.

Figure 4



## Privacy

**3.13** Extensions can sometimes cause a loss of privacy to neighbouring properties, particularly from the introduction of first floor windows or balconies creating an overlooking effect. Extensions should be designed in a way which prevents overlooking into neighbouring property. This can be achieved by avoiding openings, particularly above ground floor level on the elevation which faces the common boundary. It may be acceptable to have a bathroom window in such circumstances provided it is maintained in obscured glass and in some cases fixed.

## Overlooking

**3.14** When considering the potential for overlooking, the use of the room should be considered. The principle windows to lounges, dining and other reception rooms are classed as main windows; those to bedrooms are secondary windows and those for kitchens and utility rooms are tertiary windows. Privacy is considered to be most important for main windows with secondary windows being less important and tertiary windows the least important. The table below sets out the recommended distances between different types of windows to maintain internal privacy.

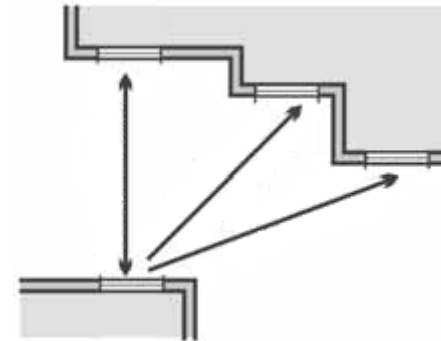
Table 3.1 Recommended distances between windows

Type of window	Distance	Type of window
Main	21m	Main
	18m	Secondary

Type of window	Distance	Type of window
Secondary	15m	Tertiary
	15m	Secondary
	12m	Tertiary
Tertiary	7.5m	Tertiary

**3.15** The table above sets out the distances recommended when windows directly face each other. Where windows face each other at an angle the distances between them can be reduced while still maintaining privacy. Where the angle is more than 45° then there is no minimum distance needed between windows. This is illustrated in Figure 5.

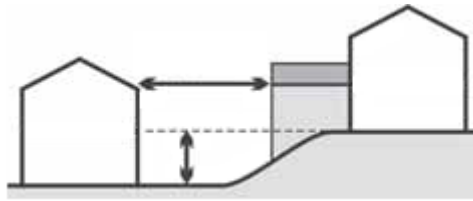
Figure 5



**3.16** A wall or fence on the boundary can provide a screen to maintain privacy. However, if the ground levels vary there may still be potential for overlooking. Where windows would be at different heights, the vertical distance between floor levels should be added to the recommended distance between windows, as illustrated in Figure 6. This applies both where the new window would be above the neighbour's and where it would be below.

# 3 Design principles

Figure 6



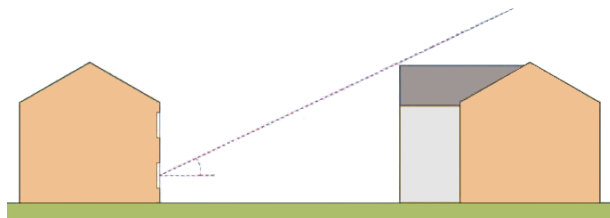
## Daylight

- 3.17 An extension must not cause any significant loss of light to habitable rooms in neighbouring properties, or significant overshadowing to neighbouring gardens.
- 3.18 There are two useful guides to measure the likely impact of an extension to a neighbour. These are the 25° test and the 45° tests. They are based on the principle that it is reasonable to expect a certain level of light and unobstructed view from a habitable room<sup>(1)</sup> window.

### The 25° test

- 3.19 This test is used when the proposed extension faces the window of a habitable room of a neighbouring property. A line is drawn at an angle of 25° from the centre of the lowest habitable room window of the neighbouring property. The proposed extension should not project beyond this line.

Figure 7 - 25 degree test



### The 45° test

- 3.20 The 45° test is used for front and rear extensions when the proposed extension will be perpendicular to a window of a habitable room on the ground floor of a neighbouring property. For example a rear extension to a semi-detached property.
- 3.21 For single storey extensions, a 45° line is drawn from the furthest away point of the closest ground floor habitable room window of the neighbouring property. As long as the proposed extension does not go beyond this line the test is passed.
- 3.22 For two

Figure 8 - 45 degree test (1)

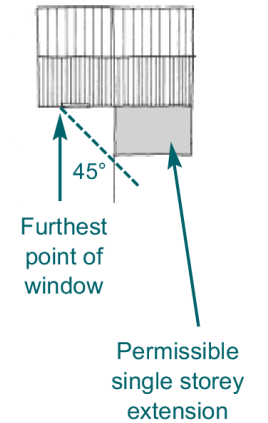
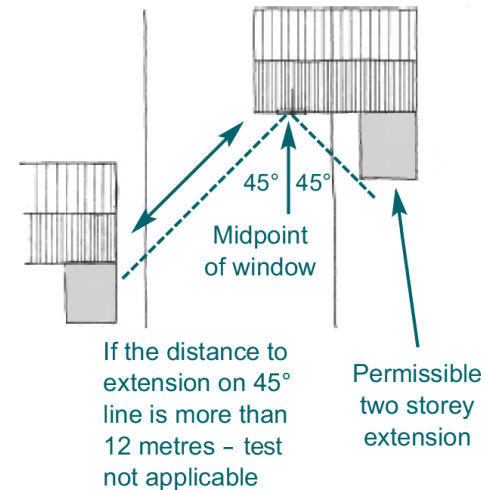


Figure 9 - 45 degree test (2)



storey extensions, the 45° line is drawn from the midpoint of the closest ground floor habitable room window. Again, as long as the extension does not go beyond this line the test is passed. This reflects the height difference between single and two storey extensions and difference this makes in blocking daylight.

1 Habitable rooms include living rooms, studies, bedrooms and kitchens with dining areas



**3.23** In both of cases if the 45° line exceeds 12 metres before reaching any part of the proposed extension, then the test does not need to be applied.

**3.24** Problems with maintaining daylight are more common with semi-detached and terraced properties. The Council will take into account differing site levels between two properties. In many cases overlooking cannot be totally eliminated and each scheme will be considered on its own merits.

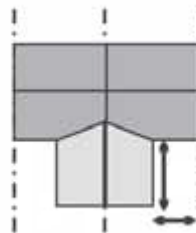
### Overshadowing

**3.25** Extensions and outbuildings should be designed so that the overshadowing of neighbour's windows and amenity areas (garden) is minimised. In many cases some overshadowing is unavoidable, particularly for semi-detached or terrace properties or in urban areas of towns, but it should be avoided where possible.

**3.26** Applicants will be expected to show that overshadowing is within acceptable limits by applying the 25° and 45° tests as applicable. If it is not possible to show that these tests are passed then a more detailed calculation will be needed, in line with the Building Research Establishment's [Site layout planning for daylight and sunlight: a guide to good practice \(BR 209\)](#).

**3.27** A two storey extension will not be acceptable directly on a joint boundary. However, a joint scheme with your neighbour may provide a satisfactory solution, as illustrated in Figure 10.

Figure 10



### Dual aspect

**3.28** Dual aspect is where a dwelling has windows on two external walls, on different sides. This is most commonly windows on the front and back but may be front and side or back and side for some property types, such as quarter houses or apartments. Alterations or extensions that would reduce a dual aspect dwelling to single aspect will not be supported.

### Natural light

**3.29** Good natural light makes buildings more attractive to live in, work in and visit, as well as being more energy efficient.

**3.30** Glazing for all habitable rooms should be a minimum of 20% of the internal floor area of the room. The size and placement of windows is also important to help natural light enter the building.

**3.31** Orientation should be considered in the design process, considering how sunlight will be affected by the buildings and the proposed extension. It will also be important to think about how other buildings and landscaping affects light entering the building, and how this will change at different times of the year. A balance will be needed between enabling natural light to enter, particularly in winter, but also managing heat gain in summer. Natural light will help avoid the need for artificial lighting and reduce energy needs. Please refer to 'Climate change' for more on energy efficiency.

**3.32** It is also important to consider orientation when considering how an extension will affect other buildings as an extension to the south of a neighbouring property could block sunlight and is likely to have much more impact than one to the north.

### 4 Design guidance

- 4.1 This section provides some specific design guidance for differing types of domestic alterations and extensions.

#### Front extensions

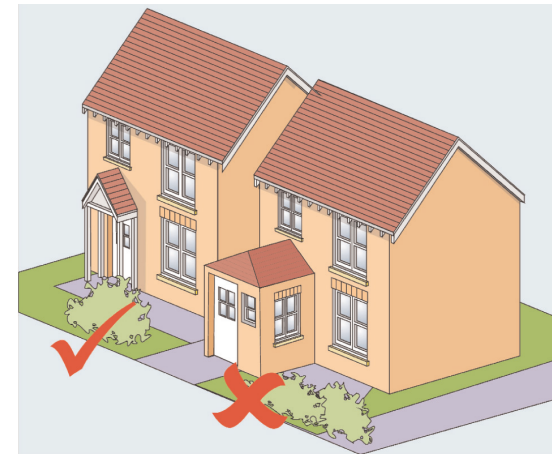
- 4.2 The design of front extensions should ensure that they:
- harmonise with the surrounding street scene;
  - are modestly sized and sympathetically proportioned;
  - do not affect the amenity of neighbouring properties; and
  - do not harm the character of the host building.
- 4.3 The opportunity for front extensions is likely to be limited to where there is sufficient space to the front of a property or where the buildings are of low density and detached. If applicable, the 45° code, as set out in 'Daylight' above, should be applied.
- 4.4 Front extensions are unlikely to be acceptable if the building is a terraced property, buildings are set back from the road consistently or there is a clearly defined building line. In these circumstances a front extension can appear unduly prominent or incongruous.
- 4.5 If when the dwelling was built it was required to comply with particular building regulations for accessibility, such as being wheelchair accessible (equivalent to the current M4(3) standard), then this level of accessibility should be maintained. Where a front extension would prevent the accessibility requirements being maintained, such as for the approach to the front door or for internal dimensions, then it will not be supported.

#### Porches

- 4.6 The addition of a porch or canopy to a building can have a significant impact on its character. The design should harmonise with the design and character of the host elevation, and overall building. The way that the porch would interact with details of the existing building should be considered carefully, particularly first floor windows. Where a porch is part of the original design of the building, windows above are usually smaller to allow space around the roof of the porch.

- 4.7 Open sided porches are more likely to harmonise well with the existing building. Enclosed porches are generally more difficult to design as the greater mass compared with open sided porches can appear overbearing. This is illustrated in Figure 11. Porches that break up a frontage of uniform design or discord with the existing street scene are unlikely to be supported.

Figure 11



- 4.8 Small porches are sometimes permitted development, however, it is important to clarify this before committing to work.

#### Side extensions

- 4.9 For a side extension to be subservient (see 'Subservience' above) to the existing dwelling and sympathetic to the character of the surrounding area it is important to follow the following principles:
- the proposal should not exceed 50% of the width of the frontage of the existing dwelling.
  - the extension should be set back from the main front elevation of the existing dwelling.
  - the ridge height of the extension should be lower than that of the existing dwelling.



- d. a minimum of 1m should be retained between the side wall of the extension and the boundary of the plot to allow for sufficient space for access to the rear.
- e. a minimum of one off-street vehicle parking space should be retained (see 'Parking, driveways and garage space' below).

- 4.10** This guidance is set out to prevent the likelihood of a terracing effect occurring, where development could alter the original character of the surrounding area by restricting the penetration of daylight to the street/gardens, and having a detrimental impact on occupants or passers by.
- 4.11** Extensions that wrap around from the side to the rear of a building will need to comply with the guidance for side and rear extensions. Care should be taken to ensure that the original building is not subsumed by the extension.

### Corner plots

- 4.12** Development on corner plots is likely to be highly visible to the surroundings and should therefore pay special regard to safeguarding the character of adjacent streets. The guidance on 'Front extensions' above is likely to be applicable to all sides of the building facing onto a street.
- 4.13** On corner plots blank 'side' walls facing the street should be avoided, particularly where a two storey extension is proposed. Windows and other features should be used to break up the elevation facing the street.

### Rear extensions

- 4.14** Development of either two or single storey extensions to the rear of properties will, where applicable, be assessed on the 45° test, see 'Daylight' above, to establish the impact of the proposal on the amenities of neighbouring properties. An extension would not normally be permitted where it would extend beyond the 45° line, but would however be judged on its own merits.
- 4.15** Differing land levels between properties will be taken into account to assess overall impact on the amenity of neighbouring properties. Where properties are subject to a staggered building line, maximum rear projection would be calculated from the rear building line of the nearest neighbouring property.

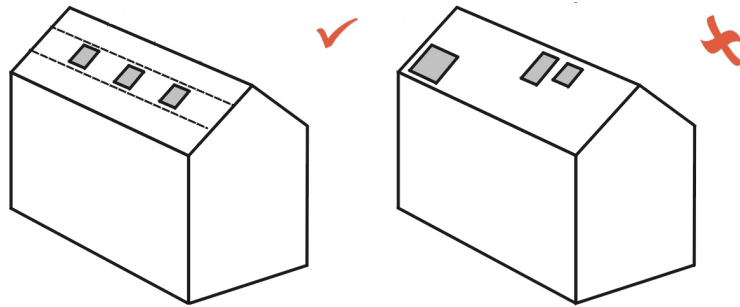
### Dormer extensions

- 4.16** Dormer extensions, with rooms in the roof space can be an effective way to add space to a home. However, they present particular issues that must be addressed in order to be successful.
- 4.17** Where possible, dormer windows should be positioned to the rear of the dwelling to preserve the character of the area. Exceptions can be made where front dormers are already a common feature in the surrounding area. Side dormer windows are unlikely to be acceptable as they often lead to overlooking or affect the character of the building or the street.
- 4.18** Where dormer windows will be visible from a public space their scale and design is important. Dormer windows should, where possible:
- not exceed one third of the width of the host roof slope.
  - not project above the ridge of the highest part of the existing roof slope.
  - not wrap around the side of a hipped roof.
  - have the face of the dormer set back behind the main wall of the existing building.
  - be inset from side/party walls.
  - align with the existing window layout and design.
  - not incorporate a flat roof, unless this is an established feature in the surrounding area.
  - have the sides clad in materials that harmonise with the existing roof.

### Rooflights

- 4.19** Rooflights are best restricted to the rear of dwellings or on the least prominent roof slopes wherever possible to minimise visual intrusion into the streetscape. This is particularly important within conservation areas.
- 4.20** Rooflights should be positioned so as not to erode neighbour privacy, and should not dominate a roof slope. Level alignment and even spacing, as illustrated in Figure 12, helps to convey a well designed appearance. Size and alignment relative to other windows should also be considered, for example it may be more appropriate to have two small windows rather than one large one.

Figure 12

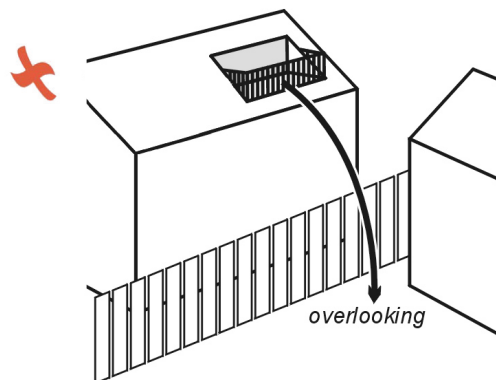


- 4.21** Rooflights should not be sited on opposite roof slopes. This will avoid it appearing as if there is a hole clear through the roof. To reduce the impact on roof shape, rooflights should be as flat against the roof as possible. Where applicable, conservation lights should be installed, which incorporate a low profile skylight with a more traditional framework appearance.

### Balconies and terraces

- 4.22** The installation of balconies and terraces is often problematic, and in many instances will be unacceptable. In most urban environments such developments would be likely to create an overlooking effect to neighbouring properties, at a severe detriment to residential amenity.

Figure 13



### 5 Detailed considerations

**5.1** This section sets out guidance for all forms of domestic development that, if followed, should result in well designed development.

#### Climate change

**5.2** The UK has the legally binding commitment to achieve net-zero carbon emissions by 2050. This will require significant action to reduce carbon emissions from all sources. An extension is an ideal opportunity to contribute to reducing carbon emissions through energy efficiency and other measures. In addition to action to reduce carbon emissions we will have to adapt to the effects of climate change.

**5.3** The Hambleton Local Plan states that the council will support development and infrastructure provision that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and that makes prudent and efficient use of natural resources.

#### Mitigation

**5.4** To reduce carbon emissions it is important to tackle both those that come about from construction, known as embodied carbon, and those that come from day to day use, known as operational carbon.

**5.5** Reducing embodied carbon can be done by using reclaimed or recycled materials and sourcing materials locally where possible.

**5.6** Operational carbon emissions can be tackled in a number of ways. Improving levels of insulation is one of the most effective measures. Applicants should look for opportunities to address areas of poor energy efficiency in the existing building. For example, adding insulation to the existing building during building work for an extension will minimise cost and disruption, and can have a significant effect on the overall energy efficiency of the building.

#### Adaptation

**5.7** When thinking about how to adapt to the effects of climate change it is important to consider what those effects are and how they will affect the use of buildings.

**5.8** The result of prolonged higher temperatures during summer months will mean that there is more likelihood of buildings becoming overheated. The potential for this should be considered when designing extensions and alterations. Shading can be provided through the use of landscaping and vegetation or specific design features. For example, deciduous trees planted near buildings help provide shade in summer but allow light and heat to penetrate in winter.

**5.9** We know that climate change is likely to make our weather drier, but it is also likely to lead to more frequent and intense storms. This means that we should consider how we use and handle water in and around our buildings and what changes we can make to lessen adverse impacts. For example, simple, inexpensive measures such as water butts to store rain water can reduce the need for the use of treated water in the garden.

#### Heritage

**5.10** Energy efficiency and historic buildings advice is available from [Historic England](#).

#### Doors and windows

**5.11** When thinking about doors and windows as part of the design it is useful to consider what the proportions, design and layout are of existing doors and windows as this is an important element of the character of the existing building.

**5.12** More traditionally designed buildings and older properties often have very consistent dimensions for doors, windows and other details (windows usually have a vertical character, being taller than they are wide) and for the distances between them. The arrangement may also have symmetry, either because the building is 'double fronted' or it mirrors a semi-detached property. More modern and contemporary designs may have more horizontal character for windows, either through the dimensions of individual windows or through their placement.

**5.13** New windows should generally be aligned with existing windows and be of similar proportions and size (unless a random window pattern is a characteristic of the existing building). In addition, the ratio of solid wall to window openings should be similar to that of the existing building.

## 5 Detailed considerations

**5.14** The detail and style of the windows is important. Designers should look at the windows and doors of the existing building and those of similar buildings in the area. It will normally be appropriate to use the same materials for window and door surrounds and for the windows and doors to match the design, detail, opening method and materials. However, where a building has been unsympathetically modernised, it is better to return the house to something closer to its original appearance than to continue with a design that is out of keeping with the character of the building.

**5.15** The recessing of doors and windows in their openings is a traditional detail that is sometimes overlooked when replacement windows are installed or extensions added. Matching any set back of openings can help ensure that an extension harmonises with the existing building.

### Roofs

**5.16** The design of roofs can be one of the most important elements that determine whether an extension harmonises with the existing building. In most cases it will be appropriate to design the roof of the extension so that the slope, materials and other details match those of the existing building. The design of eaves in particular should be considered carefully to ensure the design is successful. However, it is not necessary to incorporate grand or intricate detailing into the design of extensions. For example, where a building has ornate brickwork detailing it may be preferable for an extension to use a simpler design so that the subservience is reinforced and it does not draw attention away from the host building.

### Chimneys

**5.17** Chimneystacks and pots contribute to the character of buildings and the surrounding area. The design of extensions and other proposals should seek to retain existing stacks where possible. New stacks should be considered carefully and only included in the design where there is a practical reason for them. Where a new stack is to be included in the design it should be of a similar design to those of the existing building or those in the surrounding area.

**5.18** Flues for log burners and other heating systems can be an incongruous addition to homes due to their more industrial rather than domestic appearance. Proposals that include a flue should be designed so that the

flue is located where it will be least visible from public areas. For the flue itself materials that are dark in colour and have limited reflectiveness should be selected wherever possible.

### Materials

**5.19** When designing an extension or alteration it is worth giving careful consideration to the materials that will be used. Detailing and materials of proposals will be assessed to ensure a high level of visual amenity is maintained.

**5.20** In most cases matching materials to those used for the existing building will be appropriate. However, this may not always be possible, in which case it might be better to choose a different material, which has properties, such as colour or texture, that mean it will fit with existing materials harmoniously. It is also useful to consider whether the appearance of materials will change over time, for example materials such as wood can change colour as they age.

**5.21** It is recommended that samples of materials are considered on site before deciding which to use. Seeing the materials in the same light and conditions as the existing building will help ensure that the most suitable are selected.

**5.22** Investing in durable materials for parts of the building that will see a lot of use or that will be exposed to extremes of weather will ensure that these elements continue to perform their function well and the need for repair or replacement will be minimised.

**5.23** Some practical elements of design can benefit from early consideration. These include meter boxes, lighting, flues, ventilation ducts, gutters and down pipes. Thoughtful alignment, positioning and finish can help to ensure that these elements are sensitively integrated into the building's form and appearance.

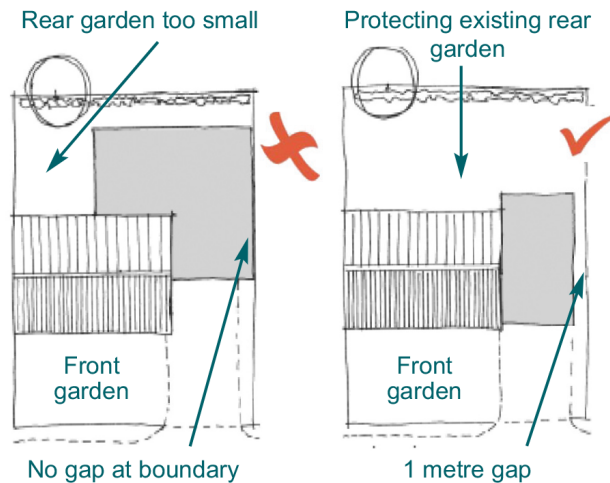
### Garden space

**5.24** Any domestic extension should be designed so that an acceptable area of private garden for the dwelling is maintained. This will allow for sitting out, children's play, drying clothes, and storage of bicycles and bins. This means

that a proposal that would result in less than half the area of land around the original building being retained will not be supported. As a minimum a clear rear garden space of 4m x 4m must be retained.

- 5.25** Often, the rear garden can be safeguarded by extending to the side of the dwelling. However, it is important to make sure that any off-street parking in the front garden is large enough, see 'Parking, driveways and garage space' for details. It is also essential to have at least a 1m wide access to the side of the property so that bins, bicycles and other items can be moved without needing to go through the property.

Figure 14



- 5.26** It is also advisable to try to make sure that some private outdoor space receives direct sunlight all year round for at least part of the day.

### Trees and biodiversity

- 5.27** Policy E3 of the Hambleton Local Plan requires all development to deliver a net gain for biodiversity. This means that biodiversity must be left in a measurably better state following development. Proposals for domestic extensions will be expected to submit details of how the proposed

development affects biodiversity, what has been done to avoid and mitigate any adverse impacts, and what has been done to enhance biodiversity such that it is left in a better state.

- 5.28** There are a range of simple measures that can enhance biodiversity. For example, the inclusion of opportunities for wildlife to nest or roost through the use of 'bat', 'bee', 'swift' or other bricks are inexpensive when installed as part of building work. Boundary walls and fences can incorporate design features, such as 'hedgehog holes', that allow wildlife to move between gardens.
- 5.29** If protected habitats or species are present, then a detailed calculation of biodiversity value before and after development will be needed. Natural England has produced [advice on planning applications affecting protected species](#) that includes a range of standing advice for many protected species.

### Trees

- 5.30** Wherever possible domestic extensions should be designed so that existing trees are retained. An extension that would adversely affect an existing tree will not be supported if that tree is valued because it is:
- the subject of a preservation order;
  - within a conservation area; or
  - contributes positively to the amenity or character of the area, including the setting of a listed building or other heritage asset.

Care must be taken to avoid the root system and canopy of valued trees and to provide suitable protection during building work. Any loss of a valued tree will not be supported unless its biodiversity value is not compensated for.

- 5.31** This guidance applies to all trees, including street trees, whether they are within the boundary of the property or not.
- 5.32** You can find out whether a tree is protected by a preservation order on the [Trees and conservation](#) page of the Council's website. You can find out whether a tree is within a conservation area on the [Conservation areas and listed buildings](#) page of the Council's website.

## 5 Detailed considerations

### Lighting

- 5.33** Care should be taken to ensure that lighting does not cause obtrusive light (defined in the 'Glossary'). This is important for outside lighting, particularly in rural areas and on the edge of settlements where other artificial light sources may be limited.

### Boundary treatments

- 5.34** Well designed boundary treatments such as walls, fences and hedges can contribute a great deal to the streetscape and character of an area. They define areas of private space and often contribute positively to the setting of a dwelling.
- 5.35** Poorly designed boundary treatments can undermine the quality of the built environment. Removal of boundaries can cause confusion as to where public space ends and private space begins. This can result in discord within the street scene. However, the erection of boundary treatments in estates that are characterised by open plan areas is unlikely to be acceptable. Such enclosures could clash with the landscaped, open environment and detract from the character of the area.
- 5.36** The construction and materials of new boundary treatments should harmonise with the surrounding environment. Construction and materials that would be suitable in a suburban location may not be appropriate in a rural environment. Hedges and other boundary planting bring a range of benefits, particularly for biodiversity and climate change. Hedges are particularly suitable as boundary treatments in rural areas, but can also work in more urban settings. Where boundary planting is proposed as part of a development, the preference will be for a mix of native species.
- 5.37** Boundary treatments that are proposed to provide visual screening or otherwise mitigate the impact of development must be capable of being secured and maintained over the lifetime of development. Care should also be taken to maintain neighbour amenity.
- 5.38** Some highway junctions are often devoid of boundary treatment in order to maintain clear visibility splays. Development that would obstruct visibility for these areas is unlikely to be acceptable as it could be prejudicial to highway safety.

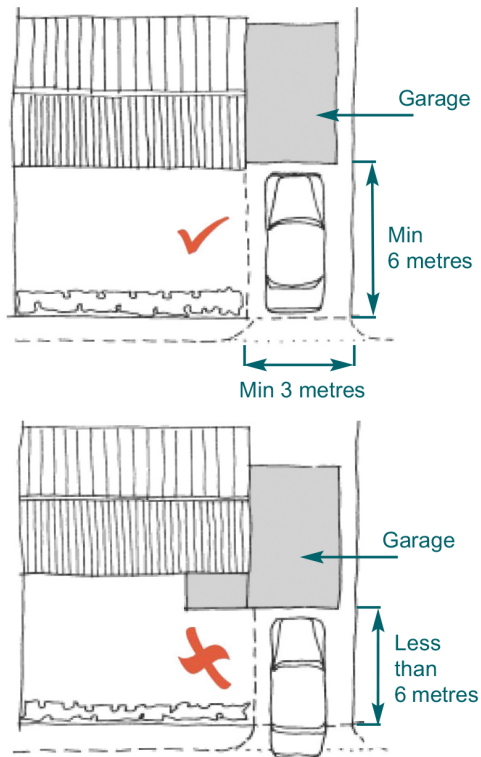
- 5.39** A new boundary treatment adjacent to a highway, where the boundary height is greater than 1 metre above ground level, would require planning permission.

### Parking, driveways and garage space

- 5.40** A new or replacement garage within the curtilage of a dwelling, whether it is attached or detached must relate to the overall design of the existing dwelling. The size should not dominate or discord with the existing building. The requirements set out above for 'Side extensions' should be applied.
- 5.41** There must be space in front of a garage for a vehicle to be parked (see Figure 15 '- Space in front of a garage' below). There should be at least 6 metres between the front of a building and the pavement (or edge of the road if there is no pavement) and be at least 3 metres wide. This will allow safe movement around a vehicle when parked and should remove the chance of highway safety issues. Extensions that would prevent this being achieved/maintained are unlikely to be supported.
- 5.42** Wherever possible at least one off-street parking space should be maintained. Extensions that would prevent this are unlikely to be supported.
- 5.43** If there is a requirement for a turning area within the site then this must be maintained. Turning areas should be separate from parking areas to ensure on-site parking provision remains available.
- 5.44** Where more than one parking space is retained, side by side arranged spaces are preferred to tandem spaces.



Figure 15 - Space in front of a garage



- 5.45** Internal dimensions of a garage should comfortably accommodate a vehicle and allow access for the driver. To achieve this the minimum internal dimensions should be 6m long by 3m wide, with a minimum door width of 2.4m. However, to allow for the storage of cycles and manoeuvring around the vehicle more space may be needed. If cycle storage is provided to the rear of the garage an additional personnel door is recommended.

### Electric vehicle charging points

- 5.46** Building regulations introduced in June 2022 require most new buildings and those that undergo major renovation<sup>(2)</sup> to provide electric vehicle charging points.
- 5.47** It is recommended that all new and replacement garages are fitted with an electric vehicle charging point. Charging points should comply with the requirements set out in [Building Regulations Approved Document S](#).
- 5.48** Government grants may be available to help with the cost of charging point installation, see [Electric Vehicle Homecharge Scheme: guidance for customers](#) for details. Consideration should be given to where the vehicle will be parked and to safety and security while charging.
- 5.49** Detached garages in front of dwellings will generally not be supported, unless there is strong evidence that this arrangement is a well established feature of the surrounding area.
- 5.50** If, when the dwelling was built, it was required to comply with particular building regulations for accessibility, such as being wheelchair accessible (equivalent to current M4(3) standard), then this level of accessibility should be maintained. This may mean that parking, driveways and the approach to the front door will need to meet minimum standards.
- 5.51** Surfacing of front gardens to form a parking space or resurfacing an existing space may require planning permission depending on materials, size and drainage proposed. The Council can advise on whether or not this will be necessary.

### Highways issues

- 5.52** New extensions and outbuildings should not have a detrimental impact on highway safety. Siting of new development should not restrict the forward visibility of cyclists or drivers of vehicles. This includes the visibility of neighbours exiting their property. A new or altered access to any classified road requires planning permission, as does an amended vehicle access crossing over a footway. Alterations to a footway and kerb may require a separate licence from the local highways authority.

<sup>2</sup> Major renovation is defined as where more than 25% of the surface area of the building envelope undergoes renovation.

## 5 Detailed considerations

**5.53** A new vehicular access should meet the following requirements:

- a. a new drive should not be located closer than 20 metres to an existing road junction with a distributor road.
- b. drives should not be located on a junction radius or interfere with dropped kerb facilities for pedestrians.
- c. gates, doors and windows must not open onto the footway or access.

### Waste and recycling

**5.54** Requirements for waste and recycling contained in [Building Regulations Part H](#) must be met by all new build homes. When planning an extension it is recommended that the requirements and guidance contained in Part H are considered so that they can be maintained (or reinstated). The key points are:

- The storage point should be within 30m of the collection point
- The route between the storage point and the collection point should avoid steps and should not have a slope of more than 1:12
- Where the storage point is in a publicly accessible area or an open area around the building (for example a front garden) an enclosure or shelter should be considered
- Enclosures/shelters should be tall enough so that the lid of the container can be opened for filling

**5.55** The Council's current waste and recycling arrangements require up to 3, 240 litre wheeled bins and a box for glass recycling.

### Satellite dishes

**5.56** In most case satellite dishes will not need planning permission. However, clarification should be sought as to whether any consent is required, for example, siting of a satellite dish on a listed building will always require listed building consent. Whether consent is required or not satellite dishes should be sited so as to minimise visual intrusion to the surrounding area and minimise impact on the host building. They should not project or be visible above the ridge line of the main part of the roof.

### Crime prevention

**5.57** It is important to consider the impact of the proposed development on the security of the existing building and neighbouring properties. Information about the aspects of security and crime prevention to consider are available from [Secured by design](#). Measures should be incorporated into the overall design and be unobtrusive within the scheme.

**5.58** Care should be taken when installing outside lighting to ensure that it does not cause obtrusive light. If motion detectors are used this should be angled so that the light is not triggered by people passing by on the street or in other public areas.

**5.59** CCTV and other cameras must not be set up where they would cover public areas or the private area of another property.

### Annexes

**5.60** The relationship of an annexe to the main building is one of the most important aspects of designing a successful scheme. Policy E1 of the Hambleton Local Plan requires extensions and annexes to meet specific criteria. Annexes and other outbuildings within the curtilage should:

- a. respect the scale, massing and materials of the original dwelling and not cause unacceptable harm to its character;
- b. ensure that there is no unacceptable harm caused to the character or appearance of the surrounding area or to the amenity of other homes and buildings nearby;
- c. ensure that there is no unacceptable loss of parking or garden or amenity areas;
- d. be visually subordinate to the main dwelling, sited to ensure a clear functional link between the annexe and main dwelling and share the same access, parking and garden areas.

**5.61** In most cases a planning condition will be used to ensure that the annexe continues to be used for its intended purpose and is not used as a separate dwelling.



### Residential conversions

**5.62** For dwellings that were created through the conversion of a barn or other rural building that was not originally designed as a dwelling, a more restricted approach to alterations will be necessary. The aim will be to make sure that the original character is retained and a sense of the building's origins as a working building is evident. Exceptions to this approach may be made only where there is sufficient justification.

### Maintenance

**5.63** Extensions should not prevent your neighbours from carrying out maintenance to their properties such as painting, gutter cleaning, re-pointing or fascia repairs.

**5.64** Restriction of access for maintenance is a civil matter between you and your neighbour and would not form a material consideration in the determination of a planning application.

### 6 Making a planning application

#### What needs to be submitted?

- 6.1 Information and guidance about how to submit a planning application is available on the [Council's website](#). In most cases you will be required to submit drawings showing the existing and proposed for the site plan, floor plan and elevations. Reference should be had to the local validation requirements that specify what needs to be submitted as part of an application.
- 6.2 A design and access statement will be required where the site includes, or is within the setting of, a listed building, or is in a conservation area or an area with an article 4 direction (these apply to some parts of conservation areas)<sup>(3)</sup>. For more information please refer to the [Conservation areas and listed buildings](#) page of the Council's website. A design and access statement will also be required if the site is within, or within the setting of, an area of outstanding natural beauty (AONB). The extents of the AONBs are shown on the Policies Map for the Local Plan, which is available on the [Council's website](#).
- 6.3 In some cases additional details may be required. For applications relating to windows, doors or other forms of domestic detailing, submission of manufacturer's specifications is recommended.

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3 In line with the NPPF, applicants must describe the significance of any heritage assets affected by the development, including any contribution made by their setting. The level of detail provided should be proportionate to the assets importance.

## 7 Policy context

### National policies

- 7.1 National planning policy is set out in the [National Planning Policy Framework](#). It states that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Guidance is set out in the [Planning Practice Guidance](#).

### Local plan policies

- 7.2 The Hambleton Local Plan was adopted in February 2022. It contains the following policies that are likely to be relevant to domestic extensions;
- **E1: Design** - sets out requirements relating to design, including criteria 1 to p that relate to residential extensions and ancillary development, such as annexes;
  - **E2: Amenity** - focuses on protecting amenity, particularly with regard to privacy, security, noise and disturbance, pollution, and daylight;
  - **E3: Natural Environment** - seeks to ensure that biodiversity is protected and enhanced, including the expectation that all development will deliver a net gain for biodiversity;
  - **E5: Development Affecting Heritage Assets** - seeks to ensure that heritage assets are protected appropriately and where possible enhanced; and
  - **E7: Hambleton's Landscapes** - safeguards the intrinsic character and quality of the district's landscapes.
- 7.3 Other policies may be relevant depending on the scope of development proposed.

### Neighbourhood plan policies

- 7.4 Adopted neighbourhood plans form part of the development plan. Policies contained in neighbourhood plans may be relevant. Adopted neighbourhood plans can be found on the [Council's website](#).

### Supplementary planning documents

- 7.5 The Council has adopted a range of other supplementary planning documents that may be relevant. The [Market Towns Conservation Area Design Guide SPD](#) provides guidance on what is acceptable development within the conservation areas of the market towns of Bedale, Easingwold, Northallerton, Stokesley and Thirsk. The principles it sets out should also be applied to development in the village conservation areas. Applicants should refer to the relevant conservation area appraisal, available on the [Council's website](#), where the proposed development is within or adjacent to a conservation area.

### Village design statements

- 7.6 Some communities within Hambleton have prepared statements which provide additional guidance on design, which may be relevant to domestic extensions and alterations. The statements are available from the [Council website](#).

### Design codes

- 7.7 Design codes are a set of illustrated design requirements that provide specific, detailed parameters for how a site or area can be developed. The Hambleton Local Plan, through policy E1: Design, sets out the expectations regarding design codes. Design codes can be developed as Supplementary Planning Documents or as part of a neighbourhood plan. Please check with the Council whether there are any design codes that apply to development in your area.

### General advice

#### Development in the countryside

- 7.8 Development within villages, or isolated properties in the countryside or within the Nidderdale or Howardian Hills Area of Outstanding Natural Beauty (AONB) would need to have special regard to the unique character of the surroundings and the host/parent building as appropriate. Where a proposal is within, or within the setting of, either of the AONBs it will be expected to comply with Local Plan policy E6: Nationally Protected Landscapes.

## 7 Policy context

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### Development in flood risk areas

**7.9** The Government has set out detailed guidance about planning and flood risk and whether a [Flood risk assessment](#) would be required. The information includes links to geographic information on flood risk zones. If flood risk is an issue then proposals will be expected to comply with the requirements of Local Plan policy RM2: Flood Risk.

### Protected species

**7.10** Some domestic development may affect species which are protected by the Wildlife and Countryside Act 1981. It is illegal to harm these protected species. If protected species are present in or around the property, it is a legal requirement to notify Natural England. Information about protected species is set out on [Natural England's website](#). Please also refer to 'Trees and biodiversity' above.

## Glossary

### **Amenity:**

A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.

### **Ancient or veteran tree:**

A tree which, because of its great age, size or condition is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

### **Annexe accommodation:**

Annexe accommodation is accommodation ancillary or incidental to the main dwellinghouse. It can also include one or more 'ancillary' or 'incidental' uses that do not alter the primary use of the land, as a dwelling and must be closely linked and subservient to it. (Ancillary use; Ancillary residential annexe can provide additional living accommodation. In order for this to be regarded as 'ancillary' the annexe and the dwelling house must be occupied as a single household.) (Incidental Use; An incidental use is dependent on the main dwellinghouse and cannot exist without it. (e.g. garage, hobby room, gym, or annexe with no bathroom, or kitchen)).

### **Area of Outstanding Natural Beauty (AONB):**

A statutory national landscape designation, the primary purpose of which is to conserve and enhance natural beauty. AONBs are designated by Government and, together with national parks, they represent the nation's finest landscapes.

### **Article 4 Direction:**

A Direction issued by local authorities to restrict permitted development rights either in relation to a particular area or site, or a type of development anywhere in the Local Planning Authority's area. Article 4 directions are used to control works that could threaten the character of an area of acknowledged importance, such as a conservation area.

### **Biodiversity:**

The number, abundance, variety and variability of different species (including organisms, animal and plants) living within a particular habitat and/or area.

### **Climate Change:**

The long-term change in the Earth's climate patterns represented by a change in the average weather conditions or the distribution of weather events usually attributed to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels.

### **Climate change adaptation:**

Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

### **Climate change mitigation:**

Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

### **Conservation (of heritage):**

The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

### **Conservation area:**

A designated area of special architectural and/or historical interest, the character or appearance of which it is desirable to preserve or enhance. It is a recognition of the value of a group of buildings and their surroundings and the need to protect not just individual buildings but the character of the area as a whole.

### **Conservation area appraisal:**

A study of the special architectural or historic interest that warranted the conservation area being designated and identifying features which should be enhanced or conserved.

### **Curtilage:**

The area occupied by a property and land closely associated with that property. In terms of a house and garden, the garden normally forms the curtilage of the property, but fields and paddocks would be outside the curtilage.

### **Custom build homes:**

Custom home building typically involves individuals or groups of individuals commissioning the construction of a new home or homes from a builder, contractor or package company or working with sub-contractors. See also Self build homes below

### **Design and access statement:**

A document accompanying certain planning applications providing a framework for applicants to explain how the proposed development is a suitable response to the site, its setting and constraints, demonstrating that it can be adequately accessed by prospective users.

### **Development:**

Development refers to the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land.

### **Development management:**

The process of regulating new development by granting or refusing applications for planning permission, and of controlling unauthorised development.

**Development plan:**

Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

**Heritage asset:**

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets (world heritage sites, scheduled monuments, listed buildings, protected wreck sites, registered parks and gardens, registered battlefields or conservation areas) and assets identified by the local planning authority (including local listing).

**Listed buildings:**

A building included in a statutory list compiled by the Department for Culture, Media and Sport as a consequence of its architectural or historic interest, group value or historic association with nationally important people or events. These are placed in one of three grades to give an indication of their relative importance, (Grades I, II\* and II in descending order). Most works to, or affecting, a listed building require listed building consent.

**Material consideration:**

An issue that should be taken into account when a decision is made on a planning application.

**National Park:**

Statutory national landscape designations, the purpose of which is to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities. They are designated by Natural England and together with AONBs, they represent the nation's finest landscapes.

**National Planning Policy Framework (NPPF):**

The National Planning Policy Framework (NPPF) sets out national planning policies that local planning authorities need to take into account when drawing up their local plans and other documents and making decisions on planning applications.

**Neighbourhood plans (formally known as neighbourhood development plans):**

A plan prepared by a parish or town council or neighbourhood forum for a designated neighbourhood area (made under the Planning and Compulsory Purchase Act 2004), that was 'made' will become part of the development plan.

**Obtrusive light:**

Light pollution that includes the brightening of the night sky (sky glow), uncomfortably bright light (glare) and light spilled beyond the area intended to be lit (light intrusion).

**Optional building regulation requirements:**

Standards for layout and circulation space and for water efficiency that are set within Building Regulations. Part M sets out standards for accessible and adaptable dwellings (M4(2)) and wheelchair user dwellings (M4(3)). Part G sets out standards for water efficiency.

**Planning condition:**

A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

**Planning Practice Guidance (PPG):**

An online resource containing guidance that adds further context to, and should be read in conjunction with, the National Planning Policy Framework.

**Pollution:**

Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.

**Renewable and low carbon energy:**

Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

**Secured by design:**

A term given to a set of principles aimed at achieving a good overall standard of security for buildings and for the private and public spaces around them through the introduction of appropriate design features.

**Self build homes:**

Self build home building typically involves individuals or groups of individuals commissioning the construction of a new home or homes from a builder, contractor or package company or working with sub-contractors where some element of the work to complete the home is undertaken by the individual or group of individuals. See also custom build homes above. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1 (A1) and (A2) of that Act.

**Setting of a heritage asset:**

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

**Supplementary planning document (SPD):**

A document which adds further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

**Sustainable drainage system (SuDS):**

Previously known as Sustainable Urban Drainage Systems, these cover a range of approaches to surface water drainage management including source control measures such as rainwater recycling, infiltration devices to allow water to soak into the ground, vegetated features that hold and drain water downhill mimicking natural drainage patterns, filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed, and basins and ponds to hold excess water after rain and allow controlled discharge that avoids flooding.

**Village design statements:**

A document, often prepared by local communities, that describes the distinctive characteristics of a village and provides design guidance to influence future development and improve the physical qualities of the area.

**For further information contact:**

Planning Policy  
Hambleton District Council, Civic Centre,  
Stone Cross, Rotary Way, Northallerton DL6 2UU

T: 01609 779977

E: [planning\\_policy@hambleton.gov.uk](mailto:planning_policy@hambleton.gov.uk)

[hambleton.gov.uk/localplan](https://hambleton.gov.uk/localplan)



This information is available in alternative formats and languages



## Consultation Statement: Domestic Extensions SPD

This consultation statement sets out details of the consultation that informed the production of the draft Domestic Extensions SPD before public consultation. It sets out the arrangements for public consultation. It also sets out the issues raised during public consultation and how they were addressed in the final version of the SPD.

### Initial consultation and engagement

An early draft of the SPD was prepared based on the existing Domestic Extension SPD. The draft was circulated to planning officers.

In response several amendments were made to the draft SPD:

- Text and diagrams for the 25 and 45 degree tests were revised to aid clarity
- Text relating to biodiversity net gain was clarified
- Diagrams were reviewed and in some cases updated
- Details relating to advice, support and contact with the Council were clarified.

### Public consultation

The draft Domestic Extensions SPD was available for comment between 29 July and 9 September 2022.

The consultation documents included:

- The Domestic Extensions SPD: consultation draft
- The original version of the consultation statement
- A Screening Statement for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

During the consultation period the consultation documents were available on the Council's [consultation portal](#).

Printed copies were available at the Hambleton District Council offices in:

- **Northallerton:** Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU
- **Easingwold:** Easingwold Office, Police Station, Church Hill, Easingwold, YO61 3JX
- **Stokesley:** Stokesley Office, Town Close, Stokesley, TS9 5DH

Printed copies were also available at the following libraries:

#### **Bedale Community Library**

2 North End  
Bedale  
DL8 1AA

#### **Great Ayton Library**

105b High Street  
Great Ayton  
TS9 6NB

#### **Thirsk Community Library**

Meadowfields, Chapel Street  
Thirsk  
YO7 1TH

Telephone for opening times: 01609 534573    Telephone for opening times: 01642 723268    Telephone for opening times: 01609 534589

Comments on the SPD could be made:

# Consultation Statement: Domestic Extensions SPD

- **Online:** The Council's consultation portal at <https://consult.hambleton.gov.uk/kse>
- **By email:** [planning\\_policy@hambleton.gov.uk](mailto:planning_policy@hambleton.gov.uk)
- **In writing:** Hambleton District Council, Civic Centre, Stone Cross, Rotary Way, Northallerton, North Yorkshire DL6 2UU

**Please note that the comment period closes at 16:45 (4:45pm) on Friday 9 September 2022.**

To comply with current planning regulations any comments received after this time will be treated as if they were received on the next working day. As such they will be late comments and may not be considered in finalising the SPD.

## Comments received during the consultation

A total of 17 comments were received from 5 consultees.

## Issues raised

The majority of comments were broadly supportive of the SPD. Most comments raised detailed issues about content with many suggesting ways to address the issue:

- subservience and set backs
- energy and resource efficiency and climate change
- biodiversity and landscape enhancement and protected species;
- protection for trees;
- heritage assets and the impact of development, and conservation area appraisals;
- the approach to design, including more modern and contemporary styles
- the benefits of natural light
- references to figures; and
- highway access and the strategic road network

## How the SPD was amended

The SPD was amended as follows (paragraph and section numbering from the consultation draft):

- The addition of text at the end of paragraph 3.6 regarding extensions that are a continuation of the existing building.
- Text in paragraphs 3.29 to 3.32 has been amended to clarify the role of natural light in good design and energy efficiency.
- The addition of text at paragraph 5.6 to provide an example of improving energy efficiency.
- Text has been added at the end of paragraph 5.8 to clarify the benefits of shading.
- Text has been added at the end of paragraph 5.9 to provide an example of a water saving measure.
- Text has been added to paragraph 5.25 regarding the requirement for a 1 metre wide access as illustrated in Figure 14.
- A new paragraph has been added following 5.27, giving examples of ways development proposals can enhance biodiversity.

- Paragraph 5.28 has been expanded to include reference to Natural England's advice on planning applications that affect protected species and their range of species specific standing advice.
- The addition of text at paragraph 5.29 to clarify the approach to trees in the setting of heritage assets
- A new paragraph has been added following 5.35, addressing boundary treatments for visual screening and boundary planting.
- A footnote has been added to the first sentence of paragraph 6.2, as proposed by Historic England, identifying what a design and access statement should contain regarding impact on heritage assets.
- Text was added to paragraph 7.5, as proposed by Historic England, referring applicants to the conservation area appraisals that are available on the council's website.
- Reference to figures has been added in a number of places to aid clarity.
- A small number of corrections of typographic errors.

### **Next steps**

Committee approval will be sought for adoption.

The comments received during the consultation are set out in the table below. The comments are set out in document order.

Agent / Consultee	Comment ID	Section	Comment type	Comment
Consultations, Natural England	DE SPD:3	Hambleton Design Guide: Domestic Extensions SPD - Draft	Have observations	<p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p> <p>Biodiversity enhancement</p> <p>This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraphs 8, 72, 102, 118, 170, 171, 174 and 175 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p> <p>Landscape enhancement</p> <p>The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p>Protected species</p> <p>Natural England has produced Standing Advice to help local planning authorities assess the impact of particular developments on protected or priority species. Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be</p>

Agent / Consultee	Comment ID	Section	Comment type	Comment
				considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance. Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.
Bill Stockdale	DE SPD:19	Hambleton Design Guide: Domestic Extensions SPD - Draft	Have observations	I am pleased to confirm that in my opinion as a Chartered Building Engineer and Building Surveyor the draft document is well thought out and presented in an easily understandable format. It builds well on the previous 2009 version and is much more helpful for applicants when considering impacts upon neighbours and general streetscenes.  I will be pleased if the various figure referenced diagrams could be referred to in the related text paragraphs. This appears to be only present in the latter pages of the document.  Importantly it should always be remembered that the document is a Guide and therefore should never be used to stifle innovative and cutting edge design.
James Langler, Historic England	DE SPD:5	Paragraph 2.8	Support	We welcome the links provided to information on conservation area and listed buildings on the Council's website. (Applies to 2.8 and 2.10)
James Langler, Historic England	DE SPD:6	Paragraph 3.2	Support	We support the emphasis placed on understanding the character of an area as a starting point for all development proposals. The historical development of an area is central to its character. Many of the distinctive qualities of a place result from its history. These can include its origin and significant periods in its history – how and why it developed and changed – along with the particular activities, traditions, communities, people and events that have shaped it. (Applies to 3.2 - 3.5)
Katie Atkinson, CPRE North and East Yorkshire	DE:SPD:11	Figure 2	Have observations	It is noted that the supporting text refers to the fact that for each proposal, levels of 'subservience are dependent on the host property and are judged on their own merits' - this is welcomed. CPRNEY consider that extensions can be subservient to the main host dwelling but also do not necessarily always require a 'step back' from the building

Agent / Consultee	Comment ID	Section	Comment type	Comment
Katie Atkinson, CPRE North and East Yorkshire	DE:SPD:12	Paragraph 5.6	Have observations	Whilst supportive of this generic statement, design guides are an opportunity to be ambitious and it is felt that the Council could use this opportunity to push developers/homeowners towards considering innovative and efficient design and construction considerations. Perhaps examples could be offered of materials and opportunities to be explored, for example - if proposing a two-storey extension, linking to existing roof space, encouraging the retro-fit of high quality insulation across both existing and proposed, or the use of potential to include air-source heat pumps into designs, alongside grey water systems or living rooves. Equally thermally efficient glazing should be considered where possible within extensions but also in replacements of existing products.
Katie Atkinson, CPRE North and East Yorkshire	DE:SPD:13	Paragraph 5.8	Have observations	Again, supportive of the thrust of this comment but feel the Council should be going further by providing examples (including illustrative) of how opportunities like shading (as mentioned) could help so that applicants can truly understand what they could achieve for their own benefit as well as for the environment.
Katie Atkinson, CPRE North and East Yorkshire	DE:SPD:13	Paragraph 5.9	Have observations	see earlier comment regarding grey water systems, but also the Council could us more simple examples of water butts and how the collection and reuse of water in gardens can be a benefit especially for periods of drier weather.
Katie Atkinson, CPRE North and East Yorkshire	DE:SPD:13	Paragraph 5.16	Have observations	CPRENEY agree with these comments, however, also think its important to note that sometimes more modern extensions can actually, whilst different, work well with more traditional buildings albeit with the need for careful design - for example through the use of complimentary cladding. There are plenty of examples across the county where older period buildings (unlisted) have had modern, extensions attached linked via glass or timber cladding walkways. They are clearly extensions and subservient to the main house but compliment the older style.
Katie Atkinson, CPRE North and East Yorkshire	DE SPD:16	Paragraph 5.29	Have observations	CPRENEY consider that it might be useful to add something about the importance of protecting the root system and canopies of existing trees.

Agent / Consultee	Comment ID	Section	Comment type	Comment
James Langler, Historic England	DE SPD:7	Paragraph 5.29	Support	We support the statement that proposals adversely affecting an existing tree will not be supported where that tree is the subject of a TPO, within a conservation area and/or contributes positively to the amenity or character of the area. This final point we would argue includes circumstances where a tree makes a positive contribution to the setting of a listed building or other designated heritage asset.
Katie Atkinson, CPRE North and East Yorkshire	DE SPD:17	Paragraph 5.32	Have observations	The Council should consider an additional paragraph stating how incorporating natural light into designs can help in the response to climate change
Katie Atkinson, CPRE North and East Yorkshire	DE SPD:18	Paragraph 5.34	Have observations	However, it should also be noted that where possible the reinstatement of natural boundary treatments including hedges should be considered in the need to respond to the biodiversity and climate emergencies.
Sunny Ali, National Highways	DE SPD:4	Highways issues	Have observations	The priority of National Highways will be to safeguard the operation of the Strategic Road Network (SRN), and with this in mind, would offer the following comments on the SPD and supporting documentation.  The 'Highway issues' paragraph is the only notable section within the SPD that relates to the road network and transport. Hambleton Council note:  "New extensions and outbuildings should not have a detrimental impact on highway safety"  As well as the siting of the new development should not:  "Restrict the forward visibility of cyclists or drivers of vehicles"  Hambleton Council also state that:  "a new or altered access to any classified road requires planning permission".  National Highways in general would conquer with the above, however, would refer to the DfT Circular 02/2013 when considering any proposals that may seek access from the SRN:



Agent / Consultee	Comment ID	Section	Comment type	Comment
				<p>“The National Highways will adopt a graduated and less restrictive approach to the formation or intensification of use of access to the remainder of the strategic road network. However, the preference will always be that new development should make use of existing junctions. Where a new junction or direct means of access is agreed, the promoter will be expected to secure all necessary consents, and to fund all related design and construction works”</p> <p>Where new developments do propose possible to changes that may impact the SRN, we would state:</p> <p>“Local authorities and developers will be required to ensure that their proposals comply in all respects with design standards. Where there would be physical changes to the network, schemes must be submitted to road safety, environmental, and non-motorised user audit procedures, as well as any other assessment appropriate to the proposed development. The Design Manual for Roads and Bridges [DMRB] sets out details of the Secretary of State’s requirements for access, design, and audit, with which proposals must conform.”</p> <p>Furthermore, National Highways would reiterate the need to consult us on sites in close proximity to the SRN in order to determine the potential impacts that may occur on the network.</p>
James Langler, Historic England	DE SPD:8	Paragraph 6.2	Have observations	<p>We would request that a footnote is added to the end of the first sentence in this paragraph to read:</p> <p>“In line with paragraph 194 of the NPPF, applicants must describe the significance of any heritage assets affected by the development, including any contribution made by their setting. The level of detail provided should proportionate to the assets importance.”</p>
James Langler, Historic England	DE SPD:9	Paragraph 7.2	Support	<p>We welcome the reference made to Local Plan Policy E5: Development Affecting Heritage Assets.</p>



Agent / Consultee	Comment ID	Section	Comment type	Comment
James Langler, Historic England	DE SPD:10	Paragraph 7.5	Have observations	We welcome the link made to the Market Towns Conservation Area Design Guide SPD. However, we consider that this section should also refer to the Conservation Area Appraisals that are available on the Council's website.

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## **Hambleton District Council**

**Report To:** Cabinet

**Date:** 4 October 2022

**Subject:** **LGR Staffing Matters**

**Portfolio Holder:** Leader of the Council  
Councillor M Robson

**Wards Affected:** All Wards

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### **1.0 PURPOSE**

- 1.1 The purpose of this report is to seek authorisation to enter into a settlement agreement with the Chief Executive Officer as part of the implementation of the transition to a Unitary Authority for the County of North Yorkshire and approval of the terms thereof.
- 1.2 Under the agreement, the Chief Executive will remain employed by the Council until 31st March 2023 but, as requested by North Yorkshire County Council, his employment will cease on that date and he will not transfer to North Yorkshire Council on the transition date of 1st April 2023.
- 1.3 The arrangement is part of measures to ensure for the benefit of the people of Hambleton, the efficient and effective exercise of the Council's functions for the remaining period of its being and a well-managed handover to North Yorkshire Council.
- 1.4 Cabinet is asked to approve the proposed settlement and to recommend that Council approve it at its meeting on 11<sup>th</sup> October 2022.

### **2.0 BACKGROUND AND CURRENT POSITION**

- 2.1 On 1<sup>st</sup> April 2023, Local Government Reorganisation (**LGR**) for the County of North Yorkshire will be implemented under the North Yorkshire Structural Changes Order 2022. Hambleton District Council will cease to exist and North Yorkshire Council will assume responsibility for this Council's functions, and those of the other Districts and the County Council in North Yorkshire, as the unitary authority for North Yorkshire.
- 2.2 Under Regulation 3 of the Local Government (Structural and Boundary Changes) Staffing Regulations 2008 ("the 2008 Regulations") all employees, including the Chief Executive and the Chief Officers, employed by the Council immediately before 1 April 2023 will automatically have their employment transferred on their existing terms and conditions to North Yorkshire Council on that day.

- 2.3 Notwithstanding that, implementation of LGR is causing uncertainty and concern to many members of our staff at all levels and is thus having an increasingly detrimental impact on the Council's ability to sustain high quality services, delivery of its major initiatives and Capital Programme. The Council has, because of LGR and the review preceding it, lost a number of senior posts, which has already put strain on the Chief Officer Group. These include the Director of Economy and Planning, the Director of Finance and Commercial, and the Chief Planning Officer.
- 2.4 At the Cabinet meeting on 5th July 2022, it was proposed that retention arrangements be implemented comprising an Employee Incentive Scheme designed to retain not just the Chief Officer Group but also to consider extending this to selected other senior staff.
- 2.5 In order to avoid any potential conflict of interest in looking at the issues arising for senior officers, there have been appointed independent, external advisers to provide advice on staffing, legal and finance issues arising from LGR who have advised me in relation to this proposal. They are:
- HR- Busola Osibogun
  - Finance – Peter Lewis
  - Legal - Walker Morris LLP who have also sought advice of a leading QC, Dan Stilitz
- 2.6 On reconsideration with the external advisors including Counsel, the view taken is that a more focused proposal, compared to that suggested on 5th July, aimed at the Chief Officer Group as an identifiable group at greatest risk (in terms of any suitable role and the risk of leaving before the transition date) is likely to be substantially more resilient. The earlier proposition, even with a more limited range of post-holders, was too extensive and risked challenge on equality and other grounds in its application. Accordingly, a different strategy was required to ensure value for money and fairness. The rationale for this is based on a number of factors:
- 2.6.1 it is apparent that staff below Senior Management Team level are much more likely to gain comparable roles in the North Yorkshire Council;
- 2.6.2 conversely, the position in relation to the Chief Officer Group and their prospects of obtaining comparable and suitable employment in North Yorkshire Council is a much more challenging prospect.
- 2.7 Central Government's Guidance encourages Councils affected by LGR to use powers available to them under retirement and other compensation provisions to help manage an orderly transition particularly where it concerns post holders where there is a real risk that they are likely to lose their post and/or are real concerns that nothing suitable will be available in the new organisation i.e. commensurate position, seniority, remuneration and role. This is particularly relevant to the Chief Officer Group.
- 2.8 This report focuses on the position of the Chief Executive because the implementation of LGR by North Yorkshire has progressed to a stage where his future position with North Yorkshire Council is clear.

- 2.9 On 21st July 2022, as Leader of the Council, I received a letter from the Leader of the County Council (for the new North Yorkshire Council) which amongst other things encouraged this Council to make its Head of Paid Service/Chief Executive redundant prior to the transition date.
- 2.10 Further, on 22nd July 2022, the Council's independent legal and HR advisors met with senior officers of NYCC. NYCC officers reiterated that request.
- 2.11 North Yorkshire Council on 17th August, following a competitive process, appointed the current NYCC Chief Executive (Richard Flinton) as the Chief Executive for the unitary Council.
- 2.12 Although it is the firm view of the independent legal advisors and the QC that all staff of the Council, including the Chief Executive, would transfer under TUPE on their existing terms and conditions, given the stance of North Yorkshire County Council and the appointment of a Chief Executive for the unitary County, it was felt that it would be sensible and prudent to hold negotiations with the Chief Executive to establish terms on which he might be prepared to leave the employment of the Council on 31st March 2023 and forgo his right to transfer to the North Yorkshire Council on 1st April. These negotiations have been led by the independent HR advisor with support from the other independent advisors and this report sets out below the proposed settlement reached because of those discussions.
- 2.13 In reaching the terms of the proposed settlement account has been taken of the relevant legal powers of the Council, of the terms and conditions of the Chief Executive's employment contract, and of the Council's relevant current policies set out in its Pay Policy Statement, its Restructure and Redundancy Policy and Procedure, its Retirement Policy and Procedure and its LGPS Employer Discretion Policy, although those policies were not drafted with LGR in anticipation.
- 2.14 Equally, the requirements to secure value for money and to ensure the continued efficient delivery of the Council's functions have been taken into account. The proposed settlement will secure that we retain the Chief Executive until the Council ceases to exist and that he will be able to provide the management needed during the transition to ensure effective delivery. Further, it will avoid any dispute with the County during this transition period and/or after implementation of LGR regarding his employment status, which would potentially be a distraction from delivery of the current Council's services as well as the County's existing services to the people of Hambleton.
- 2.15 It is anticipated that following the appointment of the Chief Executive of the unitary authority the future structure to be implemented will start to be developed and in particular that the management structure and post holders will become known in the Autumn. At that point, it will be possible to establish the impact on other members of Hambleton staff and in particular on the current Chief Officers of the Council. As that becomes clearer, if it is considered appropriate, further discussions will be held with affected staff and further reports may be brought to Cabinet and then submitted to Council.

### **3.0 PROPOSED ARRANGEMENTS WITH THE CEO**

- 3.1 The proposal is that the Council will enter into a legally binding Settlement Agreement with the Chief Executive Officer.
- 3.2 Under that Agreement, it is proposed that the Chief Executive will remain in post until 31st March 2023 (the proposed Termination Date) and will continue to work and be paid in accordance with his current contract of employment.
- 3.3 His employment with the Council will therefore terminate on 31st March 2023 and he will waive any right to transfer to North Yorkshire Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).
- 3.4 He will receive on termination a redundancy payment calculated with reference to Hambleton's discretionary redundancy policy as outlined in the Council's Restructure and Redundancy Policy. In addition, in consideration for signing a compromise agreement an additional sum, the Termination Payment, will be paid. There will also be payment for any outstanding holiday accrued and not taken at the date of termination. The calculation of these payments is set out in Appendix 1 (contained in the confidential section of the agenda) and the total cost to the Council is in paragraph 5.4. There are no associated pension costs as this member of staff is not of pensionable age.
- 3.5 In consideration of the Termination Payment, the Chief Executive will waive relevant legal claims against the Council and/or North Yorkshire Council arising from the termination of his employment including his ability to enforce any claim in respect of TUPE. Any payments received are therefore in full and final settlement of any employment related claim that as an employee he may have.
- 3.6 The agreement will be signed once approved but will require to be reaffirmed at the Termination Date to ensure that any claims that could arise between signing the agreement and the Termination Date are waived. The Chief Executive will also receive independent legal advice as to the terms and effect of the agreement (this is a legal requirement of a valid settlement agreement and a contribution towards legal fees is included as a term of the agreement).
- 3.7 The Termination Payment (or part thereof) will be conditional on the terms of the Settlement Agreement, most notably that the Chief Executive remains in post until 31st March 2023 and continues to meet the performance standards set for that year.

### **4.0 COMMENTS OF INDEPENDENT HR CONSULTANT**

- 4.1 The redundancy payment shown above has been calculated with reference to Hambleton's discretionary redundancy policy as outlined in the Council's Restructure and Redundancy Policy.

- 4.2 The Employment Rights Act stipulates that a statutory formula should be applied when calculating redundancy payments. However, in line with the Local Government (Early Termination of Employment) (Discretionary Compensation) England and Wales Regulations 2006 (as amended) the Council has the authority to make discretionary redundancy payments up to a maximum of 104 weeks based on an employee's actual weekly pay at the point of being made redundant.
- 4.3 NYCC have made it very clear that Hambleton should make its Chief Executive, Head of Paid Service, redundant as the North Yorkshire Council has now appointed a new Chief Executive. The sum resulting from the calculation in paragraph 3.4 is the entitlement due under Hambleton's redundancy provisions
- 4.4 In consideration for signing a compromise agreement, which will protect Hambleton and North Yorkshire Council against any claims at tribunal, the proposal is to pay an additional compensation payment, identified as the Termination Payment in paragraph 3.4 above.
- 4.5 The calculations for these sums are in Appendix 1 (contained in the confidential section of the agenda).

## **5.0 COMMENTS OF INDEPENDENT FINANCIAL ADVISER**

- 5.1 There are two broad matters that Members need to consider in forming a view about the recommendations set out in this report: firstly, as mentioned in paragraph 6.13 below, is the benefit of the proposed settlement commensurate with the cost; secondly, are there sufficient funds within the Council's budget and/or reserves to make the payments without impacting services?
- 5.2 In considering the first matter (benefit commensurate with cost), Members are asked to take account of the following factors:
1. The Chief Executive Officer has a six-month notice period and has already proven his commitment over many years to HDC. Leaving without giving six months' notice is a breach of contract.
  2. North Yorkshire County Council, while forming North Yorkshire Council, has clearly indicated that it wishes predecessor authorities to seek to make their respective Chief Executives redundant.
  3. The Council is negotiating this settlement agreement in the context of the safety net of the TUPE regime. Therefore, should it not be possible to arrive at a suitable agreement with the Chief Executive Officer, he may leave HDC within the next six months, perhaps for another role; he may transfer to the NYC on existing terms and conditions; he may seek an alternative exit route.
  4. If the Chief Executive did transfer to the new authority and was made redundant then some of the costs referred to in this report would be a cost to the public purse anyway.

5. There is a Performance Related Pay (PRP) scheme in place, which provides for a payment of up to 20% of salary for those chief officers, including the Chief Executive, who are in post at the year-end and have met the pre-agreed performance criteria. This does, to a limited extent, operate as a retention incentive.
  6. To give some context, the maximum statutory compensation for an unfair dismissal, is currently capped at £93,878, for the worst cases, where an employer has been found to have ignored policy and process in the treatment/dismissal of members of staff.
  7. The potential negative reputational impact on the Council of apparently large sums being paid to individuals upon leaving the Council.
  8. Whether the additional costs of a settlement package bring commensurate additional certainty of outcome for the Council.
  9. That this proposed settlement agreement is likely to set a precedent for any other agreements particularly for the chief officers of the Council – see 2.15 above.
- 5.3 It is for Members to consider and debate these matters in the context of their intimate knowledge of the strategic and operating environment of the Council before coming to a conclusion.
- 5.4 The second matter is funding the proposed settlement agreement, while also taking a future view as to how other such agreements for the chief officers might be funded. This settlement will cost the Council approximately £225,000 including an estimate of National Insurance Contributions (NICs). Funding for this can be found from the Local Government Reorganisation Reserve (LGRR), which currently has a balance of £497,000. £200,000 from salary underspends was added to this reserve as at the first quarter monitoring report – Cabinet 6<sup>th</sup> September 2022 – and it is intended to add further sums as the opportunity arises. However, this will be influenced by budget being released by the departure of staff offset by the need to secure temporary additional staff, which generally cost more than permanent staff. Therefore there is no guarantee that this reserve will grow.
- 5.5 While there is reserve funding for this proposed settlement, should similar agreements be reached with other chief officers then funding for these may need to be drawn from the General Reserve if the LGRR is not sufficient at that time.
- 5.6 Other LGR commitments known at this time are backfill for staff being released early to set up the new unitary authority and the consultancy support engaged to assist with this report and related matters. At this time, it is expected that the sum required for both purposes will not exceed £0.5m, which can be contained within the General Reserve sum.



5.7 Therefore, it can be concluded that there are sufficient funds available to make a payment for this and potential future settlements, while highlighting that, of course, those funds, once spent, will not be available to either Hambleton District Council or to North Yorkshire Council for the provision of services.

## 6.0 COMMENTS OF INDEPENDENT LEGAL ADVISOR

6.1 The proposed settlement and in particular the Redundancy and Termination Payments comply with the powers of the Council under the Local Government (Early Termination of Employment) Discretionary Compensation (England and Wales) Regulations 2006 (**Compensation Regulations**). The Compensation Regulations provide that local authorities have discretionary powers to award compensation to employees who are eligible for the Local Government Pension Scheme and whose employment has terminated by reason of redundancy or in the interest of efficiency. Such payments must not exceed in total 104 weeks' pay including any redundancy payment and enhanced redundancy payment under the Compensation Regulations.

6.2 The Compensation Regulations provide that the Council be required to formulate and keep under review a policy, which applies in relation to both redundancy payments and lump sum compensation. The Council's policies on such matters including the Council's Restructure and Redundancy Policy (Redundancy Policy), its Retirement Policy and Procedure (Retirement Policy) and its LGPS Employer Discretion Policy have been reviewed in this context.

6.3 The Retirement Policy is not relevant in this case.

6.4 The Redundancy Policy provides that an enhanced redundancy payment under Regulation 5 of the Compensation Regulations can be made, based on actual weekly pay (rather than the capped statutory formula) and, depending on age, an employee could be entitled to three weeks' pay for each full year of service. Redundancy payments are capped at 104 weeks' pay.

6.5 Although the Redundancy Policy currently does not provide for compensation under Regulation 6 of the Compensation Regulations its LGPS Employer Discretion Policy does so.

6.6 The Council is also required under Section 38 of the Localism Act 2011 (2011 Act) to prepare for each financial year a Pay Policy Statement ( PPS) which must include inter alia:

*(f) The approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, “*

6.7 Section 41 of the 2011 Act provides that, in making a determination relating to “the remuneration of or other terms and conditions applying to a chief officer of the authority” the authority “must comply with its pay policy statement for the financial year in making the determination”.

- 6.8 The Council's current PPS states that payments on ceasing to hold office will be made in accordance with the Redundancy Policy. It also states that no such payments are anticipated in the current financial year. Accordingly, we would suggest that in addition to revising the Redundancy Policy as indicated in paragraph 6.5 to refer to payments of compensation under the LGPS Employer Discretion Policy, the PPS is amended to clarify that payments may arise from LGR. These proposed amendments are set out in Appendix 2.
- 6.9 There is also the Government Guidance on Special Severance Payments (SSP Guidance) to consider when assessing any severance arrangements.
- 6.10 The Guidance does not apply to statutory and contractual redundancy payments or payments made in accordance with policies made under Regulation 7 of the Compensation Regulations such as the Redundancy Policy and the Employer Discretion Policy. Therefore, it would only be strictly relevant in respect of matters outside of those areas.
- 6.11 Where the Guidance applies, it states that there needs to be a convincing case for making such a payment and that such payments are in the interests of taxpayers. One of the circumstances listed under the SSP Guidance for an exceptional Special Severance Payment includes the circumstance where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office.
- 6.12 It is arguable that the settlement proposal circumstances are exceptional in that they seek to maintain the effective management necessary to maintain the Council's functions up to its ceasing to exist and that they also seek to assist a smooth transition to the new structure.
- 6.13 The Council must act properly in the exercise of its powers – both as to the process of making decisions as well as the facts and law it has regard to. The Council's decisions must be lawful and in this context must have close regard to the Council's fiduciary obligation to its taxpayers and be able to demonstrate it has acted appropriately to secure demonstrable value for the Council and that the payments made are proportionate to the benefit to be obtained and are not gratuitous in nature.
- 6.14 The Council should assume that approval of any settlement proposal and its implementation would attract scrutiny in part because this is a substantial sum however; such matters are normally confidential in accordance with the terms of a Settlement Agreement.
- 6.15 The Council must be satisfied in any decision to approve a settlement proposal that it is soundly based in law, is based on sound financial advice for which budget provision can be made available and that it is a necessary and proportionate response to the concerns raised in this Report and the objectives sought. In the latter regard, the Council's external HR Advisor has provided the relevant assessment and expertise to suggest the settlement proposal on the grounds referenced in this Report is a necessary and proportionate response.

- 6.16 Having regard to each of the above, the Council has the power to consider implementing retention arrangements including the use of voluntary exit arrangements. On the basis that the need for and terms and scope of the proposed arrangements have been thoroughly assessed and evidenced by the external HR Consultant who considers the same to be reasonable and proportionate and necessary to secure the objectives identified in this Report, then it is open to Cabinet to consider implementing those arrangements that are within its authority and recommending any others to Council for adoption.
- 6.17 The Monitoring Officer has been consulted in connection with this Report and is satisfied that relevant legal and procedural matters have been addressed.

## **7.0 EQUALITY/DIVERSITY ISSUES**

- 7.1 Equality and Diversity Issues have been considered however, there are no issues associated with this report. We have considered the Equality and Diversity impact of introducing retention arrangements and or exit arrangements for the Chief Officer Group, however, there are no issues associated with this report.

## **8.0 HEALTH AND SAFETY ISSUES**

- 8.1 Local Government reorganisation will bring with it concerns as to additional workload, stress, anxiety as to future role, change in organisational culture and future prospects. This will likely raise well-being concerns for staff, particularly those that may be most at risk in terms of a change in their role, remuneration or loss of post.

## **9.0 RECOMMENDATIONS**

- 9.1 That Cabinet:

- (1) approves that the Council enters into a Settlement Agreement with the Chief Executive Officer on the proposed terms;
- (2) delegates power to the Deputy Chief Executive and the Director of Law and Governance (Monitoring Officer) jointly in consultation with the Leader to approve any subsidiary matters necessary to finalise the Agreement provided such matters do not contravene any of the matters set out in this report;
- (3) funds any payments under the Agreement in the current financial year from the Council's Local Government Review Reserve; and
- (4) recommends that the Council approve it as the appropriate response of the Council and passes similar resolution and makes the necessary amendments to any Pay Policy Statement, Redundancy and Restructuring Procedures or Retirement Policy that may be required to implement the agreement as set out in Appendix 2.

Cllr M Robson  
Leader of the Council

**Background Papers:** Statement of Pay Policy 2022/23  
Restructure and Redundancy Policy and Procedure  
LGPS Employer Discretion Policy

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## **Appendix 2 – Potential Amendments to Pay Policy Statement and to Restructure and Redundancy Policy**

### ***Pay Policy***

In respect of each [Chief Officer /Member of the Senior Management Team] the entry regarding Severance Arrangements will be amended to read as follows:

*“Normal policies regarding redundancy and early retirement apply to the post holder. No payments were made in the last financial year. It is anticipated that payments may be made for this financial year 2022/23 arising from LGR “*

### ***Restructure and Redundancy Policy and Procedure***

Paragraph 19.3 to be amended to read

*19.3 However in line with the Local Government (Early Termination of Employment) (Discretionary Compensation) England and Wales Regulations 2006 (as amended) the council has the authority to make additional severance payments. This includes the ability to pay an enhanced severance payment up to 104 weeks’ pay (including the statutory redundancy payments or discretionary redundancy payments) to an eligible employee. In addition, the council can calculate redundancy payments on an employee’s actual weekly pay. Consequently, the council operates a more generous redundancy scheme than that set out in the Employment Rights Act. The right hand column in the table below sets out the council’s discretionary formula for calculating redundancy payments and illustrates the differences between the council’s scheme and the less generous statutory formula. In addition the Council will in respect of the [Chief Officers/Members of the Senior Management Team] who remain in service with the Council up to its abolition under the North Yorkshire (Structural Changes) Order 2022 but who do not transfer to North Yorkshire County Council under TUPE consider compensation under Regulation 6 of the 2006 Regulations as referred to in in the Council’s LGPS Employer Discretion Policy provided all payments are within the statutory limit.*

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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