

Update Sheet

Page No

3. Planning Applications

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Report of the Deputy Chief Executive.

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

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PLANNING COMMITTEE
SUPPLEMENTARY INFORMATION
21 October Update list

Agenda Item	Application number and Parish	Respondent	Comments
	Morning session commencing at 10:00am		
1	20/02882/OUT	<p>Officer Update (Wensleydale Railway)</p> <p>Officer Update (Blind Lane Construction Traffic)</p> <p>Officer Update (Blind Lane controls)</p>	<p>The developer has agreed with the Wensleydale Railway that improvements to the nearby level crossing will be undertaken as part of the scheme. The Wensleydale Railway has therefore withdrawn their objection. As the works will be outside of the application site the details of the improvements will be secured through the S106 agreement.</p> <p>Following queries raised during the site visit the Highways Officer was consulted on the feasibility of using Blind Lane for construction traffic. The Officer indicated that Blind Lane is not an adopted road and therefore the developer would need to liaise with the land owner on this issue. The junction area might need improvement as the strength of the road at its junction with Bedale road is unknown. The Officer indicated that Blind Lane could be used but questioned the practicality. Recommended condition 10 allows for the details of temporary construction access to be submitted prior to commencement.</p> <p>The developer has submitted an alternative option for the controlling of movements between Blind Lane and the development post construction. The plan shows a solution altering road geometry with the use of strategically placed static bollards to discourage turning onto Blind Lane. This option may be considered more convenient for the current users of Blind Lane. However, some road users may still attempt to make the turn. The junction would also need to be wide enough to allow continued access for agricultural machinery. At this stage, it should be noted that the current proposal is for drop down bollards on the north side of the Bluebell Way access and whilst other options are being explored this remains the official position.</p>

		<p>Nick Brown NHS North Yorkshire CCG</p>	<p>With regard to planning application 20/02882/OUT Land at Blind Lane, Aiskew / Store at Old Hatchery, Blind Lane, Aiskew NHS North Yorkshire CCG as a Consultee are seeking a Section 106 Healthcare funding contribution of £35,312 from the developer.</p> <p>NHS North Yorkshire CCG are not opposed in principle to this development but firmly consider that there should be a recognition of the impact this development will have on the local GP Surgery from an increase in patient registrations allied to this development in combination with the other proposed developments in and around Bedale.</p> <p>Funding from Section 106 contributions secured from the developer will be used to part fund the redevelopment of Glebe House Surgery in Bedale to increase clinical capacity necessitated by the impact of this development and increase in patient list size.</p> <p>We note the reference in the Planning Statement Document on Page 14 paragraph 4.5 (vii) stating that the linked sites in this application are allocated subject to Contributions from the developer towards the provision of local health care facilities. Accordingly, we would request that this application is only approved subject to agreement of an associated healthcare contribution being secured to be spent on improvements to the Primary Care estate in Bedale.</p> <p>Please could you kindly confirm receipt of this request, and that the attached formal request letter and calculations template will be submitted to the Planning Committee at the approval stage. We are happy for this response to be immediately shared with the applicant and available in the public domain.</p> <p>Officer Response The referenced documents are attached in full. The request for funding has been considered and it was deemed that this would be covered by CIL as it does not amount to an exceptional requirement for additional services beyond that which would be considered typical from any residential development.</p>
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2	21/00668/FUL	Officer Comment	<p>The second recommended reason for refusal states the following:</p> <p><i>“The proposal is contrary to the Local Development Framework Policies CP1 and DP1 as no noise control or mitigation measures have been provided to address the potential harm to the amenity of the local population arising from the use of the building for aeronautical engineering purposes identified in the Addendum to Business Case.</i></p> <p>This second reason for refusal was imposed as it was suggested in the Addendum to the submitted ‘Business Case’ that an aeronautical engineering purpose was being undertaken within the hangar. Therefore given that no noise mitigation measures were presented to seek to address potential harm to amenity, it was considered that this use was contrary to Policy DP1.</p> <p>However, the applicant has stated that this aeronautical engineering purpose is not taking place in this hangar and that Hangar A is only to be used for the purpose of storing aircraft. It is considered that if Hangar A is purely being used for the storage of aircraft then no noise or mitigation measures are required. The storing of aircraft is not considered to cause harm to the amenity of the local population and it is therefore considered to be in accordance with Policy DP1. It is therefore recommended that this proposed second reason for refusal is removed.</p>
5	21/01374/FUL	Recommended additional condition.	<p>Prior to the occupation of the dwelling hereby approved, a scheme for resurfacing of the first 10m of the access road, at the junction with the main road, shall be submitted to and approved by the Local Planning Authority. The access surfacing shall be undertaken in accordance with the approved details, prior to the occupation of the dwelling hereby approved.</p>
6	21/01017/MRC	Mr Rupert Doswell	<p>Further comments received from the adjacent neighbour whose additional comments are attached in full and summarised below::</p> <p>Plot one:</p> <ul style="list-style-type: none"> • The building is substantially higher than was represented by the application at the time of the original outline planning application. It is higher than the pre-existing barn when it was represented as being more than a metre below it.

Officer response
to additional
representation:

- The impact on Carlbury from the building on Plot one is that the topography represented by the applicant in the original application was inaccurate, the ground is higher and therefore the house is higher.
- The building has been built significantly further forward and even higher still than that granted in the permitted planning.
- The applicant suggests that the development is a minor adjustment, however a significant portion of the window now faces a brick wall (first floor bedroom). The applicant does not include within the plans the profile for the dormer windows. These can be seen to extend much higher than the roofline drawn and exacerbate the problem. The facing wall of Plot one exceeds far more than 16cm in front of the window.
- The property is built higher than originally approved by 20cm. Therefore with the height of the house higher and further forward it is considered that these alterations are not minor and cause significant harm on the property of Carlbury.
- In regard to the ground floor window, there is now no 25 degree line of sight and the downstairs room is darker as a consequence.

Plot three

- The building is almost half a metre higher than the approved planning permission. The significant height difference has led to a far greater mass and impact to the view from the rear of Carlbury within the garden and from Elphin Bridge Lane.

The retrospective planning for both plots one and three has caused a detrimental impact on Carlbury and the enjoyment of the property has been adversely affected by this development.

In regard to the height of plot one, as part of the enforcement investigation the finished floor levels of the property were measured as 66.260 (above sea level), compared to the originally approved plan which was 66.400 (above sea level). Therefore the finished floor level of the property has been lowered to that which was previously approved by the council. Therefore, following measurements undertaken by the Council and the agent the height of the building has not increased from that which was previously approved by the council. The development however has been built further forward and further away from

Carlbury by the amount detailed within the Officer report. There is further comments made that dormer windows have been added. These were also shown on the approved plans for the original development and are not a further addition made without the benefit of planning permission.

It is considered that the construction of plot one further forward and further away from Carlbury does result in a loss of outlook greater than the previously approved scheme. However, the bedroom window on the first floor does have an outlook and the outlook is not completely blocked by the adjacent property, It is considered that this is not significantly harmful over the approved plans and that the bedroom windows has two further windows, one to the rear elevation and one to the gable elevation.

In regard to the window on the ground floor it is noted that the window has a loss of outlook but is not completely blocked. This window serves a utility room which is not considered to be a principal room.

Plot three

As part of the enforcement investigation the original finished floor level of the property was measured at 65.500 (above sea level) and the actual measurement taken on site was 65.880(above sea level), therefore this showed an increase in approximately 30/40centimetres. The original floor level of the existing building was 65.700. Measurements were taken of the building and the eaves height and ridge height matched that previously approved. However, by raising the floor level this subsequently raised the height of the property.

It is considered that although the height of the property has increased the adjacent property of Carlbury itself is approximately 20 metres away. As such it is considered that this distance is sufficient to maintain appropriate outlook. It has been noted that the objector has stated that the greater mass results in an impact on the view. Although it can be considered that by raising the height of the property there would be a greater mass this is not considered so significant compared with the approved plan and with previous buildings which occupied the site. It is considered that the impact on the garden is not significantly detrimental for the same reasons.

		Jon Saddington- Agent	<p>In paragraph 5.18 of the Committee Report it states “Also, within the roof of plot three additional roof lights have been added which can also be viewed from Carlbury.” It is noted that additional roof lights have not been added, as the previous approval had four roof lights on Plot three. The alteration is that the roof lights have been repositioned on the roof from the approved plans.</p> <p>Please see attached note from the agent</p>
7	21/00582/OUT	Additional neighbour comment received after report was published – summarised concerns	<ul style="list-style-type: none"> • A neighbourhood plan could be of future benefit; • Site is outside settlement boundaries and therefore in open countryside; • No real reference to Emerging local plan which is at and advance stage; • Application is purely speculative, with no housing need demonstrates for Kirkby Fleetham; • Site is not allocated in the emerging local plan for housing; • Officer report sums up situation very well. Contrary to CP4 with no exceptional circumstances identified, surely this is unsound; • Small number of houses proposed is unlikely to be much support for the few remaining services within Kirkby Fleetham. Kirkby Fleetham is therefore not a sustainable settlement; • This application could set a precedent for future housing developments in Kirkby Fleetham; • Under the IPG Kirkby Fleetham is not identified as a sustainable settlement; • Medieval landscape features have been identified NPPF para 189 states great weight should be given to the conservation of heritage assets. • No biodiversity net gain shown why is that; • Using the emerging local plan could alter the planning balance; • Referral from planning panel to planning committee shows that there is a clear departure from the current development plan and wider implications of the proposal on future developments.

			<p>This is the most important issue on this current application, but there is still no clear evidence presented to Members to justify a departure from the current allocation of the site for employment use.</p> <p>You may recall that the presenting case officer at the 26th August Committee referred to advice from an independent consultant on whether the roadside retail uses were required to make the development viable. We have asked via a Freedom of Information request for a copy of this information on this vital issue but it has not been provided within the statutory timescales which required a response by 8th October.</p> <p>Instead, an executive summary of the applicant's viability case has only just been published on Public Access, which asserts in a letter dated 27th May 2021 that the roadside retail uses are required. However, this summary shows that even with the inclusion of the roadside retail uses, the development will only achieve a 9% return, which is significantly below the 15% target rate for commercial development. We consider it very unlikely that the applicant would secure funding for the development at this low level and this is a further indication that the proposal will only result in the roadside retail being developed with no realistic prospect of the employment uses being developed on the land to the rear.</p> <p>Commercial land values are rising in Northallerton, with plots on the new link road achieving £300,000 per acre, so the issue of whether roadside retail uses are actually required needs to be properly considered by an independent advisor before the Council can make a decision on the current application.</p> <p>To determine the application without a clear understanding of the impact it will have on the Council's planning strategy for Northallerton risks inviting a legal challenge of any approval.</p>
9	21/01544/FUL	Additional comments from agent	<ul style="list-style-type: none"> • The proposed development achieves 37 dwellings per hectare so an efficient use of land and within the historic parameters of what was typically required – I recall 35 dph being a typical target throughout authorities. • Proposing 2no smaller dwellings which will be offered as market rentals through Reynard Properties – one of York's largest private landlords – is surely preferable

		<p>Additional comments from neighbour following publication of the officer report</p>	<p>than delivering a single, larger 'executive' home?</p> <ul style="list-style-type: none"> • The north plot achieves a GIFA of 83.4 sq.m and the south plot 85.0 sq.m. This exceeds the 79 sq.m for a two bed and 84 sq.m for a three bed including in the nationally prescribed space standards. I'd suggest the properties are therefore providing a good standard of accommodation so shouldn't and couldn't really be much smaller. • The site has historically been utilised for parking providing some 20 spaces. Redevelopment will reduce vehicle movements significantly so we see that as an improvement in relation to use of the private drive. <p>Having read your Committee Report we would like to make the following comments as we do not consider that you have included the information, or made it clear as to how the proposal impacts on neighbouring sites, and the general suitability of the access arrangements.</p> <p>In the section of your report headed "Site, context and proposal" you have significantly understated the amount of existing development adjacent to the application site and not explained the over-use of the unadopted access. You have stated that... "To the rear of Redworth House lies a parking area within a courtyard". This small courtyard actually contains the parking for the occupiers of the four adjacent flats, and the three businesses to which members of the public have access. The exit from the courtyard onto the drive has no visibility. The drive also serves other private houses and a further business premises.</p> <p>The parking for the proposed houses is to be within a very restricted area, where manoeuvring into and out of the spaces, then via the 'blind' access onto the private drive will be very awkward, and potentially dangerous. The application contains no provision for any parking of visitors' cars within the site.</p> <p>You have not explained how the scheme for one dwelling on this site in a previous application would be poorly related to the form and character of the village and be demonstrably harmful to its character and appearance: would adversely affect the amenity of adjacent residents by reason of a loss of privacy/overlooking and</p>
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			<p>noise/activity; and be prejudicial to highway safety, and therefore wholly unacceptable in planning terms, yet the current scheme for two, two-storey houses can apparently be considered as acceptable.</p> <p>Such a recommendation shows a complete lack of consistency.</p> <p>I appreciate that the Highway Authority has revised its view, as the A19 is no longer classified as a "trunk" road, but traffic volumes are significantly increasing, so if an access has been judged as being sub-standard and prejudicial to highway safety, it is immaterial whether it is a trunk road or not. It is the number of vehicles on the road and the amount of traffic using a blatantly sub-standard access drive which should be considered, not the arbitrary classification of the road.</p> <p>I would be grateful if these comments could be made known to Committee Members before the application is determined.</p> <p>The Highways officer has commented that the application has been assessed under the current guidance in force at this time and that it is consider the access is satisfactory and there are no highway grounds to support a recommendation of refusal of this application.</p> <p>The application referred to in the above comments for one dwelling was made in 1995, a significant amount of time has passed since that application with both national and local policy changes of a significant level. The current application has been assessed based on its own merits against current national and local planning policy.</p>
10	21/01901/FUL	Mrs Gillian Duffy	A bungalow refused, significant structure, flooding and drainage risks
12, 13 and 14	21/01122/MRC 21/01125/MRC 21/01126/MRC	Swale and Ure IDB	No comments to make of planning application 21/01126/MRC
		Applicant	The applicant wishes to advise that 'Regarding the age and quality of some of the units. The park owns the older units and they will be removed from the site. Any new lodges coming on to the park would need to be of residential specification (BS 3632 2015) this

			includes insulation, heating and double glazing. Anything that is not of residential spec would need to be replaced with a residential specification lodge at the end of the existing agreement between the park and the owner. It is within the Industry standard contract written by the regulatory body that units must be maintained as per manufacturers recommendations. Should a unit fall into disrepair it would need to be removed from the park and replaced. A lodge or Park Home these days is built to residential specification and clad with canexel. This cladding has a long life and is maintenance free. It is anticipated that these homes will last much longer. It is also viable to completely refurbish the inside of lodges to a very high standard, we have just completed one on the park'.
15	21/01370/FUL	<p>Summary of consultee and public comments received on the re-consultation beyond the officer report deadline of 06.10.21</p> <p>Reconsultation public comments up to 19.10.21</p>	<p>NYCC Highways – No Objection Local Highway Authority has taken into account the following matters:</p> <ul style="list-style-type: none"> - The principle of access has been established in previous applications and NYCC do not object to a relatively minor intensification. - The primary issue is the quantum of parking to be provided. The applicant's agent has stated that some guests will choose to stay on-site and that some will choose to travel by other means such as taxi; this is accepted. NYCC professional judgement recommends 30 parking spaces are likely to be required. The applicant's agent has indicated that they are willing to accept a planning condition and a suitable planning condition is recommended. <p>Great Ayton Parish Council – Objection maintained.</p> <ul style="list-style-type: none"> - The modular building is hugely out of keeping with the rural setting. - The addition of the proposed building would change the original purpose of the venue from being a quiet holiday retreat to become a destination for crowded 'events'. - The potential for noise nuisance remains where crowded events are permitted & music volumes are turned up beyond reasonable levels. - The venue is sited in a position that sound travels clearly to nearby residential properties both in the rural setting and the main village. - The Parish Council has received numerous resident complaints regarding noise nuisance from this site. <p>Natural England – no objection The advice provided in our previous response applies equally to this amendment although</p>

			<p>we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.</p> <p>The following comments were made raising new or reiterating previous comments based on the revisions received,</p> <ul style="list-style-type: none"> - Concerned about the size, outdoor nature, and resulting noise. - Making the place even more capable of breaking noise pollution regulations is a bad idea - Skottowe estate will experience noise pollution. - Supporters are all non-local these people will not be affected - This not a special case, committee refused a similar application on noise at committee on 23.09.21 - Noise pollution will not be controlled by revised design, bifold doors and roof terrace - Overspill parking will create traffic noise into early hours - Those that vote for this application will create impacts for years to come, complaints to Police and Environmental Health are to be expected - Refer to New Local Plan foreword “Protecting what is special about Hambleton and protect and enhance our countryside, historic buildings and unique character of our village” - No objection to the current limited amount of holiday accommodation but strongly object to the outdoor cinema and of outdoor functions even on a weekend only basis. - Visual intrusion caused by the summer events, flashing lights visible across the fields and permanent citing of marquee - The modular building proposed will have limited sound proofing and is not suitable - It is unreasonable to expect that people will remain the building and doors and windows closed. Noise pollution therefor cannot be contained. - Beach area, outdoor Cinema and wedding pergola. Noise pollution cannot be mitigated from this site. - Only 10 additional car parking spaces and expecting majority to stay on site or arrive by
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			<p>public transport/mini bus is unrealistic. Additional spaces will be required.</p> <ul style="list-style-type: none"> - It would be difficult to police and monitor it throughout the year. - There is no limit to the number of events which will be held and what time they will stop. Unreasonable for villagers to have their lives ruined by this development. - This development will directly disturb and impact on wildlife welfare and development. - Whinstone view have events, closer to the village and hardly be heard, if the application is approved the volume should be reduced and policed. - Object in terms of the size and scale of the clubhouse, will be obtrusive and resulting in increased traffic and noise late at night. - The field immediately to the South is a stopping off and breeding point for Lapwing and geese. Large flocks of these birds use this site, fear the constant noise would negatively impact these birds. - Noise assessment does not provide a realistic assessment of likely noise levels. More frequent prevailing wind direction is not considered - Noise monitors were not located directly downwind from the source of the noise during this investigation. Wind is a significant consideration in the transfer of sound. - Brings progressive urbanisation of this rural - a modular building that is not in keeping with any local aesthetic - The sound testing report submitted has no merit at all, as the closest neighbour NO TYPICAL event took place. During every previous event we have suffered severe noise intrusion. Can usually hear holiday makers at the site, this is now noise travels. - Outdoor cinema is not covered by the report. - Untrue that no complaints have been received during marquee / beach bar events - The term "club house" does not reflect the actual use of this structure as a party venue, out of context being in a rural area. - It is not similar to Whinstone View, this does not hold outdoor rave party events, it does not have an outdoor beach bar, nor an outdoor cinema screen, nor outdoor speakers with a live DJ. No precedent exists for this proposed development. - The poor access and safety issues have not been addressed by the revised proposal - Any approval would be a clear breach of Hambleton District Council core planning strategy "Policy DP30 protecting the character and appearance of the countryside" - No issue with the site operating responsibly within the limits of its current planning approvals for a small scale holiday lodge retreat. Not acceptable to suffer the severe noise intrusion
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		<ul style="list-style-type: none"> - Necessary controls are needed from HDC to remove any potential of amplified music - If HDC approves it would show no regard for the recognised noise issues Roseberry View has caused and give a green light to cause yet more noise nuisance. - The advertising campaign for 'boozy Sunday brunch' events and DJ style weekenders aimed at non residents. As a close neighbour this was a violation of our space and was very disruptive. - If music is kept inside a purpose built building with no noise pollution then that is fine. - Noise Testing Report is misleading noise levels taken during the weekend of 10th - 13th September and did not represent a typical event - The report does not demonstrate how the noise nuisance will be managed/controlled from external events - the noise report suggests that windows and doors will be kept closed. This does not seem practical. - no reference is made in noise report to noise from vehicles leaving the site late at night. - ELC Planning Statement 5.37 states "No issues or complaints have been raised by nearby residents regarding the current operation of the site and the events/weddings held in the marquee to date, which suggests that the neighbours are not impacted significantly by the use" Totally incorrect! Numerous complaints regarding intolerable noise emanating from this site. - No mention of sound proofing quality or noise monitoring measures on the plans or proposal. suitably sound proofed building is the ideal housing for this proposal. - A major environmental problem affecting health and well-being. - This proposal is nothing more than attempt to make money without due regard to the overall picture. -This revised application would be capable of generating even more uncontrolled noise to the local community - Modular building is a blot on the landscape - with COVID rules regarding ventilation will turn the facility into an outdoor venue. - The revised proposed building whilst potentially more suitable for the site it is still huge. - The proposal to remove the club house for a later meeting but go ahead with the the other parts which they believe are non contentious. Misses the point and do not care that music from beach parties, outdoor cinema and car parking will have a significant effect - This is still an application which is not suitable for this site, it goes against the planning
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			<p>process and still cannot be classed as a special case. It should therefore be rejected.</p> <ul style="list-style-type: none"> - Don't see how the revised design to the club house changes anything - The latest proposal is clearly a major over-development of a green field site. - Latest revisions do not address the principle, object to the 'change of use of land' and the activities that the venue is proposing. - retrospective features, if these have been installed, they are contentious, inappropriate to the location and should be removed from the site. - Concern the applicant will incrementally try to increase the number of activities/events that it wishes to host. LPA must publicise any applications from this location to the whole of Great Ayton and not just nearest neighbours. <p>Specific comments on officer report</p> <p>1.4 States the marquee has recently been taken down. This has been in place since Dec 2020 and never taken down despite only been allowed to be erected for 56 days.</p> <p>4.7 Since this application has been varied there have been a further 33 objections and only one supporting.</p> <p>5.7 States Clubhouse will be for 25 to 100 guests. The wedding brochure for this location is still advertising capacity for up to 250 guests.</p> <p>5.8 Comparisons with other lodge locations are not comparable based on the size of the locations and the surrounding neighbouring areas.</p> <p>5.19 The two properties used for the noise assessment are incorrect - States Cooks View is 140m away from Roseberry View which is lot closer than the 220m LA Environmental Consultants noise reports states and would differ significantly with noise travel. Also, the caravan site, is in fact a field with no paying guests or residents.</p> <p>5.21 States no complaints received when the noise assessment took place. This is due to music not played at normal levels seen this year, inside and outside the marquee.</p> <p>Planning application – ELG Planning</p> <ul style="list-style-type: none"> • States the extra 5 lodges would be mainly used for wedding guests however the wedding brochure for this location states the whole retreat can be booked out as part of the wedding event. Therefore, not clear what this location is to be used for. • No details provided on numbers expected for the Outdoor Cinema, parking. Recent Outdoor Cinema showings were advertised on Eventbrite. Increase in traffic, people and noise all throughout the summer. The application states would be for 6mths of the year
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			<p>with 3 showings a week.</p> <ul style="list-style-type: none"> • Small number of weekend events – This will likely be like the Lakeside Weekender 16th-18th July in which loud music was played on 3 nights heard several miles away. High number of reports were made to HDC and the police. Events held were not in keeping with a rural retreat. Other similar events planned in Nov/Dec are also of similar nature. <p>Noise Assessment Report</p> <ul style="list-style-type: none"> • Noise recordings were conducted to the West of the site, Cooks View (200m) and for the East, states a caravan park (430m). This is a field and is not a licensed caravan park therefore irrelevant. There are no residents or paying guests at this location. The Planning Officers report states Cooks View is only 140m away not 220m away as stated by LA Environmental Consultants report. • The weekend the noise assessment was conducted, the level of music was not at normal level played which is why no complaints were made. • No noise assessment has been conducted for outside noise or additional 100+ guests outside. <ul style="list-style-type: none"> - Beach bar events – states must be controlled as likely to be significant impact on neighbouring residents. How can noise be controlled outside with past events confirming this through the number of complaints to HDC Env Team and the police. - For day guests, where will guests smoke, sit outside when warm, and how does this fit in with the lodges policy of no noise after 9pm. The update states the lodges are for 6 guests totalling 90 guests in total if staying in the lodges. This is incorrect, lodges are advertised for 8 people and therefore potential total of 120 guests in 15 lodges and if 100 guests do not stay, this would be over 200 people at this small location. <p>Landscape impact</p> <ul style="list-style-type: none"> • The large TV, strobe lighting, fireworks and extra lighting from the lodges, wedding walkway, clubhouse and cars arriving and leaving will all have an impact on landscape view for residents to the East of this retreat. The extra lighting would be conspicuously out of keeping with local nocturnal light levels. There is no mention of this in the Planning officers report. <p>Case law/previous decisions</p> <ul style="list-style-type: none"> • Similar application rejected within HDC on 23.09.21Committe Planning Meeting
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			<p>(20/0008/FUL at Westholme, Thirsk) on the basis that: -</p> <ul style="list-style-type: none"> ◦ the existing building did not have sufficient sound proofing, ◦ it could not be expected that occupants would remain in the building particularly during Summer ◦ sounds from the Music could not be contained ◦ noise from vehicles late into the evening would further impact on people's lives ◦ the site was within 1.5 miles from the local village, and it would have a detriment effect on the local population. <p>Highway safety</p> <ul style="list-style-type: none"> • Outdoor Cinema –There are no details of the parking for this. The turning is on a dangerous spot. • ELG Plan states guests would likely stay in lodges. No evidence to back this up and website for lodges showing limited availability throughout next year. <p>A Right of Way also passes through Roseberry View any customers would have to walk out of the front of the retreat onto this busy main road. Walking through this location with noise and music has deterred rambling.</p> <p>The size of the site is not big enough to be able to contain the number of vehicles</p> <p>The rural setting for this business is just unfortunately not the right location or big enough in land size to facilitate these changes.</p> <p>Support</p> <ul style="list-style-type: none"> - Economic benefits: jobs, footfall to the local villages, added revenue to local businesses.
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Planning Application 20/02882/OUT**Land at Blind Lane , Aiskew / Store at Old Hatchery, Blind Lane, Aiskew****Methodology for the calculation of impact on a practice of an increase in list size.****Impact on patient population of an increase in dwellings**Where the mix of dwelling type is not known

An estimate of the increase in patient population is based on the national average household size from the 2011 census. This gives an average number of people per dwelling by size of dwelling i.e.

National household size - 2011 census			
	millions of dwellings		
1 person	8.1	30.7%	8.1
2 people	9	34.1%	18
3 people	4.1	15.5%	12.3
4 people	3.4	12.9%	13.6
5+ people	1.8	6.8%	9
	26.4		61
			2.31

This average of 2.31 persons per dwelling is applied to the number of dwellings in the proposal. For the total outline proposal of 88 dwellings, this gives a population increase of **203** persons.

Impact on GP practice of an increase in patient population

NHPS property guidelines give an estimated impact on GP practice building requirements of 1m sq per 9 patients.

NHS property guidelines give an estimated cost of £1,563 per m sq

This gives an impact on the development of 88 dwellings of £35,312 (being 203 persons/9 m sq * £1,563.)

Note : the CCG reserves the right to amend the value for the element of the application for which the dwelling mix is not known as this information becomes available.

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18 February 2021

Planning Application: 20/02882/OUT
Land at Blind Lane, Aiskew / Store at Old Hatchery, Blind Lane, Aiskew

Introduction

NHS North Yorkshire Clinical Commissioning Group is submitting a response to the consultation on the planning application for the development of 88 dwellings on Land at Blind Lane, Aiskew / Store at Old Hatchery, Blind Lane, Aiskew.

NHS North Yorkshire Clinical Commissioning Group is responsible for the commissioning of healthcare for its population. In doing this we work collaboratively to develop strategies for the provision of healthcare that reflect both national strategic agendas and local priorities. We intend to provide integrated prevention, community health care and social support in the community and take into account the provision of public health/mental health, secondary care and social services as appropriate. Our strategies have been developed through patient and public consultation and reflect NHSE Five Year Forward View where we will see more care delivered in the community rather than in acute hospital settings reflecting locality health needs, national strategies and existing/potential health estate. Our commissioning plans will be affected by housing developments and consequent population shifts that will, or are likely to happen. The existing health infrastructure in Hambleton already operates above optimum capacity and has very limited capacity to absorb additional pressures.

Impact of Proposed Development on Medical Provision

Existing Provision

GP primary care services in the area of the proposed development are provided by Glebe House Surgery in Bedale.

Distance from proposed development

Glebe House Surgery	0.9 miles

Community services are provided from the GP surgeries and through the community services contract commissioned by NHS NYCCG. Locality based health services include both GP services and community services and also integrate with social care services with the outcomes expected to be that patients are cared for and supported in their own home with greater reliance on the GP practice. These services work together as primary care multi-disciplinary teams to provide care to local residents whether or not they are actually registered with the local practice. .

The demand for these services is directly proportionate to the number of patients – increased demand for GP services will involve an increase in community service provision in terms of NHS strategic objectives to provide as much care possible outside of hospital and in the home or home like environment.

The impact of residential development is therefore significant with regard to necessary GP and other health service provision in the area. NHS England follows good practice and adheres to national guidance with regard to list sizes, and recognises that anything above current levels puts pressure on a GP Practice and the services it is able to offer to its patients.

Impact of the Proposed Developments on Health Infrastructure

The CCG has undergone a Primary Care estates review identifying a need for improvements to healthcare infrastructure in relation to Primary and Community services. The existing GP surgery premises at Glebe House Surgery has been identified as operating above clinical capacity .Existing issues will be further exacerbated by any increase in patients from this and other proposed housing developments in this locality.

A programme of development works has been initiated to reconfigure and extend the existing Glebe House Surgery in Bedale to create additional Primary Care clinical capacity and to house community services.

A related Section 106 contribution secured from the developer would only make up a small part of the total capital funding required in redeveloping the GP premises to increase clinical capacity, but it would however once secured by Hambleton District Council be pivotal in securing the additional funding required from NHSE to fully fund the development and final fitting out works to the surgery premises.

The Section 106 funding formula used with regard to this specific development in Bedale is consistent and proportionate with existing and future funding requests we will be seeking from the other proposed future developments in this locality.

It is noted within the associated Planning Statement Document on Page 14 paragraph 4.5 (vii) that ...

“ These linked sites are allocated for housing development subject to ... Contributions from the developer towards the provision of additional school places and local health care facilities as necessary “

NHS North Yorkshire CCG are not opposed in principle to this development but firmly consider that there should be a recognition of the impact this development will have on the local GP Surgery from an increase in patient registrations allied to this development in combination with other proposed developments in this locality.

As the Planning Statements include no specific details around the provision of healthcare in financial terms our request for a Section 106 funding contribution has been estimated using NHS Property Services guidelines.

The detail of this is attached as an appendix to this letter. In summary it estimates:

- The increase in patient population based on the mix of dwellings proposed. If this is not known national census data is used. If the mix of dwellings is known, an estimate is made based on the actual mix of dwellings.
- The additional infrastructure impact of the population increase on the local GP practices by applying NHS property guidelines of 1 square metre per 9 additional patients. This is costs using NHS property guidelines of £1,563 per square metre.

Applying this methodology to the whole development gives an additional infrastructure cost of **£35,312** . This will assist in addressing the infrastructure across the practice affected.

Should this application be approved, it is requested that the above financial impact of the developments on health infrastructure is recovered by means of a payment under Section 106 of the Town & Country Planning Act 1990.

The above requested Section 106 sums meet the tests in that they are:

- **Necessary**: existing infrastructure cannot accommodate the additional demand. NHSE planned investments relate to existing capacity shortfalls only;
- **Directly related** to the development: the impact on health infrastructure (GP and community services) is a direct consequence of the developments;
- **Fairly and reasonably related in scale and kind** to the development: evidence based average health infrastructure costs are requested reflecting necessary additional health infrastructure solely and directly related to each residential development.

Additional Health Impact

In addition the healthcare economy incur the long term residual revenue impact of the development to fund increased GMS contractors (GPs) and increased pharmaceutical,

diagnostic, hospital, mental health and other associated costs. This report also does not address the impact of the development on these services or mental health services and secondary care.

Timing of and access to any Health Infrastructure Contribution Payment

It is requested that any health infrastructure contribution payment is made in a single lump sum in sufficient time to enable proper planning and delivery of the increased capacity. The reasons for this are:

- Health infrastructure decisions cannot be implemented on an incremental or piecemeal basis;
- Forward planning is essential for the required outcomes to ensure the services locality GP practices and Community Services providers are able to offer to patients are not adversely affected by a development;
- Forward financial and healthcare planning dictate delivery within an approved envelope of annual capital and revenue budgetary constraints programmed for the investment;
- Increased capacity must be embedded in a fully integrated solution;
- Capital must be invested at the time of construction;

A suitable process for accessing S106 monies for health infrastructure which has been implemented in other cases seeds: developer S106 payments are paid to and held by the council for a period e.g. 5 years during which time detailed proposals for the delivery of the necessary health infrastructure are submitted to the council for release of the funding with any balance at expiry of the holding period being repaid to the developer.

Conclusion

This application relates to the development on the site which will impact on health infrastructure. Should this application be approved, mitigation of this is requested through a financial contribution towards healthcare infrastructure under Section 106 Town and Country Planning Act 1990.

The minimum cost of additional health infrastructure arising from this development proposal is estimated at **£35,312**

Thank you for accepting this response to the planning application.

Yours Sincerely

Nick Brown
Senior Planning & Capital Officer
NHS North Yorkshire CCG



PLANNING COMMITTEE - NOTE TO MEMBERS 21 OCTOBER 2021

Item 6

Variation of application 18/02661/MRC - Variation of Conditions attached to Planning Consent 16/01987/OUT - Outline application (considering appearance, access, layout and scale) for the demolition of buildings and the construction of 3 dwellings as amended by details received by Hambleton District Council on 25th May 2017

Former Garage, Low Street, Husthwaite

21/01017/MRC

The purpose of this briefing note is to provide a summary of the key facts and material considerations:

Summary of Amendments

- Plot 1
 - a. Moved southwards (forward) by 161mm
 - b. Moved westwards (away from Carlbury) by 623mm.
 - c. Rear garden marginally increased in size.
 - d. Double garage and parking repositioned (shared with Plot 3).

- Plot 3
 - e. Finished floor levels raised by 378mm
 - f. Double garage and parking repositioned (shared with Plot 1).
 - g. rooflight on the front and rear elevations have been moved down the roof plane.

Amenity

- Plot 1
 - a. Two windows within the side elevation of Carlbury (ground floor utility and second floor bedroom).
 - b. Bedroom has two other windows that are unaffected.
 - c. Revised position of Plot 1 has less impact on Carlbury (623mm further away).
 - d. If Plot 1 had been built as approved (i.e. nearer and slightly further back) then intervisibility between the windows would have been clearer and less desirable from a privacy perspective.
 - e. Moving Plot 1 161mm further forward (two thirds of a brick) has no material impact on Carlbury.

- f. Attached Computer Generated Image shows the difference between the approved and proposed positions.
 - g. Moving Plot 1 away from Carlbury allows for circulation around the property which, in turn, provides sufficient space for maintenance and retention / protection of the mutual boundary.
- Plot 3
 - h. The roof of Plot 3 is visible from first floor of Carlbury.
 - i. Plot 3 is set-back from the main rear elevation of Carlbury by over 30 metres which renders the increase in height as insignificant in terms the impact on amenity.
 - j. Planting screen has been undertaken along the site boundary.
 - k. No overbearing impact or loss of privacy to neighbours.
 - l. 4no. rooflights were approved in the front elevation in 2018 (18/02661/MRC).
 - m. No additional rooflights are proposed as part of this application (correction to Committee Report).
 - n. Permission sought to lower the position of the approved rooflights.
 - o. Plot 3 is positioned to the north of neighbouring properties and therefore would not cast a shadow over neighbouring dwellings.
 - p. Any perceived 'loss of view' attributed to the increase in levels cannot be held as a material planning consideration.

Car Parking Arrangements

- a. The only amendment to the approved plan is that the double garage adjacent to the site's eastern boundary is attached to the rear garden of plot 1 and that two car parking spaces previously shown either side of the garden are now both positioned between the double garage and the front elevation of plot 1.
- b. The changes proposed to the car parking arrangements do not impact on manoeuvrability within the site.
- c. The site appears somewhat cramped at present but will have a much more spacious feel once the porch on Cleveland House and the rear outbuildings have been demolished.

Mr. R. J. Doswell
Carlbury,
Low Street,
Husthwaite
York
YO61 4QA

23rd May 2021

Hambleton District Council

BY EMAIL ONLY

Dear Sirs

**RE: PLANNING APPLICATION REFERENCE: 21/01017/MRC
THE GARAGE LOW STREET, HUSTHWAITE, NORTH YORKSHIRE,
YO614QA**

As the residents of Carlbury, we are the neighbours most affected by this development and live adjacent to the application site. Before commenting upon the retrospective application for consideration, it is necessary to refer back to the original application, the representations that were then made and the concerns that were raised.

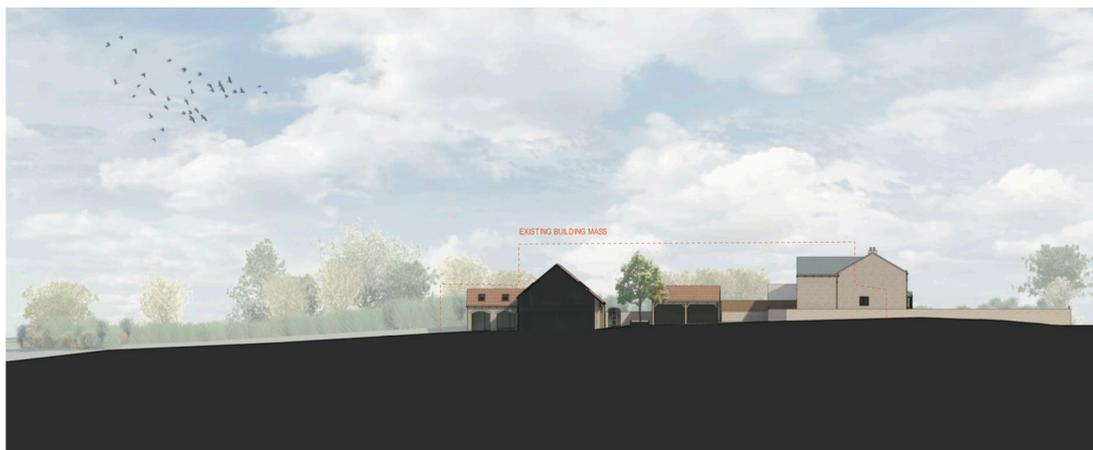
Our objection letter to the original application, sent to the Council on 20th December 2016 raised the following concerns:

- (i) The negative impact of the building on Plot 1 due to its 'height, mass and associated bulk and proximity to boundary', and
- (ii) The fact that Carlbury has windows in its first-floor elevation, that look toward the application site and it would be detrimental to the view from that window, which was/is our daughter's bedroom.

In particular it was observed in our objection letter and later by oral representations made at the hearing, that no topographical survey had been completed prior to the application being submitted in order to confirm existing levels from which the cross sections supplied for determination were based upon.

The only information upon which we could base our objections in relation to the height of both buildings on Plot 1 and 3, was that which could be gleaned from the side profile representations submitted by the applicant. I attach a screenshot of what this representation showed (Ref: 1821760)

FIGURE 1:



SITE SECTION IN RELATION TO EXISTING BUILDING
SCALE 1:200



As you can see, from the above images in Figure 1, for which scale was provided, the representation made by the applicant in the above image, was that the buildings on both Plot 1 and 3 would be built **considerably below** the level of the pre-existing barn (outlined in red). Indeed, using the scale provided on the plan of this cross-sectional drawing and scaling using the dimensions provided thereon, the apex of the building on Plot 3 is drawn approximately 1.16m **below** the height of the pre-existing barn. The building on Plot 1 is approximately 1.06m **below** the pre-existing barn. The Computer Generated Image submitted in support of the application for Plot 3, (ref: 182157) was shown as follows: FIGURE 2:



Again, the image shows a low sloping roof of the building on Plot 3.

The Local Planning Authority found the proposed development to be policy compliant on heritage grounds. Two of the five grounds (referred to with the Applicant's covering letter for this retrospective application) listed by the Planning Authority as the reasons for their original approval, included:

- (i) Plots 2 and 3 being subservient to adjacent frontage properties and not dominating the street scene or challenging the importance of Cleveland House or Carlbury.
- (ii) Plots 2 and 3 of a reduced scale, akin to outbuildings, and reflecting the site's former use as a blacksmiths and stabling.

It is easy to see, given the representation made in Figures 1 and 2 above and absent any topographical survey, why this view was taken.

Subsequent to outline planning being granted, a topographical survey was then completed. Our views were not canvassed following the original planning approval and there was no further opportunity to object following the receipt of this topographical survey.

The current position

Plot 1

The building on Plot 1 is substantially higher than was represented by the application at the time of the original outline planning application (as seen in Figure 1 *supra*). It is now higher than the pre-existing barn when it was represented as being more than a metre below it. Below is an image taken from a still current Google Street View that shows the pre-existing barn from the road. Please note the height of the apex of the barn, compared to Cleveland House. The barn is lower.



By way of comparison, the new building on Plot 1 is higher.



The impact on Carlbury from the building on Plot 1 is a combination of factors: (1) The topography represented by the applicant in the original application was inaccurate. The ground is higher and therefore the house is higher.

(2) The building has been built significantly further forward and even higher still than that granted in the permitted planning. The applicant

refers to this as a ‘minor design adjustment’. The photograph below shows the impact on this ‘minor adjustment’ from the window of my daughter’s bedroom:



A significant portion of the window now faces a brick wall. Notably, the applicant does not include within the plan drawings now submitted, the profile of the dorma windows. These can be seen to extend much higher than the roofline drawn and exacerbate the problem. The facing wall of the building on Plot 1 exceeds far more than 16cm in front of the window.

An A4 piece of paper (approximately 30cm long) that runs from the edge of our window shows how far across the building encroaches. This does not include the guttering.



Clearly insofar as this upstairs window is concerned, it is the combination of *both* the height and the distance forward that has caused the problem.

From measurements provided by the Planning Authority, the house on Plot 1 is 40cm larger (Finished Floor Level to apex) than was approved. While twenty centimetres of this excess have been subsumed by a lowering of the actual floor level, the building is still 20cm higher (as against sea level) than permitted on the plans. Because the house is so close to Carlbury, these alterations make significant difference.

The problem is not restricted to just the upstairs of the house. This is now the view through the downstairs window:



As can be clearly seen from these images, the impact of the building on Plot 1 in its new position is massive. There is now no 25-degree line of sight. The downstairs room is darker as a consequence.

Plot 3

The Planning Authority noted that the original plans referred to Plot 3 as 'Reduced in scale, akin to an outbuilding and reflecting the site's former use as a blacksmiths and stabling'. We do not feel this an apt description for the building that now sits on Plot 3.

The finished floor level of the Building on Plot 3 is 65.858m above sea level when it should have been 65.5m. This is a discrepancy in height of 35.8cm. In addition, the eaves height of the main building, which from the plans should be 3.77m, is, according to measurements taken by the Council Enforcement Team now 3.90m. Therefore the building itself is an additional 13cm higher. The combined effect therefore of the higher finished floor level and building height means there is a discrepancy of 48.8cm – i.e. the building on Plot 3 is almost half a metre higher than the approved planning.

The significant height difference has led to a far greater mass and impact to the view from the rear of Carlbury, within the garden and from Elphin Bridge Lane.



The above, shows the view of Plot 3 from the rear of our property. The images below show that the current building on Plot 3, rather than being 1.16m *below* the height of the pre-existing barn, as was represented at the time of the planning application (see Figure 1 above) is significantly higher than the barn was.





The same tree can be seen behind the new structure (albeit without its leaves and now 2 years older). Less of the tree can be seen because the building on Plot 3 is higher than the barn was.

The line of the hills can be seen in the background to the right of the tree. In the bottom image the hills are below the roofline of new structure. Notably the building is now higher still with the finished addition of the ridge tiles, adding another 10cm or so.

The Applicant and building contractors were informed, when the building was below first floor height, that the position of the building on Plot 1 appeared incorrect. We could not understand how planning could have been granted for a building that was going to be built in front of our window. We were told that we were mistaken and the work simply carried on regardless. Similarly, we expressed our concern over the height of the building on Plot 3, at a time when only the framework of the roof was partly in place. We had no way of knowing whether it was in accordance with the plans, prior to Planning Enforcement then attending and confirming through measurements taken, that the building was too high.

For all of the above reasons, we must oppose the retrospective planning for both Plots 1 and 3. It is unclear from the application, whether the

changes have arisen from a deliberate flouting of the approved planning or negligence on the part of the architect or contractors employed. Whichever it is, the detrimental impact on Carlbury is the same and the enjoyment of our property adversely affected.

Kind Regards,

Rupert Doswell

Name: **Mrs Nicola Lloyd**

Address: **6 Village Fold, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0TX**

Planning application reference number: **21/00582/OUT**

Proposal: **Outline Planning Application (some matters reserved) for the construction of 5 No. residential dwellings with access from Lumley Lane.**

Location: **Land at Friar's Garth, Lumley Lane, Kirkby Fleetham**

Case Officer: **Mr Andrew Cotton**

Hambleton District Council, Planning Department, Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU

Further to my original comments and objection (dated 6th April 2021) to the above application, I wish to make the following response to the comments of the Planning Consultative Panel, for consideration by the Planning Committee.

Whereas I continue to recognise the importance of maintaining a healthy and balanced population structure within villages such as Kirkby Fleetham, if they are to provide for future generations in ways that are economically, environmentally and socially sustainable. The existence of a Neighbourhood Plan could be of future benefit.

I feel the following comments are relevant to this particular application.

- The site is outside the defined settlement boundary and development limits for Kirkby Fleetham and therefore in open countryside. New development is not normally encouraged in open countryside, a point demonstrated in the very advanced and emerging Local Plan(Development Plan)(Inset Map 30), which shows the site as Green Infrastructure/Green Infrastructure Corridor, which will be protected.
- Although the new and emerging Local Plan is now sufficiently advanced to be given much more weight in determining planning applications, there is no real reference to it. It is clearly more up-to-date and in line with current and future planning policies. Why is so much reliance being placed on policy dating back to 2015? More weight to an advanced Local Plan is advised in the NPPF Para. 48 and central Government are encouraging local authorities to have up-to-date development plans.
- This application is purely a speculative housing proposal, since no attempt has been made to show relevant housing need in Kirkby Fleetham, not even for affordable housing, which this application is not claimed to be. The evidence of housing need in the area should be a paramount factor when dealing with such a departure application. The site is not allocated for housing development in the emerging Local

Plan and it is clearly important to stress that this emerging Plan and its policies have been democratically determined by communities across Hambleton district.

- Paragraph 5.2 of the Planning Officer's document sums up the situation very well. Development on this site can only be considered acceptable in exceptional circumstances(Local Development Framework Policy CP4) . Who is identifying these exceptional circumstances because it is stated:

“The applicant does not claim any of the exceptional circumstances identified in that policy and as such the proposal is a departure from the development plan”

So the application is against both the current Development Plan and the emerging Local Plan. Surely this is unsound?

- This initially small number of houses is unlikely to be of much support to the few remaining services left in Kirkby Fleetham(the last shop closed a few years ago). For most really local services, a car is required to reach far more sustainable locations such as Leeming Bar, Aiskew and Bedale , which are more appropriate locations for new housing development. A catalogue of comparable local services between these settlements and Kirkby Fleetham will quickly reveal the limitations of Kirkby Fleetham.
- I have serious concerns that approval of this application could turn out to be the key with which to unlock future housing development in the immediate vicinity of Kirkby Fleetham. This would be contrary to the emerging Local Plan and against the Interim Planning Guidance point four, covering coalescence of settlements.
- Also, how far is this proposed development capable of being accommodated within the capacity of existing or planned infrastructure(Interim Planning Guidance point 5), since adding to such capacity in current times is not a priority in the wider scheme of housing policy across Hambleton? Need elsewhere is much greater.
- Again, using the dated Interim Planning Guidance, Kirkby Fleetham is not considered a sufficiently sustainable location for development and was not identified as such in the emerging Local Plan. No new housing sites are allocated there.
- It is clear from the NPPF Paragraph 189, that 'great weight' should be given to the conservation of heritage assets. Medieval landscape features have clearly been identified here.

- It is now vital that all development must be able to clearly demonstrate measurable biodiversity gain. However, no Ecological Appraisal has been conducted as yet. Why is this?
- Questions can be raised over whether the planning balance could be adjusted and changed? What is said about housing need in Kirkby Fleetham, which must be a part of any balancing exercise? The village is much less of a sustainable location than its neighbours Leeming Bar, Aiskew and Bedale. How can social gain be measured for five houses? What is the real economic gain? The environmental aspects are mentioned as being positive, but there is no mention of what these positive aspects are. What are they? The development will produce more traffic, car journeys, air pollution, and road congestion, together with energy in producing building materials, uprating infrastructure to accommodate the housing, and carrying out the development on a green field site(the Government priority is for brownfield sites). This would all be for five houses that are not fulfilling any proven need. Use of the emerging local plan could change that balance.
- A large number of planning conditions are listed, with only access and layout covered by this OUTLINE application. Many reserved matters are still to be studied and considered for approval. What is the cost involved? How viable are all these conditions for five houses that remain speculative; have no proven need at present and are contrary to many planning policies? There would be development of a lot of extra infrastructure for just five houses, so is there then potential for future development that goes against the local plan? Can it be guaranteed that the conditions will all be followed and fully enforced?
- The fact that the Hambleton Planning Consultative Panel have referred this to Planning Committee suggests a clear departure from the current Development Plan(Local Plan) and recognises that it is a crucial question over the principle of development on this site. This is a vital consideration that has wider implications and potential unintended consequences from developers in the future.

Conclusions.

The application is about determining the principle of housing development on this site for 5 speculative houses, for which there is no demonstrated need in Kirkby Fleetham at present. Such houses run contrary to the emerging Local Plan which has already allocated future housing sites in much more sustainable and well serviced settlements such as Bedale, Aiskew and Leeming Bar.

The outline planning application is a key one of principle, and with very significant future implications. If it were to be approved, it would send a particular message to potential developers and set a precedent for other similar areas of land both in Kirkby Fleetham and beyond. It would run contrary to some fundamental planning principles and irreparably undermine and damage the newly emerging and democratically accountable Local Plan, which does not allocate housing land in Kirkby Fleetham and recognises no significant housing need there to warrant a departure application being approved.

Nicola Lloyd

19th October 2021

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