

Update Sheet

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3. Planning Applications

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Report of the Deputy Chief Executive.

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PLANNING COMMITTEE
SUPPLEMENTARY INFORMATION
19th January 2023 - Update list

Agenda Item	Application number and Parish	Respondent	
1	22/02606/OUT Catton	Contaminated Land Officer Officer Update/correction Additional neighbour comments -	<p>The Contaminated Land Officer has assessed the submitted information and is content that the risk of contamination affecting the development or end users is low. Condition for unexpected contamination therefore recommended.</p> <p>In the planning history section of the committee report reference is made to application 21/00786/FUL – Extensions and alterations Permitted in June 2021. However the correct reference number for this application is 21/00768/FUL.</p> <p>An updated Location plan has been received which has removed a small section of grass verge to the front of the site which is not within the applicant’s ownership. The application site has therefore become very marginally smaller as a result. This change in no way affects the proposal or recommendation made. The approved plans condition would require to reflect this amended site location plan.</p> <p>One additional comment received which is summarised below (full document also attached as an appendix.):</p> <p>HG5 surely was not intended to allow the village to double in size every 10-12 years. The officer report states 11 new dwellings in the past 7 years but this would seem an underestimate as some are yet to be built.</p> <p>Disagreement over land ownership to the front of the site which the objector states is public land. Land registry plan is not a determined boundary and so subject to the General Boundary Rule. Applicant is seeking to claim this land since the last application. Proximity of the house on the indicative plans is in close proximity to the</p>

			<p>bench and green space and as such could compromise its use. House is too close to the front boundary and not congruous with the character and appearance of the village. Proposal does not appear to accord with policy S1. Proposal would appear not to comply with policy IC2 as the proposal would increase reliance on the car and application would add to the traffic problems already experienced. Local sewer capacity issues should be considered in the planning application to support sustainability, overall RM1 not complied with.</p>
2	21/03042/FUL Carlton Husthwaite	<p>Member of the Public (Representations re: latest amendments)</p> <p>Howardian Hills AONB (Representations re: latest amendments)</p>	<p>Three additional representations have been received from members of the public (both objecting). Their comments are summarised below:</p> <ul style="list-style-type: none"> • Comments regarding ownership of Bell and Ings Lane and Ings Beck and consent/permission for the laying of the underground cabling. • Concern regarding the industrial scale of the proposal within the open countryside and 'dark skies', and the detrimental impact on tourism and employment. • Questions about achieving the proposed biodiversity net gain. • The latest amendments still fail to properly assess the risk to pilots using Baxby Manor Aerodrome...it is essential that the risks are fully understood. • The development would affect to the viability of Baxby Aerodrome and contrary to Local Plan policies relating to the support for the rural economy. • Despite the revisions this is still an industrial complex, with the power station alone being two acres, next to the AONB and on the approach to the North York Moors National Park. The cumulative impact of such a development in a hilly area would be severe and detrimental to many Hambleton livelihoods which depend on the beautiful, unique and characterful landscape as a defining feature of their businesses and lives. <p>The reconsultation comments received from the AONB are summarised below:</p> <ul style="list-style-type: none"> • Most significantly for views from the AONB, PV arrays have been removed from proposed development areas (PDAs) 1, 6 and 10. In addition, south-facing fixed panels have replaced tracking panels and more tree planting has

		<p>Additional Comments - General Aviation Awareness Council (GAAC)</p>	<p>been planned on the boundaries of, and between, the remaining PDAs, which will reduce the visual impact once these are mature. The negative visual impact of the northern element of the solar farm on the landscape between the AONB and the National Park, the iconic views and the setting of the AONB has been reduced.</p> <ul style="list-style-type: none"> • The southern element of the solar farm, though also in close proximity to the AONB boundary, would be less visible from within the AONB. However, it lies close to the road which runs between the A19 and Husthwaite village. This road forms an important 'gateway' to the AONB. Following the responses to the consultation in spring 2022 (including the response from the Howardian Hills AONB on 1 April 2022), the applicant has revised the southern element of the solar farm to remove PDA 11, reducing the extent of the solar farm seen from the road as vehicles approach the AONB and Husthwaite, thus reducing the negative impact on public perception of the rural nature of the setting of the AONB. There would continue to be a negative impact from the remaining visible PDAs and from the Battery Energy Storage System (BESS), and a cumulative effect from the existing solar farm and power distribution infrastructure which is already located close to the proposed site. • have fewer concerns about the negative impacts of the northern element of this proposed development on the setting of the Howardian Hills AONB and have a continued but reduced level of concern about the negative impact of the southern element on the rural nature of the 'gateway' to the AONB. • If the application is approved, I suggest a condition to ensure appropriate levels of tree and hedge planting for screening, using appropriate native species. <p>Selective/relevant contents of an email received on behalf of the GAAC: <i>"The GAAC supports the analysis set out in the Officer's report and welcomes the proposed recommendation to the Committee. It notes the acknowledgement, at paragraph 5.40 of your report, that the proposed development would be contrary to National Planning Policy Framework (NPPF) paragraph 187 as it would, as an 'Agent of Change', adversely affect the existing business of Baxby Manor Aerodrome. However, in our representations we set out two further NPPF material considerations.</i></p>
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		<p>Addition to 'Flood risk and surface water drainage' section of the Officer Report</p>	<p><i>Firstly, the proposed development conflicts with NPPF paragraph 106(f) which requires the maintenance of a national network of general aviation airfields. Secondly, the proposed development conflicts with NPPF paragraphs 84 and 92 which seek to protect sports facilities and venues. As light aircraft flying is recognised as a 'Sporting Activity' by Sport England, these paragraphs apply to airfields. These two further material considerations, therefore constitute additional matters which render the proposals contrary to Policy RM6 of the Local Plan."</i></p> <p>In respect of flood risk, a Flood Risk Assessment has been submitted with the application, although this has not been updated based on the latest amendments to the scheme. The FRA confirms that while the Woolpots South site is within flood zone 1, a relatively small area of the of the western edge of the Woolpots North site as within flood zone 3 (i.e. at a high probability of fluvial flooding), while part of the cable routing is within flood zones 2 and 3. The FRA confirms that all of the electrically sensitive material within the northern extent of the site would be located in areas within Flood Zone 1, whilst the amended site plan for Woolpots north shows the western corner of the site as containing no operational development. Acknowledging the limited footprint of the associated infrastructure, the FRA confirms that the Grid Route will not result in an increase in flood risk elsewhere through the displacement of flood waters. In addition, the FRA concludes that the risk of pluvial (surface water) flooding across both Woolpots north and South to be negligible. As such the risk of flooding and flood displacement from the Grid Route is considered to be negligible. While no flood-risk related sequential test has been undertaken for the development, given the above, the effects/impacts of the development on flooding and flood risk are considered to be immaterial, and a consideration of alternative sites (for the purpose of flood risk) is not considered to be expedient.</p>
		<p>Comments from Husthwaite Primary School</p>	<p>Selective/relevant contents of an email received on behalf of Husthwaite Primary School dated 17.01.2023: <i>"It was not of the school's understanding that we had "refused" the offer of solar panels - at no point did the school refuse the offer. I had been corresponding with Chris Sowerbutts on the offer of solar panels, and as you can appreciate, as a NYCC</i></p>

		<p>Clarification from the agent re: 'public benefits' of the proposals</p> <p>Historic England Representations – Report Clarification</p>	<p><i>school, had to also liaise with NYCC themselves (Kristina Peat from the Energy Team) when considering such a large project. Kristina Peat suggested a way forwards for realising the feasibility of solar panels being fitted to the school and requested that Align Property Partners, who work alongside NYCC, to project manage this and carry out a desktop assessment. However, Align refused to help us move forwards due to other work commitments and it was not the school refusing the offer of solar panels. I asked Chris Sowerbutts if he could assist us in moving forwards with desktop assessment and he indicated he would look into it and get back to me. My last correspondence with LightRock was in April asking Chris if he had got any further in assisting us but I had no reply.”</i></p> <p>Selective/relevant contents of an email received from the agent (Chris Sowerbutts) dated 17.01.2023: <i>“The school did not refuse the offer of solar panels; we collectively agreed it would make more sense to await the outcome of the planning decision before incurring costs. We remain committed to helping the school decarbonise and reduce costs; if a survey reveals the roof to be unsuitable, we have agreed to make an equivalent cash donation (£30,000) to the school, to be spent on other environmental or education purposes, at the school’s discretion. To be clear, this would be in addition to the £100,000 endowment fund (which we envisaged to be administered by Two Ridings Community Foundation, but are equally happy to administered locally).”</i></p> <p>Although para. 5.27 of the Officer Report states that Historic England maintain their objection (based on their representations to the latest reconsultation), as Historic England have since been back in touch with the Council to clarify that their previous response represented their outstanding concerns, rather than a formal objection to the current proposals, as mentioned at para. 4.15 of the Officer Report, it is important to clarify that Historic England have subsequently confirmed that their previous response represented their outstanding concerns, rather than a formal objection to the current proposals.</p>
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		<p>Transport Assessment (November 2021) - Conclusion</p>	<p><i>“This Transport Statement has considered the likely impact of traffic generated by the Development on the local transport network. A detailed review of the type and quantity of vehicles associated with each element of the construction project has been provided along with an approximate programme of construction. The route to Site for all construction traffic has also been provided. Construction and demobilisation of the Development will generate approximately 12,192 vehicle movements during a 6-month period. It is expected that during the peak month of construction, 113 vehicle movement per day will occur, which would consist of 67 car/LGV movements and 46 HGV movements on average. The increase in traffic generation due to construction traffic was calculated using baseline traffic data from the DfT and was found to be significant at both traffic count points, however, further assessment of the road showed substantial residual capacity when including construction traffic numbers. Due to this and the temporary nature of the works, the impact on traffic generation due to construction is therefore not significant. Traffic management procedures have been proposed within this report which would ensure the safe operation of the approach route to the Site during construction. Determination of the final details of these traffic management measures will occur once the Principal Contractor has been appointed and can be secured via an appropriately worded condition attached to any consent (i.e., requirement for a CTMP). As the Site will not be manned, operational traffic is expected to be minimal and would be conducted by smaller vehicles. The impact of this on the wider highway network is therefore expected to be negligible.”</i></p>
		<p>Addendum to Glint and Glare Study - Conclusion</p>	<p><i>“Overall, despite some ‘yellow’ being predicted towards pilots using the Baxby Aerodrome circuits and crosswind joins, the scenario in which glare will be experienced is not predicted to be operationally significant.”</i></p>
		<p>Civil Aviation Authority Representations</p>	<p>The following concluding paragraph is taken from the C.A.A.’s latest representation (dated 18.01.2023), having taken into account the aforementioned Glint and Glare Study addendum: <i>“Glint and glare is known to adversely impact aviation operations, that’s why it is assessed. The assessments carried out in relation to the proposed scheme have not</i></p>

		<p>Update (Section 6.0 Recommendation of the Officer Report)</p> <p>Recommended amendment to wording of refusal reason 2 (within section 6.0 of the Officer Report)</p>	<p><i>adequately assessed the potential impact on Baxby Aerodrome and therefore, safety is not assured.”</i></p> <p>The Local Highway Authority have yet to provide a formal recommendation on the application, having subsequently confirmed that they haven't seen sufficient information to formally respond to the application, including a Transport Assessment. A Transport Assessment has submitted been publicly uploaded to Public Access and the LHA made aware of it. In the circumstances, it is recommended that Members give delegated authority to Officers to refuse the application for the reasons stated within section 6 of the Officer Report, following a 10 day period of reconsultation on the Transport Assessment, and subject to no objections being raised by the Local Highway Authority.</p> <p>Following the latest response of the C.A.A, the following amendment to the wording of refusal reason 2 is recommended:</p> <p><i>The Woolpots North part of the development is located on the flight approach to Baxby Manor Aerodrome and within its vicinity. Despite the submission of an updated Glint and Glare Study and Addendum, the Civil Aviation Authority have outstanding objections to the proposed development due to the potential for glint and glare (i.e. both yellow and green glare) which poses an unacceptable safety risk to pilots of aircraft operating from Baxby Manor Aerodrome. Notwithstanding the updated Glint and Glare Study and addendum, there is insufficient information submitted with the application to demonstrate that the proposed development would not have an unacceptable impact on the safe operation of Baxby Manor Aerodrome, contrary to Policy E2 (Amenity) of the Hambleton Local Plan. Furthermore, as the 'agent of change', the amended proposals have failed to demonstrate (including providing suitable mitigation) that the proposed development would not place unreasonable restrictions on the operation of Baxby Manor Aerodrome and how it currently operates, contrary to paragraph 187 of the NPPF. This impact, when considered cumulatively with the other reasons for refusal, would</i></p>
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			<i>outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E5 and RM6 of the Hambleton Local Plan.</i>
4	21/01361/OUT East Cowton	Officer Update	<p>The application results in the demolition of Number 3, the end of the short terrace of dwellings on the approach into the village. The dwelling is of a traditional character and is considered to contribute positively to the character of this part of the village. It is considered that the loss of this building is harmful to the character of the village and as such it is recommended that the reason for refusal is amended to reflect this harm.</p> <p>Recommendation amended as follows:</p> <p>The development of the agricultural land in question will erode the open nature of the setting of the south eastern part of the village and in this respect lead to the loss of an important part of the open countryside surrounding the village. Additionally, the proposed development results in the loss of the end terrace, a building of a traditional form and character that contributes positively to the character of the settlement. The loss of this building is considered harmful to the character of the village. The proposed development therefore conflicts with Policy HG5 and Policy S5 of the Local Plan.</p>
6	22/01574/FUL Huby	Huby Parish Council Lead Local Flood Authority	<p>Huby Parish Council objects to proposal 22/01574/FUL. This application is the third iteration and the first was refused on numerous grounds many of which are still applicable. This application increases the number of dwellings which will put increased strain on the already overloaded school and sewage infrastructure. There is no mention of maintenance of the open spaces and paved areas. The increase in housing density will lead to increased vehicular traffic through Maple Lane as well as difficulty with manoeuvring within the development. Although an explanation for the need for the 'home office' has been provided, the provision of such an office seems odd. During the construction phase the disruption caused by site traffic and mud will be considerable. The building of 16 dwellings is overdevelopment for the Village.</p> <p>The additional information provided January 2023 indicate the ground infiltration rate is satisfactory and the LLFA are satisfied that the use of soakaways as a method of</p>

managing surface water on site is viable. It should be noted that Soakaways will require a 5m easement from all proposed and existing roads and buildings. Soakaway storage should not be located under boundary features such as fences.

Maintenance details indicate that the drainage maintenance of the private plot soakaways will be conveyed the resident via purchase deeds. It must be demonstrated to the satisfaction of the LPA that maintenance will be assured for the lifetime of the development. SuDS Schemes for individual properties should be wholly located within the boundaries of the receiving property so that maintenance and ownership is understood to be with the receiving property; shared SuDS schemes should be located in POS / shared spaces under the management of a designated management company.

Conditions are recommended as follows:

Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory

22/02606/OUT - Supporting notes for Mr A Wiggins's appearance at the Planning Committee 19th January 2023.

I have lived in Catton for more than 30 years at the Rowans which is to the west and adjacent to No 8 Catton.

My response on the 19th will mainly be related to four of the sections from the Hambleton Local Plan; HG5 (Windfall sites), S1 (Sustainable development), IC2 (Transport), and RM1 (Water quality).

HG5 – Windfall sites

(c) Whilst it is appreciated the application can be considered under this policy, the officer's assertion (at 5.8) that 11 new houses over a period of 7 years is reasonable is a surprise.

The figure of 11 is an underestimation and some haven't yet been built. Given there were about 20 houses in the village 7 years ago, such an increase would equate to nearly a 10% growth of the village each year, or a doubling of the size of the village every 10-12 years. It's hard to imagine the intention of Policy HG5 was to allow such a high rate of growth for small villages.

(d) The green space to the south of the site is in fact part of the verge / public land. The Land Registry map which has been submitted does not show a determined boundary and is therefore subject to the General Boundary rule. Indeed, the applicant has sought to 'claim' this additional area since his last application in 2015 (15/02519/FUL).

The position of the house on the indicative plan would be within one or two feet of the bench on the green space and this could potentially compromise the use of this area.

(e) The character and appearance of the village has developed relatively coherently from the original village layout over a hundred years ago. This development was through building 'new' houses about 40 years ago in the available and reasonably sized gaps between the original buildings.

Whilst appreciating that this is an outline application and the final position can be moved, it does appear that the house would need to be sited further back (North) to provide an acceptable gap with the public south boundary, but this would then put it too close to the garden of Meadow View. And whilst the site has moved to the west to give more space from No 9, this then puts it very close to the granted extension of No 8.

It's hard to see how the house could fit in the space available whilst maintaining an acceptable space for planning purposes with the surrounding properties, and even if it was, this would be still detrimental to the existing character and appearance of the village by having a house with very little space around it. It does not appear that this application is supported by sections c, e and possibly d of HG5.

S1 – Sustainable Development

At 5.9 of the officer report it is claimed that the application accords with policy S1, however no reasoning or explanation is given for this conclusion. From the policy statement itself, it is I think clear that there would be no real sustainable development benefits, for example in terms of

minimising travel or improving access to a range of services; but rather potential harms. Policy S1 would therefore appear to be against this application.

IC2 – Transport and Accessibility

The officer report not unreasonably concludes (5.22) that highway safety would not be compromised by increasing the traffic on the access road, and then (5.23) states that this means the application complies with Policy IC2. There is however much more to IC2 than vehicular access to a specific property. For example; reducing the reliance on private cars, promoting the use of public transport, cycling and walking, and so on.

It should also be noted that the single track access roads to the village are already at certain times of the day very busy, and this application would simply add to the problems given the need to drive and there being no public transport in Catton. It would therefore also appear that this policy, IC2, would be against this application.

RM1 – Water quality and foul drainage

Whilst appreciating Yorkshire Water have not raised any objections, it should be noted that in their previous guise / ownership, some 30 years ago, their assessment was that the village sewage works were at capacity and needed replacing. Given that the current system discharges raw sewerage in to the river Swale it would be good if the planning authority could make an assessment of this given their role in supporting sustainability. Overall it would appear that policy RM1 may well also be against this application.