

Agenda

Page No

1. Minutes

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To confirm the minutes of the meetings held on 14 January and 18 May 2021 (P.5 - P.6 and P.1 – P.2), attached.

2. Apologies for Absence.

3. Planning Applications

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Report of the Deputy Chief Executive.

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

4. Matters of Urgency

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

Agenda Item 1

Minutes of the meeting of the Planning Committee
held at 1.30 pm on Thursday, 14th January, 2021
at a Virtual Meeting via Teams

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	G W Dadd	Councillor	M S Robson
	Mrs J W Mortimer		

P.5 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 29 October 2020 (P.3 - P.4), previously circulated, be signed as a correct record.

P.6 Planning Applications

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

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

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

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

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

The Decision

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

- (1) 20/01997/FUL - Construction of a steel portal framed agricultural building for the purpose of housing pigs at Bridge Farm, York Road, Thirkleby for Mr D Sanderson

Permission Granted

- (2) 20/01136/FUL - Construction of petrol filling station (Sui Generis) with associated retail kiosk (Use Class E), drive-thru restaurant (Use Class E/Sui Generis) and drive-thru coffee shop (Use Class E) with associated parking, service arrangements, landscaping and access at Land adjacent to Oakfield, York Road, Thirsk for BP Oil UK Ltd

A PowerPoint presentation was made to Members of the Planning Committee to cover the issues raised in the Officer Report and to provide comprehensive details of the additional following matters:

Policy DP10 was relevant to the application. Members were advised that this reads as follows:

“Permission for development will only be granted where it respects (by protecting or enhancing) the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements. This includes Green Wedges between (and extending into) settlements and spaces and landscaping of townscape importance (in both towns and villages and including protected trees and woodland).”

Members were also informed about a previous planning appeal on land adjacent to the current application site to the west of York Road, Thirsk, YO7 3TY (Appeal reference APP/G2713/W/15/3008379; LPA reference 14/01209/FUL). Location and site layout plans for the proposed development of a change of use of the agricultural field to a holiday-park for the siting of 30 number static caravans, with associated works to provide access track, caravan standing, formation of bin store, amenity area and pumping station, were displayed in the presentation on screen.

Officers explained that the Planning Inspector considered the main issue in the appeal to be the effect of the proposal on the character and appearance of the local area. As harm was identified, and the public benefits of the proposal were not judged to outweigh this, the appeal was dismissed. Officers advised Members that the same process had been followed in the current application, and the same issues considered as those in the appeal, but the public benefits were more significant in this case and therefore an alternative, positive recommendation had been reached.

Permission Granted

At the request of Members the following matters are to be secured in the recommended conditions:

- details of oil interceptors to contain accidental spillage within the HGV parking area;
- an operational management plan for the HGV area; and
- an employment strategy to provide the details of job creation arising from the development.

(The applicant's agent, Robert Dibden, spoke in support of the application).

(Councillor Mark Robson spoke on behalf of Sowerby Parish Council supporting the application).

(Mr David Tonge spoke on behalf of Friends of the Earth objecting to the application).

The meeting closed at 4.50 pm

Chairman of the Committee

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Minutes of the meeting of the Planning Committee held at 2.25 pm on Tuesday, 18th May, 2021 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor M A Barningham (in the Chair)

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

P.1 Election of Chairman

The decision:

That Councillor P Bardon be elected as Chairman of the Committee until the Annual Meeting in May 2022.

(Councillor P Bardon in the Chair)

P.2 Appointment of Vice-Chairman

The decision:

That Councillor J Noone be appointed Vice-Chairman of the Committee until the Annual Meeting in May 2022.

The meeting closed at 2.27 pm

Chairman of the Committee

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Planning Applications

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday, 27 May 2021. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00am on the day of the meeting.

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

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

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

Mick Jewitt
Deputy Chief Executive

Site Visit Criteria

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

PLANNING COMMITTEE

Thursday 27 May 2021

Item No	Application Ref / Officer / Parish	Proposal / Site Description
1	20/01963/FUL Peter Jones Kirkby Page. No 11	Creation of a new detached dwelling For: Mr & Mrs Andrews At: Land North of Appledore, Kirkby Lane Kirkby In Cleveland Recommendation: Approve
2	20/02538/FUL Kate Williams Easingwold Page No. 27	Demolition of existing buildings and construction of 154 residential unit (C3), areas of public open space, associated car parking, with vehicular access from Husthwaite Road For: Berkeley DeVeer (Easingwold) Ltd and Project Terrier LLP At: Land North East of Easingwold Community Primary School, Thirsk Road, Easingwold Recommendation: Approve subject to the applicant entering into a section 106 agreement; the expiry of consultation and neighbour notification in respect of amended plans received relating to the proposed car park to the rear of Easingwold Primary School and site layout amendments and no new additional material planning considerations being raised prior to the end of the consultation period; imposition of the below conditions and any further conditions required to be imposed as a result of any further consultation responses received and provided that any changes required do not exceed the substantive nature of the Committee's decision.
3	21/00081/FUL Craig Allison Bagby Page No. 59	Retrospective application for an access road off Bagby Lane to provide access to the Airfield For: Mr Martin Scott At: Land to the North of the Airfield Recommendation: Approve

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Parish: Kirkby
Ward: Stokesley

Committee Date : 27 May 2021
Officer dealing : Ms Helen Ledger
Target Date: 30 October 2020
Date of extension of time (if agreed):

1

20/01963/FUL

Creation of a new detached dwelling

At: Land North of Appledore Kirkby Lane Kirkby in Cleveland North Yorkshire

For: Mr & Mrs Andrews

The application is presented to planning committee due to the proposed development being considered to be a Departure from the Development Plan

1.0 Site, context and proposal

- 1.1 The site is located to the north of the village of Kirkby In Cleveland and on the west side of Kirkby Road. In the vicinity the road is tree lined with several dwellings set back from the frontage, positioned on both sides of the road.
- 1.2 Access is proposed to the northern edge of the site frontage and allows for the retention of the mature tree on the boundary. As the main road slopes towards a small water course to the very edge of the access route the site adjoins an area subject to surface water flooding. A flood risk assessment has been included within the submission.
- 1.3 The proposal is for a detached dwelling and garage/carport with access from the main road to the north and positioned with the principle elevation facing the road.
- 1.4 The submission includes a heritage statement to consider the impact on the conservation area and on account of historical records indicating this was a landscape of ridge and furrow. A Flood Risk Assessment (FRA) considers the implications of risk of surface water alongside a drainage strategy for the site.
- 1.5 The proposal has been amended twice, resulting in a revised design reducing the scale of the principle elevation and changing the materials and fenestration to better reflect the character of the rural area. The final design underwent a 10-day re-consultation exercise.

2.0 Relevant planning history

- 2.1 89/1178/OUT - Outline application for the construction of a detached dwelling house and domestic garage - Refused

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
National Planning Policy Framework
Interim Guidance Note - adopted by Council on 7th April 2015
Kirkby in Cleveland Village Design Statement

4.0 Consultations

4.1 Kirkby Parish Council - The application should be refused on the following grounds:

- Contrary to village design statement, Objective VC1, SPD of HDC
- Intrusive in the landscape, too large and in no way reflects the character
- Access will have a negative impact on setting of the village
- It contravenes Policy DP9 and other relevant LDF policies and windfall policy in new local plan.
- Will not support the few village services, Gt. Broughton has lost most of its services
- Will destroy the historic and natural setting, open agricultural fields
- Will not be accommodated within existing infrastructure.
- Contrary to HDC schedule of how many dwellings each settlement can accommodate
- Too high to form a natural extension to the village
- The land adjacent to the built form of the village has already been developed
- This land was refused outline permission for a domestic dwelling in 1989 reasons for refusal then still apply.
- Access blocks the traditional access to the agricultural fields
- Water main frequently bursts at various points along its length.
- Contrary to climate change, removing good agricultural land.
- Replacement of church hall was carefully considered. Hope that LPA is consistent when assessing planning applications.

- 4.2 Kirkby Parish Council re consultation - All the objections raised in our previous response still stand. These minor amendments in no way ameliorate the damage, especially to the Conservation Area and setting in open countryside by the construction of such a large and high dwelling.
- 4.3 NYCC Highways Authority - The Local Highway Authority recommends that conditions are used. No objections.
- 4.4 Contaminated land - Based on the PALC form submitted the applicant/agent has not identified any potential sources of contamination on the form and therefore the application is considered low risk. No objections to this scheme.
- 4.5 Northumbrian Water - A water main crosses the site and may be affected. Northumbrian Water do not permit a building over or close to our apparatus, will work with the developer to ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. There may be drains that are not yet included on our records. Care should therefore be taken prior to construction work.
- 4.6 NYCC Heritage Services - The site contains earthworks of ridge and furrow. However, here they are fragmented and there are rarely two conjoining fields with well-preserved ridges. The ridges within the development site have also been truncated to the north and probably also the south. The proposal will have a localised impact on a fragment of the medieval field system but will not destroy it in its entirety. Although the ridge and furrow is a non-designated heritage asset, the impact of the development is low and the significance of the ridge fragments within the development site is low. No objections.

No additional comments following revisions.

- 4.7 Lead Local Flood Authority - Not a Major Development which sits outside of the Authorities remit. No comments.

No additional comments following revisions.

- 4.8 Environmental Health (Residential Services) – No nuisance anticipated, no objection. No objection to amended plans.
- 4.9 Environmental Health (Contaminated Land) – No objections.
- 4.10 Natural England - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 24 September 2020, our ref 328220.

The advice provided in our previous response applies equally to this **amendment** although 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. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

- 4.11 Site notice posted, and neighbours notified. Application advertised as a development plan departure. Revised plans have been received and a further re-consultation exercise carried out. In total 35 objections and 25 letters of support have been received. These representations are summarised below:

Comments from the public received and summarised:

Support for the proposed development:

- Uses existing access, with excellent visibility
- Well-designed dwelling creates an attractive setting on the northern edge
- The site is very well contained, screened by existing mature hedgerows and trees.
- Not of detriment to the local street scene.
- Will not have a significant impact on protected species and habitats.
- Flood-risk will not be increased by the development.
- In compliance of current and emerging policies
- The design appears to be sympathetic to neighbouring properties
- Enhances entrance to the Village.
- Not outside the boundary of the village, the Kirkby sign is before you reach the plot.
- From the centre crossroads the house would not be visible so will not affect view of the church.
- A single dwelling is unlikely to have any impact on traffic
- The development is of much smaller scale than that Kirkby House Farm Development which was outside of the village.
- In keeping with the existing properties that will surround it
- All the reports from the relevant authorities seem favourable and it hits all the appropriate criteria
- The more high-end dwellings within the constraints of the village the better.
- If permission can be granted for building on Hill Road at the Southern extremes of the village I cannot see how this cannot be granted.
- We need young people in Kirkby.
- Design will be a high quality build with correct materials
- With the state of the economy will provide boost to local services and tradesmen.
- Nice addition to Kirkby.
- It will complement the village of Kirby.
- Will add value to other properties in the area.
- High quality building which is sensitive to and complementary to the existing street scene.
- No issues with archaeology
- In line with current & new planning policies
- Consideration given to all the properties close by
- Traditional design
- Natural progression of Kirkby and is far more welcomed than other alternatives.
- Site responds well to levels drop

- Change is inevitable it is important applications are welcomed and supported.

Letter received objecting to the proposed development:

- The size and design of the proposed dwelling is out of keeping
- It is a green field site outside the village building line.
- Will set a dangerous precedent and erode the natural divide between Kirkby and the industrial area.
- Kirby is only one field away from joining Great Broughton,
- The site is unspoilt and ruined by a big modern property
- An abundance of properties of this size in the village; none as conspicuous as this in terms of size or scale.
- Development would not sit within the conservation area
- Contrary to village character due to cruciform shape
- The height and scale too high with no preceding precedent for this.
- The local vernacular of the village disregarded
- Construction traffic will conflict with quiet roads
- Does not take account of the significant carbon footprint involved in the development
- Will damaging, or destroying tree root networks, especially during construction.
- Relationship with conservation area and the local ecology is irreplaceable and provides habitats
- Harm to this non-designated site of archaeological importance (ridge and furrow field) no public benefit
- Potential distress caused to livestock.
- Spoils village of Kirkby with its location and size.
- Land has been agricultural land for centuries and was intended to remain as such.
- 31 years ago, it was deemed to be outside the boundaries of Kirkby and therefore unsuitable for building this decision should be honoured.
- The pastoral view of the village damaged forever.
- There are more locations to build a large country house.
- Overly large, will be against local character
- Will not be sustainable development
- No significant economic, social or environmental benefit
- Outside development limits and no exceptional circumstances, DP9
- Built form examples do not reflect the 18th/19th C development nearby.
- Does not provide any details for the design of the entrance onto the road
- The development will not support for local services
- No new building has taken place north of the village in the last 60 years
- Precedents are being created that would make it difficult to oppose future applications
- It may be "only 4 bedrooms" but it has a huge footprint, and full height roofline. Nearby houses have dormer windows.
- Not supported by local infrastructure
- Brick built will not be in character.
- Do not want to be a suburb of Stokesley.
- Other houses to buy in the village without building new
- The plan shows a property that is for too big for the plot
- Do not agree with development outside parish boundaries.
- It is essential to preserve the character of historic villages
- Such a development may encourage further ribbon development

- The District Council's Guidance Notes state that ribbon development is "not acceptable."
- In the earlier surveys to identify sites for housing developments the proposed application site was not considered appropriate.
- There is an increasing anxiety among residents that proper scrutiny of planning applications by councillors is being discouraged.
- It overshadows and dwarfs Appledore, which is a substantial property.
- The planning decision at Hills Lane has been confirmed (which originally was passed by one vote showing many of the committee had reservations) and was against the wishes of many village objectors, has set a precedent.
- If it is passed makes the extinction of the village as such almost inevitable
- Not a sustainable location, well outside the village boundary.
- The village has exceeded the requirement for new housing.
- Will destroy what is left of a part of Yorkshire's heritage.
- In no way reflects the village design statement's objectives
- Road is dangerous
- The north end of Kirkby is the historic part, with many attractive stone houses and cottages. Any development is detrimental to the ambience
- The field is rare example of the ancient Ridge and Furrow.

Re-consultation on revised scheme from 12.11.2021 to 22.11.2020

Supporting

- Now addresses the issues raised in the previous consultation
- Follows natural thread of the village
- Remain in support of this proposal
- Complies with current policy
- Uses a safe access
- Well designed to enhance village
- Remain in support and comments made previously still stand

Objecting

- Does not address the comments made previously
- The LDF states that planning to be a true reflection of local views and there are over twice as many objections as positive.
- The role of locally elected councillors in representing the views of residents is very important, one has expressed to the planning department that he is against this development.
- In the government strategy it states that new development making a positive contribution for the conservation of a historic environment. This does not.
- The new street scheme scale does not allow easy comparison
- Remains an imposing long house from Stokesley direction.
- Will panel visit the site as committee members would?
- Remains contrary to policies CP1, DP9 and IPGN
- No exceptional circumstances have been shown
- Permanently alter approach to the village
- The openness of the site contributes positively to the rural setting of the Conservation Area.
- The revised design and materials of the dwelling are still inappropriate

- There are no public benefits or support to local businesses to outweigh the harm
- Revised development still contravenes HDC policy, the National Planning Policy Framework (NPPF) and the Village Design Statement
- Applicant has options to buy/have control over land adjacent. This may be subject to future development, sure to spoil and new dwellings. The LPA should this application be approved control this via an S106.
- The design has been modified slightly but the core issues remain.
- Kirkby does not need another new build development.
- New plans indicate earthworks will be necessitated which will change the character of the site and village.
- New planting necessarily will change the rural character.
- May interfere with roots of trees.
- Disposal of spoil needs care to not affect the landform.
- Moving dwelling north may help in setting but creates a more detached siting further away village
- The latest plans are no justification for granting consent for breaching the village boundary.
- It would set an unacceptable precedent.
- The proposed structure spoils the village of Kirkby with its location and size.
- Outside development limits and no exceptional circumstances, DP9
- It will huge visual impact, removing hedge and the addition of gate posts on the entrance.
- The design of the house is incompatible with the nearby buildings within the conservation area
- Would present another hazard in poor sight lines and current speed restrict limits.
- To build a house as shown in the application will require very substantial expensive groundworks and resolution of the water main crossing the site
- The proposed house is about 100m of the main group of listed buildings in the village, the style and size of the proposed house is in stark contrast and makes no effort to blend in
- If granted this development would present the opportunity to develop the next field.
- Outside the village envelope
- The village does not need additional houses
- Contrary to the Kirkby Village Design Statement, (VDS)
- No "exceptional circumstance" demonstrated
- The access is on a narrow road, without pavements, well used by walkers, cyclists, runners, horses.
- Not central village location,
- Contrary to HDCs objective not to support ribbon development.

Further re-consultation following second amendment

Objections:

- The village is overdeveloped - this would be the 9th new build property in 3-4 years in a village of approximately 90 houses. There is no question that it is vastly overdeveloped for a community of this size
- Site is outside the village envelope
- There is no housing need in the village
- The destruction of a green field site when there are numerous properties for sale on the open market in the local area with land attached does not justify a new build on sustainable and environmental grounds

- The access to the proposed property is on a bend and on a dangerous stretch of road into the village
- The applicant has made some changes to the plans - moving it slightly northwards and the design of the upper windows has been altered but essentially there is nothing dramatically different. One thing remains unchanged - the property is far too large and overbearing. It is not discreet or secluded, it is front and centre on the entrance to the village. Certainly not in keeping with the situation of other properties in the vicinity
- How long until the village will be part of Stokesley?
- This is not an affordable dwelling
- The scale of this and its situation as it leads into the main heritage of the village is harmful
- The heritage report (Avalon Heritage) submitted by the applicant interchanges the names of the properties Appledore and the Grange (para 5.3.5, 5.3.7,5.3.9 plus a wrongly named photograph) which gives a confusing and misleading picture.....and does not mention at all the actual Grange, and the implications for that a historic building to the north of the site.
- The decision should be taken by full planning committee
- Appearance of the development when approached from the north is harmful to the character of the village
- The slope of the site will lead to large scale excavations
- Concerns about boundary, access, gate and lighting design
- Harmful impact on highway users
- The cruciform shape to the north has, thus far, not been significantly eroded

Supporting

- Application satisfies all of the necessary planning criteria
- Nurseries, schools, bus routes, pubs, sports clubs, private gardeners, maintenance people, plumbers, joiners, builders etc. all benefit
- To ensure the village and it's services thrive we need to see natural progression like this.

5.0 Analysis

- 5.1 The main issues to consider are: (i) the impact on the heritage asset in terms of impact on the significance of the conservation area, (ii) the principle of residential development in this location; (iii) the impact on the character and appearance of the surrounding area; (iv) the impact on the amenity of neighbouring occupiers; (v) highway safety and (iv) flood risk.

Heritage

- 5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Kirkby Conservation Area. The Conservation Area covers a mainly residential area, accommodating dwellings with a predominantly linear built form on either side of the north to south road passing through the village. The northern boundary runs south of Appledore and continues along the road in front of Appledore (which is not in the conservation area) and

boarders the south east corner of the site before crossing over to wrap round the small green space and bench raised above the road to the west of the site. It is considered that the site sits within the setting of the Conservation Area.

- 5.3 The dwelling proposed would sit in the field below the edge of the conservation boundary and adjacent Appledore, and opposite Moo Lodge and The Meadows. It is considered a dwelling would be viewed in this context, somewhat detached from the conservation area and set back from the road with significant existing landscaping. The revised design, albeit still of grand proportions, shows a dwelling in-keeping with the rural context with a traditional design and form. The significance of the Conservation Area is mainly found in the form and character of buildings within the Conservation Area, in terms of their appearance, materials and detailing. It is considered that the relationship to the open countryside contributes to the significance of the Conservation Area in only a minor way. Therefore, the introduction of an additional dwelling into this setting is considered to preserve the existing character of the Conservation Area and layout of the village.
- 5.4 A heritage statement has been submitted which addresses the impact of the proposal on heritage matters and any identified archaeology. It finds the proposed dwelling is set back from Kirkby Lane and as hedges and trees provide filtering, this co-visibility would not be considered harmful to the historic and architectural integrity of the Conservation Area. It continues to note that in the locality the medieval linear field system, with traces of ridge and furrow, in the surrounding countryside to the west and particularly to the north is evident, alongside the medieval village layout. However, North Yorkshire HER does not contain any entries recording the presence of archaeological remains within the application site nor does it contain entries relating to previous archaeological investigations within its boundaries. However, a walk over survey would indicate that there is some evidence of ridge and furrow on site.
- 5.5 The County Council Heritage Service has made comments on the nature of the ridge and furrow and finds that in the locality much of this is fragmented and its significance diminished and does not object to the proposal. On this basis it is not considered this would cause harm to these assets.
- 5.6 In conclusion the proposed development is considered to result in no harm to heritage assets and as such is considered to comply with the relevant tests within the NPPF as well as the requirements of DP28 of the Local Development Framework.

Principle

- 5.7 The site is located outside, but adjacent the Development Limits of Kirkby in Cleveland. Policy DP9 states that development will only be permitted beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in 2019. Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.8 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.9 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.10 In the Settlement Hierarchy reproduced in the IPG, Kirby in Cleveland is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub. Therefore, it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. In this instance, Kirkby is located approximately 1km from the Service Village of Great Broughton, which is readily accessible via a paved footway. Great Broughton and Kirkby can be viewed as an example of cluster villages, indeed they are identified as such in the IPG. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it will support local services.
- 5.11 IPG criterion 2 requires development to be small scale. In this instance only one dwelling is proposed, which is considered to be an acceptable scale in terms of the IPG. The Parish Council makes reference to previously used figures to identify in absolute terms the numbers of units villages can grow by under the IPG. This assessment did not form part of the final IPG note and was effectively replaced with a more objective approach in assessing the merits of all proposals under all aspects of the IPG holistically, including importantly, landscape impact. This better reflects the broader guidance in the NPPF that villages should be allowed to grow and thrive.

- 5.12 Many representations made during the consultation state that the village has had enough housing growth already and does not need any further development. It remains that the development is one house and therefore small scale, and analysis of recent permissions since the Council's IPG was adopted indicates that the new greenfield permissions are limited to 17/00180/OUT and 20/00859/REM for two detached dwellings at Hill Road to the south of the village. Other development at Kirkby House Farm, replaced existing farm buildings and the change of an annex to recreate a new independent dwelling at Moo Lodge, both happened without encroaching on greenfield land. With only two other permissions outside this application, in a village of 97 dwellings, it is considered that this proposal taken cumulatively only results in a small increase on greenfield sites.
- 5.13 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form, including the historic environment.
- 5.14 It is considered that the site levels and boundary features will allow the development to be assimilated into the environment. The retention of hedges and trees is welcomed. Revisions submitted have reduced the scale of the dwelling and relocated this further north on the site to enable the development to be better absorbed within the environs of the site. Access is proposed to the north using the existing field access and avoids the established vegetation features, hedge and established trees.
- 5.15 The site is aligned to the road frontage and set back in a similar arrangement to dwellings opposite (The Meadows). It is sufficiently separated from neighbouring dwellings to preserve their setting and that of the Conservation Area, as described above. The development will be seen in the context of the edge of village location, reflecting the looser knit form in this area. It does not undermine the cruciform pattern of the wider settlement. The large detached garage is clearly ancillary to the principle building and located to minimise its impact. Plans indicate this would be constructed with a timber finish that would again help to soften the impact.

Design

- 5.16 Policies CP17 and DP32 require a high quality of design, informed by the setting, its special qualities and form. The proposal has been reduced in scale with elevation design and materials amended to connect with those traditional in the wider rural area. It is now more carefully positioned on the site to use the natural vegetation and landfalls to advantage to mean it is more proportionate within its environs. Given it is setback from the frontage, it reflects the immediate patterns of development and it will not have a negative impact on the streetscape, the entrance to the village, or the wider countryside. Whilst it is proposed to have a linear single storey element to the rear and detached garaging, the material mix and site positioning will not create a development out of character with the main dwelling.
- 5.17 The Kirkby in Cleveland Village Design Statement (VDS) sets out the character of the Village in a way that will encourage locally distinctive design and demonstrates, amongst other things, a commitment to high quality design and appropriate development that will improve the quality of life in the village.

- 5.18 The VDS notes that the village is formed around a well-defined cruciform shape with virtually no tandem development. The most historic elements are to the immediate north and south of the cross roads with 20th century residential development, mainly to the east and west. Maintenance of the cruciform shape of the village restricting tandem development is an objective of the VDS.
- 5.19 A further objective of the VDS is to protect the open spaces that characterise the village and prevent development that would result in an increase in noise and disturbance in the village. It is clear from the VDS that the village exhibits a variety of building types and materials and an objective of the VDS is to preserve the integrity of the existing mix of building and roofing materials and surface finishes. This continues through to the maintenance of the existing style, size and material content of walls, hedgerows, drives and gates, that any replacements or renewals are on a "like for like" basis and that any additions are in keeping with current practice and visual integrity.
- 5.20 In assessing the proposals against the VDS it is considered that the proposed location is not harmful to the overall form of the village, only marginally extending the cruciform shape of the village. In terms of scale, design and materials proposed, the development is considered to accord with the objectives of the VDS.
- 5.21 Following the amendments to the application, it is considered this proposal can now comply with the above policies and the VDS.

Residential amenity

- 5.22 The main impact to consider is in relation to the occupiers of Appledore, which is set directly to the south of the site and on higher ground. No first-floor windows are proposed on the adjacent elevation only roof lights. The design and layout is considered to result in no significant harmful impact on neighbour amenity and the proposed development is considered to comply with policy DP1.

Highway safety

- 5.23 Access is proposed on the north edge of the frontage and adequate parking and manoeuvring space is contained within the site. The Highway Authority has raised no objection and it is considered that a suitable access to the site can be achieved. Conditions are recommended to ensure the site is developed in an acceptable manner. It is considered that the use of the land for one additional property is acceptable and will result in no significant adverse impact on highway safety. The proposed development is considered to comply with policy DP4.

Flood risk

- 5.24 The site is located in Flood Zone 1 where the risk of flooding from river sources is lowest. However, there is an identified surface water flooding issue in the area to the north of the site. A flood risk assessment has been submitted to help understand the site's potential to be affected by surface water flooding. The vast majority of the site is outside the area affected save for an area just clipping the access point and northern boundary. The Environment Agency Flood Risk Map suggests that Kirkby Lane is affected by Surface Water flooding in this location but

to a depth of less than 300mm. A drainage strategy has also been prepared to ensure that the findings of the FRA can be implemented and the requirement to deliver this can form a planning condition, to which the applicant has agreed. The Environment Agency has been consulted but has not made any comments.

Emerging Local Plan

- 5.25 Policy HG 5 in the emerging local plan deals with windfall residential development. This proposes an approach to reflect the Interim Policy Guidance note but also requires several initial first steps. Presently the emerging local plan is a material consideration. However, the Plan is not sufficiently advanced and can be afforded no more than limited weight in determining planning applications. However, it is considered this proposal is broadly in line with the direction of this emerging policy.

Planning balance

- 5.26 Based on the established policy framework of the NPPF, Hambleton Development Framework and the Interim Policy Guidance note, it is found that the proposal submitted can comply with this guidance. It is noted that the Parish Council has raised concerns in particular to the Village Design Statement, however it is noted that this has not been fully adopted as SPD and therefore is non-statutory advice.
- 5.27 The proposed development is considered to be in compliance with the Council's Local Development Framework and Interim Policy Guidance along with the relevant tests set out in the NPPF.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to receipt of any outstanding consultations.
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 0010revH, 0011revH, 0004revH, 9001RevH, 101revF, 0003revD received by Hambleton District Council on 03 March 2021 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. The development shall be carried out in complete accordance with the Drainage Strategy plan entitled DRC-0100-P1 unless otherwise agreed in writing with the Local Plan Authority.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
6. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the "Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements: The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.
 - o Any gates or barriers must be erected a minimum distance of 5m metres back from the carriageway of the existing highway and must not be able to swing over the highway. The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works must accord with the approved details.
7. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 70m metres measured along both channel lines of the major road from a point measured 2.4m metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. wheel washing facilities

on site to ensure that mud and debris is not spread onto the adjacent public highway; 3. the parking of contractors' site operatives and visitor's vehicles; 4. areas for storage of plant and materials used in constructing the development clear of the highway; 5. details of site working hours; 6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

10. Prior to the commencement of development except for the formation of the access and initial site clearance, full details of existing and proposed levels shall be provided to and agreed by the Local Planning Authority. The levels shall be taken from a known, fixed off-site datum and shall include existing and proposed ground levels along with proposed finished floor, eaves and ridge levels. The development shall be implemented in accordance with the approved details.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
4. To ensure the development responds to natural forces and complies with policy DP4s
5. In accordance with policy DP43 and in the interests of highway safety.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
7. In the interests of highway safety
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interest of public safety and amenity
10. In order to protect the character and amenity of the area and to accord with DP1 and DP32.

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Parish: Easingwold

Ward: Easingwold

2

Committee date: 27 May 2021

Officer dealing: Kate Williams

Target date: 01 July 2021

20/02538/FUL

Demolition of existing buildings and construction of 154 residential unit (C3), areas of public open space, associated car parking, with vehicular access from Husthwaite Road

At: Land North East of Easingwold Community Primary School, Thirsk Road, Easingwold, North Yorkshire

For: Mr Alastair Cliffe Berkeley DeVeer (Easingwold) Ltd and Project Terrier LLP

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

1.0 Site, context and proposal

- 1.1 This is a full planning application. The application site is a draft housing allocation within the Hambleton emerging Local Plan. The proposal comprises residential development and the provision of land for Easingwold Primary School to use as a playing field and parking area.
- 1.2 The application site is a roughly L-shaped piece of agricultural land, divided into two fields located on the north side of the town of Easingwold. To the north the site is bounded in part by a small watercourse and in part by the boundary of two dwellings. To the west are Husthwaite Road and the rear of properties on the east side of Thirsk Road (including Easingwold Community Primary School). To the south and southeast is the graveyard of the Church of St John the Baptist and All Saints, whilst to the east is agricultural land. For the most part the site is bounded by mature hedgerows of varying heights. In the northern field are a modern agricultural building and small linked group of brick-built farm buildings.
- 1.3 The proposed development includes the following:
- 154 dwellings comprising 30% affordable units,
 - a new access point from Husthwaite Road and internal access roads,
 - new footpath connection within the existing site connecting with the existing infrastructure on Thirsk Road,
 - the creation of a school playing field and staff car park for Easingwold Community Primary School,
 - landscape mitigation,
 - areas of public open space incorporating play area.

1.4 Improvements have been secured as follows:

- amendments to the housing mix and dwelling types and external appearance,
- creation of designated footpaths on shared surfaces,
- the raised table has been extended in to the highway in front of plots 83-80 to assist with traffic calming along this stretch of road,
- bungalows repositioned to plots 34-37 in consideration of neighbouring plot,
- bin collection points resized to be commensurate with number of plots serviced by private drive,
- new school staff carpark and associated landscape buffer provided,
- new footpath brought inboard of hedge with some removal of the hedge on Hushwaite Road,
- additional fenestration, external details and amended material palette proposed to key plots.

2.0 Relevant planning history

2.1 15/02384/FUL - Construction of 143 dwellings, garages, car parking spaces, means of access/egress, POS, landscaping, land for primary school expansion and land for cemetery expansion as amended by plans received 14 January 2016. REFUSED: 25.04.2016. Reasons for Refusal:

1. The site lies beyond the Development Limits of Easingwold and in a location where development should only be permitted exceptionally. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, DP8, DP9 and CP6 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system. The proposed development is contrary the Hambleton Local Development Framework.
2. The proposal fails to provide an appropriate a mix of housing to meet the identified needs to create or contribute towards a sustainable and inclusive community. The scheme does not follow the local housing needs data collated in the Strategic Housing Market Assessment and for all these reasons is contrary to LDF Policy DP13 that seeks to achieve and maintain the right mix of housing.
3. The national planning guidance requires that when considering major development sustainable drainage systems should be provided unless demonstrated to be inappropriate, in this instance insufficient information has been provided to demonstrate that it will achieve an acceptable form of sustainable drainage system and approval therefore would be contrary to the Hambleton Local Development Framework Policies CP21 and DP43.

4. The provision of a convenient pedestrian access route from the site to town centre is desirable however it would prevent future expansion of the school site and furthermore cause a loss of amenity to an existing dwelling contrary to the Hambleton Local Development Framework Policies CP1 and DP1 that seek to protect the amenity of neighbours.
5. The proposal is contrary to Hambleton Local Development Framework Policies CP3, which gives support for proposals that protect, retain or enhance existing community assets, and DP6, that requires that proposals for new development must be capable of being accommodated by existing or planned services. DP6 also requires that where improvements in off-site infrastructure are programmed the timing of development must be co-ordinated with its provision. As there is insufficient capacity at Easingwold Primary School and Millfield Surgery to accommodate the population growth and as there is no programme for additional infrastructure at the primary school or for additional GP services the proposal fails to protect the existing community asset contrary to Policy CP3 and fails the tests of Policy DP6 as the needs to accommodate additional pupils is not met by the existing capacity and no additional capacity is programmed or co-ordinated to meet the needs of the development.
6. The proposal comprises a greenfield development including the best and most versatile agricultural land. The proposal would therefore be a form of unsustainable development causing environmental harm. Taking account of the housing land position, there is no justification for the proposal in terms of the economic or social roles of sustainability and the proposal would therefore be contrary to Hambleton Local Development Framework policies CP16, DP12 and DP30 and the Written Ministerial Statement on Landscape dated 27 March 2015 and NPPF paragraph 112.
7. The proposed development fails to achieve the objective of sustainable development as defined in the NPPF as it does not simultaneously achieve economic, social and environmental gain and as such is contrary to the policy contained in the NPPF at paragraph 7.
8. In the absence of a signed Planning Obligation the proposal fails to deliver an appropriate level of affordable housing contrary to Policy CP9, CP9a and DP15 of the adopted Hambleton Local Development Framework as amplified by the Adopted Affordable Housing Supplementary Planning Document.

2.2 Emerging Local Plan Housing Allocation EAS1: Northeast of Easingwold Community Primary School.

3.0 Relevant planning policy

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

3.2 Relevant Local Development Framework (LDF) policies:

Core Strategy Policy CP2 - Access

Core Strategy Policy CP3 - Community assets

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP5 - The scale of new housing

Core Strategy Policy CP6 - Distribution of housing

Core Strategy Policy CP7 - Phasing of housing

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

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements

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

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

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

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP42 - Hazardous and environmentally sensitive operations

Development Policies DP43 - Flooding and floodplain

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements

Development Policies DP13 - Achieving and maintaining the right mix of housing
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Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP42 - Hazardous and environmentally sensitive operations
Development Policies DP43 - Flooding and floodplain

3.3 Supplementary Planning Documents (SPD):

- Affordable housing SPD
- Size, type and tenure of new homes SPD
- Sustainable Development SPD

3.4 Hambleton emerging Local Plan (eLP)

The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>

The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

3.5 Relevant emerging Local Plan policies:

S 1: Sustainable Development Principles
S 2: Strategic Priorities and Requirements
S 3: Spatial Distribution
S 5: Development in the Countryside
S 7: The Historic Environment
HG 1: Housing Delivery
HG 2: Delivering the Right Type of Homes
HG 3: Affordable Housing Requirements
E 1: Design
E 2: Amenity
E 3: The Natural Environment
E 4: Green Infrastructure
E 5: Development Affecting Heritage Assets
E 7: Hambleton's Landscapes
CI 1: Infrastructure Delivery
CI 2: Transport and Accessibility
CI 3: Open Space, Sport and Recreation
CI 4: Community Facilities
RM 1: Water Quality and Supply
RM 2: Flood Risk
RM 3: Surface Water and Drainage Management
RM 4: Air Quality

4.0 Consultations

- 4.1 Parish Council (Easingwold Town Council) - Wish to see approved in principle subject to the following issues being resolved:
- The playing fields are delivered as useable playing fields in perpetuity to the school.
 - The timing of the development should be delayed ensuring alignment with the new local plan.
 - A suitable connection be provided through the fields for pedestrian/cycle access to Church Hill.
 - The level of affordable housing increased to 50%.
 - The design of the estate be improved to make front of properties greener and more attractive.
 - The environmental provision be improved for example the addition of solar panels/high levels of insulation/electric vehicle charging points.
 - The amount of green space being provided is too limited for 150 houses.
 - Traffic amelioration measures should be taken e.g., a mini roundabout to allow for increased traffic on Thirsk Road, especially given the closure of Easingwold primary school car park.
- 4.2 NYCC Highways (Transport and Development Team) – No objections in principle. Standard conditions and off-site highway improvements have been suggested. Comments on the amended plan are awaited at the time of writing the report.
- 4.3 HDC Housing Development Officer – The previously requested 1 bed accommodation has now been incorporated into the scheme. Any additional comments are awaited at the time of writing the report.
- 4.4 NYCC Archaeology – The previously requested archaeological trial trenching has been undertaken. The applicant has engaged with NYCC heritage unit, who have seen the interim reports and will not be recommending any further assessments or mitigation.
- 4.5 NYCC Lead Local Flood Authority - The drainage scheme has been amended. Any additional comments are awaited at the time of writing the report on the revisions.

- 4.6 NYCC Strategic Planning – The discussion on the provision of the playing field and the staff car park has been undertaken in conjunction with NYCC education and the school. The Children and Young Peoples Services seek the playing field to be transferred in a legally binding manner. They wish to see the land transfer within the s106 and that conditions or clauses within the S106 or consent are included which relate to the construction, levels, fencing and drainage of the playing field, which has been agreed with the applicants. The Education pro-forma identifies that a developer contribution of £352,527.76 is required.
- 4.7 Sport England - No objections. They recommend a condition in relation to ensuring that the proposed playing field is satisfactory. They wish to see the facility available for community use but would not object if this condition was not applied.
- 4.8 Historic England - They acknowledge the amendments made by the applicant with regard to the detailing of the southern limit of development. It is their position that while these amendments have sought to address some of the points raised in their previous response, there remains a missed opportunity to deliver a higher quality more locally distinctive development in this sensitive historic context. They advise that it is for the Local Planning Authority to determine whether these amendments in their current form are sufficient to meet the requirements of the NPPF Chapter 12 and the tests laid out in paragraphs 193, 194 and 196.
- 4.9 Yorkshire Water - No objections, they advise that conditions in relation to separate systems of foul and surface water should be attached alongside stipulations in relation to foul water discharge in order to protect the local aquatic environment and Yorkshire water infrastructure.
- 4.10 Yorkshire Wildlife Trust - No objections. They provide further discussion on the need for more information on ground nesting birds. A licence will be required from Natural England in respect of the presence of a common Pipistrelle and Brown Long-eared bat roost. Some existing hedgerows are within gardens which is not ideal for future maintenance. They would advocate a SuDS approach to drainage for biodiversity. They would like to encourage the school to maximise wildlife through appropriate planting. In accordance with NPPF para 175d proposals should demonstrate a 'measurable' net gain in bio-diversity.
- 4.11 MOD Safeguarding RAF Linton on Ouse - No safeguarding objections.
- 4.12 North Yorkshire Police Designing out Crime Officer - In relation to crime prevention through environmental design, it is pleasing to note that there is a comprehensive designing out crime narrative, which is to be commended. It is considered that this proposal accords with the core principles and design objectives set out in the National Planning Policy Framework in respect of developments creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

- 4.13 Northern Gas Networks - No objections. There may be apparatus in the area that may be at risk during construction works. The plan provided shows a low pressure pipeline running along Husthwaite Road. North Gas Networks require the applicants to contact them if the application is approved regarding their requirements for construction works. This can be added as an informative.
- 4.14 HDC Contaminated Land - No objections. They have assessed the Geo-environmental Assessment (Phase 2 report) provided by Lithos submitted in support of the above development. The report does not identify any potential risks from contamination, however the report highlighted limited access within the farmyard and the possibility of localised contamination remaining in this area. As a result, a condition relating to the reporting of unexpected contamination is recommended.
- 4.15 HDC Environmental Health - No objections. This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service has no objections.
- 4.16 HDC Waste and Street Scene – The amended plans were discussed in detail with the Waste and Recycling Manager. This resulted in the removal of some bin storage areas which were not considered necessary. Discussion was also had about how the teams would collect the waste and no overriding issues were raised. Suggested alterations were put forward in relation to the bin storage areas, which the applicant accepts and at the time of writing the report the amendments are still awaited. However, the requirements for these to be located on hard surfaces rather than grass and to be of a size to accommodate the relevant receptacles can be conditioned.
- 4.17 HDC Street Name and Numbering -An application would be required.
- 4.18 Statement of Community Involvement. Formal pre-application consultation began in June 2019 and culminated with a Public Consultation Drop-In event on 2nd December 2019.
- 4.19 Public Comments - The application was advertised by press notice, neighbour notifications and site notice. Following the revisions to the scheme neighbours have been given the opportunity to comment further on the amendments. The site notice and neighbour notification does not expire until 3rd June 2021. There have been 38 objections to the proposed development raising the following issues:
- Easingwold has met its quota of housing.
 - There is a surplus of housing in Easingwold.
 - There are many houses still under construction in Easingwold.
 - Loss of greenfield site.
 - Loss of agricultural land.
 - Will lead to a precedent of more agricultural land being built on.

- There is more emphasis on brownfield development.
- A previous application was refused and this is no different and house numbers have increased.
- Not enough affordable homes are provided.
- Affordable bungalows should be provided.
- There should be more 2/3 bed homes dwellings.
- The proposal will increase traffic problems.
- The development would lead to road safety issues along Husthwaite and Thirsk Road and will cause conflict between cars with pedestrians, cyclists and horse riders particularly at school times.
- There are parking problems in Easingwold which this development will exacerbate within the town centre and nearby residential areas.
- The roads are too narrow and poor in the area to accommodate the proposed development.
- Construction traffic will damage local roads.
- Access onto Church Hill would not be welcomed as dangerous.
- The schools are too small and oversubscribed.
- The development will only benefit the primary school not the secondary school
- The development does not cater for older children.
- Local services such as Doctors and Dentists are oversubscribed.
- Local shops will suffer as increased parking problems will deter visitors to town centre.
- The site is not sustainable with poor bus services.
- The playing field could be provided without this application.
- Parking for the school needed as parking issues arise.
- Not enough jobs in the area for new housing.
- Will the playing field gift be legally binding?
- The playing field should provide an all-weather pitch.
- Will the playing field be safe and secure?
- The development will increase flooding and foul water issues.
- Who will maintain the surface water outfall locations/pumping station?
- There is not enough open space on the site.
- There are birds within the buildings to be demolished.
- Development should occur outside of the nesting season.
- There is no Great Crested Newt survey.
- Development would have wider ecological impacts.
- No consideration given to cemetery expansion.
- Route to the church of importance in terms of view and historical use.
- Development should consider an alternative to gas.
- The site is within a Radon area.
- Increased traffic will cause air quality issues.
- The development is not in keeping with the area, particularly the larger detached homes in Easingwold.
- Will result in loss or privacy and amenity to nearby residential properties.
- The construction will cause disturbance to the school.
- Will cause damage to roads.

5.0 ANALYSIS

5.1 The main issues to consider are:

- Principle
- Affordable Housing
- Housing Mix
- Nationally Designated Space Standards (NDSS)
- School Playing Field
- Highway Issues
- Site Layout and Design
- Residential Amenity
- Heritage
- Landscape Character
- Ecology
- Flood Risk and Drainage
- Contaminated Land
- Sustainable Energy
- Economic Impacts
- Planning Balance

Principle

- 5.2 The eLP was the subject of a public examination in Oct/Nov 2020 following which the Inspector has provided a Post Hearing letter recommending that two of the allocated sites be deleted from the eLP and that additional evidence should be prepared and consulted upon before making Main Modifications to the eLP. The sites that have been identified as allocations in the eLP and not deleted are those that best deliver the Plan's strategy. The policies in the eLP cannot be given full weight until the document is adopted, which is expected in winter 2021/22. This housing allocation was not subject to amendment or deletion and as an allocation site in the eLP can be given weight in the determination of this application.
- 5.3 Further to this the National Planning Policy Framework (NPPF) sets out that prematurity arguments for such applications are unlikely to be justified. The NPPF is a material planning consideration.
- 5.4 The proposed development is not in accordance with the adopted development plan (The LDF). The site is within the open countryside and was not included within the allocations DPD.
- 5.5 The proposal would be in accordance with emerging Local Plan (eLP) policies HG1, S2 and S3 which set out the housing requirement and spatial distribution policy and state that all allocated sites are considered suitable in principle for development, which prevails over the concerns raised about development upon a greenfield site/agricultural land outside development limits.

Affordable housing

- 5.6 The application proposes 30% (29.87%) affordable housing which fulfils the affordable housing requirement within eLP policy HG3. The conflict with LDF Policies CP9 and DP15 on affordable housing provision at 50% is not overriding in this instance due to the detailed level of assessments that have been undertaken on the local plan in respect of housing allocations.
- 5.7 The affordable housing breakdown is:

Accommodation	Storey/House Type	Sub Total	Total Units
1 bed	2 (The Thirsk)	2	2
2 bed	2.5 (The Howarth)	26	30
	2 (The Ripon)	4	
3 bed	2.5 (The Baildon)	14	14
Total			46

- 5.8 Amendments have addressed initial comments that no one bed housing had been provided and have increased the affordable two bed offering. The amendments sought also ensure that the affordable units are dispersed across the site. There are the same open market house type designs as affordable housing house types. A condition would be attached to ensure that affordable housing is externally indistinguishable in terms of materials from open market housing.
- 5.9 The affordable housing would be secured via a s106 agreement. The proposal is considered to meet the aims of LDF policies CP9 and DP15 and would fulfil the requirements of eLP HG3.

Housing mix

- 5.10 The table below shows the proposed housing mix for open market dwellings:

Open Market Housing Mix			
Accommodation	Storey Height/House Type	Sub Total	Total Units
2 bed	2 (Ripon)	17	18
	2 (Fernlee)	1	
3 bed	2.5 (Baildon)	6	59
	2 (Cadeby)	4	
	2 (Layburn)	6	
	2 (Oakwood)	31	
	2 (Wentbridge)	10	
	2 (Horbury)	2	
4 bed	2 (Bilbrough)	5	18
	2 (Darley)	13	

5 bed	2 (Appleton) 2 (Coverham)	2 3	5
2 bed bungalow	1 (Levisham)	8	8
Total			108

5.11 The Emerging Local Plan Policy HG2 requires that a range of house type and sizes be included that reflect and respond to the existing and future needs of the districts households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents where the agreed mix has had regard to evidence of local housing need or market conditions and the ability of the site to accommodate a mix of housing.

5.12 The Housing Mix across affordable and open market dwellings is shown in the table below against HDC targets:

Housing Mix across affordable and open market				
Accommodation	Total Units	HDC target %	Development %	Provision across the development
1 bed	2	10%	1.3 %	1- 3 bed = 85%
2 bed	48	35%	31.17%	
2 bed Bungalow	8	10%	5.19%	
3 bed	73	25%	47.4%	4 + bed = 15%
4 + bed	23	10-15%	14.94%	
Total	154		100 %	

5.13 The proposed mix does not conform exactly to the guidelines in the SPD, however a total of 85% of dwellings are 1, 2 and 3 bedrooms. This is a significant proportion of smaller dwellings which is supported and meets the general thrust of the SHMA across all dwelling types. The scheme is therefore considered to meet the aims of LDF Policies CP8, CP9, DP13 and DP15 in respect of the size, type and tenure of the housing proposals and HG2 of the eLP.

NDSS

5.14 The table below indicates that the proposed development would meet the Nationally Designated Space Standards.

House Type	Beds	Storey	NDSS	Floor Area m²	NDSS + Storage
Thirsk	1	2	1b2p	59.7	58+1.5
Levisham	2	1	2b3p	63.2	61+2
Howarth	2	2.5	2b3p	72.75	70+2
Ripon	2	2	2b3p	76.4	70+2
Fernlee	2	2	2b3p	85.8	70+2

Baildon	3	2.5	3b2p	89.8	87+2
Cadeby	3	2	3b4p	86.9	84+2.5
Leyburn	3	2	3b4p	86.9	84+2.5
Oakwood	3	2	3b4p	86.5	84+2.5
Wentbridge	3	2	3b5p	114.0	106+3
Horbury	3	2	3b5p	115.0	106+3
Bilbrough	4	2	4b8p	137.9	124+3
Darley	4	2	4b8p	137.9	124+3
Appleton	5	2	5b8p	174.5	128+3.5
Coverham	5	2	5b8p	184.1	128+3.5

School playing field

- 5.15 The application proposals include an area of land to the rear of the school which totals 14,049 m² to North Yorkshire County Council to allow for Easingwold Community Primary School to use the land as school playing field.
- 5.16 The playing field will be secured within the s106 agreement. It will be levelled, drained, fenced and seeded. The very southern extent of the site will form a landscape buffer to the church. The proposed landscape mitigation is simple and does not place an undue burden on NYCC to maintain this area, which it would need to do following 3 years post completion.
- 5.17 Sport England have requested a community use condition, but at this time there are no plans to do this. The Education authority has been advised of this requirement, and it is within the school's ability to undertake this if it is a feasible option. Sport England do not object if this condition is not attached.
- 5.18 An existing issue has been identified in the representations in relation to the closure of a car park opposite the primary school. It is clear that the highway becomes busy for a short period at the beginning and end of the school day. The majority of those attending the school do so arriving from the south of the site towards the town. It should be noted that residents from the proposed development would be easily able to access the school on foot as the school is within walking distance.

- 5.19 An option has been provided to create parking for staff on the application site. The parking issues for parents are unlikely to be resolved by this, but the proposed car park at the rear of the school may free up more space within the school site to rationalise parking at the front or allow expansion of the school in the long term. The car park location and use has been formulated following discussions with the developer, the school highway authority and education authority. Alternative locations for the car park have been discussed in detail with all parties and the option proposed is only viable deliverable option within the scope of this application. The developer has also agreed to provide a safe footpath link within school grounds which would have to be secured within the s106 agreement. The provision of a car park is not a requirement of the site allocation.
- 5.20 Overall, the proposed development would facilitate the provision of the school playing field in accordance with the site allocation requirements and additionally a car park. The school playing field is a public benefit. The car park may allow greater flexibility in the future for the school in terms of expansion and can also be classed as such. In this respect the proposal fulfils the allocation requirement.

Highway considerations

- 5.21 To access the site a priority controlled T junction is to be created from Hushwaite Road, a footway will be provided within the front of the site which will connected into the existing footway network on Thirsk Road.
- 5.22 The Local Highway Authority (LHA) has reviewed the documents within the application which outline the internal and external layout of the development. A transport assessment has been included which provides an appropriate scope and adopts a methodology that is acceptable in respect of trip rates, traffic generation traffic distribution and junction analysis.
- 5.23 The LHA advises that, to reduce vehicle use from the site, pedestrian facilities shall be introduced assisting pedestrians when travelling to the centre of Easingwold. Therefore, the LHA wishes to introduce a new zebra crossing on Long Street delivered by the developer. A commuted sum would be required. for future maintenance of the crossing. The existing footway on Thirsk Road will require improvement and the development will implement works to widen and improve the surface footway along this road.
- 5.24 The internal layout of the development has been laid out and agreed by the LHA. Vehicles are encouraged to travel at low speeds around the development to help establish a well-balanced scheme for its residents.
- 5.25 The developer will be required to fund the implementation of the travel plan.
- 5.26 The site has been assessed as being a sustainable location for future housing development as part of the sustainability appraisal of the eLP. There are bus stops, employment opportunities and cycle routes in the vicinity of the site.

- 5.27 Parking provision is provided in accordance with NYCC interim Parking Standards 2015 and garage dimensions are also purported to be in line with this guidance. Cycle parking would be within garages, and those without would have alternative secure facilities which can be achieved via a condition.
- 5.28 The issue of school time parking is not considered to be a severe impact in terms of the NPPF. The LHA has been aware of the issue during the consideration of the application and review of the school parking arrangements. It is envisaged that residents of the new development would be able to walk to the school.
- 5.29 It is considered that the above aspects would fulfil the draft allocation development guidelines. It is concluded that there would be no unacceptable impact on highway safety and no severe impact on the road network. In light of the above, and as clarified by the Highway Authority, the proposals accord with Core Strategy Policy CP2, Policy DP3, together with paragraph 109 of NPPF and eLP policy CI2 of the Emerging Local Plan, which advises that “development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe”.

Site layout and design

- 5.30 Vehicular and pedestrian access to the site would be taken directly from Husthwaite Road via a new access and internal road network which would be constructed to North Yorkshire County Council highway adoption standards. All roads are proposed for adoption other than private drives. The design creates a hierarchy of movement which transitions from the primary access road as a looped road structure to a series of secondary streets and private drives.
- 5.31 The design of the site layout encourages safe pedestrian and cycle connectivity throughout the development from the access to the proposed public open spaces and vice versa via separate 2m wide footways within the internal road layout. Amendments have been sought to the application to increase the footpath provision across the site in consultation with the LHA. A separate dedicated emergency access is proposed to the south of the application site via an existing agricultural drive from Husthwaite Road. The emergency link also provides another access for cyclists and pedestrians to access the development. A removable bollard will be installed to prevent unauthorised vehicle entry and egress. Access via Church Hill is not achievable due to third party land ownership issues.

- 5.32 The site frontage would retain the attractive established hedgerow. This would help screen the development immediately, create an attractive site entrance and be beneficial for wildlife. The initial setting and entrance is further enhanced by a central area of public open space. An additional large area of open space has been proposed in a suitable location in the north east corner of the site, enabling suitable siting for the attenuation tank as well as providing a visual buffer to the countryside. Play equipment would be secured within the s106 agreement. The play area is overlooked but a suitable distance away from residential properties. A second village green area is proposed to the south of the land, which would allow views across the entire site to the open countryside. An existing hedgerow is retained and incorporated into a public open space path creating easier access across the facilities.
- 5.33 The house type elevations are simple and well proportioned. There are a variety of one, two and two and a half storey properties (accommodation in the roof). Many of the properties comprise detached or semi-detached houses and there are some terraces. Separation distances within the site are considered to be acceptable to maintain privacy, and garden boundaries separating properties will be conditioned to reinforce this.
- 5.34 The proposed materials would be subject to a condition, but it is anticipated that they will include a range of red bricks, render, pantiles and grey tiles. These are all materials used within the locality and they are considered to be acceptable. Additional fenestration to principal elevations is to be explored and off-white render would also be proposed to key plots to create varied street scenes.
- 5.35 Identifiable and detailed character areas are to be proposed. These would include further external details and material palettes to the site frontage, the southern edge overlooking the school playing fields and adjacent to the open space in northwest corner. Furthermore, character areas would be defined along shared surface streets to aid in placemaking and navigation of site. It is also envisaged this would further help to address the opportunity highlighted by Historic England to create a higher quality, more locally distinctive development close to the southern boundary of the housing site.
- 5.36 Dwellings have their own private footpath access to the rear gardens. Garden sizes are appropriate and of a suitable ratio to the built form. There is sufficient car parking provision for 2 external spaces to the side and in front of each dwelling. Electric vehicles can be charged within garages.
- 5.37 The waste and recycling manager was consulted. All individual dwellings have storage provision for 3no. 240litre waste bins. Various private drives have hardstanding collection point provision commensurate to the number of dwellings serviced by the access. The location and amount of these have been discussed with the waste and recycling manager. These would be considered within the landscape planting plans which would be secured by condition to ensure screening from the streetscene. In addition, the designing out crime measures are of a high standard.

- 5.38 In light of the above, it is considered that the proposed development accords with the aims of LDF policies CP17, CP20, DP4, DP32 and the objectives of the eLP policy E1.

Residential amenity

- 5.39 The development proposals would create new housing close to the boundaries with existing dwellings. In terms of the amenity of the occupiers of the proposed dwellings, the layout generally provides the required separation distances to ensure that there is no unacceptable overshadowing or overbearing impact between the properties. Where two storey properties are proposed there is sufficient space from bedroom windows to the boundary of neighbouring gardens. Bungalows have also been proposed in some locations where they are sited adjacent to residential properties. Whilst the development would result in a change of land use, residential development is not inappropriate adjacent to existing residential properties.
- 5.40 The impact upon residential amenity from the change of use of the playing fields is also a consideration. However as there is no provision for community use at this time then it is considered that the likely hours of use would not cause unacceptable intrusion over and above the current school use. The benefits of providing a playing field are significant. The use of the car park would not be significant over and above the current site movements and would be restricted to staff use. The car park is likely to operate during the day and therefore not cause undue disturbance and is sited behind the school.
- 5.41 Representations have raised concerns regarding the access into the site and vehicle movements passing existing dwellings. The site has been through the Local Plan examination and the access was specified from Husthwaite Road. No major concerns with this were raised by the Local Plan Inspectors. There is not a viable alternative to route the development into the site. The concerns are noted and understood as there would be a change in character and activity levels for existing residents close to the site on Husthwaite Road. Mitigation measures are proposed in the form of a travel plan and increased connectivity of the site to encourage non-car modes of transport. The site boundary would be retained and activity within the site would be well screened. The site is not intrinsically quiet being quite close to the school and Thirsk Road which is a link to the A19 on the edge of Easingwold and is considered to be acceptable in this context.
- 5.42 The proposed development is considered to fulfil the aims of LDF policies CP1 and DP1 in respect of amenity and eLP policy E2.

Heritage

- 5.43 Where the heritage asset is a statutorily listed building Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 decision makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings’ when carrying out the balancing exercise.
- 5.44 Where the heritage asset is a conservation area Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Easingwold Conservation Area.
- 5.45 A Heritage Statement was submitted with the application. This report provides a summary of the historical development of the application site and assesses the heritage significance of the present-day farm buildings, which are proposed for demolition. It also analyses the contribution that the site makes to the heritage significance of the Easingwold Conservation Area. It also analyses the site's contribution to the setting and the heritage significance of the nearby grade II* listed Church of St John the Baptist and All Saints.
- 5.46 The design was initially amended to address the initial concerns of Historic England. This included removing housing development from the southern boundary, which is now shown as an area of open space. Historic England advise it is for the Local Planning Authority to determine whether these amendments in their current form are sufficient to meet the requirements of the NPPF Chapter 12 and the tests laid out in paragraphs 193, 194 and 196. However, it should be recognised that Comments from Historic England are awaited at the time of writing the report in respect of the proposed car park, and any objection from Historic England will need to be addressed as the statutory consultee.
- 5.47 The NPPF requires that ‘great weight’ is given to the conservation of the designated heritage assets. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.48 As the application does not affect the fabric of the grade II* listed and lies beyond the boundary of the conservation area, any impact would be through changes to their settings. The application site is situated to the north of the listed church and its south boundary is adjacent to that of the northern boundary of it and also the Easingwold Conservation Area. The former

vicarage to the church, St John's House is identified in the Easingwold Conservation Area appraisal as a building of local interest.

- 5.49 The heritage statement advised that the presence of undeveloped land is an important component of the significance of the heritage assets. As the field to the north of the church would be used as a playing field its largely undeveloped nature will be preserved. It is considered that the visual impact of necessary mesh fencing for the school would be unobtrusive.
- 5.50 The extent of the housing is in line with the recommendation made by Historic England. Historic England in their comment on the emerging Local Plan allocation (made in March 2019) stated : '...housing development is to be restricted to north of Easingwold Community Primary School in order to mitigate the impact on the designated heritage assets to the south. The applicants heritage statement concludes that no harm will be caused to the Easingwold Conservation Area or the grade II* listed church as the location of the southern limit of development follows the recommendation of Historic England in 2015, reiterated in their comment on the draft allocation in the emerging Hambleton Local Plan issued in March 2019.
- 5.51 However, the car park is sited in an area which is beyond the southern limit of housing development. The proposed car park is proposed for the school and it will be well screened. Car parking is temporary in nature during school and term time. Car parking is low and visually hedgerows can suitably screen cars due to their height. In essence this form of development is less harmful than dwellings in this location would be. The provision of landscape around this would additionally help to screen the residential development. This side of the application site is at an oblique angle from the church and graveyard and it is considered it would be seen in the context of the proposed housing development and that there would be sufficient green space between it and the heritage assets further separated by the open playing fields and landscape buffer adjacent to the church.
- 5.52 Whilst in accordance with paragraph 193 of the NPPF great weight is given to the impacts on the setting of the Heritage assets, the justification for the overall development (in accordance with paragraph 194 of the NPPF) is clear and convincing. The proposed site has been through a lengthy Local Plan consultation process and Inquiry. Housing development would support the Council's strategy and follows the governments objectives for a plan led system to address housing and the provision of the land for the school would address social needs.

- 5.53 Officers conclude that there would be less than substantial harm to the significance of the heritage assets. The main impact would be upon the setting only from the development of open fields. In accordance with paragraph 196 of the NPPF and the advice in the planning practice guide public benefits could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8).
- 5.54 The proposed development would support economic growth, by way of construction jobs, expenditure from local residents, New Homes Bonus and additional Council tax payments. More weight can be added to the provision of new homes, affordable housing and a school playing field and facility for the school which would support the communities' health, social and cultural well-being. The benefits of the proposed development are considered to outweigh the less than substantial harm to the setting.
- 5.55 Trial trenches were undertaken in accordance with the Archaeologist advice. Whilst final recommendations are awaited at the time of writing the report the trial trenching did not identify anything of significance, and the Principal Archaeologist is aware of these findings, but awaiting the final report to be submitted by the Developer.
- 5.56 Officers consider that unless an objection is received from Historic England which proposes an alternative view on the addition of the proposed car parking area, that the proposed development will accord with LDF policies CP16 Policy DP29, DP30 and eLP policies S7 and E5 in relation to heritage assets.

Landscape character

- 5.57 The site is not covered by any designation at a national, regional or local level that recognises a specific landscape importance. The Howardian Hills AONB is located approximately 2.5km east of the site at its closest point. The Foss Walk is a 28 mile long trail between York and Easingwold. The route is located approximately 0.3km east of the site at its closest point. National Cycle Network Route 65 is illustrated on Figure 3 and located 0.08km to the south of the site, where it runs along Church Hill. The site falls within the Hambleton Landscape Character Assessment and Sensitivity Study Character Area 25: Tholthorpe Moors.
- 5.58 The Landscape and Visual Impact Assessment considers the effects upon the landscape features on and around the site and upon landscape character as well as the visual effects of the proposed development. It considered that although the site is mostly greenfield, with the exception of the buildings to the west of the site, its value and susceptibility to change is influenced by nearby land uses with associated infrastructure. Therefore, the site is deemed to have no greater than medium sensitivity.
- 5.59 It is expected that the mitigation will achieve the following:

- maintain existing hedge and field boundaries infilling gaps.
- native tree and hedgerow planting within the open space.
- a tree lined hedgerow along the southern boundary to define the site against the land gifted to the school, which will help filter views from the Church Hill and from the graveyard surrounding the Church.
- retention of established attractive frontage along Husthwaite Road.
- tree planting along proposed access roads, to enhance the sense of place and integrate the new development into its surroundings.
- a variety of landscape treatments within the public open space which provides areas for formal/informal play, legible routes and views over the surrounding countryside.

5.60 Overall, in light of the location of the site, the site layout and landscape measures proposed, it is considered that the development will be satisfactorily mitigated appearance of the surrounding landscape. The proposal is considered to fulfil the requirements of LDF policies CP16, CP17, DP30 and DP33.

Ecology

- 5.61 The Site comprises two arable fields which are of low ecological value. Hedgerows and trees around the site boundary offer habitats of greater ecological value that would largely be retained. Amendments have been suggested by the developer that retain the existing frontage hedgerow along Husthwaite Road, which in the interest of ecological value and creating a sense of place is welcomed.
- 5.62 No water bodies are present on site although one is found within 500m. Further survey is recommended to establish if great-crested newt are present in the pond.
- 5.63 Active swift and swallow nests are present in the brick barn. Precautions would be put in place to ensure that birds nesting in buildings and hedgerows are not impacted by works, either by timing these to take place in the winter months or by preceding work with a nesting bird survey.
- 5.64 The bat Emergence survey has confirmed the presence of two small roosts used by low numbers of common pipistrelle and brown long-eared bat. Demolition of the roosts will require a Natural England License. A rationale and method is presented for registration of the site under the Bat Mitigation Class Licence. Demolition of this building cannot take place until a licence is granted. Various recommendations made in respect of the provision of new bat boxes and the provision of a sensitive lighting scheme which can be conditioned.
- 5.65 The following can be secured by a condition such as a sensitive lighting scheme Swift and Swallow mitigation, gaps in boundary treatments to allow hedgehogs and other wildlife to move across the landscape, a Construction Environmental Management Plan and a Landscape and Ecological Management Plan.

- 5.66 It is considered that the proposed development would fulfil the requirements of LDF Policies CP16 and DP31 as it would not cause significant harm to sites and habitats of nature conservation that cannot be mitigated. Policy E3 of the eLP has similar requirement and also requires the use of a biodiversity offsetting metric to demonstrate that a proposal will deliver a net gain for biodiversity, this can be secured via condition.

Flood risk and drainage

- 5.67 The Environment Agency flood map shows that the site is located in Flood Zone 1, and therefore the site is at low risk from fluvial flooding. The Flood Risk Assessment (FRA) acknowledges that the site itself is a low risk area for surface water flooding, but with some high and medium risk areas for surface water flooding from overland flows and a watercourse along the northern boundary. Mitigation would be incorporated into the final specification of the drainage scheme layout and types of drain proposed alongside measure to be incorporated in the dwellings such as finished floor levels, electrics above ground floor level and solid basement construction.
- 5.68 The geological surveys suggest the ground is impermeable, and therefore subject to infiltration testing being carried out, it will be necessary to provide a drainage system to a watercourse.
- 5.69 Foul water would discharge at a restricted rate (agreed by Yorkshire Water) to the public foul sewer recorded in Husthwaite Road to the north west of the site. A pumping station would be required which is shown on the proposed site layout plan.
- 5.70 The applicants advise that the management and maintenance of the drainage infrastructure on the site be established within a management company.
- 5.71 The overall design is currently being reviewed to address the initial comments or the Lead Local Flood Authority. The advice and suggested conditions of the LLFA and other consultees will be taken into account when received to ensure that the proposed development will meet the requirements of with LDF policies CP21, DP43, and eLP policies RM2 and RM3.

Contaminated land

- 5.72 The representation raise concerns about the site being within a Radon area. The Council's environmental health officer has clarified that the building requirements for housing scheduled to be built in a known Radon area are covered by Building Regulations. The Developer has identified this requirement in their Geo-Environmental assessment.
- 5.73 It is concluded that with the imposition of conditions suggested by the Environmental Health officer that there is unlikely to be any significant effect on the environment or end users of the site. Standard conditions are required in respect of this.

- 5.74 There is anecdotal evidence of a well within the site proposed for the playing field. Whilst no surveys have identified this, the developer is aware and this element can be remedied when the playing field is levelled for the school. A condition shall be attached to ensure this.
- 5.75 In light of the above, it is considered that the proposed development accords with LDF Policies CP21, and DP42, together with policy RM5 of the emerging Local Plan.

Sustainable energy

- 5.76 The Design and Access statement advises that the scheme would be designed to current building regulations which ensures that the homes would be efficient and cost effective to run. The developer further advises that an Energy Report has been drafted based upon Policy DP34. This is awaited at the time of writing the report, but it is envisaged that the recommendations within it can be subject to a condition to ensure that the proposal complies with LDF policies CP18, DP34 and the sustainable development principles contained in eLP policy S1.

Economic impacts

- 5.77 The proposed development supports economic growth, by way of construction jobs, expenditure from local residents, New Homes Bonus and additional Council tax payments.

Section 106 legal agreement

- 5.78 The anticipated section 106 legal agreement would include the following:
- affordable housing at the tenure split to be agreed with the council's housing manager,
 - establishment and timing of the provision of school playing field, car park and creation of an access path within the school,
 - financial contributions towards education provision in accordance with NYCC policy comprising £134,011 to Easingwold Community Primary School, £97,118.56 contribution for Special School provision and £121,398.20 contribution for Early Years provision.
 - details relating to the timing of the establishment of the public open space and play area equipment,
 - the establishment of a management and maintenance company for public open space and drainage,
 - highway requirements.
 - to provide as a gift the (the levelled, drained, fenced, and grass seeded and established) playing field,
 - gated access for maintenance vehicles from the existing primary school playing field

- the playing field drainage shall be through land within the control of the developer and the developer shall provide details to show that the drainage system from the boundary of the school playing field land to the point of discharge to the watercourse will be maintained at the developers expense of their successors in title.
- fencing shall be 1.8m high and to a standard suitable for schools to all external boundaries of the playing field including a gate for maintenance of the landscape open space to the south of the playing field land.
- the seeding shall be to the playing field mix standard
- the planting of the open space land shall be undertaken and maintenance, and renewals of any dead or diseased plants, provided in the year of planting and in the two following years.
- funding of travel plan monitoring,
- funding of maintenance of off-site zebra crossing.

Planning balance

- 5.79 A number of benefits are associated with the proposal. In favour there would be eLP policy compliant 30% affordable housing provision and benefits from the provision of market homes in accordance with the emerging local Plan allocation. This attracts moderate weight.
- 5.80 The proposal would provide a considerable public facility primarily in the form of the school playing field. The addition of a car park would be a further benefit. As a whole this attracts significant weight.
- 5.81 Construction works would create employment opportunities and the provision of housing would increase local spending, council tax payments and new homes bonus, all of which would contribute towards the local economy. The proposal would provide public open space creating recreational opportunities and biodiversity benefits. Taken together, they would be of moderate weight.
- 5.82 The benefits are tempered by the impact upon the setting of the heritage assets, which attract considerable importance and weight. In totality the benefits, and public benefits identified of the proposed development outweigh the less than substantial harm that is in part mitigated by the playing field and the restricted housing area and its layout.
- 5.83 The conflict with existing development plan policies due to site being outside the development limit is given minimal weight as the site is an allocation which has been considered at the eLP Public Inquiry without modification.

5.84 Overall, it is considered that the site can achieve a suitable layout and the visual impact would be acceptable. The access to and within the site would be safe and the housing mix and affordable housing provision is satisfactory. A satisfactory level of residential amenity would be created for occupants. The development would be able to mitigate the impacts via the conditions imposed, the financial contributions to education and to ensure the travel plan is fulfilled and the proposal would preserve existing levels of residential amenity.

6.0 Recommendation

6.1 That the application be APPROVED subject to the applicant entering into a section 106 agreement; the expiry of consultation and neighbour notification in respect of amended plans received relating to the proposed car park to the rear of Easingwold Primary School and site layout amendments and no new additional material planning considerations being raised prior to the end of the consultation period; imposition of the below conditions and any further conditions required to be imposed as a result of any further consultation responses received and provided that any changes required do not exceed the substantive nature of the Committee's decision.

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development shall conform in all aspects with the plans, documents and details shown in the application as listed below (to be updated)
3. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. Once approved the development must be carried out in compliance with the approved engineering drawings.
4. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

5. There must be no access or egress by any vehicles between the highway and the application site at Husthwaite Road until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
6. There must be no access or egress by any vehicles between the highway and the application site until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided.
7. The following schemes of off-site highway mitigation measures must be completed as indicated below:
 - 1) To assist pedestrians to walk to the Town centre a scheme to widen the existing footway from the new site access to the existing Zebra Crossing on Thirsk Road shall be implemented. This improvement shall be delivered before the 50th property is occupied.
 - 2) To assist pedestrians the introduction of a new zebra crossing on Long Street located approximately 15m south of the mini roundabout on Long Street. This improvement shall be delivered before the 50th property is occupied.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of each scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of that scheme have been submitted to and approved in writing by the Local Planning Authority.

For each scheme of off-site highway mitigation an independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of each scheme of off-site highway mitigation.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each scheme of off-site highway mitigation.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

8. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
10. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - 1) details of any temporary construction access to the site including measures for removal following completion of construction works;
 - 2) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - 3) the parking of contractors' site operatives and visitor's vehicles;
 - 4) areas for storage of plant and materials used in constructing the development clear of the highway;
 - 5) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
 - 6) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
 - 7) protection of carriageway and footway users at all times during demolition and construction;
 - 8) protection of contractors working adjacent to the highway;
 - 9) details of site working hours;
 - 10) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
 - 11) means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;

- 12) measures to control and monitor construction noise;
- 13) an undertaking that there must be no burning of materials on site at any time during construction;
- 14) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- 15) details of external lighting equipment;
- 16) details of ditches to be piped during the construction phases;
- 17) a detailed method statement and programme for the building works, and surface water run off during the construction phase;
- 18) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

The measures shall be implemented in accordance with the approved details and timescales and retained during the course of construction.

11. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces, windows and doors of the dwellings have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
13. Site clearance works including removal of trees, scrub and vegetation, earth-moving and groundwork's shall take place outside of bird nesting season, March to August inclusive, unless a bird nesting check/survey is carried out by a suitably qualified ecologist within 48 hrs prior to the works and no nesting birds/active nests are found to be present. The results of the check/survey shall be submitted to the Local Planning Authority prior to the works commencing.
14. Prior to the occupation of the development, hereby approved, an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will set out all necessary ecological mitigation and enhancements measures and timing for implementation.

15. In the event that unexpected contamination is found at any time in any phase when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
16. The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed six litres per second.
17. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
18. No external lighting other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
19. The development shall incorporate the energy saving measures and sustainable construction techniques as set out in the approved Energy Report or alternative measures that may, following submission to the Local Planning Authority, be approved for any building or use. The measures shall be implemented and maintained in accordance with the approved details
20. No above ground construction shall commence until a scheme of hard and soft landscaping works is submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, retention of existing boundary hedging/planting, all hard surface materials, and timescales for implementation. The approved landscaping scheme shall be implemented prior to occupation of any dwelling within the relevant phase and maintained thereafter in accordance with the approved details.
21. No development shall commence until a Construction Ecological Management Plan (CEMP) has been submitted for the written approval of the local planning authority for each phase of the development. The CEMP must be available onsite for consultation by site operatives throughout the course of construction works for each phase. Once approved development of each phase shall be undertaken in accordance with approved CEMP.
22. Any trees or plants planted in accordance with the approved landscape plan which within a period of five years from the first occupation of the development die, are removed or become seriously damaged or diseased, shall be replaced by the developer in the next planting season with others of similar size and species.

23. Details of communal bin stores and cycle parking for dwellings without a garage shall be submitted for the written approval of the local planning authority. Once approved the development shall be implemented in accordance with the agreed details and retained for the life of the development unless otherwise approved in writing by the Local Planning Authority.
24. Before any works hereby permitted are to commence a schedule of tree protection fencing identifying the root protection areas of all trees on an around the site shall be submitted for the written approval of the Local Planning Authority. Once approved the fencing shall be erecting in accordance with the requirements for that phase and retained during the construction process.
25. The development shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. No part of the development shall be occupied until the approved boundary treatment for that phase has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.
26. The development shall not be commenced until details of refuse enclosures showing the design, location and external appearance have been submitted to and approved in writing by the Local Planning Authority. The approved enclosures shall be provided before the commencement of the use and thereafter permanently retained.
27. The development shall not be commenced until details of refuse enclosures showing the design, location and external appearance have been submitted to and approved in writing by the Local Planning Authority. The approved enclosures shall be provided before occupation of those dwellings related to the refused enclosures of the use and thereafter permanently retained.

The reasons are: -

1. As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP30.
3. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with Local Development Framework Policies CP1 and DP1.
4. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway

users in accordance with Local Development Framework Policies CP1 and DP1.

5. In the interests of highway safety in accordance with Local Development Framework Policies CP1 and DP1.
6. In the interests of highway safety in accordance with Local Development Framework Policies CP1 and DP1.
7. To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with Local Development Framework Policies CP1 and DP1.
8. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with Local Development Framework Policies CP1 and DP1.
9. To establish measures to encourage more sustainable non-car modes of transport in accordance with Local Development Framework Policies CP1 and DP1.
10. In the interest of public safety and amenity in accordance with Local Development Framework Policies CP1 and DP1.
11. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17 and DP32.
12. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity in accordance with Local Development Framework policies CP1 and DP1.
13. To ensure that no active nests of breeding birds are present before works commence in the interest of ecology in accordance with Local Development Framework Policies CP16 and DP31.
14. To ensure that the development provides satisfactory mitigation and enhancement of habitats and biodiversity in the interest of ecology in accordance with Local Development Framework Policies CP16 and DP31.
15. 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 in accordance with Local Development Framework Policies CP21 and DP42.

16. 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 in accordance with Local Development Framework Policies CP21 and DP42.
17. To ensure the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in accordance with Local Development Framework policies CP21 and DP42.
18. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme in the interest of ecology and amenity in accordance with Local Development Framework Policies CP1 and DP1.
19. In the interest of sustainable development in accordance with Local Development Framework Policies CP18 and DP34.
20. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and to soften the visual appearance of the development in accordance with the CP17 and DP32 of the Hambleton Local Development Framework.
21. In the interests of the biodiversity and ecology of the site in accordance with Local Development Framework Policies CP16 and DP31.
22. To ensure the protection of trees in the interest of the visual amenity of the area in accordance with Local Development Framework Policies CP16 and DP31.
23. In the interest of the amenity of the development in accordance with Local Development Framework Policies CP1 and DP1.
24. To ensure the safety and well-being of the trees on the site that are to remain after building works are completed in accordance with policies in accordance with Local Development Framework Policies CP16 and DP31.
25. In the interests of visual and residential amenity in accordance with Local Development Framework policies C1 and DP1.
26. In the interest of residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
27. In the interests of promoting cycling in accordance with Local Development Framework Policies CP2 and DP3.

Parish: Bagby
Ward: Bagby & Thorntons
3

Committee Date : 27 May 2021
Officer dealing : Mr Craig Allison
Target Date: 1 June 2021 (EOT Agreed)

21/00081/FUL

Retrospective application for the construction of an access road off Bagby Lane to provide access to the Airfield
At: Land to the North of the Airfield, Bagby, North Yorkshire
For: Mr M Scott

The proposal is presented to Planning Committee as the site is of significant public interest

1.0 Site, context and proposal

- 1.1 Bagby Airfield occupies a piece of land to the south and south west of the village of Bagby. The land lies east of the A19 and is currently accessed via a newly constructed access track that leaves the Main Street of Bagby to the west of the village. The site is within 200m of the edge of the village of Bagby.
- 1.2 The Airfield occupies 15.6 hectares. The land is in use for the purposes of operating an airfield. Some of the surrounding land is fallow and other parts of the application site continue to be used for arable agricultural purposes.
- 1.3 Boundaries to the land around the Airfield are formed by hedges of varied species and heights. The north, south and west boundaries have substantial hedges, the eastern end of the airfield is not fully bounded by hedgerows. Local landform allows some views of the central and western end of the airfield from viewpoints to the west but changes in ground levels, hedgerows and trees shield the remainder of the airfield from public view.
- 1.4 In addition to the relationship with Bagby, there are dwellings to the south west, south and south east of the application site and notably in the vicinity of the village of Great Thirkleby that are potentially affected by activities at the airfield (in particular noise).
- 1.5 Beyond the boundaries of the application site of the Airfield the land is in agricultural use except for the children's play area which is located to the northern edge of the site. The play area incorporates fixed pieces of equipment some of them raised above ground level as well as seats and landscaped grounds to provide a high quality of visual as well as recreational amenity to the play area. The recreational facilities include equipment and facilities to cater for a range of ages from the young child to teenager.
- 1.6 Planning permission was granted on the 30 July 2019 under planning reference 16/02240/FUL, the developments on the Airfield including a new access and access track into the Airfield is detailed in full at 2.1 below. The applicant is seeking retrospective planning permission due to the new access having been built in the incorrect position. It has been constructed approximately 8 metres to the east of the

approved position. The newly constructed access road near the Bagby Lane junction is 5.8 metres wide kerb to kerb at the hedgerow and then is between 4.5-5.5 metres wide thereafter. The new access drive is 366 metres long and follows the northern and eastern boundaries of the agricultural fields. The internal access road is built approximately 12 metres away from the children's play area. The access is constructed out of tarmac for approximately 10 metres into the site and then the remaining drive is constructed of hardcore and concrete. To ensure suitable visibility onto Bagby Lane, the hedgerows to the west of the access point would need to be removed and replanted. This would be carried out in the next available planting season subject to the applicant gaining planning permission.

- 1.7 The consented access took a diagonal alignment across the field which meant the farm traffic would need to cross the drive. The consented arrangement also had implications for crop maintenance due to having to cross a road within the middle of the agricultural field. The decision was therefore taken to re-route the drive alignment around the boundaries of the field.
- 1.8 The application seeks to regularise the access drive that provides the new access for Bagby Airfield.
- 1.9 The development falls below the thresholds of Schedule 1 and 2 of the EIA Regulations (10(f) the area of the works does not exceed 1 hectare) and an Environmental Statement is not required.

2.0 Relevant planning history

- 2.1 16/02240/FUL - Change of use and external alterations of the engineering building to be used as a clubhouse and control tower, erection of a new tractor shed, erection of a new hangar, formation of a new access drive, the introduction of hard and soft landscaping and amended on 14 March 2018 to include the creation of a fixed fuel facility and the use of Hangar B for aircraft maintenance. Works include the demolition of the existing clubhouse, control tower, hangars and storage buildings and partial demolition of one other hangar. Air Movements to be capped at a maximum of 8,440 per annum. – Approved 30 July 2019.
- 2.2 18/00524/FUL - Retrospective application for the temporary siting of a portable aircraft engineer's office and document storage cabin – Approved 30 July 2019.
- 2.3 20/00766/MRC - Application for variation of condition 1 for approved application 18/00524/FUL - The condition to be varied to extend the date to which the planning permission is valid until for one year from the approval of this application, or upon completion of Hangar B. – Approved 5 June 2020. The temporary planning permission expires on the 5 June 2021.
- 2.4 20/02531/FUL - Retrospective application for resurfacing of runway from geo textile track to concrete surface and the creation of a turning circle North East of the runway to concrete – Pending Consideration.
- 2.5 21/00668/FUL - Retrospective extension to Hangar A and proposed hard standing adjacent to Hangar A – Pending Consideration.

2.6 21/01058/FUL - The retention of 2 temporary hangers on site for a use for aircraft storage and ancillary storage of airfield machinery and equipment for a period of 24 months – Pending Consideration.

3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

3.2 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

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

3.3 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>
The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

4.1 Bagby & Balk Parish Council - Have objected to the application stating that the access road now runs around the perimeter of the play park which creates a health and safety concern. The Parish Council have also stated that the track is more of a road with no passing places and has clearly been designed to take much larger vehicles.

4.2 Highways Authority – Have stated that the access has been constructed in accordance with their standards and therefore have no objection to the proposal.

4.3 MOD Safeguarding – No objections.

4.4 Bagby & Balk Village Society - Have objected to the application as the road currently passes by the local play park and no duty of care has been considered for

the users of the play park. With potential of traffic passing the site maybe 100 times or more this would affect the amenity and safety of users of the play park.

4.5 Natural England – No objections.

4.6 Public comments – A site notice has been displayed and neighbours consulted. No representations have been received.

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of relocating the access road within the site and the repositioning of the access road onto Bagby Lane; (ii) the impact of the development on the character and appearance of the area; (iii) the impact of the development on the safety of children in the playground and the amenity of the area and (iv) the impact of the development on highway safety.

The Principle of Development

5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development.

5.3 The current access drive to the Airfield is in the confines of Bagby village. It was demonstrated in the application approved (reference no: 16/02240/FUL) that an access serving the Airfield out of the village was more appropriate as it reduces the number of (particularly large) vehicles entering the village, avoided large vehicles passing through a restricted access that causes over-run of verges, avoided (particularly large) vehicles passing between residential properties, avoiding vehicles crossing the footway that links the village from the playpark and was acceptable in highway terms. The principle of providing an access point on to Bagby Lane in a similar location has been accepted previously and found compliant with planning policy. The changes in local and national policies since the determination of the application has not significantly changed the assessment of the 2016 application. In principle the proposal is considered to be acceptable.

The Impact on the character of the surrounding area

5.4 Policy CP16 of the Core Strategy states that development or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets, development or activities will not be supported which have a detrimental impact upon the interests of natural or man-made asset.

5.5 Policy CP17 of the Core Strategy states that support will be given for proposals that are consistent with the LDF's detailed design policies and meet all the following requirements: provide an attractive, functional, accessible, safe and low maintenance development; respect and enhance the local context and its special qualities, including urban design, landscape, social activities and historic environment, incorporate public art where appropriate; optimise the potential of the site; adopt sustainable construction principles.

- 5.6 Policy DP30 of the Development Management Policy states that the openness, intrinsic character and quality of the District's Landscape will be respected and where possible enhanced.
- 5.7 The access drive is functional and provides for access to the Airfield. It has been constructed to be low maintenance and is constructed of typical materials which respect the countryside locality. The new access route alignment bounds the field's boundary and therefore respects the character of its local context to a greater extent than the consented access drive. The drive alignment also optimises the potential use of the agricultural field by not cutting it in half as the consented access track did. It is considered that the proposed development for the access track does not cause any harm to the character and appearance of the locality. Positioning the access track around the field boundary (rather than cutting through the field) is more appropriate. Furthermore, to ensure the landscape and biodiversity measures are met a suitable condition is to be imposed to ensure further landscaping details are provided to improve the number of indigenous species within the area.

Impact on safety of amenity of the area

- 5.8 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.9 The access drive is located outside the confines of Bagby Village. It does not have any lighting. There would not be increased noise or disturbance to residents in Bagby village through use of the access track in its current location as compared with its consented position.
- 5.10 The Planning Report in respect of the consented planning application noted that:
- "The proposed access is considered to be of benefit to users of the play park that is east of the proposed access and residents through a reduction of traffic passing the play park and homes, particularly a benefit through the reduction of large heavy vehicles using the stretch of the current access from the village street that runs between back gardens."*
- 5.11 It is noted that the access road has been built 12 metres away from the boundary edge of the play area. Comments have been received stating that the access road close to the play area would affect the safety and amenity of users of the play area. However, the play area is bounded by an existing conifer hedgerow which is approximately 3 metres in height and no gaps are evident within the hedgerow so as to give rise to any significant risk of children running onto the access road. Currently the access track is now gated to limit its use to only users of the Airfield. This is an improvement for the safety of users of the play area. Incoming traffic to the Airfield from the A19 does not cross the pedestrian access to the play area, also furthermore the access point does not go through the confines of the village. Although still passing the play area, the speeds obtained by vehicles on this access road would be low and is not a safety issue to users of the play area.

Impact on highway safety

- 5.12 Policy DP3 of the Council's Development Plan states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.
- 5.13 Policy DP4 states that development proposals must ensure that safe and easy access is available to all potential users regardless of disability, age or gender. Proposals must identify all possible barriers to access by different users and demonstrate where appropriate how specific measures have been incorporated to ensure high standards of access for all.
- 5.14 It is considered that, taking a balanced view the proposal complies with the requirements of the Local Development Framework Policies CP2 and DP4. The impacts of the proposal on highway safety and the impacts on the road network would not be severe and the proposal therefore also meets the requirements of NPPF in this respect.
- 5.15 North Yorkshire County Council (Highways Authority) have been consulted on the application and have stated that the access point onto Bagby Lane has been constructed in accordance with the County's standards and therefore the Highway Authority has no objection to the proposal. It has been further raised by Bagby and Balk Parish Council that the access road does not have adequate passing places on to enable two vehicles to pass each other on the access road safely. The road constructed has sufficient width for two vehicles to pass through almost all of its length. Therefore, passing places are not required.

Planning balance

- 5.16 The access drive proposed to be retained seeks to replace the approved access drive off Bagby Lane which was to be located approximately 8 metres east of the development subject to this application. The principle of an access to Bagby Airfield from Bagby Lane on this agricultural land has been approved previously. The built access drive respects the character of the landscape to a greater degree by flanking the boundary of the agricultural field and has been designed and constructed in accordance with the relevant NYCC Highway Authority design standards. It is considered that the proposal would not have a significant impact on the safety and amenity of users of the play area nor on highway safety. It is therefore considered that the development is in accordance with the Council's Local Plan Policies and the overarching principles of the NPPF.

6.0 Recommendation

That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s):

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered General Arrangement (Drawing Number: 19-410-100-001 Rev A); Construction Details (Drawing Number: 19-410-100-002); Red Line Boundary (Drawing Number: 19-410-100-003); received by Hambleton

District Council on 12 January 2021; unless otherwise approved in writing by the Local Planning Authority.

2. Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. No gate shall be installed other than in accordance with a scheme previously approved in writing by the Local Planning Authority.
3. Within three months of the date of this decision the access shown on drawing number 19-410-100-001 Rev A until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
4. No external lighting for the access or access road shall be provided other than in accordance with the details that have previously been submitted to and approved in writing by the Local Planning Authority.
5. Within three months of the date of this decision a scheme of landscaping planting that is to include the planting of indigenous species hedgerows shall be completed in accordance with the details previously submitted to and approved in writing by the Local Planning Authority.
6. Within six months of the date of this decision the details provided within condition five shall be implemented.

The reasons are:-

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17 and DP30.
2. In accordance with Local Development Framework Policies CP1 and DP1 an in the interests of highway safety.
3. In accordance with Local Development Framework Policies CP1 and DP1 an in the interests of highway safety.
4. In accordance with Local Development Framework Policies CP1, CP16, DP1 and DP30 to safeguard the amenity of the local population and the environment from the adverse of light pollution.
5. In order to ensure that the landscape and biodiversity mitigation measures are achieved in accordance with Local Development Framework Policies CP1, CP16 and DP31.

6. In order to ensure that the landscaping is implemented on site to ensure that the landscaping and biodiversity mitigation measures are achieved in accordance with Local Development Framework Policies CP1, CP16 and DP31.