

## Agenda

### 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**  
**16<sup>th</sup> December 2021 - Update list**

Agenda Item	Application number and Parish	Respondent	
1	21/02260/OUT		
2	21/02448/MRC		
3	20/02341/FUL Dawney House Farm	Committee member Cllr Mrs Bridget Fortune	<p>Please may I add my support for the application at Dawney House Farm. (Easingwold) At the November meeting I gave this my full support and asked that it be granted approval. I fully understand that a venture such as this isn't taken lightly, these beautiful birds are precious and are endangered in some cases, this application seeks to conserve the current stock and to professionally and selectively breed the best and keep the quality and safety of the breeds alive.</p> <p>It requires the specialised housing we saw on sight, which was very well screened and of a suitable colour in my opinion. Care of these beautiful animals require a level of care that is hard to achieve in a domestic setting hence large, airy and well constructed buildings are needed. The site is well screened and secure, no person involved in such an operation would expect anything less. The 50M Hack pen ensure that birds get the necessary fly time to promote good health and develop their strength.</p> <p>The barns and building blend in with its surrounding topography, it is away from the public and is a secure setting.</p> <p>May I respectfully ask again that this application be granted the permission it seeks</p>
4	20/02342/FUL Dawney House Farm	Committee member Cllr Mrs Bridget Fortune	<p>[With reference to the Item 3 above] I know that there is another application alongside this one for mobile homes and parking for staff accommodation. This too is very necessary for the operation of the business.</p> <p>I would like to ask if the colours of the units could be more subdued to blend in with the surroundings. If that is possible, then this too should be granted it permission.</p>
5	21/01049/REM	Officer	Recommendation – Grant, subject to final technical consultation on the amended details.

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Agenda Item 3

	Land Adjacent and Rear of Police Houses York Road Easingwold	Clarification	<p>NYCC LHA Update – The applicants have agreed amendments with NYCC as follows:</p> <ul style="list-style-type: none"> <li>• Removal of the 475mm service margin</li> <li>• Having a 5.5m wide road throughout with a 2m wide footway on one side (this would increase current total width by 200mm and push out the kerb edge 200mm)</li> </ul> <p>Amended plans are awaited. These changes would have consequential amendments to conditions referring any superseded drawings.</p> <p>Surface Water Drainage - The Lead Local Flood Authority and HDC Corporate Facilities Manager has also reviewed the surface water drainage details. As noted in the report the LLFA consider the proposed drainage design to be acceptable, and the HDC Corporate Facilities Manager has advised:</p> <p>“I have had a look over the plans, I note that the LLFA authority had a number of concerns, the developer came back with a response which I note that the LLFA are satisfied with. Having looked through the exchange I too was content that the developer was addressing the issues. I also noted that the inclusion of both foul and surface water pumping stations meant that the site levels will not have to be raised.</p> <p>The developer has mentioned it, but I do think we need to reiterate strongly that the developer fully protects the exceedance flood flow paths in the garden ditches from infilling. Exceedance flows are not only associated with weather events, they can also be created by water main bursts, sewerage blockages so whilst a flooding event of a 100 year plus magnitude is rare, less rare are the other events.</p> <p>The developer has created a workable drainage design.”</p>
6	21/01350/FUL Kirkby In Cleveland Nathan Puckering	Additional Parish Council Objection	<p>The Parish Council submitted an additional objection with the following comments:</p> <p>“Ivy House is a Grade 2 Listed Building in the heart of the Conservation Area of the village and part of a row of cottages all of which are listed. All of the other cottages in this row have been renovated to some extent but those wishing to make external alterations were required to remain more-or-less on the footprint of the original building. There is photographic evidence for this on the file. We cannot understand why these limitations have not been required in this case also. This row of cottages reflects the medieval history of the village and the lifestyle of the people living in them. The area to the rear was one open space used by all residents with</p>

shared outbuildings. The proposed mass (height and depth) of the proposed extension severely compromises this open aspect of the rear streetscape. The Officer's Report states in para 5.2 that in order to comply with Policies CP17 and DP32 and the Domestic Extensions SPD 'the development must protect the character of the existing building by ensuring a **subservient and suitably scaled** extension'. The proposed extension is neither subservient nor suitably scaled, either to the original cottage or to the row of cottages of which it is an integral part. In the Domestic Extensions SPD – SPDs are an important part of the planning policy for Hambleton and are material considerations that have to be taken account of when determining a planning application – para. 4.4 Maintaining Spaces states that 'the design of domestic development should maintain the spaciousness of the existing street scene, considering separation distances to the ...back... of buildings. This proposed extension clearly compromises this. It also compromises the vehicular right of way which exists across the rear of the row of cottages.

The only two other areas of two storey rear extensions, both on the original footprint, are set much further back than this proposed development. All other outbuildings to the rear of this row of cottages are single storey and of a similar age to the row of cottages. Paras. 4.6 and 4.7 of the Domestic Extensions SPD also state that 'an extension must not cause any significant loss of light to principal rooms in neighbouring properties, or significant overshadowing to neighbouring gardens. A useful guide to measure the likely impact of an extension is the 45 degree Code. No part of a two storey extension should cross the line drawn at 45 degrees from the centre of the closest ground floor habitable room window of neighbouring properties. If you apply this Code to the window of the neighbouring property Wayside the 45 degree line hits the side wall of the extension at least 1.5 metres back from the front elevation of the extension. This extension therefore clearly does not comply with the 45 degree Code.

Para 5.7 Rear Extensions - goes on to say 'an extension would **not** normally be permitted where it would extend beyond the 45 degree line'. However at the time of the site visit the 45 degree Code had not been tested. This would appear to be a serious omission of such an important element.

With regard to the change of use of the field from agricultural to equestrian, if as the applicants have stated they only wish to graze horses for limited periods and they will continue to be in livery elsewhere, there is no need for a change of use. It is only if buildings are planned that change of use is required, so the implication of this part of the application is that buildings are

		Additional Neighbour Representations	<p>planned in the future. This change of use should not be permitted without details of any buildings planned.</p> <p>Also relevant is the fact that Hambleton District Council have been informed that curlews an endangered species return annually to nest at the bottom of this field. Para 2.6 Protected Species states ‘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 your property, it is a legal requirement to notify Natural England.’ Natural England do not appear to have been consulted in this case. It is for these reasons and all the concerns raised in previous representations that the Parish Council wishes to see these applications refused.”</p> <p>Additional letter of support received citing the following comments:</p> <ul style="list-style-type: none"> <li>- Welcome a young family moving into a derelict property</li> <li>- The building would benefit from plans put forward to create a workable family home which would be in keeping with the character of the existing neighbouring developments and welcome the principal façade remains unchanged</li> <li>- Fully support the change of use aspect as Kirkby is the perfect equestrian setting, surrounded by bridleways that are to be enjoyed, and having a field behind the property lends itself ideally for this purpose</li> </ul> <p>5 additional objections received which reiterate comments set out in the Officer’s report with the following additional concerns raised:</p> <ul style="list-style-type: none"> <li>- The clarification that no buildings are proposed as part of the change of use are noted but surely horses will need stabling at some point. Whilst the intentions are reassuring, there is no formal control over this</li> <li>- Despite the amendments, the application as a whole and the proposed plans both lack sufficient detail</li> <li>- The Heritage Statement dates the lean-to element to the 1990s and this is clearly not the case and it also fails to mention the flying freehold to the rear belonging to Lychgate</li> <li>- Concern over access to adjoining Lychgate for renovation and repair work should the extension be built</li> <li>- Potential damage to drains during construction</li> <li>- Health and safety concerns when using the right of access with a car</li> </ul>
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		Officer Clarification	<ul style="list-style-type: none"> <li>- Officer's giving weight to the amount the applicants paid for the dwelling is inappropriate, as is the fact the dwelling will be allowed to "rot further" should permission not be granted and to say it will be left derelict is alarmist. Indeed, the dwelling has not been left untouched for 50 years as it was reroofed in the 1980s</li> <li>- The development would overshadow neighbouring gardens and prevent the residents from sitting in their gardens together, stopping the sense of community</li> <li>- The Officer's report confuses risk to the public and private risk when weighing up securing the optimum viable use of the heritage asset</li> </ul> <p>In light of some confusion in the submitted comments, it is prudent to clarify that the alterations to the scheme included changes to fenestration including changing from an aluminium window to a timber window.</p> <p>Furthermore, an additional plan was submitted by the applicant on the 14.12.2021 (drawing no. 017) which clarifies that the development does in fact comply with the '45 degree rule' in terms of the impact it will have on the daylight provision reaching the nearest window serving a habitable room in the neighbouring Wayside.</p>
7	21/01351/LBC Kirkby In Cleveland Nathan Puckering	Additional Parish Council Objection	<p>The Parish Council submitted an additional objection with the following comments:</p> <p>"Ivy House is a Grade 2 Listed Building in the heart of the Conservation Area of the village and part of a row of cottages all of which are listed. All of the other cottages in this row have been renovated to some extent but those wishing to make external alterations were required to remain more-or-less on the footprint of the original building. There is photographic evidence for this on the file. We cannot understand why these limitations have not been required in this case also. This row of cottages reflects the medieval history of the village and the lifestyle of the people living in them. The area to the rear was one open space used by all residents with shared outbuildings. The proposed mass (height and depth) of the proposed extension severely compromises this open aspect of the rear streetscape. The Officer's Report states in para 5.2 that in order to comply with Policies CP17 and DP32 and the Domestic Extensions SPD 'the development must protect the character of the existing building by ensuring a <b>subservient and suitably scaled</b> extension'. The proposed extension is neither subservient nor suitably scaled, either to the original cottage or to the row of cottages of which it is an integral part. In the Domestic Extensions SPD – SPDs are an important part of the planning policy for Hambleton and are material considerations that have to be taken account of when</p>

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Also relevant is the fact that Hambleton District Council have been informed that curlews an endangered species return annually to nest at the bottom of this field. Para 2.6 Protected Species states ‘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 your property, it is a legal requirement to notify Natural England.’ Natural England do not appear to have been consulted in this case.

		Additional Neighbour Representations	<p>It is for these reasons and all the concerns raised in previous representations that the Parish Council wishes to see these applications refused.”</p> <p>Additional letter of support received citing the following comments:</p> <ul style="list-style-type: none"> <li>- Welcome a young family moving into a derelict property</li> <li>- The building would benefit from plans put forward to create a workable family home which would be in keeping with the character of the existing neighbouring developments and welcome the principal façade remains unchanged</li> <li>- Fully support the change of use aspect as Kirkby is the perfect equestrian setting, surrounded by bridleways that are to be enjoyed, and having a field behind the property lends itself ideally for this purpose</li> </ul> <p>5 additional objections received which reiterate comments set out in the Officer’s report with the following additional concerns raised:</p> <ul style="list-style-type: none"> <li>- The clarification that no buildings are proposed as part of the change of use are noted but surely horses will need stabling at some point. Whilst the intentions are reassuring, there is no formal control over this</li> <li>- Despite the amendments, the application as a whole and the proposed plans both lack sufficient detail</li> <li>- The Heritage Statement dates the lean-to element to the 1990s and this is clearly not the case and it also fails to mention the flying freehold to the rear belonging to Lychgate</li> <li>- Concern over access to adjoining Lychgate for renovation and repair work should the extension be built</li> <li>- Potential damage to drains during construction</li> <li>- Health and safety concerns when using the right of access with a car</li> <li>- Officer’s giving weight to the amount the applicants paid for the dwelling is inappropriate, as is the fact the dwelling will be allowed to “rot further” should permission not be granted and to say it will be left derelict is alarmist. Indeed, the dwelling has not been left untouched for 50 years as it was reroofed in the 1980s</li> <li>- The development would overshadow neighbouring gardens and prevent the residents from sitting in their gardens together, stopping the sense of community</li> <li>- The Officer’s report confuses risk to the public and private risk when weighing up securing the optimum viable use of the heritage asset</li> </ul>
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8	21/01302/FUL Kate Williams		
9	21/01303/FUL Kate Williams	Officer Clarification	<p><b>Farm buildings</b> – Maltings Farm is approximately 110m from the application site boundary. The proximity of the proposed dwellings are the same distance from the farm as other nearby dwellings which were approved under application 06/01778/OUT and 09/01292/REM. There are many other existing dwellings within 400m of this site. After seeking further advice from Environmental Health, they have confirmed that no complaints relating to Maltings Farm have been received.</p> <p>Landscape – The trees on eastern edge of the site are within the application boundary, but are outside the garden areas of Bungalows 4 and 5, with some additional tree planting shown such as Oak, Cherry, Field Maple and Silver Birch, within garden areas. Final landscape details are reserved for condition.</p>
10	21/01960/FUL Marc Pearson	Officer Clarification	<p>The agent has now submitted a phase 1 land contamination assessment and this has been reviewed by the contaminated land team as noted below:</p> <p><i>The report does not identify any potential risks from contamination, as a result a Phase 2 investigation is not deemed necessary at this stage. However, I would recommend the following condition to address any unexpected contamination encountered during any approved development work:</i></p> <p><b>Reporting of Unexpected Contamination</b>  <i>In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in</i></p>

		Additional Neighbour Representations	<p>writing of the Local Planning Authority.</p> <p><b>Reason:</b> To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p>On this basis it is proposed to omit the recommended conditions 8, 9 and 10 relating contamination. Condition 11 will remain as recommended above.</p> <p>Correspondence has been received (and sent to some members of the Planning Committee) restating and raising concerns regarding the proposal, particularly noting the TPO protection of 3 trees, the setting of the site, the earlier outline application report findings, differences from the outline approval scheme, concerns regarding the visual impact of the scheme (including retaining walls to rear of dwellings), 23 permissions for new dwellings in the village, precedent, the significance and protection that should be afforded to the roadside hedge, and the change inconclusion from the time of the outline approval.</p>
11	21/01435/FUL Stokesley Nathan Puckering	Officer Clarification	<p>An objection was raised relating to ownership of the site and it belonging to the Manorial Land Trust, not the Town Council, and thus the requisite notification has not been carried out. The Town Council responded to this with the following comment:</p> <p>“This is to confirm that the application is in the name of Stokesley Manorial Lands Trust but that members of Stokesley Town Council are the appointed Trustees for the Trust in accordance with the deed of gift. With the exception of the Golden Lion Bridge which is owned by NYCC and for which they have confirmed their support of the revised drawings, the land which is subject of the application is registered in the name of Stokesley Manorial Lands Trust”</p>
12	21/01572/MRC Kate Williams	Officer Clarification	<p>Update to condition 11 – Surface Water Drainage. Includes more flexibility to amend the surface water flowrate if necessary.</p> <p>Prior to the commencement of the development, no development shall commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum greenfield flowrate of 14.0 litres per second for up to the 1 in 100 year</p>

			<p>event unless otherwise approved in writing by the Local Planning Authority. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed pollution control measure and details of the maintenance and management regime. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented, managed and maintained throughout the lifetime of the development.</p> <p>Update to condition 15 Landscape Scheme and Management Plan - To specifically refer to the boundary with Bankside Close -see point iii.</p> <p>Notwithstanding the details on the planting strategy on Dwg No. N910-ONE-ZZ-XX-DR-L-0201, the development shall not be occupied until a detailed landscaping scheme and management plan has been submitted for the written approval of the Local Planning Authority. The scheme shall indicate any earthworks required, the type, height, species and location of all new trees and shrubs and a management plan outlining the timing of planting, timing of planting in relation to completion of the units and the responsibility and maintenance of the landscape areas has been submitted to and approved in writing by the Local Planning Authority. The amended scheme shall:</p> <ul style="list-style-type: none"> <li>i. incorporate the biodiversity enhancements required by Condition 14 of this permission;</li> <li>ii. Oak and Scots Pine (both included on the planting strategy) should be kept to a minimum (&lt;40%) wherever possible and that they should be spaced well apart with the aim of preventing a new corridor or Wood Pigeon roost from forming; and</li> <li>iii. include measure for landscape enhancement along the hedgerow and boundary between McDonalds and residential areas at Bankside Close incorporating any noise mitigation measures required.</li> </ul> <p>Once approved the development shall be implemented in accordance with the approved landscape scheme and management details unless otherwise approved in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced by the developer with others of similar size and species.</p>
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			<p>Employment Generation - McDonalds advise based on opening hours of 6am to 11pm it would generate 35 FTE jobs, but this could rise to 45 FTE jobs. Costa would create 11 FTE jobs based on 5am to 11pm opening. Based on 24 hour opening the PFS and Kiosk could generate 30 FTE Jobs based on a 3 x 8hr shift. Therefore, any reduction from the 24hr operation would have a direct impact on number of employees. A reduction from 24 hours would potentially reduce the number of shifts, with additional hours compensated with overtime for example. 24 hour opening has not been considered as part of this application, operation hours are reserved by condition following noise assessments and submission of details in relation to the running of the site. The assessment of this information will inform the opening hours.</p> <p>Electric Vehicle Charging Points - The EV chargers are to be 150kw rapid chargers. Each point will have the capability to provide that.</p>
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